

## GENERAL

For a first degree in planning this is a very good piece of work that is extremely well written and presented, with much to commend and only a few areas of slight concern.

Especially noteworthy are the ease with which the author presents rather intricate theory in the conceptual component in Chapter 2 and the understanding and sensitivity she displays in her treatment of power-relationships in the "real world" and the imperfections of planners, planning ideals and political intentions.

As far as the areas of concern go, these are that:

- not enough of a link between the theoretical framework and the case study was made; and
- the author did not explore the implications of the choice of a "postmodern era" for the case study in more depth.

## DETAIL

In this section the components as provided in the "Guidelines for examiners" are used as headings.

### PROBLEM STATEMENT

This is satisfactory.

I did, however, have some concerns with this section (paragraph 1.3.1) in the dissertation, viz:

- The long-windedness of this paragraph. It could have been far more to the point.
- The inclusion of a Hypothesis as a kind of an afterthought in this paragraph (p. 10). This could rather have been done in a separate paragraph under a separate heading.
- The numerous references as to what the aim of the study was. For instance, on page 8, first paragraph, first sentence, it is stated that the "... overall aim of this dissertation is ...". On page 9, third paragraph from the bottom, first sentence, the author states that "In broad terms, the aim of the study is ...". On page 10, third paragraph, first sentence, the

author reports that "The ultimate goal therefore is ...". This could create the impression that the researcher was not really clear on the research problem she was working on.

### LITERATURE DISCUSSION

This is adequate.

### THEORETICAL FRAMEWORK

This is one of the strong points of the dissertation. It is really well done. My only concern was that there was not enough progression in the chapter and that it tended to be too much of a repetition of (1) the ideas of others and (2) the same basic points/arguments.

A "tying down" at the end in the form of a summary at the end of Chapter 2 would also have been useful. This would possibly have enabled the author to "read" the Cato Mano-story in a more theoretically focussed way.

### RESEARCH METHODOLOGY

The methods chosen are "the right" ones for the exercise at hand. They also deliver the information as sought in the research questions.

Table 1, on page 11, is a very useful tool and works very well.

### ANALYSIS OF THE DATA

This is rigorously done and presented in a very understandable fashion.

### CONCLUSIONS

This is satisfactory, but:

- It is a bit sad that the author does not move beyond Beauregard's reading of planning being suspended between modernism and postmodernism (page 107). After such a solid piece of research one would have expected something more ambitious than this.
- The rhetorical "Quick fix"-allusion to Sandercock (1998) on page 107 does not satisfy. It just comes far too easily and does not convince, especially given the complexities discussed in the rest of the dissertation.

**INTEGRATION AS A PLANNING GOAL IN SOUTH AFRICA:  
OVERCOMING FRAGMENTATION IN A POSTMODERN ERA -  
lessons from Cato Manor Durban**

**Submitted by:**  
Nancy Odendaal

**Supervisor:**  
Prof Philip Harrison

Submitted in partial fulfillment of the degree MTRP,  
Department Town and Regional Planning  
University of Natal, Durban

15 December 1999

## **Thank you:**

Research and work towards this thesis was done whilst employed at the Cato Manor Development Association. The work was produced within a context of clashing priorities and competing deadlines. The production and research towards this thesis would not have been possible without the enormous support and assistance from the following people; thank you to:

- my mother and brother Deon whose love and support know no bounds
- Adrian, who has remained a rock in the midst of chaos, whilst remaining a model friend and partner
- Brendan and Leon for your attention to detail (and attentive support)
- Alex, Debbie, Fiona and Heather for the odd "virtual coffee" break and reassuring phone calls
- my "bosses" Cathy and Clive for your guidance, flexibility and encouragement
- Dave Smyly for your time and effort in providing me access to my primary data sources (and support)
- my colleagues Toni, Khethiwe, Mxolisi and Keren for putting up with me in times of stress
- last, but certainly not least, my supervisor Phil who patiently guided me through difficult debates.

Finally, this dissertation is dedicated to the memory of my friend Janice, who left us unexpectedly in November 1998.

15 December 1999.

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## LIST OF ABBREVIATIONS AND ACRONYMS

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<b>AWP</b>	Annual Work Programme
<b>BESG</b>	Built Environment Support Group
<b>CCLS</b>	Centre for Community and Labour Studies
<b>CMAG</b>	Cato Manor Action Group
<b>CMRA</b>	Cato Manor Residents Association
<b>CMDA</b>	Cato Manor Development Association
<b>CMDP</b>	Cato Manor Development Project
<b>CMDV</b>	Cato Manor Development Vehicle
<b>CMMC</b>	Cato Manor Management Committee
<b>GCMDF</b>	Greater Cato Manor Development Forum
<b>GMGRA</b>	Greater Manor Gardens Residents Association
<b>EU</b>	European Union
<b>DLA</b>	Department of Land Affairs
<b>DEVCO</b>	Development Committee
<b>GIS</b>	Geographic Information System
<b>HoD</b>	House of Delegates
<b>IDT</b>	Independent Development Trust
<b>ISP</b>	Implementation Strategy Plan
<b>PDP</b>	Precinct Development Plan
<b>RDP</b>	Reconstruction and Development Programme
<b>RLCC</b>	Regional Land Claims Commissioner

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# CHAPTER 1

## ORIENTATION

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### 1.1 INTRODUCTION

The pursuit of urban integration in South Africa is meaningful in the post-Apartheid context. Integration is a term glibly used to imply the intention of correcting the wrongs of the past, tying together the loose ends scattered by the inequitable spatial distribution of the past - making amends. It is therefore not altogether surprising that notions of spatial and social integration have been embraced by South African urban planners. Not only does it symbolise a break from the bad name the planning profession has created for itself in enacting Apartheid spatial policy but it also makes good planning sense: a fragmented urban form is inefficient, expensive to maintain and in the South African context, highly inequitable. Compaction as a tool to achieve urban integration has been accepted by many planners and policy makers as the dominant discourse in urban policy and planning in South Africa (Todes, 1998: 2).

However, in attempting to achieve this goal how do we as planners go about it? Do we reverse inequitable policies of the past, fill in our buffer strips, relax outdated planning legislation, update our Structure Plans or simply change the way we do planning? Furthermore - are we getting it right or are we simply creating new divisions and reinforcing old ones? Is integration just a post-Apartheid pipe-dream? Is collaboration enough?

Five years after the achievement of true democracy is too early to answer these questions comprehensively nor is it within the scope of this thesis. What interests me are the obstacles and complexities of real life that stand in the way of achieving this goal and the processes followed in dealing with these challenges. The prospect of urban policy controlling forces that contribute to the increasing fragmentation, division and sprawl of our cities has been questioned by writers such as Mabin (1995), Robinson (1992, 1998) and Todes (1998). The purpose of this study is to focus on some of the forces that stand in the way of achieving integration and how they impact on planning. This will be done through investigation of the Cato Manor Development Project (CMDP) in Durban.

Inspiration for this chosen topic: *“urban integration as a planning goal in South Africa: overcoming fragmentation in a postmodern era - lessons from Cato Manor, Durban”* comes from a number of sources. The *first* is the fundamental belief that what we are trying to achieve in South Africa in terms of reintegrating the South African city is laudable and worth pursuing. Integration is defined here in spatial *and* social terms: reintegrating the Apartheid city spatially poses many challenges in terms of compacting what exists and creating new opportunities close to jobs and social amenities. Social integration is important: people need to have a sense of belonging that allows them to participate in urban life to their fullest potential. But integration also refers to the way we “do” planning. By combining the various elements of the planning process

we not only approach the planning project in an holistic way, but we also use it as a methodology to achieve social and spatial integration. Thus, integration, as outcome and process, will be examined as it is pursued in the CMDP. The thesis aims to go beyond an examination of the goal of integration however. In investigating some of the difficulties that stand in the way of achieving this goal, the focus will be specifically be on the notion of fragmentation and how this concept translates into practice. Here the spotlight will be on conflict and power and how integration and reconstruction can be achieved given this context. The role of the planner in mediating deviating interests in determining meaningful planning solutions is of course pertinent in this regard.

I see these as exciting times to be a planner in South Africa and conversely I see the profession of town and regional planning particularly appropriate to nation building. Yet, experience in the field has permeated my idealism with a healthy dose of cynicism. Involvement in the CMDP, a Reconstruction and Development (RDP) Presidential Lead Project, has exposed me to the travails and difficulties of achieving meaningful planning practice in a difficult environment. Thus, the *second* source of inspiration for this topic comes from this experience. The CMDP is the end-result of a decade-long collaborative planning process. It is now the largest integrated development project in the country. The road has not been an easy one: the project has undergone severe difficulties and it is the aim of this thesis to uncover the way in which the notion of integration, in particular, has been challenged and why.

The *third* source of inspiration is at the opposite end of the practice-theory continuum: that is an interest in discourses that fall within the ambit of the broadly defined term postmodernism. Coupled with that is an interest in what has become known as practice discourses in planning: evolving theory from what actually happens on the ground and in practice. While the theoretical premises of this topic will be discussed in detail under the *Conceptual Framework* in *chapter two*, suffice it to say that exposure to the broad debates surrounding Postmodernism, the condition of postmodernity and what that means for planning has helped me make sense of the complex reality within which we find ourselves and within which we plan.

### 1.1.1 Introduction to the case study

The complex reality within which we plan is represented in this thesis by the CMDP. Located approximately 5 km west of the centre of Durban, the area comprises 2000 ha of undulating topography that is home to about 80 000 people (CMDA: 1999). A large number of residents live in informal settlements while formal dwellings consist of relatively new low- to medium income dwellings flanked by established medium- to high income residential areas.

(See *figures 1* and *2* for location and spatial context.)

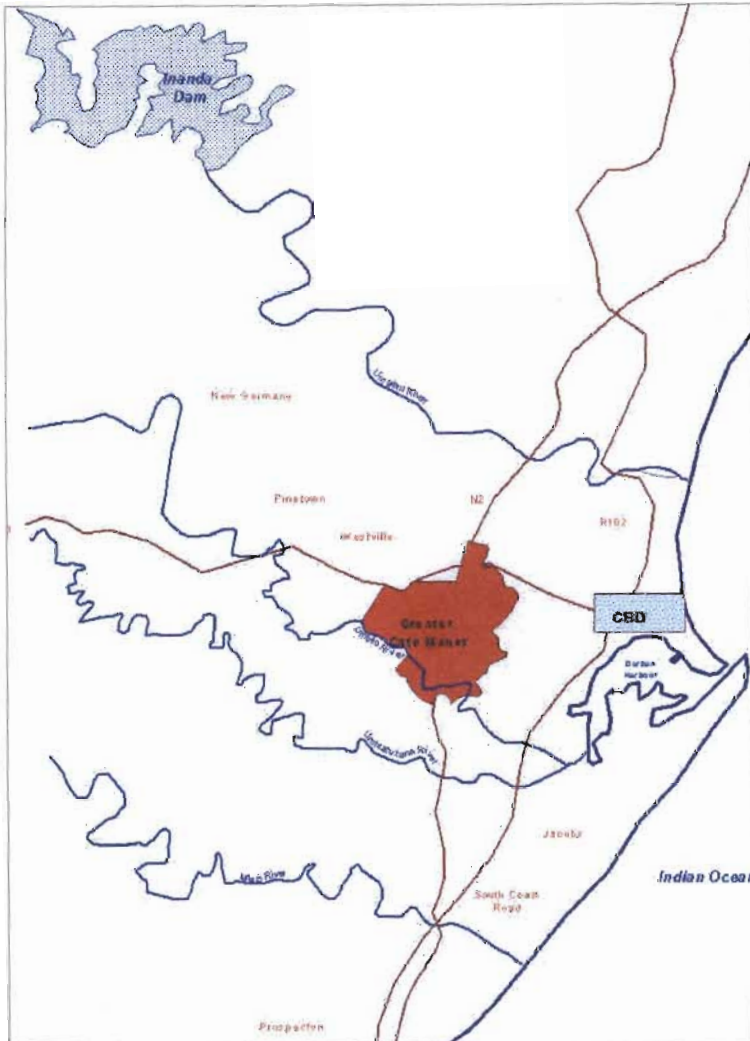


Figure 1: Location

The area has a problematic history that spans more than a century from when George Cato, Durban's first mayor, settled there in 1845. Cato and his descendants farmed this land until the early 1900's, after which it was subdivided into a number of smaller farms. Land was hired out or sold to Indian market gardeners, many of who substituted market gardening for shack farming from the 1930's. Shacks were mainly occupied by African migrants in an area that became known as Mkhumbane. Cato Manor soon became a contested space between Indian and African which culminated in the so-called Durban riots of 1949. But, together with District Six in Cape Town and Sophiatown in Johannesburg it also became one of the most important sites of struggle against Apartheid town planning policies.

Three decades of neglect followed the last of the forced removals in the early 1960's. The area became a focus of development efforts again in the early 1990's when the Cato Manor Development Forum (GCMDF) was established as a collaborative effort to engage all relevant stakeholders in determining a way forward. This evolved into the CMDP, defined as a RDP Presidential Lead Project in 1995. Development of Greater Cato Manor is currently facilitated by my employer, the Cato Manor Development Association (CMDA), a Section 21 (not for profit) organisation that acts as an agent for the local authority, the Durban Metropolitan Council. CMDA's mandate to develop the area is the outcome of the collaborative process facilitated initially by the GCMDF. The overall directive of this mandate is to develop Cato Manor as an integrated urban development project aimed to address the housing and social needs of the poor. A key development parameter is that Cato Manor is to be integrated into the rest of metropolitan Durban, yet also be a "city within a city" where urban amenities and opportunities are available to those living in and around the area. Thus, Cato Manor's location in the heart of Durban Metropolitan area represents an ambitious attempt for large scale urban development in an integrated and compact fashion.



**Figure 2:** Greater Cato Manor - Spatial context

Development of the area has not remained uncontested however. Opposition to the project has often been due to its location as well as its history. The outcome has been a complex stream of events that illustrate the dynamics of power and conflict in urban development. This thesis will focus on one particular element of conflict: that between a number of former residents of Cato Manor and the CMDA. The apex of this conflict occurred when the CMDA applied to the KwaZulu-Natal Land Claims Court for a Section 34 order in terms of the Restitution of Land Rights Act No 22 of 1994. The nature of the application was such that it sought from the court an order that land not be restored to claimants dispossessed of their land during the Apartheid years. This did not preclude claimants from pursuing other restitution options such as financial compensation or access to alternative land. A judgement in 1997 led to an agreement being reached between the claimants opposing this application, the CMDA, the Local and Provincial Authorities, as well as the Department of Land Affairs and the Regional Land Claims Commissioner's office. The settlement provides for a planning and conflict resolution procedure through which the feasibility of restoration of land, to former residents opposing the Section 34 application, is tested. This is used as a basis for mediation between representatives of the claimants and the CMDA which is then resolved through arbitration if left contested at mediation stage. The Section 34 hearing and the resolution process that evolved will therefore provide the point of focus for this dissertation.

## 1.2 CHAPTER OUTLINE

This dissertation comprises five chapters. The aim and composition of each chapter are as follows:

▶ **Chapter 1: Orientation**

The remainder of chapter 1 describes the framework for research in terms of the research problem and methodology. The topic of research is unravelled to reveal the main *research problem*, the context within which it will be explored and the understanding of the problem. A central *research question* is revealed and its various *subsidiary questions*. Posing an *hypothesis* provides an “educated guess” as to what the answer to the research question is and the point upon which a conclusion is drawn at the end of the research.

Stating the intention of research is one thing, but the actual “nuts and bolts” of doing it needs to be declared in full if the dissertation is to be meaningful. Methods of primary and secondary research are described, as well as the role of the researcher and the rationale for adopting particular research methods. The orientation to this thesis is concluded through the definitions of key concepts that are central to the description and analysis that follow in the remaining chapters.

• **Chapter 2: Conceptual Framework**

This section is of critical importance given the theoretical slant of this dissertation topic. Guiding the conduct of research would be a particular theoretical lens that is appropriate as an analytical tool. Determining the theoretical framework is a literature review, the outcome of which is the source of synthesis and debate that underlies the conceptual framework. There are 2 dimensions to the conceptual framework:

The *first* is a discussion of modernism, its character and the notion of planning as an essentially modernist construct. More pertinently, this chapter explores how this aspect of the profession allowed for the abuse of the instruments of planning in pre-1994 South Africa. This is particularly pertinent given the history of Cato Manor. It then explores integration as the rationality for planning practice in post-Apartheid South Africa and how it relates to broader discourses of reconstruction and democracy. It is argued that the notion of integration is essentially modernist in its assumptions which raises a number of problems when applied in practice. “In practice” applies to the reality for and within which we plan and the complexities, intricacies and fragmented nature of that reality. This messy reality that defies the imposition of an objectively constructed rationality (such as integration) is often subsumed under the umbrella term “postmodernism” and as a result planning is often described as the imposition of an essentially modernist endeavour in a postmodern society. This tension is explored.

Recognising the inherent theoretical contradictions of being suspended between

modernity and postmodernity (Beauregard, 1989) and the difficulties associated with that is only the start towards understanding the complexities of reality. Understanding the limits of grand theory in its application to real-life planning situations, writers under the auspices of what has become known as the “practice-based movement” focus on the gap between theory and practice. Dominated by communicative planning theorists, the aim of these writers is to uncover context-bound accounts of planning activity to give better insight into the nature and possibilities of planning. The philosophical basis for doing so are provided through Habermas’s theory of communicative action. Writers such as Healey (1997), Innes (1999) and Forrester (1999) focus on the potential of collaborative planning processes in shaping a new rationality for planning that is representative of broader concerns. However, a challenge to the consensual nature of that rationality and how it can be penetrated by power is posed by writers such as Flyvbjerg (1998) and Hoch (1996) using Foucault for philosophical guidance. Both approaches are explored in order to give some direction for the analysis of Cato Manor.

► **Chapter 3: Evolution of the Cato Manor Development Project**

The actual case study will be investigated in two chapters. In order to do justice to the analysis of the Land Claims Conflict in Cato Manor, the intention is to describe the parameters and composition of the CMDP thoroughly. The themes of collaboration (overcoming fragmentation) and integration will be explored in terms of the case study.

Chapter 3 will tell a *story*: it will give an overview of the history of the Cato Manor area and how the CMDP evolved from a vision in the minds of members of the Forum to the largest urban development project in the country. The story of Cato Manor in pre-, during and post-Apartheid South Africa is a story that reflects the struggle for a place in the urban environment in a context of oppression and flux. It unfolds into another story - one of intended reconstruction and hope - and those seeking to reclaim what was lost before. The history of Cato Manor is, of course, also pertinent to the Land Claims conflict. Focus will also be placed on the evolution of the GCMDF as an early exercise in Collaborative Planning.

Chapter 3 is also about *plans* and *planning process*. The various components of the CMDP are examined in detail to reveal the ways in which an integrated approach is pursued. First is an outline of the vision and policies right from the inception of the GCMDF through to the CMDP. This will be supplemented by an examination of the spatial and business plans that inform the project. A focus on the various role players is done to reveal the overall responses to the project in order to give an overview of the general difficulties experienced.

► **Chapter 4: The Cato Manor Land Claims Conflict**

Chapter 4 is a *detailed investigation* into how the themes of integration, fragmentation, conflict and power were played out during the Cato Manor Land Claims Conflict. Chapter 4 contains an account of how the processes, policies and plans described in chapter 3

were fundamentally challenged. It starts with a background on Land Restitution policy and legislation. An account of the Cato Manor Section 34 application follows and then the actual Settlement Agreement and how it is implemented. The timing for this is good - the majority of the claims subject to this agreement have been settled and an analysis reveals the outcome of this process thus far. The aim here is to illuminate the salient features of the conflict and its resolution in order to provide the material for the analysis in the following chapter.

► **Chapter 5: Analysis**

The purpose of chapter 5 is the rather formidable task of pulling all these strands together into a conclusion of this thesis. It is the aim of this part to analyse the process described in chapters 3 and 4, provided by the conceptual lens discussed in chapter 2, into a conclusion that has meaning for future planning practice. At the most practical level, the analysis looks at the lessons derived in terms of urban development and the planning issues involved. It then seeks to examine the goal of integration as elaborated upon in this thesis and the difficulties in achieving that. Then, at a more theoretical level, the aim is to make a contribution to the practice-based discourse debates in trying to bridge the gap between theory and practice. To this end it endeavours to explore the notion of collaborative planning in the Cato Manor example and the role of power in determining the outcome of that process.

At the end of the day we need to learn something of value, something that we can take with us. Emerging themes for the practice of planning and with regards to the way we do planning are extracted and elaborated upon to give some indication of the way forward. This guides a response to the hypothesis which forms the conclusion of this study.

## 1.3 RESEARCH FRAMEWORK

### 1.3.1 The research problem

The overall aim of this dissertation is to ask analytical and normative questions of planning practice and the goals of planning in post-Apartheid South Africa, deriving lessons that could inform future practice. This thesis is based on experience gained in practice and the intention is to draw conclusions from this and place it within a framework of larger issues surrounding the field of town and regional planning. These larger issues relate to current debates on and in planning: prospects for integration within an increasingly fragmented and diverse social and spatial reality. The overall approach to this thesis topic is to tell the story of Cato Manor and examine how it unfolds in accordance with the themes explored by current planning writers. Essentially it is about deconstructing a planning project, a planning process and deriving some meaning from it.

Watson (1998: 335) argues that the context within which South African planning takes place has created an opportunity for effective planning practice; many of the assumed preconditions for democratic and effective planning appear to be present. Personal experience on the Cato Manor Development Project indicates that while some of the preconditions for effective planning practice exist, this endeavour is often frustrated by less overt factors. Issues of conflict, power and vested interests have come closer to derailing the planning process in Cato Manor than any other. Yet implementation is still on track, houses are being provided, roads are being built and services delivered within a framework of participative planning and integrated development. Whether the resulting built form adheres to the concept of an integrated urban form could be the subject of a separate thesis, but what concerns me in this dissertation is how issues of conflict and power are dealt with in Cato Manor and how they affect the way we “do planning”.

The French philosopher Foucault (in Flyvbjerg, 1998) argues that power is highly contextual and must be elucidated by examples. A case study of planning must be empirically examined to find the ways in which knowledge and power have shaped the process (Flyvbjerg, 1998). This dissertation will endeavour to do just that: uncover the ways in which power and conflict have impacted on the planning process and its goal of integration in Cato Manor.

In order to make some deduction possible it is necessary to hone the study down into a manageable research focus. The dissertation will include a discussion of the Cato Manor project and its aims as well as how the goal of integration is pursued. But since It also deals with power and conflict, the actual focus will be on one particular point of focus: the Land Claims Conflict. The motivation for doing this is the following:

- ▶ Given the problematic history of Cato Manor, and the nature in which the Development Forum evolved as a collaborative planning effort; an examination of former residents in this process is crucial. The Land Claims Conflict reflects on some of the ways in which this was and wasn't done and the consequences.

- ▶ Land restitution is argued as a key component of achieving social integration - and Cato Manor is particularly significant given its history and location. Redressing the past through restitution is argued by some as being critical in facilitating the ideals of reconciliation, reconstruction and development (Thompson, 1999: 1).
- ▶ The key issue from which this process arose is that of land restoration to those dispossessed during Apartheid. Restoration of land would in some instances reveal the tension between past land configurations and present and future land use proposals. There is a spatial tension between the large lots that catered for market gardening in the 1930's and the high densities demanded by the compact city model.
- ▶ The Spatial Framework upon which the CMDP is based, consists of a number of elements that are to be implemented at broad level planning through to detailed planning. Implementation within the parameters set by the Greater Cato Manor Structure Plan was well under way when the whole process was put under scrutiny in the Land Claims Court at the outset of this conflict. The very way in which we plan, the rationality upon which planning is based, was questioned.
- ▶ Issues of conflict and power are particularly pertinent. Conflict between claimants and the CMDA, between present residents and claimants and between the claimants and the Land Reform authorities are just some of the nuances. Throughout all of this a planning solution needed to be determined in order to move forward with the actual goal of the development project: integrated development towards a "city within a city". Thus power and rationality as well as the role of planner in all of this needs careful consideration.

In broad terms, the aim of this study is to explore some of the difficulties experienced in trying to achieve the goal of urban integration and the methods employed in solving some of these problems. A more specific aim is to examine a particular incident in the Cato Manor Development process that challenged the goal of integration and demanded more creative and flexible planning practice. Essentially it is also how what was intended to be a collaborative planning effort was fraught with contradictions and problems; also to determine how power affected the outcome.

Ultimately, the aim is to answer the following central **research question**:

*What are the difficulties in trying to achieve urban integration in South African cities and how does that impact on the planning process?*

The focus on fragmentation poses the **subsidiary question**:

*how do expressions of conflict and power impact on the planning process and on the role of the planner? A **second subsidiary question** arises: how useful are collaborative planning processes in mediating planning solutions that are acceptable to all within the context of conflict and power?*

There are many challenges facing planners in their quest for meaningful planning solutions towards reconstruction and change. It is the contention in this thesis that the problematic context within which we plan poses the planner with opportunity for creative problem-solving and intervention. I find myself in agreement with Watson (1998) that observing planning processes in conditions of rapid transition and change can highlight innovative forms of planning. The *Hypothesis* for this thesis is therefore as follows:

*The achievement of urban integration in the current South African context has met with limited success. This is due to factors that are beyond the planner's scope of influence that have frustrated planning efforts, yet led to more effective planning practice.*

The ultimate goal therefore is to show how through the processes that lead us towards integration, through a collaborative planning process, through continuous problem solving and dealing with the expressions of power and conflict, we may be achieving far more than the spatial and social compaction that we are aiming towards (if at all). The game of golf provides an interesting (if somewhat inappropriate) analogy: the networking, deal making and socialising that encompasses a game of golf has in many instances become more valuable than decreasing one's handicap.

### 1.3.2 Research methodology

The method of narrative employed in this study is one that has enjoyed prominence in contemporary planning writing under the auspices of the "practice-based movement" in planning. This represents a shift from a "materialist to a phenomenologist understanding of the nature of being (ontology) and the nature of knowing (epistemology) (Healey 1997:38).

The study is *exploratory* in attempting to understand phenomena - issues of conflict and power in the context of urban development and planning. It also seeks to be *descriptive* in describing urban planning processes and problem solving.

Primary research methods were the use of interviews and participant observation. Due to the qualitative nature of research, methods were required to be flexible, contextually apt and create opportunity for observing subtleties that give more insight.

- *Interviews:*  
Much of the research will focus on social interaction, opinion and process. Questions concerning these are best answered through an interview process where a high level of technical detail may be required and observation as part of the process can help to achieve greater insight. (List of respondents is included in *Annexure A*.)
- *Participant Observation*  
Babbie (1983: 264) identifies four different variants of participant observation as sitting on a continuum of roles that the researcher plays in this regard: complete participant, participant-as-observer, observer-as-participant, and complete observer. The role taken

by the researcher in this regard varied in a number of ways and is discussed in more detail under (1.3.3).

Exploration and description of the information and events in this study will in itself be of value. Synthesis is needed to provide some structure to the outcome with particular emphasis on the theme of the dissertation but also on the lessons that can be derived in terms of planning practice. A number of key questions are asked throughout the recounting of the case study in order to make the necessary deductions possible. These thematic questions and the tools and methods for answering them are summarised in *table 1*.

**Table 1:** Thematic questions

QUESTIONS	PURPOSE	RESEARCH METHOD
How is the CMDA attempting to achieve urban integration?	Determine the policies and tools whereby the CMDA is aiming to implement its vision.	Primary: Interviews Secondary: Perusal of policy and planning documentation
What are the overall obstacles in achieving this aim?	Get an overall feel for the problems and difficulties experienced	Primary: Interviews Secondary: Organisational reports and documents
Is there general buy-in to the goal of integrated development?	Test the internal commitment and community support for the CMDA's vision - an overview	Primary: Interviews Participatory Observation Secondary: Popular press
<b>Land Claims Conflict</b> How did the situation arise? What are the stakeholder groups? What is the nature of the conflict? What was the process in resolving the conflict? What were the planners' roles in this?	Examine the point of focus in terms of its characteristics, the orientations of the various stakeholders and the actions emanating from this; what were the implications in terms of planning process?	Primary: Interviews Participatory Observation Secondary: Legal + other docs

### 1.3.3 The role of the researcher

The role of researcher as participant makes objectivity impossible. It is also the broad position taken in this study that the topic is by its very nature qualitative especially given the author's employment at the CMDA. It is therefore declared at the outset that the purpose of the research is not to give scientific evidence; but use an "epistemology of phenomenology" in describing the practice of planning in a particular situation, and thereby uncover ways in which planning was done, at the vantage point of one involved in that process.

Involvement of the researcher can occur on a number of levels depending on the role taken on by the researcher. *Figure 3* illustrates the methods employed in research and the role of the researcher in this regard. Using a continuum (Babbie, 1983: 265) that ranges from complete involvement to some measure of objectivity, the diagram illustrates the following roles taken on by this researcher in the course of preparing this dissertation:



### 1.3.4 Key concepts to be employed in the analysis of Cato Manor

Discussion of the case study and the analysis of the material gathered makes use of a number of relatively abstract concepts that need to be defined clearly. The aim is to give them working definitions in order to promote clarity at the outset and also to avoid the indiscriminate use of jargon.

▶ **Integration**

A dissertation that examines urban integration needs a careful assessment and explanation of the term "integration". Such a broad term is open to interpretation in terms of context as well as theoretical perspective. Here it refers to spatial as well as social integration within an urban context. A working definition will be based to some extent on how it is defined in the Cato Manor project. The intention of the project is to "significantly restructure the apartheid geography of Durban through the orderly settlement of low income households close to the heart of the metropolitan area" and creating a "symbol of reconciliation and non-racialism for the whole metropolitan community by integrating it with surrounding middle and upper income areas" (CMDA, 1996: 2). It signifies conceptualisation of the term integration in a symbolic, social and spatial context.

• **Conflict**

Conflict is defined in the planning context as the struggle that arises from competition for resources in the spatial realm. It is seen as endemic to the planning process and is often managed through the employment of negotiation processes. It is not necessarily negative and can lead to an improved understanding of the needs of role players. Conflict that is manifested openly demands intervention through dialogue, or through processes such as mediation and arbitration.

▶ **Collaborative planning**

Collaborative planning refers to processes where stakeholders engage meaningfully in mediating planning solutions that are acceptable to all. Habermas's theory of communicative action provides the philosophical guidance for this. The contention that reflexive dialogue provides the basis upon which we can arrive at what is "true" and what is "right" is substantiated by Healey when she contends that it is possible to "reconstruct a public realm within which we can debate and manage our collective concerns in as inclusive way as possible" (1997: 44).

• **Stakeholders**

Groups of people that share common goals and represent a particular collective interest in the planning process are referred to as stakeholder groups. The aim here is to move beyond the bland notion of the "community" and refine it to recognise that various groups have varying interests in the planning process and this impacts on the nature of their participation.

- **Power**

As with conflict, power needn't be thought of as a negative concept. The exercise of power happens in subtle ways and can shape practice and determine the outcome of planning processes. Thus, collaborative planning processes are inevitably penetrated by power which includes the technical power of the planner. Perhaps more poignant though is the identification of current times as that in which power does not vest in large institutions or the state, but is diffused to a variety of networks in the broader community (Harrison 1998: 139). Thus, as many accounts of social movements have shown, the exercise of power at a community level can challenge the power of established interests. On the other hand, the power of established interests is often entrenched in the public realm such as planning.

The relationship between these concepts as well as how they are enacted in practice is the subject of the remainder of this dissertation. The aim of the first chapter was literally to provide an orientation to the reader in making sense of the next four chapters. It does so through an introduction of the topic and the case study and through the declaration of the framework for research. The aim of this thesis now is to answer the research question: is urban integration possible in the current fragmented urban context; and in answering this question determine if lessons can be learnt from this experience. Lessons that will inform the practice of town and regional planning in the current South African environment.

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## CHAPTER 2

### CONCEPTUAL FRAMEWORK

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#### 2.1 BACKGROUND

The concept of integration is not new to town planning, nor is it particularly new to planning in South Africa. It is a broad term that relates to planning processes as well as the outcome of these processes. An integrated approach to the *process* of planning relates to coordination *between* sectors such as economic development and spatial planning, or to linkages between them such as the combined effort of environmental management and infrastructural planning in facilitating stormwater management. But it also relates to interaction *within* planning: such as linking strategic, operational and spatial elements of decision-making in the planning process. (Harrison *et al*, 1998) Thus, implementing processes of integration relates to achieving the goals of effective delivery within the larger goal of urban development. But the notion of integration also relates to the outcome of planning, to the substantive goals of social and spatial integration. Achieving the larger vision of social cohesion could relate to integration between income groups, between ethnic groups and sometimes even age groups. Aiming to achieve spatial integration relates to integrating work and residence, geographic areas and land uses amongst others.

What emerges from this exploration is what Harrison (1999) refers to as an essential element of planning discourse in post-Apartheid South Africa. Defined as a “particular way of structuring knowledge within a specific domain” (1999: 1) discourse in this context relates to the definitions, practices and procedures that inform planning, whilst the term “specific domain” relates to the context, current and historical, within which this planning takes place. Hence, integration as an essential element in planning discourse in post-Apartheid South Africa relates to how the term is applied, in the first place, but secondly how it evolved and what meaning it has in terms of the current circumstances in which we plan. Integration has meaning as a goal of process and outcome but it is also part of the language of planning in post-Apartheid South Africa. It is an essential part of the rationality that underpins our planning practice.

In understanding integration as part of planning discourse we need to come to grips with the nuances of this discourse. To merely state that it is part of the language and the tools that planners use is not enough. We need to determine what it means in terms of outcome for it to have meaning in practice *firstly*, but we also need to comprehend its meaning at a finer level of abstraction. Applying the goal of integration has practical consequences, but also practical difficulties. In order to understand these we need to understand the conceptual problems at a broader level. In framing a conceptual framework, three levels of abstraction apply: the first to the practical problems of achieving urban development; the second to relating that to the broader level of achieving integration as an overarching goal of that development; and the third in understanding the difficulties of doing that by employing a specific conceptual framework as a tool for analysis. making the link between integration and the concept of modernism.

