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# Factors behind urban land justice and inequality in Cape Town

## by **Martha Sithole Hungwe**

### Introduction

Cape Town is often dubbed the most segregated city in the world. Whilst the extent of segregation relative to other cities in South Africa still needs to be validated through research, its existence is apparent to the naked eye. Cape Town, like many South African cities, is marred by the prevalence of the spatial injustice and inequitable power distribution that came with apartheid spatial planning. The sources of inequality and power imbalances lie in various forms of historical and present-day racial spatial segregation and inequality:

- \* income- and wealth-led spatial segregation and inequality (spatial segregation and inequality as a result of income and wealth levels);
- \* private-sector-led spatial segregation and inequality (spatial segregation and inequality initiated by private property developers);
- \* property-market-led spatial segregation and inequality (spatial segregation and inequality caused by property market trends); and
- \* government-led segregation and inequality (spatial segregation and inequality caused by government).

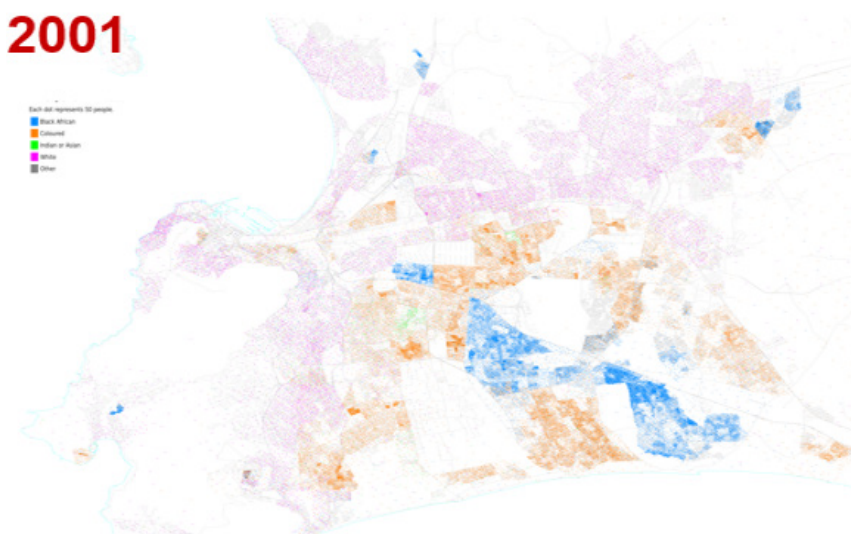
There are those who benefit from Cape Town's spatial distribution and those who are forced to endure. The poor, and predominantly black and coloured groups, are usually at the brunt of the inequality that plagues the city.

### Historical and present-day racial spatial segregation and inequality

Without going into detail about the apartheid era in the Cape Town context, it can be noted that the implementation of the Group Areas Act of 1966 was characterised by land capture and consequent mass evictions of people from what is now the central business district (CBD) and District Six. About 60 000 people were forcibly removed from District Six in particular and redistributed across the Cape Flats in Manenberg, Lavender Hill, Hanover Park and elsewhere. Black households were encamped in places like Langa, Khayelitsha and Gugulethu.

More than two decades after the end of apartheid, most of Cape Town's working class are still excluded from areas where they need to be for work and education as well as for a dignified and safe living environment. The wealthier classes, who tend to be white, live in well-located areas such as the CBD and surrounds, whilst the poorer communities, who are predominantly black and coloured, remain at the periphery of the city. The following images show the persistence of spatial apartheid in Cape Town.

