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Claiming ‘rights’ in the African city Popular mobilisation and the politics of informality¹

Claire Benit-Gbaffou & Sophie Oldfield

Introduction

From the negotiated resolution from apartheid to democracy in the mid-1990s in South Africa, to the fissures of ethnic, identity-led mobilizations across Kenya in the mid-2000s, and the most recent 2011 movement for democracy and the reformation of royal power in Morocco, social movement mobilization has become a feature of urban politics in contemporary African cities, asserting agendas for socio-economic and spatial change, and framing the ways in which rights and justice are articulated. Yet, macro-type analyses of social movements and the powerful contemporary rhetoric of the ‘right to the city’ often underestimate the complexity of ‘shifting to a language of rights’,² assuming too easily that the main restriction to people’s mobilisation of ‘rights’ is state repression, or more broadly lack of political opportunity (Bayat 1997). In this type of approach, urban residents are condemned to the politics of ‘quiet encroachment’ or ‘everyday resistance’ because the outright expression of their rights would put them in danger.

Through reflection on metropolitan mobilizations in poor parts of Casablanca, Cape Town, Johannesburg and Nairobi, in this chapter we consider when and how residents feel they have ‘rights’ to the city and with what affects and consequences ‘rights’ are claimed. In Nairobi, for instance, a protest by mothers against the detention of their sons in prison for mobilising against the Kenyan one-party state creatively disrupts police action when these mothers strip and protest naked – in the highly visible and central park of Uhuru, at the door-step of the globalising Central Business District. In turn, the renaming of a peri-urban informal settlement in Casablanca highlights not only a right to housing, but also the social implications and costs embedded in renaming and challenging the stigmas of the rural and their interplay in a politics of urban injustice. In a peripheral neighbourhood in Cape Town, a mobilization to demand water makes visible – in large and old panties hung out on the city offices’ fence in the township - the spatial injustice of access and the absolute centrality of water in neighbourhood life; and, its corollary, the gross injustice produced when access is denied.

¹ A French version of this paper is also forthcoming in French in Gervais-Lambony P, Benit-Gbaffou C, Musset A, Piermay JL, Planel S (eds), *Justice Spatiale et Gouvernance Urbaine dans les Villes du Sud*, Paris: Karthala. This research is part of a research project on Justice, Governance and the City in Africa. This paper was elaborated in collective discussions and in particular we thank the contributions of Sam Owuor, Aziz Iraki and Wafae Belarbi who through discussion on morrocan and kenyan case studies helped us build the comparative framework.

² The political landscape might be different in Brazil for instance, where the language of rights seems to have permeated all spheres of society and having become part somehow of the ordinary, everyday political life (Holston 2008). In such contexts the ‘right to the city’ might take another, political and practical, dimension, in contrast to contemporary African cities.

These stories are not reducible. It's hard to imagine Moroccan women (or men) hanging out underwear to demand water, or for women to strip naked in a park in central Cape Town. But in each of these quite different urban, political and cultural settings, claims for rights take the form of a disruption of the usual, everyday, 'traditional' social order in the city. Rather than assume that the mobilisation of 'rights' acts as a form of recourse and mobilisation to claim redress (generally from the state), we suggest that it might be more customary and efficient to use the register of favours and existing governance networks to try and claim access to resources. To embark on social movement mobilisation for rights is not easy nor straightforward because such actions necessarily disrupt and, at times, rupture existing political and social orders, placing residents in visible and vocal opposition with dominant powers.

To take the 'right to the city' seriously – not as a lefebvrian concept here so much as an instrument of political mobilisation, we argue therefore in this chapter that it is essential to reflect on mobilization and the ways in which individual and collective claims are formulated as 'rights' and enacted as a political category of mobilisation. As well as challenging the rhetoric of rights, mobilizations and their claims also assert an agenda for justice, and its inverse, a critique of the spatialities of injustice. In Casablanca, Cape Town, Johannesburg and Nairobi, the study of everyday politics of resistance also demonstrates another degree of complexity located in the ruptures of dominant and everyday local systems of regulation and distribution, and their social and political costs for low-income residents. A 'right to the city' is meaningful, thus, firstly inasmuch as it is a mobilisation tool for residents, a category for action, organisation and public debate. Secondly, movement mobilizations and their politics and practice disrupt any overly simple notion that the articulation on paper and in law of 'rights' – the heart of democracy - translates in some easy or linear way to everyday urban life politics on the peripheries of African cities.