The first half of this chapter explores the relationship between modernism and planning. This is an uneasy marriage that has yielded unfortunate results in Cato Manor. The “mean side of planning” was applied in a multitude of ways in the spatial policies of Apartheid. Distancing ourselves from that history is done through the many ways in which we as planners attempt to contribute to reconstruction through integration. The concept of integration is essentially a modernist construct however, and we are applying it in a context characterised by increasing division and fragmentation. This problematic context is conceptually explored as the condition of postmodernity, and we are left with what is the inevitable tension between a modernist construct being applied in a postmodern circumstance.

Finding a planning solution in these circumstances is to some extent dependant on how well planners balance divided interests to achieve meaningful change. CMDA planners have contended with the exercise of power in many forms, yet have maintained some measure of progress. Collaborative planning processes through the GCMDF and ongoing participative planning in the implementation of the CMDP have ensured a measure of success. The Land Claims Conflict has however placed a question mark over the nature of that consensus and the role of the planner’s power in determining that outcome. But the challenge to the project was more profound in that the underlying rationality of integration was questioned and in some cases recast as a technicist planning approach. The second section of this chapter will therefore focus on debates surrounding collaborative planning, the nature of power and the relationship between rationality and power.

## 2.2 INTEGRATION AND RATIONALITY IN POST-APARTHEID SOUTH AFRICA

### 2.2.1 Modernism, rationality and the “mean side of planning”

The intellectual inheritance from the Enlightenment period, which we label modernism, is identifiable with the power of rational calculating thought as an objective means to human progression. The basic tenets of modernism that arose from the Enlightenment evolves around the power of the individual to effect change and progress. Its associated concerns is with the rights of individuals to life and respect, that we are all free and equal and that by the application of scientific enquiry and technological progress we can advance and positively influence the circumstances of people's lives (Healey, 1997). The basic tenets are that knowledge is an objective construct different and superior to irrational forms of knowledge such as tradition and religion; that rational knowledge of society is attainable; that empirically tested knowledge is truth. These have been the building blocks of modernism. It is embedded in Western intellectual thought, in our traditions, in the way that social institutions are organised and the way we intend social life to unfold.

The second part of the twentieth century saw a response to the institutions, the social systems and underlying assumptions that make up what one can loosely call the “modernist project”. Socially ascribed roles were challenged by the mobilisation of women in the struggle for gender equality, the unjust racism institutionalised in America and South Africa (amongst others) became the focus of increased resistance from the 1960's. A growing tide against the rationality underlying modern institutions and systems arose as a challenge to how we conceptualise modern living. How this applies to the profession of town and regional planning is perhaps best explained through the examination of two of the themes that have evolved since the 1970's.

The *first* response is a sense of disillusionment with the way in which the modernist project has been implemented - a feeling of betrayal as the negative impacts of the road to human progress become evident. Associated with betrayal is also a sense of failure as it becomes evident that the goals of social development and progress have not entirely been achieved through planning. The *second* reaction is a sense of unease and powerlessness in taking the modernist project forward - just how do we achieve what it is we set out to do in first place: improving the quality of people's lives? This is by no means an exhaustive nor representative classification of responses to modernism but it places it in two useful categories for application to planning practice. Fundamental to both is the notion of rationality, the meaning and composition of the term and the challenges to that.

The notion of planning as a modernist construct has become a common characterisation (Allmendinger, 1998). As a response to the ill-effects of industrialisation and one concerned with the improvement of people's lives through scientific enquiry and intervention, planning can be described as a profession borne of modernism. The problem then with the modernist project is not so much that its objectives and principles are unsound, but that the way in which it has unfolded has had negative impacts. As Healey puts it: “the liberating power of the idea that we are all free and equal, and that by the application of scientific inquiry and technological invention,

we can improve the material circumstances of everyone's lives, has been translated into governance institutions which have generated new bastions of power and new ways in which people are made unequal." (1997: 39). Thus, planning is intrinsically linked, through its application in the public realm, with the institutions and systems that have often resulted in social conditions contrary to the ultimate aim of human development and progress. Furthermore, pertinent to South Africa and in particular Cato Manor, it has been used as a tool to further entrench inequality and injustice through rationalisation of its ideals. Described in part as the "tragedy" of planning by Harrison (1999) the failure of planning to fulfil its applaudable ideals of social advancement has in some instances resulted in the "mean side of modernity" (Harrison, 1999: 2). How this has been translated into the "mean side of modern planning" is mentioned by Harrison and explored in detail by Yiftachel (1995), J. Robinson (1992) and Mabin (1995 & 1998). Given Cato Manor's history as site of one of the most comprehensive urban struggles against Apartheid planning, it is therefore meaningful to explore this theme in more detail.

Rationalisation of the notion of segregation took many forms in Apartheid South Africa. Through the employment of concepts such as "social stability", "physical order" and "separate development" Apartheid policy was depicted as an endeavour that made sense. Bound up with that was a host of political, moral and social concerns which contributed to a system of norms considered necessary for an orderly and savoury urban environment. J. Robinson (1992) argues that the planning of South African cities was deeply infused by this larger system of norms. The relationship between the political dispensation of the time and the practice of planning worked both ways: not only was the practice of planning infused with the ideologies of the time, but planning was used as a scientific and rational decision-making tool to achieve segregation. The words of a past Deputy Minister of Provincial Affairs are telling: "when it comes to low-cost housing we work on urban planning principles, not Group Areas." (1992: 298).

The rapid clearance of Cato Manor that began in 1959 concurrent with the development of KwaMashu, was based upon the principle of segregation but rationalised through reference to notions of public health and slum clearance. On the other hand, planning legislation and practice made this possible through the development of KwaMashu and declaration of the Cato Manor area as a white group area. Thus, "planning discourse and the practical experiences of administrators were bound up with the political projects of the time, even as they made their own significant contribution to the elaboration of political power." (J. Robinson, 1992: 296).

It is obvious then that not only was the practice of planning instrumental in enabling the segregationist policies of pre-1994 South Africa, but the resulting urban form now displayed in South African cities is a legacy of Apartheid planning. As Mabin says "most people would support the view that urban planning has crippled the ability of South Africa's cities to offer a decent urban life to the majority of its citizens" (1998: E6). In terms of the built form, Modernist constructs such as the image of "order", as well as the modernist reconstruction (post WWII) movement of the 1940's was used to enormous effect to reshape South African urban spaces in the 1950's and 1960's. Mabin (*Ibid*) expands by citing how Apartheid "borrowed extensively from the modernist rhetoric of urban planning" in the creation of new neighbourhood units such

as KwaMashu and other townships, and the slum-clearance intended to achieve urban renewal in inner city areas, such as Greyville and Cato Manor.

The employment of modernist planning ideals to enforce oppression and segregation is not unique to South Africa of course, nor is it a feature of the past. Yiftachel (1995) explores the ways in which the three key dimensions of planning policy - *territorial*, *procedural* and *socioeconomic* - are used for ulterior motives in Israel. In the same way that buffer strips were designated to separate races in South African cities, Yiftachel cites the use of land use planning and designation to contain the *territorial* taking up of land by minority groups in Israel. Other methods include restrictions on the ownership of land and lines drawn on plans to prohibit the spatial expansion of minority groups. He cites the imposition of planning decisions from above and marginalisation of minority groups in the decision-making process as reflective of how the *procedural* dimension of planning is abused while the *socio-economic* aspect refers to the long-term impacts of these policies on the life of minorities. All these combine to display what Yiftachel refers to as "the dark side of modernism" (1995: 216).

The relationship between power and rationality is one played out in the history of planning intervention but certainly not one restricted to the past or to divided societies. Whilst used in Apartheid South Africa and in Israel to promote a particular ideology, power-relations are such that they can be manipulated in less overt ways. Flyvbjerg (1998) explores the relationship between rationality and power in one of the most advanced democracies in the world in his book on the Aalborg project in Denmark. The relationship between rationality and power is explored in more detail in (2.3.3) below but it is worth noting that the play of power in planning does not only refer to institutional control, but also to the way in which the uncertainties of social life are controlled through planning intervention. This relationship between planning knowledge and power, and how that power is employed in practice is blatantly obvious in examining known divided societies, but uncovering the workings of that power in democracies such as post-Apartheid South Africa is more complex. Understanding these subtleties is important in order to gain insights towards constructing a type of planning "that can resist the encroachment of coercive power relations while contributing to the practical formation of powerful democratic communities" (Hoch, 1996: 31).

### 2.2.2 Integration as a planning goal in post-Apartheid South Africa ✱

Deconstructing the way in which planning was used or manipulated as a tool of oppression within the context of seemingly modernist ideals reveals the relationship between knowledge and power. But in it also are the seeds for the reconstruction of South African cities. Instead of segregation, we now strive towards integration, instead of top-down blueprint policies we now try and achieve an integrated approach whereby all role players are included. Hence a break is made from the oppressive practices of the past, from the planning regimes that entrenched separation through a misdirected modernist rationality. The disillusionment with planning and its results is felt intensely in South Africa where planning practice and policy have done so much damage. There is a desire for reconstruction, for integration, for making amends.

It is perhaps wise to start with the notion of reconstruction as a rationale for urban development and specifically focus on the actual goal and language of integration. The notion of reconstruction is a recurrent theme that echoes throughout political and administrative life in post - 1994 South Africa. From the Reconstruction and Development Programme (RDP) to the ongoing restructuring of local authorities, the “brave new world” of post-Apartheid South Africa is yet again the subject of the ultimate Modernist project: the reshaping of the social and physical structure of South African urban places to ensure that opportunities are created for *everyone*. The RDP was turned into a number of White Papers, into legislation (DFA) and policy and hence accepted as a discourse to which most role players in the planning environment subscribe. Presidential Lead Projects, in terms of the RDP programme, “sought to remake urban space in a variety of ways after the destruction wrought by Apartheid” (Mabin, 1998: E6). One of the biggest of these is of course the CMDP. In Cato Manor the goal of integration is embedded in almost every aspect of the project: its plans, policies and the overall approach to development. The extent to which this is implemented is explored in chapter 3, but the notion of integration as the rationality for planning practice is evident in the CMDA’s policies and was a key determinant in its application to the Land Claims Court in 1997.

Integration is therefore an essential element of the planning discourse of the new South Africa but is certainly not new to the planning landscape. Harrison (1999) identifies a number of influences in the genealogy of the notion of integration. The beginnings of regional planning theory emphasised the organic inter-relatedness of environment, society and the economy as adherence to a larger philosophy of holism. The rational comprehensiveness of planning processes after World War 2 involved consideration of all factors in the decision-making process. Neo-Marxist planning theory conceptualised planning in an integrative manner in terms of its social and economic context. Thus integration as a goal of process and outcome in planning functions as a *leitmotif*<sup>1</sup> in planning discourse, a leading motif that influences how we conceive planning processes and how we do planning.

Discourses of compaction-integration reflects part of planners’ critique of the Apartheid city as well as an approach for more developmental forms of planning. The buy-in to integration was achieved through the inclusionary forum processes of the transition to a democratic South Africa, and endorsed by organisation such as the World Bank and the Urban Foundation, and is embodied in legislation concerning post-Apartheid planning (Todes, 1998). Owing much to the urbanist ideals of Jane Jacobs (*Ibid*) the integration vision sees urban areas as being representative of opportunities for all those living within its boundaries, with thresholds provided by high residential densities, reduced proximity between home and work place and offering a land use mix. While these objectives represent the notion of spatial integration, social integration is also important. Here it refers to the integration of previously isolated communities into developed areas and ensuring some form of racial integration at the neighbourhood level.

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<sup>1</sup>“Leitmotif” is a literary term used to designate a recurrent theme. It is occasionally used in a broad sense to refer to an author’s favourite themes: for example, the hunted man and betrayal in the novels of Graham Greene. (Collins Literary Dictionary)

The notion of integration is associated with a language that has become identifiable with post-Apartheid planning. With densification being the most prominent vehicle for compaction, important also are the concepts of corridors and nodes as the tools employed to achieve spatial integration. The notion of integration through compaction is theoretically sound: densification raises thresholds for local economic opportunities, mixed uses along activity spines increase access to social and economic opportunities and improve the viability of public transportation systems. Intensification of the number and diversity of land uses at the confluence of major routes lends structure to the urban form while compaction makes the design and identification of public space critical to urban living. Spatial integration makes *good planning sense*. It also creates the platform for social integration; and social integration is perhaps one of the most poignant goals of reconstruction in post-Apartheid South Africa.

Just as we make sense of the Apartheid city through the discourses that informed planning practice up to 1994, so too will the language, texts and discourses now so prominent in planning practice help us make sense of the post-Apartheid city in future, argues J. Robinson (1992). The goal of the specific urban form that encompasses the integrated city, is a rationality defined and negotiated between political role players, as a result of planning theory and discourse, that has come to define the objectives of a new urban order. How that rationality was assigned and who defined it will to some extent also inform its success. Understanding where the goal of integration comes from, and what the language of integration really means is key to understanding how it is affected in practice in Cato Manor. Thus, if oppression and segregation represent the “tragedy” of Apartheid planning then the notion of “reconstruction” and “integration” certainly represents the “romance” of a profession implicated in the awfulness of Apartheid.” (Harrison, 1999: 1).

Consequently, what has evolved is a meta-narrative, visionary but physicalist, of what the good city should be. Integration as a planning goal is therefore Modernist in identifying the model for the post-Apartheid city as related to what the good city *should be*. This goal has however been increasingly challenged and debated. Its technocratic assumptions have been questioned by J. Robinson as a means whereby the view of the good city is imposed (in Todes, 1998). Some have employed a deconstructive technique in questioning the language that makes up the discourse of integration and integrated planning and how it has been employed in practice (Oostuizen and Van Huysteen, 1998). This deconstruction of our planning language is valuable (and terribly postmodernist) in that it creates awareness of the assumptions embedded in planning language as well as the limits to implementing these concepts. This is important but should not detract from the general objectives of achieving a more democratic and meaningful planning practice. Others however have questioned the prospects for implementing a modernist goal in an increasingly postmodern society characterised by fragmentation, diversity and change (Mabin, 1995 & 1998). It is this discussion that is pertinent to this thesis.

### 2.2.3 Prospects for integration in a postmodern society

While many have questioned the ways in which modernist planning ideals have failed in practice, others have focussed attention on the “dark side of planning”, the “tragedy” of the

“mean side of modern planning” (Harrison, 1999; Yiftachel, 1995; Mabin, 1998; J. Robinson, 1992). Some have expressed a sense of unease and powerlessness in taking the modernist project forward in the face of the postmodern condition. This relates then directly to the modernist goal of integration - what are the prospects for taking it forward in post-Apartheid and postmodern South Africa? Before exploring this dilemma it is necessary to explore the notions of postmodernity, postmodernism and post-modernism thoroughly.

The broad construct postmodernism broadly refers to three concepts:

- postmodern aesthetic - *post-modernism* as style: a stylistic reaction to the Modern movement
- the socio-economic condition of *postmodernity*; an era, a socio-economic period
- the *postmodern* paradigm as a form and body of knowledge: referring to ways of thinking and knowing.

(After Harrison 1998: 49, and Watson & Gibson 1995: 1)

It is the latter two that provide the broad philosophical framework for this thesis. The concepts *postmodernism* and *postmodernity* both focus on discontinuity, disjuncture and transformation. Their actual subjects are radically different. The condition of *postmodernity* refers to the reality of late twentieth century life: ie postmodernity as a human condition in a specific context. The context of this thesis focuses on the South African city as the “subject of transformation and disjuncture” (Watson and Gibson, 1995: 1). An urban context with communities that are *inter alia* “culturally plural, socially polarised, locally distinctive” (Harrison 1998: 99). Perhaps more poignant is the identification of the postmodern era as that in which power does not vest in large institutions or the state, but is diffused to a variety of networks in the broader community (Foucault in Harrison 1998: 139).

The notion of Postmodernism represents the body of ideas, writings and responses through which the Modernist project has been challenged. Lyotard identifies modern knowledge as that which legitimises itself with reference to a metadiscourse or some grand narrative. Postmodernism, on the other hand, concerns itself with a “heterogeneity of elements” that reflect disenchantment with the grand narrative (Harrison 1998: 53). Sandercock puts it succinctly: postmodernism represents a “multiplicity of critical, deconstructive and oppositional voices hovering over the corpse of modernism” (Harrison 1998: 56). If planning is, as Harrison suggests, an instrument of directed change (*ibid.*) and a process of rational decision making than the challenges of the postmodern writers on the nature of rationality has resulted in a shift in how we perceive planning and its goals. The question is: are our theories still relevant to what we are doing and are we approaching the way we do planning in a different and more relevant way? It is no wonder we feel powerless. In the face of tremendous fragmentation, marginalisation and division; just how realistic are we in chasing the dream of integration?

Harper and Stein (1995) examine the postmodernist challenge to planning as a means to escape a potential postmodern abyss that can arise from the uncritical adoption of postmodernist assumptions. They examine this under a number of postmodern themes and

their implications for planning. Whilst acknowledging the positive contributions of postmodernism for planning through the critique of the foundationalism that identifies rational comprehensive planning and its rigid methodologies; they warn against rejecting the modernist bases of planning without providing a viable alternative. Full blown postmodernism, taken to its extreme, can reduce planning to an impotent state leaving no basis for action in the public realm for the public good. "Thinking of reason as just a repressive notion is not going to help us do that...., the philosophical irresponsibility of one decade can become the real-world political tragedy of a few decades later. And deconstruction without reconstruction is irresponsibility." (Putman, in Harper and Stein, 1995).

Healey (1997) examines the problematic tendency of postmodernism towards individualisation and the problems that creates. In a sense it asks questions about the very nature of planning as a method of intervention in the public realm and as a means of managing co-existence in shared places. Excessive individualism with postmodernism in its extreme can lead to a situation where the most powerful (richest, whitest, male) reigns the day. In the absence of a vision that promotes improvement of the quality of people's lives, one may find that one is confronted with urban spaces that reflect the needs of unscrupulous politicians, or the agendas of big developers, or indeed caters to the needs of the majority (white males in America) or the powerful minority (white males in South Africa). In the absence of alternatives, we run the danger of recreating the horrors of the past.

A theoretical perspective using the modernist/postmodernism dichotomy as a guide reveals the theoretical contradiction of trying to achieve integration in a fragmented context. The notion of integration with its intention to create a compact city, its assumptions that urban change can be controlled by policy and its moral view of the good city is very much a modernist construct. Reality in Cato Manor reflects what could be termed a microcosm of the postmodern condition. Applying a modernist goal in this reality reveals an inherent abstract tension. This contradiction is acknowledged but is not considered a weakness. In fact it is argued that despite the view that the goal of integration would never be achieved in its entirety, striving towards that goal is laudable and worth pursuing. In striving towards the romantic, visionary goal of social transformation (Harrison, 1999) our planning efforts are justified by a genuine desire to achieve meaningful change.

Planning however will always have unanticipated consequences; yet it follows that somewhere along the line it will make a positive impact on people's lives. The application of planning still needs to affect change in the public realm if it is to be meaningful. How this is done may not be totally dependant on an overall rationality informed by a Modernist vision; yet the absence of one could lead to a messy incrementalism. In facing the messy reality defined as the postmodern condition, we still need to move forward in improving the quality of people's lives.

#### **2.2.4 The messy reality: contradictions and difficulties**

The notion of planning as a modernist construct being applied in a postmodern world has now become an accepted maxim. This has been questioned however. Allmendiger (1998) argues

that planning practice has moved on. Despite those that still retain its rational basis, elements of planning have been adapted in practice to deal with division and conflict. Others have embraced diversity through freeing the “voice of the other” (Sandercock, 1995) and interacted with other disciplines in finding solutions to very complex realities. Almqvist (1998) challenges the notion of postmodernity in asking the question: is this really a postmodern world or is it just a red herring; do problems and issues become lesser concerns if we rationalise (as planners are prone to do) them as part of a larger condition - that of postmodernity. By labelling it do we look for a way of ignoring the intricacies of complex realities and continue to impose rationalist forms of planning in the hope that these issues will just go away?

The tendency to generalise and aggregate complex realities into convenient terms is certainly one planners are prone to. Terminology such as the “public good” and the “community” are just some of the phrases planners glibly use to make sense of their world. Employing the term postmodernity to describe nuances of conflict, power and diversity is a useful tool for uncovering the complexities of planning situations. Not only does it force us to question our assumptions (rationalities) but it also provides a critical lens through which planning practice can be examined. As a philosophical movement it:

- ▶ is *deconstructive* in questioning conventional beliefs and assumptions while also examining the underlying power and authority to those beliefs and assumptions;
- ▶ it is *anti-foundationalist* in questioning objective “truths” and universals as the bases for those truths;
- ▶ it is *non-dualistic* in rejecting the dichotomies of objectivity/subjectivity, fact/value etc;
- ▶ it encourages difference and *plurality* (Milroy in Healey, 1997).

Some planning theorists have found in the postmodern challenge to notions of rationality and reason the “basis for reconceptualising theories of planning” (Harrison 1998: 320). Others have treated it with caution whilst some have seen it as an opportunity to inform more viable forms of planning that could be more effective than traditional planning approaches.

Harrison (1998) uses the notion of rationality as a basis for traditional planning approaches and the postmodern challenge to rationality to make sense of the way planning theorists have responded to this theme. He identifies four responses:

- Those defending the traditional conceptions of rationality in planning.
- Those labelled realists: acknowledging that there is a real change in the conditions within which we plan and which demands an adjustment to the way we plan.
- Third are a body of writers that have constructed an alternative rationality informed to a large extent by the work of Habermas and some extent Michel Foucault. Those that believe that a process of dialogue and consensus between individuals provides a rational basis for planning.
- Fourth are those that can be labelled postmodernist or poststructuralist in their approach.

Whilst not mutually exclusive, the first two categories do provide sober defences against the onslaught of postmodernism, while the latter two indicate a change in the way we think about planning and planning practice. The third is pertinent to this thesis in providing the framework within which plan-making and planning practice can be examined. The poststructuralists also add value in equipping us with the analytical tools in examining planning texts, processes, plans and the value judgements embedded in them. Furthermore they remind us of whom we plan for - this is particularly important when investigating the unfolding of the planning process in Cato Manor.

It is Harrison's third category, those aiming to construct an alternative rationality, on which the remainder of the conceptual framework for this thesis is based. Referred to also as the "practice-based" movement in planning, these theorists acknowledge that planning is context bound and aim to bridge the gap between theory and practice. The shift in focus on the way that planning is done, rather than discourse or theory is becoming more relevant as planning writers such as Flyvbjerg, Watson, Almendinger, Forester and Innes use concrete planning examples as metaphors. In this way they construct ground theories that serve as a phenomenology for testing new ideas and examining the construction of new rationalities. These "radically empirical or descriptive disclosures of concrete experience" (Brockelman, 1980: 4) provide laboratories for future reference, uncovering ways in which planning is used to deal with complex realities and situations. Owing much to the philosophical explorations of Habermas and Foucault, writers such as Healey and Flyvbjerg have evolved theoretical concepts and elements of ground theory that are instructive in examining Cato Manor. It is to these explorations that this discussion now turns.

### 2.3 TOWARDS A NEGOTIATED RATIONALITY: PRACTICE-BASED DISCOURSES IN PLANNING

Examining the themes of (post)modernism and planning has illuminated the limitations of grand theory. More importantly it has led us to question our assumptions in constructing our theories and focussed attention on the value inherent in our definitions. Planning language is littered with terminology that is intended to provide us with conceptual and procedural tools but mean different things to different people. The notion of "community" for example has connotations that mean one thing to planners but quite different things to the so-called communities. The notion of the "public interest" is one that has been linked to the planning profession since its inception but who this public is, is often dependant on the definitions of these very same planners. So also the term "integration" and the many concepts associated with it. As a rationality for planning it is hotly debated as unrealistic within the current society that we live in. In order to make sense of the way we plan, the way we construct the rationality and the terminology embedded therein we need to examine how this terminology is translated into practice. Grand planning theories may help us understand the environment within which we plan (substantive theory) and the methods we use to plan (procedural theory) but it is through the examination of concrete planning examples that we learn about the *how* of planning. This aids us in constructing ground theories which in turn enable more structured examinations of other planning situations.

Healey (1997) interprets this shift in emphasis from grand theory to investigating the "phenomena" of planning on the ground as a shift in the conceptual ground of theory. It is valuable because it represents a phenomenological interpretation of the relationship between knowledge and action. Implicit is the understanding that knowledge (our conception of rationality) and value (how we justify rationality) are not separate from what happens on the ground (how we experience rationality). In fact, they are intrinsically linked: rationality in value and knowledge is actively constituted through social, interactive processes (*Ibid.*). Intervention in the public realm, whether through public policy or planning, constitutes a social process where social, interactive processes contribute to our ways of knowing. In short, in everyday life we construct the rationality that informs our practice. No longer are our planning intentions subject to an outside rationality that is non-negotiable, but in the doing of planning we negotiate and reconstruct this rationality. Harrison (1998) distinguishes between those that use rationality as a construct out of a communicative process as inspired by the philosopher Habermas as one group, and those that recognise the influence of power in shaping that rationality as inspired by historian Foucault as the second group. This is an useful categorisation and applies to Cato Manor for a variety of reasons.

First is the identification of the CMDP as the outcome of a collaborative planning process through which the post-Apartheid rationality of planning was and is negotiated and unfolds in practice. Second is the need to examine the influence of power and vestiges of interest in the planning process and particularly during the land claims settlement process. The notion of power and how it translates into action is also relevant in terms of the context within which the CMDP takes place, the role of institutions and the state as well as the power relationships

between claimants. The relationship between power and rationality is essential in understanding the Cato Manor's history and is particularly pertinent to the Land Claims conflict. How this power is exercised in the construction of that rationality is subject to two sets of views that relate to the role of the planner in the exercise of that power. The two philosophical strands that underlie these themes are explored below together with an investigation of how planners such as Healey and Flyvbjerg have developed this into practice-based planning theory.

### **2.3.1 The philosophical basis: inspiration from Habermas and Foucault**

The critical theory of Jurgen Habermas provides the philosophical basis for what has become known as collaborative planning. Elaborated upon by Healey, Innes and Friedman; communicative action refers to the way in which we reconstitute the public realm through open, public debate. This has had an impact on the way through which planning process are conceptualised and examined. It has also influenced the planning techniques employed in practice. Writers such as Innes and Forester expand upon the potential of using conflict resolution techniques such as mediation and negotiation methods to solve planning stalemates. Habermas is particularly useful as a conceptual tool in examining inter-group relationships in planning. His ideas facilitate the way in which we can move away from the notion of one community and therefore think more in terms of stakeholder groups and their interests. The notion of communicative action has provided the field of planning with an important critical tool.

Habermas (as expanded upon by Healey, 1997) uses the concept of *abstract systems* to make sense of the structures that define the environment within which we plan and by extension engage with. These are the rationally organised systems that provide the economic and political parameters within which we live. We construct our *personal life worlds*, we live our daily lives within the context provided by these abstract systems. Through this conceptualisation he challenges the way in which abstract systems have penetrated our life worlds and argues for the renegotiation of these to be more sensitive to our life worlds. Habermas argues for a paradigm that allows for 'making sense together' while 'living differently' (Healey, 1997: 50).

Habermas contributes to the postmodernist/modernist debate by acknowledging the limitations of the absolutism of modernism but maintaining that the progressive ideals of the Modernity project can be achieved through communicative action. The reductionism of a narrow scientific approach is revised in favour of a reason negotiated through democratic debate. Thus the ambitious ideals of the Enlightenment project are endorsed but the methods in achieving it are subjected to critical theory. Planning as a profession that intervenes in the public realm therefore requires an understanding not only of the abstract systems that make up its parameters, but also the life worlds of those involved in its processes. Incorporated in this is an acceptance of a degree of collaboration and reciprocity. With communicative action comes communication ethics, an interactive meaning-making process where "truths" and "values" are arrived at through a discursive effort. What is considered "true" and "right", a new negotiated "rationality" would be dependant on the "power of the better argument" negotiated in a specific socio-political context (Healey, 1997: 49).

The issue of power and its relationship to knowledge (or what counts as rationality) represents some of the concerns that can be gleaned from Michel Foucault's work. As historian and social commentator Foucault is credited with introducing the concept of power into the contemporary philosophical landscape (Kelly, 1994). Through his analysis of the genealogy of social systems and meanings he has explored notions of discipline through examination of the state mental health institutions in France as well as how expressions of sexuality are influenced by larger social systems. By doing this he has shown how in the pursuit of progress the creation of liberal care-taking institutions (such as mental homes run by middle-class professionals) can paradoxically subject individuals to new forms of power (Hoch, 1998). For Foucault transformation and revolution do not necessarily bring emancipation but new forms of power emerge as power is productive of both knowledge and practice (J. Robinson, 1992). Thus, knowledge is representative of power, while the development of knowledge (of rationality) is a process embedded with power.

Kelly *et al* (1994) explore the relationship between Habermas and Foucault by focussing on the relationship between critique and power. Habermas contends that through critical theory (or the application of criticism) we can make normative distinctions between the legitimate and illegitimate use of power. These distinctions can be made during communicative action through the incorporation of communication ethics. Discourse ethics allows us to use accepted norms to continuously justify and examine the communication process. Foucault, on the other hand, argued that there is no power-free discourse through which to conduct critique, for discourse is context-dependant and infused with power. The only way to uncover ways in which power affects outcome is through the elucidation of examples. This Habermas rejected as self-refuting: his theory of power undermines his paradigm of critique - if critique cannot be rational and subject to universal principles of discourse ethics, how can it be used to uncover the abuse of power?

Habermas and Foucault never had a chance to debate their differences in public due to Foucault's untimely death in the early 1980's and disagreement on the subject for debate. What is apparent, according to Kelly (1994) is the rejection by both of the absolutism of modernist critique as grounded in the notion of transcendental, self-constituting rationality unaffected by human individual experience. While Habermas rejects the ability of modernity to "create its normativity out of itself" (Kelly, 1994: 210), Foucault, in what was initially perceived as a tendency towards individualisation bordering on reductionism, has often been labelled as anti-modernist or postmodernist. Yet, what becomes evident in Foucault's later work is his commitment to the Enlightenment project by peering into its dark side. He declares confidently that he is a modernist engaged in "a permanent critique of our historical era" in the pursuit of enlightenment (Bernstein, in Kelly, 1994: 211).

What then does this mean for planning: the way we do and think about the process and practice of planning? Firstly, it provides the philosophical basis for making sense of the reality within which we plan. Habermas's communicative action is useful in examining what has now become known as collaborative planning processes and the various life worlds of stakeholder groups

involved in that process. On the other hand, Foucault lends that hint of cynicism required of the self-examining planner: who exactly yields power and *who really benefits*? These themes have been explored by practice planning theorists and elaborated upon below. They also help to determine the most effective paradigm of critique in evaluating the planning process in Cato Manor.

Perhaps more poignant and particularly true of lessons learnt from the explorations of Foucault is a reminder of the potential dark side of intervention in the public realm. His concept of power relations provides an important critique of professions that claim to serve the public interest (Hoch, 1998). What this notion of the “public interest” means to those involved in the planning process, is perhaps one of the most important explorations of this thesis.

### **2.3.2 Communicative Action and Collaborative Planning**

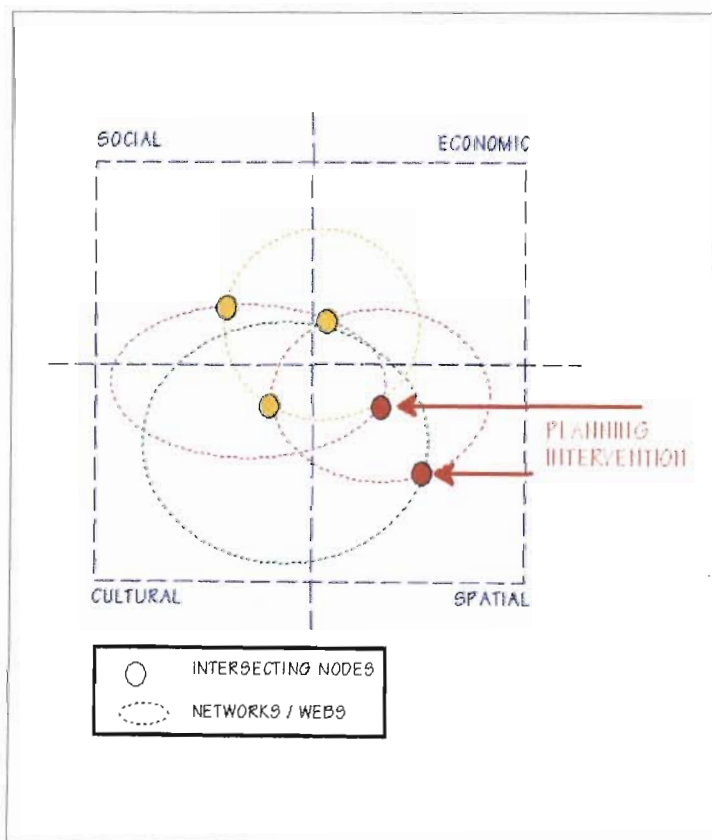
Jürgen Habermas’s theory of communicative action has inspired an array of planning theorists to argue that “the outcome of a process of dialogue and consensus provides a rational basis for planning” (Harrison 1998: 321). Communicative planning theory started primarily with the work of John Forester focussing on processes of knowledge production: no act of communication is purely neutral, planners need to be aware of this and serve to neutralise these distortions (1999). Patsy Healey refines the arguments of Forester by focussing on the problems that can arise from a communicative planning process. She believes that we are capable of “planning through debate” and that “processes of conflict mediation, consensus building and stakeholder partnerships” inform more viable planning approaches. (Healey, 1997: 64).

Implicit in Healey’s belief is recognition of the fact that collaborative processes are not neutral, neither are they free of power and conflict. Her contention is however that a communicative process allows for resolution of conflict and joint solutions to problems thereby achieving true consensus. Thus, the GCMDF was the result of an ongoing problem-solving process that resulted in the CMDP. The Land Claims conflict was addressed through the Settlement forged by relevant stakeholder groups. Part of the aim of this thesis is to examine some of the innovative ways in which a complex and volatile situation has been dealt with in practice, in Cato Manor. The integrated approach to development taken in Cato Manor is in some ways representative of a collaborative process between community stakeholders and institutions such as the various implementation agencies. CMDA, as facilitator of development, has brought these various interests together in determining solutions to planning problems.