**Image 1 Spatial distribution of people by race 2001**



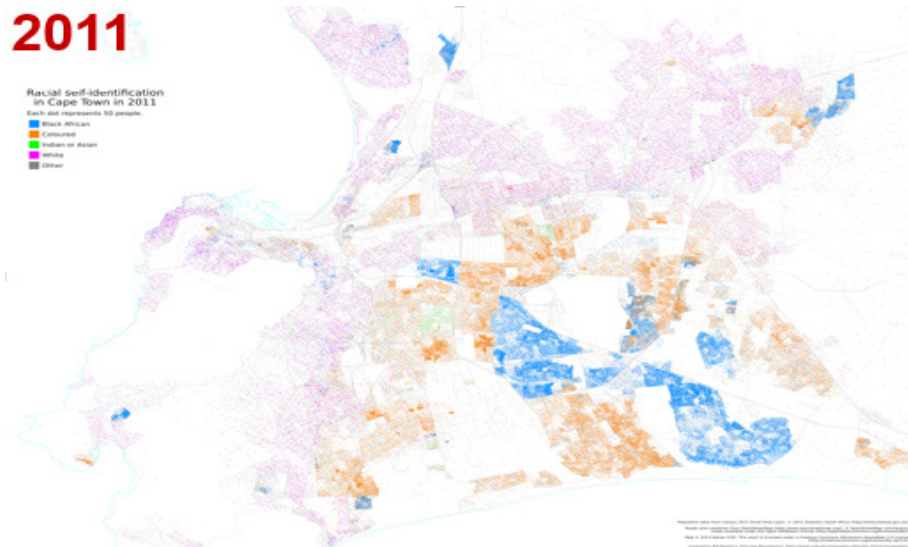
<https://adrianfrith.com/images/dotmaps/Cape-Town-2001.png>

Adrian Frith's map showing racial distribution and segregation in Cape Town. Key: Each dot represents 50 people: Orange = Coloured; Blue = Black; Green = Indian; Pink = White; Grey = Other

Martha Sithole Hungwe was a researcher at Ndifuna Ukwazi. Ndifuna Ukwazi is an activist organisation and law centre that promotes the realisation of Constitutional Rights and Social Justice – through legal, research and organising support to working class people, communities and social movements. Ndifuna Ukwazi leads the Reclaim the City campaign. This is a Cape Town-based initiative for desegregation and affordable housing development in the inner city. Through this campaign, Ndifuna Ukwazi works to advance urban land justice – that is the protection and promotion of access to affordable, well located housing in Cape Town; building inclusive and sustainable mixed use and mixed income communities; and supporting tenant rights and security of tenure in both private and public housing. For more see: <http://reclaimthecity.org.za/> and <http://nu.org.za>

By 2010, the spatial pattern had not changed much as shown in Image 2 below.

**Image 2: Spatial distribution of people by race in 2011**



<https://adrianfrith.com/images/dotmaps/Cape-Town-2011.png>

Key: Each dot represents 50 people: Orange = Coloured; Blue = Black; Green = Indian; Pink = White; Grey = Other

Spatial disparities based on race are still prevalent. Very little integration has happened over time. What little of it has occurred is due to some black and coloured people being able to afford space in the predominantly white areas. Racial integration is slow, and curbed by current residents' fear of other race groups and of crime rates rising and property rates declining due to the arrival of black and coloured people.

### **Income- and wealth-led spatial segregation and inequality**

Other factors that exacerbate spatial segregation and inequality are income and wealth disparities, which have further entrenched apartheid spatial planning. Most of the rich and predominantly white people live in areas where property values are high. Currently, for more black and coloured people to inhabit these well-located areas, they would have to amass more or less the same amount of wealth or at least be earning incomes high enough to afford living in areas such as Sea Point, Green Point, Rondebosch, Kenilworth, Constantia, Upper Woodstock and Durbanville, among others. Unfortunately, black and coloured households do not have a fair starting point due to the restrictive effects of the apartheid regime. As such, fewer can afford space in well-to-do neighbourhoods.

