



5 Breaking down the binary: Meanings of informal settlement in southern African cities

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Informality is a ubiquitous characteristic of urban life in Africa and elsewhere. Although the phenomenon of informality is loosely understood as the strategies and institutions that develop beyond the regulatory framework of the state (Abdoul 2005), a rigid distinction between formal and informal sectors precludes the possibility that informal sectors could be complementary to, rather than incompatible with, the institutions and regulations of the state and the formal market (Roy 2005). Similarly, although informality also represents poverty (Fabricius 2008), Roy (2005) takes issue with the way in which the dominant frames through which informality is studied equate informality with poverty. Reflections on the tendency to think in terms of a formal–informal binary emerged in the late 1970s, half a decade after the concept of the informal economy was coined (Dick & Rimmer 1980; McGee 1978). In today's urban climate, it may be more useful to think of different interests that shape strategies to compete for resources in cities (Roy 2004).

This chapter illustrates local particularities of informal settlement and its development over time, bringing together empirical data and secondary material collected by each of the co-authors while separately researching different questions related to informality, but which have informed common conceptual and theoretical concerns. Understanding informal settlement requires a closer look at particular urban areas, which may offer grounded and contextualised perspectives. Informality in housing and tenure is disproportionately represented in Africa, and developing countries in general, and produces its own extensive environment, usually called slums. Although the number of slum dwellers remains contested, as the process of producing figures is far from accurate, UN-Habitat (2003) estimates that a sixth of the world's population – upwards of one billion people – live in slums, and sub-Saharan Africa is home to the largest portion of slum dwellers compared to other regions.

The high proportion of informal settlement in southern Africa presents an opportunity to gain insight into the diverse realities of informal settlements. Examples are drawn in this chapter from five cities: Luanda, Maputo, Cape Town, Ekurhuleni and Johannesburg. The shared history of informality and informalisation in these cities, as well as certain political and social differences, provide rich veins for comparative analysis to test theory using empirical examples. The national and economic contexts mean that Luanda and Maputo differ in some respects from the South African cities (in similar ways). Yet all the examples include a diverse range of grass-roots strategies that often combine elements of formality and informality.

This raises the possibility of conceptualising a dynamic and interdependent formal–informal hybridity. It also raises a difficulty for this chapter, which uses the term ‘informal’ in different ways. The discussion cites and interprets examples of dominant definitions, including those used in policies and by city authorities. This occurs particularly in the chapter sections that locate informality in the literature and challenge various established uses of the term. However, the term is also used descriptively in the sections of this chapter that discuss the heterogeneous dynamics and changing character of informal settlement in the five selected cities, and demonstrate that while informal settlements may lack characteristics of formality, they also provide certain benefits and aspirations for their residents. The authors argue that such an approach has greater potential to advance the political inclusion of poor people, as it challenges the expectation that residents should wait patiently for formal delivery, an expectation that is implied by the dominant normative order. The analysis, which leans towards complexity and hybridity, may be applicable more broadly, although it is not the aim of the chapter to generalise. It does, however, have implications for state action.

In South Africa the expectation of the poor to wait for formal delivery is particularly marked. Since the early 1990s, due to the influential publications of the Urban Foundation (see Urban Foundation 1991), official definitions of informal settlements have focused primarily on the physical top structure (Huchzermeyer 2004). The Urban Foundation, which looked to the World Bank and UN-Habitat for inspiration, facilitated a shift in official terminology in South Africa from ‘squatter settlement’ to ‘informal settlement’ in the late 1980s and early 1990s. Definitions of informal housing that focus exclusively on the physical top structure obscure the extent to which such households lack basic services, occupy land illegally or live in conditions of insecure tenure (Huchzermeyer 2004). In addition, such definitions illustrate two common elements of established understandings of informality. Firstly, the discourse is dominated by a binary conception of formality and informality as stark opposites: the dichotomy of formal versus informal housing for the urban poor. This duality informs the second element: a view of informal settlement as a standardised phenomenon. The fluidity and complex social relations of such settlements are for the most part lumped together into one homogeneous category. This chapter, though, considers what can be learnt about the local specificities of informal settlement by looking at its incidence and development in the five selected southern African cities. In Luanda and Maputo, the capital cities of two lusophone countries, the concepts ‘formal’ and ‘informal’ emerged in the 1990s, slightly later than in South Africa, and were commonly applied to settlements and housing by scholars and others under the influence of multilateral agencies only in the 21st century (Forjaz 2005).

Evidence from five cities in three southern African countries

The reality faced by most cities in Africa and the developing world is one of increasing urban populations residing in expanding urban peripheries. This evolving process suggests the need to consider how we have arrived at this point. Concerns around land,

tenure, legality and rights are not new concepts in the three countries examined here, and complex legal and social responses to informality and different forms of ownership have been a common feature in each (Meneses 2006). Pre-existing traditional forms of land tenure, and colonial and postcolonial land-tenure systems have historically taken on a range of interactions, which have included, running in parallel to each other, adopting and adapting some of each other's features and being totally overtaken, removed or replaced by a more 'modern' system (Cotula 2007). Therefore, the current move to regularise and formalise informality is part of a much longer trajectory of the modernisation of land and tenure systems in each of these countries.

Various periods of transformation, followed by rapid urbanisation, have triggered episodes of informal settlement in cities across the southern African region. These triggers include political events such as wars and changes of government, economic cycles and changes in macroeconomic policy, environmental and natural disaster, and rural-urban and cross-border migration. While cross-border migration has grown exponentially since 1995 (Crush et al. 2005), the causes of migration are 'multiple, variable, scale dependent and often country-specific', and the relationship between migration and development cannot be generalised, as 'there will be a myriad of local exceptions' (Crush & Frayne 2007). Variation is also apparent between the countries and cities that inform this chapter.