A key focus of collaborative processes, therefore, is the nature of stakeholders groups and their various interests. For herein vests the source of conflict and power. Interaction is expressed in networks within which people draw their own frames of reference while these networks intersect and overlap in various ways. Power and influence are mobilised through less overt ways as an expression of these networks. Spatial planning provides the arena which cuts across these webs. Spatial planning brings communities such as former and present residents of Cato Manor together - people that are spatially related but are linked to networks that cut across space. The

intricacy of these webs is expressed by the socio-cultural cleavages that distinguish former land owners from tenants, African from Indian and those drawn together through a common history. Yet, what makes Healey's concept of "webs of interaction" useful is that it implies that the notion of a stakeholder group is a dynamic one. A former resident of Cato Manor may have been party to the Development Forum, be a former land owner in the area, and may be a present business owner in the area, whilst still having objected to the CMDA's Section 34 court application. Thus, his/her role in relation to the CMDA changes accordingly. What this means for the planner is that the nature of stakeholder interests can never be assumed. The discussion of the Section 34 hearing shows just how varied these interests are and how they impact on planning especially with regards to dealing with conflict.

Habermas's theory of communicative action: that reflexive dialogue provides the basis upon which we can arrive at what is true and what is right is substantiated by Healey when she contends that it is possible to "reconstruct a public realm within which we can debate and manage our collective concerns in as inclusive way as possible" (1997: 44). Planners are becoming increasingly exposed to conflicts over environmental issues. We live in pluralist societies where the common public interest that planners have always planned for does not exist. Instead we are faced with fragmented contemporary social orders through which we need to navigate a way of planning. In doing this we find a new negotiated rationality that can determine our intervention.



**Figure 4:** Relational Webs and Nodes of Interaction

Healey's key analytical concepts (illustrated in figure 4) are useful for studying individuals engaged in the public realm. Interaction between individuals manifests itself in relational networks that cut across social, cultural, and economic life as well as space. These relational webs provide the impetus into people's sense of themselves and contribute to how they make sense of their life worlds. These "relational cultures" as Healey calls them, vary in spatial reach and temporal span but intersect at nodes where conflict can occur. Negotiation and dialogue at these points can however result in a new rationality that can provide impetus for future intersections. Spatial planning represents the sphere of institutional intervention that cuts across these webs,

creating the “space” or “arena” where various actors are brought together. It offers a system whereby conflicts regarding space can be dealt with, yet also be challenged by the myriad of life worlds that are brought together.

Healey argues that by “learning to collaborate” we gain a richer understanding of conflict and through a collaborative process we store the “social and intellectual capital” that can be drawn on in future situations. In doing so we develop the institutional capacity to collaborate and coordinate (1997: 34). We do this in two ways: first by investigating and coming face to face with the forces that contribute to the quality of places; secondly by gaining insight into the forms and processes of governance through which stakeholders come together. The nature of planning according to Healey is to reflect on the discourses that take place and provide the framework for building social and intellectual capital to be drawn on later. She contends that “spatial planning efforts have the potential to become sites for urban region, town and neighbourhood ‘link-making’ work” (1997: 61)

De Roo (1999: 8) recognises a place for collaborative planning efforts but argues that in some instances there is no need for elaborate dialogical procedures. In investigating various sites of environmental conflict, he argues for a decision-making approach that is context dependant. Some situations demand a goal orientated approach, especially in environments that demand intervention for eg the application for noxious industry next to residential development. A goal directed approach and collaborative planning are not mutually exclusive however. The very nature of planning activity is substantive: that of providing humane living environments and ensuring effective management of resources. These goals themselves cannot be separated from the process of achieving them. Integration is one of these goals, while collaborative planning, as argued before, is a form of integrated planning. However it is through examining process that we often learn new insights into why and how we do planning.

The practice of planning argue Healey, Innes and Forester can gain a lot from negotiation and mediation techniques. In “learning how to collaborate” we constructively confront power and gain a richer understanding and awareness of the vested interests in local environments (1997: 34). Conflict resolution in planning, or the study of conflictual situations in planning can help recognise the “social situatedness of knowledge” and more importantly “the action and cultural frames of reference through which action is articulated” (Healey 1997: 38).

The value of a dialogical approach is further elaborated upon by Innes and Booher (1999) in their contention that the contributions made by participants in terms of their ideas, methods and experiences can be pieced together to create a strategy on which all can agree. Most interesting is the way in which they describe the current context within which planning takes place: “times of turmoil, ambiguity, change” that define the moment where old structures have broken down and new ones not yet fully created (1999: 21). This is typical of the period through which the GCMDF and the early CMDA evolved - a dialogical approach was essential to moving forward. Planning in an age of transition where priorities differ from one interest to another; where memories, culture and hopes for the future determine the boundaries of our life worlds leads to

situations where conflict is inevitable. Dialogical intervention is essential if the planner is to intervene in a meaningful way.

Healey encourages greater familiarity with techniques of conflict resolution: mediation and arbitration for the planner, while Innes and Booher suggest a less structured approach - consensus building through scenario building and bricolage. They use the analogy of role-playing games currently in vogue where players simulate role players within a game: the outcome is undetermined - role playing and cooperation in finding a way forward is its own reward. In the same way Innes and Booher see consensus building as a way in which stakeholders can "let go of actual or assumed constraints and develop ideas for creating new conditions and possibilities" (1999: 13).

This seems ideal in a situation where budgets are not restricted and where there is not a real conflict that needs resolution. In the Cato Manor Land Claims case study, the conflict is/was very real and interests clearly articulated. Conflict resolution procedures are therefore essential to come to some kind of agreement, fulfil some outcome that is acceptable to all those concerned. The procedure allows for arbitration if this is not possible; it is therefore a linear process with very clear objectives, one in which CMDA planners had enormous input into and continue to contribute. It is different from the situation framed by Innes and Booher - not the double-loop learning process suggested, but an outcome based approach intended to achieve results in the short term.

Facilitating collaboration while trying to "keep an eye on the ball" is a trick many planners have needed to learn. The practicalities of trying to achieve "planning through debate" are explored by Tewdwr-Jones and Thomas (1998) through examination of a case study in Britain. They study the way that planners perceive their roles in this process and also the planning legislative context within which this happens. Thus the planning system and its elements come under scrutiny in trying to capture the difficulties in collaborative local planning. Their conclusions are that the benefits of participation and the knowledge gained from collaborative processes are worthwhile in democratising planning and leading to closer working relationships between planners and the communities for which they plan. However, the parameters within which local planning takes place in Britain - the legislation and policies - constrain the extent to which communicative planning can take place and lead to frustration. Furthermore, planners themselves are not necessarily in agreement on the value of the often time-consuming and rigorous participation processes required of a collaborative planning approach. (*Ibid.*)

It follows then that given a favourable institutional climate and commitment from the planning profession, the road to mutual learning through collaborative planning efforts is considerably less fraught with difficulty. In using Habermas as a philosophical guide we assume that power relations can be neutralised through communicative action - through reinforcing the "power of the better argument" (Healey, 1997: 49). What that better argument is, is however dependant on who defines it and the knowledge that definition is based on. The relationship between knowledge and power is a complex one and worth exploring.

### 2.3.3 Rationality and power

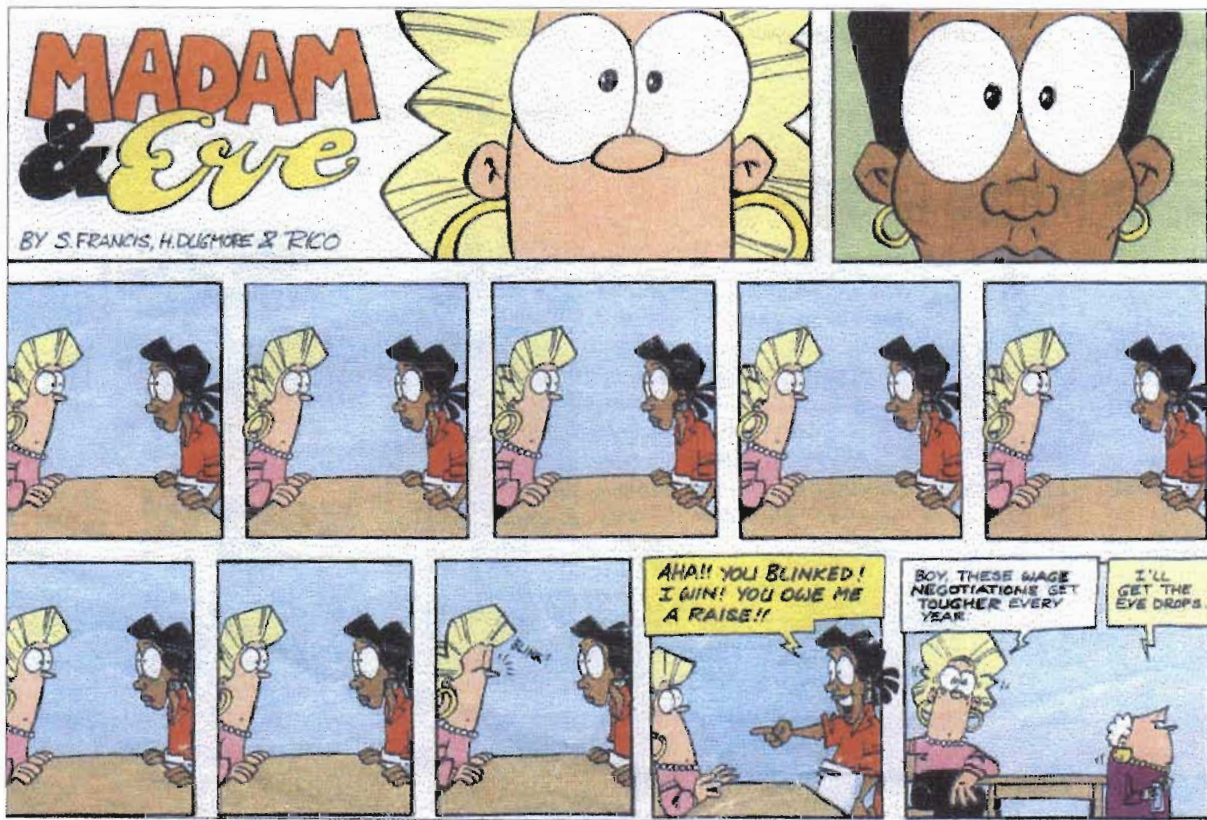
It is difficult to discuss the issue of stakeholders in Cato Manor and ignore the play of power inherent in inter-community relations. It is here where the notion of stakeholder as opposed to community becomes extremely useful. The land claimants in the settlement process are not representative of a homogeneous group with the same interests and aspirations. Mediation thus far reveals a wide range of objectives and aims with regards to the settlement process and the prospect of returning to Cato Manor. Innes and Booher's (1999: 16) contention that not only do participants in a process of consensus building come to the table representing stakeholders with different interests but they also shift into other roles during discussions is an important point.

Healey (1997) sees power as a constructive mechanism whereby participants in a collaborative process can harness this quality in affecting change. She recognises power not as an external force but as that which is actively constituted in every day life. Power can be used to the advantage of those in the planning process (1997: 49). Whether this can actually happen where communication can be distorted has often been questioned.

Examination of the land claims settlement process shows how negotiation can *potentially* work towards a planning alternative where diverse interests are incorporated. The use of the word "potentially" is intentional. Close examination of the land claims settlement process reveals that the process has in the minds of some, not achieved what it was intended to do. Locked up in that assertion are two issues worthy of exploration. The *first* one is whether the process was intended to achieve a collaborative solution by all parties involved. The *second* relates to the result of the settlement process: what were the power relations in determining the elements of the process and how is its outcome impacted upon.

The conclusion of consensus building or conflict resolution procedures is not predictable and thus makes forward planning in this context very difficult. Some would argue that the outcome of such situations is often subject to power yielded by those involved. In fact many would argue that it is the possession of knowledge and particularly technical knowledge that can result in the planner being the most powerful in influencing the denouement of collaboration. The nature of planning intervention is therefore particularly pertinent in this regard.

Planners communicate in a technical language and are at an advantage in terms of their ability to analyse information spatially and conceptually. CMDA planning texts came under careful scrutiny in the Land Claims Court case and its technical tools (GIS and mapping) are the main communication mechanisms whereby information is disseminated during the Settlement process in Cato Manor. Healey acknowledges how planning texts can serve to structure the decisions of those who take it seriously - plan and planning document preparation is therefore not just a technical exercise but represents one of the nuances of the relationship between rationality and power. Watson contends that "plans represent a site of struggle between the competing interests which have influenced their formulation, with struggle focussing on both the concepts contained in the plan and its subsequent status in decision-making processes" (1998: 8). Thus plans and planning language can become instruments of power.



**Figure 5:** Rationality and power in action  
Sourced from Fair Lady magazine, not for reproduction purposes

Thus, the effect of power can quite often yield different results from that anticipated. Flyvbjerg uses Foucault and Nietzsche as his inspiration when he explores the relationship between knowledge and power, between truth and power as well as the relationship between rationality and power in order to determine how these less visible mechanisms can affect planning outcome. His investigation of an award winning urban renewal project in Jutland, the Aalborg project, reveals an interesting narrative of how reasoning can turn into rationalisation and dialogue becomes persuasive rhetoric during the planning process. Flyvbjerg intends his narrative to provide a phenomenology for testing ideas and constructs a “ground theory” that could provide guidelines for researching rationality and power in other situations (1998: 226). Towards this end he constructs ten propositions based upon his research. These are useful for uncovering the nuances of power in the Cato Manor Land Claims conflict and will be used in the analysis thereof in chapter 5.

Flyvbjerg's ten propositions are as follows (1998: 226):

- *Power defines reality*  
Through the process of refining what is rational, power is often yielded as “interpretation is itself a means of becoming master of something” (*Ibid*: 227).
- *Rationality is context dependent*  
If power defines reality then rationality is penetrated by power which is shaped by

context. The circumstances within which power is exercised therefore determines the nature of power and rationality.

- *Rationalisation presented as rationality is a principal strategy in the exercise of power*  
By defining what is real and reasonable we often determine the outcome of the planning process.
- *The greater the power, the less the rationality*  
The more leverage is given to define reality, the more rationality is skewed by the exercise of power.
- *Stable power relations are more typical of politics, administration and planning than antagonistic confrontations.*  
The play of power in planning situations is therefore less overt and more easily ignored.
- *Power relations are constantly being produced and reproduced*  
They demand constant maintenance, cultivation and reproduction.
- *The rationality of power has deeper historical roots than the power of rationality*  
Democracy, freedom and rationality are relatively new constructs that are not as entrenched as definitions of class, privilege and ethnicity. This of course is particularly relevant to South Africa.
- *In open confrontation rationality yields to power*  
As the proverb has it: "truth is the first casualty of war".
- *Rationality-power relations are more characteristic of stable power relations than of confrontations*  
Stability and democracy does not imply that justice is served. Stable power relations may mask a "working consensus with unequal relations of dominance" (1998: 233)
- *The power of rationality is embedded in stable relations rather than in confrontations.*  
Reason can only be determined in situations characterised by negotiations and consensus seeking.

The challenge of examining the Cato Manor Land Claims settlement process is to achieve insight into the procedure and its outcome through the application of these ten propositions. Some interesting comments are made in the conclusionary chapter on the Aalborg project. Flyvbjerg notes that the project was conceived as a comprehensive, coherent and innovative endeavour intended to achieve a set of pre-determined and concrete objectives. The formulation of these was based on rational and democratic argument - the outcome was obvious and therefore not open to contestation. He observes that "Planners, administrators, and politicians thought that if they believed in their project hard enough, rationality would emerge

victorious; they were wrong....Institutions that were supposed to represent what they themselves call the 'public interest' were revealed to be deeply embedded in the hidden exercise of power.." (1998: 223). Hence he offers a case study that adds to the analysis of the role of professions in power regimes, in the same way Foucault did through his own research. Foucault's project was to expose the way in which modern (democratic) societies control and discipline their populations through "sanctioning the knowledge claims and practices of the human sciences" (Sandercock, 1998: 71). Flyvbjerg (1998) extends this critique to the practice of town planning making us critically aware of the presumed rationality of our discourses.

### 2.3.5. "Alternative" rationalities and planning in the face of power

What is the solution then - do we become so enmeshed in our scepticism of the planning process that it paralyses us or do we move on despite these difficulties? In a developing country where many are without basic services and houses, we have no choice but to carry on. In Durban where the majority of low-income households live on the periphery of the Metropolitan area, far away from job centres, Cato Manor presents the unique opportunity of serving up to 35 000 households with the opportunity of living and working close to the city. In an area with a history of oppression and reflective of the dark side of planning, it makes sense to strive for reconstruction in the "public interest". The question of course is who is the public and who really benefits. How does the notion of rationality impact on the lives of those who define it differently from planners? In Cato Manor, the inclusion of former residents into the development of Cato Manor provides an interesting dimension to the study of planning in the public interest.

History has taught us that the enforcement of state and institutional power do not remain uncontested. The next chapter will show just how the use of state power and its various policies were challenged in Cato Manor. But as shown by Flyvbjerg (*Ibid.*) power is not unique to undemocratic societies while Foucault reminded us of the ways it has become entrenched in social systems and liberal care-taking institutions in democracies. It is this kind of power play that planners need to be aware of because it is the kind that we run the risk of entrenching and enforcing. One of the ways to do this is by doing what Flyvbjerg (*Ibid.*) did, uncover the ways in which planning knowledge as power has impacted on the planning process. This is also the aim of this thesis. But there is also a need to examine the opposition to these covert power plays and the rationality contained within them. Sandercock (1998) terms them insurgent practices which I would like to call, in keeping with the theme of this chapter, "alternative rationalities".

Building on the notion of social movements, Sandercock tells the stories of "thousand tiny empowerments"; organisations, individuals and agencies that are forging planning solutions "in the interstices of power, sometimes in the face of power, and sometimes (although less often) from positions of power" (1998: 129). Her stories take place in the United States, Germany, Australia and Brazil. She cites a battle for Native Land Title rights in Queensland and the National Congress of Neighbourhood Women, a grassroots organisation in Brooklyn as some examples of where planning systems were forced to include "voices of the other" (Sandercock, 1995).

Sandercock (1998: 158) meditates on a number of characteristics of insurgent practice noting that their sources are multiple and diverse and that they often have the potential to challenge institutionalised power in a fundamental way. Furthermore, she notes a key feature of the *modus operandi* of insurgent planning practice is communicative action. Methods of mobilisation include negotiation processes and often constitute multi-cultural and multi-ethnic coalitions (*Ibid.*).

The term “alternative” rationality is applicable in that while these movements share a strong commitment to social values and local citizenship (Sandercock, 1998: 158) their definition of what those values are and what citizenship entails often differs from that embedded in larger institutions. This applies to Cato Manor in two ways. Firstly, the history of Cato Manor shows many instances of rebellion to the institutions, laws and systems that were part of Apartheid urban policy. This defiance was not only reflected in the protest action evident throughout the area’s history but also in the way life was organised and lived in the area. Secondly, the Land Claims conflict shows how in present democratic times, the rationality contained within the planning and plans for Cato Manor was also challenged. The source of that dissension and the “alternative rationality” that stems from that is contained in the history of Cato Manor.

In a way this chapter has come full circle. Starting with a discussion on Modernism and planning, it explore the ways in which the planning project has been abused to pursue irrational interests in the name of rationality. It then exploited the notion of integration as a modernist rationality that seeks to disassociate itself from the mean side of the planning of the past and how that in itself is a highly modernist construct. The term postmodernism was explored in order to gain insight into the fragmented context within which we plan and to reveal the theoretical tension between integration and fragmentation. Various ways in which fragmentation and division can be overcome have been explored through a discussion of practice-based planning theorists. Finally, we have come to the conclusion that collaborative planning practice in democratic environments is not power-free and that planners are often instrumental in the recreation of that power. However, Sandercock has shown us that this does not remain unchallenged. We now turn to a discussion on Cato Manor in order to uncover such challenges.

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## CHAPTER 3

### TOWARDS COLLABORATION AND INTEGRATION IN CATO MANOR

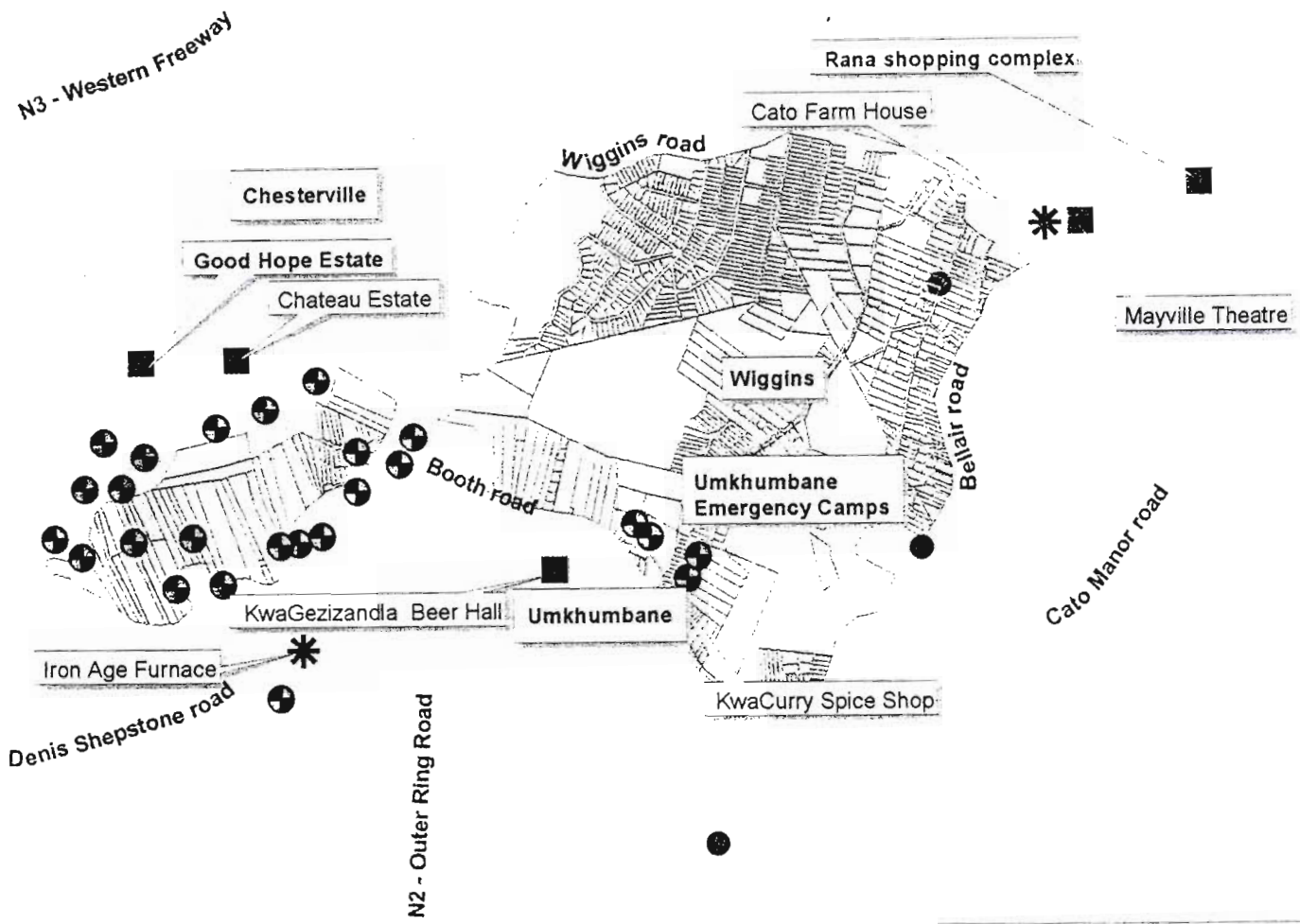
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#### 3.1 EVOLUTION OF THE CATO MANOR DEVELOPMENT PROJECT






##### 3.1.1 History

The history of Cato Manor is significant for a number of reasons. Together with District Six in Durban and Sophiatown in Johannesburg, the area represents one of the more important sites of ongoing struggle against Apartheid in an urban area. Cato Manor's background is complex and portrays a history of conflict: between races, between social groups and between the state and the people that lived there. It reflects how planning, when coupled with policy, can alter people's lives and how people struggle against that power. The institutional power to enforce racial segregation was vested in what became the cornerstone of the Union Government's segregation policy, the notorious "Durban System", through which the Durban Corporation strove to "control the pace and shape the nature of urbanisation" (Edwards, 1989: 138). However, a key part of the area's history was played out within the larger context of post-World War Two economic boom times. This is important because it not only provided the impetus for inward migration of African labour but Cato Manor became the place where African and Indian people fought to become part of the city and the benefits associated with its growth.

While the history of habitation in Cato Manor stretches back to at least the iron age, with one site from the era identified recently; the "settled" history of Cato Manor begins interestingly enough with a "town planner", George Cato. Known also as a trader, consular agent for Denmark and the USA as well as Durban first mayor, Cato was given 5500 acres of land in 1854 as compensation for land lost near the beach which was taken for military purposes. The "Farm Cato Manor" was initially subdivided and sold off to White farmers. At about the time of the First World War the land was re-subdivided into a number of smaller farms, a large number sold to Indian families. By the 1930's most of land was under Indian ownership. Many household heads were ex-indentured workers and the community profile at this time was complex. A culturally rich community, the social range included middle class professionals to the Indian working class. Many bought in Cato Manor to live, while others bought land for speculation or as investment (Edwards, 1989). Power was vested in the land owners, traders, teachers and lawyers that rented out land for market gardening. Cato Manor soon became Durban's main source of fruit and vegetables. Inter-community relations were "based around moral conscience, awareness of and respect for material and social difference" (Edwards, 1989: 217). This romanticised vision of Cato Manor's past is one often recounted despite the area's tumultuous history. The 1930's through to the 1940's saw the settlement of African people in Cato Manor. Freehold title was granted to some (described by Edwards as the educated elite, mainly from Kholwa and Christian backgrounds, 1989) in the neighbouring Chateau and Good Hope Estates, an area that would remain largely peri-urban for a while. (See *figure 6* for location of this and other historical landmarks in Cato Manor.)



Legend:

- Pre-colonial and colonial landmarks 
- Emergency Camps 
- Temples 
- Other significant sites 
- Old Property boundaries 

200 0 200 400 600 Meters  
1:25 000  
GMDA



title:

**CATO MANOR: HISTORICAL LANDMARKS**

figure no:

Three processes had a vital impact on the future of African and Indian households in Cato Manor. The first was the incorporation of the Farm Cato Manor as an "Added Area" into Durban. The area was now considered part of the urban area of Durban with the Durban Corporation responsible for providing urban infrastructure. The second dynamic that would impact on the area's future was the wave of anti-Indian agitation from whites, making Cato Manor a safe haven to Indian people. The third was the post World War 2 boom experienced by Durban with the resulted demand for African labourers. This led to an influx of workers, accommodated by Indians in Cato Manor who turned their market gardening enterprises into the more lucrative enterprise of shack farming. By 1948 there were few market gardens left and 16 700 people living in the area (Hart 1990: 162) with the majority of the African population living in Mkhumbane, the name given to the dense informal settlement on the banks of the Umkhumbane river. Underlying the steady increase in informal homes was a complex pattern of shack ownership, letting and sub-letting. The social structure of Cato Manor was subject to a system of power directly related to entitlement to land and commercial opportunities. African



**Figure 7:** Mkhumbane in the 1950's  
Source: CMDA

people were severely restricted in terms of work opportunities and movement while Indian families, albeit land owners, were under threat from the new Asiatic Land Tenure Act of 1946. This was not a simple racial divide. Social stratification in the African community was subject to complex community relations between shack lords, illegal traders and tenants. Indian families included legal and illegal traders, shack lords and bus service owners. Socio-cultural cleavages were as much a result of income and social status as it was of race.

(Edwards, 1989)

Despite the complexity of the social spectrum and given the segregationist nature of state policy, frustration and struggle for recognition in the city were bound to erupt into open conflict between Indian and African. A small incident in January 1949 in Grey Street, where a Durban shop owner accused a young African boy of theft led to what can only be described as pogrom against the Indian community. Shops, homes and public buildings were destroyed and 137 people were killed. This signified the time where Indians effectively lost control of Cato Manor and gave way to the rise of Mkhumbane. A new wave of African shack lords and traders gained control of the area, identified by some as the instance where Mkhumbane was liberated by outsiders.



**Figure 8:** The “Durban Riots”  
Source: CMDA

January 1949 was identified as a turning point in the ongoing African struggle for full urban rights in Durban (Edwards, 1989 and Hughes *et al*, 1999). While some Indian - owned shops and Indian people remained in the area, (the local bus-service was Indian-owned) the dynamics of the area was controlled by the African elite in Mkhumbane until removals began in the late 1950's. It was during this time that “new economic, social and political spaces” were created in resistance to the state's objectives of social and spatial control (Popke, 1997: 6).

The attempt by African people to consolidate their position in Durban was accompanied by the increasing complexities of the social relationships that were forged as a result of this process. Concurrent with that was the establishment of policies and laws that were contrary to these workings. The role of the African in the city was to be determined by segregationist policies and the needs of large capital within a context of post-World War 2 growth. Underlying the racial policies of spatial separation was the aforementioned “Durban System”. The system provided for hostel accommodation and Municipal barracks as African accommodation but also provided a model for spatial segregation that was to be copied in other South African cities. It provided the institutional means to do so through the Native Revenue Account. Funded from Beer Halls and the renting of premises to traders, the Native Revenue Account enabled the Local Authority to financially segregate Africans from profits derived from the economic growth of the City. The fund was treated as a rate payer, not one cent was obtained from Council. This was to be the source of funding for service and social infrastructure for African people in Durban. Yet, the provision of African housing in the city was resisted on the basis of no funding being available from this fund. Thus, for Africans living in Durban “the *material roots* of racial segregation and class exploitation lay in the very accounting principles which underpinned the Native Revenue Fund.” (Edwards, 1989: 141 - emphasis added).

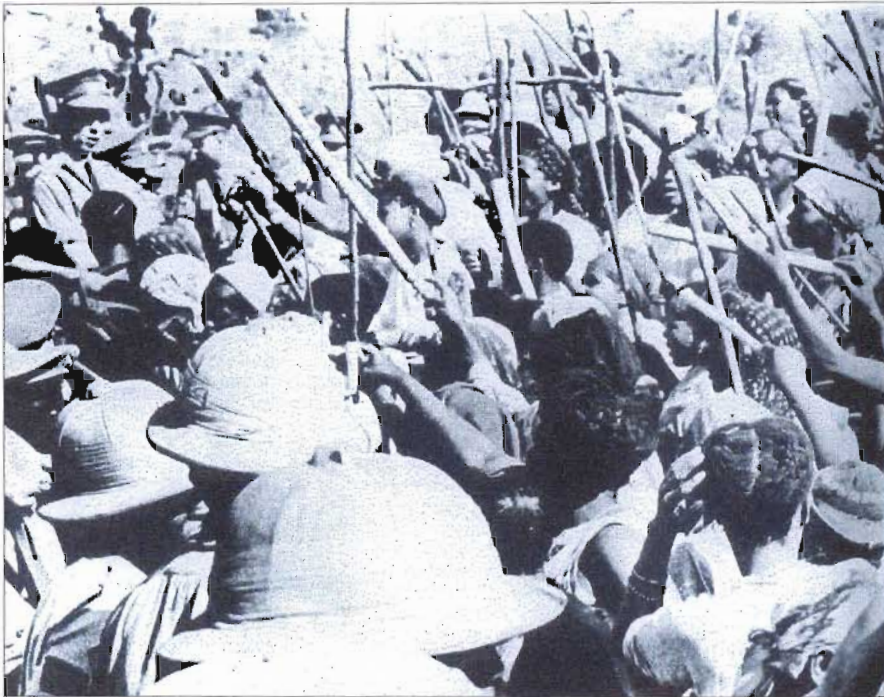
The *spatial roots* of segregation were gleaned from the very Modernist principles that informed planning in the international arena. Post-war reconstruction was an important theme in the 1950's - the need for planned economic and social change was to some extent to be facilitated by the Durban Housing Survey that was done in 1952. Besides the obvious segregationist

principles that informed the planning of the area, were concerns with order and public health. The public health issue was linked to the circumstances in which people in Mkhumbane lived. Although described by many as vibrant and diverse, the area was also known as an overcrowded slum. Mkhumbane was a no-go area to health authorities, ruled by a different logic and to many a den of inequity. Described as an “incredible cesspool of filth and crime” in the Daily News (April 7, 1956), the image of Cato Manor was contrary to the public concern for social and spatial order. The fear of ‘contamination’ of that order by the ‘filth’ and ‘disease’ of Cato Manor was a theme often reflected in the state and public’s justification for slum clearance (Popke, 1997). In his deconstruction of Apartheid space and identity, Popke goes on to say that: “The activities and shared communal bonds of Cato Manor did not reflect the accepted image of urban living, and its space could therefore not be ‘read’ within the modern discourses of urban order and cleanliness.” (1997: 7).

Emergency Camps were created by the local authority in the 1950's in anticipation of future removals and in order to de-densify Mkhumbane. The aim was also to get some measure of state control of the area. These camps (see *figure 6* for location) also became dumping grounds for people living in informal settlements in other parts of Durban such as the Bayhead area and the Bluff. Ironically, while the areas were intended to improve public health in the area, a large number of the Emergency Camps were riddled with disease; a typhoid epidemic broke out in 1957. Relations between the police, the local state and shack leaders were balanced in an uneasy equilibrium. Power was unevenly distributed. The Cato Manor Welfare and Development Board, intended as a communication body between the state and the community had limited powers and was taken control of by traders and shack lords.

The continued growth of Mkhumbane saw a diverse and complex community evolve. The result was an urban community that defied the state’s (and Modernist) norm of the nuclear family. Many single women lived in Cato Manor, some of them becoming famous shebeen queens and others relying on domestic work in the adjoining White suburbs to establish some economic life of their own. Women’s organisations played an important role in the area, the ANC Women’s League was very active, while groups such as the “Bantu Women’s Craft Society” was founded by Bertha Mkhize to encourage self-help amongst women. (Edwards, 1989) The area also had a large male homosexual community. Esinyameni, known as the male homosexual or “izitabane” neighbourhood, was often site of “same-sex” weddings on Sundays. (Hughes *et al*, 1999) What emerged was an area run according to its own rules and subject to its own dynamics of power and control.

