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**A NEW CITY FOR
SOUTH AFRICA**

**TOWARDS A HUMAN
RIGHTS APPROACH**

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A NEW CITY FOR NEW SOUTH AFRICA - TOWARDS A HUMAN RIGHTS APPROACH

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Introduction

Most of us were city people, and we returned full of longings and expectations to the towns we had left behind. During our decades of exile we had lived in giant metropolises and small villages in various parts of the world, but for all of us there had been only one country that had been 'home', and within that, only one place that for each of us had been 'my home'.

We had fought for the right to return as free men and women, and for each there was a moment of personal glory as we trod on our soil again. Yet there was pain, because nowhere were we returning to a place that we could regard as home. In Nat Masemola's case, the suburb where he had lived in Pretoria simply did not exist, it had been erased, not a street or a telephone pole or a tin drum survived. Wally Serote was shocked, made physically ill, by going straight from the airport to Alexandra. "London was racist," he told us "but it was liveable; our country is just not liveable for the majority of its people." And I, and I, at the Cape Town airport, my beloved Table Mountain covered in cloud in the background, I who had left twenty four years earlier as a rebel in white society and wished to return as a South African, stood filled with joy and with anguish, because in front of me the Cape Town of which I had dreamed did not exist, there were three Cape Towns, and I did not know to which one I belonged, nor did

I feel that if South Africa was really new I should be forced to choose.

In the years abroad I had lived for greater or shorter periods in many cities. Lima and New Delhi and Lagos had had large numbers of shack-dwellers; racial and ethnic divisions in Chicago and Los Angeles had been more intense than in South Africa. Yet, even if bitterly at times, these places had all held together as cities. Nowhere had I encountered the spatial dismemberment of Cape Town, the artificial relocation of whole communities to zones too remote to be satellites and yet too close to be independent habitats. Nowhere had I come across planned poverty, or seen new towns that had had fewer facilities than the old, or discovered a deliberate policy of standardised anomie.

The town planners had done their job - only too well.

I. THE CONSTITUTIONAL DIMENSION

We South Africans have a knack of asking the wrong question, and doing so over and over again. Then, when no satisfactory answer is forthcoming, we wave our arms triumphantly and say: "You see!"

The question that is always put with a barely hidden air of satisfaction because of its anticipated insolubility, is: where is the money going to come from? This, it is suggested, is the wrong enquiry. What should be asked is: where are the rights going to come from?

If an appropriate framework of rights can be established, the slender economic resources that exist can be used in a just way, and the cities can be healed in a manner that is acceptable to all. If the rights question is not resolved, you can, as the Americans say, throw as much money as you like at the problem, and the cities will remain divided and bitter.

This is where constitutionalism could be of special importance. The concept of fundamental constitutional rights is something new to South Africans. We are used to the idea of power coming

from the barrel of an Act of Parliament. Our rights and duties are what some superior authority tells us they are. Political struggle involves the quest to get control of the instruments of power. If they have got control, then we are at their mercy. If we are in charge, then they have to listen to us. Constitutionalism undoubtedly means securing mechanisms to guarantee that competition for office takes place on fair and equal terms. Yet it involves far more than opening up access to the institutions of power. It establishes certain fundamental principles in terms of which power can be exercised, and denotes specific mechanisms for ensuring that these principles are obeyed.

Constitutionalism in South Africa has a profoundly anti-apartheid character. It becomes the foundation of equal citizenship in a shared land. It offers a principled framework within which competing claims on resources can be handled, independently of which party happens to be in power. Without a constitution that speaks in a single voice on equal terms to all of us, we will remain at best blacks and whites, at worst kaffirs and boers and coolies and hotnots. Without the unifying force of a principled constitution, we have little chance of achieving what must be the most fundamental of our political and social goals, namely, the South Africanising of South Africa.

At first sight it might seem that constitutionalism and planning have nothing in common. Planning appears to be the most technical of pursuits, capable of excellence or degradation under any legal regime. A drain is a drain is a drain, under apartheid or democracy. Yet the arrival of constitutionalism promises to transform the function of planning in South Africa more than any event since the advent of the drawing board.

