

Co-existing Urban Land Use Management Practices

This case study draws on research that investigated how urban land is claimed, used or divided and the various land use management (LUM) practices that exist around these various and sometimes competing land uses. This case study is based on a research study undertaken by Colin Marx and Margot Rubin with Progressus Research and Development, commissioned by Urban LandMark. See Sheet 6 for reference details.

An introduction to the case study is given below. See page 2 for reflection and learning activities. You can do these activities on your own or in groups, as appropriate for your learning session. Look at the activities before you begin so you know what to look out for during your reading.

The next part of the document (Sheets 2, 3 and 4) presents people's stories (real names are not given) that reflect how multiple land use management practices co-exist. The final component of this document (Sheets 5 and 6) includes a summary of key issues that were covered in the case study and recommendations arising from it.

Learning outcomes:

By the end of this session participants will be able to:

- Identify different and varied land use management systems
- Articulate strategies that will enhance urban land use planning in ways that more effectively meet the needs of poor people.

Background to this case study

This case study is based on findings from a research study that investigated 'land biographies' in three areas in Gauteng, namely Thokoza, Doornfontein and Diepkloof. The fieldwork included one focus group discussion in each area and in-depth interviews with 49 residents in those areas. The types of settlements and land uses examined were:

- informal settlements (Thokoza)
- hostels (Diepkloof and Thokoza)
- informal trading in Diepkloof
- inner city areas experiencing rapid change and urban decay (Doornfontein)

The study showed that various land use practices and management systems co-exist, and in particular, that there is no clear distinction between formal and informal systems. Formal land use management is what is generally done by governments, for example, town planning, land use zoning and registration of deeds. Formal land use practices include, for example, meeting health and safety regulations, following the requirements of the Rental Housing Act and so on. Informal land use is generally those land uses that take place extra-legally, such as informal street trading, residential use of commercial buildings and vice versa, or sub-letting without any formal contracts. The study reveals how many aspects of both co-exist.

The research provides the foundations for an alternative conceptual framework of land use management to deal with broader urban problems associated with poverty and what is usually described as "informality".

Land use management systems are based on power, who has access to power in a particular area and at a particular time, and what conflicts, negotiations or compromises might exist between various powers or authorities. The examples used in this case study reflect clearly how changing power dynamics allow different authorities to emerge at different times or in different places.

Part of a series of case studies developed as a teaching and learning resource for studies in urban land markets. Urban LandMark Tel: 012 342 7636 Fax: 012 342 7639 email: info@urbanlandmark.org.za • www.urbanlandmark.org.za
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Learning Activities

Before you start

Before you read the case study, spend a couple of minutes noting reasons why a variety and combinations of different land uses exist rather than just formal and informal systems. For example, one seldom finds a purely formal system or a purely informal system in operation, but combinations or layers of these, such as a formally owned and zoned building being informally rented out, or the existence of lease agreements but no receipts for rental payments being issued.

After reading the examples

In small groups, discuss these questions:

1. (a) What do the stories tell you about how urban land is managed in the case study areas?
(b) What systems of land use management do you think are operating in the case study - jot down convenient labels for these systems. (We provide a table of these in Sheet 6 – it will be interesting for you to make a comparison later).
2. (a) Land use management is based on authority and power. In these stories what different sources of authority exercise power?
(b) The case study shows how land use changes over time. To what extent do you think that this results from changes to who has power, or are there other factors at work?

Reflection

- What new, or surprising, insights have you gained as a result of this activity?
- To what extent are you motivated to share these with your colleagues and/or to explore the issues further?

Photo: Kevin James



Informal trade at Thokoza hostel

Thokoza hostels

Photo: Kevin James



Thokoza hostels

Thokoza was established primarily to accommodate the growing numbers of people working in the East Rand in the late 1950s and early 1960s. Large numbers of people were concentrated in the area now known as Kathorus (Katlehong, Thokoza and Vosloorus). The hostels in Thokoza were built in the 1960s and 1970s by the Alberton Town Council for migrant workers from KwaZulu. As such the hostels had strong links with traditional Zulu areas and, importantly, with traditional Zulu customs. The hostels were administered by Council, but were run internally by traditional leaders, Indunas, under whom 'blockmen' controlled blocks within hostels. The younger men were 'disciplined' by older mentors called Big Brothers who insulated the younger men from what was considered the corrupting influences of the surrounding community.