Mkhumbane’s very existence was a challenge to emerging spatial policies. Open opposition to the state’s attempt at economic control is best identified by the 1959 Beerhall Riots where women protested the Municipality’s monopoly on Beer brewing. This became known as the “Cato Manor Riots” and was led into other parts of Durban with women picketing beer halls and burning passes, often defending themselves with shields and spears (Hughes *et al*, 1999). It was estimated that 10 000 women were involved in protest activity across the province.



**Figure 9:** the "Cato Manor Riots"

Source: IDAF & UNCAA; photographer unknown

The mass action reflected in *figure 9* was indicative of a growing political consciousness and resistance to Apartheid policies, culminating in the declaration of a State of Emergency in 1960. It was also one of the landmarks of Women's resistance to Apartheid policy. This marked the time when the struggle in South Africa.

Yet, continued mass action only strengthened the state's resolve to continue with its removal plans. Plans for removals to Kwa Mashu had already begun in 1956. The planning of KwaMashu was based upon Modernist New Town principles, the building block being the single site for the nuclear family residence. The initial plan of 11 Neighbourhood Units, each consisting of 4 villages catering for 400 nuclear families was not only based upon a fictional conception of



**Figure 10:** The "mean side of planning"

Source: CMDA

African community life but highly unviable. African people simply could not afford such homes and the plan was eventually toned down into the lifeless model identifiable with South African township design. Some African people were also to be moved to Umlazi and Indian families to Merebank and the New Town of Chatsworth.

The locational decision of whether people would be moved to either Umlazi or KwaMashu was determined by their place of employment. Thus the removals were not only to enable segregationist order but also to accommodate big capital. Apartheid segregationist policies took place within the context of post World War 2 capitalist growth and the labour needs of capital were as important as the need for separation and order in the urban environment.

Underlying the spatial policies and designs of the time was also the objective of control. This "spatial will to power" is well documented by Michel Foucault in his investigations of how individuals are disciplined through the distribution, enclosure and partitioning evident in institutions and spatial enclosures (Popke, 1997: 9). Edwards (1994) notes the connection between New Town design in the new townships and the objective of control identified in Apartheid spatial policies. The contention was that "Native life in individual villages separated from one another by wide green belts will certainly be more conducive to healthy and peaceful development and will *be more readily administered* than a large unbroken urban area" according to one Council official (Edwards, 1989: 163 - emphasis added).

Removals to the newly designed townships began in earnest in 1959. Demolition of shacks had already begun in 1958 in areas surrounding the Emergency Camps. Resistance was strong but the killing of 9 police men in 1960 at the KwaTickey Emergency Camp only strengthened the state's resolve to conclude its efforts. By 1965 Mkhumbane was no more. Hughes *et al* (1999) note how a number of people were "lost" in the process when not everybody qualified for housing in the new Townships. Many slipped away to newer informal areas in Inanda. Most of the remaining Indian owners were moved in 1965 with a total of 2800 properties affected. By 1968 only a ghost town of "nearly deserted temples, mosques, vacant stores, and half-empty schools" (Hart 1990: 189) remained. The next two decades saw various attempts by the authorities to develop the area for whites. One such attempt was to develop parts of Umkumbaan (an adaptation of "Mkhumbane") and Wiggins into a white suburban housing development called "Randrus" (Star 19/11/74). This failed to happen for although the area was declared a White Group area in 1959 white occupation of the area never took place. Reluctance to do so was mainly to do with the negative image of the area as well as more physical factors such as the lack of sea view and breezes as well as the high shale content of the soil (Butler-Adam and Venter, 1984).

Some Indian residents remained in the area however. In 1984 there were still 278 families living in Cato Manor. These families fought for the right to stay in Cato Manor. Interestingly enough, not all these people were former residents. A survey done in June 1984 (Butler-Adam and Venter of the UDW Institute for Social and Economic Research), identifies various sub-groups of former residents, descendants of former residents, new residents and temporary sojourners. Many "new" residents were no doubt taking advantage of the fact that Cato Manor remained a largely neglected area for two decades and used it as an opportunity to procure accommodation near job centres. In 1979 came the official decision to declare the area an Indian Group area. The area remained undeveloped until the 1980's saw the development of Bonela and Wiggins

for middle income housing for Indians and the sale of land Umkumbaan.

The area remained contested. The late 1980's and early 1990's saw the occupation of Wiggins and Cato Crest. In what was essentially a policy vacuum and period of transition, authorities mainly turned a blind eye. Many occupants had a past history in Cato Manor, others had family ties with the area, while some were fleeing violence in townships (particularly Inanda) seeking accommodation closer to employment centres (Edwards, 1989). Cato Manor had once again become an area of struggle for space in the city, with a concerned group of organisations posed to address the issue of its future.

### 3.1.2 The Cato Manor Development Forum

The 1980's saw the contradictions of Apartheid policy come to the fore. No longer was it sound economically to pursue the institutional vehicles to implement spatial segregation. Increasing opposition to state policy at the grassroots level led to social movements playing an integral role in facilitating change in the country. Civics, trade unions and women's organisations were some of the vehicles that enabled the disenfranchised to play a role in public life. One of these organisations that was to play a key role in the future of Cato Manor was the Cato Manor Residents' Association (CMRA). Formed by the remaining residents of Cato Manor in 1979, the CMRA fought to resist removals and to reclaim land in Cato Manor. Seen by many as a legitimate voice of former and existing residents, the CMRA were concerned for the future development of Cato Manor. Support and participation was elicited from other role players and interest groups such as Operation Jumpstart, the Durban City Council, the Civics to set up a development process that would result in holistic development, moving beyond low-income housing. (CCLS, 1992)

In the mid 1980's, the concern for Cato Manor's future was fuelled an intended racially exclusive development by the House of Delegates. The changing political climate of the early 1990's allowed for a widely inclusive negotiation process and by the end of 1991 agreement was reached on the constitution of a widely representative body that would champion the future development of Cato Manor. The Greater Cato Manor Development Forum (GCMDF) was established in January 1992 to guide and advise on development of the 2000ha that defined Greater Cato Manor (see *figure 11* for its composition).

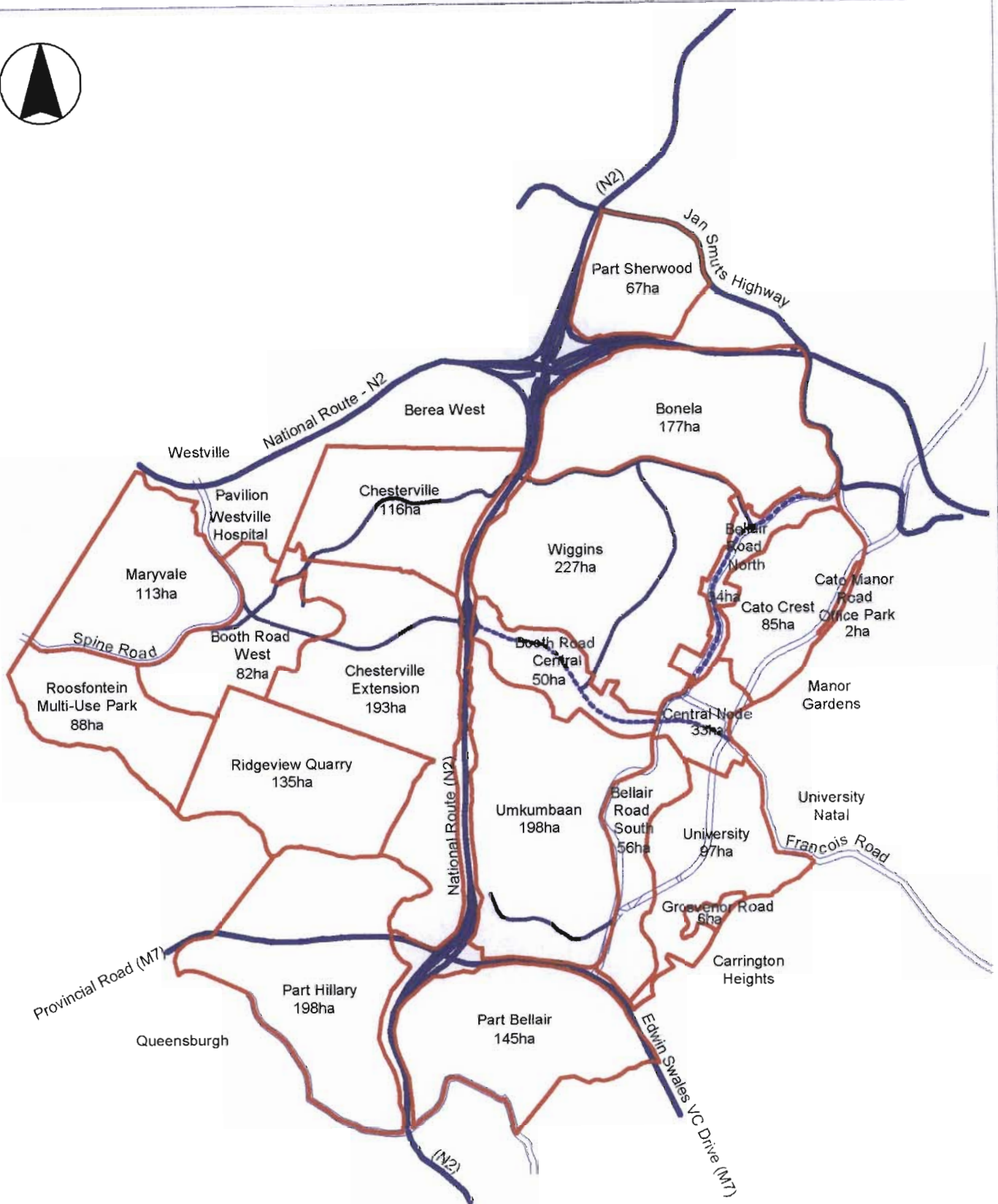
This preceded many of the over hundred forums that were established in the country during this period of political transition (P. Robinson, 1994). These forums came to play a key role in formulating future policy in South Africa; by the early 1990's it was recognised that it would be necessary to establish new strategies in almost every sphere of public life to replace Apartheid policies. Watson (1998) notes how the primary institutional vehicle for this was the stakeholder-based forum. She defines them as "arenas in which new policies could be negotiated for implementation in the post-election period" (1998:337). Representation on these forums were normally based upon an open-door policy that encouraged established and non-established interests to be combined. The GCMDF included memberships from 33 organisations including

community organisations such as the Cato Manor Action Group, political parties, local and provincial authorities. Participation by apartheid government agencies in these forums emerged from a situation (according to Watson, 1998) where government retained the responsibility for making decisions but recognised that it lacked the legitimacy to do this. Thereby retaining a foothold in determining the future of various policies without actually conceding power.

Stakeholder forums were essentially collaborative planning processes and one of the remarkable characteristics of the post-Apartheid transition. Participation in these forums was not value-free however and it soon became clear that ground rules needed to be negotiated beforehand to allow for transparency. To this end, it was agreed at the outset that fundamental principles for the development of Cato Manor be agreed upon by all stakeholders in the GCMDF. Agreement on these principles were one of the products of the Forum's 1991 negotiations and the basic point of departure for future development and caucus (Robinson, 1994). These same principles played a key role in the CMDA's application for a Section 34 order to the Land Claims Court much later in 1997.

The principles agreed upon were as follows:

- ▶ The planning and development process was to be holistic.
- ▶ All vacant land in Cato Manor was to be considered for future development.
- ▶ The process was to be participatory and include past, present and future residents.
- ▶ The development was required to cater for the broad socio-economic requirements of Durban's Metropolitan community, including past residents and existing religious institutions.
- ▶ Progress in terms of implementation was important and resources were to be maximised in order to achieve this. (*Ibid.*)



1:40 000

500 0 500 1000 1500 2000 Meters



Source: CMDA

Figure title:

Figure no:

### GREATER CATO MANOR

11

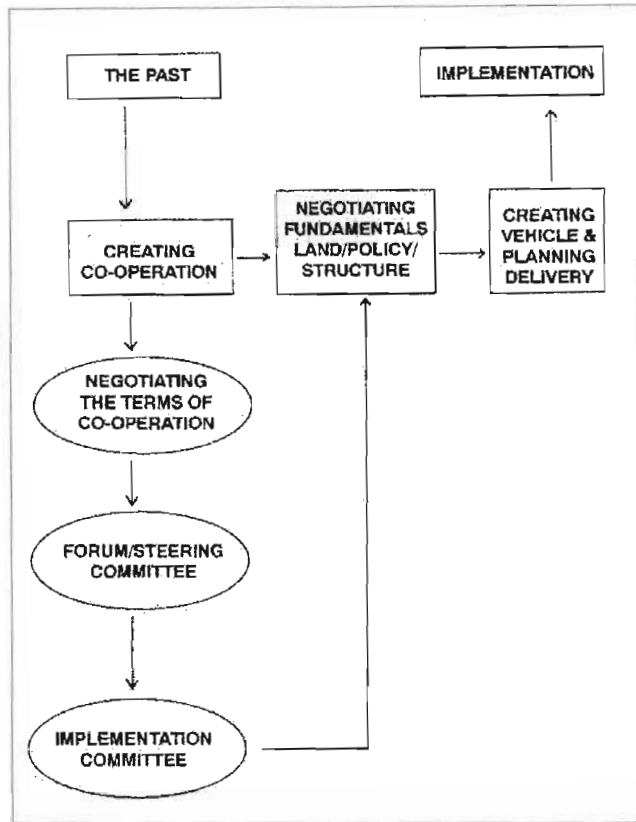


Figure 12: The GCMDF process  
Source: CCLS

The overall process is illustrated by the Centre for Community and Labour Studies (CCLS) in *figure 12*. Cooperation and negotiation were emphasised but a concern with implementation was also noted. To this end a three tier structure was formed, providing for the actual forum, a Steering Committee and an Implementation Committee that was formed later in July 1992. Membership of the latter two was to be balanced between what Robinson (1994) identifies as “established” and “non-established” interests. The distinction refers to those that had access to funding and resources given the political dispensation of the time, and those that had a stake in the future allocation of these resources. Other criteria that determined representation was technical ability, residence in the area, support and capacity to influence the future of the area. (CCLS, 1992)

Peter Robinson (1994) notes how the concerns of the Forum focussed initially on establishing a vision for Cato Manor and what he describes as “fire fighting” to resolve land and autonomy issues amongst its members. Negotiations between December 1991 and May 1992 focussed substantially on the House of Delegates (HOD) and its intention to develop middle income Indian housing. It was agreed that it would continue to do so, and that the balance of land owned by the HOD would be made available to the Forum. In separate negotiations, Westville Municipality withdrew from the Forum, insisting on the right to develop the Maryvale area. It was however agreed in principle that planning of the area would be undertaken in cooperation with the Forum. (*Ibid.*) The substance of these negotiations was representative of issues that would impact on future negotiations regarding development in Cato Manor. One was the nature of the HOD development and its racially based allocation procedures - this was not resolved. The second was the needs and perceptions of surrounding high income residents. Westville Municipality’s need to remain in control of Maryvale’s future was indicative of a broader concern with the nature of low income development and its anticipated impact on established white residential suburbs. What this indicates is that forum-based planning is an ongoing process through which issues need to be constantly negotiated and re-addressed. How much “institutional learning” was done remains in doubt but what becomes apparent in retrospect is that whatever implementation vehicle the Forum agreed upon, would need to renegotiate many of these issues.

The nature of this vehicle and the Policy Framework that was to set the development parameters for Cato Manor were the two focal points of negotiations by the GCMDF late 1992. A Policy Framework which provided the vision the Forum so direly needed was adopted by the GCMDF in July 1992. Whilst discussed in detail below it is important to note the composition of the vision. It had three facets: the metropolitan significance of the area, the spatial and physical form envisaged for the area and the development policies required to implement the vision. What arises is an approach based on the notion of integration: spatial integration in making the area part of Durban, social integration through an inclusive development process and an integrated approach required to combine implementation with policy. Underlying this was the need to focus on Cato Manor as a metropolitan opportunity that could benefit the whole of Durban and also address its symbolic significance.

The metropolitan opportunities presented by the area became an important focal point to achieve broader “buy-in” into the process but also to motivate for funding. Perusal of funding documentation (minutes and documents for the Implementation Committee - 1992 to 1993) reveals an emphasis on Cato Manor as a metropolitan opportunity with the potential to address the service and housing backlogs in the city. One must also remember that this is the time when Durban was considered as one of the fastest growing cities. This was largely due to the large number of informal settlements on its fringes.

It soon became apparent that to simply guide and advise on development was not enough to ensure the holistic development of Cato Manor. Consequently the Forum adopted a more proactive role and embarked on a three-pronged programme to achieve the following:

- ▶ to acquire as much land as possible to secure development rights
- ▶ to establish and staff an implementation vehicle to manage the project
- ▶ to obtain adequate funding for development. (P. Robinson, 1994)

The Implementation Committee was established to drive this process. Whilst land was secured through the commitment from Forum members (and negotiated with Westville Municipality and HOD) funding was obtained from the Independent Development Trust (IDT), the Development Bank of Southern Africa (DBSA) and bridging finance obtained from the Durban City Council to complete initial preparatory work. The central aim was to establish the Implementation vehicle, or what was referred to in Implementation Committee minutes (1992 to 1993) as the Cato Manor Development Vehicle (CMDV). The format and composition of a suitable CMDV was investigated by the Durban Non Governmental Organisation, the Built Environment Support Group (BESG), in September 1992. Some of the central issues raised by BESG are interesting to note since they represented a change in thinking about urban development and the institutions required to drive it.

▶ *Instability*

A reminder that this is pre-1994 urban South Africa and the institutions and policies setting the scene for future development had not been established yet. Uncertainty was

a large part of the planning environment and any development vehicle required to weather this storm was expected to be autonomous yet robust. The report makes recommendations for an institution that builds upon the stability engendered through the GCMDF; thus use the “institutional learning” achieved through what was essentially a collaborative planning process as Healey (1997) would describe it. It also calls for an institution that stands outside the conventional institutional environment, that could rise above outside influences and thereby dissipate any outside threats. Some of these threats were identified as follows:

- ▶ *Raiding*  
BESG identifies the enormous financial investment that was to be made in Cato Manor and the danger of “groups ‘raiding’ the project for narrow pecuniary gain” (1992:4). An organisation “closed” in its membership and choice of members yet open enough to ensure democratic decision-making and accountability was to be the ideal in dealing with these threats.
- ▶ *Ineffectiveness*  
Implementation was of key concern and the role of local government as a developmental agency had not yet been established. Thus an organisation with a narrow set of objectives, an organisational style that was pro-active and streamlined in terms of capacity and allowing for quick decision-making was determined as appropriate.
- ▶ *Failure to build alliances*  
BESG (1992: 5) defines development as being about change: “change to existing power configurations, relations between people and organisations, the physical environment” and therefore alliances change. Thus, development organisations need to anticipate conflict and anticipate and manage change. BESG identifies this as not being an issue given the alliances established by the GCMDF, yet this is perhaps overly positive. Examining those alliances and uncovering the power structures therein has become one of the factors that would severely impact on the future of Cato Manor.

With funding and the land audit in place, the Forum recognised that its role had been served and it was time for implementation to be taken over by the CMDV. It was determined, in light of the recommendations put forward by BESG, that a Section 21 company was the most appropriate institution to take development forward and in early 1993 the Cato Manor Development Association (CMDA) was born.

### 3.2.3 The CMDP and the CMDA

The CMDA organisational structure was similar to that of the Forum but was recreated as a legal entity. The Association was initially governed by a Board of 12 directors: ten members of the Association and two specialists. The model adopted was one allowing for maximum involvement

of role players. The Association was intended to be representative of the wider community while the Board was responsible for taking policy decisions. Staff of the CMDA were tasked with the implementation of the vision as contained in the Policy Framework for Cato Manor and its formation was in many respects a turning point for Cato Manor. After 25 years of neglect and inaction, there was finally an institution in place that would steer the future of the area. Thus, 24 March 1993, when the inaugural meeting of the CMDA took place signalled a new beginning for Cato Manor and represented an alternative approach to urban development as was previously experienced.

It is worth reflecting on the context within which the structuring of the CMDA took place. As noted in the BESS report, lack of clarity on the future direction of policies in terms of urban development led to general confusion and instability. Thus a new organisation tasked with undertaking one of the largest urban development projects in the country found itself in what was effectively a policy vacuum. The broad trajectory of urban development was to some extent informed by limited exposure to international precedents (limited due to the country's enforced academic and policy isolation), informed by a genuine desire for democratic planning processes and to a large extent determined by need. While international interest in structuring consensus-seeking decision-making processes in the planning arena began to be emphasised (Forrester, Healey, Innes) the CMDA was borne out of one such process in Metropolitan Durban. The difficulties that faced the organisation in its first year of operation was largely due to the fragmented nature of the institutional environment and the general climate of transition.

The CMDA faced a number of challenges in its initial stages of operation (P. Robinson, 1994) 

- ▶ The first was *organisational*. Finding staff and capacity to take on the management of the CMDA was difficult. The CEO and executives were only in place towards the end of 1993 and beginning of 1994.

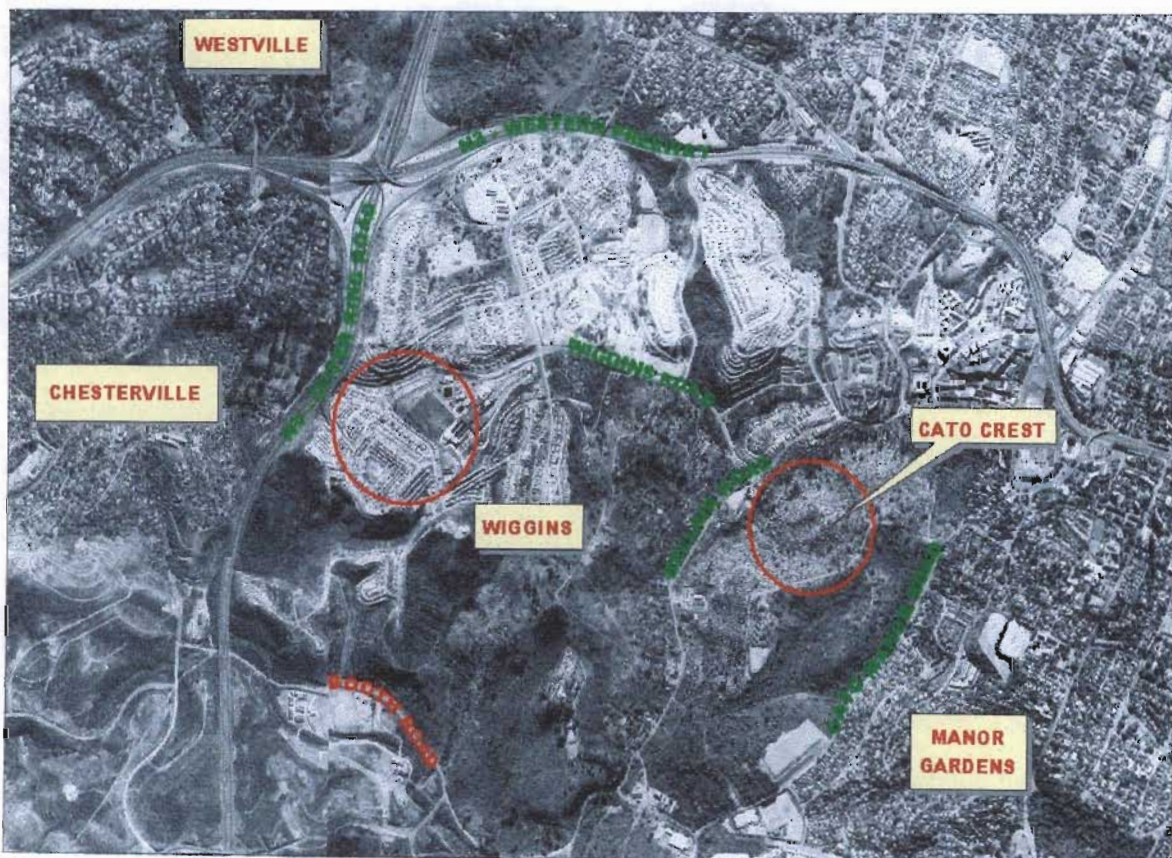
Another aspect of capacity was the poor attendance of Board meetings. Reasons for this were mainly the heavy schedule of meetings and the prominence of Board members in public affairs. Given the political pre-election climate in which the CMDA was started, commitment to the CMDA was compromised by broader issues. Due to the lack of capacity the CMDA was unable to act pro-actively initially in terms of the area's development. The scale of the problems and lack of staff, as well as the undetermined institutional environment, required a reactive approach. This was contrary to its objectives and made implementation of the Policy Framework difficult.

- ▶ The issue of *land claims* was perceived to be a threat to development. The National Land Claims Commission was established in 1993 to investigate and address claims of people dispossessed under Apartheid. Negotiations with some of the claimants and the Land Claims Commission were initiated in order to formulate a strategy to redress legitimate claims without impacting negatively on development. Although constrained

to formulate an adequate response to land claims due to the lack of policy in this regard, the drafting of the Land Restitution legislation provided CMDA Management with an opportunity to make input into the process. Sections of the legislation were drafted to allow for land claims in major projects like Cato Manor to be dealt with separately so as to not delay implementation. This contributed to the inclusion of Section 34 of the Restitution of Land Rights Act, finalised in 1994.

- ▶ Invasion of land was perhaps one of the biggest challenges facing the newly formed CMDA. The first invasion of Cato Crest, 100ha of land situated adjacent to the high income suburb of Manor Gardens, was in 1991 when 300 families settled there (see *figure 14* for location). Negotiation between the Forum and the representatives of the squatter community resulted in an agreement that these families would remain in the area provided they prevented further settlement. In July 1993, mainly due to violence in other parts of the DFR, a second invasion occurred with the number of households increased to 2000. Over the next few months this figure doubled, despite attempts to limit it. The CMDA responded by establishing the dynamics and leadership of the newcomers and setting liaison structures in place to communicate with them.

The second invasion that took place was in November 1993. The almost exclusively racial allocation of housing in Wiggins and Bonela, coupled with the overcrowded



**Figure 13:** Location of initial land occupations - post 1990  
Source: CMDA, 1992 Aerial photography

conditions of Chesterville (see *figure 14*, for location), led to the invasion of 300 small, single storey detached houses in Wiggins. Official response to the invasion was indecisive and confused. The demise of the HOD in March 1994 and the inaction of the provincial authorities led to the problem being handed over to the CMDA. The agreed CMDA approach was to play "honest broker" and seek a negotiated solution between the parties. Strategies included condemnation of the invasion, construction of replacement houses in Bonela for those that had been dispossessed, permitting invaders who could afford the occupied houses to buy them while the others were required to move as soon as other more affordable housing became available and enforcing the payment of rental and services charges.

- ▶ The fourth set of problems facing the CMDA, according to Robinson (1994), was a crisis of confidence. There was doubt at the political level that CMDA could deliver such a complex project. No doubt the lack of capacity and managerial energy spent on diffusing conflicts on the ground affected the ability of the limited size management team to act as pro-actively as they would have liked. By the end of 1993 the organisation's future hung in balance, and threatened to be closed unless executive staff members could be appointed as well as a Chief Executive Officer (CEO). The future of CMDA was dependent on its ability to be representative as well as its ability to deliver.

The future of the CMDA was to be challenged a number of times in its early life history. Representation and progress on the ground are two themes that would continue to haunt the organisation and become pivotal to its future. By the end of 1994 the CMDA had succeeded in putting substantial basics in place for future development. Certainly one of the "wins" that was recorded in the 1994 Annual Report (CMDA, 1995) was its input into the Restitution of Land Rights Act. Substantial planning work had also been done: the area was divided into precincts and Concept Plans prepared for each. A Transportation Concept Plan as well as an Open Space plan were prepared which would form the basis for the Greater Cato Manor Structure Plan. The plans are discussed in detail below but it soon became apparent that the compact city approach adopted in the Policy Framework would be carried throughout the planning process. An integrated approach was identifiable at the outset. Whilst discussed in more detail below, the major deviation from conventional planning approaches was the way in which forward planning occurred in tandem with implementation. Whilst spatial frameworks were prepared by planning consultants, plans were underway for pilot projects in several areas. The design of a Business Plan and major communications drive helped the organisation achieve some level of recognition. All this occurred in what was essentially a policy vacuum in a time of transition.

Democratic elections in April 1994 brought substantial change to the CMDA. Restructuring of the Board took place to be more representative of both local and Metropolitan interests. The Board now included representatives from all three tiers of government, metropolitan, provincial and local, with local communities represented by six members. Six members from potential investors in the project as well as specialists nominated by the outgoing Board were also

nominated. The organisational model is one built upon the collaborative approach of the GCMDF. The Association remained to be representative of wider community interest, with the Board taking policy decisions. The CMDA role was to remain that of facilitator responsible for detailed planning, design and implementation; providing a core executive personnel that would appoint consultants and contractors to do so. The CMDA would only act as developer in the last resort. The principles that would underlie CMDA's work were as follows:

- ▶ balance of local and metropolitan interests
- ▶ inclusivity; the Association could admit additional members as development proceeds and new organisations emerge
- ▶ affirmative action was regarded as important
- ▶ decisions are taken by consensus
- ▶ the principle of transparency.

During 1995 the Cato Manor Development Project (CMDP) was designated a Special Presidential Lead Project in the new government's Reconstruction and Development Programme (RDP). Not only was this now indicative of recognition at the political level that the CMDA was the right vehicle for development of the area; it also signalled the start of large sources of funding becoming available for the project. The stakes were higher, and the pressure to deliver and succeed became so much greater. Substantial funding commitments were made from the RDP Fund (R130 mil), the European Union (R150 mil), the Durban Local Authority and the Provincial Housing Board. The CMDA Board reported to the Provincial Special Presidential Projects Committee (PSPPC), a body established to oversee and monitor delivery as well as recognise and extend political accountability to the newly elected Provincial Government and Local and Metropolitan Councils. The Committee was chaired by the Provincial MEC for Local Government and Housing and the MEC for Economic Affairs and Tourism, members consisted of mayors and Executive Committee chair persons of the Metro and Local Councils.

Implementation of the Pilot Projects had begun in 1995 and the Structure Plan was being finalised. (CMDA Annual Report, 1996.) The local political environment remained uncertain however with the postponement of the local government elections to 1996. Frustration at delays in housing delivery and renewed land invasions brought pressure upon the organisation to renew its crisis management mode. Reliving the context is useful: "within thirty months of the April 1994 National General Election the region has witnessed, inter alia, the inaugural functioning of a democratically elected Provincial Parliament; the successful amalgamation of two formerly disparate provincial administrations; the coming together of political opponents at various levels to forge Peace Accords...the holding of free and fair local government elections throughout the province, resulting in the formation of new metropolitan and local government hierarchies. " (*Ibid*: 1)

With the renewed confidence brought by a large funding commitment and additional capacity, the size of the organisation increased from 11 staff members in 1994/5 to over 30 in 1996/97.

The institutional role player circle had become larger too: the PHB, the Durban Metropolitan Council, the KwaZulu-Natal Provincial Administration and the Department of Land Affairs, the Department of Local Government and Housing and communities living in and around Cato Manor played a role in the project. From its humble beginnings as a Forum-based initiative, the project evolved into the largest and most comprehensive urban development project in the country.

The local government elections in 1996 and closure of the dedicated RDP office in central government also meant change for the CMDA. December 1997 saw a change in the institutional configuration of RDP funded projects. Another round of restructuring was applied to the CMDP. The CMDA's role was recast as agent of the Province and Metro to execute an array of developmental functions associated with the project. This included general management and supervision of the project, spatial planning, financial planning and management, operational planning as well as programme management and reporting. The role of the Metropolitan Council was to supervise the CMDA's operations, coordinate input from local government line departments and develop the systems to take over and operate the envisaged infrastructure. The Local Councils assisted the Metropolitan Council with implementation of infrastructure projects. Two new structures were put in place instead of the PSPPC, the CMDA was now accountable to the Metropolitan Special Presidential Projects Committee (MSPPC) and the Cato Manor Management Committee. The former meets twice a year to consider annual plans and budgets for the project. The CMMC plays the principle coordinating and management role. Including senior Metro Council and Provincial Government officials, it meets monthly to address key management and coordination issues surrounding the project. Coordination between Metro Council and the CMDA is further facilitated through inter-Departmental Working Groups that address specific issues such as Land, Spatial Planning and Finances. (CMDA Annual Report, 1998.)

This is the institutional model currently adopted and the Annual Report of the CMDA for 1998 reports an improvement of cross institutional cooperation and general institutional commitment to the CMDP. By the end of 1998 the CMDA had weathered many storms to arrive at the organisation it is today. Progress had been made with regards to implementation, planning and management. The transition from consensus-based forum to fully fledged integrated urban development project was punctuated by a number of crises and challenges that came close to derailing the whole development process. All this was done within a specific Cato Manor development discourse that has evolved over the last 8 years. This discourse has been enabled by the policies, plans and vision that determined and will continue to determine the development of Cato Manor and is influenced largely by the notion of integration. While this part of the chapter told the story of Cato Manor, the following focuses on the plans and policies that surround the discourse of integration that is such an essential element of the project.

## 3.2 THE GOAL OF INTEGRATION IN CATO MANOR

### 3.2.1 The Vision and Policies

The vision for the development of Cato Manor has been refined since the days of the GCMDF. The *Policy Framework* has however become the corner stone of planning and policy-making for the project. It is split into two sections:

- Part 1 contains the actual *vision* elaborated upon through exploring the area's potential in terms of its Metropolitan Context and the actual *Concept* for planning and implementation.
- Part 2 addresses the *technical aspects*: policy issues and guidelines for future implementation as they relate to the Economic, Housing, Financial, Environmental and procedural aspects of the project. It concludes with a programme for implementation and phasing thereof.

Embedded in the *Policy Framework* is the theme of reconstruction, and more pertinently the concept of integration which features throughout the text. The goal of integration at a Metropolitan level is addressed through an examination of the area's urban context. Its spatial location 7km from the Durban Central Business District (CBD) and 10km from Durban's main employment centres; and its high degree of accessibility via major Metropolitan and National routes makes it a prime opportunity for the provision of housing near job centres.

