

Title	Parallel Claims - Polar Responses? Gated Communities and Land Invasions in a Southern City
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**PARALLEL CLAIMS - POLAR RESPONSES?
GATED COMMUNITIES AND LAND INVASIONS IN A SOUTHERN CITY**

Abstract:

This paper identifies and explores the parallels and differences between gated communities and land invasions as forms of residential territory in cities of the South. Using the case of Cape Town, South Africa, the parallel narratives regarding the reasons for invading or gating land are analysed and are juxtapositioned against the inconsistent state response. For while both 'gaters' and 'invaders' are driven by similar desires for a secure home and private autonomy, the state responds very differently, regulating the former as rational residents, and disparaging the latter as unreasonable criminals. Thus, the legitimacy of the two territories is also explored, challenging traditional responses to gated communities and land invasions, and arguing for a closer understanding of the two as representing the commonality of citizens' desire for a home. Although gated communities and land invasions represent diverse housing types, we suggest here that it is useful to analyse them in direct empirical relation. In doing so, we do not narrowly conceptualise southern cities as slum nuclei or divided postcolonial citadels (Robinson, 2003), but as complex and contradictory sites of urban expression in which diverse residents and urban processes function in the context of state (dis)engagement.

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1. Introduction

In reviewing research on land invasions and informal settlements, Rao suggests that conceptual arguments about slums link to urban “notions of the future, of crisis, emergency and visibility” (2006:232). Interpretations of slums, informal settlements and land invasions thus act as a critical key through which southern cities and struggles of poor citizens are understood. These challenges are highlighted by Target 11 of the Millennium Development Goals, the improvement of slum dwellers’ lives (Hasan et al., 2005; James, 2006), and, concurrently, but more controversially and violently, programmes for slum clearance, mass evictions and the ‘cleaning up’ of several African cities (du Plessis, 2005 and 2006:197-100).

In contrast, stories of gating and walling-off homes and communities, of building fortified and privatised urban enclaves highlight an equally powerful but different lens on the southern city and urban experience. Through these analyses, southern urban futures are understood as increasingly exclusionary, unequal and fragmented with islands of elite privilege scattered in a sea of urban poverty. Private territories and gated communities in southern cities are criticised for creating exclusionary spaces, increasing residential segregation, restricting freedom of movement and exacerbating social divides (Caldeira 1999, 2000; Coy & Pöhler 2002).

Gated communities and processes such as land invasions that lead to the development of informal settlements occupy separate, unequal and divided physical and symbolic spaces in southern cities. They are built by and lived in by dissimilar groups of urban residents and regulated differently by city and regional governments. Although both shape the broad ways in which we theorise urban development, they are rarely analysed side-by-side, understood instead as poles apart in housing and residential development processes and thus by definition diametrically different. We suggest here, however, that it is useful to analyse gating and invading in direct empirical relation to each other. In doing so, we do not narrowly conceptualise southern cities as slum nuclei or divided postcolonial citadels (Robinson, 2003), but as complex and contradictory sites of urban expression in which diverse residents and urban processes function in the context of state (dis)engagement.

Specifically, then, this paper identifies and explores the parallels and differences between gated communities and land invasions as forms of residential territory in the city of Cape Town,¹ South Africa. By analysing these residential territories alongside each other we draw out the parallel narratives that underpin their logic and that of residents driving their development, as well as the different and unequal ways in which the city and state engages and regulates them. In these differences lie claims on land and urban space, practices of citizenship, and the state’s fragmented and unequal engagement with residential claims and territorial strategies. For while residents of both gated communities and land invasions are driven by similar desires for a secure home and autonomy, the state legitimates gating while prohibiting invading. Respective claims to legitimacy are framed in the gating case in capitalist property markets and in the invading case in historical relationships to land. The legality of gated communities vis-à-vis land invasions however is complex: while the former often restrict access to public land, clearly inhibiting the freedom of movement enshrined in South Africa’s constitution; land invasions support the post-apartheid drive to build an integrated and inclusive city that provides a ‘Home For All’.² Ironically, while this vision of a unified city is

¹ Gated communities and areas of informal settlement labelled as land invasions account for roughly ten percent of residential areas in Cape Town (five percent each). There are roughly 240 identified informal settlements in the city (*Cape Argus*, November 2006). Although there is no official list of those considered ‘land invasions,’ a number of areas have been interdicted for removal by the city, an indicator of their status as illegal.

² The ‘Home For All’ initiative was launched at the end of 2004 by Western Cape Provincial Premier Ebrahim Rasool.

thwarted by supposedly legitimate gated communities, the latter goal of universal housing is in fact facilitated by 'illegitimate' land invasions. In sum, this paper challenges technical assumptions of 'acceptable' land uses by indicating the legitimacy of land invasions, whilst also encouraging a holistic interpretation of southern cities, beyond exclusively slum imageries.

2. Divided southern city spaces

Rapidly increasing poverty and slum development are one dominant characterisation of urban conditions in cities of the south (Davis, 2006). The southern urban development literature is rich with case studies of slums and the challenges of poverty alleviation and upgrading in often desperate, informal and sub-standard housing conditions (Askew, 2002; Burra, 2005; Fernandes, 2003; Huchzermeyer, 2004; Payne, 2005; Pithouse, 2006; Smit, 2006). A linked literature tells us about residents' struggles to survive (Sharma, 2000), to seek out secure tenure (Budds and Teixeira 2005), and to self-regulate and organise in spaces of neglect (Beall et al., 2000; Oldfield, 2000, 2002); and, the un-even trajectories and politics of post-colonial state initiatives to regulate and often eradicate squatting and slums (Boonyabanha 2005; Myers 2006; Zikode, 2006) and, programmes and policies to develop housing (Khan and Thring, 2003; Rolnik and Cymbalista 2003; Tomlinson, 1998).