Luanda has grown since the 1940s, when industrial and commercial development, and the opening of a new port attracted a rural population who settled in peri-urban areas called *musseques*. From the 1950s onwards, the same trend was evident in Maputo (then called Lourenço Marques), with industrial development extending to the neighbourhoods of Matola and Machava. South African cities have a longer history of rural-urban migration. One of the earliest waves of urbanisation took place in the early days of industry, at the beginning of the 20th century, when crop failure and the lure of cash wages combined to attract rural dwellers to the cities (Goldberg 1996). A second surge occurred during World War II. The black population of Johannesburg, for example, increased from 244 000 in 1939 to 400 000 in 1946 (Harrison 1992). Inevitably, there was a proliferation of predominantly black, unregulated settlement. In 1948 the Fagan Commission responded to the relaxation of racial separation with a recommendation for 'orderly urbanisation' (Omer-Cooper 1994). However, on 4 June 1948, the National Party came to power, ushering in the era of apartheid, and leading to a period of settlement eradication between 1948 and 1966. The cornerstones of racial legislation in the early apartheid period were the Group Areas Act (No. 41 of 1950) and the Prevention of Illegal Squatting Act (No. 52 of 1951). As a direct result of this legislation, by the mid-1960s unregulated settlements had been replaced by sprawling townships on the urban peripheries. The city profiles at the end of this book provide further local context.

Alongside urban migration, national historical events have provided a number of parallels and differences among the five cities under discussion (see Box 5.1). These have become apparent in the last three decades, and are highlighted in the city profiles section.

BOX 5.1 COUNTRY CONTEXTS: ANGOLA, MOZAMBIQUE AND SOUTH AFRICA

After 10 years of armed liberation struggle against the colonial powers, both Angola and Mozambique gained their independence from Portugal in 1975, at the height of the Cold War. This timing contributed to the prolonged and devastating civil wars into which both countries were plunged at the end of the 1970s. Both wars were fought between the socialist-oriented new independent governments and opposing movements supported and armed by South Africa and other anti-Soviet countries. In the early years of independence, both states implemented a single-party system and planned economies. Both economies were harmed by an immediate exodus of the skilled Portuguese population from the former colonies in conjunction with substantial infrastructural damage inflicted by the various military forces.

In Angola's case, these forces plunged the country's manufacturing industry into enduring crisis, and Angola experienced perpetual shortages of foodstuffs and other essential goods (Bhagavan 1988). The national economic crises, the fact that the majority of their people were living in poverty, the need to access external funding and Western pressure impelled both Angola and Mozambique to shift to market economies and multiparty systems during the turbulent late 1980s. Today, the Angolan economy is driven by oil production, while subsistence agriculture provides the livelihood for most of the rural population, as it does in Mozambique. In that country, however, almost a quarter of GDP is generated by aid, although recent agreements have brought foreign debt to a manageable level.

In South Africa, the apartheid government maintained its monopoly on power and resources until the late 1980s, when its deepening isolation forced it into protracted negotiations that eventually favoured the liberation movement, though with many compromises on its part, and led to a relatively peaceful transition in the early 1990s. All of South Africa's cities are culturally diverse, but have been characterised by socio-economic and political cleavages between the races, enforced segregation and limited opportunities for the black population. With the abandonment of the policy of apartheid and a change of government in 1994, the situation is gradually changing. However, South Africa's abundant supply of natural resources, well-developed mining, industrial, financial, legal and communications sectors, and robust economic growth have not sufficed to lower the country's critically high unemployment and poverty rates (CIA World Factbook 2007).

As a result of contrasting national socio-economic and political histories, the significance of land and tenure also varies in the five cities. State control of land within the national boundaries by means of a cadastral system is the status quo in most modern countries. Such systems comprise a cadastral map and register of the location, size, boundaries, value and ownership of parcels of land (Van den Berg 2003). Where land is national property, investors can buy land from the state and sell it to willing buyers, or land-use concessions can be allocated by the state.

In the first years of independence, Angola and Mozambique both nationalised land, and state officials in both countries supported the settlement of new arrivals in existing urban suburbs. Migration into Luanda and Maputo was no longer associated with industrial growth. From independence onwards, Luanda experienced a flood of inward migration, partly due to the return of Angolans who had fled the country during colonial rule (Bhagavan 1988). The attraction of Maputo was linked to

several of the new government's policies, which favoured the urban population (Oppenheimer & Raposo 2002). During the prolonged civil wars in both countries, migration from rural areas into the capitals contributed to accelerating urban growth. In the context of limited capacity for urban planning and a failure of governance and urban management, people newly arrived in the city often settled on available public land, even where this land was inappropriate for construction, subject to erosion or flooding, or reserved for infrastructural projects. Such settlements contributed to deteriorating environmental conditions, and aggravated the shortage of basic services and urban infrastructure in these areas (Raposo & Salvador 2007).

Post-independence land nationalisation in Angola and Mozambique meant that residents of self-built, peri-urban settlements enjoyed a level of tenure security. In the absence of private land ownership and land market pressures, their main concern was access to basic services. This approach was reversed with the arrival of a market economy from the end of the 1980s and the emergence of a market for land outside of the control of the state. This happened earlier in Luanda than in Maputo, where the informal economy was suppressed until the late 1980s (Lopes et al. 2007). Luanda has been marked by Angola's oil rentier economy, which concentrates wealth in the hands of a small, powerful political and economic elite (Yates 2012).