On the other hand, its size, and the presence of routes such as Booth and Belair roads, makes it appropriate for development of a more diverse nature, allowing for internal integration of a diversity of land uses. Whilst the area provides an opportunity for residential infill it also provides an opportunity for new social, economic and recreational facilities for greater Durban. The area's metropolitan significance was also reflected in the report in the emphasis on the project's high profile with its funding potential recognised at the outset. The project's potential contribution to restructuring Durban is recognised as being one of the projects nationally that can "make a contribution towards restructuring the sprawling, segregated areas developed under the Apartheid era" (GCMDF, 1992: 8).

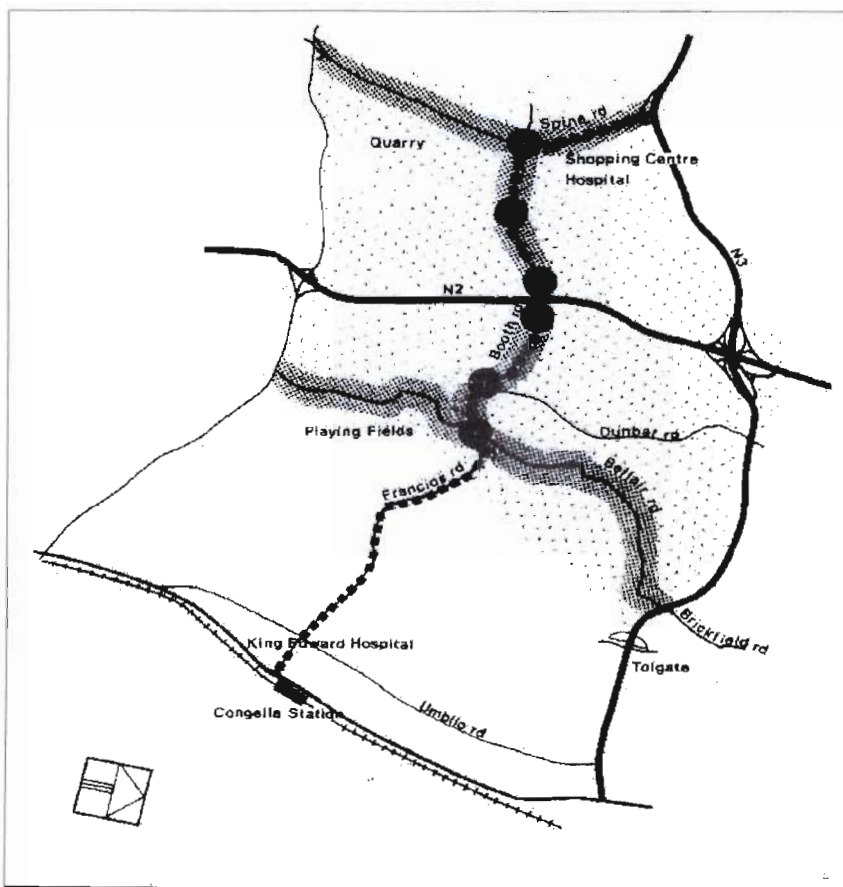
Identifiable right at the outset of the *Policy Framework* is the strong identification made with Cato Manor's past and what that means for its future. The language of reconstruction becomes evident in the emphasis on the area's symbolic importance and how it relates to its past as well as to its future. As "an opportunity to demonstrate a new era of political compromise and a new approach to institutional structures for large scale development projects" (GCMDF, 1992: 8) development of Cato Manor was seen to be representative of the larger project of reconstruction.

What Cato Manor would look like and the building blocks towards achieving that vision are contained in the *Concept*. The *Spatial Framework* represents a major deviation from the ways in which urban development was approached in the past. The image of Cato Manor as a dense mixed use area that is an integral part of Metropolitan Durban is illustrated in the following passage from the plan:

“ If one was to take a bird’s eye view or an aerial photograph of Cato Manor in about 10 years time, what dominant geographic or spatial patterns would appear?

The dominant picture will be of an extension to the built-up, intensively used areas of Durban, one that had been planned and developed as a whole, and that blended into the surrounding areas and the metropolitan region. In more qualitative terms, Cato Manor will be a place where people like to live and work in a distinctly urban environment where one can enjoy a full lifestyle and reach most parts of the DFR without needing to own a car.”

(GCMDF, 1992: 13)



**Figure 3: Spatial Concept**

KEY:	
	Activity Corridor
	Mass Transit Route
	Activity Node
	Residential / Mixed Use

**Figure 14: Greater Cato Manor Policy Framework - Spatial Framework**  
Source: GCMDF, 1992

Key determining aspects of spatial integration emerge from this image: (see figure 14) high densities, intensity and mixed use, integrated with the rest of the city through well developed transport networks and roads. The building blocks of this approach was determined as follows:

*Transport and Movement Network*

Operating at Sub-regional, Metropolitan and Local scales to enable spatial and functional integration broadly.

*Mixed-use Activity Corridors*

Perhaps one of the most frequently used terms in

post-Apartheid planning language, in Cato Manor these were envisaged to be the main structuring elements of the *Spatial Framework*. The corridors were designated along three major existing routes and envisaged to increase thresholds through high density development along them. The metropolitan significance of these spines are also emphasised and what arises is an early recognition of the potential economic spin-offs that can be gained from investment in infrastructure.

- *Focal points of centres*

These were conceived as occurring at the intersection between main routes, or between main routes and institutional centres. Focal points were conceptualised to contain a multitude of high density, mixed uses.

- *Other land uses.*

The grid or web created by the corridors and centres results in a number of spatial sub-sets or precincts. These would form the basis for finer grain planning initiatives in the future, some of which were designated for special uses and others for mixed uses. Emphasis was placed on the desire for them not be solely for residential use, "they will not resemble the well known peripheral townships" (*Ibid.*: 25).

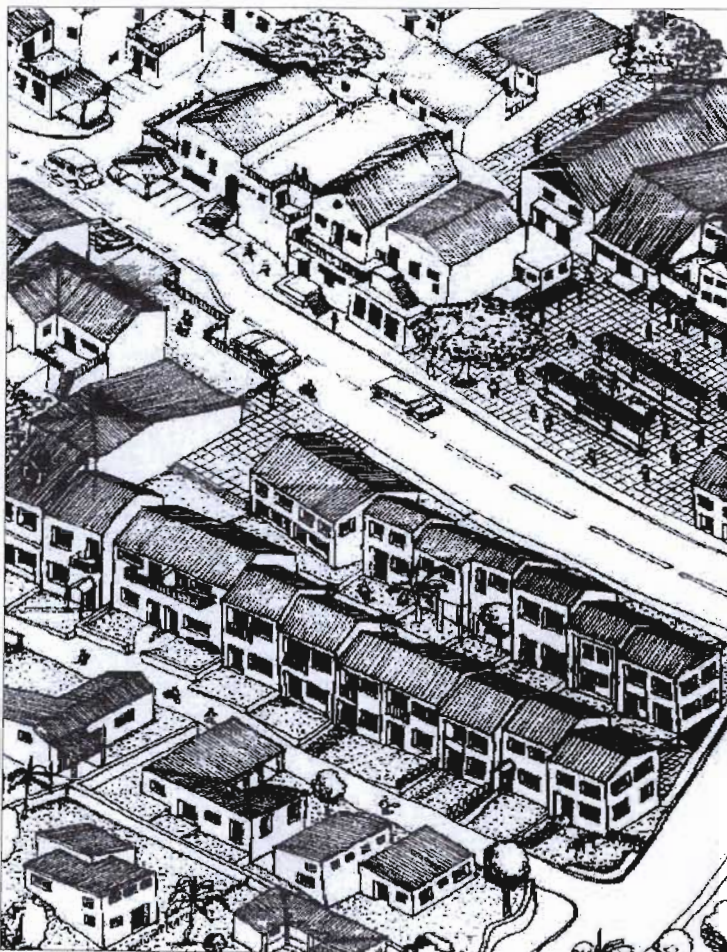


Figure 15: Greater Cato Manor Policy Framework - Housing types  
Source: GCMDF, 1992

The built form was to reflect the goal of integration and differentiation at the micro level. Horizontal mixing of uses, particularly in Activity Corridors was to be accommodated by mixed uses vertically (through flats on top of shops etc) as well as a mix of housing and building types. A variety of housing types was particularly important (see figure 15) and the focus on higher densities and attached housing was promoted. The perceived population of the area was to range from low to high income and represent the full life cycle - from single people to families. Yet, the Cato Manor area was envisaged to also accommodate economic opportunities for those living outside its boundaries. Thus, the area was to function as an integral part of Durban.

Policy issues were addressed in the second section of the *Framework*. Given the policy vacuum within which the report was done, guidelines on policy were formulated in response to a number of issues. These issues were divided into 5 broad categories: economic, housing, development finance, the urban environment and implementation/procedural.

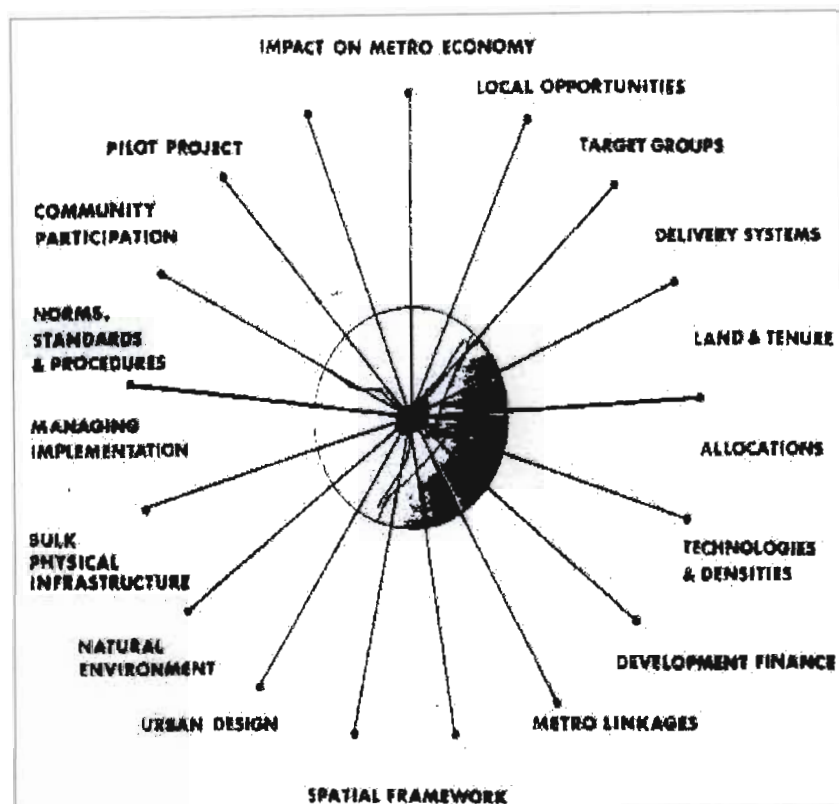


Figure 16: Greater Cato Manor Policy Framework - Interrelatedness of issues GCMDF, 1992

The proposed holistic and integrated approach to development is reflected in *figure 16*. Urban development at this scale was regarded as a process addressing a multitude of issues. The inter-relatedness of issues reflects linkages between land tenure and community participation, delivery systems and housing, the natural environment and metro linkages, etc. It was intended that the policy guidelines operate in a mutually reinforcing way. Thus addressing economic growth involves one guideline on creating local economic opportunities

through corridor development through the spatial planning and by allowing for mixed uses at the development control level. The policy issues are addressed under broad headings of Economic, Housing, Development Finance, the Urban Environment and Procedural. For these the various policy guidelines formulated in response to the articulated issues under each, were intended to form the guiding basis for future intervention.

The *Policy Framework* provides the base for CMDA policies. Underlying the present policies and plans for Cato Manor are the various elements contained in this report. A large part of CMDA's early work was spent refining and revising, where necessary, the vision contained in this document. The latest edition of the CMDA Annual report focuses attention on the nine features of the vision as underlying the policy for the development of Cato Manor:

- A variety of affordable housing
- An efficient and accessible mass transport system
- A full range of social facilities

- Human resource development to build capacity
- The creation of economic development opportunities
- Protection of the Open Space system
- Equitable resolution of land issues
- Institutional restructuring
- Integration into the Durban Metropolitan Area.

This vision is facilitated through the spatial and forward planning of the area and that steers the implementation of the CMDP.

### 3.2.2 The Plans

The spatial planning as well as the planning and preparation for projects is a process subject to constant review and monitoring. This process is informed by the principles of the Policy Framework and the policy guidelines contained therein.

The *Greater Cato Manor Structure Plan* is the spatial planning “bible” of Cato Manor. *Figure 17* illustrates the context of the plan and features an integrated approach that combines various sectors and levels of planning and implementation.

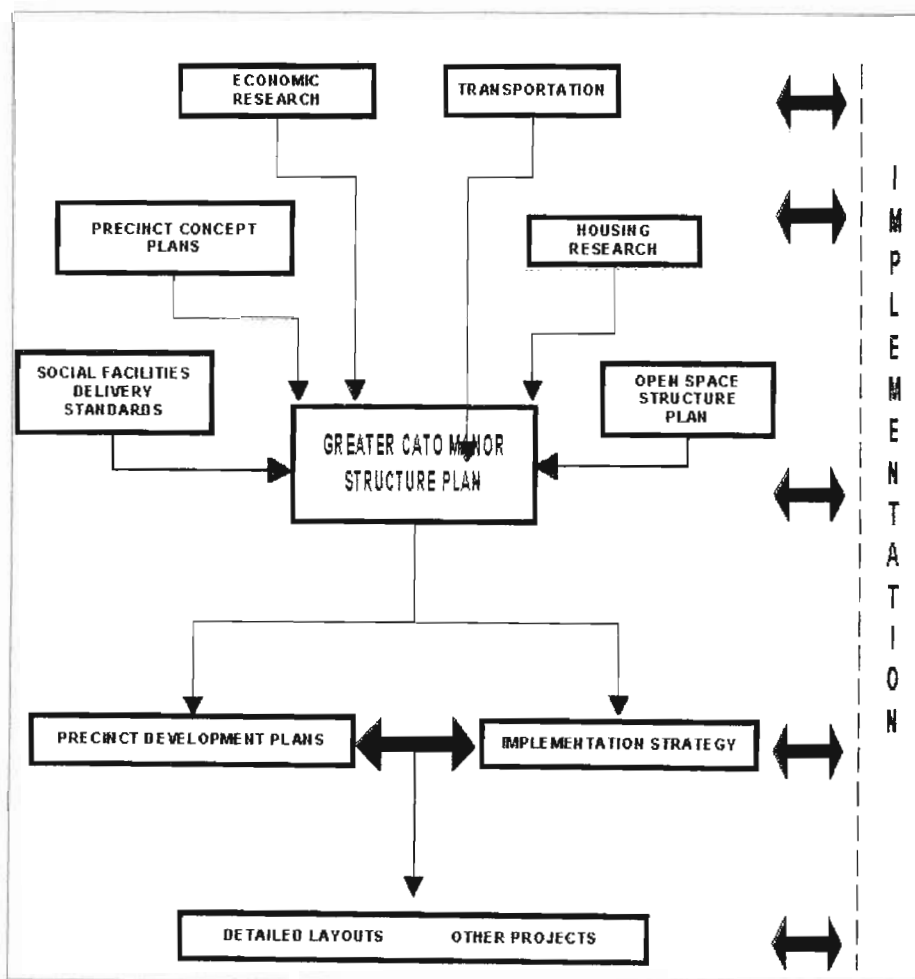
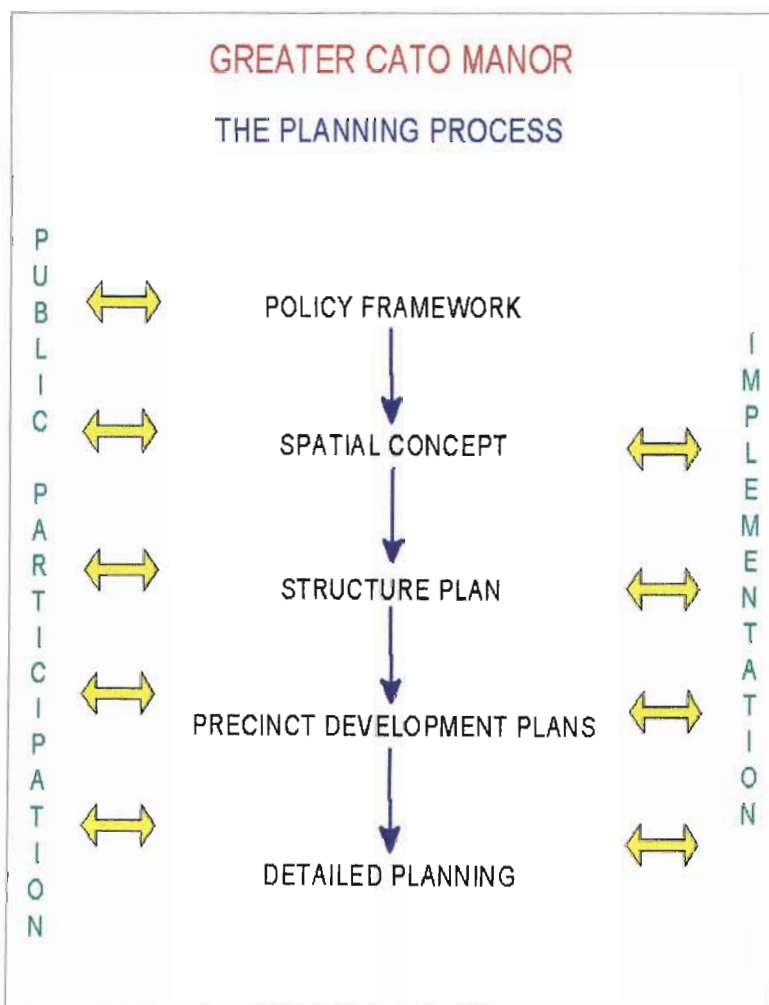


Figure 17: Greater Cato Manor Structure Plan - Contextual Elements  
Source: CMDA

Preparation of the plan was informed by a number of reports that gave input into the process:

- A *Social Facilities Deliver Standards* report addressing issues of facility standards and ways in which facilities can be shared spatially.
- Some *economic research* was done to investigate the Local Economic Development opportunities that can be generated in the area.
- ▶ A *Transportation Study* was done to investigate public transportation options as well as route alignments.
- ▶ Different *housing* options and delivery systems were researched to expand upon the guidelines in the *Policy Framework*.
- ▶ An *Open Space Structure Plan* was prepared to accommodate the Durban Metropolitan Open Space system in the area.



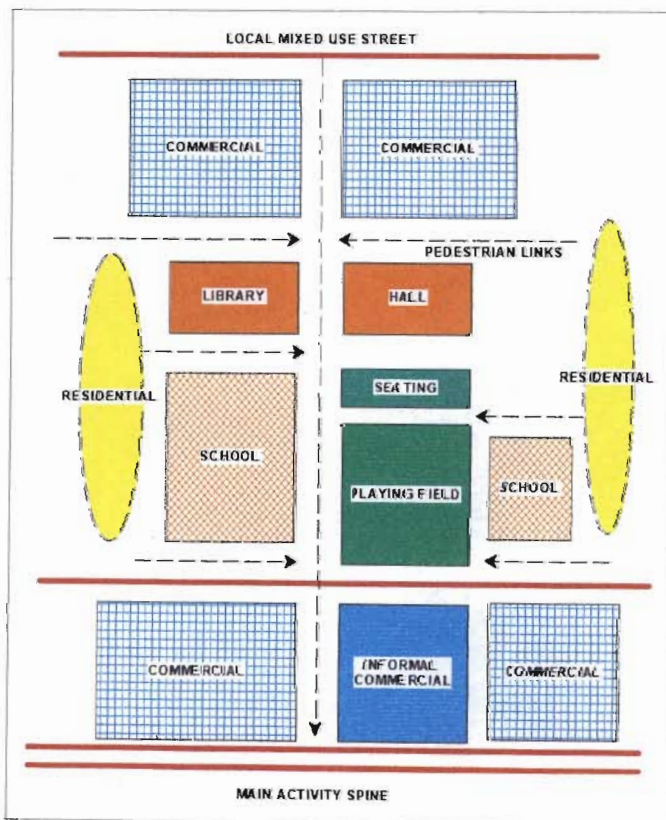
**Figure 18:** Greater Cato Manor Structure Plan - the planning process  
Source: CMDA

The *Structure Plan* informs finer grain Precinct Development Plans and provides the parameters for the Implementation Strategy. The latter is the Business Plan for implementation of projects in the medium-to long term. Together the Implementation Strategy and PDP's inform the location and nature of future capital projects. The Capital Projects are contained within an Annual Work Programme (AWP) where budgeting, programming and institutional arrangements are included for each project. This basically forms the basis against which CMDA management report to its Board and the CMMC. It is the scorecard against which the CMDA is judged by its funders and sets the framework for implementation.

The *Policy Framework* set the parameters for the various *Spatial Concepts* that were prepared for individual precincts. These were incorporated into the *Structure Plan* proposals and from there it moves from a course to finer grain planning. *PDP's* are prepared and these inform detailed planning for housing projects and public facilities. Parallel to these processes run the underlying methodology of a participatory approach and implementation. Implementing capital projects whilst engaged in forward planning has probably been one of the biggest internal organisational challenges for the CMDA. Integration as an approach is dependent on the cooperation of a number of professionals that are willing to move beyond their portfolios to accommodate this. For an architect to accept that a detailed boundary of his/her proposed schools is yet to be determined and that the land formalisation process needs to occur in tandem with preliminary design requires a mind-shift in many instances. This is possible to accommodate in a team designated to work together and committed to the underlying principles of an integrated approach. Implementing such a system in a local authority organised according to line departments beyond the confines of one single project is probably one of the biggest challenges facing integrated development planning.

While the systems context of the *Structure Plan* reflects an integrated approach, the willingness of those that need to implement it remains an issue. The substance of the *Structure Plan* reflects an adherence to this approach. The *Spatial Concept* is linked to economic development through an emphasis on corridor development and the area's favourable location. The plan therefore

reflects a Compact City approach (see *figure 21*). Building blocks are corridors along Belair and Booth Roads, the mixed-use Central Node at the confluence of the two routes, the Open Space system which takes up 50% of the study area, other nodal concentrations of development (mixed-use) and residential areas between (with other facilities contained therein). Densities are high: low density is defined as below 60 dwelling units per hectare (du/ha); medium as between 60 and 90 du/ha and high as above 90 du/ha.



**Figure 19:** Integration of social facilities  
Source: CMDA

Areas for social facilities are recommended to reflect a micro-grain integration of primary and secondary schools, sports field, library and community hall. *Figure 19* illustrates this idea which is referred to as the *Multi-purpose Centre* concept.

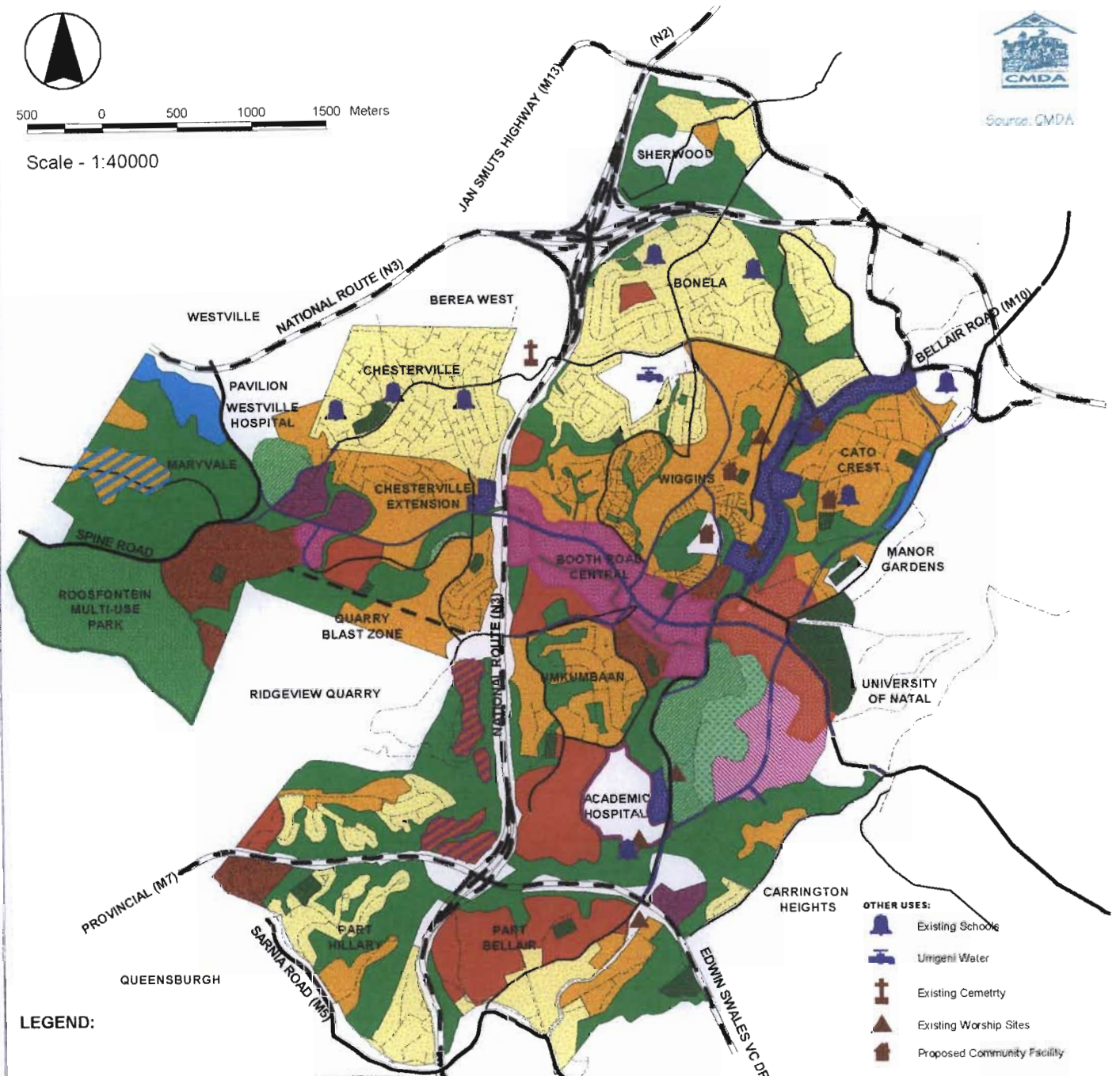


500 0 500 1000 1500 Meters

Scale - 1:40000



Source: CMDA



**LEGEND:**

**ROAD NETWORK:**

**PROPOSED ROADS**

- Proposed Arterial
- Proposed Activity Spine
- Proposed Collector

**EXISTING ROADS**

- Existing Freeways
- Existing Arterials
- Existing Collectors
- Other Roads

**ECONOMIC OPPORTUNITIES**

- Industrial
- Office/Business
- Industrial or Medium Residential
- Commercial or Low Residential
- Central Node (transport, entertainment, civic, cultural, business, open space, commercial, high density residential)
- Mixed Use (business, commercial, high density residential, recreational open space)
- Mixed Use (manufacturing, retail institutional, high density residential, recreational open space)

**RESIDENTIAL:**

**EXISTING RESIDENTIAL**

- Existing Residential

**PROPOSED RESIDENTIAL (including ancillary social facilities)**

- Low Density (<60 du/ha)
- Medium Density (60-90 du/ha)
- High Density (>90 du/ha)

**OTHER USES:**

- Existing Schools
- Urgent Water
- Existing Cemetery
- Existing Worship Sites
- Proposed Community Facility

**UNIVERSITY LINKED USES (residential, training, emerging business, academic, conference centre, education)**

**ENVIRONMENTALLY LINKED USES (picnic areas, sports clubs, office, special housing, conference centre, education, recreational open space)**

**OPEN SPACE:**

- Sport Complexes
- Sportsfields
- Conservation/Open Space
- Multi-Use Park

figure title:

figure no:

**THE GREATER CATO MANOR STRUCTURE PLAN**

**20**

PDP's prepared thus far reflect an attempt at income and land use integration. Whereas the Wiggins and Cato Crest PDP's accommodate low-income housing with the necessary social facilities; the Umkumbaan precinct caters for the resident high-income population and seeks to supplement this with private developer-led cluster housing development. Precinct level planning is particularly subject to a more detailed participatory approach and it is also at this and at the detailed design level that issues such as plot-sizes and facility design are subject to input from communities. The *Structure Plan* was subject to the requisite public participation process but interaction with surrounding communities at detailed planning level is more rigorous. Integrating the Cato Manor area with the rest of Durban is one of the biggest challenges from a spatial planning perspective. Marrying plans with people is where planners are hardest pressed to find collaborative and creative solutions.

### 3.3.3 The People

If one is to study the notion of fragmentation in one locus, Cato Manor would most likely provide a strong case study. The area has been, as described in the history above, and will most likely always be subject to community dynamics that is complex and often conflict-ridden. In a 1993 report commissioned by the CMDA to investigate community dynamics in Cato Manor, Makhatini and Hindson come to the conclusion that the history of the area has left "a legacy of competing moral claims to land and settlement rights in the area" and that the CMDA needs to be alert to the potential influence this has on the contemporary dynamics of Cato Manor.

It is clear (from experience and discussions with respondents) that the notion of stakeholders applies to a wider network of people than that of the communities living in Cato Manor. For the CMDP involves a complex network of existing communities, neighbouring communities and institutions involved in its implementation. Whilst many have written about the historical and current community dynamics of the area, a number of key respondents were asked their views of the various stakeholder groupings in Cato Manor and who they are. A number of broad categories arise:

- ▶ *Internal groups comprising the various communities.*  
Representing various spatial groupings are development committees that are consulted directly throughout the development process. In addition there are also political branches, women's organisations and other groups. The relatively new Cato Manor Community Organisation (CMCO) is intended to present the community voice but also be a cohesive structure that works amongst communities. This organisation is divided into a number of sectoral committees intended to work with the CMDA on a number of issues.
- ▶ *Potential future residents of Cato Manor*  
Whilst most existing housing projects cater for existing residents in informal settlements, newer projects catering for the medium income bracket have the potential to draw new residents into the area. Potential future residents are also former residents getting alternative land in the area or who have their land restored.



- ▶ *Adjacent communities*  
The location of the area on the fringes of established, some high income, residential suburbs makes the needs of adjacent communities particularly relevant. Residents of Manor Gardens and Part Hillary/Bellair have been particularly vocal in their participation in the development process.
- ▶ *Institutions*  
The various institutions that play a role in the implementation and control of the area are particularly relevant. Included also are the 3 local authorities and National and Provincial government representatives.
- ▶ *Investors*  
This includes funders of the project such as the European Union as well as potential investors and corporate stakeholders.
- ▶ *Surrounding major land uses*  
Managers and administrators of major uses such as the Westway Office Park, the New Durban Academic Hospital and the Pavilion also have a stake in the area.

Naturally these categories are not static and Patsy Healey's conceptual model on "modes of interaction" (1997) is useful in this regard. The "webs of interaction" that people move in overlap and it is where these overlap in space that the role of the planner becomes particularly important. Thus, the interaction between "plans" and "people" provides the opportunity for collaborative intervention that arrives at the solution acceptable to those involved.

In applying this model to Cato Manor it highlights two things: first that these groups are not mutually exclusive, land claimants can be future investors in the area, while also be future residents or in some cases are existing residents. Existing residents often have alliances with broader political organisations which colours their participation in project matters. The implications are that our conception of who stakeholders are can be too simplistic in our understanding of the nuances of life in urban areas. In determining solutions our understanding can be naive. Secondly, these interactions in the spatial realm, particularly in one such as Cato Manor which has a history of contestation over space, inevitably leads to a situation of conflict in many instances.

The relationship between conflict, power and planning is one that has many dimensions in Cato Manor. They are associated with who the stakeholders are and what their interests are. Discussion with respondents revealed a number of these dimensions:

- ▶ The funding that the project has attracted and the integrated nature of its implementation has resulted in a number of institutional conflicts over the years. On the political level there has been some attempts to gain control of the project and with that the challenge

to the CMDA as the driver of the project. On the operational level the project has experienced difficulties in securing commitment from officials. Making traffic engineers understand that in order for a road to function as an activity corridor (one of the key elements of spatial integration) it needs to reflect a fine-grained, pedestrian-friendly solution was just one of the dimensions of this challenge (English and Ferguson, 1999). Another was securing commitment from educational authorities to the Multi-Purpose Centre concept for social facilities.

- ▶ A second dimension of conflict at an institutional level refers to the nature of the CMDA and its interaction with communities. Initially, before the local government elections in 1996, the metropolitan policy environment was uncertain. Dealing with problems at a community level often required a policy response from the CMDA which it was unable to commit to given the nature of the organisation as a relatively autonomous entity. Thus, the organisation needed the organisational flexibility to intervene creatively, but lacked the institutional legitimacy to back its decisions with clear policies. (Smit and Robinson, 1994)
- ▶ Another challenge at the broader level is what Smit and Robinson (1994) refer to as the tension between parochial and metropolitan interests. Establishing solutions towards spatial and social integration and dealing with local vestiges of power was/is often a delicate balancing act for CMDA staff. Shack lords and local politicians often have agendas that are contrary to planning principles. This also impacts on the planning process however. Decisions and policy directions are often not communicated to people at grassroots level due to lack of commitment from leaders, or just lack of communication.

The tension between broader planning interests and local issues is one also experienced at a more abstract level. Urban designer Larry English (1999) noted the contradiction of achieving an urbanist vision, based on homogeneous cultures and historical precedent, in a multi-valued and multi-cultural society. This tension is reflected in responses to the *Structure Plan* when it was advertised for public comment. Resistance to the small plot sizes required to achieve high densities is an ongoing issue at community level. Integration with neighbouring communities has been resisted from those living on the area's fringes. The response to the Cato Manor Arterial, a route designed to carry fast-moving traffic, between Cato Crest and Manor Gardens is a case in point. Implementation of the road is noted as a priority by the Greater Manor Gardens Residents' Association in the comment on the *Structure Plan* (CMDA, 1998). Yet, concern was expressed by the Cato Crest Development Committee that the road could become a barrier between the predominantly white Manor Gardens community and the predominantly black Cato Crest community. This particular issue was raised when the rezoning application required to implement the road was resisted by an ANC councillor on the basis that it was an Apartheid buffer (CMDA, 1999). Technically, the proposed



route is required in the long-term but perceptions regarding its location are in the process of being resolved.