Planners need not feel particularly afflicted. Every other area of professional life - law, medicine, engineering, even accountancy and dentistry - will be deeply affected. It is obvious that even though institutions and terminology will remain very much the same, the government of the country will be structured quite differently. Persons who have been excluded both from voting for

or being in the government, will now have a direct voice in the way the country is run. The institutions of government will be integrated so as to rid them of apartheid divisions. There will no longer be separate departments on a racial basis, nor concepts of 'own affairs.' Yet the less obvious changes might turn out to be more profound.

There are two general principles to be found in most constitutions which will be central to all future planning activity. Indeed, they will require that planning be turned around from being an instrument of fragmentation, humiliation and inequality to become a means for encouraging unity, healing and justice. They are, first, the principle of non-discrimination, and second, the principle of equal protection under the law. Each commits any future government to respecting universally accepted norms in relation to human rights; neither requires or excludes the adoption of this or that social or economic system.

A third general human rights principle also exists that would have great implications for planning, and that is the principle of respect for social, economic and cultural rights. While there is universal agreement that everyone should be entitled to these rights as well as to basic civil, political and legal rights, there are differing views as to whether such rights should receive constitutional status or merely remain the objectives of good government.

An examination of these three principles indicates the context in which planning is likely to be undertaken in the future.

II. THE PRINCIPLE OF NON-DISCRIMINATION AND THE QUESTION OF SECURITY

Article One

General

1. *All South Africans are born free and equal in dignity and rights.*
2. *No individual or group shall receive privileges or be subjected to discrimination, domination or abuse on the grounds of race, colour, language, gender, creed, political or other opinion, birth or other status.*
3. *All men and women shall have equal protection under the law.*

Unfortunately, these words are not yet law. They constitute the opening paragraph of a document drafted by the Constitutional Committee of the ANC for discussion by members and by the public at large. Other bodies have produced similar proposals, usually without reference to domination or abuse, but in their essence the same. If we are really moving away from apartheid, the precise wording should not be too controversial. The implications for the future of planning in South Africa are enormous. The danger is, however, that we read such a clause somnambulistically as though it were a meritorious platitude rather than the legal foundation of public life in a new South Africa.

Constitutionalism might be the principal means for guaranteeing the sense of security needed to enable us to look at the issues of the cities on their merits and not in racial terms. Constitutionalism is based on the concept of common values enshrined in a single document applicable equally to all. Rights and entitlements flow from the recognition given to certain principles by the agreed compact. It is these principles that could provoke a total transformation in the way planning is conceptualised.

The protection against domination or abuse has a special South African meaning. Cities can be places of welcome and shelter, or zones of abuse. What a sadness it would be if the one thing that united South Africans was that we were all afraid. Everybody should feel free to go everywhere, live everywhere and be at home in any part of the country. For decades now, blacks have been subjected to statutory unwelcome. The pass laws, the Urban Areas Act, the system of locations and compounds, were designed precisely to keep blacks cooped up in small zones and exclude them from what Dr. Verwoerd termed the green pastures of white society.

The Group Areas Act extended the spatial exclusion to people defined as Asian or coloured persons. In addition to the injuries inflicted by the general run of racist statutes, whole communities were subjected to the indignities of racially inspired forced removals. Cities were gutted of settled populations that had been deeply integrated into their economic life; strong, historically-evolved communities, materially poor, but with pungent personalities, were extinguished, not by neglect but as a matter of policy.

The Bill of Rights requires that government should never again at any level be based upon the principle of discrimination or abuse. Implementation of the clause quoted above would simultaneously guarantee the opening up of the country to all and prohibit the use of abusive methods to achieve such opening up. Its objective would be to establish the principle that no individual or group should be either over-privileged or under-privileged on the grounds of race. It is a declaration to blacks that never more will they be treated as inferior persons. It is a guarantee to whites that their whiteness will not be used against them in the way they used blackness against blacks.