The 'right' to protest and the framing of collective mobilisation

From post-apartheid protests in democratic South Africa, to violent mobilizations within an ethnicised and challenged multi-party political system in Kenya, to the 'quiet' revolution brewing in Morocco, our contexts vary widely. In this respect, emerging as a key element in our discussions has been the differentiated legal and practical right to protest, as practiced and experimented respectively in Morocco (in particular during the Arab Spring), South Africa and Kenya (see box 1).

Box 1 – Rights to protest and the framing of collective mobilisation³

In *Kenya*, there is no authorization required if one needs to organize a march or a public meeting. It is necessary however to tell in advance the police, who can make recommendations on security matters. In practice, it is sometimes different in some circumstances. For example, in the context of the 1997 post elections violence in Nairobi, an opposition party, ODM, planned to have a meeting in Uhuru Park. On the day of the meeting, police and army officers formed a human chain all around the park to prevent participants to access the park. They stood there for 3 weeks, day and night.⁴

In *South Africa*, one needs to ask the Metropolitan police for authorization when planning a march (officially to organize security and traffic and pedestrian circulation). More and more marches are

³ The discussions in the boxes in this paper draw from our individual research in Casablanca, Cape Town, Johannesburg and Nairobi and our broader assessments of urban political dynamics and experiences in these contexts.

⁴ Sam will add more substance to this box – to be completed prior to final revisions.

forbidden ‘for security reasons’, which leads to an increasing number of ‘illegal’ (unauthorized) marches –often violently repressed by the state, leading at times to marchers’ violence. For instance, in Pretoria in 2007, the leader of the Ivorian Community In South Africa (CIAS) planned a march in front of the Ivorian Embassy to protest against ethnic and regional discrimination in the treatment of Ivorian citizens (framed in the context of national civil war in Cote D’Ivoire). Asking for authorization from the Pretoria metro police, he was granted authorization provided the Ambassador himself gave his consent (which of course he did not). Thanks to his link with the Freedom of Expression Institute (FXI), a rights-based NGO, he received advice from a pro-bono lawyer who advised to apply for an urgent Court decision. He applied at the Pretoria High court in the morning and received the authorization to march at mid-day – the march was planned to begin at 13h00. These legal uncertainties and difficulties limited CIAS members’ mobilization, thus the march was more symbolic than massive. However, there was a strong moral victory, when the Ambassador sent his security agents to stop the march – and the CIAS leader showed the court authorization and the protest continued, under the eye of the media.

In *Morocco*, one needs to ask the regional authorities (the prefecture) for an authorisation to march, as legislated by a 1958 law. However, jurisprudence from the Supreme Court does not consider ‘sit-ins’ as part of this category, as they fall under the right to strike at a work place. This is why many social movements use sit-ins in their struggle. However, the police often try and bar access to the public place where the sit-in is planned. In 2011, for instance, the movement of the 20th of February did not request authorisation. Nonetheless, public authorities respond in uneven ways to these mobilisations. For instance, the march of the 20th February was not repressed, the one of 20 March was not either (just after the King’s speech calling for a constitutional reform), whilst the march of the 22 May was violently repressed, and the march of the 5 June was not. The strategy seems to be to create uncertainty about protests, particularly whether they will be tolerated or repressed. Although sit-ins are not technically illegal, these protests remain unauthorised, thus authorities have the right any time to ‘disperse’ collective groupings.

CBG, AI, SOw

Our objective here is not to present a thorough and comparative analysis of each country’s democratisation and political dynamics, but to stress how such contexts affect the forms urban mobilisation takes and the differentiated articulation of rights related to urban spaces and access to housing in particular.

Three stories of mobilisation for ‘rights’ to housing

Housing is not a right in equivalent ways across Kenya, Morocco and South Africa. In the South African Bill of Rights in the post-apartheid Constitution, ‘access to housing’ is articulated as an explicit legislated right (1996, Article 26.1), which the state must gradually ensure within its capacity and available resources. The substantiation of this right lies at the heart of many political mobilizations, from Abahlai baseMjondolo (see Pithouse 2008) to a series of court cases successfully won by legal NGOs against municipal or provincial government, which have compelled the state to change housing policies and practices (Wilson 2011, Huchzermeyer 2011). In Kenya, the 2010 Constitution establishes the right to “accessible and adequate housing” (Kenyan Constitution 2010, article 43.1.b), also taking into account the state’s limited resources and the incremental nature of the implementation of this right.⁵ In Morocco in contrast, housing is not a constitutional right and cannot easily be drawn on in court-case actions: but the mobilisation of a collective right to housing is emerging based on claims from informal settlements and a broader movement for democracy. Three stories of such mobilisations around housing are discussed in Box 2 below.