A series of land-use concessions followed the introduction of the market economy in both countries. Land remained state property in theory, but economic reform provoked a scramble for land and abuse of the land registry by senior officials, who got 'hundreds of square kilometres and never even [went] there' (Shaxson 2000). From the late 1970s, the Mozambican government considered the suburban areas of Maputo as part of the city, and invested in their improvement. It preferred to use the terms 'urbanised', 'half-urbanised' and 'non-urbanised areas', in opposition to the legacy of a stark differentiation between the colonial city centre and the peri-urban areas. In recent years, however, the growth of a market economy has been accompanied by a renewed reinforcement of the contrast between the urban centre and peri-urban areas.

In both Luanda and Maputo, recent strategies of privatisation and deregulation aimed at maximising urban productivity and competitiveness have led to major urban renewal projects, resulting in new spatial divergence: office buildings and gated communities; privatisation of urban services and housing; gentrification in the centre; and the peripheralisation and extension of informal settlements. Although Mozambique differs markedly from other southern African countries with regard to the degree of 'felt need' for land reform (Hanlon 2004), there have been concerns that concessions are granted to enterprises more easily than to smallholder households and farmers (Myers 1994). Insecurity and ambiguity of land tenure, 'compounded by the perception that such a situation is not a problem' characterise Mozambique's slums (UN-Habitat 2006). At the end of the last century, the increasing resort to removals has accentuated this concern, in particular for poor people. Mozambique's recent Land Law (Law No. 19 of 1997) was passed despite donor opposition, and promotes the upgrading of informal settlements, with land remaining state property.

The government does not have the resources to erase informal settlements and move residents to formal housing, yet the law does not entirely protect ordinary people, and transactions are not properly recorded, which may lead to future conflict over land (Myers 1994).

In South African cities, the relationship of residents with land has been of great consequence for more than a century and has led to a myriad of variations between and within low-income settlements. Both colonialism and apartheid served to 'strengthen the links between national sovereignty and control over land' (Wisborg 2006). South Africa's informal settlements have experienced multiple reversals of fortune. Despite policy efforts to control movement, the 1970s witnessed another period of urban-bound migration. Whether because of dwindling government finances or support for low-income housing, greater acceptance of informal settlement and a move towards self-help, site-and-service areas became apparent from the 1980s. The resulting increase in sparse, self-built shelter occurred largely adjacent to the peripheral townships. The repeal in 1986 of the apartheid pass laws, in the form of the Native Urban Areas Act (No. 21 of 1923), which had controlled the movement of black men between rural and urban areas for over 50 years, triggered yet another period of intensive urbanisation. While some efforts were made towards the reform of housing and racial policy from 1986 onwards, poor people increasingly settled in self-built homes on open land in city peripheries and in the cities themselves.

Contemporary contestations over urban space

From the early 1990s, South Africa and Mozambique began processes of political and economic transformation, reconstruction and development, while Angola was once again plunged into a violent conflict. Following the death of Angolan opposition leader Jonas Savimbi in 2002, a ceasefire and peace settlement paved the way for an era of rapid economic growth in Angola, driven by increasing oil production and the introduction of a new constitutional law. Angola became a member of OPEC in 2006 and held legislative elections in 2008, but presidential elections were postponed and integrated with legislative elections, potentially strengthening the presidential regime. Although no census has been conducted in Luanda since the last Provincial Census of 1983 (Lopes et al. 2007), there is an apparent increase in urbanisation.

In both Luanda and Maputo, urbanisation has accelerated at the urban periphery due to in-migration as well as displacement from the urban centre. The duality between formal and informal areas and social groups has increased in both cities in recent times, but more acutely so in Luanda. Here, the dominant class is the principal actor in the market's configuration of 'state privatisation' (Hibou 1999). A substantial loan from a Chinese bank has allowed Angola some breathing space against the pressures of the Bretton Woods institutions. However, the country has substantial debt incurred by its bilateral loan agreements. Since the end of the civil war, the capital has become a platform for intensified urban renewal coordinated by the provincial government, which is dependent on the country's president. The present policy of beautifying the

city relies on the eviction of poor residents from centrally located informal settlements on land of higher value (Raposo 2007), and there have been several operations involving the forced, violent removal of lower-income residents of central Luanda to the far periphery. Angola's Law of Territorial and Urban Management (Law No. 3 of 2004) and Land Law (Law No. 9 of 2004) have provided the residents of Luanda with a degree of formal protection against arbitrary evictions by requiring compensation to be paid in the case of expropriation, and by limiting expropriation of land allocated for specific public use (Foley 2007). In the absence of the necessary implementing regulations, however, formal legal improvements have had little practical effect, and evictions have continued. In 2009 nearly 3 000 families were reportedly left homeless by a single slum-clearance operation.¹ SOS Habitat and Human Rights Watch (2007) have documented 18 large forced evictions implemented without warning between 2002 and 2006, involving the destruction of up to 3 000 homes with all their contents, and accompanied by violent arrests. As only a minority of Angolan state officials responsible for housing advocate *in situ* upgrading of informal settlements (Gameiro 2005), eradication remains the main official solution. Informal settlements are replaced by formal areas for the upper classes, pushing the poor to the city peripheries. Nevertheless, given the precarious living conditions and the limitations of community-based organisation and NGO interventions, calls for government action have been heard: 'The community has the responsibility to identify problems; solving problems is the government ... the government is father,' a teacher commented at a meeting in peri-urban Luanda (Oppenheimer & Raposo 2007).