The above are just some of the nuances that reflect the interface between planning, plans, policies and people in Cato Manor. Some open conflict has also surfaced in the area, the most notable being a "Taxi War" waged in 1996 leading to the CMDA to "pro-actively enter the arena of conflict to co-ordinate the activities of law enforcement agencies" (CMDA, 1997). Violence is not new to South African urban areas and Cato Manor has not been an exception. This is perhaps one of the most profound legacies of Apartheid planning and policy, for as Hindson *et al* argue, "the roots of violence lie in deep structural divisions and antagonisms produced by racial policy, spatial fragmentation and the confinement of the poor to the metropolitan peripheries" (1993: 13).

Cato Manor, located in the heart of Metropolitan Durban, offers an opportunity to address some of the issues of fragmentation and poverty. Yet this chapter shows how, in the course of achieving that vision, "popular 'buy-ins' to these by local and adjacent communities cannot be taken as a given" (Robinson and Forster, 1996: 6). This chapter has also indicated just how profound the legacy of Apartheid in Cato Manor is. Conflict and power are dynamics that are endemic to the area's past and its present. For, like District Six in Cape Town and Sophiatown in Johannesburg, Cato Manor is essentially a "haunted place", "haunted by the ghosts of apartheid destruction" (Popke, 1997: 20). The following chapter is an examination of the "point of focus" of the thesis, the land claims conflict. It is also a story of how the ghosts of Cato Manor's past came to haunt the CMDP.

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## CHAPTER 4

### POWER AND (IR)RATIONALITY IN CATO MANOR

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#### 4.1 BACKGROUND

Thus far issues of integration have been discussed broadly in terms of the Cato Manor project as a whole. Problems and difficulties have been explored in a chronological fashion with the description of the evolution of the project and its goals. One of the “difficulties” expressed throughout the process, and represented as a threat to the speedy delivery of the project was the issue of land claims. This then is the point of focus in testing the ideals of integration in practice. Reasons for this become clear throughout the discussion below. If there was one instance where the whole spectrum of assumptions that planners use when they go about their daily business came into question, it was throughout this process.

Before starting with the actual account of the process, it is prudent to discuss some of the background to restitution and give an overview of the legislative framework. This is important for an understanding of the nature of the conflict that was played out in the Section 34 application. Whilst this thesis does not examine the notion of restitution *per se*, it aims to place it within the larger context of planning in post-Apartheid urban South Africa.

Restitution is defined broadly as “giving something back to its owner, or paying for damage” (Longman Dictionary). Important to understand in the concept is that restitution may result in restoration of what was taken away, but can also be addressed through other means. This is an important distinction because in the minds of many, the language of restitution has come to be identified with restoration. This distinction became a key issue for debate during the land claims settlement process.

The Restitution of Land Rights Act <sup>2</sup> provides for the following: an institution responsible for the processing of land claims, the process through which this is processed and mechanisms whereby disputes with regards to claims can be addressed. Three institutional role players are implicated in this Act: the Land Claims Commissioner facilitates the claims process from lodgment to negotiations, the Department of Land Affairs (author of the Act) is responsible for the negotiation of claim settlements and state fiscal policy in compensating claims, and the Land Claims Court adjudicates or lends legal weight to claim settlements. The fourth role player is of course the central one: the claimant, definition of which also includes a community. The Act

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<sup>2</sup> Restitution became an important element of political discourse and debate during the early 1990's, in the same period of negotiation and consensus-building that institutions such as the GCMDf came into being (Thompson, 1999). Its legislative history had its beginnings in the *Racially Based Land Measures Act* (108 of 1991), and amended by the *Abolition of Racially Based Land Measures Act* (11 of 1993). Requirements of both was to enable the restoration of land rights to those dispossessed under Apartheid. The principles of restitution were later included in the equality clause of section 8 (3) (b) of Interim Constitution (Act 200 of 1993) together with sections 121, 122 and 123. It was however the *Restitution of Land Rights Act* (22 of 1994) that provided for the comprehensive right based nature of restitution. (*Ibid.*)

provides for a number of mechanisms through which disputes can be solved: it provides for mediation measures, and in the case of a dispute being taken to the Land Claims Court, it provides for a pre-trial conference before the hearing of the matter.

Processing land claims is an ambitious process through which a claim is investigated and verified for authenticity. Section 11 of the Act prescribes that once the Land Claims Commissioner is satisfied that the claim had been lodged in the prescribed manner and is not frivolous or vexatious, notice of the claim is published in the Government Gazette. The land owner or any other party that may have an interest in the claim is then notified. The claim then goes through a process of investigation and verification (also consultation with other interested parties) to arrive at the eventual point of restoration (or other form of restitution). It is a lengthy and difficult process that makes enormous demands on the capacity and skills of Commission staff. Thompson (1999: 3) notes the ongoing institutional difficulties between the Commission and the Department of Land Affairs in what he terms as the “structural inability to meshing the developmental goals of land reform policy with the Commission’s claim’s settlement systems, and a crisis of leadership within the Commission itself”. The institutional crisis was addressed to some extent by the establishment of a Review Task Team albeit overshadowed by the dismissal of the Chief Land Claims Commissioner in November 1998. Undermined by a dogged bureaucracy, insufficient staffing capacity and budgetary constraints, the political ideals of restitution has in many instances become overshadowed by institutional factors.

Despite these problems, the five regional offices of the Commission and the office of the Chief Land Claims Commissioner had begun processing the settling 63 455 claims received nationally by the end of 1998. Over 5000 of these claims were based in Cato Manor. (*Ibid.*). Yet, it was estimated by Andries du Toit, University of Western Cape restitution chief, that given the restitution budgets and pre-June 1999 rate of settling claims, it could take up to 60 years just to settle urban claims (which constitute only 10% of overall claims) (*Business Day*, 7/9/99).

#### **4.1.1 Section 34: land claims and urban development**

The other role players implicated and pertinent to the Cato Manor case study, are national, provincial and local government bodies provided for in Section 34 of the Act. Local government institutions are pertinent to dealing with claims in urban areas. In terms of this section, any of the aforementioned institutions can, in respect of land under its jurisdiction or owned by them, make application to the Land Claims Court for an order that the land in question or any rights in it shall not be restored to any claimant or prospective claimant. This submission needs to be accompanied by a report from the relevant Regional Land Claims Commissioner on the desirability of such an order being granted. Interested parties need to be informed of such an order by the applicant at its own expense and the Commissioner.

An important feature of Section 34 is that it does not compromise claimants’ access to other forms of restitution. The granting of such an order by the Land Claims Court is to be based upon the notion of the “public interest”. No such order shall be granted by the Court unless it is satisfied that “it is in the public interest that the rights in question should not be restored to any claimant” (DLA, 1994) in such a case.

## 4.2 THE CATO MANOR SECTION 34 HEARING

It was in terms of Section 34 of the *Restitution of Land Rights Act* that the CMDA, acting as an agent of the local authority, placed an application before the Land Claims Court. It sought from the Court an order that restorations not take place in Cato Manor, arguing that it would impede the development process. Other forms of restitution were to be pursued. CMDA was the first applicant to appear before the KZN Land Claims Court in December 1996. Preliminary issues that needed to be resolved led to the case being postponed until January 1997. The case was again postponed to April 1997. The reason for the second postponement is an interesting comment on the influence of the CMDP. One of the court assessors was having her PhD thesis supervised by the then chairperson of the CMDA, Prof. Peter Robinson, which was subsequently regarded as a conflict of interest. This led to one of the two judges presiding over the case, Judge Dodson, to ask the question: "do you think there is a single town planner in the City of Durban that doesn't in some way or another have some connection with the CMDA" (Sneller, 1997: 541).

The court hearing proved to be highly charged with emotion. Of the over 3000 former residents of Cato Manor that lodged claims with the Commissioner, roughly 450 opposed the application by the CMDA. Perusal of the court transcripts, news reports and opinions of stake holders with regards to the Section 34 application reveals a complex and painful web of intrigue that has been paralleled to the Truth and Reconciliation Commission in some instances (Seebran in the *Post* newspaper, 9/4/97). Whichever level one analyses the process, the hearing reflects the power of memory, of recollection of the past, in the present. Where restitution was intended to facilitate the "political ideals of reconciliation, reconstruction and development by redressing the past", the Section 34 hearing showed just how powerful that past is in trying to negotiate a future (Thompson, 1999: 1).

The Section 34 court hearing reflected the outcome of a conflict between claimants wanting their land back and the CMDA. Scratch the surface a little harder and a struggle over a new spatial and social order emerges. Popke (1999: 3) describes the conflict as one between "competing visions of social space deployed by the land claimants and the CMDA". A reflection on the hearing supports this to some extent and perhaps questions of space and identity are pertinent to this case study. How that identity is defined and exactly who defines it is in some ways a product of history. For in South Africa the way in which people's identities were intrinsically linked with where they were mapped to be in space is perhaps one of the most profound legacies of Apartheid. It was through a series of spatial strategies that the discourses of exclusion came into play and Cato Manor is perhaps one of the most prominent examples of this in reality.

It follows therefore that redressing that past, through the return of land lost, in many ways equals the return of that lost identity and dignity to many. That earnest desire to return to Cato Manor as expressed by some of the former residents was essentially about recapturing the "social space" created by those determined to make Mkhumbane their home. But to assume that the approximately 450 participants that objected to the CMDA's application represented a unified voice is erroneous and naive. One need only refer to Cato Manor's turbulent history to

understand that fragmentation is perhaps the word most apt to describe the former social make-up of the area. The analysis in the final part of this thesis will explore the notion of stakeholders more thoroughly, but what arises from an examination of the Court hearing and subsequent interviews is that the claimant profile reflects more than just a racial division between African and Indian. Underlying the group dynamics are issues of income - those that could afford legal representation and those that could not, issues of common interest and the level of common political memory. (Walker and Ramgobin, 1999)

Despite the fascinating group dynamics that make up this process, the hearing identifies an instant in the recent history of the CMDP that not only threatened its future, but also questioned the very principles underpinning the project. At times emotional, sometimes seemingly irrational the court hearing reflects a challenge to the CMDA's definition of the "public interest" but also the rationality upon which the planning of Cato Manor is based. Furthermore, the whole process through which the CMDP had evolved was subject to rigorous questioning, particularly with regards to representation of former residents on the Forum.

Three central themes emerge that provide interesting insights into the nature of urban planning in post-Apartheid South African cities. The first relates to the central concern of the Section 34 clause in the Land Restitution legislation: that of the public interest. To most planners involved in the ongoing reconstructive goals of planning the CMDA's argument for a Section 34 order would have been a rational one. In a context where delivery is of utmost importance, and considering the uncertainties, delays and frustrations inherent in the process, it was argued as not viable to incorporate land restoration in the project cycle. The view of former residents opposing the application was one strongly influenced by emotion and a need for reparation and the return for what was lost. Redressing the past was presented as an integral part of reconstruction.

The second theme relates to the nature of collaborative planning and the power relationships contained therein. The inclusion of dissenting voices into consensus-building processes is one subject to the power relationships contained therein. Neutralising this power through adherence to the "power of the better argument" does not necessarily result in true consensus as will be shown by this example.

The role of the planner and the way planning is done came under careful scrutiny in the process. The planning goal of integration in all its guises was presented as the underlying rationality for the way in which the CMDP is structured and implemented. The challenge to that was that it was inflexible and technocratic.

#### **4.2.1 Rationality, "irrationality" and the public interest**

The notion of the "public interest" was presented by the CMDA in a number of ways.<sup>3</sup> The *first*

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<sup>3</sup> Presentation of the CMDA's argument is taken from the "Summary of Evidence" prepared by the CMDA's legal representatives, Ridl Glavovic. Cross-examination and presentation of these arguments in the Section 34 hearing were recorded and transcribed by Sneller Recordings (Pty) Ltd.

was an emphasis on the fiscal and funding aspects of the project. Given the large financial commitment to the CMDP, the various land agreements in place with local authorities, and the complex nature of the project, restoration of land claims was seen to be potentially disruptive and a threat to future development. The threat of an interdict to stop development until claims have been settled (a real possibility - one such threat had been dealt with earlier in 1996) prevented the mobilisation of the private sector in the project - granting a Section 34 order was seen to eliminate this threat.

*Secondly*, the CMDA maintained that restitution was seen to be an important objective that could be addressed through means other than restoration. Whilst the Act made provision for alternative land and financial compensation, the CMDA makes provision for former residents in its allocation policy.

Emphasis was placed *thirdly* on the actual process through which claims would need to be validated and verified and the impact that would have on the development cycle. The mere practicalities of reserving land claims areas until claims are resolved through the Restitution of Land Rights Act process would make development on the scale of the CMDP difficult and delay the development process. It was argued that the latter would lead to the withdrawal of funding since provision of this funding is dependant on the ability of the CMDP to deliver.

The *fourth* point of interest relates to the third but is isolated given the subject of this thesis. Incorporating claims in the planning process would mean that it be done on an ad-hoc basis - leading to spatial planning not done in the integrated way as intended. The latter is expanded upon by Clive Forster, CEO of the CMDA, in the Summary of Evidence presented to the Court:

"The witness will testify that for the project to survive as *an integral whole* it must:-

- a) be developed in its entirety with all its component sub-projects or precincts;
- b) be realised that the whole of the project is greater than the sum of two or more of its parts;
- c) be realised that a piecemeal approach will necessarily result in a disjunctive and chaotic process;
- d) be realised that the excision of one or more of its parts or precincts not only affects the integral wholeness of the project but also, whilst striking at the heart of the vision, seriously prejudices the inter dependency of the precincts or parts." (page 6 - emphasis added)

The CMDA's argument is strongly linked to the notion of integration as a rationality for planning in Cato Manor, deviation from which would be detrimental to the project. This representation of the integrated nature of the project is reflected also in the Summary of Evidence by Prof Peter Robinson, then chairperson of the CMDA Board, and Dr Debra Roberts, Environmental Manager for Durban's South and North Central Local Councils. Dr Roberts's view that "development on an integrated basis is much more preferable to restoration from the environmental point of view" (page 1) was important given that over 50% of the Greater Cato Manor is dedicated to open space.

The CMDA argument also represents a strong modernist vision. Yet, chapter 3 shows some of the dimensions of fragmentation that needed to be dealt with in order to implement that vision. Dealing with existing communities was a difficult process that required immense flexibility. Factoring land claims into that process was implied to be disruptive on two levels: first was that it could impact on the relationships with resident communities; secondly, the processing necessary to achieve land restoration would in itself inhibit delivery.

The notion of the public interest, in the CMDA's argument, was intrinsically linked to this modernist vision and its underpinning rationality. The challenge to that was however based on a definition informed by broader principles of democracy and social justice. Restitution as an important foundation of the new South African democracy was equated with the principles of reconciliation and redistribution. Whilst the CMDA argued support of these principles (through accommodating restitution measures other than restoration), the order of importance given to these was questioned by legal council for former residents. The point was made that "the CMDA did not take the issue of restitution of land seriously" (Yacoob in Sneller, 1997: 266) and no concrete steps had been taken to ensure that this would happen. The CMDA was cast as insincere in its efforts to pursue restitution. It was put to the organisation that "all your deliberations were based on the hypothesis that your project was paramount, that restoration was an impediment." (Yacoob in Sneller, 1997: 816). Excluding restoration from these efforts was seen to be contrary to the notion of the public interest. The response from the CMDA was that due to the enormous public investment made in the project, implementation of the project was indeed paramount. Restitution, not only restoration, was considered to be a *part* of the development process. It was simply not feasible to make it central to the development of Cato Manor.

The notion of the public interest was also questioned by one of the court assessors. The nature of the development being in the Metropolitan interest in addressing the broad socio-economic requirements of the Durban community was emphasised by the CMDA. The counter argument was that restoration needed to be included with other development goals. It was argued that since the CMDA had not made a concerted effort to do this, the broad order sought from the Court was not in the public interest. Yet the CMDA maintained that restitution was indeed a priority but options other than restoration were more appropriate and certainly more feasible at the end of the day.

The ability of the allocations policy to prioritise claimants was however questioned. At the time of the hearing the policy had not yet been finalised and it is its draft status that was viewed as a flaw - if the policy is not yet final how serious can the CMDA be about restitution? And is it adequate? The concern was that the most desirable sites would not be available to claimants once the process had been completed.

The court situation is by definition an adversarial process that leaves little room for debate. Respondents interviewed agreed that little contribution was made to the debate surrounding the public interest. Ramgobin (1999) argues that the notion of the public interest was over-rationalised by the CMDA. Integrated planning is a comfortable and complimentary concept that

oversimplifies the complexities of Cato Manor. A holistic approach needs to incorporate an understanding of history if it is to be in the public interest (*Ibid.*).

The definition of the public interest is of course subject to who defines it and is therefore reliant on the rationality that informs that denotation. Reflection on the court hearing illuminates a planning rationality informed by sound technical principles juxtaposed with an argument infused with emotion. The view of one planner that “we can’t turn back the clock.” (Sunday Times, 22/9/96) is challenged by Popke (1997: 18) as forgetting that the past “is not a mere slice of time, but is preserved in memory”. The “irrationality” of memory, emotion and history were argued to be essential elements of the social processes towards reconstruction and development (Stewart, in Sneller, 1997: 902).

#### 4.2.2 Collaboration with whom?

The evolution of the CMDP and the participation of former residents in the Forum were key aspects of the CMDA’s case. Whilst it was noted that “land claimants had legitimate claims...the view from the outset was that actual restoration to people was simply not feasible” (Summary of Evidence - Prof D. Smit, 1997: 3). The Cato Manor Residents’ Association (CMRA) was noted as the “prime mover” (Robinson, in Sneller, 1997: 237) of development in the early stages of the Forum initiative, whilst the participation of the Cato Manor Action Group (CMAG) was also mentioned. The five principles agreed upon at the early stages of the Forum were stressed as that agreed to by all major role players at that time. More pertinent was the understanding that the CMDA’s resistance to restoration of land was understood by role players and so also the recommendation for the inclusion of the Section 34 clause in the Land Restitution legislation.

The inclusive nature of the Forum was questioned by the legal council for Mr Ruchbeer and Mr A.M. Khan of the CMAG. It was stated that the CMAG had not been in full support of the *Policy Framework* on the basis that Cato Manor should be returned to former residents. Minutes did not reflect their “non-support” testified Prof Peter Robinson (1997: 286). Recognition of the fact that restoration may not be possible is reflected in a letter to the Post newspaper, submitted on behalf of the CMAG by Khan and Ruchbeer that “Due to the development in Cato Manor, land here is at a premium. This means that applicant may have to settle for another building site or compensation.” (The Post, 13/3/96) The opposition to the court application by the respondents in the court hearing was however recognised as a dissent with the consensus on the way forward for Cato Manor (Forster, in Sneller, 1997: 456).

The nature of the Forum was also questioned in terms of its overall composition. Exclusion of organisations such as the Pan African Congress and the Azanian People’s Organisation was raised and the value of consensus achieved given the “baptism of fire” that the CMDA was subject to in its first year of operation (Moosa, in Sneller, 1997: 304). The CMDA’s response was that consensus was achieved through negotiation and that an open door policy allowed new organisations to become part of the process (*Ibid.*: 305).

The CMDA’s mandate to develop Cato Manor and who it is developed for was questioned by

a number of the claimant's representatives. One of these was former resident Mr P. Seebran<sup>4</sup>, 94 years old at the time and determined to represent himself. It was argued that the CMDA composition was not representative of former interests, implying also that the CMAG and the CMRA were not representative either (*Ibid.*: 413).

Some key respondents also questioned the inclusion of former residents in the Forum. The CMAG and the CMRA represented mainly previous land owners. Former tenants, represented by the Campus Law Clinic in the court hearing, were excluded from this process. Noted as reflective of the financial fragmentation of the former residents stakeholder group, the power relations were such that those without financial means were left out of the collaborative process, according to Ramgobin (1999). The CMDA's view was that the lack of a representative body of former residents and the policy vacuum with regards to restitution during the Forum days limited the participation of claimants (Smyly and Robinson, 1999).

CMDA's mandate was however recognised by at least one of the teams for the objectors and in its understanding was a shrewd comprehension of the nature of planning and what the *Policy Framework* mandated the CMDA to do. The University of Natal Campus Law Clinic (represented mainly by Adv.. Angus Stewart) was assisted by Garth Seneque, a town planner formerly involved in Cato Manor, and Dr Iain Edwards, a historian. The inclusive nature of evolution of the CMDP was recognised, but the view was that the granting of a Section 34 order was contrary to the CMDA's mandate to develop Cato Manor in a people-centred and participatory way. Thus, whilst the Policy Framework included former residents as part of its agenda, the argument was that the CMDA sought to push it to the bottom of the agenda by "wiping the slate clean". (Stewart, 1997: 321).

#### 4.2.3 Technocracy or democracy? - the planner recast as technocrat

Reflected in the arguments posed by legal council for the objectors, is a perception that the CMDA's approach to planning was technocratic, mechanical and inflexible. The fact that the CMDA was going for an "all or nothing" approach in not accommodating restoration at all was indicative to some of a narrow approach to development.

This was most vigorously and competently expressed by the Campus Law Clinic. The inclusion of land claims was explored in a breakdown of the planning process from the *Policy Framework* level, through to the *Structure Plan* level and down to the Precinct Planning level. The suggestion was made that a land claim was another constraint, such as a property under private ownership or any other caveat, and could therefore be dealt with in a similar way. It was argued that not only was this technically possible but that "it reflects a proper and appropriate approach to planning - people-centred planning, adopting a social justice model, not a social engineering or technicist approach to planning, and that really the exigencies of Cato Manor demand that

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<sup>4</sup> Paraw Seebran recently passed away at the age of 96. His determination to have the 40 properties previously owned by him restored was reflected in his refusal to use legal representation during the court hearing: "I think about getting my land back every day, even when I go to bed at night. It is my whole life. How can a lawyer represent that?" (Daily News, 21/1/97).

approach to planning is taken..." (Stewart, in Sneller, 1997: 379).<sup>5</sup> The response was that given the enormity and holistic nature of the planning of Cato Manor, and the pressures for delivery, dealing with each claim at the micro level was not feasible. The delay in confirming the validity of each claim would sterilise and cause delays in the development of land (*Ibid.*: 380).

The importance of considering history in the planning process was also raised. Stewart (in Sneller, 1997: 311) argued that addressing history through the development process was essential to achieve social integration and nation building, and was therefore an integral part of the people-centred planning process that the CMDA advocated. Stewart argued that "planning is not just about bricks and mortar....and that a proper and appropriate approach to planning would place people at the centre of the planing concerns....and therefore the importance of the history must be a factor in the planning process." (In Sneller, 1997: 312). Prof Robinson replied that history is "an issue of process that would inform the product...to include them in the process would presumably result in a product that was more sensitive to what had gone before" (1997: 313). He added however, that this was not feasible given the pressures for delivery that the CMDA was subject to.

On another level, the CMDA, as an agent of the City, was seen as representative of the old regime. Its resistance to restoration was interpreted as a resistance to restitution *per se*. The impression that people were again to be deprived of their land was reflected when the remark was made: "...this smacks of the old regime. A process was started. People did a piece of work. They didn't worry about the people who were really concerned, who were really affected by the disposition. And the very same thing I see happening again." (Narain, 1997: 403). What became apparent was that the distrust and the resentment of the Durban City Council in view of the history of Cato Manor was extended to the present council and by extension to the CMDA. Indeed at one time the CMDA was accused of being engaged in old time social engineering through their plans, "that the applicant is involved in the same kind of racist social engineering that the City Council was about..." (Moosa, 1997: 1030), a statement vehemently denied by CMDA CEO Clive Forster.

The anger of objectors to the court application was linked to their past experiences with the Durban City Council, many feeling bitter about what they regarded as a second dispossession. As explained by Cheryl Walker, KwaZulu-Natal Land Claims Commissioner: "They are angry with the commission, angry with the council and its planners, and angry with the informal settlers whom they see as interlopers on their land." (Sunday Tribune, 17/11/96).

The nature of the built form that had resulted in parts of Cato Manor was also challenged. The implication was made that the housing produced in the new Cato Manor was not much different from the past. It was suggested therefore that the CMDA had deviated from its mandated vision

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<sup>5</sup> The draft Precinct Development Plan for Belair Road North Precinct prepared by Markewicz English and Associates was posed as an example where this had already been done. In a process enabled by the CMDA GIS database the claims were mapped on the plan and accommodated and treated as "freehold land" under private ownership. The contention was that in areas that had not yet been developed in Cato Manor, such as the Belair road North precinct, there still existed an opportunity to incorporate the spatial extents of claims in the planning process.

and were replicating the built form reflected in Apartheid-era townships.

Reflection on the court hearing by the planners involved reveals recollection of a painful process (Forster, Ferguson, 1999). Others noted the expense in terms of finances and human resources. The Court hearing represented an adversarial process that was simply not conducive to reaching a consensual agreement. Although not intended to be a collaborative process the feeling was, upon recollection, that the matter simply should not have been dealt with in Court. If anything, it polarised divisions further.

The Section 34 hearing raises some questions about the nature of the collaborative process leading up to the hearing however. If true consensus is the aim of collaborative planning, then the marginalisation of dissenting voices can place a question mark over the nature of that consensus. It also focuses attention on the limits of the collaborative process within the context of an externally funded development project. The issue of power is pertinent here. An RDP project, funded in excess of R300 million, not only places enormous pressures upon those that are mandated to implement it, but also represents a powerful lobby. Hence, the funding commitment and institutional buy-in into the process was an essential part of the rationality for the Section 34 order being granted. (One wonders what the outcome of the hearing would have been if settlement had not been reached.)

The power relations within the claimant group is also meaningful. It revealed how the collaborative process can often exclude those who simply do not have money or through lack of representation in a coherent group are subsequently marginalised. The juxtaposition of the collaborative process implemented by the GCMDF, and the dissenting voices of 450 former residents of Cato Manor makes an interesting comment on the nature of planning in Apartheid's haunted places.

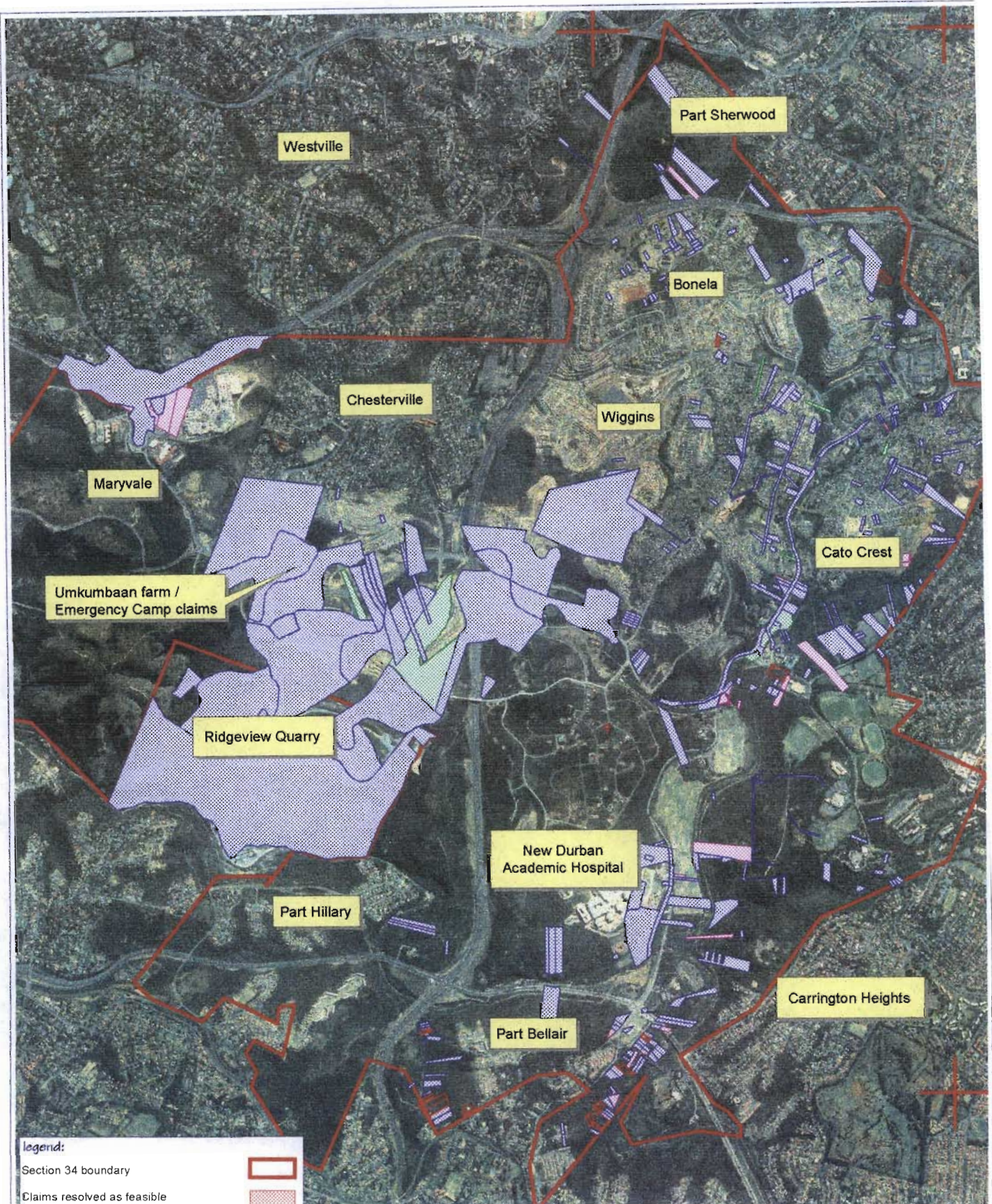
### 4.3 THE LAND CLAIMS SETTLEMENT PROCESS

As it became apparent that the time and cost associated with the court hearing was essentially prohibitive, a settlement was agreed upon as an alternative more conducive to reaching agreement on the issue. Seen by some as a real desire to reach a compromise (Robinson, 1999) others say that there was a real prospect that the order would not be granted to the CMDA (Walker and Ramgobin, 1999). Other, of course, indicate the reverse (Smyly and Ferguson, 1999). Nevertheless, an historical moment was reached when the Campus Law Clinic met with the CMDA to explore ways in which the issue could be settled outside the Land Claims Court. Initially involving other local authority officials, the agreement was eventually hammered out between all legal representatives as well as the CMDA. The respondents interviewed agreed that the involvement of planning staff from the CMDA as well as the technical advisors to the Campus Law Clinic were instrumental in reaching an acceptable agreement.






The aim of the Agreement was to find a way through which respondents' claims could be considered in the CMDP. A Memorandum of Agreement was finally signed between the local authorities, the CMDA, the Participants (former residents, the Regional Land Claims Commissioner and the Department of Land Affairs in May 1997. The preamble to the agreement reflects the "uneasy compromise between restitution and development" (Thompson, 1999: 9) in the words " ...noting further that the participants would have preferred to challenge the constitutional validity of section 34 of the Act, the applicant and the participants have nonetheless resolved to settle their differences with this agreement" (North Central Local Council *et al*, 1997: 2).

The Agreement is subject to strict time frames and makes enormous demands on the capacity and management of the CMDA and the RLCC. The onerous time limits led one of the legal representatives to note in a newspaper article that "The Cato Manor settlement was negotiated by gun-point" (Daily News, 24/4/97). So strong was the feeling from a number of claimants that an interdict was brought before the Land Claims Court to stop the development of land parcels which constitute the subject matter of claims representing a group of 180 claimants. The feeling was that "despite demand, no data which assists the (claimants) ...had been made available while development in Cato Manor proceeds...there has likewise been no more than a feeble attempt to engage land claimants in the social process unfolding in Cato Manor" (Daily News, 15/5/96). An urgent appeal to the interdict was granted to the CMDA and the Settlement Agreement was implemented with the reluctant inclusion of these claimants.

The Agreement allows for a process whereby each of the respondent claims are determined feasible or not feasible to restore, given the context of the CMDP. Location of the claims is shown in *figure 21*. The process and key provisions of the settlement process together with the diagrammatic presentation of the full process are contained in Annexure B. An abridged version of the process is illustrated by *figure 22*.



**Legend:**

- Section 34 boundary 
- Claims resolved as feasible to restore 
- Category A claims not yet resolved 
- Category B claims not yet resolved 
- Claims resolved: alternative restitution 



1:30 000  
 200 0 200 400 600 Meters

Source: CMDA (1993 Aerial photography)



figure title:

figure no:

**LOCATION OF RESPONDENT LAND CLAIMS**



- ▶ Participants seeking restoration were divided into categories A and B and thereby prioritised according to claim's impact on development.<sup>6</sup> A feasibility report, prepared by the CMDA, provides an initial assessment of the feasibility of restoration. The report contains a written report and a map indicating the location of the claim in terms of underlying development and other factors that may impact on its restoration. (A sample feasibility report is included as Annexure C.)
- ▶ If deemed feasible the claim is processed by the RLCC. If deemed not feasible, the report is subject to a conflict resolution procedure. A mediation is set down with the assistance of the RLCC. If agreement on the outcome of the feasibility report cannot be reached at this stage, the matter is settled through arbitration. If eventually deemed feasible the claim is processed by the RLCC, if agreed to as not feasible the claim is subject to the restitution option favoured by the claimant.

The process is subject to rigorous time schedules and has made enormous demands on the resources of both the RLCC and the CMDA. Firstly, the mapping of claims was exceptionally problematic. It was agreed that in order to facilitate the speedy delivery of feasibility reports a Geographic Information system (GIS) would be used for mapping and information management purposes. Not all claims could be mapped to their true extent, particularly tenant claims. Thus, claims were resolved to three levels of detail: to their true extent, to the nearest land consolidation that had been done since, and with tenant claims to the actual boundary of the Emergency Camp or Umkumbaan farm (large outlines indicated on *figure 21*).

Preparation of the feasibility reports is essentially a planning exercise. Whilst an effort was made to make the information as user friendly as possible, observation at mediation procedures revealed a limited understanding of the plans. The central role that the CMDA planners play in this process places the CMDA in a very powerful position according to some of the key respondents (Walker and Ramgobin, 1999). In some ways the conflict resolution process has become a technical process and limited in the amount of debate generated between participant and applicant. Ironically, planners' input are only given once required. The mediation in many ways reflects an outcome of the more powerful and seemingly "logical" argument and in many instances does not reflect a negotiated solution as anticipated in a classic mediation procedure (Ramgobin, 1999).