An alternate vision of the southern city is represented through gating, whereby the middle classes and elites erect walls and privatise security to ameliorate fears related to insecurity stemming from crime and 'difference', often perceived as emanating from 'slums'. A different urban literature, initially dominated by representations from the north (e.g. Blakely and Snyder 1997; Davis 1992; Marcuse 1997) but growing in southern city imagery, particularly Latin American (e.g. Álvarez-Rivadulla, 2007; Calderia 1999, 2000; Coy & Pöhler 2002; Salcedo and Torres 2004), examines gating, largely focusing on its negative impacts, such as fragmentation and exclusion for the city and its citizens.

Both bodies of research provide a rich and varied sense of the challenges of urban development in southern contexts of inequality where poverty and wealth co-exist in uneasy tension, evident in an urban experience that is characterised as 'splintered' and fragmented (Graham and Marvin, 2001), and polarised (Beall et al. 2002; Turok 2001). Although in some instances processes such as gating and invading land are brought together (e.g. Alsayyad & Roy 2006; Askew 2002; Beall et al 2002; Robins 2002), they serve as tools to highlight the southern city as a site of difference and division rather than mechanisms for understanding southern city processes themselves. While generally understood as common evidence of and local responses to neo-liberal policies (Bond 2000), we are left with little substance to understand the particular ways in which gating and invading operate socially and spatially and thus remake parts of the city whilst also representing both the diversity and similarity of residents' needs. This analytical base is necessary to understand and critique the state's regulation of gating and invading, and broader implications for building equality of citizenship and accessible cities in the urban south.

3. Divided and unequal: Urban space in South Africa

The manipulation of residential land for social goals has a long history in South Africa, and continues to dominate contemporary experiences both in terms of the physical legacies of divided group areas, and also the exclusionary mindsets of many residents, conditioned by the apartheid system.

Re-mapping South African cities' apartheid landscapes is fraught with conflict, fuelled by identities rooted in the "(very present) ghosts of apartheid spatiality" (Robinson 1998:546). Despite significant political and economic progress, with three open general elections, a progressive constitution and a growing black middle-class, apartheid's socio-spatial structure remains dominant. While black urbanites now have the spatial potential to move from segregated areas on the urban periphery to increasingly visible central areas (through purchasing or renting property or invading land), in reality this is constrained by the strong private property market in well located suburban, often former 'White', areas of the city.³ In

³ Apartheid racial classifications of Bantu/African, Coloured, Indian/Asian and European/White still retain credibility and dominance in both everyday and official discourses (although 'Bantu/African' is

fact, post-apartheid housing for low-income groups (predominantly black) have almost exclusively been situated on the urban periphery, where land is available and affordable, thus perpetuating the apartheid city geography of socio-spatial division. Indeed, Cape Town is criticised for functioning as a “starkly polarised city” dominated by the juxtaposition of centrally-located affluent suburbs and economic centres, alongside poverty-stricken and overcrowded settlements located on the city edges (Turok 2001:2349), and Cape Town’s Unicity Commission described the metropolis as “a divided city full of racial, political and social divisions” (Unicity Commission 2000:3).

A number of post-apartheid state initiatives attempt to address social inequalities through the expansion of a universal welfare system, the provision of a ‘Home for All’ through the building of houses for low-income families without access to adequate shelter and secure tenure, as well as the provision of basic services to areas of the city previously discriminated against. At the same time, however, there have been serious flaws in the process. As the backlog of housing continues to grow at an unmanageable rate, those waiting on uncertain and frustrating housing lists in some instances have sought to secure their own home by invading available land (Graham 2006; Huchzermeyer 2003a; Khan and Thring 2003). As crime has spread concurrently into previously protected (predominantly former White) areas, South Africa has witnessed the growth of private forms of territoriality such as gated communities, improvement districts, exclusive shopping malls and a growing reliance on private forms of security, all seeking to distance citizens from crime in the ‘outside’ and unprotected world (Ballard 2004; Hook and Vrdoljak 2002; Jürgens et al 2003; Landman 2000a; Lemanski 2004, 2006a, 2006b).

Gated communities and land invasions in Cape Town

Gated communities, that is residential enclosures in which a cluster of houses are secured by a perimeter wall and 24-hour security controlling access, started to become popular in Cape Town towards the end of the 1990s. Unlike Johannesburg, where existing neighbourhoods have erected boom-gates to control access into already-established suburbs, residential gated complexes in Cape Town are new housing areas, constructed by private developers not citizens. Two principle types of residential gated community exist in Cape Town: entirely private ‘prohibited access’ complexes in which everything ‘behind the wall’ is private and from which the public are legally excluded; and semi-public ‘controlled access’ developments housing private residences and public roads behind a perimeter wall,⁴ with public access only ‘monitored’ by a security guard. However, given that the majority of gated communities (whether ‘prohibited’ or ‘controlled’ access) in fact exclude all non-residents, further discussion of gating assumes an exclusive all-private environment.