In Mozambique the official discourse on housing is marked by the alternative solution – *in situ* upgrading and its paradigm of avoiding removals and relocations. The first example of this in Maputo, successfully conducted in two neighbourhoods in 1976, led by the Faculty of Architecture and Physical Planning at Eduardo Mondlane University, continues to serve as a reference for new pilot projects, (Forjaz 2005). According to Article 91 of the Constitution of Mozambique (1990, adapted in 2004), it remains the duty of the state to provide infrastructure and to support local home ownership. However, neither the national nor the local state has the resources to exercise this duty in the underserved parts of Maputo, where 70 per cent of the city's inhabitants reside. The data produced by the Mozambican censuses in 1981, 1997 and 2007 facilitated detailed and spatially specific statistical studies, which have included informal settlements (Henriques 2008). Despite growing urban renewal, no evictions of residents from the centre of Maputo to its periphery had been recorded until the beginning of the 21st century. There were two main causes for peripheralisation to the outlying areas of Magoanine, Mumenho and Mali: resettlements in planned peripheral areas following the dramatic floods of 1998 and 2000, and a gradual process of gentrification in the city centre. The latter involves the sale of centrally located flats and informal but central houses and plots to the higher classes, which leads to the purchase, on an individual basis, of peripheral land for housing by lower-income residents (Raposo 2008). While peri-urban households were not forcibly removed in the early 2000s, market forces effectively began to evict them on a small scale. Private developers negotiated with neighbourhood

committees and influential individuals, who would create the false impression that they were operating with a degree of sanction from the municipality, and pay people to move to the peripheral areas.² People whose households depend on their location for their livelihoods are put at greater risk by relocation to the periphery, forcibly or otherwise.

In post-apartheid South Africa, the occupation of private and state-owned land for self-built settlement has increased despite measures to improve housing development. With the election of the ANC in 1994 came the stated objective to improve housing development and the Reconstruction and Development Programme, a comprehensive framework to guide future housing policy. The Housing Act (No. 107 of 1997) defines housing development as ‘the establishment and maintenance of habitable, stable and sustainable public and private residential environments to ensure viable households and communities’. Thus began the building of dwellings to house the urban poor; over 2 million have been completed. However, the state’s inability to keep up with demand for low-income housing, coupled with rising property prices, has fuelled the need for affordable shelter. A shack dweller at Khayelitsha Site B clinic, Cape Town, told Tredoux (2008): ‘People are tired of telling the government what they want; they want the housing issue to be solved; the people are tired of talking to officials; they consult with them so much, but nothing happens – they want implementation.’

Sprawling shack settlements and government housing projects are both now major components of South Africa’s urban fringes. Today, the devastating effects of relocation to the urban edge are exacerbated by increasing energy costs, which are reflected in transport fees. When residents of Joe Slovo settlement in Cape Town resisted relocation to new, state-built housing in remote Delft, a community task team chairperson ‘accused the ANC government of implementing “apartheid laws” under which people were moved to distant areas where there were no job opportunities or access to transport.’³ A resident who had been moved from the centrally located informal settlement of Makause, in Ekurhuleni, to the peripheral temporary relocation area at Tsakane told Kornienko: ‘We don’t want to move ... the school is going to be far from our kids ... my husband is working around here ... we pay school fees for our kids and he may also use it for transport ... so now that money it’s enough for us ... we do not want to move and go far from this place.’ The rate of social and economic failure increases with relocation to urban peripheries, but South African cities have kept their basic morphology of low-income black communities on the periphery and wealthy, generally white, residents close to economic and social opportunities. Goebel (2007) notes that ‘mobility patterns of the city’s inhabitants remain strongly racially defined’.

Although South Africa’s cadastral system, with its high level of accuracy and detail, ‘is equal to the best in the world’, it has been criticised because the ‘myriad bureaucratic and legal procedures that back up a state-of-the-art system’ may be ‘inappropriate to a rapidly urbanising society’ (Van den Berg 2003). Within neoliberal orthodoxy, urban land is the assumed universal key to growth in the urban economy, global competitiveness and world-class status. Paradoxically, the key South

African characteristic of tenure insecurity is often left out of official definitions of informality, as in the South African census where the phrase ‘shack not in backyard’ conflates shacks in unauthorised settlements with shacks in legal serviced sites (Stats SA 2001, 2008). Other than an aggregated total, accordingly, no accurate census data exists on informal settlement. The seemingly astute ability of the South African state to gather information is therefore not harnessed across the board.

An apparently progressive shift in South African housing policy in 2004 sits uncomfortably with certain other national and international developments. In 2000, following much debate and an acclaimed ruling by South Africa’s Constitutional Court in the ‘Grootboom’ case, Chapter 13 brought the country’s Housing Code closer to its Bill of Rights, which includes a qualified right to housing. Although the 2004 policy specifically outlines the basis for all citizens to have access to secure tenure, potable water, acceptable sanitation and electricity (Department of Housing 2004), realities on the ground remain different. For example, the residents of Harry Gwala settlement, outside Ekurhuleni, took their demand for interim services to the Constitutional Court (*Nokotyana and Others vs Ekurhuleni Metro and Others* 2009), where they were turned down. In a separate case, it took two years for the courts to invalidate a section of the KwaZulu-Natal provincial Elimination and Prevention of Re-emergence of Slums Act (No. 6 of 2007), which had given the premier of that province the power to require landowners and municipalities to instigate eviction proceedings wherever people were unlawfully occupying land or buildings. Despite the ideals expressed in policies, a settlement without a layout plan or some other kind of official approval is thus in a position of risk.

Challenges to universal definitions of informality

Just as informal settlement is a global phenomenon, so are the idiomatic and sometimes derogatory expressions that are used to describe it. Although vernacular terms abound, some local definitions of settlement informality in southern Africa focus on visible physicality. The term ‘*musseque*’ (Portuguese for red earth) refers to those parts of Luanda where the colonial authorities settled black African people; *caniço*, which means the reeds commonly used to build shack walls in Maputo before independence, was used by the colonial authorities and the first independent government; the Afrikaans word ‘*hokke*’, used by residents of shack settlements in the Western Cape, refers to animal pens; while the isiZulu word ‘*mjondolo*’, used in KwaZulu-Natal, is derived from the term for tractor crates used as shacks in the 1970s (Gibson 2008). This practice of describing the appearance of informal structures has been reflected in influential discourses. Informal housing has also been defined as ‘shelter usually constructed with unconventional building materials’ (Urban Foundation 1991) and categorised according to its location: ‘either structures in the yards of conventional, rented houses in black townships, or in large shanty settlements’ (Sapire 1992).