### **Private-sector-led spatial segregation and inequality**

Private property developers have also been instrumental in further entrenching apartheid spatial patterns by buying up property in well-located areas such as Woodstock and Salt River. This results in residents being rendered homeless. An example is Bromwell Street, where a private developer called the Woodstock Hub bought up a cluster of semi-detached houses and is currently trying to evict their residents. The Woodstock Hub intends to demolish those homes and develop high-rise, market-related rental housing stock, which will render the Bromwell families homeless.

Apart from the immediate threat of homelessness, gentrification initiated by the private sector will lead to rising property values in the area, with increasing rentals forcing out low-income households. If there is no intervention, Woodstock and Salt River will become areas where the affluent live, similar to Sea Point and Green Point, and low-income households will be forced to the periphery of the city.

### **Property market-led spatial segregation and inequality**

The property market also influences the apparent segregation and deepening inequality. High property values worsen the affordability of property prices in Cape Town. According to Prime Global Cities Index report by Knight Frank, a global independently owned property consulting company, in the second quarter of 2016, Cape Town was ranked third among cities worldwide with the largest increase in property prices with Shanghai ranked in second place and Vancouver ranked in first place.

Rising property prices culminating in high rentals lead to the exclusion of low-income families, who are predominantly black and coloured, in well-located areas. These families are at times left homeless.

The increase in property investment for holiday accommodation by foreign buyers means that their properties lie vacant for most of the year. This leads to a further proliferation of Airbnb facilities, which provide expensive short-term rental options for those who can afford them but exclude low-income families. All these factors create hindrances for racial and income integration in any well-located area. In so doing, these factors lead again to a further embedding of the apartheid spatial structure.

### Government-led spatial segregation and inequality

All spheres of government have a role to play in redressing spatial segregation. Our Constitution of 1996, the Spatial Land Use Management Act of 2013 and both the Western Cape's and City of Cape Town's Spatial Development Frameworks, together with the City of Cape Town's Integrated Development Plan (2012-2017) and its annual reviews, agree on the need to redress the apartheid spatial pattern. However, what is apparent is that not much is happening on the ground.

### The greatest weakness of RDP housing

It took too long for the national government to realise that the Reconstruction and Development Programme (RDP) was also entrenching apartheid spatial patterns, this by locating the poor at the outskirts of the city where land was cheaper. Once weaknesses were acknowledged, the Breaking New Ground (BNG) Policy was drafted in 2004. However, RDP houses (also known as BNG houses) are still being built far from well-located areas.

### Social housing funding in crisis

The only housing programme which is structured to directly redress apartheid spatial planning by providing affordable rental housing stock for low to emerging middle-income families earning between R1 500 and R3 5000 is called the Social Housing. The roll-out of social housing opportunities has been curtailed by the fact that the financing structure has not changed since the inception of the Social Housing Investment Programme in 2008. The national

government must review the Restructuring Capital Grant and the Provincial Institutional Subsidy so that they reflect current construction costs. Social housing institutions responsible for building and managing social housing projects have been advocating for this for a long time, but the national government is not coming to the party.

### Mega-project approach to housing delivery vs infill development

Another problem is the concentration on megaprojects in greenfield areas instead of infill affordable developments, where government builds affordable housing on unused land in existing well-located areas. This is an issue countrywide. The City's Spatial Development Framework calls inter alia for the City to