Although gated communities appeared much later in Cape Town than other cities in South Africa, they are rapidly dominating the city landscape. According to a Cape Town municipal official, 80% of all new single residential development for high-income groups in the past five years have been gated, and approximately 30% of all developments for middle- to lower-income groups (van der Westhuizen 2006). Furthermore, 5% of all residential areas in the metropolitan district are situated in gated communities, disproportionately located in wealthy regions and disproportionately occupied by White residents (the spaces and social groups previously protected by apartheid), thus indicating their perceived role in entrenching apartheid’s social and spatial inequalities and divisions.⁵

updated to ‘Black African’) and are therefore used throughout this paper. Use of ‘black’ (lower case) refers to all non-white population groups.

⁴ In ‘controlled access’ complexes the municipality provides all major services (e.g. refuse collection, sewerage, storm-water drainage, street-lights, road maintenance) and residents only maintain specific aspects (e.g. gardens/public open spaces), whereas in ‘prohibited access’ developments all services are provided by residents. Given the added expense of living in the latter, residents of all-private developments are the elite upper-classes.

⁵ This research is based on two fieldwork period: March - May 2004 in a single security estate, and March - May 2006 in a number of different types of gated community. Research involved semi-structured interviews with residents, complex managers, developers and city officials.

In contrast, practices of land invasion are not new to the city. Problems of homelessness and landlessness have characterised poor people's struggles in South Africa historically; the 1913 Native Land Act initiated large-scale national processes of dispossession, cemented in apartheid-era policies of Group Areas in cities, and homelands and betterment schemes in rural areas, with forced removals and influx control strategies enforcing segregation. Although the post-apartheid period celebrates explicit rights to housing, land and human rights, mirrored in a commitment to the delivery of housing (Khan & Thring 2003), a language of 'land invasion' and 'land invaders' has re-entered discourses of urban regulation and is evident in policies that attempt not only to control but in some cases to eradicate squatting (du Plessis 2006; SAPA 2007; Huchzermeyer 2003a).

In the metropolitan area of Cape Town four hundred thousand families are on the housing registry⁶ with close to one million people in substandard or informal housing (City of Cape Town 2006). These one million people live in established and variously serviced informal settlements, backyards of formal state and privately owned housing, as well as in areas now identified by the City as 'land invasions.' In November 2006, 109 areas were identified as 'invasions,' with approximately twelve thousand families residing in these areas (*Cape Argus*, 18 November 2006). In parallel, the number of informal settlements in Cape Town has increased to 240, an increase of 10 percent since 2005 (*Cape Argus*, 5 March 2007).

With a growing awareness of the City's slow pace of housing delivery and increasing frustration with waiting, and with the targeting of urban renewal and upgrading initiatives, particularly the well-publicised upgrading of selected informal settlements (for instance, along the main city highway), many families and communities move onto vacant land, or 'invade' in the City's language, to organise homes for themselves.⁷

4. Parallel Claims: a common search for security and autonomy

Both gated communities and land invasions are fuelled by a similar desire amongst citizens for a secure home to protect oneself and one's family in the absence of state provision. Whilst gated communities seek this security in the form of high walls, gates, electric fences and 24-hour security guards, land invasions seek security of tenure in their social mobilisation to access land and thereafter in the building of a stable community. Both land uses are a consequence of perceived state failure, whether a failure to curb crime or a failure to provide housing, leading citizens to take control of their residential form. The reasons people choose to invade or gate land are remarkably similar. Residents of both residential territories express a desire for security and autonomy, in particular the independence to select a lifestyle that the state is unable to provide for them. Obviously the specific nuances of these desires differ from resident to resident as well as between the two residential territories, but their commonalities are striking.

4.1 Gated Communities: "security, security, security"

The main reasons given by respondents for choosing to live in gated communities were issues of security in terms of providing a safe home for themselves and their family.⁸ This security manifests in various ways ranging from the physical sense of walls, gates and security guards, the economic security of a strong property investment, the lifestyle security of a rural idyllic and the security of independence from a state structure perceived as unreliable and disinterested in wealthy residents' needs. In terms of physical security, residents spoke about the protection such an environment offered for their family.

⁶ City of Cape Town housing waiting lists have been amalgamated into a 'Housing Registry' (City of Cape Town, 2004, 2006, City of Cape Town Housing official, interview March 2007).

⁷ This paper draws from in-depth studies of two 'land invasions' (7 de Laan established in 2002 with 96 families and 8 de Laan established in late 2005 with just over 350 families) in a neighbourhood formerly classified 'coloured'. The research draws together survey work conducted with the Valhalla Park United Front Civic and students in an urban geography course at the University of Cape Town, August-October 2006 (see Oldfield 2007). Selected interviews with leaders of settlements identified as land invasions in other parts of the City as well as participation in an International Labour Research Group workshop series in 2007 with landless groups also inform the analysis.

⁸ Obviously there were also contextual reasons specific to respondents' situation (e.g. work relocation, children's schooling).

I've got a young family so security is very important to me ... I know the stats on my daughter getting raped ... This place is the lifestyle I dreamed of for my children: we don't have to lock the door, children just come in and play ... We all leave our children on their own and its fine ... It's about having a safe space around your home [M J-P 09/03/04]⁹

It is different to a normal suburb because in the evenings people walk around, you get the kids playing on the streets, which doesn't happen elsewhere. It's like a suburb when I was a kid, you can play outside with your friends. You feel secure in there ... The nicest thing is that the kids are free. Above all else, that is the one thing that stands out [C.G.15/04/04]

Thus, living in a gated community is about providing a secure space for one's family. Furthermore, residents emphasised the freedom that living in a gated community offered to themselves and their children to experience family life without the fears and constraints of a crime-riddled world. In this sense, residents were expressing the ability of a gated community to fulfil their desire for an idyllic rural family lifestyle.