The proliferation of policy recommendations and other literature that rely on universal or homogenising understandings of the term ‘informality’ has been a

challenge for urban scholars. UN-Habitat (2003) defines 'slums' as displaying any of the following conditions:

- absence of secure tenure;
- inadequate access to sanitation;
- inadequate access to water;
- inadequate shelter; and
- exposure to risk.

Referring, as this definition does, to a wide variety of conditions of precarious urban existence, substantial parts of the five southern African cities analysed here could fall under this definition. Since aspects of the definition could apply even to up-market areas in the southern African region, it seems too broad to be analytically useful.

In addition, Durand-Lasserve (2004) has argued that existing definitions often say what informality is not, but do not say what it is. In much policy-oriented work, definitions of informality have been articulated in terms of what informality lacks, rather than the lived reality and interpretations of those who forge a space for their households, despite most often being unable to pay the costs demanded by the official, standardised, legal property market. In stark contrast with the formal market, informality is considered:

- not legal, not official, not registered;
- not standard;
- not articulated by the market;
- not in a first, but in a second, economy;
- not conforming to land and building controls;
- not compatible with the formal or planned, modern city;
- not dignified;
- not stable; and
- not secure.

As they are widely used, these inaccurate descriptions serve to lump together a range of arduously constructed household strategies so that they may more comfortably be cast as opposite or other to the mainstream, the normal and the desired. In tension with this approach, universal, homogeneous definitions of formality and informality may be challenged using empirical evidence from the housing and shelter sector.

The fact that illegality and absence of official sanction are key components of dominant definitions of informality could mean that settlements do not conform to land-use controls, dwellings do not conform to building regulations and land is invaded without permission or sold with defective title (Augustinus & Lacroux 2003). Illegality can have different meanings for those who live in illegal dwellings. One meaning is the experience of repression, in physical or psychological terms, such as harassment, which has destructive social and economic outcomes (Durand-Lasserve & Tribillion 2001). Whereas recent scholarship criticises the limiting practice of defining informality as illegality (AlSayyad 2004; Barchiesi 2007; Mohamed 2006), government officials, however, continue to embrace legality and illegality as useful delineators (Groenewald 2008; Tredoux 2008). The state controls decision making

on what is considered legal and illegal, and views of informality can range from its being regarded as unofficial (LEAP 2005), or extra-legal, to criminal (De Soto 2000; Durand-Lasserve & Royston 2002).

These descriptions are at odds with the post-independence context of new, self-built settlements in both Luanda and Maputo, where such settlement often took place with official approval, even though it was not registered. In Maputo, the Grupo Dinamizador, namely local representatives of the state since the first years of independence, had an important role in this regard until early in the 21st century. In Luanda and Maputo, residents cannot be said to be occupying land illegally. Tenure insecurity stems from other factors, including the increase in land values due to foreign and national investment, the emergence of an unregistered property market and recent natural disasters. Although it is true that shanty towns in South Africa's major cities are often 'the direct result of illegal occupations in the past' (Greenberg 2004: 31), legal site-and-service schemes have existed for decades. In 1991 a committee representing the residents of the Marconi Beam settlement in Cape Town, for example, accepted the municipality's proposal to declare a large portion of the occupied land as a legal 'transit area' where essential services, such as water and waste removal, would be provided (Saff 1996). On the Witwatersrand, where the present-day municipalities of Ekurhuleni and Johannesburg are located, urban growth had forced the hand of the authorities even earlier. In 1987 a transit camp was declared at Weiler's Farm, in southern Johannesburg, where illegal African tenants had first settled in the 1960s. Two years later, other residents of Weiler's Farm were relocated to a legal site-and-service scheme at Orange Farm, also in Johannesburg, and in the same year, residents of informal settlements on the East Rand, in present-day Ekurhuleni, were also relocated to far-flung site-and-service schemes (Sapire 1992).

The description of shacks as inadequate, and of the people living in them as lacking in dignity, often quoted as a rationale for the eradication of informal housing, is also problematic. Although shacks are not desirable dwellings, the people living there may have little alternative. Poverty and material deprivation are immediately apparent in the sparse and rationalised interiors of shacks, as is the shortage of water, sanitation, electricity and other services, and these factors present significant health risks as well as an image of deprivation (Abbott 2000; Bryant 2008). In Luanda and Maputo, acquiring basic services, currently lacking, is a priority for residents and their delivery is regarded as a pertinent indicator of neighbourhood development (Raposo & Salvador 2007). In interviews, residents of informal settlements in Cape Town also identify basic services as a priority, and their lack leads to a perception of informal-settlement residents as people who lack dignity (Tredoux 2008). The residents of several informal settlements, of which Harry Gwala in Ekurhuleni and Diepsloot in Johannesburg are just two examples, participated in a recent spate of protests over inadequate services in Johannesburg (Atkinson 2007). But given the reality of extreme levels of poverty and housing shortages in southern Africa and elsewhere, informal settlement continues to play a vital role in the lives of the most vulnerable city dwellers (Pithouse 2008; Pottie 2003). Barchiesi (2007: 26) argues that this characteristic of informality presents challenges to 'both a clear definition of

the border between formality and informality, and conceptualizations of informality relying predominantly on juridical and economic categories, such as pathologically extra-legal or survivalist and located in a second economy, which affirms the formal sector as the desired norm.