Others felt that feasibility reports were produced, based upon the premise of "not feasible". It was mentioned that the role of the planner and the plans was indeed a key determinant in affecting the outcome of the process. Arbitrations however are presided upon by technically minded people and reflected a better more sophisticated understanding of the issues at stake. Some resulted in a true compromise taken at the hearing itself whilst a compromise at mediation

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<sup>6</sup> Category A's represent claims that are on land developed since 4 December 1996 or affect projects on the CMDA's Annual Work Programme that were due to be implemented within 6 months of the effective date of the Agreement. Category B refer to all other restoration claims.

level was often dependant on communication with CMDA planners by telephone. An example of one such compromise is the case of Mr Abdul Razak, a former resident that owned land on the current New Durban Academic Hospital (NDAH) site, on which there were still some family graves present. Whilst land restoration was stated as problematic, it was agreed that the Razak family would be permitted access to the site in order to fence the graves and enable access to tend and visit them. Future expansion of the NDAH prohibited restoration of land but the presence of the graves was a key factor in the claimant's desire to have his land restored.

The outcomes of the settlement process so far reflects a large number of claims deemed "not feasible" to restore. Table 2 illustrates the breakdown in feasibility as assessed by the CMDA in their feasibility reports.

Table 2: Feasibility Status

	Outcome of Feasibility Report		Subject to investigations	TOTAL
	Number deemed feasible	Number deemed not feasible	Other	
Category A		100		100
Category B	63	190	not mapped = 76 outside Section 34 boundary = 18	347
TOTAL	63	290	94	447

Table 3 shows the actual conclusion reached through the conflict resolution process: how many reached arbitration - the outcome of mediation and arbitration.

Table 3: Resolution Processes

	Mediation			Arbitration		TOTAL
	No. deemed feasible	No. deemed not feasible	Not yet resolved	No. deemed feasible	No. deemed not feasible	
Category A		100				100
Category B	17	198	126	2	4	347
TOTAL	17	298	126	2	4	447

Table 4 shows the outcome of mediation, what other form of restitution the claimant opted for.

Table 4: Outcome of Mediations

	Financial Compensation	Alternative Land	Withdrawn claim	Not specified	To be determined	TOTAL
Category A	41	5		44		100
Category B	153	5	8	55	126	347
	194	10	8	99	126	447

An assessment of the feasibility process from respondents interviewed reveals a varied reaction to the output so far. The fact that it allowed for a process whereby an one-on-one interaction could result in an agreed solution was supported as a more positive alternative to the Court process. Yet, many felt that the nature of the mediation procedures was too technical, and the outcome essentially determined by technical / planning concerns. From those outside the CMDA, the response was that the result must be pleasing to the CMDA....implying that it was the CMDA that gained most from the process. But the Agreement was seen to be historical in many ways: some saw it address some of the inherent contradictions between urban development as envisioned by the RDP and the restitution ideals of the Restitution of Land Rights Act. Others felt that the Restitution of Land Rights Act was not sufficient in dealing with urban land claims and that the Agreement addressed some of these shortcomings.

Regardless of the opinion on the outcome of the Agreement, the process portrays an interesting case study of how the planners technical tools and expertise can be used in the negotiation process. Conversely, it also shows how powerful planning knowledge is in determining the outcome of a consensus-seeking process. Whether the resolution of the conflict and the process to achieving some consensus led to a new negotiated rationality with regards to "the public interest" requires more detailed analysis which considers the case study in full. This then is the aim of the next and final chapter of this thesis.

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## CHAPTER 5 ANALYSIS

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The CMDP has evolved through almost a decade of transition and flux. Chapter 3 described the evolution of this project from a collaborative effort to full-blown urban development project. It did this by first examining the historical context from which the project evolved and how this history “caught up” with the project in the conflict over restoration of land claims. The latter was addressed through the settlement agreement that is now in place which allows for conflict resolution procedures in deciding former residents’ claims. Planning procedures are central to this process and therefore central to the outcome in the same way that planners played a central part in the collaborative effort that resulted in the GCMDF and the CMDP. But the project also evolved as an urban development project committed to the multiple objectives of integration. Chapter 3 explained how this is ingrained in the plans and policies that underpin the implementation of the Cato Manor project and also formed the basis of the argument in the Section 34 application. The challenge to that was illustrated in the many arguments presented to the CMDA during the court hearing.

The analysis and conclusion of this thesis comprises three parts. The first is an overall impression of issues of conflict, power and fragmentation. The notion of rationality and how that differs between the various role players is examined and builds on what Flyvbjerg’s (1998) notion that a negotiated rationality is infused with power relationships. His ten propositions are used to analyse the Cato Manor Land Claims conflict by examining the nuances of the relationship between rationality and power. The discussion continues with a general assessment of the prospects for integration given the conflict that arises from fragmentation, and the challenge to the notion of integration as illustrated in the case study.

But the aim of this thesis is ultimately to derive lessons for future planning practice, to do more than just tell a story and explore the intellectual angles contained therein. The themes that have emerged from a discussion of the case study are discussed, specifically how they relate to planning and planning practice. The purpose is to hone down the discussion into a framework for future planning practice.

Chapter 5 concludes this thesis by responding to the hypothesis and answering the various research questions. It explores the notion of meaningful planning practice and concludes with implications for future planning practice in urban development. This is done within the aforementioned framework, given the goal of integration.

## 5.1 OVERALL ANALYSIS

Analysis of the Cato Manor land claims conflict is essentially about examining the way in which fragmentation and complexity have impacted on the planning process. The aim is to break this down into the various aspects of the topic of this thesis: the goal of integration in post-apartheid South Africa and its prospects in an essentially fragmented and divided society. Many of these issues have been alluded to in the discussion of the case study and the point of focus in chapter 4, but the purpose of this analysis is to draw out the important elements of this discussion as it pertains to the topic of this dissertation. It is also intended as a framework for a more detailed analysis of rationality and power in Cato Manor and the prospects for integration in terms of that.

In order to examine the notion of rationality and power, a discussion of the rationality underlying the CMDP is necessary. Essentially this thesis has made a link between the goal of integration as the rationality that underpins urban development and planning in post-Apartheid South Africa. In the conceptual framework, integration was explored as a *leitmotif* that has permeated planning debates over time and has found resonance in the direction of planning in contemporary South Africa. The goal of integration is linked to an emphasis on reconstruction and rebuilding. It relates to the process of planning as well as its outcome. In the Cato Manor example it relates to an integrated approach to development: combining processes *between* types of planning such as economic development with spatial planning; infrastructure provisions with the planning of housing projects and so forth. But it also relates to approaches *within* the planning cycle: integrating the strategic, operational and spatial elements of planning to result in what has been termed "integrated development planning". The way in which the CMDA plans its Annual Work Programme, and future implementation through its Implementation Strategy Plan in combination with the Structure Plan displays the elements of an integrated approach to urban planning and development.

As Harrison *et al* confirm (1998) integration as process is not an end in itself, its purpose is to achieve more efficient and equitable delivery of services and infrastructure. But it is also employed to contribute to integration as outcome. The goals of social and spatial integration relate to the CMDA's development vision for Greater Cato Manor as well as its spatial concept expressed in the Structure Plan and the Precinct Development Plans. Spatial integration as an intention is reflected in the compact-city approach contained in the Structure Plan and the employment of spatial concepts such as development corridors, nodes and the emphasis on a fine grain of mixed uses. A key tenet of the vision is to integrate Cato Manor into the rest of Metropolitan Durban, to create a "city within a city" linked through a strong road and transport network and providing opportunities for the future population of Cato Manor and the rest of the city. This alludes to social integration: making the social, educational and housing opportunities in the area accessible to the city's residents, but also accommodating a mix of income groups through a diversity of housing opportunities in the area. The potential conflict between income groups is anticipated in the vision through the rider that integration must include "treating

sensitively the areas of interface with existing neighbouring communities" (CMDA, 1999: 5).

The CMDP comprises a complex set of objectives, institutional relationships and activities that seek to achieve urban development at a scale unparalleled in the rest of South Africa. The project reflects a devotion to integration, through an integrated approach to planning and development. The need for effective delivery and the need for the project to continue as an integral whole underpins the rationality employed in applying for the Section 34 order from the Land Claims Court. Restoration of land claims was seen as unviable since it was argued that the piecemeal approach necessary to deal with claims as they are validated by the RLCC would result in a disjunctive process that would impact on the ability of the project to deliver. Affecting the ability of the project to deliver would result in delays and frustrations in implementation which was not in the public interest given the enormous public investment in the project. The notion of the public interest was key to the granting of the Section 34 order (as outlined in the Restitution of Land Rights Act).

Throughout the Section 34 hearing however, the debates surrounding the notion of the public interest unfolded into a complex web of arguments, views and opinions that challenged the very nature of the planning process. Rationality was penetrated by history (and cast as irrationality) and the pain of that recollection reveals a challenge to the tendency of planners in distancing themselves from that history. A fundamental element of that confrontation, as pointed out by Popke (1997), refers to the struggle for a new spatial and social order, the competing visions of that order and the role that history plays in the composition of that vision. Former residents objecting to the Section 34 application appeared to see Cato Manor as the site of struggle for a home in the city, with the return to that home seen as an integral part of redressing the injustices of the past. Popke argues that the CMDA sought to wipe the Cato Manor slate clean of any historical significance, "presenting the area as a blank slate upon which can be simply inscribed a future vision of non-racial democracy" (1997: 18). Although not entirely true given the CMDA's commitment to other restitutions options through its allocation policy, the incorporation of claimed land into the planning of the area was identified in the court procedure as a messy reality that the CMDA chose not to face. The CMDA's commitment to an integrated, holistic approach to development was interpreted as a commitment to a technicist strategy perceived to be part of the *modus operandi* of the CMDA. It was interpreted as "an attempted re-disciplining of space and a return to the familiar, modernist epistemologies of spatial planning and control" (Popke, 1997: 18). Thus, the rationality that underpins many of the planning approaches of post-1994 South Africa was challenged and contested.

The court procedure is however an adversarial process that blurs the distinctions between role players and stakeholder interests. To simply portray it as the apex of a conflict between former residents and the representatives of the state, would be to ignore the complexities of the history of Cato Manor. Former residents consist of the wealthy and the poor, Indian and African as well as those previously associated with the GCMDF. Whilst a common purpose in objecting to the

court application brought them all together as an interest group, former residents include African land owners (in the former Chateau and Good Hope Estates) and tenants; it also includes former Indian land owners and tenants. Two key groups that emerged during the process was the group of former tenants represented by the Campus Law Clinic and the claimants that identified themselves as part of the Cato Manor Action Group. The close working relationship that the former forged with the CMDA in formulating the Settlement Agreement arose a degree of suspicion in the latter. Yet, the CMAG was also known to have been part of the GCMDF. The court interdict subsequently sought from the Court by the CMAG reflects a desire to distance themselves from the settlement and this relationship. Thus, relationships between role players was subject to a dynamic that was intrinsically linked to the context within which the conflict takes place.

Healey's (1997) analytical concepts of the institutionalist approach to planning theory are useful in analysing this dynamic. The way that people make sense of their life worlds and how that is manifested in public life is reflected in the relational webs or networks that encompass their economic, social life and backgrounds. Thus, while some former residents collaborated with the GCMDF, they affiliated themselves with other former residents in opposition to the CMDA's application. While relational webs intersect and overlap as people operate in more than one network, they are also subject to structural forces. The nature of the court process was such that *one*, it brought to the fore the underlying conflict between some former residents and the CMDA; and *two*, the court procedure created the situation where former residents aligned themselves in order to unite in their objection to the application. This alignment of interests was however only relevant during the court process; the nature of the court procedure being such that interests are divided between applicant and respondent. As soon as the dynamics changed, stakeholder groupings were realigned to respond to the new dynamic posed by the Settlement process.

There are three lessons to be learnt from this. *One* is the obvious conclusion that the judicial procedure does not reveal the true nature of stakeholder interests in the planning environment. *Two*, that relationships between stakeholders in a collaborative process are dynamic and cannot be taken as givens. The CMAG may have been party to the Forum initiatives that resulted in the CMDP, pre-Section 34 hearing; but post-Section 34 hearing this relationship changed as the threatened interdict after Settlement indicates. As Charles Hoch states: "Communities are shaped not solely by mutual interdependence among members but also by the imposition of power relations that undermine or sustain this solidarity." (1996: 36). *Thirdly*, the negotiated rationality that arises from the collaborative effort represented by the settlement agreement appears to represent a desire to establish common ground. However, interviews with key stakeholders suggest that this was only part of the reason. While those in the CMAG camp suggested that the agreement was "negotiated by gun-point" (Daily News, 24/4/97) given the limited time in indicating acceptance of the agreement, others felt that the time and cost involved in the ongoing court hearing forced a solution in the form of a settlement. What is important to

remember though is that the settlement essentially represents a planning solution, based on a particular rationality of what a planning process should yield. This represents the rationality of the planner and is not necessarily the negotiated rationality intended by Habermas and Healey. The process outlined in the settlement agreement is dependant on planning knowledge, plans and documents to determine outcome. Thus, while the settlement agreement resulted in an uneasy solution to a conflict in the public realm, the communicative effort required to produce an agreement, was infused with the power of planning discourse and knowledge. It follows then that the process yielded by the agreement and the outcome of that process is not free of that power.

It is at this juncture that analysing planning practice from a Foucauldian perspective becomes particularly useful. Foucault's concept of power relations provides an important critique of professions that claim to serve the common good. His claim that such professions are subject to their own logic and can produce new techniques of subjection may appear a little harsh. Yet, one need only look at how "the mean side of planning" was employed in Cato Manor's past to understand that this is true. But instead of dismissing planning "as just another misguided utopian power trip" (Hoch, 1996: 33) - and some respondents in the Section 34 hearing would certainly support this contention - the value of Foucault's research is to prove that an understanding of power can only be elucidated through examples. It is Foucault's method of analysis that is important for entrenched in that is the challenge to the modernist principle that power can be understood and neutralised through adherence to an universal truth. The appeal to a modernist notion of what is rational was certainly employed by the CMDA in its court application; and it most definitely did not neutralise the expressions of power. The power relationships inherent in the Cato Manor land claims conflict therefore needed to be examined through empirical study for an understanding of the play of power in planning. Flyvbjerg argues that the value of investigating these examples are to "help us re-imagine planning in the light of conflict" (1998: 211).

The relationship between knowledge and power or rationality and power are therefore seen as analytically and politically inseparable, leaving the actual relationship between these phenomena open to empirical testing. It must be understood however, that power is not necessarily negative, it can be productive and positive. A study of rationality and power in planning does two things: it helps us understand how communication can be distorted by power or rhetoric thereby enabling us to develop tactics and strategies which can counter domination. Secondly, understanding conflict in the planning situation is key to understanding the evolving nature of democracy. Flyvbjerg (1998) argues that social conflicts and the freedom to engage in those conflicts is representative of democracy and in some ways productive of that freedom. Understanding how this conflict is played out in the planning process in Cato Manor, not only acknowledges the value of the democracy within which we plan. Through understanding the workings of our very new democracy, we are able to construct methods of intervention that respond to the challenges contained therein.

## 5.2 RATIONALITY AND POWER IN CATO MANOR

Flyvbjerg uses his case study of planning in Aalborg, Denmark to apply the Foucauldian method of analysis to a planning project. By uncovering the relationship between rationality and power empirically, he derives the ten propositions discussed in the conceptual framework of this thesis. Intended to serve as guidelines for examining the relationship between knowledge and power in other settings, this is the inductive theory that will now be applied to the Cato Manor Land Claims Conflict and subsequent Settlement Process.

### 5.2.1 Power defines reality

Power defines what counts as rationality and knowledge and thereby what counts as reality. The multiple realities that made up the Court conflict were based upon the “truths” as defined and demanded by the circumstances. The CMDP as Presidential Lead Project in the government’s RDP, the funding commitment and pressure for delivery in the local context, is a reality that is particular to this particular conflict. It is a “truth” that is particularly powerful in terms of the circumstances and does not therefore represent a “universal truth” to which one can appeal in solving conflict. For it is essentially a constructed truth that was presented to the Land Claims Court. The rationality underlying the integrated nature of the project, the risks involved in factoring land claims into the process as contrary to the holistic approach taken by the CMDA, were packaged as a reality informed by planning knowledge. That knowledge is underpinned by the planning discourse of integration.

At a finer level of detail, feasibility of the restoration of a claim is defined in terms of planning principles during the Settlement process. A map is produced on the CMDA GIS, and a planning report that assesses feasibility in terms of predetermined but agreed criteria such as the CMDA AWP, the provisions of the Structure Plan, the provisions of the PDP’s and existing development, is generated. The plan is overlain on an aerial photograph to show existing development. In some cases projects are not evident on the photo but are portrayed through graphic techniques using the GIS database of Annual Work Programme projects. Thus, the outcome of the feasibility report is dependant on the representation of that information and the technical skill and knowledge in producing it. In a sense power - or knowledge as power - defines the reality that challenges the restoration of a land claim.

This power has not remained uncontested however and the contestation of that power is accommodated through the provisions of the Agreement. Of the 298 claims deemed not feasible, at the time of writing, 6 claims were subject to arbitration. Of these 2 were deemed feasible. Thus, although knowledge as power, defines rationality, a collaborative process that includes conflict resolution mechanisms can potentially challenge that rationality. But the number of contestations are small. Interviews with key respondents reveal some disillusionment with the process. The result is that mediation procedures do not necessarily represent joint solutions but that the outcome is determined by the power of the planning argument.

### **5.2.2 Rationality is context-dependant**

Rationality is penetrated by power which is shaped by context. Rationality is therefore dynamic and is defined in a specific context by those most powerful. In the court hearing and subsequent Settlement the context was set by planners. The context was a very powerful one: the CMDP as RDP project, the funding commitment and the institutional agreements in place. During the hearing the most significant challenge to the CMDA argument was from the Campus Law Clinic, an agency that had access to planning knowledge. In a sense this is true of the collaborative effort that determined the Settlement Agreement. Those that were most instrumental in its outcome were the CMDA and the Campus Law Clinic. The contribution by the Campus Law Clinic was to a large extent facilitated by the inclusion of a planner familiar with Cato Manor. Although negotiated with other representatives of former residents, the terms of the agreement were essentially determined by planning parameters. The relationship between planning knowledge and power was instrumental in determining what is rational in that particular context, with the inclusion of those particular role players.

Again, this was not left uncontested. The argument for the interdict posed by the CMAG focussed on the lack of access to information which would assist claimants to make an informed decision on the Agreement. This was fervently denied by the CMDA however and the application for the interdict was not granted.

### **5.2.3 Rationalisation presented as rationality is a principle strategy in the exercise of power**

The court hearing basically represented a clash of interests over a particular issue. Those various interests needed to be represented as “truths” in order to be presented as the “power of the better argument”. Arguments are rationalised in order to appear as representative of reality or as truth. Thus, the CMDA’s argument was cloaked with supporting facts that together formed the “rationality” of what would be in the public interest. The integrated approach to the project was combined with its funding aspect and the potential disruptive nature of the claims restoration process to result in a complimentary argument for the public interest.

A reading of the court transcripts reveals further examples of how rationalisation can be employed to maximum benefit in what is essentially an adversarial process. One need only focus on some of the more extreme challenges to the CMDA’s mandate to understand how rationalisation is employed to project what some would case as “irrational”. One that arose was the contention that CMDA, as an agent of the City Council was representative of the old guard, since it was the Council that enacted the forced removals of former residents in the first place. Thus the CMDA was portrayed as racist and engaged with social engineering not that much different from the Council of the past. Interestingly enough this came from legal council for a group of claimants that were included in the GCMDP in the early stages of the Cato Manor development process.

Rationalisation is also a key strategy employed by planners in the Settlement process in the production of feasibility reports and in the presentation of those reports for mediation. What is

interesting about the mediation procedure is that what is essentially a planning document is negotiated with claimants by a legal representative. The “power of the better argument” is therefore subject to a logic that refers to what appears to be obvious: for eg. a claim is located in the middle of an informal settlement and can therefore not be considered feasible, hence the claimant must accept this reality.

#### **5.2.4 The greater the power, the less the rationality**

Flyvbjerg (*Ibid.*) argues that power finds deception, ignorance and self-deception more useful for its purposes than truth and rationality. Thus the greater the power the less the rationality. Deception played some part in the court hearing with some legal representatives appearing unscrupulous at times, as some of the claimants were incorrectly briefed according to some respondents. However in a conflict where power is not that unequally distributed it follows that agreement on rationality is more attainable. This shows in the lead-in to the settlement; power was relatively evenly distributed in terms of technical knowledge and therefore rationality was agreed on to some extent. The process also allows for a challenge to the notion of feasibility which leaves the powerful with little power that is uncontested.

The Cato Manor land claims conflict also shows the converse: the less the power, the more the rationality. When the CMDA was threatened in the hearing, it had to rely on its underlying rationality contained in its arguments in order to work towards a solution. Planning knowledge and the potential of planning solutions in negotiating an outcome to the conflict was essential in turning an adversarial process into a workable agreement.

#### **5.2.5 Stable power relations are more typical of politics, administration, and planning than antagonistic confrontations**

When antagonistic confrontations take place they are quickly transformed into stable power relations, argues Flyvbjerg (*Ibid.*). Power relations are therefore dynamic, but in planning the desire is to distance ourselves from open confrontation. This is certainly true of the Cato Manor Land claims conflict. Open confrontation in the Section 34 hearing was taken as unproductive, and expensive. Stabilising those relations through settlement was taken as a peaceful and more constructive alternative. Interestingly enough the settlement process makes provision for the dynamic of those power relations to be accommodated. Thus, while the mediation procedure is intended to yield a negotiated agreement on feasibility, the arbitration process recognises that conflict may arise again and requires a third party to intervene. The dynamic changes to that of an adversarial process, but in a controlled environment.

History shows us that power relations are not static however. Stability needs to be maintained and the background to Cato Manor as well as the evolution of the project shows many instances where stability could easily translate into instability. One conflict may be solved but another can arise. Power relations are therefore never neutralised completely but the dynamic between them can be stabilised.

### 5.2.6 Power relations are constantly being produced and reproduced

This is particularly true of Cato Manor. Whereas the CMDA was in a vulnerable position in its year of inception, it was now in a more powerful position in relation to former residents. Given the funding available and the general buy-in into the project this placed them in a powerful position in terms of the court procedure. However, this mandate was challenged in the court case which at times made the CMDA appear vulnerable again. Thus, as Flyvbjerg says, "power relations... are not immutable in form or content" (1998: 231). Power reproduces itself and sometimes this is required as is shown by the way the CMDA has managed to reinvent itself in order to retain the power to deliver in a changing institutional environment.

### 5.2.7 The rationality of power has deeper historical roots than the power of rationality

This perhaps was the most persistent view of the former residents: that the planners were technocrats whose rationality was similar to that of the past - given the problematic history of planning in this country as well as the Metro council's role in Cato Manor's history. But Flyvbjerg also argues that ideas of democracy, rationality and neutrality are young and fragile compared to notions of class and privilege (*Ibid.*).

The historical roots of power applies to the social-cultural cleavages in the group of former residents. The relationships between tenants and land owners, between Indian and African, was to some extent reflected in the power relationships of the court hearing. Some key respondents argue that claimants are on the whole viewed as a relatively privileged group compared to current residents in Cato Manor. This view was certainly reflected by one of the City Councillors from Cato Manor when she was quoted as saying that: "a few rich and irresponsible Indians wanted to scupper development in Cato Manor" (Business Day, 8/4/1997). But it is also those few rich Indians that were included in the Forum activities in the early days of development in Cato Manor. Key respondents argue that former tenants were excluded from this process, were marginalised during the court procedure, and ran the risk of being excluded again in the pending Ridge view Quarry hearing. The role of tenants was left underplayed and power relations between claimants in terms of their ability to participate in the collaborative process was to a large extent informed by past and present wealth.

### 5.2.8 In open confrontation, rationality yields to power

Flyvbjerg (1998: 232) argues that power relations exist everywhere (quoting Foucault). Power-to-power relations dominate over knowledge-power relations in open, antagonistic confrontations. Examination of the Section 34 Court hearing reveals that this is true to some extent. With some exceptions, arguments posed to the court revealed accusations, recriminations and suggestions that could only relate to their own logic then the actual case at hand: that of determining the "public interest". Some respondents argue that the court hearing took on the form of a "masculinist battle", more to do with personalities and defending territory than arguing the public interest.

At a broader level one wonders what the outcome of the court hearing would have been if

settlement had not been reached. The political clout of the RDP, the scale of the funding committed and the high profile of a Presidential Lead Project combine to form a powerful lobby compared to the dissenting voices of 450 former residents.

### **5.2.9 Rationality-power relations are more characteristic of stable power relations than of confrontations**

The interaction between rationality and power tends to stabilise power relations. Thus, whilst the court reflected a strong power-to-power dynamic, reaching settlement resulted in stabilising those power relations. When decisions taken as part of rationality-power relations are rationally informed, they gain legitimacy. What arises then is a rationality-to-power dynamic that represents stabilisation of the power relations but does not necessarily mean that those power relations are now equally balanced, argues Flyvbjerg (1998: 233). Stable power relations often constitute a working consensus where distortions in the production and use of rational arguments can lead to unequal dominance. The “uneasy compromise between restitution and development in the form of the Cato Manor Agreement” (Thompson, 1999: 9), some argue, is reflective of that.

### **5.2.10 The power of rationality is embedded in stable power relations rather than in confrontations**

The power of rationality gains maximum effect in situations characterised by negotiations and consensus building. But this power can only be maintained insofar as power relations are kept non-antagonistic and stable. This is certainly true of the Section 34 hearing and the subsequent settlement process. It is also perhaps one of the important planning lessons from this experience. The hearing was representative of an open conflict through which power relations were played out to maximum benefit to those interests. The power of rationality in determining the public interest was notably absent and could only be pursued once those power relationships were stabilised through the settlement. The granting of the subsequent application for an interdict hearing would have upset that balance. Thus, although the agreement reached was an uneasy one, it still created the platform for a workable solution that allowed for the power of rationality to be employed.

### 5.3 PROSPECTS FOR INTEGRATION

Integration was a key element of what was perceived to be rational in the Section 34 hearing. It is also the underlying approach to the planning and implementation of Cato Manor. Land claims, it was argued, would have undermined the holistic, integrated planning approach with some practical consequences in terms of delivery on the ground. Thus, the link between rationality and integration is one illustrated in the court hearing. The impact of power on this relationship is one with many dimensions, as explored in the previous section, and is best investigated through planning examples such as the Cato Manor Land Claims Conflict.

So what then does this mean for integration and its associated goals of reconstruction and renewal? Whilst the theme that evolves from a reference to theory illustrates a contradiction in applying the modernist endeavour of integration in a postmodern context of fragmentation and complexity, the need is to explore what the essential difficulties are and how they can inform future planning practice. The purpose is to examine the CMDP on the whole, but focus specifically on the Land Claims conflict as a point of focus where this contradiction was contested in the public realm.

In order to make sense of these dynamics the various dimensions of integration as it is treated in this thesis and defined in the Cato Manor context need to be examined. The definition of integration as it relates to process, as well as the outcome of social and spatial integration is examined in juxtaposition to the urban environment. Development of the urban environment is simply put as comprising people and places. One can argue the dynamics between these two factors but for purposes of this analysis, they are considered as factors that are continuously considered throughout the planning endeavour.

#### 5.3.1 Integration as process

The relationship between people and an integrated approach to development relates to those inside the process, ie those that form part of that process; and those outside. At a broad level the “fit” between people that are supposedly part of the development process and an approach to integrated development leads to a discussion on institutional willingness. Certainly, the evolution of the CMDP reflects a tension between an holistic development approach and the various institutions that need to be taken on board to implement this vision. Whilst the integrated approach is supported at the funding level, tensions with officials sorted in line departments and involved in the day-to-day implementation of the project are/were sometimes inevitable.

Integration as a planning approach is encapsulated in the new South African planning legislation and in the requirement for Integrated Development Plans. In Cato Manor, implementation is linked to a complex relationship between spatial planning, budgeting and strategic planning. The result is the AWP and the forthcoming Implementation Strategy Plan as well as a Sustainability Model intended to direct future development. At a broad level it is the fit between these CMDA “internal” processes and the larger institutional environment that will determine the project’s success as an integrated project. The CMDA is linked into an intricate institutional network that

is subject to constant maintenance and adjustment. The two restructuring processes through which the organisation has evolved thus far reveals the way in which it has been required to adjust to larger institutional models. The pending Unicity model will no doubt raise new challenges with regards to the institutional arrangements necessary to facilitate the CMDA's integrated approach to development.

The challenge posed by the Land Claims conflict to integration is a little less obvious. Certainly the way that planning and budgeting are tied in with agreements and processes within the larger institutional environment was a key determinant in the CMDA's case to the Land Claims court. Incorporating land claims into that process was seen to be potentially disruptive and damaging to the process. The challenge to that was reflected in the court hearing and in interviews with key respondents. The view is that the CMDA's stance was inflexible and that the risks and assumptions associated with land claims could be factored into the development process (Ramgobin, 1999). The "quick-fix solution" sought by the CMDA in the application for a Section 34 order displayed an unwillingness to grapple with the social terrain of urban development (*Ibid.*). The CMDA's argument was to a large extent based on the other institutional processes that would need to be factored into the development process, such as the validation of claims and their mapping. The most feasible outcome therefore was to integrate restitution into existing processes (allocations policy) in order to minimise risk and maximise control of the process.

In a sense the Campus Law Clinic's argument began to express a postmodern rationality that factors complexity and uncertainty into what is essentially a Modernist approach to planning. The process facilitated by the Settlement Agreement was intended to incorporate claims into the planning process. It did this through a rationalist methodology based upon sound modernist planning principles through the use of the GIS. Respondents from the Campus Law Clinic and the RLCC (1999) expressed concern that the process was too technically driven and did not allow for meaningful debate around the restoration of each claim. Project managers from the CMDA, on the other hand, expressed frustration that unresolved land claims hampered progress on the ground.

### **5.3.2 Spatial integration**

While some would argue that one of the goals of an integrated approach to planning is spatial integration; the places that result from integrated planning do not necessarily reflect integration on the ground. Some measure of success with regards to spatial integration has been achieved with the implementation of the multi-purpose centre in Cato Manor. Creating a social facilities node where social and educational spaces are combined to serve the larger community demanded negotiations with the various line institutions that are responsible for maintenance and operations of these facilities. This was a process that demanded a shift from traditional approaches to a more integrated methodology. On the other hand it also required creative approaches to land management and formalisation of land title. This was achieved as reflected in the Wiggins Multi-Purpose Centre and the one in Cato Crest which is to be opened in January 2000.

Spatial integration towards the compact-city model shows a commitment to concepts such as corridors, nodes and mixed land use. Affecting these results through the development process requires flexible land use control, shrewd location of main routes and focussing investment in public infrastructure. These are the tools that planners have to affect spatial integration. These tools are facilitated by processes that link into a larger institutional environment; thus implementing the “capital web” to frame the compact city model would be reliant on these processes. Thus, the connection between achieving an integrated approach and spatial integration is important.

Underlying the compact-city approach encouraged by the CMDA is a commitment to high densities and attention to the public environment to balance the lack of private space. Restoration of land claims would have required this process to be altered to include spatial configurations that are contrary to the small site configurations integral to the compact city model. Incorporation of claimed land into the development process was however contested as a procedure not only essential to achieving true people-centred development by claimants, but also possible if flexibility is displayed at the precinct planning level. The way in which claims were incorporated into the Belair Road North Activity Corridor was illustrated as one way of doing this.

Integrating people into places that are subject to a model of compaction can be problematic however. Objections to site sizes in Cato Manor are common while neighbouring communities are often opposed to the spatial landscape that results from these. But many see the location of Cato Manor as an opportunity. Some former residents wanted their previous land back and be part of Cato Manor again. Others, such as tenants and poorer claimants wanted to be part of the opportunities offered by the proximity of Cato Manor to job centres, hence embracing the notion of Cato Manor’s integration with the rest of Durban.

Internal spatial integration can be achieved through other means. Incorporating significant places can also be an opportunity; and it is through Cato Manor’s history that this can be fulfilled. The temples and places of historical importance provide an opportunity for incorporating potentially economic assets (tourism) into the spatial configuration for the area while also collaborating with claimants on this. This has been pursued through the organisation’s Historical and Cultural Preservation Strategy.

### **5.3.3 Social integration**

Achieving social integration is perhaps one of the more difficult goals given the problematic social dynamics of Cato Manor. A people-centred development process is intended to accommodate diverse social interests and the CMDA has had some success in ensuring that. The invasion of houses in Wiggins, the Manor Gardens/Cato Crest conflict, the Cato Crest leadership crisis all presented challenges to the goal of social integration, while also being disruptive to the development process. Managing conflict is essential if the planning process is going to yield any kind of social cohesion. This dimension of the development process in Cato Manor has perhaps been one of the most challenging for the organisation and mechanisms have been set in place to deal with these on an ongoing basis.

Social integration is an issue on two levels. The first relates to internal integration: how successful are we in creating a Cato Manor community. Issues of fragmentation, conflict and complexity reveal a diversity that resists Modernist notions of one community. Internal divisions within Cato Manor communities have played out in a number of conflicts, many of them resulting in violence and loss of life. The complex nature of these conflicts are often attributes of hidden agendas and leadership struggles in the political arena. The willingness of people to be integrated applies to those that live within Cato Manor as well as those in neighbouring communities. Social integration with surrounding communities is problematic given the nature of the surrounding places around Cato Manor. Neighbouring communities, by virtue of their location in proximity to Cato Manor, have displayed resistance to this notion.

The issue of integration and former residents is an issue well explored in the court hearing. Including former residents in the development of the area was argued as a key aspect of the social process required to enact reconstruction. The inclusion of former residents in the development process by the CMDA was seen as inadequate. Redressing the past through addressing restitution was argued to be an essential part of a people-centred development process. The Settlement process on the other hand illuminates the divisions between claimants and their differing needs. The number of former residents choosing not to take up residence in Cato Manor even after objecting to the Section 34 hearing and having their claim for land determined as feasible, reflects resistance to be reintegrated into Greater Cato Manor. Restitution is however considered to be an integral part of ensuring social integration as argued by the opponents to the Section 34 application.