It challenges the normality of our abnormally unequal society. It is a constitutional shield available equally to all, providing the sense of security needed to enable people to escape from the castles of their skin and claim or defend their rights as human beings. The new city will never emerge if we lock ourselves in

citadels and make barbed wire our emblem. It will grow together slowly and strongly if we acknowledge our shared interest in living secure lives in the context of agreed values and common institutions.

1. Equal Protection and the Question of Standards

Darkness is no different in different parts of the city, nor is refuse cleaner or dirtier. Yet our planners have managed to create concepts of white darkness, which has to be dispelled by streetlights, and black darkness, which is to be endured as a natural condition. Similarly, the rubbish from white homes, which already have the advantage of water-borne sewerage systems, is deemed worthier of being collected than that from black homes.

The clause affirming equal protection under the law thus has direct implications for planning. Equal protection is the corollary of non-discrimination. It means that access to amenities and facilities should be provided on an equal basis.

This raises the important question of standards. The appeal to the concept of maintaining standards is frequently little more than an attempt to preserve racial privilege. Reference is made to First world and Third world standards, as though the huge gaps in living conditions in our cities are due to cultural differences and not to the organised mal-distribution of resources. It is implied that any form of assistance towards improving conditions in the black areas should be seen as a form of aid, like famine relief to Ethiopia, to be given on a humanitarian basis, and not as a response to a claim of right. It is further suggested that any attempt to equalise amenities would not only be unfeasible, but would also amount to a violation of the right of blacks to live according to their own cultural preferences. Anyone familiar with white discourse could add many variants: no matter that in fact whites consume both in absolute and relative terms far more of non-renewable resources than do blacks, the real problem is said to be the population explosion amongst the blacks, or the list is as long as it is offensive.

A rights approach to the question of urban living puts paid to such misleading and patronising approaches. People living in the cities are not looked upon as blacks or whites, or legals or illegals, but as inhabitants entitled to certain fundamental amenities on an equal basis. There is no assumption that providing washing facilities is a waste of money since the people will only put firewood in the baths. There is no premise that people prefer to collect water at long distances, prefer to wander in the dark at night and light their homes with paraffin rather than electricity, that they enjoy being without telephones and playgrounds, that town-dwellers would rather walk in the mud or be swept by sandstorms than have tarred roads, that they like living in a world without trees and watching neighbourhood refuse dumps getting higher and higher.

What the constitution says is that everybody counts, and that no individuals or communities are entitled to preferential or disadvantageous treatment. Equal protection is the foundation of nation-building.

The hard part in developing a vision for South African planners is the apartheid in themes. We tend either to focus exclusively on the problems of the poor or else on the pre-occupations of the rich; we look either to the question of shelter for the homeless or else to whether a new building is aesthetically offensive. It is difficult for any of us to have a global view of the city. Yet without common points of reference and a common concern, we can never have an integrated city, and a common pride in its glories and a common shame in its deficiencies.

Equal protection, then, requires in the first place that standards have to be established on an undifferentiated basis across the board. There cannot be white standards or black standards, only South African standards.

This does not imply the establishment of a rigid norm of life-style up to which it is said blacks must aspire and down to which it is claimed whites will have to descend; it certainly does not require the creation of a mediocre uniformity in every area of life

or the destruction of elegance or excellence wherever they may be found. The problem is not to destroy the advanced facilities, beautiful living areas and aesthetic qualities of the city, but to make them available to all. The cities must become and be felt to be the patrimony of all who live in them. What is in issue is the distribution of resources, the siting and quality of new development, the way in which people are involved in determining priorities and the real life chances available to the inhabitants.

Nor does equal protection in itself require the creation of an egalitarian society with no differences in standards of living, however much many of us might regard such an outcome as desirable. What it necessitates is that the expenditure of public funds be effected on an egalitarian basis, that is, in relation to schooling, health and public amenities and services. At the moment, in the city as everywhere else, there is massive affirmative action - in favour of the affluent areas. They receive far more in terms of construction and maintenance of roads, lighting, drainage and public amenities than do the poor areas. Long before we reach affirmative action in relation to the disadvantaged, we need to end the practice of giving more to the rich. The potential of equal protection will take a long time to exhaust. It does not require new money nor does it involve any departure from non-racism, as, on one interpretation, affirmative action does.