Ordinary people's aspirations to reside in a particular place is, however, just one factor that, in all five cities, drives the informal land and housing market, in clear contradiction to the idea that the informal sector is unarticulated by the market or seated in a second economy. It is true that many shanty settlements are not strongly articulated by market forces, since they may be the result of socially motivated land invasions, or maintained by strong reciprocal networks and formal governance structures. However, this does not prevent self-appointed residents' committees or landlords from displacing residents by buying shacks in existing settlements to rent or resell, sometimes with the support of local politicians, as interviewees described to Kornienko in the Makause settlement, Ekurhuleni. Increasing city-centre land values, resulting from concessions to local and international investors, contribute to the precariousness of informal settlements in Luanda and Maputo, where landlordism is growing. Where the state has cited efficient land use to support the clearing of informal settlements, this has had particularly dire effects on residents. In 2002 the informal inhabitants of Boavista, Luanda, were evicted and temporarily housed in tents in Viana municipality, far from the centre. This intervention was justified on the basis of land risk in Boavista, but actually facilitated a property-investment project that provided exceptional views over Luanda Bay (Raposo 2007). In Cape Town, on the other hand, the state's aversion to interference in land markets allows private developers to continue placing commercial developments close to more affluent, white areas and far away from informal settlements, which undermines efforts to desegregate the city and increase the infrastructure that is accessible to poor, black residents (Robins 2002b). In the gentrified Newtown cultural precinct in Johannesburg, skyrocketing property prices have benefited local authorities and private developers at the expense of shack dwellers (Greenberg 2003). As the urban economy grows and land market values increase, so does tenure insecurity and de facto threats of displacement. The informal sector is therefore penetrated and articulated by the formal market.

Land occupations in Luanda and Maputo have for the most part not been officially planned. Having been dictated by customary logic in the colonial era, and by a different logic in the post-independence period, more recently informal settlements have adapted to an economy of rent in Angola and flooding in Mozambique. More ordered exceptions have, however, resulted from certain colonial and post-independence interventions. The several legal challenges to the state's disregard for or displacement of residents of informal settlements, particularly in South Africa, invalidate the commonly held view of informal settlements as the bleak antithesis of the planned, modern city, as do the countless examples of formality in shack communities, in the form of housing committees, police and business forums, women's support groups and an often well-defined civic leadership. Informal-settlement communities in Harry Gwala, Eikenhof, Thembelihle and Protea South,

Johannesburg, have, for example, acquired legal representation as part of their struggle for *in situ* upgrading (Huchzermeyer 2010). Although informal settlements are often typified by the absence of formal urban planning, Cartwright (1991) describes these circumstances as ‘order that is invisible’.

Much of the dualistic thinking regarding informal and formal housing is based on the valorisation of tenure security and its link to poverty alleviation, as is apparent in UN-Habitat’s reporting on slums. The Millennium Development Goal (MDG) on improving the lives of slum dwellers clearly argues for tenure security as a prerequisite for development and inclusion (Garau & Sclar 2004; Rubin 2008). Although the move from untitled or illegal status to a system that is part of the national deeds register allows owners to gain legitimacy according to the official system, ironically rental and retail practices have often continued unabated after the status of settlements have changed (Royston & Rubin 2008). Legal status does make a difference, though, if it takes into account livelihoods, community participation and children’s safety in planning, inclusion of the most vulnerable and prevention of relocations (Macgregor 2008). Although land surveying and registration may reflect the wish to stabilise a highly fluid and dynamic system, they can also undermine social cohesion (Costa & Rodrigues 2007; Robins 2002a).

Residents have, however, begun using a range of alternative tenure options. In Luanda and Maputo, where the state response to housing need is even less adequate than in South Africa, social differentiation within unregistered urban settlements has increased as households with more resources improve their plots and build urban-style houses, which are considered indicators of wealth and urbanity (Raposo & Salvador 2007). In the Wallacedene informal settlement in Cape Town, authorities created adjudication records to provide the holders with the hope of obtaining a registered land parcel, but in reality occupation commonly deviates from these records (Muzondo et al. 2004). In the context of political conflict, until the late 1980s, tenure security in Wallacedene depended on allegiance to powerful individuals and political organisations rather than the list of adjudicated records, while informal transactions since then include full and partial handover, abandonment and subleasing of land parcels resulting from relocation due to work transfers, retirement and other causes (Muzondo et al. 2004). Record keeping has not kept up with these changes (Muzondo et al. 2004).

As identified by recent research in Ekurhuleni, tenure options that could benefit from validation range from titled ownership, manifested by an original title deed, rental, or simply looking after a property (Marx & Rubin 2008). These different forms of tenure do not fall comfortably into the categories of either formal or informal. So-called ‘happy letters’, B-forms and C-forms may indicate the intent to register ownership, but because of the long delays in the transfer of units to individuals and households, these documents have taken on a life of their own (Marx & Rubin 2008). Happy letters are documents signed by households that have received a state-subsidised unit to confirm that they find their units acceptable. B-forms are provided by the South African state to indicate that an applicant has applied for a housing unit within a

specific area or community. C-forms indicate that an application has been lodged with the state for a formal home with no specific location in mind. These documents were originally part of the official system, and were distributed and regulated by the state, but as the promise of state-provided housing receded over time, the forms have become commodities in their own right, each representing a particular tenure status to residents. Furthermore, 'looking after' is a form of tenure that clearly does not fit into the formal-informal binary (Marx & Rubin 2008). The owner and resident may have negotiated the terms of residence, and it is hardly irregular to request a friend or family member to take care of one's property. This prevalent form of tenure may be a benefit or a burden to the individual or household that does the looking after. In some cases, local land-management practices are sufficiently nuanced to capture a wide variety of possibilities in unregistered settlements. This contributes to the ability of residents to protect their rights and claims.