Stories from hostel dwellers

Looking for a place to stay

I was looking for a place when I came here a long time ago, so my cousins took me to the municipal offices. That's where I got the permission to stay here in the hostel and they told me which block and room number will I be staying in, they also asked me if I knew anyone there, and then I said yes and I told them in which block and room they were staying. Then after they checked if I'm telling the truth or not and also that there is a free bed there. That's how I managed to get a place here.

We don't want people getting in without knowing someone, because if he dies, no one knows where is he or she from, but if there are people you know or may be you are from the same village, town or city with some of the people here, then there's no problem.

Controlling who stays in the hostels

Beside that we don't want strangers here in the hostel, because they may be thieves who might steal or kill some people and when we go to the police, and when they ask who those people are we would say we do not know. Which will not be good? If we fail to do that [interview prospective hostel residents] it will be comes a serious problem, because police warned us not to stay with strangers because they can be dangerous.

The ward councillor helps us

We talked to the ward councillor that every time we need proof of our stay, he must write us a letter with the ward councillor's stamp, because we were unable to open bank and shop accounts and etc without that proof of where we stay.

The officials refer to the committee

I wrote a letter and sent it to those in the office and they replied by saying if I will agree with the committee that was in this hostel, there was no problem. I talked to that committee and they had no problems, and then I told the officials that the committee had no problem with me staying there. At the end they gave me permission and I had to pay.

The municipality helps the hostel dwellers solve a problem

Yes, like the drain blockage, that's one of our common problems. So we had a meeting, and we told the councillor about the issue and so that he must address it to the municipality and they did what we asked them to do.

Thokoza informal settlement

These extracts come from interviews and discussions with residents in an informal settlement behind the Khumalo Street hostel in Thokoza. In the interviews and discussions people recounted 'the old days' under apartheid, the warring that took place in the area, and the slow stabilisation of the area since democracy. The focus for this case study is on the land use management system in operation at present.

Long time ago there was control but now we don't have that.

Group discussion

Even when the Zulu people arrived here it was nice because when they saw you during the night on the street they would accompany you to your home. And life was good then. They would have their sticks and knobkerries with them but not for hitting anyone, it was good. Our fathers, meaning our husbands, used to go to the hostels to shower and they would buy meat and braai over there and drink there.

When we wanted to return to our houses (after the violence) we had to form an organisation for people of this location.

Long time ago there was control but now we don't have that. Even though long ago the Boers were in power but now if you ask people how many have seen the mayor visiting Thokoza they will tell it is rare but before we worked well with the previous government. The councillors before now would allow you to come to their houses without making an appointment. As long as you have a problem you were welcome to come to them at any time even at night. Nowadays if you want to see the councillor you have to make an appointment and even if you can make that appointment they will tell you to come back after three weeks. And after those three weeks when you go there for your appointment you will find that he is not there to see you.

When we wanted to return to our houses (after the violence) we had to form an organisation for people of this location. Those people in that organisation they are the ones who made it possible for us to come back to our houses because the government did not care what was happening to us and to our houses.

Nonhlanhla's story

Okay. So this leader, was he elected by the community or what?

He was elected by the community, here in the informal settlement.

That time when you were looking for a place. What did you say?

I said I am here to ask for a place where I can build a shack.

What did he say?

He did agree and he did come to show me where I must build my shack.

Okay. Did he measure or he just came and said build your shack here. Your place starts from here to there?

There is no measurement. They just show your place. As you can see there is a shack there in front of mine. I found it there when I came here.

Photo: Kevin James



Thokoza informal settlement.

Doornfontein informal traders

Photo: Kevin James



An occupied building in Doornfontein

Doornfontein was one of the first formally laid out and zoned townships in central Johannesburg. It was established in the 1890s. Since the 1920s the area lost its former glory and more recently it has steadily descended into slum conditions. Many older buildings are no longer used for their original purpose, some high-rise buildings have been 'hijacked' (referring to derelict or abandoned buildings being taken over by force or by confidence tricksters who then demand rent, usually without paying it over to the municipality for services) and have suffered severe decay, and people do the best they can to make a living and survive, in spite of, and sometimes enabled by, the conditions.

Photo: Kevin James



Informal trader in Doornfontein

Thoko's story

Was there someone who tried to remove you from here and why was he doing that?

Yes there is, about three days ago the owner of that building asked me where did I get permission to trade here. I said that I didn't ask for permission because I didn't know the owner of the place

How did you deal with that situation seeing that you are still here?