⁵ This new right has obviously not yet had time to be mobilised as such by Kenyan social movements, which have developed claims on the issue of housing over the last decade.

Box 2 – Rights to housing and the politics of spatial injustice

In eThekweni (South Africa), a movement called *Abahlali Basemjondolo* (the residents of the shacks, in Zulu), was born in 2005 to resist municipal attempts to ‘eradicate’ informal settlements, in line with a specific and repressive interpretation by the South African state of the Millennium Development Goals (Huchzermeyer 2011). Based in the Kennedy Road informal settlement, the movement soon attracted affiliates in a number of informal settlements in the City. When a Provincial Act was passed that made it easier to evict informal residents in the name of urban development, the movement, using the Constitutional right to housing as its basis for action, and supported by rights-based NGOs and academics, challenged the Act in the Constitutional Court. While the matter was still being processed in court, the leadership of the movement was violently attacked in Kennedy Road, and forced to leave the settlement and go into hiding. Strong presumptions exist that the attack was coordinated and organised by the ANC at local but also provincial level, and supported by the national and metropolitan police. Whilst the movement won the case - the Court eventually stated that the Act was unconstitutional, its leaders still cannot go back to Kennedy Road as the ANC has installed a stronghold over the neighbourhood through a politics of fear and patronage (Kell and Nizza 2011). The legal battle has been won on the ‘right to housing’, the Act repealed, and the practices of brutal evictions slowed down: but the movement has been considerably weakened through the use of physical violence and ongoing intimidation in the neighbourhood.

In Casablanca, following the rebellion of the 20th of February and the Arab Spring, the youth and the unemployed mobilised for ‘decent housing’. The movement was born initially outside traditional social movements such as trade unions and political parties, and at the very local level. This mobilisation began when the residents of two informal settlements, Skouila and Thomas, led a sit-in in front of the local government offices (the “prefecture”). The initial trigger was a strong feeling of injustice: not because the municipality was organising the relocation of informal settlements’ residents, but because a number of residents fell outside of the list planned for relocation (the *recasement*). This initial sit-in was transformed into a broader movement due to two contextual elements: the presence of two trade unionists who were also residents in one informal settlement (Sidi Moumem) and also members of a Moroccan Human Rights Association, ATTAC (an anti-globalisation movement); and the adoption by one radical political party (Annahj Eddimocrati) of a mobilisation strategy around the right to and access to housing, in line with its strategy of grounding the party in poor people’s everyday concerns. Their involvement led to the creation of a “Commission for Housing in Sidi Moumem Lakdim”, which proposed to centralize and coordinate all residents’ housing claims and forward them to the administration. The Commission followed up complaints of residents (against eviction, and failure to be registered on relocation lists, for instance) and organized marches and sit-ins in front of the regional offices (prefecture). Working at a local scale originally, this Commission has now become metropolitan in scale, operating across Casablanca under the title “Regional commission for social support to victims of indecent housing”. More recently, it has become the official partner of public authorities to deal with housing issues in Casablanca. This shift has also led to a change of terms mobilised to claim decent housing: protestors through the Commission now use slogans like “You are the ones responsible for making sure your rights are fulfilled”; “no housing, no citizenship”; and they draw on the internet to circulate and publicise videos of their marches and protests.

In Nairobi, the housing question is a central one, and has been at the core of some of the ethnic political violence that marked the City in the aftermath of the 2007-contested election. De Smedt (2009) argues, for instance, that violence emerged in Kibera, a dense informal settlement, around landlord-tenant conflicts, a cleavage that also had ethnic and political dimensions. While claims to housing seldom use the language of rights, and generally adopt the path of clientelist local compromises or traditional informal resolutions (Lamba 2005), the multiplication of evictions, primarily led by private developers, has led to the creation of Muungano wa Wanavijiji, (the “federation of slum dwellers”), that started in 1996 in Nairobi initially. The federation, affiliated to the global organisation Slum Dwellers International, argues that forced evictions are in breach of well-established international norms and laws which obligate the government to provide the affected communities with adequate and reasonable notice; genuine consultative forums; information on the proposed evictions; and adequate alternative housing or resettlement of those to be affected. It has however not adopted a confrontational or legal approach to public policies, rather seeking cooperation and compromise with the State, which has led to the developing of a number of *ad hoc* solutions based on residents’ saving schemes and in-situ upgrading projects.