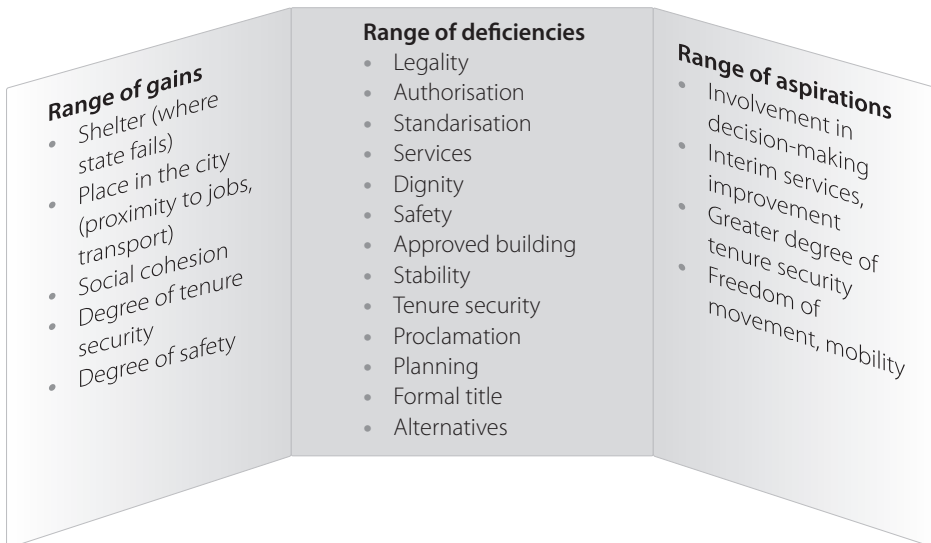
The contemporary state makes its own contribution to the precariousness of life in shanty towns. Precisely because the dominant official solution to informal settlement in Angola and South Africa is to move households to formal housing, a large portion of non-qualifying or transient households are displaced and compelled to settle elsewhere. Efforts to freeze shack settlements, with a view to eradication, are shaping lives in informal settlements. The relationship between informality and exposure to risk and disaster, such as fire, requires further exploration in the search for a grounded understanding of informality. In as much as informally forged livelihoods represent a response to the formal sector, they are inextricably linked to, and affected by, the condition of the formal sector, including state policy interventions. A compelling example of this is the absence of accurate census data on informal settlements below the level of enumeration areas (Huchzermeyer et al. 2006).

Official responses to questions about informality often rely on quantified information or estimates, a tendency that is reinforced by MDG targets. In the wake of the devastating civil wars that left Angola and Mozambique with outdated and vastly inadequate infrastructure and state administrations, MDG targets for Luanda and Maputo seem far-fetched, in particular as they relate to the delivery of basic services to residents of unserved areas (Development Workshop 2007; UNHDP 2006). Definitions of 'informal settlement' in South Africa are shifting in order to better suit the ability of the state to meet MDG targets. A respondent in Johannesburg interviewed by Groenewald said of Orange Farm, a low-income settlement consisting largely of site-and-service areas originating from the late 1980s, 'even if you don't see a [formally built] top structure [i.e. you only see shacks], [the settlement] is formal' (Groenewald 2008). In their drive to demonstrate their effectiveness in eradicating informal settlements by 2014, as mandated by provincial and national arms of the South African government, municipal and provincial government officials have pragmatically narrowed the definition of 'informal' to those settlements that have 'no layout plan submitted to the surveyor general' (Groenewald 2008). Defining informality as illegal allowed officials to claim credit for having formalised all proclaimed areas, without having to improve access to services (Groenewald 2008).

While vast areas may be characterised by the presence of shacks, and until recently were often officially referred to as ‘informal settlements’, the new definition rightly treats site-and-service areas as already formalised. However, a definitional shift of this nature, based only on an attempt to meet centrally determined eradication targets, is superficial and provides no new insight into how best to understand or respond to settlement informality.

In short, interventions are often one-dimensional, in the sense that they largely respond to the deficiencies of informal settlements. Although these deficiencies are real and significant, a more comprehensive way of understanding informality would be to consider that residents of informal settlements experience a broad and varying range of deficiencies, gains and aspirations. These have been conceptualised as the three dimensions of informal settlement (see Figure 5.1). Although life in informal settlements is shaped in a very real way by the absence of legality, dignity and safety, it is equally shaped by a number of advantages or gains that households experience by living in them. These often relate to the location of the settlement in relation to economic opportunities and social services, to the relationships between people in the informal settlement and to the shelter they have been able to secure for themselves. Equally, life in informal settlements is shaped by residents’ aspirations. If successfully organised, and when governments are sympathetic, informal-settlement communities may manage to improve their informal settlements according to these aspirations, addressing the deficiencies without losing the gains.

Figure 5.1 Dimensions of informal settlement



Source: Compiled by Groenewald, Huchzermeyer, Kornienko, Tredoux, Rubín and Raposo

Although accurate data is needed for resource allocation (Hasan et al. 2005), a South African city on average is likely to upgrade at most three out of 180 informal settlements. Each upgrading project takes at least four years, during which much settlement change occurs, to the frustration of most upgrading methodologies, which assume a stable situation (Kornienko 2008). Information on shack numbers and occupants is quickly rendered out of date. Accurate data could help grass-roots social movements hold municipalities responsible for interim servicing of all informal settlements, but few respond to demand. The provincial authority responsible for water delivery in Luanda, for example, has for more than 15 years relied on informal water-truck operators to deliver water to residents. The quality of the water is unreliable, to the extent that in 2006 Luanda experienced one of the worst-known outbreaks of cholera (Development Workshop 2007). Although Maputo's elected municipal assembly is officially responsible for basic water and sanitation services and solid-waste management, it has limited capacity and inadequate funds, like many other municipalities in Mozambique (Paulo et al. 2007). In South Africa, only the City of Cape Town municipality accepts the obligation to provide these services. With the exception of Maputo, city authorities in the southern African region seem to deal with unofficial settlement by attempting to erase it and replace it with a planned and predictable product.

