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Spatial justice and the poor's access to urban resources in post-apartheid Johannesburg.

Redistributive policies, participatory democracy and clientelist practices in urban governance

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Introduction

Spatial injustice has been considered to have two cardinal forms (Marcuse 2008)—the confinement of any group to a limited space (segregation) and the unequal allocation of resources over space. Interestingly, planning for spatial justice (Young 1990; Harvey 1992; Fraser, Honneth 2003; Fainstein 2006) puts more emphasis on the political aspect of injustice, and contrasts two main approaches that are both necessary to achieve spatial justice: a redistributive dimension (that can be understood as addressing the two capital forms of injustice—because it allows for de-segregation by promoting access to housing for the poorest; and because it can focus on a broad distribution and fair access to urban resources); and what can be called a procedural dimension, emphasizing access to decision-making and recognition in urban governance. The articulation between these two dimensions of spatial justice (redistributive and procedural) is often forgotten, as if one could assume that they are always going in the same direction (Visser 2000; Bénit 2006). Some authors however stress the potential contradictions between these two dimensions of spatial justice—when community participation conflict with the objectives of redistribution, for instance (Fainstein 2006). This article tries to address this gap by focusing on some of the articulation between the two dimensions of spatial justice, looking at the poor's ways of accessing urban resources in post-apartheid Johannesburg, and developing around the notion of “clientelism.”

Firstly, it is useful to draw the broad context in which spatial justice can be understood in post-apartheid Johannesburg. Paradoxically in a post-apartheid city, the way local government conceives the achievement of “a just city” in Johannesburg is not primarily defined in spatial terms, at least no longer primarily. The immediate aftermath of the 1994's discard of the apartheid regime was the place for intense debates on the apartheid city's unequal, segregated and inefficient urban structures, and on the need to spatially “restructure” the city through a number of integrated housing programmes and a cap on urban sprawl fuelling the housing-jobs spatial mismatch. However, with the shift to growth oriented strategies at the national level (GEAR) in 1997, with the financial crisis of the City of Johannesburg at the end of the 1990s and the subsequent adoption of urban new management principles (Watson 2002), this spatial component seems to have been put aside as the role of the State in urban policies was being redefined. Currently, the attempt of the City to build a “World Class African Cities for All” seems to take two dominant dimensions: a redistributive (but a-spatial) dimension, and a participatory (but limited) dimension.

The City of Johannesburg has indeed an important redistributive policy, even though disconnected from the city's major agenda of urban growth and international competition—both agendas led thanks to a powerful metropolitan council (political integration of former black and white local authorities). It provides a free package of water (6Kl) and electricity (50Kw) for all, in an attempt to guarantee access to basic services to the poorest. This policy is not spatially defined, even if it has spatially differentiated effects¹. The provision of public housing to lower-income households, although more a provincial prerogative than a metropolitan one, can also be understood as a part of this redistributive urban policy. After a decade of massive delivery on the outskirts of the City, some attention seems to be given to the spatial location of such projects (as manifested in the model Cosmo City project): but the instruments for a land policy conducive to integrated and well-located projects are still missing.

The participatory dimension of Johannesburg's local democracy is important rhetorically, in line with the legacy of the anti-apartheid struggle where the civics² were crucial; and in line with global "good governance" principles³ giving a strong place to community participation in urban governance. Community participation is organised principally at the ward level, around the figure of the ward councillor (who is supposed to be available for daily interaction with his/her constituency; and to liaise with a ward committee elected by the local voters). However, the councillor has both limited powers and limited accountability to the voters, for three main reasons (Bénil-Gbaffou 2008):

- a dominant party system (the ANC is not really challenged politically at the metropolitan level);
- a centralised Council (decisions are made by the mayor and his nominated, ANC mayoral committee);
- a de-spatialised structuration of council (councillors stand for a thematic portfolio like housing, not for their ward, in Council).

The limited power of councillors and the absence of territorial representation in Council stems from a political decision to limit infra-metropolitan representation and decentralisation. This is a response to the fear of recreating the apartheid urban governance structure (where coexisted racially separated municipalities). It is also a political device to avoid giving opposition parties (like the Democratic Alliance) a platform—that could only be achievable at the infra-metropolitan level; and to side line oppositional residents' movements (both from the right—NIMBYsm against desegregation policies; and from the left—social movements' opposition to the current growth agenda). As a consequence, institutional participation is quite dysfunctional and residents mostly participate through extra-institutional channels (protests, riots, law suits).