Here the kids can have a normal upbringing. I let the eldest ride his bike around, but where we lived before I would never let them out. Even if they disappear I know they're at someone's house [M.J. 06/05/04]

I like the security – to be able to walk around in the evenings which I don't think you can do in many places ... There is a tremendous serenity – the effect of being in a small village [G.G. 08/04/04]

These quotes indicate that residents perceive living in a gated community as synonymous with a peaceful village lifestyle. This links with Richard Ballard's (2004) understanding of gated communities as a form of "semigration", meaning that although citizens remain in South Africa rather than emigrate, they separate themselves from its increasing 'African-ness' and instead create islands of modern western culture (much like apartheid's European group areas) in the midst of an African nation, albeit within walls and gates. Thus, moving to a gated community is about creating a utopian lifestyle for one's family, reminiscent of a bygone era, protected from the harsh realities of the outside world. Of course, physical security was also a crucial factor in residents' decision to live in a gated community, particularly in the context of the perceived failure of the state to provide adequate security for both their physical structures (i.e. the house) but also their family and lifestyle.

We lived temporarily in Claremont while building this house and I had such a huge bunch of keys with my security gate, triple lock, burglar bars. Here it's not like that at all ... We have no burglar bars, we leave doors and windows open. People make prisoners of themselves in their own house with burglar bars, triple locks and that, and the criminals walk around free. Here we also get to live free. [A.J. 24/03/04]

[Why did you move here?] Because of a lack of good general security in the province and country ... With both people working you can leave the house all day and it's safe. It's because of crime – you get more crime in free-standing suburbs. [P.H. 20/04/06]

If I moved [to a non-gated suburb] I'd have to provide my own security – or you sit here and don't even have to lock your door at night. It's wonderful. [J.S. 05/05/04]

Thus, residents choose to live in a gated community not because of the security provision per se (as the above quotes indicate, it is possible for residents to provide their own security in a non-gated suburb), but because the responsibility for physical security is no longer the

⁹ In order to protect the identity of interviewees their names are coded, alongside the interview date.

resident's responsibility. By handing over responsibility to an outside agency (the developer and security company), an idyllic image of crime-free living becomes a powerful driving force for choosing to live in a gated community. In addition, economic security was important in relocating to a gated community, with respondents wanting to ensure they had sufficient resources to provide for themselves and their family in the future, particularly in the absence of state support.

[Why did you move here?] I think the answer is twofold ... security and ... investment. When I bought here four years ago, I paid R400 000 and now it's worth R1.3 million. It's gone up because of the security and the quality of the development. [E.C. 20/04/06]

I bought a plot on quasi-speculation, thinking maybe I'll move there. It started at R345 000 per plot and now it is R1.6-1.8 million for a plot ... I moved here for the valuation ... It's been a very good investment [A.K. 28/04/04]

These reasons for favouring 'gated' land are linked to the perceived failure of the state to provide protection for residents from crime and from economic insecurity. In the absence of state action many have responded by alienating themselves from civic engagement and responsibility through gating (Hook and Vrdoljak 2002). By securing autonomy as a private property owner, rather than accepting dependence as a citizen of the state, residents perceive increased security in all aspects of their everyday and future life. As summed by a developer:

The main issue is security, security, security (Matthews 2006)

As indicated, this security is multiple; regarding the physical structure of property and hence also investment (physical and economic security), security of family and lifestyle, and independent security that is not reliant on the state. Thus residents of gated communities are driven by a desire for physical, economic and autonomous lifestyle security for themselves and their family.

4.2 Finding security in claiming a place in a land invasion

Desperation drives families to invade land. It is not a choice as such, but in most instances, a response to unbearable living conditions, the expenses of renting, and insecure tenure in friends and families homes. In most cases, invading land is a solution to homelessness, and an alternative to living in the bush and on the streets of Cape Town. Although there is not one motivation for joining a land invasion because families' circumstances vary widely, a common logic and need to find secure housing underpins invasions.

Overwhelmingly, families are searching for an affordable place to live:

My husband lost his job as a teacher and I lost my job at Old Mutual [a large insurance company]. We were evicted from our house in Grassy Park because we couldn't pay our bond. The bank repossessed our house on March 18, 2006...On March 18 we moved onto Civic Road and 3rd Avenue [a land invasion site]. [E., Grassy Park, 03/07]

We were backyarders. We just paid and paid people with brick houses. Those people's kids went to school and to university; those people paid off their bonds with our rent money. We backyarders were just getting poorer and poorer and they were getting richer and richer. That's why we moved. [(L., Grassy Park, 03/07]

I never was able to settle down properly because I don't have a job so I don't have money. I moved here to 8ste Laan with my five children [ages 23, 20, 25, 11, and 8] from Manenberg where I stayed with my wife and my parents. We had no cash so it was hard to find a place to live. I can't pay rent. I had to

move from one place to another to another to another because I can't afford any type of rent. [P., 8ste Laan, 08/06]

Although the specific reasons that families end up in land invasions and informal settlements are very different than those that underlay the formation of gated communities, strikingly, land invaders, like families in gated communities, seek security and space, which often articulates as a relative peace found in the land invasion.¹⁰