Some gentlemen said that I must not ask him for permission and he'll be wrong to charge me money because when the metro police come you must run away. So I just continued and he kept on irritating me with the same story, so I ignored him until he gave up

Ok...so you didn't find yourself begging him?

Yes, I didn't, because those gentlemen said that there's no need to pay rent, because when the metro come they'll take your stuff or stock.

Moreri's story

Did anyone ever try to move you from your shop?

No, there has never been such a thing taking place from my side. Even the cart parks here and no one has ever uttered a word about it. Even the lady herself, she is self employed. She sells fat cakes ... peanuts, like now as you can see she just got back from selling the fat cakes and she is going to go again.

Even before, I was staying outside and sewing clothes but there is one guy up the street. So the municipality does not want us on the street so I decided to move inside and operate from the gate. I told the caretaker about this.

Humbe's story

I do not work - I sell things, and as I am selling things I do not have a stand, I just sell and sit there next to MTN shop. Therefore when the municipality comes they just take our stuff, and for now I do not know what to do. And the other thing is that I am scared to trade in the street because metro police always roam around to collect our things.

Mohau's story

Well I want to answer what you said previously, we do have meetings with the councillors, three months does not even end with the community of Doornfontein, after every two months we do meet up with the metro police and staff, but I have never seen a councillor. However the community and the police do meet to tackle crime issues.

Photo: Kevin James



Informal trade from a shop building

Photo: Kevin James



Informal rental of rooms

Matshediso's story

Where do you pay rent?

We pay our rent to that guy there. He stays in that room and it is like an office where he collects money for the owner. The owner gets it when sometimes he comes to collect it and sometimes we pay to him.

So what do you get?

We get to stay here.

And nothing else, you don't get a receipt?

No receipt.

Just like that?

Yes. Just like that.

Did you sign somewhere?

We just signed when we got here.

Do you have proof that this is your place?

I do not want to lie, I do not have proof.

If some one had to come here and say that this was their place, what will you have to show that this is actually your place?

Here no one can say a thing about this not being my room because I have been here for a long time.

So you say that your proof is time?

Yes, it been a long time since I was here and no one can come here and contest that.

Everyone knows this is my place. I like it here. But one day I will get a government house.

Anisia's story – renting a shop

I went to see the Landlord and they instructed me on what to do, namely paying and I was given the keys. The landlord would also explain to you all the house rules.

Did you know where to find the landlord?

I spoke to the man who was working here before.

What did the landlord request from you in order for you to continue working from here?

I had to pay a deposit.

If anyone is interested in renting a place here, what advice will you give to them?

They have to see the owners because the place is not rented by one individual, there are different landlords.

What proof do have to show that you are renting this shop?

Lease agreement and monthly rental statements from the landlord.

Are there any extra fees or charges?

Water, electricity and rental.

Diepkloof hostel

Photo: Kevin James



The old hostel in Diepkloof

Here are extracts from interviews with two Diepkloof hostel dwellers. Importantly, they bring a long-term perspective, so changes over time become quite apparent.

Mzwai's story

When you got here in 1975 how did you get this place?

The municipal office was still working so I went there to ask for a place and they made me a permit and I got a space in this room. At that time this place was under Diepmeadow City Council. Everything was nice, we had toilets, hot water and nice lawn but after Ivory Tusk (a private company) took over everything just fell apart.

How do they do it now?

It has changed. Now you just come with a friend and they don't need to have permits. Anyone can come in and stay freely. There is no control.

Did your life change after that?

Yes it did because we no longer had services like cleaning and any form of general maintenance.

Who was cleaning for you?

The municipality workers.

Did they enter your bedrooms to clean?

Yes they did, then it stopped.

Are there things that the residents here tried to do but failed?

Now there is nothing that we want to do and fail because this place is no longer under control. Like in this house I can do whatever I want. Even if I decide to sleep with my women while a room mate is around, I can do it and no one can stop me.

Diepkloof was a later addition to the original Greater Soweto area and was laid out only in the late 1950s. Its purpose was to accommodate the various people that the government had decided to resettle from newly declared "White areas". The Diepkloof hostels (in Soweto) were established to house migrant workers who were generally young men from rural areas. They were designed as dormitories, housing 12 men in a room. The hostels were administered by the municipality, but internally by an informal system of Indunas (chiefs) and 'blockmen' (who run hostel blocks)

Joe's story

How did you get your place?