Although different, these cases share in common a rise in mobilisation for housing for the poor at metropolitan, and sometimes even national, scales – moving beyond the neighbourhood level where most mobilisations for housing started. The reasons, or conditions, for this up-scaling are not fully explored here, but connect in some ways to the globalisation of housing issues (through events, conferences, agreements and NGOs) and through the influence of global movements (such as Slum Dwellers International and ATTAC), or, indirectly, through globally inspired policies (such as the Millennium Development Goals, often used as a pretext to clear informal settlements and legitimise repressive Slum Acts).

All three contexts also witness the rise of the language of ‘rights to housing,’ although the South African case is distinctive because rights are understood as legal, and used to contest repressive policies in Court; in contrast, in the Moroccan and Kenyan cases, the language of ‘rights’ is more abstract, and probably less wide spread amongst residents of informal settlements. In consequence, it is possibly toothless –used not to confront the (less democratic) state but rather to fit into the international language of human rights and international NGOs. Finally, present in all instances are local politics and practices of clientelism through party representatives or traditional chiefs, that draw on a mix of formal and informal politics (sometimes even violent politics) to craft compromises to conflicts around housing. In the three cases the articulation between this daily politics of clientelism and the emerging, and varied, metropolitan-wide rights-based mobilisation is complex. It is this articulation we turn to now to reflect on, particularly: how one translates or expresses a shared, local, collective feeling of spatial injustice (related to the access to urban goods, such as housing, services, central spaces, urban transports and facilities, etc.) into the language of ‘rights’?

From individual shame to collective claims – challenging dominant norms and discourses discrediting ‘the informal’

In moving between informal politics and the formal politics of rights, we articulate two critical dimensions. The first rests on the processes of turning stigma (Goffman 1963) – feeling ashamed of one’s informal status or activities, and attempting to hide this status both from others and from the state – into a public expression or issue in order to convert it into a claim, a right, or a call for justice. The second dimension of this articulation is the complex negotiation of local clientelist linkages that render daily lives bearable, with the generally more external, ephemeral, and oppositional politics of rights – that often discard, expose or confront clientelistic links, at the risk of losing resources if the new mobilisation network does not last or succeed.

In this section we discuss three mobilisations which help us reflect on the ways in which issues of shame challenge mobilisation, exploring what is required to shift these individual experiences into collective claims for rights. Central to these processes are ways in which mobilisations challenge the dominant norms and discourses that discredit and de-legitimise so-called ‘informal’ forms of everyday life and city living. We discuss water cut-offs and the ‘right’ to illegal reconnections in Cape Town and, in the Casablanca, how the recognition of the ‘urban’ status of a settlement allows for new claims for services, and lastly, again in Cape Town, the ways in which what is reputedly shameful – the inability to be clean – can be

converted into a tactic to shame the oppressor and to assert and claim the right to water.

The challenge of mobilising the 'Illegal' and the 'Informal': From a private shame to a public entitlement in Cape Town

How does a resident shift from feelings of shame and humiliation to feelings entitlements and rights? This shift is not universal, nor easy; here we reflect on the challenges of changing notions of what is private to open up debates and mobilisations around rights and access to public entitlements. These experiences are lived and contextualised in places and their dense social practices; moreover, mobilising holds costs— from the personal to the neighbourhood (see box 3).

Box 3 - The 'right' to water? Managing shame and rights discourses in Valhalla Park, Cape Town

The law enforcement vehicle, in tandem with the sub-contracted company paid to disconnect the water, pulls up on the curb outside a township house. They pull out their equipment, open up the water meter on the street, and publically insert a stopper to limit the household's water access to a drip.⁶ Neighbours and residents observe; the family feels humiliation. They cannot afford to pay their water debt, or to pay the reconnection fee. Should they reconnect illegally? They feel fear, conscious of the possibility of legal recourse and criminalization. Can they survive on the water dripping into the bucket, slowly, all day long? The immediate affect is a water shortage: the inability to do laundry, the need to cook, to cut out cleaning; this change in habits hard within their home and visible to neighbours. On the longer term, their pride and joy, their garden, wilts. Planted and nurtured by the family's now deceased grandmother, the original owner of the house, the family feels torn, hurt by the desecration of their grandmother's memory, and publically humiliated as the garden dies, on view day-after-day. They live on the drip, in private, limited to a bucket or two of water a day, feeling the paralysis and disempowerment of such limited access, paralyzed by the limits of their access to water in private and by the publicness of their cut-off and its affects.