It would also be wrong to assume that equal protection in any way precluded the existence of a diversity of cultures, religions, cuisines and tastes. Many great cities abroad pride themselves on what they call multi-cultural tolerance as reflected in the existence of what they refer to as ethnic neighbourhoods. In other cases, anti-racist groups have come together in what they call rainbow coalitions, and, presumably, they would not be averse to the idea of rainbow cities, provided that resources were made available on an equal basis to all neighbourhoods and that people were free to live where they pleased. What equal protection insists on is that differences of ethnic background or race should not be used as a basis for different civil and civic rights, or different entitlements, or differential access to amenities.

Secondly, equal protection requires that public amenities and facilities be genuinely open to all. This requires facilitating access to halls, swimming baths, beaches and parks, but also ensuring a reasonable geographical spread of such public spaces. At the moment, the principle appears to be: to those that have, it shall be given three times over. The sections of the community that have the most private space (house, garden, pool) have the greatest physical access to public space (places of leisure and entertainment) and the greatest capacity to transport themselves to other public spaces (whether by car, aeroplane or boat). Public amenities should not be monuments to which obeisance is paid, but facilities created in response to public demand, with the public being directly involved in determining such questions as priorities and location. The public should be seen not just as users but as participants.

Thirdly, equal protection involves developing a notion of shared belonging, even if there is still gross inequality in the way people live. There are many ways in which a sense of belonging can be either manifested or negated; the symbolical and the practical are closely inter-related, whether in relation to place names, or signs or monuments.

The very names of the cities indicate who count and who do not. If the object is to make everybody feel at home in South Africa, city names can not continue to obey the principles of white domination, nor, for that matter, should they be subjected in a crude way to the effects of majority rule, so that every time the majority changed in Parliament, the names of the cities, streets, parks and airfields would be altered. We have enough cities and enough names for a reasonable representation of all communities and languages to be assured. Port Elizabeth is already becoming the Bay, or Bayi. There would certainly be many persons prepared to contribute towards a prize for the best alternative to Johannesburg, a name that is unduly long, disphonious, and lacking in any historical resonance.

We arrive at DF Malan airport, and drive down Hans Strijdom Boulevard. If we wish to be faintly more centrist, we can land at

Jan Smuts and make our way to Louis Botha Avenue. Yet the only Albert Luthuli Street I have come across was in Maputo. Groote Schuur hospital and the National Art Gallery in Cape Town have all their signs in Xhosa as well as in English and Afrikaans, displaying a sensitivity not merely to those who use any of the three languages, but to all of us who believe that such facilities belong and should seem to belong to all.

By international standards, ours is not a particularly monument-laden country (one Latin American city I visited had a statue or bust at virtually every street corner, usually, it seemed in the best tradition of Marquez, to generals who had heroically lost battles). Yet the statues and piles that do exist pay tribute to one section of the population only, proclaiming that they were the only ones whose lives were worth commemorating, and, by implication, that their descendants too are the only ones that matter today.

What is required is not a wholesale toppling of statues and the painting out of street names, nor their replacement in a mechanical way by means of proportional representation as applied to lists of party heroes and heroines. Rather, there should be a policy of ensuring in a sensitive way, with widespread participation and in an atmosphere of tolerance, that names, monuments and symbols represent all and are acceptable to all. A broad vision seems to be called for, and in some cases even a certain measure of pluralistic tolerance. Changing names should never become a soft and demagogic substitute for changing social inequities, but South Africa would certainly be a better place if personalities such as Makana, Sekhukhuni, Ceteswayo, Gandhi, Seme, Schreiner, Gool, Ngoyi, Sobukwe, Fischer, Biko, First and Dadoo were included amongst those honoured, not to mention other religious and trade union leaders.