As apparent in this brief summary, there is a disconnection between the two dimensions of spatial justice policies and processes, as participatory mechanisms have limited bearings on a technocratically defined and a-spatial redistributive agenda (not to say on the overall metropolitan growth strategy). There is also a clear attempt from the municipality of Johannesburg to avoid territorial representation and mobilisation (that would equate, due to the still segregated structure of the city, to racial

¹ In particular in inner city areas, where the importance of tenants and absentee owners make access to free basic services difficult (as it is granted to the dwelling's owner, not to its residents).

² Residents associations in low-income areas: they developed in the 1980s in particular in opposition to the apartheid regime (as political parties were forbidden) and were organised from the street level to the national scale.

³ "Good governance" is an ideology developed by the World Bank and promoted in many African countries—encouraging the State to withdraw from direct intervention into society and to partner with non-State actors in decision-making (in particular business and civil society). The concept of "governance" is understood here as a way of governing that includes non-State actors in public decision-making (with no normative statement on the role of the State neither in the process nor on the balance existing or expected between the various actors).

representation and mobilisation). Does it mean that “spatial justice” is an irrelevant concept in post-apartheid Johannesburg or at least in its policy, and that one should rather study the dimensions of social justice in current urban governance and policies? I argue that although the spatiality of urban policy geared towards justice is not central, it still has some importance in the definition and negotiation of the public good (or at least public goods).

I will start by presenting two illustrations of how these two dimensions of social/spatial justice come together in the local and contested implementation of urban policies; and how the spatial dimension plays an important role therein.

Two stories

In Kliptown (Soweto), a major housing programme is being developed: about 7 000 public houses are being built (5 500 RDP or serviced sites; 1 500 rental), in an area where about 40.000 persons live in informal settlements. There are debates and conflicts⁴ over the criteria for housing allocation (given the fact there are not enough houses for all households currently living in informal settlements). Conflicts are all the more erupting as the public criteria for housing allocation are unclear and full of internal contradictions.

– At the State and Provincial level, there are two main criteria for public housing allocation to eligible households⁵.

The first is the registration on the housing list (often called “housing waiting list”)—with a priority given to the households having been waiting for the longest time (principle of “first come first served”).

The second, equally at this level, is a priority given to families living in life-threatening conditions or undergoing a crisis of any sort.

These two criteria, which reflect two competing legitimacies, can be at odds but there seem to be no clear criteria allocating houses for the first and for the second.

– At the metropolitan level, other elements come into play as far as the allocation of public housing is concerned⁶.

Firstly, there is a *de facto* agreement (very unclear though) that local residents have a say on the allocation of public houses being built in their vicinity. In many cases, local communities are being displaced and their dwelling demolished for the development to take place: the housing allocation process therefore takes into account this local or community “right” to the houses being delivered. This “priority to local communities” in housing allocation plays an important role in the process, in which local councillors have a crucial role to play. No matter how legitimate it is, it often conflicts with the two previous criteria or legitimacies mentioned above. Although not clearly stated in any text, the “priority to local communities” is encouraged by the whole philosophy of community/ local participation. It is furthermore an easier criteria to implement than the two previous ones (and a legitimacy more difficult to discard), as local communities are directly aware and affected by the new housing developments—unlike registered individuals on a housing list (scattered in the metropolitan area) or families living under life-threatening conditions (often living far away from the project). But

⁴ See “The Struggle for Housing in Kliptown.” *Anti-Privatisation Forum*, Press Release, 13 August, 2007 (<http://apf.org.za/spip.php?article200&lang=en>).

⁵ Earning less than R3.500 a month, being a legal South African resident, etc

⁶ Municipalities are expected to lead the allocation/implementation phase in the public housing process (where the National and Provincial levels of Government decide on housing projects to be funded, set up technical requirement and provide funding).

the coexistence of the three different allocation criteria/legitimacies, without clear articulation, often lead to conflicts—when local communities see “outsiders” benefit from public housing built in “their” environment, conflict is rife.