In the neighbourhood, there's a debate about what such families should do. Nearly everybody has water debts and hardly anybody can formally and legally reconnect by paying off a big portion of arrears and the reconnection fee. Some families choose to live on the drip, but to supplement their water access. You lower your head by going to the informal settlement next door – a place where there are standpipes and water is not metered. You request permission, you beg, for access to the water tap, carrying your water back to your formal home, feeling individually the humiliation of this 'step down' from formal service. Some families suggest you should live within the free basic water allocation, conserving your water usage, individually embodying the public city logic of 'careful' use, of living 'responsibly', within your means, as a 'good citizen' should. For social movement activists within the neighbourhood, it's obvious: 'reconnect, it's so easy. Know your rights. You just need a 'baboon spanner' and a 'struggle plumber' to reconnect you. The leader of the local community organization reflects on "the long stories that people tell", proclaiming that 'you shouldn't be ashamed'. Yet, she herself is ambiguously positioned. As a formal representative on the city's sub-council, she cannot break the city's laws. She's caught in a game in which she cannot reconnect publically, so sends residents to others for help. In the sub-council, she can report maintenance problems and water leaks, but structurally cannot challenge the city's water policies directly or the broader social discourse that you are a criminal if you do not pay, or an irresponsible citizen, if you are not 'water-wise'. Mobilising water rights is not easy, it demands group support, solidarity, and collective strength, a public challenge to these often hidden, yet challengingly public, individual struggles.

⁶ In South Africa, the Bill of Rights in the Constitution provides the right to water (Constitution 1996). Yet, municipalities charge for water and are allowed legally to cut residents from their normal water supply in cases of non-payment. In these instances, municipalities are required legally to provide 'free basic access', a minimum amount per household per month (Peters and Oldfield 2005), they thus insert a 'stopper' (known as a 'drip'), a metal coin-like object with a small hole through which residents can access a minimal supply of this essential resource.

SOI

Mobilising rights demands group solidarity and collective strength, in this case shining a public light on individual households struggles to access water, issues more often than not hidden. These concerns and their politics and practices are not simply a question of mobilization or a reflection of clientelism and the need to personally negotiate access to resources. Instead, they are bound up in dominant discourses that operate city-wide, suggesting you are criminal if not paying, or, if you are not 'wise' in using water, an irresponsible citizen. The social dynamics that constitute the meanings of mobilising, and their costs, are bound up in local and national cultures and contexts. These are constituted in and operate in place-specific ways. In Morocco, for instance, a critical marker is that of the urban and rural, the focus in the following sub-section.

The informal settlement, the rural and the urban: Identity and mobilising an urban politics of rights in Casablanca

Living in an informal settlement in Morocco carries a strong stigma (Zaki 2010) – of being illegitimate in the city, shame because you are assumed to come directly from the village, where the 'peasant' is often mocked and caricatured as unable to understand the sophistication of urban life. Informal settlement dwellers, as well as rural dwellers, are often described as 'animals'. Sometimes this categorization is used even by informal settlement dwellers themselves to emphasize what they consider inhumane conditions of life. An element of shame attaches to those who are rural, and to those parts of the city that are deemed rural – often described, by other residents but also by informal dwellers themselves, as places where 'we live like animals'. This stigma has been turned in some instances into an accusation against the state, evident in broad terms by its failure to regularise or develop the neighbourhood. Although these tactics are not directly confrontational or legal challenges to an authoritarian regime, recognition by state authorities is often helps frame collective expectations to claim rights (see box 4).

Box 4 - How a name change changes the nature of claims for the city- Hay Watani, Casablanca,

Hay Watani of Lissasfa is a (consolidated) informal settlement in the western periphery of Casablanca dating from the 1970s and including approximately 750 houses living with incremental access to services such as electricity and water. Property owners created an association (Lissasfa Li Hay Lhaj Bouchaib El Watani) in 1996 and mobilised through petitions to the municipality, the organising of a delegation sent to the service provider, sit-ins in front of municipal and service providers' offices, and internal mobilisation around the settlement to convince property owners to allow for infrastructure installation without payment of compensation. In 2002 this association requested from the municipality a change of name, as the original name was too 'rural': it was *douar* Haj Bouchaib (*douar* meaning village). The request was accepted in 2010, and the neighbourhood was given the new name of *Hay* Watani (*Hay* meaning urban area). For residents the change of name corresponds to a change in social status, and therefore allows them to make new claims towards the state, in particular in relation to housing: "how can an urban neighbourhood ('hay'), that has become fully urban, still display such degraded housing conditions", says a leader in the tenants association, when arguing for relocation.

AI, with CBG

In Morocco in particular, urban-rural divisions are an important link to rights and to the ways in which they are mobilised. Notions of legality-illegality, urban-rural, and formal- informal reflect different social logics and meanings across the contexts considered here. Stigma and shame are not always, of course, impediments to mobilisation, but also the agents of or tools movements draw on to disrupt the status quo, to reshape a public debate, or to draw attention and to challenge authority, as

evident in the brief discussion on struggles to claim rights to water in Cape Town below (see box 5).