I moved in here with Evelyn, my boyfriend's mother, and him and our baby. I had to move out of my parent's house because I didn't have a good relationship with them. I like it here. It's nice and quiet... We have our own space to do our own things and we don't have to share the house with all my family. [B., 8ste Laan, 09/06]

We were in a backyard on Joy Close. We paid R300 rent a month and R30 a week for electricity. Even when the electricity broke down, we had to pay. We had big problems. And, drunken people in our area made it a bad place for my kids. We were not safe. [G., 8ste Laan, 08/06]

For many individuals and families, the space of a shack offers autonomy and privacy not afforded in their past transitory lifestyle moving between various relatives and friends floors (L.A., 6/8/06) often in overcrowded public housing (M.B. and M. H., 14/8/06). Unlike gated communities, where security is paid for, the maintenance of peace and security is a challenge in informal settlements. Building security demands particular types of social behaviour and the careful maintenance of the physical space in the settlement, as well as building neighbourliness and tight linkages between families (Ross, 2005).

Residents of both land-uses identified security as their prime motivation, in both cases favouring individual autonomy in the absence of state provision. This security is both physical, in terms of walls (from shack exteriors to electric perimeter fences), and lifestyle, in terms of a sense of 'home' for family. Yet their claims to land and the practices that underpin and consolidate them are, of course, strikingly different.

4.3 Territorial legitimacy: Market versus historical claims to land

The claim that residents of gated communities have on their land is entrenched by the supremacy of the capitalist property market. Although most homeowners in a gated community have no prior links to the area, they have purchased the land on which their property resides and thus within a capitalist system are supreme as a homeowner.

People pay a lot to live here and have a right to be protected [A.J. 24/03/04]

There's no sense of community here because they've paid to live here and feel no further duty I guess [L.H. 22/04/06]

It is interesting that gated community homeowners extend their understanding of property rights to an imagined 'right' to security based on financial payment. This implies that those without the financial ability to ensure private security (e.g. land invaders) have no 'right' to similar levels of security in their daily lives. Under the South African constitution, every citizen has the "right to freedom and security of the person" (SA Bill of Rights). However, in the context of perceived state failure to provide security that enables citizens "to be free from all forms of violence from either public or private sources" (SA Bill of Rights), security has privatised and thus become the preserve of the wealthy. While those in gated communities perceive these physical, economic and lifestyle securities to be a 'right' afforded by their

¹⁰ There were a few exceptions, particularly individuals and families who moved to 8ste Laan from secure places – from homes where they hadn't previously moved or faced the threat of eviction. For instance, Rosie constantly worried, saying: "We worry every night; we speak about it every night before we go to bed. I don't know if it's illegal to build here, to live here. Is it legal? Is this okay, will we be evicted?" (8ste Laan, Security of Tenure Report).

financial ability to pay, residents of land invasions interpret their rights to similar securities as embodied in their constitutional 'right' to housing.

Despite the absence of technical or legal private property ownership, residents of land invasions claim legitimacy based on their constitutional right to housing and on their long-term residence in neighbourhoods. In a meeting of landless people from areas identified by the city as invasions, a community leader explained:

I have lived there [in an informal settlement in Grassy Park, Cape Town] for my entire life, and my father has been there for 60 years. My kids are the sixth generation to grow up there. This shows us that council doesn't do the work as they should do it... We as homeless, we should stand together. We have different experiences of how life was treating us.... We don't own property.....if it's a democratic land that we live in, they don't treat us like they should. They decided for us; they want to put us in areas where we don't want to be. We want to stay in the areas where we are now. We must stay in our areas. We must stand together we must not even let a wind blow between us, we need each other now. (L., ILRIG meeting 4/4/07)

Like this family, in many cases residents have lived in their areas, if not in each invasion itself, for a significant time.

The historical claim for territorial legitimacy, absent in the gated community context, motivates not only their goal to formalise and maintain their present settlements but also a steadfast refusal to be removed by the City to distant settlements, reminiscent of apartheid's forced removals. A leader from Khoisan Village, an invasion in Belhar in the north east of the city, explained his struggle to stay:

We fight for land. I'm beyond houses now. They moved us to Belhar, to Delft [through apartheid removals in the 1970s and 1980s]... Since that time, I said I'm not going out of Belhar [the location of his settlement]. We must give this message to the President, over and out. We will not go out of our areas – we must be where we vote. (S., 27/03/07)

Many areas interdicted by the city as 'illegal' land invasions have been instructed to move to 'resettlement sites', predominantly Happy Valley, an area with no facilities, shops and little formal housing on the far north-eastern edge of the city.

In sum, both gaters and invaders claim territorial legitimacy, the former as implicit in private ownership, and the latter explicitly based on relationships to the place they are squatting and their constitutional rights.

5. Polar Responses: the state's shifting policies and human targets

Despite being driven by similar motives and employed by citizens to achieve similar outcomes, state responses to these urban land uses differ significantly. Historically, gated communities have been accepted by the state while land invasions have been rejected. Indeed, while gated communities are seen as a rational response to rising crime, state responses to land invasions decry them as illegal and their residents as illegitimate. Although the city response is changing, in light of recent trends and forthcoming policy changes in both contexts, the overarching environment remains opposed to land invasions and accepting of gated communities.