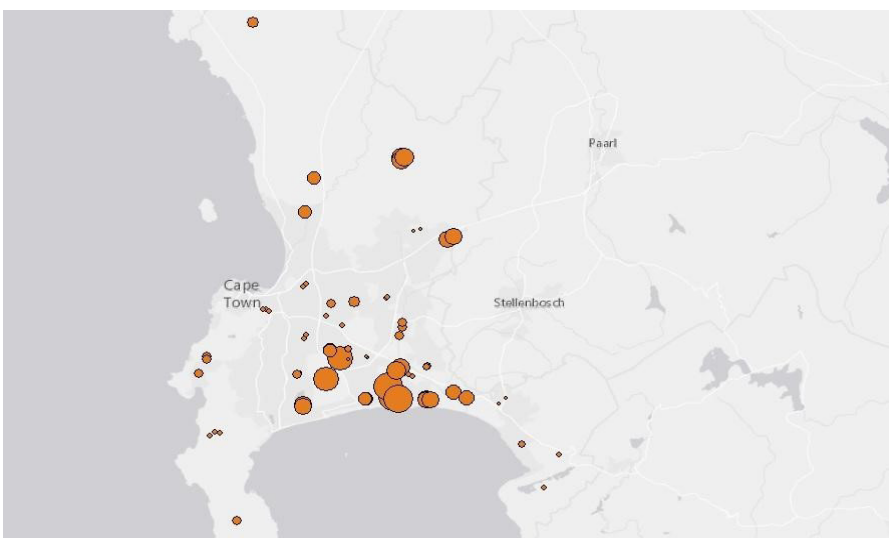
- \* where appropriate, use publicly owned infill sites to help reconfigure the distribution of land uses and people; and
- \* increase low-income earners' access to affordable housing which is located close to the city's economic opportunities.

### The City's modus operandi in housing delivery

Zooming into our current context, the City of Cape Town's 2016 Capital Budget is a key document identifying which capital projects are under construction, for how much and in which ward. The budget shows that most of the housing projects under way are located in wards at a distance from well-located areas, such as the CBD and surrounds in particular.

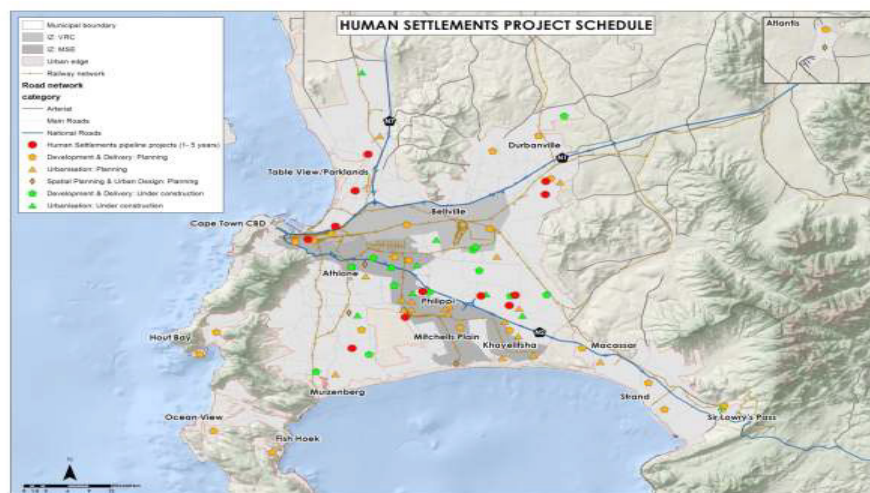
The City's 2016 Integrated Development Plan (IDP) Review shows that, again, the majority of its planned housing projects are located further out, mostly in the Cape Flats where people were relocated from the CBD and immediate surrounds (District Six, for instance) by the apartheid government (see Image 3 below).

**Image 3: Planned housing project in Cape Town**



Most of the developments are not along any existing economic corridors or nodes such as the Voortrekker Road corridor or the Southern corridor, but are in the Cape Flats. On the one hand, one could argue that where the projects are planned, that is where most of the informal settlement pockets and most of the people in need of housing are, so there is need for housing there. Moreover, in terms of practicality, it seems easier for the City to keep people there instead of breaking up existing communities and moving people away to new homes elsewhere. On the other hand, by doing so, the municipal government is endorsing apartheid spatial patterns.

**Image 4: Human Settlements Project Schedule**



Source: City of Cape Town Built Environment Performance Plan 2015/2016

The Human Settlements Project Schedule uses red dots to highlight City housing projects under way at that time; yellow dots and triangles for those in the pipeline; and green dots and triangles for those under construction. Note that there is only one project planned for the Southern Suburbs Main Road; two planned for the inner city and surrounds (the oldest economic node in the country, which is yet to receive a single subsidised rental unit); and four along the Voortrekker Corridor.