Secondly, technical aspects of housing delivery (especially when they require demolition of existing structures, for instance informal settlements) might impact the order and therefore the nature of the allocation process⁷. This has less to do with an insider/outsider conflict as the previous criteria mentioned; but this involves internal community divisions and competition that often lead to the fragmentation of local communities and the definition of insiders/outsiders within the neighbourhood⁸.

Thirdly, new metropolitan policies stress the need to develop “inclusive housing” policies (in line with *Breaking New Ground*, the 2004 national housing strategy). In an attempt to avoid creating ghettos or pockets of poverty, public housing projects always include middle-range housing (lower middle-class groups) that also benefit from public housing subsidies. This often means that houses built in a specific project are not all targeted at lower-income households, and often benefit residents considered as “outsiders” to the community.

It is the case in Kliptown, where 500 rental units have already been built by Joshco (Johannesburg Social Housing Company), for residents that are mostly not from Kliptown nor from the housing waiting list neither “families living in crisis.”



⁷ For instance, in Alexandra township, the necessity to demolish existing structures in order to build new ones lead the City to adopt a “block by block” approach, and therefore to relocate households into new houses according to this approach, and not to existing housing list or previous agreement with communities (Sinwell 2008).

⁸ The recent “xenophobic events” that occurred in particular in Alexandra township in May 2008, where many (but not enough for everybody) public houses are being built and allocated, were partly triggered by the perception that “foreigners” (in fact, South African citizens from foreign origin) were allocated the houses. In a context of competition, they were defined as “outsiders,” as happened many times in Alexandra’s history.

Kliptown, Soweto, 2006. © Claire Bénit-Gbaffou. Families settle in Joshco rental housing, under police surveillance.

In July 2007, riots erupted in Kliptown, after many attempts to protest, liaise with the municipality and hand over memoranda to the Mayor and his mayoral committee: the participants were threatening to invade houses built on the golf course and requesting that houses built in Kliptown be “for the people of Kliptown.”⁹ Beyond stories of corruption and nepotism from local councillors and existing civics under accusation in these protests¹⁰, beyond difficulties in management of a large and complex project (Bénit-Gbaffou 2008), beyond the lack of understanding about the (very visible) delivered rental units being unaffordable for most Kliptown residents, it is important to stress that such frustration may emerge of contradictory understanding of what is just, in terms of access to public resource—here housing. Revealing is the Housing MMC’s statement: “The townhouses have been built for you. However, you will need to follow a certain procedure in order to get access.”¹¹ The lack of clarity on the process, even in the official legislation itself, is leading both to flexibility (local negotiation, power games) and to confusion and conflict (lack of understanding, frustration). The process of engagement between local government (in its multiple agencies and actors), official representative structures (the Greater Kliptown development Forum) and contesting civics (Anti-Privatisation Forum) is still under way so as to explain and maybe negotiate the process of houses allocation in Kliptown.

What does this case study show? Is it a local process of definition of justice, leading to a compromise in terms of resource sharing, in a process of engagement with contesting civics? Is the multiplicity of allocation criteria and competing legitimacies allowing for flexibility and negotiation, enhancing a constructive and processual definition of justice (following Harvey’s famous 1992 text on social justice postmodernism and the city), rather than a conception of justice defined abstractly and *a priori*? I have two reservations on this interpretation. Firstly, this configuration opens the way for negotiations over the allocation of (too) scarce resources, and is therefore divisive more than constructive for local communities. Negotiations (more or less peaceful) can only occur at the implementation phase, not at the policy making phase: they deal with who will get the houses, not on the number and type of houses built. To quote Luke Sinwell, who did a similar study on Alexandra (2008), it is a “zero-sum game” whereby if one residents group wins it is necessarily at the expense of the other one. Secondly, lack of clarity on allocation criteria may indeed allow any kind of civic or residents group to claim its legitimacy and enter the process. However, this means that access to public housing depends on an individual’s affiliation to a (powerful) civic—no longer on his/her status as urban citizen: depending on his/her loyalty and involvement in the civic, his/her access to public housing will be granted. This certainly is a form of clientelism that raises issues of democratic accountability; the question is—is it better than nothing in terms of accessing urban resources (as argued by Gay 1998)?