5.1 Regulation or prohibition? The 'secure communities' policy

In general, state action, as opposed to rhetoric, recognises and legitimises gated communities as legal, acceptable and in many cases desirable housing options. Although the city of Cape Town does not have a specific gating policy, land zoning has allowed developers to construct gated communities using pre-existing town-planning regulations and gated communities have become the dominant form of private-sector housing construction. However, in recent years both national and municipal governments have begun to recognise the problems created by these private territories with their impenetrable boundaries, indicated by President Thabo

Mbeki's 2005 scorn of their 'pro-rich' credentials (*Cape Argus*, 14 August 2005). However, neither a national nor municipal policy exists, and several years of discussion amongst municipal officials and policymakers regarding the creation of a policy on gated communities has only very recently been accompanied by action.

In November 2006 an open 'hearing session' was held to discuss the development of a 'Secure Communities Policy' for the City of Cape Town. The sentiment of the hearing session implied a tacit acceptance of gated communities, emphasising regulation rather than prohibition, and indeed, although the draft policy (released May 2007) is perceived as draconian in prohibiting 'controlled access' developments, in fact this has already been practice for some time.¹¹ The more radical (but silent in the media) outcome is that all-private gated communities receive no change in status and are welcome to flourish with minimal state interference.

Thus, recent state opposition to all-private gated communities has only very recently developed into any action to prevent or restrict their proliferation and at present is limited to only a draft policy with a mixture of regulation and prohibition based on gated type,. This is partly a consequence of the fact that the state is not a homogenous or one-issue entity, and operates at numerous levels, each with competing agendas, and also a consequence of absent political will. Indeed, despite President Thabo Mbeki's public disdain for gated communities, a significant number of his ministers reside in such private citadels (David 2005). This incongruity is linked to the absence of agreement between and within political parties regarding gated communities. While some see them as 'necessary evils' that prevent human and capital flight (i.e. emigration) in the context of rising crime, others see them as an unacceptable blight on the post-apartheid landscape of freedom and equality. However, even amongst those who oppose gated communities there is a lack of political will to impose radical action, largely because of political tension and a need to appease capital (i.e. South Africa's businessmen, who predominantly reside in gated spaces). Indeed, the Cape Town draft policy confirms this, rejecting only the types of gated communities favoured by the lower middle-classes. Thus despite official opposition to post-apartheid processes of privatised territorial space, gated communities have continued to thrive and are multiplying across South Africa at a tremendous rate. Whether the new Cape Town policy will stem this tide is yet to be seen.

5.2 Controlling or turning the tide? The City's 'informal settlement management'

Although a long-term policy is in the process of development, at present the City of Cape Town has an interdict and moratorium approach to land invasions. A legal process to evict land invaders is initiated through a court interdict. At the same time, the City enforces a moratorium on the further building of the invasion, prohibiting additional families from moving onto a site. As part of the Informal Settlement Management Unit, law enforcement monitors settlements, demolishing additional shacks built after the moratorium is declared. At the same time, rudimentary services (communal access to water and portable toilets and in some cases electricity) are provided through the Emergency Servicing of Informal Settlements Project (Graham 2006).

This mix of prohibition, monitoring and provision of services comes out of the City of Cape Town's experiences of forcibly removing land invasions and challenging their legality in court. Three important court cases have set a mix of precedents for land invasions on publicly-owned land in the City. In the Constitutional Court, the Grootboom case marked the City of Cape Town's attempts to evict squatters as a violation of families, particularly vulnerable groups such as children and women, constitutional rights (Huchzermeyer 2003a; Sachs, 2004). Following Grootboom, interdicts against invasions were overturned by the Cape High Courts in Valhalla Park (City of Cape Town vs. Neville Rudolph and 96 Others, 2004) where

¹¹ During the recent policy void, all proposals for 'controlled access' developments were rejected (Matthews 2006). Although the municipal office denied the existence of this moratorium (van der Westhuizen 2006), it seems likely that some engineering officials and town-planners were wielding considerable power in enforcing an informal embargo in the absence of any formal policy for responding to plans for gated developments.

the in-depth research for this paper was conducted, and in Philippi where families were squatting on a road verge (City of Cape Town vs. Residents of Philippi Road Reserve, 2003).

In the case investigated in this research in Valhalla Park, the City attempted to raze 7 de Laan, the first land invasion, bringing in the army and police force to physically destroy shacks and remove materials. Protected by the Civic and residents in formal housing, and growing in size through the movement of similarly poor families from within the neighbourhood, the informal settlement persisted. Eventually, the City interdicted the residents as well as the Civic for violating the zoning laws in the neighbourhood, specifically for building shacks on land designated as a park. The case was brought to the Western Cape High Court, with the Civic and 96 families resident in 7 de Laan represented by the Legal Resources Centre (LRC), a legal non-governmental organisation based in Cape Town. The LRC won a counter case through which the Civic and residents claimed that the City was failing to meet its constitutional imperative to provide housing for families (elderly and children in particular) in emergency situations, such as homelessness. In July 2003, the United Civic Front won the case (Case 8970/01, 7 July 2003, *Neville Rudolph and 49 others vs. the City of Cape Town*).¹²

Collectively these cases set limits on the ways in which the City interdicts land invasions on city-owned land and through the costs, time and publicity they have generated, have forced the City to develop a policy rather than legal response. Thus, when in January 2006 backyard residents in Valhalla Park initiated the second invasion of land, 8ste Laan, with families moving onto unused land technically zoned as part of a school adjoining the neighbourhood, no evictions occurred. Like in a number of other cases, the City has not officially accepted the permanence of 8ste Laan and law enforcement and city officials, as well as the Principal from the adjoining school and the Department of Education fought its establishment. Activists were harassed and some arrested in the early weeks, but in practice its existence has not been challenged.¹³ Portable toilets and some stand pipes to access water were installed approximately a month after its establishment. In March 2007, the Electricity Department installed electricity boxes in shacks, a major infrastructural commitment. A ward councillor in the area informally dismissed the possibility of the city destroying the settlement, arguing:

Council has committed themselves. The water taps that is the first commitment; the sanitation, the mobile toilets, that's the second commitment; and, the third, they are so lucky to have electricity being connected shortly. They must go into the Guinness Book of Records because never has an informal settlement been serviced so quickly. They [8ste Laan invaders] can be quite contented and relaxed. There's no mention that they can be removed. (Cllr A. Abrahams, 13/03/07, meeting).