Shaming the shamers – reverting a stigma to realise a right to water

In this case struggles over housing have shaped residents relationships with the City in particular, including the organization of a land occupation by homeless families in the neighbourhood. Interdicted by the city for occupying land, the neighbourhood organisation has coordinated the settlement's engagement with legal representation, fighting the case in the High court over a four-year period. They won the case; the city appealed; they won the appeal. The judge decreed that the land occupiers have title to the land, with the immediate provision of basic services (water and electricity, as well as communal toilets), and the longer-term provision of additional formal housing in the neighborhood. The struggle did not end in court however; mobilising to enforce the right to water was required.

Box 5 – Shaming the city – Dirty Underpants and the Right to Water

To get the City to put in water and sanitation for the 7 de Laan settlement, and to challenge their response that there's 'no budget for it' after the victory in court ostensibly compelled the city to provide services to the settlement, the neighbourhood organisation dreamed up an effective strategy: to use Council buildings in the neighborhood to access all the settlements' water needs – toilets, drinking and cooking water, and washing in particular. All one-hundred informal settlement families brought their washing, used the council toilets all day, collected water for cooking, hung their washing to dry on council fences. Women especially were encouraged to hang their largest and oldest underpants, to emphasize graphically the indignities of living without water and to challenge the shame people feel in living in dirty soiled clothing. In doing so, they reversed the stigma, shaming instead the municipal employees. Council work stopped, the crèche closed, harried to their limits, the administrators called the their bosses in the Civic Centre in the center of the city. The following day, literally, what was previously unbudgeted for was possible - water standpipes were installed in the settlement.

S OI

Mobilisations can challenge notions of shame and create public debate, processes that change the ways in which we engage in our cities. Shame may also be a weapon in mobilization, as in Uhuru Park in Nairobi where the 1992 mobilisation by elderly women challenged social mores and norms, particularly when these women stripped naked and pointing their breasts at policemen young enough to be their sons and grandsons. Their actions pressurised the Kenyan government to release their sons for anti-government political activities. Across these contexts, mobilisations provocatively open up debate and often challenge the clientilistic practices that link society and state, movements and officials, neighbours and their rights, in impoverished and often disempowered peri-urban areas of our cities.

Breaking Favours: Challenging Clientelism through Mobilising Rights

Sometimes mobilisation leads to increased political space and the state's acknowledgement of rights. Many times however, in mobilizing rights, movements challenge local clientelistic practices, negotiations that make things happen, that facilitate everyday life based on a system of favours granted to an individual or a group generally at a neighbourhood or local level (see chapter 10). The several local stories we are basing our reflection on illustrate different aspects of the intricacies of these practices, beginning with Mukuru in Nariobi (see Box 6).

Box 6: Going to court to fight a private developer, Mukuru informal settlement, Nairobi: When informal management cannot cope

Mukuru kwa Njenga, an informal settlement in Nairobi, has a complex land management system: part of it is managed by a chief, who appoints a number of village headmen for each zone. Headmen manage land, keep informal record of land sales, and solve conflicts (Lamba 2002). These everyday land management systems have their limitations however; particularly-internal ones when different factions fight and a chief or headmen's legitimacy is questioned. Their limits are external also. Mukuru is located on private land, under which it is managed by another set of rules, and also subject to recurrent eviction attempts (ibid.). When private developer-led evictions started to occur in early 2012, residents could not turn to their chief or headmen; and, resistance to eviction and police repression led to the death of three residents. Subsequently, a group of residents, supported by Muungano wa Wanavijiji organised a protest outside the nearest Law Courts. They petitioned the court to take action against the private developer for forcibly and violently evicting them in total disregard of a court order issued earlier restraining the developer until the case they had filed was heard and determined. Interestingly, they did not mobilise around the right to housing, but rather on the right to human dignity (see picture): "residents argued that forced evictions contravened the International Covenant on Civil and Political Rights", and that the Constitution provides for the right to protection against arbitrary interference to a person's privacy, family and home".⁷



Source <http://muunganosupporttrust.wordpress.com/2012/02/14/slum-dwellers-protest-at-evictions/>

The case gained a high profile, and the Prime Minister, Raila Odinga, described the demolitions as "inhuman and unbearable", and stated that "it sends wrong signals to citizens who have hoped for better governance with the coming of the new Constitution". He emphasised that "the Constitution guarantees the right to housing" and that the evictions should be halted until measures are put in place to ensure that those affected have alternative places to stay⁸.