The second case study I would like to present concerns an inner city derelict neighbourhood, Bertrams, which is currently undergoing an urban regeneration process to get the city ready for the 2010 Soccer World Cup (as the area is neighbouring Ellis Park Stadium, one of the venues selected for the Cup). The main public intervention here is about evictions—getting rid of derelict or squatted building (named “bad buildings” or “sinkholes”) in order to regain control over public space (also affected by a high level of insecurity). Bertrams, a transient neighbourhood (point of entry for national and international migrants to the city), appears a very fragmented society; various civics have adopted different strategies to resist eviction.

⁹ Madumo, Lesego. “Drive to provide Kliptown houses.” *City of Johannesburg*, 21 August, 2007 (http://www.joburg.org.za/index.php?option=com_content&task=view&id=1495&Itemid=204).

¹⁰ See “The Struggle for Housing in Kliptown.” *op. cit.*

¹¹ Madumo, Lesego. “Drive to provide Kliptown houses.” *op. cit.*

1. In a place nicknamed “the seventeen houses,” located very close to the stadium, former anti-apartheid activists have built strong internal social links and have kept high profile ANC political networks. This saved them in 1995 (during Rugby World Cup) where their houses were already threatened of demolition; but this was not enough for 2010. This group of residents therefore called the Center for Applied Legal Studies (CALS), a legal NGO who has been successful in several lawsuits against the City, and has in particular compelled it to provide alternative accommodation if it wants to carry on evictions. CALS has started threatening the City of legal action; but high rank ANC members of Council have negotiated with the residents, for them to drop the lawsuit (and CALS) and the houses will be spared. The residents have agreed, and they have dropped CALS, now accusing it of being “anti-ANC” and “destroying the nation” (by opposing government). They have eventually obtained their right to stay in their houses thanks to a subtle balance of threat and political networks.



Bertrams, Johannesburg, 2008. © Claire Bénit-Gbaffou. View of the Seventeen Houses (with the Stadium lights in the background), as public works have started to widen the road for 2010 Soccer World Cup.

2. Other civics are not as powerful. One, the Bertrams Community Forum, has emerged from a block (called the “Priority Block”) bought by the city and deemed to be demolished (for private development). Residents are proposed relocation (thanks to CALS broader struggle) in tiny but affordable rental rooms, however considered by the City to be only “temporary shelters.” The Forum is not focused on fighting against eviction, but rather on obtaining contracts in the construction to be expected from urban regeneration. As this is depending on the City to have

its list of members enrolled (or at least considered) in the contract allocation, this diminishes the Forum's capacity to criticise the relocation policy.¹²

3. A third civic, SANCO, usually focusing on housing issues, is equally limited in its ability to challenge ANC policies. It is the liaison chosen by the City to distribute food parcels to local residents (on the pretext it has a good knowledge of social needs locally; from the City's point of view, it is also an easy way to side-line the opposition party local councillor in the distribution of public resource). If SANCO criticises the ANC growth agenda, it loses its resource and its constituency. If a member of SANCO criticises the civic or its policies or practices, this member risks of being deprived of access to these resources (here food parcels).¹³

What do these examples show? Civics are sometimes able to bargain local arrangements, but most are politically manipulated (sedated and caught in clientelist logics), if not themselves manipulating the residents. CALS' action has had some impact on urban policies, as blank evictions are put on hold, and the city is now compelled to provide affordable alternative accommodation; but it does so in a reluctant manner, providing temporary shelters for an undetermined period of time. The city, as was illustrated previously with the issue of public housing allocation, often lacks of clarity on the rules of the game (who gets what public resources, in terms of food parcels, contracts, houses to be saved or demolished, etc.). This lack of clarity might emanate from pragmatism in the face of the scarcity of public resources for the poor—too few to be distributed universally or even to means-tested groups¹⁴. It opens the door to local negotiation and political clientelism—to some flexibility but also to a great deal of inequality between well connected individuals or groups and the others. Competition between groups for access to resources is the key, rather than a joint (even if conflictual) platform to negotiate and define “the public good” for the area. The City might be aggravating this competition, using existing fragmentation in a “divide and rule” strategy, rather than encouraging a joint platform for these competing (but similar) interests to find a collective understanding and agreement. This strategy is rather successful, leading to the sedation of civic movements or to tacit arrangements with the most powerful ones, so as to prevent a broader anti-eviction front to emerge. In any case the growth agenda is not questioned (Logan, Molotch 1988).

Based on these two case studies, I would like to ask two questions on the nature and the place of “spatial justice” in contemporary urban governance.