Through the delivery of rudimentary services, the City has in essence sanctioned the settlement's permanency.

A new policy, on informal settlement management (including the regulation of land invasions) is under development, due out for public comment in 2007. Under debate in this policy are the establishment of 'Temporary Relocation Areas' "to provide 'legitimate' informal sites, as well as to act as a tool to support the 'decanting' of households from settlements which are too dense to develop" (DAG, 2007: 6). Temporary Relocation Areas are intended to provide rudimentarily serviced sites, much like those that invasions are sited on at present, but in

¹² The High Court rejected the City's application to evict and remove the informal settlement in Valhalla Park, and ruled that the City was responsible to give residents permanent tenure in the area and provide services. Judge Selikowitz granted a 'structural interdict' against the City, which accepted the ruling in early October 2006, thus ensuring 7 de Laan resident's right to permanent tenure in Valhalla Park (pers. com., GS 25/6/04; GS 3/3/07).

¹³ The city claimed in a public meeting in October 2006 that the summons to remove the dwellers had been 'lost in the system,' but another could be forthcoming in the future (pers. Com G.S. 11/06 and 03/07).

places designated and regulated by the City.¹⁴ Residents of so-called land invasions are not generally receptive to removal to these areas, however, arguing that the City's mere provision of materials for building shacks and the area's location 30-40 kilometres from the city, will make their lives untenable. Those facing possibly removal to the newest site, Happy Valley, consider it a 'dumping ground', reminiscent of the apartheid past, and more poorly located than the worst township on the Cape Flats (E., March 8, 2007; ILRIG Workshops, 27/3/07, 7/5/07).

Overall, the City of Cape Town's policies and reaction to land invasions reflect broader debates and shifts in government housing and informal settlement policy. Until 'Breaking New Ground,' the housing policy formulated by the National Department of Housing in 2005, there was no policy for upgrading informal settlements (Huchzermeyer 2002, 2004). Instead, the provision of low-income housing through subsidies was intended as a total solution to informal settlements and the housing shortage (Graham 2006). Clearly insufficient, policy tools and financing for upgrading informal settlements have been developed in the National Housing Code (Huchzermeyer and Karam 2006). Time will tell what the implementation of these policies mean at the local level in cities like Cape Town.

5.3 Residents: rational decision-makers or unreasonable criminals?

While land invasions have been historically opposed, but increasingly tolerated in specific cases, albeit grudgingly; gated communities have historically been accepted, only recently attracting negative attention. Both territorial strategies have witnessed a subtle change in the state's response to their presence. Although rhetoric has not yet translated into explicit policy and action, implicit acceptance alongside increased regulation seems the likely future. Yet the state characterises and engages with the key players in gating and invading in starkly polarising ways. Although the state is increasingly opposed to gated communities, in words if not action, opposition is directed at developments and developers rather than residents. Indeed, residents are perceived as rational decision makers in the context of rising crime, and neither party is considered an illegal actor, rather the consequences of their actions are considered problematic for urban development. Furthermore, gated communities are perceived as a 'technical' problem, requiring a new land-use policy, with solutions restricted to the town-planning department. In contrast, land invasions are viewed as a 'social' problem, requiring solutions from the housing department and action from the law enforcement elements of the state. Furthermore, opposition is directed at residents, perceived as criminals rather than rational beings seeking to secure their constitutional right to housing. This dichotomy of characterisation further indicates the state's inconsistent treatment of residential territories according to socio-economic status rather than legal right.

5.4 Residents' responses

In both cases, residents of gated communities and land invasions in Cape Town demonstrate a strong resentment towards the state for its lack of action, alongside awareness that the state opposes their territorial action. Although both land-uses bypass the state in favour of self-reliance, the state is opposed to this independence.

As indicated earlier, residents' desire to gate is driven by perceptions of the state's failure and inability to meet their needs. Interestingly, gaters are increasingly aware that the state opposes their choice of residential form. This is relatively new, and indeed was only evident in the second block of fieldwork (conducted in 2006).

The government is not very much for security estates because they don't like the exclusivity [G.C. 05/05/06]

The government is dead against these security places ... The government is opposed because it is a black and white thing [M.A. 03/05/06]

¹⁴ Resettlement areas are all on the far southeastern and north-eastern edges of the city, such as Delft, Mfuleni, and a new settlement area, called Happy Valley.

Thus, state rhetoric regarding gated communities has reached residents, though their perception of the state as an entity from which they have disengaged (by reliance on private measures) ensures a lack of concern regarding this. Similarly, residents of land invasions strongly invoke the state's failure. In these cases, the state's failure to provide access to their socio-economic, constitutionally enshrined, rights to land and homes in the post-apartheid period. In general, they feel targeted, harassed and that their poverty and their homelessness has been criminalised.