CBG

Clearly, the politicization of the 'right to housing'⁹ is linked to a number of factors that we cannot unpack fully here. Certainly, the rise of housing social movements, with global support and audience; the quest for international respectability and aid (following 'good governance' criteria); the political moment (in the context of nation building around the new Constitution); and the publicized brutality of police repression in response to residents' court action, provide a favourable context for a shift from a language of favour and local arrangement, to a language of rights, laws,

⁷ Ogemba P, 2012, "Slum dwellers protest at evictions", online article, Muungano wa Wanavijiji website, <http://muunganosupporttrust.wordpress.com/2012/02/14/slum-dwellers-protest-at-evictions/>

⁸ Zadock A, 2012, "Raila condemns violent Nairobi evictions", Daily Nation, 29 January. Accessed on <http://www.kenyadarlive.co.ke/?p=7424>. Raila's discourse interestingly contrasts to the one he held in Kibera informal settlement in 2007 when he was in opposition politics and looking for votes, a moment in which his stance on excessively high rental levels and the necessity to curb exploitative landlords held a much more clientelistic ring.

⁹ Particularly its emergence in a political and policy field, beyond *ad hoc* politics of local clientelism; This positive sense of the term is often forgotten in discussions on politics.

and appropriate policies. Interestingly, this language of rights does not necessarily contradict the informal arrangements with local chiefs, and appears more as a complementary, parallel strategy in a time of crisis. Not yet fully mobilized by Mukuru residents themselves (who still refer to relatively abstract and remote notions of human dignity), the notion of a ‘right to housing’ is entering the public domain. The way it will impact access to housing for the poorest remains to be seen, but certainly this case and its politicization has strengthened the capacity of slum dwellers to refer to it and use it in their repertoires of action.

The resilience of clientelist logics in the face of a short-lived rights discourse?

In contrast, the two stories below illustrate cases where mobilisation of ‘rights’ by residents contradicts, conflicts with and potentially damages clientelistic relationships with local patrons or representatives. In both cases, mobilisation of a ‘rights discourse’ emerge when the clientelistic agreement has been betrayed by the patron (see Box 7).

Box 7 - The failure of rights discourse in the face of crucial clientelist networks in Bertrams, Johannesburg and Chechnya, Casablanca

In the wake of the 2010 World Soccer Cup in Johannesburg, evictions loomed around the stadium of Ellis Park that was being upgraded. A group of residents in Bertrams (the area neighbouring the stadium) mobilised, and, as former anti-apartheid activists resourced with strong ANC networks, they approached a rights-based NGO (CALSA, the Center for applied legal studies) to be protected from the evictions rumoured to be forthcoming. CALSA wrote a letter to the municipality demanding the right to information and threatening action against unlawful eviction. Soon after, the residents abruptly ended their relationship with CALSA, as, they argued, CALSA was ‘undermining our government and the nation’; they had obtained the promise by the municipality that they would not be evicted and that their houses would be refurbished instead (see Benit-Gbaffou 2011 for more details).

The City of Casablanca constantly threatened to demolish the peripheral unregulated settlement of Lahraouiyyine until mass riots erupted in 1996. The riot was less as a response to the overall repressive municipal policy, focused instead on demolitions that had affected those dwellings whose residents had not paid enough bribes to the local elected representatives, whilst they had spared others. Sit-ins in front of the local representatives offices, but also violent riots and blockage of the main regional road were organised by residents and attracted much media attention. They were also brutally repressed by the army. Lahraouiyyine won the nickname of ‘Chechnya’, both as a symbol of rough rebellion and of brutal state repression. The State retaliated in a number of ways, including gerrymandering local boundaries to fragment the movement. Immediately, the state withheld the delivery of ‘residence certificates’, a condition for residents to access all public resources. In response residents claimed their ‘rights’ to papers, ‘as citizens’ of the country. The administrative matter was only solved with the 2002 legislative election and the 2003 municipal election – in which local politicians mobilised explicitly for the delivery of papers to their constituencies in this area. In the longer term, however, and in the aftermath of the 2003 Casablanca bombings (where the terrorists originated from informal settlements), the municipality has initiated development plans, in this case housing and infrastructure, for Lahraouiyyine.

WB, with CBG

In the first instance in Bertrams, Johannesburg, the clientelistic relation prevailed and led to the failure of an emerging mobilisation against eviction. In the second, while mobilisation of rights did not fully place the local clientelistic system in question, it shook it. Combined with political turmoil in the country, the state’s fear of rising violence (in particular in the form of radical Islamism and terrorism) linked to informal settlements and poverty, state neglect and degradation, mobilisation such as Lahraouiyyine have led to major public investment in peripheral areas.