When I came here in 1983 I went to the municipal office with a letter from my boss then they gave me a permit then they went to show me my room.

At the office what did they want from you to get a permit?

They wanted a pass, which was called a ZA, it was bigger than an ID. It stated that you are not allowed to come to Johannesburg if you are not employed. We had to renew it every year. If found in town without a Pass you would be arrested and sent back home.

Whom did you talk to at the office?

I spoke to the superintendent. I explained to him that I was working and produced the letter from my employer. Then he started to register me for a place to stay.

Nowadays when looking for a place how does one go about it?

There is no procedure ... and there is no superintendent.

A taxi mechanic's story

The land that this taxi mechanic uses is near a taxi rank and it is municipal land, zoned as public open space. He works in the open without any kind of permit.

How did you come to work here?

Some taxi bosses came and offered me a place here. It was some kind of a contract and we are paid weekly.

So you have a contract? Whose contract is it?

I work for myself, so it is mine. I got into this contract with taxi bosses so that I can fix their taxis. They bring the cars to me and then at the end of the week they pay me as agreed.

So after speaking to these people, how did you find the place to work from?

They are the ones who organised a place for me. I can say it's the property of the taxi owners.

Ok...what are your rights here?

I think I don't have any rights here, because if we could disagree on something they might fire me here, since they are the ones who brought me here.

A tuck shop owner's story

I have a tuck shop. My boyfriend left the business with me when he left me. His younger brother left his room then we used the room as a tuck shop. The room is supposed to accommodate someone else to live here, but there is nobody for now.

Did you ask for permission to use the room as a tuck shop?

No we didn't, because the owner left the place and we were not paying rent we just did it without permission.

When you started to buy some stock were you not afraid that the police might come and close your tuck shop and take your goods?

We never thought of that because there were other people running their tuck shop near here. But some time ago we came across a similar problem. The police came and wanted to close us down looking for liquor license and taking our liquor. I tried to get the license but it was hard for me as this land wasn't developed and didn't belong to the municipality it belonged to a private company.

Do you pay this company?

No we don't until this place is fully developed that is when we can start paying.

Does your tuck shop have proof that you are the owner?

I don't because it is not registered as a business.

Who can prove that you are the owner?

My family and residents.

Photo: Kevin James



Tuck shop near hostel in Diepkloof

Summary sheet

A multiple land use management typology

Acknowledging the co-existence of land use management systems

Land use practices and management systems have co-existed from the beginning of the settlements described in this case study. They are going to continue to co-exist. In the case study areas completely formal land uses and management are rare and the bulk of current practice is a mixture of informal and formal land uses. It is important, therefore, that professionals such as urban planners, managers and legislators acknowledge this and seek to accommodate this co-existence in sustainable and manageable ways.

Power vacuums are filled

However, acknowledging the co-existence of various land uses and management systems is not to suggest that land use management should be a case of anything goes. What emerges from the research is that there are always ways of making decisions about land use. Sometimes, these forms of decision-making are more transparent than others, but one of the key issues is that someone almost always takes control.

A power vacuum usually creates an inevitable situation of someone coming in and taking control generally for their own benefit. Eradicating these systems once they are entrenched, however, meets with a great deal of resistance by those in control and those who benefit from the system in some way.

Lack of acknowledgement or transparency leads to corrupt practices

The research also suggests that the lack of acknowledgement of the different systems is conducive to corrupt land use practices because certain actors can slip between different systems to achieve their aims. It is not the fact that different land use management systems co-exist that is the problem but that anything beyond what is considered as formal land use is often not considered to exist.

This leads to potential issues of social justice, equity and social disruption. If a system is transparent and appears fair, then there is a sense that potential housing and land beneficiaries will wait, safe in the knowledge that at some point their turn will come. However if the system is disrupted and made opaque by corruption and bribery then the principle of waiting for one's turn is undermined, as waiting patiently will not necessarily result in any benefit.

Core idea

The central argument that emerges from this work is, therefore, that if urban land use management is to be made to work better for poor people it is useful to bring these co-existent and often unacknowledged processes and rights into a common framework.

The rationale being that an approach to land use management that focuses only on one understanding of what it is, will be less able to make land use management work better for poor people. The findings suggest that we need a clearer understanding of the power relationships behind the different processes so that they can be strengthened or addressed, as appropriate. A table presenting a typology of land use management systems based on the localities and interviews used in this case study is presented below.