Is “flexible” urban governance good news for spatial justice?

Urban governance is led, at least in the implementation phase of projects or policies, through more or less informal, local arrangements. Some call this “flexible governance” (Bénit-Gbaffou, Morange 2008), others “territorialisation of public action” (Jaglin 2008)—meaning that the nature of public policies and instruments vary in space and time. What are the consequences of this form of governance in terms of spatial justice?

“Flexible governance” and “territorialised public action” can be understood as a management or governance tool providing local governments with flexibility and adaptability to local needs—a procedural conception of policy or at least policy implementation, in order to make it more sustaina-

¹² There is more to this as apparently the Forum's leader has been paid for each family relocated to the temporary accommodation. The City has made this clear when it has become apparent that this leader had brought families in that were not from the Priority Block, in order to get more money for himself.

¹³ SANCO has moreover been involved in a scam—some leaders have been said to ask money from members in exchange for access to public housing which never materialized.

¹⁴ For instance, if there are about 20 temporary building contract linked to an urban project (as is the case in the Bertrams story), what is the fairest procedure for councilors to allocate these contracts, in an area of high unemployment? Clearly a general tender for the whole neighborhood is disproportionate and irrelevant.

ble. This form of governance seems to be in line with the procedural dimension of spatial justice, as embracing the process of constructing a joint, negotiated, locally situated vision of what is “just,” and of integrating conflict and power relations in the very definition of this compromise. However, this understanding is not necessarily relevant, as this flexible way of governing cities has important impacts in aggravating spatial and social divisions.

Firstly, and this is what the case studies have been illustrating, it has a strong potential to divide urban policies spatially, since issues are negotiated locally and lack visibility at the neighbourhood and at the city scale. The nature and the outcomes of this negotiation depend on the political resources of local movements, obviously uneven across space and even within a given area. Moreover, a successful local negotiation, because of its lack of visibility, cannot set an example or a culture that can be used by other communities (as can a judiciary decision for instance). This has serious consequences as the construction of a collective political culture (at a neighbourhood, city, regional or national scale) is often seen as a crucial element in terms of political resources for mobilisation (Tarrow 1994).

Secondly, this form of governance divides urban policies into strategies (not, or seldom, debated) and implementation or allocation (given for debate to divided communities). This allows avoiding major policy orientations to be discussed (and in particular the extent and nature of redistributive policies), and channels debates towards either highly divisive issues (distribution of too scarce resources) or irrelevant ones (how will the furniture of evicted households be moved out of the place).

Maybe even more importantly, this form of governance allows for a blurring of political responsibility and democratic accountability. Firstly, public stakeholders are fragmented in their mode of action and level of responsibility, and this leads to a high level of opacity on the rules of allocation of public resources that is conducive to clientelism and corruption (Wilkinson 2007). Secondly, the most powerful way residents can contest urban policies is through the justice system—as lawsuits seems to be the most efficient instrument for social movements. This means of action is praised uncritically since the very progressive South African Constitution offers a backing for the poor’s claims, and South African Judges are generally progressive in their judgements a decade after the demise of the apartheid regime. But this might change, and the fact judges are not democratically elected needs to be stressed when looking at accountability and decision-making in terms of urban governance.

Finally, this procedural/local arrangement form of public policy is giving local civics an important and sometimes debatable power in the allocation of resources at the neighbourhood level, which creates a form of clientelism not conducive to any form of accountability (unlike some forms of clientelism led by elected representatives—see below, second point). Unlike local councillors indeed, civic leaders are not elected but by the members of the civic itself; and, when being side-lined or excluded in the access to resources, an individual has fewer ways to contest a local civic than an elected councillor. In other words, if it is necessary for access to resource to have good personal relationships with people in power, it seems less damaging for democratic accountability that this powerful individual is a councillor (that can be removed from office or defeated in elections) than if it is a local notable or a civic leader or both. Lisa Brawley has been arguing for a renewed form of accountability in contemporary urban governance (2008), stressing the increasing privatisation of urban management (mainly referring to city improvement districts). Similarly, it is not sure that the implication of community organisations at all level of management of public resources would lead to increased accountability. Although progressive literature on participation argues, in a post-modern context, that more participation means more democracy and accountability, these case studies (and others—Staniland 2008; Sinwell 2008) tend to show that it is not the case for all forms of participation.