Conclusion: Towards the recognition of complexity and hybridity

It appears that the experiences in the five large cities of southern Africa considered in this chapter attest to the fallacy of viewing informal settlement as a static and homogeneous phenomenon. Informal settlement among these five cities differs in the texture of the articulation of vulnerability by the degree of tenure security and other elements of self-built, low-income housing. In these cities, individual settlements vary in terms of size, density, centrality of location, building materials, types of housing, the level of consent for occupation, ownership and tenure security, risk of eviction and other threats, growth rate, speed of change, commercialisation, level of organisation, degree of consolidation and extent of incremental upgrading. Linked to these variables are variations in levels of social stress.

However, the cities examined all share the contemporary challenges of lagging, insufficient housing delivery and the banishing of low-income housing to the urban peripheries both as a consequence of market forces and government programmes. These processes bolster economic segregation and reinforce existing inequalities. Against disparate national historical and recent policy trajectories, registered housing provision continues its dramatic failure to meet the need in the five cities described in this chapter. The poor have responded by providing the basic need for shelter themselves, rather than relying on the state. The scope and character of settlements therefore change as informal settlement continues. Poor communities in these three southern African countries struggle to access the benefits of relatively progressive national policies, which are not being fully realised. Despite the existence

of these policies, evictions and the preference of the interests of more powerful local and international businesses over those of the residents of shack settlements betray a simplistic understanding of formality and informality in housing and tenure as binary opposites.

Although this chapter has not attempted to apply the argument to sectors other than that of shelter, the need to recognise nuance, complexity and hybridity may be applicable to informality more broadly. Inadequate notions of informality operate in conjunction with negative definitions that cast informality as an extreme, undesired phenomenon, and with the formal–informal binary, which has been shown to contribute to the vulnerability of the poor and is contradicted by diverse evidence from these five southern African cities. Sapire's (1992) warning that 'the several misconceptions about informal settlements and their inhabitants represents a crucial blind spot, given demographic projections of massive urbanisation and the incapacity of the public and private sector to provide formal housing at the rate and scale required' is echoed 15 years later by Misselhorn (2008). Similar scenarios beyond southern African cities make these arguments relevant in a broader context.

Contrasting formality with informality as binary opposites is a particularly problematic misconception. It has been shown that formal economic and spatial policies and practices have a fundamental impact on informal settlement, while policies, in turn, often respond to the incidence of informal settlement. Formal and informal processes therefore do not exist in isolation from each other. Rather, formal and informal land and housing markets articulate each other. A critical consideration that is obscured by the popular range of negative definitions is that informal settlement is often an innovative strategy with which poor people fill the voids in state provision. In this respect, informal housing is an inevitable and even crucial part of contemporary southern African urban landscapes. Simply put, formal and informal processes are neither separate nor separable. The key challenge, then, is to move away from the conceptual contrasting of formality and informality as binary opposites, and instead improve the quality of life of marginalised communities without disenfranchising the residents.

Furthermore, a binary perspective of formality and informality as opposites is problematic, as it informs an understanding of shack settlements as static entities. In practice, such settlement is anything but static. Perhaps the most glaring omission of established definitions of informality is that they ignore the single salient characteristic of informality: that of constant change. Change occurs along a variety of axes within informal settlements. Informal communities respond to a variety of social, political and economic factors and are in a constant state of remodelling. Shifting and often ambiguous policies have caused near-instant reversals of fortune for residents of the region's informal settlements, increasing their vulnerability. Insecure tenure and the threat of eviction are two factors that contribute to the instability of the residents' lives. Often the only conditions that remain constant are the date at which the settlement was initiated and its location. But, even location changes in its meaning as occupied land attracts real-estate interest in the larger

context of urban change and expansion. As the urban economy grows and land market values increase, so too do the threats of displacement.

Finally, dichotomous definitions of formality and informality accommodate a perception of informality as universal. However, as a dynamic response to certain failures of formal processes, informal settlement differs from place to place and from time to time. Different national economies are shaped by different histories, experiences of informality and intervention paradigms. Informal settlement differs markedly not only among the five southern African cities from which empirical examples have been drawn in this chapter, but also within them. Proximity to transport, jobs and the city centre, the degree of tenure security, planned or unplanned occupation, different local responses to the slow pace of housing delivery, gentrification, the level of access to services, exposure to disaster and local availability of materials are examples of the factors that can shape individual communities.

Therefore, policies and approaches that deny complexity and ignore the mechanisms of change inherent in informal settlements are problematic. Bifurcation, whether it is the formal–informal or legal–illegal binary that is used, means that a single approach is applied to each settlement, irrespective of the particular realities of that place. Since conceptual poverty has tempered the potential of progressive legislation that exists in the region, definitions that are constructed with greater care and sensitivity to change and diversity in informal settlement, and to the continuous interaction and interdependence between formal and informal processes, have the potential to contribute to more humane policies. The many different contexts, the inadequate living conditions, the often desperate need for improvements, and the complexity and constant change that are features of urban informality present significant challenges: to the residents who must navigate them, to policy makers who work within bureaucratic systems that struggle with cross-sectoral approaches, and to researchers, who are often seen by informal-settlement communities as potential agents of change. There is a need to disaggregate the phenomenon of informal settlement, and the comparative, collaborative approach taken here is intended to contribute to this objective.

Notes

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- 2 J Vivet, personal communication, 29 November 2009.
- 3 Msutwana-Stemela N, Joe Slovo residents defy move to Delft, *Cape Argus*, 21 June 2009.

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