The co-existence of a number of (often unacknowledged) land use management processes suggests that if urban land use management is to be made to work better for poor people it is useful to bring these processes and rights into a common framework.

Selected recommendations

The evidence and conclusions presented here seek to encourage those involved in what is considered to be formal land use management to recognise the unnecessary difficulties and constraints that arise from excluding or ignoring land uses and management systems outside of the formal.

This raises two important issues for formal land use managers. First, the need to develop the means for understanding other land use management systems, their logic and value for poor people, and following from this, how land use management systems change from one category to another – however these categories are defined. To acknowledge other land use management systems and practices is neither to devalue what is considered formal land use management nor to call for greater informality. Instead, it is to see value in other land use management systems rather than consider them as inferior or deficient in some way.

Clearly, if the starting point is that any land use management system that is not considered formal is perceived as inferior, the possibilities for learning or working with valuable aspects of other land use management systems is immediately blocked – despite the importance of such systems for poor people.

Photos: Kevin James



This case study raises the need to begin a debate around the goals of urban land use management. The purpose of such a debate will be to create a new equitable goal around which to orient land use management. Accepting the reality of multiple co-existent systems and seeking ways to include them in planning processes is of critical importance in meeting the needs of poor people in urban areas.

A framework of land use management systems

The research allowed for a framework of co-existing land use management practices and systems to be developed (see Table 1 on Sheet 6). The advantage of the framework is that it reveals the dangers of pinning any hopes for a progressive land use management system on only one category.

Table 1 presents this framework of land use management (LUM) systems using the specific examples that were described in this case study. The headings are fairly self-explanatory. The final column functions as a set of recommendations. Compare the information in this table to your answers to the questions on the back of Sheet 1.

Summary sheet

A multiple urban land use management typology

Table 1: Summary of land use management systems reflected in the case study examples

Example	Type of LUM system	Existing approach	Experience of poor user	Future recommended approach
Diepkloof hostel	Formally-based informal	Upgrade, replace, abandon during interim	Depends on context, frustration due to lack of services, poor discipline	Recognise & respond to needs of hostel dwellers, allow informal management systems, provide range of options from single sex to family units, including short-stay option
Diepkloof traders	Mixed	Ignores low-key informal business, developing some land through private companies	Informality creates opportunity, formal requirement of licences restricts, poor level of local development frustrates	Ensure land has clear status, not unclear for long periods. Recognise informal business and encourage towards formality and compliance.
Doornfontein informal traders	Mixed	Focuses on selected aspects e.g. environmental health while ignoring informal land use arrangements & agreements	Informality is beneficial depending on the individual's ability, but also lacks recourse & open to abuse. Mixed experience of metro from harassment to maintaining some law & order	Provide context of safety & security, allow informal trade but encourage increasing compliance with basic health & safety, promote & monitor formalising of relationships between tenants & landlords
Doornfontein resident & trader	Mixed	Focuses on selected aspects e.g. environmental health while ignoring informal land use arrangements & agreements	Residents benefit from ethics of informal rights recognition, but no recourse, formal relationships provide stability & accountability but exclude poorer traders	Provide context of safety & security, promote & monitor formalising of relationships between tenants & landlords, encourage formalising of trade rentals even for informal & poorer traders
Thokoza hostels	Formally-based informal	Upgrade, recognise, replace with family hostels	Depends on context, satisfaction with support & services, appreciate recognition of informal management system	Recognise & respond to needs of hostel dwellers, allow informal management systems, provide range of options from single sex to family units, including short-stay option
Thokoza informal settlement	Informal	At time of interviews, very little engagement, plans to formalise & incorporate	Fit into system, explicit social networks, limited opportunities appeal to external authorities	Recognise & stabilise informal land 'rights' & use, attend to Management of interface between informal & other systems, which interests need to be included, negotiated & compromised
Previous political violence in Thokoza	Anarchy	Establish law & order	Flee, risk or lose ones investments, dependent on individual ability & social connections	Establish law & order, develop alerts to trigger responses, engage with consequences

Reading list

Source documents for this case study:

Marx C and Rubin M (2008) *Urban Land Biographies: A study of co-existing land use and land use management in three precincts in Gauteng*. Urban LandMark, Pretoria.

Marx C and Rubin M (2008) *'Divisible Spaces': Land Biographies in Diepkloof, Thokoza and Doornfontein, Gauteng*. Progressus Research and Development, published by Urban LandMark, Pretoria.

Photos: Kevin James