What does the theoretical and practical proximity between local democracy and clientelism teach us on spatial justice?

The second important point is about the fine line between local democracy and clientelism, as far as accountability is concerned. It is important to stress it as local democracy is often uncritically seen as conducive to a greater spatial justice (it is one of its dimensions); and clientelism as the epitome of “unjust” distribution of resources (and here we are considering it in its territorial and local dimension).

I am adopting a non-normative view of clientelism, which I define as the exchange of public goods for votes or political support. I follow here Kitschelt and Wilkinson (2007) in arguing that there is not a difference in nature, but rather a difference in gradient (a continuum) between democratic and clientelist practices, both relying on exchange of public goods against votes. What differs is

—the type of goods proposed (individual or club or collective goods in clientelism/collective or universal goods in democratic governance);

—the way it is offered (directly, with an ability to control the beneficiaries’ vote and support, in the former; or indirectly, through expectations—you propose a policy for a constituency and expect it to vote according to its interest, in the latter);

—the clarity or transparency of the allocation criteria (absent in the former, important in the latter).

There is an even closer proximity between clientelism and *local* democracy (in its two dimensions of decentralisation and participation). Clientelism, decentralisation and participation have in common the following features:

—they operate on the basis that spatial proximity (the local scale) can make the state more accessible to citizens;

—having the state “close” to the people allows for greater flexibility and adaptability of policies to local specific needs;

—this proximity can lead to a personalisation of the state (not a distant and anonymous apparatus but a state that is personified by local figures—a more humane and “caring” state).

These features are shared by both local democracy and clientelism, even if they are valued differently (positively for the former, negatively for the latter). And I here wish to debate Purcell’s argument (2006) that the local scale does not have intrinsic qualities in terms of the nature of democracy: fair enough, but it has specific potentialities based on spatial proximity—like this ability for personal relationships with representatives of the state. The fact local democracy shares this feature with clientelism shows the ambiguities of the former—calling for a “caring” state in opposition to the weberian idea of construction and operation of a modern state (based on rights and not on networks or personal relationships). This “caring state” or “caring city” is often seen as a positive step towards a broader spatial justice (see Greta Goldberg quoted by Marcuse 2008)—allowed by more local scales of urban governance. However the fine line with forms of clientelism (that *can* be—not necessarily—un-democratic and un-just) is not really thought of. More generally, clientelist practices are probably consubstantial to local democracy, even if not named so.

Conclusion on some theoretical gaps in the analysis of spatial justice

As conclusive remarks, I would like to stress at least three theoretical gaps in the reflexion on spatial justice, which this article has helped identify.

1. On the definition of redistributive justice after the post-modernist critique (that no measurement or definition of distributional justice is absolute or neutral; that justice is a relative concept since it is eminently a constructed object). Harvey for instance tries to address it by providing narratives and analyses of how different agents have different and competing conceptions of what is “just” in specific urban policies—and how a conception of justice could potentially be built by the confrontation and compromises between their different understanding. It is not clear however, and Harvey stresses it in his text, who can promote, defend, support redistributive policies—as each agent is locally grounded or legitimised by specific interests, metro-wide interests being the most difficult to represent. As suggested by the case studies presented here, it is not sure that social movements can find the legitimacy and power to bring the voice of the poor in the forefront of urban policies; nor can lawsuits be sufficient to influence policies in the long term (there is a need to look, as argued by Fainstein (2006), at the outcomes of the processes of defining justice locally).

2. A second gap lies in the timid analysis so far of social movements and participation as potentially undemocratic (and not only when they are captured by conservative groups)—because of the question of accountability, and their practices of clientelism (but without vote). Participatory democracy, which constitutes theoretically the procedural dimension of social/spatial justice (especially at the local level where it relies on—as well as it constructs—a feeling of shared belonging to a place) is not always and necessarily in practice conducive to spatial justice. This paper is a call for a more critical look at local participation and some research on the conditions in which it is conducive to spatial justice.

3. Finally, following Murray (2007), there is a need to include party politics in these interrogations on urban governance and spatial justice. Party politics are often discredited for a number of reasons, but its presence, at least in cities of the South, is crucial to understand local democracy, access to resources and eventually spatial justice in both of its dimensions.

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