2. A Minimum Floor of Rights - the question of constitutionalising social and economic rights

While virtually all modern constitutions have non-discrimination provisions and a clause granting equal protection under the law, the inclusion of social and economic rights is less common. Some constitutions refer to such rights in their preambles, while others, such as those of Ireland, India and Namibia, include them under the heading of Directives of State Policy, without, however, specifying means whereby they are to be concretised or enforced.

The ANC draft Bill of Rights attempts to go a step further. The relevant provisions are as follows:

Article Ten

Social, Educational, Economic and Welfare Rights

- 1. All men and women have the right to enjoy basic social, educational, economic and welfare rights.***
- 2. The State shall, to the maximum of its available resources, undertake appropriate legislative and executive action in order to achieve the progressive realisation of basic social, educational, economic and welfare rights for the whole population.***
- 3. Such State action shall establish standards and procedures whereby all men, women and children are guaranteed by law a progressively expanding floor of enforceable minimum rights, with special attention to nutrition, shelter, health care, education and income.***
- 4. In order to achieve a common floor of rights for the whole country, resources may be diverted from richer to poorer areas, and timetables may be established for the phased extension of legislation and minimum standards from area to area.***

5. *The State may collaborate with non-governmental organisations and the private sector in achieving these goals, and may impose appropriate responsibilities on all social and economic bodies with a view to their materialisation.*
6. *In circumstances where persons are unable through lack of means to avail themselves of facilities provided by the State, the State shall wherever it is reasonable to do so, give appropriate assistance.....*

The Right to Shelter

- a) *In order to guarantee the right to shelter, the State shall, in collaboration with private bodies where appropriate, dismantle compounds, single-sex hostels and other forms of accommodation associated with the migrant labour system, and embark upon and encourage an extensive programme of house-building.*
- b) *The State shall take steps to ensure that energy, access to clean water and appropriate sewage and waste disposal are available to every home.*
- c) *No eviction from homes or from land shall take place without the order of a competent court, which shall have regard to the availability of alternative accommodation.*

The essence of these provisions is to develop a strategy based upon clear and express governmental and NGO commitment to certain key goals, acknowledging budgetary constraints and working out a statutory framework of positive rights based on an expanding floor of rights to be phased in from area to area.

The implications of the above for planning might be obvious but they were not inevitable. The provisions attempt to give a

constitutional basis for re-distribution on the basis not so much of the taking and re-allocating of assets as of providing an expanding floor of minimum rights. Re-distribution is accordingly not based on race as such, but on a recognition of universally acknowledged basic rights. What is put on the constitutional agenda is the provision of the fundamental requisites for a dignified life in a modern, industrialised society.

It is left to the political parties to do battle on whether the market, or socialism, or the social market, or any other political or economic mode is the best means of providing the wealth needed to achieve these goals. What no party in office would be able to do, however, would be to avoid giving legislative consideration to the materialisation of the rights as set out above.

From a technical point of view, the clauses are both innovative and controversial. An eminent French constitutional expert thought that the solemnity which a constitution ought to have was undermined by a requirement relating to rubbish collection; his colleagues, on the other hand, felt that in today's world, and in a country without a long history of judicial interpretation of constitutional provisions, such detail was not inappropriate. The fact that whites could take rubbish collection for granted, so that it did not appear to have anything to do with human rights, while blacks knew their waste was not being taken away because they were black, introduced an element of profound indignity that was precisely what a Bill of Rights was intended to guard against.

One suggestion was that the general principles of constitutionalising basic social and economic rights be maintained, but that the specific details of how they were to be realised be located in an annexed schedule rather than in the main text.

In any event, for present purposes it does not matter too much whether the approach set out above ends up in the new constitution or remains instead merely the programme of a political organisation. What is relevant is that the issue is on the agenda. Attention has been focussed on the establishment of rights, whether constitutional or legislative,

which would be central to the lives of all urban and rural dwellers. If such principles were adopted, the whole juridical framework within which planning is conducted will be different.