Privatising electricity provision in Casablanca: introducing a new player that can be contested, the rise of mobilisation around rights in an authoritarian regime.

Based on the work of Lamia Zaki (2011) in a informal settlement called Carrieres Centrales in Casablanca, this case shows yet another configuration of the articulation between clientelist arrangements and the mobilisation of rights. In Carrieres Centrales Zaki accounts that public authorities had tolerated illegal electricity connections for the sake of pragmatism and social peace – an arrangement that also gave public authority leverage on the residents. Subsequent privatisation of electricity provision has ended this system because the private company was concerned with economic loss and cost-recovery, and less with political or social concerns. Its rigid stance on illegal electricity connection pushed local residents to shift from a language of favour and arrangement by stealth, to public, visible opposition – through physical opposition to disconnection from the company’s workers; to collective organisation of mass illegal connection; to mass protests against the company, at the municipal offices, in the name of rights (human rights, as right to dignity; rights to the place; but also, more and more, for “public light to come back to our streets”). Paradoxically public authorities has been called to rescue low-income residents from the “bad” private company; whilst the private company, not knowing how to manage increasingly violent confrontations and economic loss, eventually supported the residents in lobbying for the electrification of the neighbourhood (which allowed for consumers to pay individually). This manoeuvring was required for residents to shift from an arrangement to a right, from tolerated illegal connections to formalised electrification – without confronting directly public authorities. But, as illustrated by Benjamin (2004), this access to “rights” has a cost for the political society; residents who cannot afford to pay for privatised electricity see their access decrease.

Concluding remarks – The Hard Challenges of Mobilising Rights

The complex articulations between low income residents’ everyday politics of access to resources, and collective mobilisation to claim rights, are often overlooked: either considered unproblematic in formalistic approaches to ‘rights to the city’ and the substantiation of democracy in developing, post-colonial African urban contexts; or underestimated in their importance and impact, when analysis prevail that focus on the reproduction of ‘political society’ (Chatterjee 2004, Benjamin 2004).

Using the language of rights and citizenship to make claims, Chatterjee (204) seminally opposes ‘civil society’ to what he terms ‘political society’, in fact ‘the majority of people’, those living in informal conditions, be it for access to housing, to services, or to employment. For him, ‘political society’ cannot claim rights, as it has no rights because it is informal and therefore often un-recognised by state administration; it can negotiate favours with local administration and politicians, by stealth (Benjamin 2004) as these practices of informal arrangement clearly break the law. Chatterjee, however, does not reflect on passage between political and civil society, from politics by stealth to a politics of rights, perhaps because he deems it impossible in contemporary Indian urban society. This type of analysis, however, is contested, especially in a South African setting where the poor mobilise rights actively (Robins 2008, Benit-Gbaffou & Piper 2012), often in conjunction with (rather than in opposition to) other politics (Oldfield 2007); or in Brazil, where the language of rights has democratised and spread to a number of public arenas (Holston 2008).

Mobilising rights, or, in chatterjean terms, moving from political society to civil society in a context still marked by informality, certainly has risks if it alienates or side-lines the everyday networks of patronage that prevail locally. Benjamin (2004) has shown how informal residents, mobilising rights to housing in Indian cities through well intentioned formal NGOs, has in fact led to the eviction of the poorest; while the low profile of the politics by stealth have been more efficient in protecting the poorest from eviction, *de facto*. In this chapter, we have reflected contextually on what it takes to claim justice and mobilise rights, actions that are connected and different from the everyday politics of negotiated access to resources. This work draws on diverse networks, sometimes, new agents, that emerge in urban government and open new opportunities for residents in peripheral parts of cities to access resources. In what instances or contexts, are new agents or networks compared to traditional patrons? Is it when local patronage no longer works, fails to deliver, or is perceived as betraying the informal 'contract' of delivery against political loyalty? Or can patrons be also agents in this mobilisation of rights (as argued by Auyero et al. in a Buenos Aires context, 2009)? These questions cannot be generically answered or normatively prescribed. Instead, we must consider cases, their contexts and specificities to reflect on social movements and their articulations of justice and injustice, and the spatialities of their practices, embedded in mobilizations in neighborhoods, and the ambiguities – the successes and failures – of mobilising rights. From the 'jasmine' revolutions of North Africa to mobilizations in Uhuru Park in Nairobi and anti-privatization protests in South Africa, grassroots social movements invigorate and disrupt the African political landscape.

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