"The city has failed us and been cruel to us. The city shot at us, rubber bullets, they threw our shacks down with bulldozers. That day we started building shacks, there was nobody in the police station, they were all here – the police, law enforcement, even the South African army. They treated us like criminals. People were shot and ended up in hospital. But when they left, we continued building anyway."

We think the city was very unfair because in other places like Gugulethu and Khayelitsha [areas classified 'African' during apartheid], where people put up shacks, there was no court case. We feel it's still apartheid here, but now in reverse. We were too black to be white in the past and now we're too white to be black....Because we are in a coloured township, we were targeted by the City. Nothing happens in African areas. (WW, VP)

This perception of unfairness is thus also interpreted sometimes as racism on the part of the state.

6. Conclusion: impeding or facilitating the imperative of urban integration?

Although state action implies that gated communities are a legal form of residential land-use albeit a problematic one, while land invasions are an illegal form of residential land-use albeit a tolerated one, in fact the legality of these two land-uses is not clear-cut when considered in the context of wider post-apartheid national and city goals and policies.

The post-apartheid government consistently asserts a pro-integration message, encouraging all races jointly to build the new South Africa, manifest in the normalisation of phrases such as 'the new South Africa' alongside media adverts emphasising commonality for all South Africans based on a single non-racial nationality. At a city level, Cape Town's first democratically elected municipality (1996) declared its vision of Cape Town as "a city that works for all", implying both urban integration and service provision as city priorities (Nahnsen 2003:137). Indeed, the integration of Cape Town's different spatial areas and residents is a key city goal, embodied both in the 2000 'Unicity' reorganisation of local government into a single authority as well as the City Development Strategy (CDS) objective to promote "social integration and inclusion" (Pieterse 2003:170-1).

However, despite historical acceptance (recent opposition is yet to materialise into concrete action), gated communities in fact oppose these city integration objectives by allowing citizens to physically remove themselves from public spaces and civic responsibilities. Furthermore, gated communities restrict access to certain parts of the city (whether public or private), thereby impeding citizens' constitutional right to freedom of movement. Moreover, the decision to reside in a private territory in South Africa has been identified as a decision to disengage with society and abstain from civic engagement and responsibilities (Hook and Vrdoljak 2002). Thus South Africa's gated communities facilitate residents' desires to secure independence from both the state and society at large in order to wield individual power as a private owner rather than submitting to the state as a citizen. Whilst this might appear a rational decision in the context of South Africa's growing crime and limited state capacity to reduce it, the collective consequences of this exclusive residential form are problematic, facilitating both spatial and civic fragmentation.

Despite state rejection, in contrast land invasions in fact serve to promote the provincial government's objective of a 'Home For All', and meet citizens' constitutional rights to housing. Land invasions also challenge legacies of the apartheid city, by giving low-income and predominantly Black African and Coloured households (the groups previously disadvantaged

under apartheid) the opportunity to reside in better located parts of the city, thus contributing to national goals of integration, or, at least, the opportunity to maintain residence in former Coloured or African neighbourhoods where they have historically lived rather than face removal to new areas of low-income and informal housing on the far outskirts, even peri-urban areas, of the city. Residents make a strong case that areas where they invade and occupy land are where they work, where their children attend schools, and where they have social networks and relationships that help sustain them in poverty-stricken conditions. Invading public open land thus enables families to survive in challenging economic contexts.

Occupying land thus actively transforms apartheid settlement and living patterns, an urgent need highlighted by President Mbeki nationally. He states:

We still see settlement patterns where new houses for poor black people are still built at the outskirts of our towns, usually far from places of employment. It is unacceptable that municipalities continue allocating land that is closer to commercial centres solely to developers who build for the upper end of the housing market. We must stop this practice because by so doing, we are failing to use housing as a catalyst to integrate communities that have been divided for many years by apartheid. (Mbeki, 2007: 3)

Removal to temporary transit areas or to 'green field' sites with limited services on the far outskirts of the city not only isolates families socially, but adds further financial strain with higher transport and living costs. In invading land and in building shacks, so-called invaders claim a home and assert their place on unoccupied or marginally utilised city land. In doing so, they challenge their marginalisation and segregation.

The challenges land invasions and gated communities confront cities with are not unique to Cape Town, but evident in large and small cities across South Africa (see on invasions: Huchzermeyer 2003b, Harrison et al. 2003; Royston 2003, Khan and Thring 2003; on gating: Bremner 2004; Landman 2000a, 2000b, 2004) and the south (see on invasions: Durand-Lasserve and Royston 2002; Jenkins 2006; Martin and Mathema 2006; Omenya and Huchzermeyer 2006; on gating: Álvarez-Rivadulla, 2007; Calderia 1999, 2000; Coy & Pöhler 2002; Mycoo, 2006; Salcedo and Torres 2004).

By analysing gated communities and land invasions in direct proximity, this paper demonstrates and argues for a more precise interpretation of the everyday processes of survival and community building, as well as negotiation across cities of the south. In examining the parallel narratives and claims that invading and gating build on, and the unequal although often ambiguous city response, we suggest the need for more careful interpretation of the logics of local processes such as gating and invading, as well as, a more precise assessment of the state's engagement with these urban development processes. This sort of analysis helps understand the specificity of territorial strategies, the parallel search for security, and the often diametrically different ways in which cities address and manage elite and poor urban spaces and processes. A more qualified assessment of these processes clarifies the specific targets for policy and political advocacy to create fairer more just urban processes and spaces in increasingly divided southern cities.

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