The progressive electrification of the whole country, starting with the urban areas, and the furnishing of clean water to every household, will become the order of the day, with obvious practical implications for the planners. Similarly, attention will have to be given to ensuring that appropriate sewage and waste disposal are made universally available. Planners will not only be called upon to help plan the implementation, but also to plan the planning, since realistic phasing will be fundamental.

III. THE SPATIAL DIMENSION

(This section was prepared by Helen Zille)

Planning is often thought of as a technical exercise undertaken by professionals according to empirically formulated and politically neutral criteria. It deals with space, services and structures which have objective qualities independent of who commanded or who use them. Rarely do people understand that planning is profoundly political; indeed, the more political it is, the more does it claim neutrality.

It is not just in racist South Africa that planning has had a direct impact on people's lives. In virtually every country in the modern world, planning decisions determine where people live and work, and what kind of environments they live and work in. Planning decisions regulate people's access to opportunities and thus shape their life chances. In South Africa, planning has in addition been used as an express ideological tool.

The legacy of four decades of apartheid planning, coming on top of long years of less formalised segregation, has played a significant role in the failure of the cities to meet the challenge of large-scale urbanisation. Apartheid land-use and settlement policies set the parameters for apartheid planning aimed at fragmenting the city on a racial basis.

The poorest section of the community, the one with the least private resources, bears the brunt of these public policies. Throughout most of this century, the poor have been pushed to the urban periphery, into large sub-economic housing estates or squatter camps. These are aptly called urban deserts, areas where people have rudimentary shelter but little access to other essential opportunities and facilities. Transport has become increasingly unaffordable to the urban poor. The built environment stands for decades, sometimes centuries. Even when policies and ideologies change, its physical legacy continues to shape people's lives.

Planners face one of the biggest challenges of the new South Africa. Having helped Humpty Dumpty to fall, can they put him or her together again? What are the implications of a policy of building the cities together again for housing and land-use?

For decades, the predominant notion of an adequate dwelling has been a house on a sizeable plot of land. In order to benefit from economies of scale, housing estates have been planned on large tracts of land. This approach has dire implications for the future of the cities and the quality of life of the urban poor. If this policy continues, the inevitable result will be uncontrolled urban sprawl, swallowing land on the urban periphery and destroying valuable agricultural and primeval resources. The poor will be pushed further and further out of the city centre because low density inner city land will become increasingly unaffordable. What before was presented as a racial problem brought about by discriminatory laws will now be presented as a socio-economic problem corresponding to the market, only the same people will be affected in the same way.

These concerns require a new planning approach. Among the new principles that need seriously to be examined are:

Compacting the cities:

This requires that new development, particularly housing, must be planned on small parcels of land in existing suburbs. Much of

this land is currently state-owned. It must be earmarked for appropriate development, particularly affordable housing. This requires a political decision by the state to write down the value of this land in order to enable affordable development to take place. Instead, we witness moves at present to privatise much of this land (in Cape Town, the Culemborg Rail yards and portions of Youngsfield military base). Such a process will put this land out of reach of affordable development. It is particularly important for planners, concerned about the future of the cities, to speak out against the privatisation of state-owned inner city land.

Mixed use development:

This means that the present policy of separating land usage must end. Instead of keeping people as far away as possible from their places of work, they should be able to earn a living close to where they live. The rationale of living outside pollution zones is met by clean air and anti-noise devices, not by zoning. People should be able to carry out most of their life tasks on foot. Planning and development cannot be carried on on the assumption that every family owns two cars. Unemployed people are unable to afford the transport costs of getting a job. Employed people spend up to a quarter of their income, not to speak of their non-working hours, on travelling.

Affordable medium-density development on land in existing suburbs:

This is a difficult issue, because everybody favours it but NI-FOMS (Not In Front Of My Stoep). This is an issue that will have to be addressed through bold political and planning decisions. There will be strong resistance, especially from residents in existing suburbs anxious to preserve what they will call their traditional standards. The more farsighted, however, might tell themselves that planned development Would be far less threaten-

ing to the general ambience than uncontrolled self-help. Planning will also play a profound role in determining whether medium density developments secure a reasonable quality of life for people in the area. Increasing emphasis must be placed on high quality public space, such as parks and recreational facilities, squares etc. The notion of large-scale private space is becoming increasingly unaffordable and anachronistic, especially in inner city areas. High quality public space can also do much to prevent the degeneration of medium density inner city areas. High density urban development is not normally conducive to a decent quality of life. International experience suggests that buildings should not exceed four storeys.