### The City's role in private evictions

In addition, the City of Cape Town has claimed that it has no hand in curbing private evictions, or at least in providing alternative accommodation when they happen, which is the case at Bromwell. We have learnt that the City of Cape Town has a constitutional obligation to provide temporary alternative accommodation for evicted people in or as near as possible to the area from which they are evicted. This obligation was confirmed by a Constitutional Court judgment in 2011, in *City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties*. The matter is currently before the courts, where Ndifuna Ukwazi, an NPO advocating for affordable housing in well-located areas, is advocating for the City to provide alternative temporary accommodation in the event of private-sector-led evictions.

### Government-led evictions

The Western Cape Government is in the process of evicting low-income families from government rental stock in De Waal Drive, Naruna and Rugby. The rental stock from which these vulnerable families are being evicted is in well-located areas. The effect of this is homelessness and an increase in the housing backlog of both the City and the province. If the families get public housing, it will be on the outskirts in City stock in areas like Wolwerivier.

### Sale of well-located state land

Both the City and Western Cape Government are failing to acknowledge the social value of land and are only considering its economic value. If government considered the social value, they would avoid making decisions regarding the affordability of land for subsidised, rental, social and gap housing programmes and projects on the basis of price alone. This would lead to well-located land being reserved for affordable housing.

### Absence of an affordable housing plan for all established economic nodes and corridors (portfolio approach)

Neither the City nor the Western Cape Government has a comprehensive spatial plan detailing where and how affordable housing, for rental and ownership, will be provided in the short, medium and long term in established economic nodes and corridors.

They must develop a comprehensive plan, which includes a spatialised inventory of all existing subsidised housing units, including those which have been lost to market uses. This should include more detailed plans identifying land suitable for affordable housing within each precinct. The plan must include phasing and deliverables. Such a roadmap will undoubtedly create more transparency in the way in which state land is dealt with.

As the largest and oldest economic node in the Metro, the CBD and surrounds should be the first spatially defined unit of analysis for such a plan. In its case before the courts, Ndifuna Ukwazi argues that this priority area includes Sea Point in the west to Salt River in the east.

In the absence of such a plan, the ongoing and ad hoc disposals of municipal and provincial land are in fact hindering the City's and Western Cape Government's ability to create a more inclusive and compact Metro. As a result, the poor will always be located far from economic nodes and corridors, including the CBD and surrounds.

## Conclusion

In order to reverse the negative effects of spatial injustices and inequalities that came with apartheid and that are still apparent today, there is need for intervention. This will have to be effected by the government. The preamble of the Constitution of 1996 declares: 'We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights ... (and) improve the quality of the lives of all citizens and free the potential of each person ...' Therefore, the government bears the primary responsibility for effecting transformation with regards to the economy.

This should be done through more than legislation, frameworks, policies or even planning documents. The government needs to take direct actions that will lead to spatial equality and prevent deepening inequality. Some of the challenges to this come from opponents to change and integration, namely the private sector, which is profit-oriented, and well-off individuals who cannot imagine living next to someone different to them in terms of social class, race and income. Market forces, too, need to be kept in check to allow free-market behaviour from hindering excessive exclusion of the vulnerable.

In addressing the inequalities at source, there is no need to be extreme to the effect that private developers are squeezed out and 'flee'. There is need for a delicate balance. However, the status quo cannot be left as is.

Even after the necessary strategic steps and actions have been identified, the obvious question that remains is whether the government has the ability and political willingness to address continuing segregation and inequalities. Other cities around the world – London, Berlin, Sao Paulo, Finland and New York – have taken positive stances towards the provision of high-quality affordable housing in well-located areas. This, in other words, is not only a resource question but a question of political will.

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