Places also have histories and this is essentially where Cato Manor as a place with a very particular history challenges the nature of social integration in the present. Popke (1997: 5) argues that in order to help us reconstruct South African urban spaces we need to deconstruct the spaces within; we need to understand how these places are haunted by their spatial histories.

Spatial and social integration are therefore difficult to achieve given the fragmented context within which we find ourselves. The Cato Manor Land Claims Conflict reflects how these goals is further frustrated by history - the recollection of that history and the need to redress the injustices contained therein. But the case study has also placed a question mark over the integrative nature of collaborative planning. In the Cato Manor context the rationality of integration required incorporation of varied voices in the process. To this end it was achieved relatively successfully through the Forum and through conflict resolution in the area during the CMDP. It is an ongoing process that makes enormous but challenging demands upon the town planner. Incorporation of claimant interests was however more problematic, mainly due to a very fragmented stakeholder profile and the initial uncertain institutional environment. Application for the Section 34 order revealed a need to have the uncertainties surrounding the matter controlled through CMDA policy. The need to deal with former residents through the allocation policy was a means whereby the issue of former residents could be predicted and dealt with within the realm of CMDA policy. Opposition to the order by the 450 respondents in the Court

hearing reveals a need to be included more meaningfully and represented a dissenting voice in the collaborative effort that is the CMDP.

This presented a dilemma for planners: in order to maintain a planning rationality of integration whilst being inclusive (a key aspect of collaborative planning) the “irrationality” of these dissenting voices needed to be included. The Settlement Agreement was a means of achieving that. As a planning solution the Agreement is successful in integrating a technical methodology (GIS, planning analysis) with conflict resolution processes (mediation, arbitration) in order to arrive at a planning solution that integrates those dissenting voices. Yet, as noted before, some respondents have questioned the success that has been achieved in arriving at true consensus at the end of each of these processes, given the powerful position of planning in informing the outcome.

The relationship between rationality, integration and power is therefore one that is filled with difficulties and contradictions. Achieving the modernist goal of integration in the postmodern reality that is Cato Manor has not only been frustrated over the years but fundamentally challenged by some former residents. Not only has the CMDP’s rationality as presented in the court hearing been questioned but so also the very rationality that the notion of integration is based upon. Describing the way in which the goal of integration has been implemented in Cato Manor and the dimensions of this challenges has led to an uncovering of the power relationship contained therein. Foucault’s research shows that an understanding of power can be achieved through examining examples. This research shows that an understanding of integration can be elucidated through an awareness of power. What this means in terms of planning practice is explored in the next section.

## 5.4 GUIDING THEMES FOR PLANNING PRACTICE

The Cato Manor case study provides a laboratory of planning practice in the realm of urban development. So far this chapter has provided an analysis of the project focussing on rationality and power. It then explored the issues that make achieving integration problematic given the context of fragmentation and power. The aim is now to take this analysis a step further by teasing out some themes pertaining to the ongoing practice of planning. The discussion thus far has been fairly abstract, although the subject matter has been very real. The question that needs answering now is what does all this mean for planners and for planning. The following themes have been formulated to guide the subject matter of this thesis into a practical focus.

- ▶ The *first* theme is the relationship between planners and conflict. What has emerged throughout the discussion of the evolution of the CMDP as well and the Land Claims conflict, is that the road to achieving integration is fraught with difficulties that demand immense negotiation skills and some familiarity with conflict resolution techniques.
- ▶ The *second* is planning and power. Although explored to some extent in the analysis of the relationship between rationality and power, it is necessary to explore what this means for planning practice. It is also worthwhile to explore how recognition of that power can be beneficial to the practice of urban planning; power is not necessarily a negative concept to the planner.
- ▶ The *third* relates to who it is we plan for. Planners' definitions of the community and how that relates to participation is a key element of the people-centred planning approach required in post-Apartheid South Africa. Stakeholder interests are dynamic and related to where they are positioned in a particular planning situation. Our understanding of the diverse nature of these interests needs to be sophisticated enough to address the fragmented reality within which we plan.

### 5.4.1 Integrating insurgent voices: the planner and conflict

The Cato Manor Land Claims settlement process is a continuous process of conflict resolution, a process that arose from open conflict between the various role players over the issue of land and the future determined use of land in the Greater Cato Manor area. Analysis of the situation reveals the search for a solution that is acceptable to all; a dialogical process that reveals a "new rationality", an acceptable solution that will be incorporated into the continued planning and development of the area. But as shown this rationality that was negotiated was not neutral and was infused with new power relationships that played a role in terms of outcome. However in investigating Flyvberg's 10 propositions on rationality and power (1998), it becomes apparent that this power is mitigated through a process that allows for a challenge to that rationality in a controlled environment. At the end of the day the power of rationality is embedded in stable power relations. Stabilising those power relations has become a large part of the CMDA's planners job.

Healey contends that it is possible to “reconstruct a public realm within which we can debate and manage our collective concerns in as inclusive way as possible” (1997: 44). To an extent this is true. However, this case study with the added insight of Flyvbjerg shows that reconstructing the public realm is not a process that is free of power. The solution negotiated towards the Settlement agreement represents a planners’ rationality and it was obvious (from interviews with respondents and the threatened interdict) that it did not reflect true consensus. The “new” rationality did, to some extent, relegate the dissenting voices to the realm of “irrationality”. But this really is inevitable, for what this case study teaches us that in resolving conflict, true consensus, or a “negotiated rationality”, is not value free. What it also teaches us that this is inevitable in order if we are to move forward. A purely dialogical process without the exercise of power is perhaps an ideal. We live in pluralist societies where the common public interest that planners have always planned for does not exist. Instead we are faced with fragmented contemporary social orders through which we need to navigate a way of planning - find a new negotiated rationality that can determine our intervention.

Healey (1997) argues that by “learning how to collaborate” we gain a richer understanding of these conflicts and through a collaborative process store the “social and intellectual capital” that can be drawn on in future conflicts. She also contends that in doing so we develop the institutional capacity to collaborate and coordinate. (1997: 34) In a way this is true of Cato Manor land claims settlement process. Most of the planners interviewed agreed that the Land Claims conflict has made them more aware of the nuances of stakeholder interests and that solutions are possible through the input of the planner. These solutions require new skills in addition to the technical skills demanded of the planner. Not all planners need to be mediators, but situations where conflict occur as openly as in the court hearing requires negotiation skills that move beyond presentation of technical language. By “learning how to collaborate” we constructively confront power and gain a richer understanding and awareness of the vested interests in local environments (Healey, 1997: 34).

Conflict resolution in planning, or the study of conflict in planning can also help recognise the “social situatedness of knowledge” but more importantly “the action and cultural frames of reference through which action is articulated” (Healey 1997: 38); thereby providing intellectual capital to the planner specifically. Immense intellectual capital was gained from the Land Claims conflict. Besides the learning and awareness that was gained from the planners’ direct involvement in formulating the Agreement, there was also the processes and procedures that resulted as an outcome. The most notable of these was the GIS-based management system through which the feasibility reports were generated. Starting off as a map and report production process the procedure has evolved into a management tool upon which the information regarding resolution of claims is documented and often tested against other data sets such as project locations and planning proposals. It shows that our technical tools can potentially be combined with dialogical approaches in order to provide a basis for negotiation. Use of the word “potentially” is intentional. For discussion with respondents reveals a degree of disappointment with the degree to which the Settlement Agreement allows for true negotiation. In order to gain some understanding of this, we need to examine the power of the planner in this.

### 5.4.2 The power of plans.....and planners

Confronting power outside the planner's scope of influence is important, but recognising the planner's own insidious use of power requires more than negotiation skills, it requires a degree of introspection. The outcome of consensus building procedures is not predictable and thus makes forward planning in this context very difficult. In many ways the outcome of such situations is often subject to power yielded by those involved. The possession of knowledge and particularly technical knowledge can prove to be the more powerful in influencing the outcome of collaboration. The nature of planning intervention is therefore particularly pertinent in this regard.

Planners communicate in technical language and are at an advantage in terms of their expertise in the ability to analyse information spatially and conceptually. Planning documentation came under careful scrutiny in the Land Claims Court case and its technical tools (GIS and mapping) are the main communication mechanisms whereby information is disseminated during the Settlement process in Cato Manor. Not only are plans powerful in terms of what they convey but they can also be powerful in how they influence process. To what extent does this determine outcome in these processes and how useful are they in determining an acceptable and just outcome?

The answer to that is twofold. First is that planners need to be aware of that power and the collaborative process needs to make provision for procedures in a stable environment that makes the contestation to that power possible. The exercise of power (as planning knowledge) in the Land Claims Conflict was arguably necessary in order to arrive at a solution that could promote the public interest. But it did result in a trade-off of interests in a situation where power was not necessarily evenly distributed.

Secondly, planning knowledge as power can yield positive results. Planning is at the end of the day a professional activity concerned with producing urban environments that respond to the needs of those living within it. As Watson argues, "the way in which these goals are promoted (or contested) cannot be divorced from the goals themselves" (1998: 16). We need to perhaps question our assumptions regarding those goals and be open to more flexibility in implementing them by recognising not only our power to affect change, but also realise the power of our plans and procedures to rise to the challenge of change and flux. The evolution of the CMDP through two restructuring processes and immense political change is representative of that.

We need to also be aware however that the effect of power can quite often yield different results from that anticipated. The relationship between knowledge and power, between truth and power as well as the relationship between rationality and power can result in less visible mechanisms affecting planning outcome. As planners we need to be alert to these subtleties and in order to do this we need to gain a more sophisticated understanding of the stakeholder interests that are identifiable with that power.

### 5.4.3 Collaboration with whom? - the planner's definition of stakeholders

Conflict resolution implies conflict, and conflict implies vested interests. Community participation has been a key element of the planning process for over a decade now. Not only is it seen as a move towards a more representative approach but involving the community in decision making is seen as fundamental in ensuring solutions that are successful or at the very least sustainable. Yet, this approach has often yielded its own set of problems in terms of method and conceptualisation. Participation in terms of method has often just resulted in mere consultation on the one hand, or been frustrated by internal political factors on the other. The case of Cato Manor is particularly relevant in this regard: fluidity of leadership and internal strife has resulted in many delays. In terms of conceptualisation, the question begs: who is the community and are we including the right voices?

Whilst the Cato Manor project has been entirely inclusive in its aims and by its very constitution participatory - it became evident during the land claims settlement process that claimants felt that their needs have been left largely untouched throughout the process. Interviews with respondents reveals an opinion that the CMDA's understanding and interaction with former residents was based on a limited understanding of the internal dynamics between former residents.

Watson (1998) investigates the process of the Cape Town Metropolitan Planning Forum as an example where stakeholder as opposed to broad citizen based approaches were used to determine an acceptable planning outcome. Her cautionary conclusion is however that while stakeholder forums provide important vehicles for decision-making their success in terms of inclusive decision-making is not assured (*Ibid.*: 348). It is important to consider those often left out of collaborative processes through internal marginalisation. The CMDA has faced the phenomena of unrepresentative leadership throughout the development process. Communication is often distorted due to unscrupulous representation and this is accommodated by an uneven distribution of power. Our understanding of stakeholders and their interests needs to be sophisticated enough in order to include them meaningfully. Overcoming our naivete with regards to stakeholders will also help us understand the seemingly "irrational" voices that we have to contend with.

More than anything the study of the evolution of the CMDP and the subsequent Land Claims Conflict has shown the fluid nature of stakeholder groups. Allegiance or buy-in can never be assumed. Even when agreement is secured, the relationship between stakeholder groups is subject to change as outside circumstances demand a shift. The postmodern world within which we plan demands reflexivity when incorporating stakeholder interests. More than anything, it demands that relationships with role players be maintained and monitored. The only certainty that exists with regards to planning and people is that this relationship is in a constant state of flux.

## 5.5 CONCLUSION

Cato Manor provides a fascinating case study for investigating the challenges of urban planning in the newly democratic South Africa. The subject of integration was chosen due to its importance as a key construct in implementing a planning solution that contributes to the ideal of reconstruction. But in pursuing the goal of integration, as process and outcome, we are faced with a problematic history and a fragmented reality. Conceptually that reality is represented as a condition of postmodernity, a situation characterised by diversity, multi-culturalism and complexity. The notion of integration was treated as a modernist construct, as modern as the planning endeavour itself, and we are left with the conceptual tension of implementing a modernist vision in a postmodern context.

The conceptual tools chosen to analyse the case study are appropriate. Firstly by considering the modernist roots of planning we have come face to face with what Harrison terms “the mean side of modern planning” (1999: 1). Cato Manor bears testimony to the rationalisation of planning as an instrument of oppression. But it also became the focal point of one of the many collaborative planning processes that came to identify the change of guard in South Africa in the early 1990's. It was this collaboration that led to the formation of the CMDA and of course the CMDP. This process and the nature of the project was challenged by former residents in the Section 34 court hearing. The practice-based discourses led by Healey, and elaborated upon by Flyvbjerg, provided essential guidance on how the unfolding subtleties of this process could be understood.

Practice-based discourses have a lot to offer the planning profession. Instead of appealing to some outside (modernist) planning “truth”, we learn from how planning unfolds on the ground. Guided by the philosophical meanderings of Habermas and Foucault, the work of Healey and Flyvbjerg in particular provide useful conceptual tools that help us analyse the messy reality within which we plan. That messy reality is characterised by division and subject to the dynamic of power. It is the nature of power as a force actively created and recreated through interaction that renders collaborative planning limited in its conceptualisation of power. The goal of consensus aimed towards in the communicative planning approach is not free of power. The negotiated rationality that results from communicative action may reflect the power of the better argument, but the knowledge and skills to enforce that rationality is not necessarily evenly distributed. Power relations are reconstructed, renegotiated and sometimes recast, but as shown by the Cato Manor case study, they are hardly ever neutralised. This is perhaps the most important lesson of this thesis.

### 5.5.1 Responding to the Hypothesis

The overall aim of this study was to investigate some of the obstacles that stand in the way of achieving the goal of urban integration and the methods employed in solving these. A more specific aim was to examine the play of power and conflict in the particular case study of Cato Manor, with

the point of focus being the Land Claims Conflict. Essentially it was also intended to explore how a collaborative planning effort was fraught with contradictions and problems and how power affected the outcome.

But the ultimate aim of this thesis is to answer the following central *research question*: *What are the difficulties in trying to achieve urban integration in South African cities and how does that impact on the planning process?* The focus on fragmentation as a barrier to achieving integration poses the *subsidiary question*: *how do expressions of conflict and power impact on the planning process and on the role of the planner?* A *second subsidiary question* arises: *how useful are collaborative planning processes in mediating planning solutions that are acceptable to all within the context of conflict and power?*

The difficulties in achieving urban integration have been discussed in detail under (5.3). Integration as method and outcome is essentially a comprehensive holistic approach to planning that is subject to an underlying rationality. This rationality is reflected in the CMDA's case to the Land Claims Court in 1997. The challenges to that are shown in ongoing difficulties facing the project as discussed. But the challenge in the court hearing was more profound since it raised questions about the flexibility of such an approach and recast the planner as technocrat.

An integrated approach to planning is by definition participative, yet the inclusivity of the planning of Cato Manor was challenged by the dissenting voices of 450 former residents. Integration, particularly as presented by the CMDA, is a highly modernist construct that owes much to a systems approach. The holistic approach advocated by the CMDA is accompanied by an interdependence of the parts that make up that whole of integration. The reality within which Cato Manor is planned, is characterized by fragmentation and division. As planners we are trained to consider all the elements of this reality in forging planning solutions that are technically sound. We are also trained to consider the divergent views represented in that diversity that is postmodernity. But are we trained to incorporate insurgent voices such as the 450 former residents of the court hearing? Or are they simply cast as irrational? We are, as Mabin says, "waking up in a postmodern era while equipped only with the politics and practices of a modernist past." (in Watson and Gibson, 1995: 196).

Key to the notion of fragmentation are elements of power and conflict. Expressions of conflict and power have a profound impact on the planning process as shown by the discussion on Cato Manor and the evolution of the project itself. Many instances of conflict have come close to derailing the development process and have required a reactive, rather than a pro-active approach from planners. This has subsequently led to mechanisms being formulated to enable a more pro-active approach. The most profound conflict of all, in terms of this dissertation, was of course the Land Claims Conflict. This impact was profound, not only because it questioned the principles and

methods upon which the planning of Cato Manor is based, but it is representative of a larger conflict that is unique to places like Cato Manor. The insurgent histories of Cato Manor are represented by the small number of former residents that have challenged the new spatial and social order that is emerging in the area. This challenge is informed by history, emotion and memory; and the rationality represented by the Modernism that is integration appeared to have no place for such "irrational" features.

Who defines what is rational and irrational is of course subject to a relationship of power as shown by the testing of Flyvbjerg's propositions on rationality and power in (5.2) above. This casts a shadow over the nature of collaborative planning as a means to achieve consensus. Full consensus is an ideal relegated to the text books, in resolving conflict one rationality becomes more powerful than the other, and the power of the better argument is often the argument of the most powerful. The most powerful, as Foucault tells us, is often those with access to knowledge who seek to "do good" (Hoch, 1997: 33).

The hypothesis of this dissertation was as follows: *the achievement of urban integration in the current South African context has met with limited success. This is due to factors that are beyond the planner's scope of influence that have frustrated planning efforts, yet led to more effective planning practice.*

Responding to it again raises the issue of power. It is recognised that integration has met with limited success, but this does not negate the value of an integrated approach. The factors that have frustrated our planning efforts in Cato Manor have however led us to question the assumptions of inclusion that the notion of integration is based upon and the assumed flexibility of this approach. If adhered to inflexibly, the promotion of an integrated approach can appear to be "simply another misguided utopian power trip" (Hoch, 1997: 33), a technocratic method of planning that ignores complex social realities.

However, the factors that frustrate planners efforts *are not necessarily beyond the planner's scope of influence*. To dismiss the intricacies and difficulties of complexity that challenge our rationality as beyond our scope of influence, is to fall in the Modernist trap of appealing to an outside "truth" or "untruth" as the case may be. Planners have knowledge and skills, and therefore have power. This power can be positive in responding creatively to the elements that frustrate planning efforts. On the other hand, the factors that frustrate planning efforts, are often worsened by the planner in his/her efforts to deny them (or cast them as irrational). The land claims issue was not beyond the CMDA's scope of influence and a lot of time and money could have been saved if negotiations with former residents were achieved more meaningfully before the court hearing. On the other hand the various issues at stake and the needs of claimants really only became apparent during the court process. The planners interviewed expressed dismay at the emotion with which the court hearing

was charged. One must never underestimate the power of recollection and history, for that is one aspect of our post-Apartheid (and postmodern) society that *is* beyond the planner's scope of influence.

The value of the land claims conflict is that it did contribute to more effective planning practice. If effective planning practice is defined by the technical skills and know-how necessary to incorporate potentially disruptive elements into the planning process, then the Land Claims Settlement process has enormous value for planning practice. The GIS methodology and systems put in place to test the feasibility of restoring claims has become important intellectual capital for the CMDA. Planners interviewed expressed a greater awareness of the complexity of issues facing the CMDA planning effort as well as recognition of the need for a more iterative planning process. However, if "effective planning practice" is defined by the success of the collaborative planning effort in determining full consensus, then we may need to revise our expectations. The case study has shown the limits of achieving the collaborative planning model in practice, and how the relationship between planning rationality and power is a key determinant in that.

### 5.5.2 Towards meaningful planning practice in a postmodern future

Integration has become an accepted norm in planning practice. The emphasis on urban compaction as a means of achieving integration of the fragmented Apartheid city is supported in practice and policy. Criticism levelled at this approach has evolved around the realism of this approach as well as the other forces that are contrary to integration - forces outside the sphere of the planner's current influence. This thesis has highlighted how these influences are not necessarily outside the planner's sphere of influence, firstly, and secondly that the notion of integration is subject to assumptions that cannot remain unchallenged. Integration could just become another urban policy tool that enforces a particular view of the good city regardless of what happens on the ground. Integration could therefore become a simulacrum<sup>7</sup>: a term embedded in its own logic, represented as rationality but bearing little resemblance to reality.

The value of a postmodernist epistemology for this case study is that one cannot appeal to a modernist "truth" in informing meaningful planning practice. No matter how logical, seemingly obvious or comfortable our rationality for action is, an openness to the diversity represented by the reality in which we plan is necessary for our planning practice is relevant. We are faced with a myriad of contested realities in which the most powerful version of what rationality is often wins the day. What this case study has shown is that dissension in the present can be informed by the

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<sup>7</sup> The term "simulacrum" is used by Oostuizen and van Huyssteen (1998) in their discussion on the integrated development planning in South Africa. Their method is deconstructivist in analysing the planning language that has evolved as an outcome of the focus on integration. The word simulacrum was coined by Jean Baudrillard to describe the "transcendence of signs from reflecting or mirroring the supposedly real, to signs that bears (*sic*) no relation to reality whatsoever" (1998: 1).

past. Popke quotes Pechey as saying that “to be postmodern in politics today is to be ready to listen to the unconscious of modern political reason and to engage with the difficult, not always welcome....return of its cultural and spiritual repressed. The post-Apartheid condition in only one of the more striking contemporary instances of this coming-home-to-roost of lost histories (1997: 15). Planners in democratic South Africa need to be open and prepared to engage with the difficult and the messy.

The way forward for the planning profession seems a little less clear now. The reason for this is often to do with the impact the past has on current divisions. If we embrace the fragmentation represented by a postmodernist stance completely, we run the risk of succumbing to the potential nihilism contained therein. If we ignore it, we compromise the inclusive principles upon which planning should be based. Planning is, as Beauregard points out, “suspended between modernity and postmodernity” (1989: 381). The trick is to embrace the cultural sensitivity and appreciation of complexity required of an “epistemology of difference” (Sandercock, 1998: 71) whilst remaining true to the democratic ideals of reconstruction and development. These ideals are of utmost importance in a democracy as new and fragile as ours.

The challenges South African planners face in what is essentially a developing country are immense. We have no alternative but to continue striving for the productive goals contained in the Enlightenment vision of human progress. But what Foucault teaches us is that this Modernist ideal has a *noir* side. For in producing those goals we are actively engaged in the power relationships embedded in the act of planning. A commitment to the commendable ideals of integration needs to recognise the limitations contained therein, but also take cognisance of the unintended outcome of our actions towards achieving that ideal. Planning knowledge as power can be a constructive force in shaping the urban environments of democratic South Africa, but it can also marginalise the voices that are a critical part of its history and its future. As stated in the introduction to this thesis I see these as exciting times to be a planner in the reconstruction of South African cities. However, in the conclusion of this thesis I find that like Charles Hoch, “ I may have left Foucault at home, but he awaits me at the end of the day to cast a dark shadow on my benevolence” (1996: 38).

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Post, 13/3/96

Sunday Times, 22/9/96

Sunday Tribune, 17/11/96

**LIST OF RESPONDENTS:**

Cathy Ferguson, Manager: Spatial Planning and Information Systems, CMDA

Prof Peter Robinson, Deputy Chairperson, CMDA

Adrian Masson, Planner

Larry English, Urban Designer

Asha Ramgobin, Director, Campus Law Clinic, UND

Cheryl Walker, KwaZulu-Natal Regional Land Claims Commissioner

Dave Smyly, former Manager: Land, CMDA

**Discussions with:**

Clive Forster, CEO, CMDA

Mr A. Cebekulu, former resident

Zane Haneef, legal representative, CMDA

**Mediation procedures attended:**

H. Ruchbeer, 19/5/99

B. Mooruth, 22/6/99

**Relevant meetings attended:**

Cato Manor Community Organisation meeting  
on Historical and Cultural Preservation Strategy, 15/7/99

Meeting with former residents on Historical and Cultural Preservation Strategy, 1/8/99

Community Participation Task team meetings

## LAND CLAIMS SETTLEMENT PROCESS

- i) In an initial process the RLCC is provided by the CMDA with all information pertaining to the proposed development in Cato Manor, on land available for alternative land and a map indicating where development is feasible and not feasible; the RLCC was required to provide the CMDA with claim information and the mapping of the claims. 10 Days was allowed for this process.
- ii) 25 Days were allowed for the RLCC to interview participants in the Section 34 process; this provides for a categorisation of claimants wanting restoration, those seeking alternative form of restitution and those seeking alternative land in Cato Manor.
- iii) Those seeking restitution other than restoration have their claims processed in terms of the Restitution of Land Rights Act; CMDA is informed of those seeking to take advantage of the allocations policy.
- iv) Those seeking alternative land in Cato Manor can either do so individually, or pursue a group option. This information is provided to the CMDA and Department of Land Affairs, the former required to provide the DLA with a report on the availability of alternative land and reach an agreement on the purchase of this land by the DLA.
- v) Participants seeking restoration are divided into categories A and B. Category A's represent claims that are on land developed since 4 December 1996 or affect projects on the CMDA's Annual Work Programme that were due to be implemented within 6 months of the effective date of the Agreement. Category B refer to all other restoration claims. This was required to be done in 10 days.
- vi) A feasibility report providing an initial assessment of the feasibility of restoration of the claim is then prepared by the CMDA. The report contains a written report and a map indicating the location of the claim in terms of the underlying development. Feasibility is assessed against criteria such as the provisions of the Structure Plan, the Precinct Development Plan and the AWP. Other factors are also noted. If deemed feasible the claim is processed by the RLCC. If deemed not feasible, the report is subject to a conflict resolution procedure. First it is subject to a mediation set down with the assistance of the RLCC. If agreement can not be reached at this stage the matter is settled through arbitration. If eventually deemed feasible the claim is processed by the RLCC, if deemed not feasible the claim goes through the restitution process.
- vii) The settlement also makes provision for claims of claimants that did not participate in the Agreement. These are categorised Category C claimants. For this process all claimants are interviewed by the RLCC, in order to determine what form of restitution would be appropriate. Those seeking restoration are subject to an initial assessment by the CMDA and then deemed feasible or not feasible. If the latter, a meeting is arranged with the RLCC and the claimant to explain this, if deemed feasible the claim is settled as with the others.
- viii) Another provision of the Agreement is the Social Process it demands. Besides the consultation with claimants in the finalisation of the Greater Cato Manor Structure Plan, the Agreement also specifies the incorporation of historical, cultural and religious sites in the planning of the area and the development of an historical and cultural museum to represent the history of Cato Manor. Engaging former residents in this process in respect of implementing these ideas is noted as important. The Agreement also requires the participation of former residents in the more detailed planning where required.

Effective date  
Section 34 order granted subject to participants being treated as follows

8.1. 5 days  
Applicant provides RLCC with types of land use envisaged by development

5.1  
RLCC to identify restitution alternatives and provide claim documentation to CMDA

5.2  
Applicant provides RLCC with:  
- report on land available for alternative land process  
- opportunities available through allocation policy  
- map indicating where development is not feasible or not possible

5.3 10 days  
Participants provide RLCC with all missing claim information

5.4 25 days  
RLCC interviews participants

5.6  
RLCC interviews all other claimants within the Cato Manor area

6. Restitution  
Process claims in terms of Act  
RLCC informs applicant of all those wishing to take advantage of the allocation policy

7. Restoration  
7.1 & 7.2 within 5 days  
RLCC to provide list and map to applicant  
7.3 within 5 days  
Applicant divides participants into category A and B and prioritises participants

7.7 within 10 days  
RLCC provides assessment of time to process claim

7.4 - 7.6 within 10 days  
Applicant undertakes initial assessment

7.5.2  
Initial assessment by applicant of Category C

7.9  
RLCC processes claim & obtains Minister's Certificate of feasibility

7.8  
Applicant records claim on relevant plan  
7.8 Feasible

7.13  
Not Feasible

7.13 & 9  
Mediate

7.5.2  
Feasible  
Not feasible

7.10 Not Feasible  
7.10 Feasible

7.12 Not restoration  
7.12 Settle

7.15.2 Not feasible  
7.15.1 Feasible

10  
Arbitrate

7.14  
Meeting with RLCC, claimant and applicant to explain non-feasibility

8.3.1  
RLCC provides applicant with list of those wanting to pursue group option and land use envisaged  
8.3.2  
RLCC provides list to applicant & DLA of those who want alternate state land  
8.4  
Applicant provides DLA with report on availability of land for acquisition  
8.5  
Applicant & DLA conclude agreement for supply of land  
8.6  
Process claim in terms of the Act

8  
Alternative land in Cato Manor

**CATO MANOR LAND CLAIMS PROCESS**

Cato Manor Development Association  
Land Claims Settlement Process:  
Category A Participants

File Details:

Priority No: 52

Name: RAMHARAKH, S

Submission No: 144400

Old Submission No: 144400

File Ref No: 2716/1803

Claim: 32 DELHI AVE: LOT B OF LOT 6 OF LOT GG OF CATO MANOR

Legal Representation: AH (SB)

Lot ID: 2/978

Property ID: N0010045/978/2

Initial Assessment

Category A claims resolved to Consolidations

Properties Affected: N0010045/1169/REM

Land Ownership: DEVELOPMENT & HOUSING BOARD

Existing Development: Cato Crest existing informal settlement

Structure Plan: RES - LOW DENSITY

Precinct Development Plan (if any): In-situ upgrade

Annual Work Programme: , HOUSING ( BA20 )

Other Information (Geology):

Other Information (Slope): 1:5 to 1:3

Other Information (Floodline): Lot ID: 2/978 does not lie within the flood zone

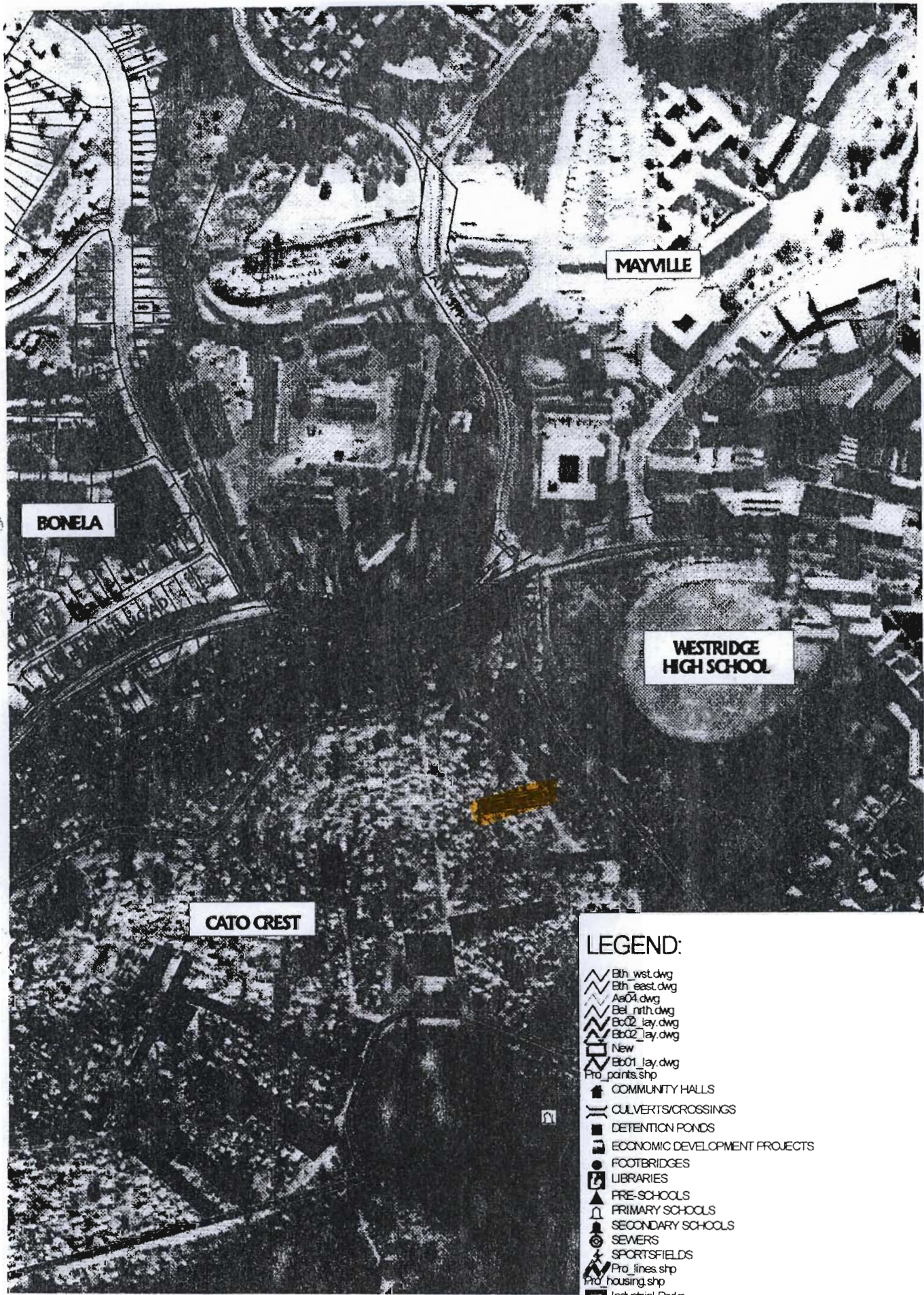
Other Information: none

Conclusion

not feasible

Signed: \_\_\_\_\_

DATE: Mon Nov 17 11:49:39 1997



MAYVILLE

BONELA

WESTRIDGE  
HIGH SCHOOL

CATO CREST

**LEGEND:**

- Eln\_wst.dwg
- Eln\_east.dwg
- Ae04.dwg
- Bel\_nrth.dwg
- Eb02\_lay.dwg
- Eb02\_lay.dwg
- New
- Eb01\_lay.dwg
- Pro\_points.shp
- COMMUNITY HALLS
- CULVERTS/CROSSINGS
- DETENTION PONDS
- ECONOMIC DEVELOPMENT PROJECTS
- FOOTBRIDGES
- LIBRARIES
- PRE-SCHOOLS
- PRIMARY SCHOOLS
- SECONDARY SCHOOLS
- SEWERS
- SPORTSFIELDS
- Pro\_lines.shp
- Pro\_housing.shp
- Industrial Parks
- Education
- Urban Parks
- Clinics
- Housing Projects
- Category A claims resolved to Consolidations
- Catopdy



SCALE - 1:5000

sheet no:	drawing no:
52	52
claimant:	
S. RAMHARAKH	