Even if the above guidelines are followed, there are certain major issues that cannot be overlooked. The two most critical concerns facing urban planning and development, particularly housing, are:

- Scale
- Affordability.

Scale

Policies are needed that will secure adequate shelter and opportunities for millions of people, not just thousands. Something like seven million people live in backyard or squatter camp shacks alone. People have correctly asked whether the compact city approach can address the question of scale. The honest answer is that on its own it cannot do so. It is not, however, a question of either the compact city or the expanding one. Requirements of scale dictate that movement be in both directions. The compact city approach will have to go hand-in-hand with appropriate new development on the urban periphery. Without corresponding inner-city development, however, urban sprawl will become uncontainable. One might add, too, that inner city development is important for helping to knit the divided city together again. The

so-called buffer zones intended to keep communities apart can in fact become areas of new development which help bring communities together.

Affordability

This is a crucial consideration. If we are talking about millions of people, what sort of development is affordable, not only to individuals, but to the state? There are many people who argue that the compact city approach cannot provide affordable housing to the urban poor. Inner city housing developments, they say, will result in down-market raiding by the middle classes. Even if intended for the poor, the argument continues, they will be snapped up through purchase or rental by the more affluent. International experience, and particularly that in Africa, should put us on the alert.

In any event, we are told, inner city developments will soak up funding that should go towards those whose needs are the most desperate, namely those who are unable to get employment and who have virtually no income at all. They have a right to shelter and the state has a responsibility to assist them. This raises crucial questions of affordability. What resources will the state be able to allocate to housing in a new South Africa? If the state provides housing for the most indigent, what resources will remain to subsidise housing for the employed poor? Will the state's resources be sufficient to allow for inner city development on any scale? Planning policies are integrally related to housing and land development policies. Land banking becomes crucial, but what land, where? There cannot be one single answer for all cities and all parts of each city, but nor can there be ad hoc, isolated solutions. An integrated approach needs to be followed, taking in all dimensions of the problem, including wage and income support policy and differential legal regimes in relation to land and buildings.

Appropriate planning is impossible under the apartheid local authority system, where different planning authorities have jurisdiction over various and sometimes overlapping segments of the city. They apply different, possibly contradictory, planning approaches which make it impossible to have an integrated planning policy for any metropolitan area.

There is an urgent need for the establishment of metropolitan land planning agencies, representative of all the major interested parties, to determine planning and development principles for each metropolis.

Public/community participation in planning is another crucial area that needs to be addressed. Pilot schemes in Cape Town and elsewhere need to be followed up, and where successful, generalised. Once the principle is accepted, there are major logistic and operational issues that have to be tackled:

- How can public participation occur at scale involving the community at large?
- How can this process be managed?
- How can public participation allow for individuals who do not belong to organisations?
- Is participation in planning a priority for community organisations at present, when they have urgently to attend to consolidating and building their organisational base? Should capacity building programmes be undertaken, and if so, by whom?

IV. THE EXPERIENTIAL DIMENSION: BLACK CITY, WHITE CITY

Mercia Makgalemele contributes the following account:

I am a black South African, a lawyer, living in Evaton in the Vaal Triangle. This is one of the worst places to be in. Until recently I worked in Johannesburg and commuted daily. It is impossible to even start comparing what I find to be the glitter of the white areas

with the drab in the black townships. All that one finds in the white areas simply does not exist in the black ones.

There is no electricity, sewage, refuse removal, tarred roads, social amenities and accommodation. Blacks spend a lot of money on fuel, for example on coal, petrol, paraffin, candles, gas and car batteries. All these are expensive if one takes income into consideration. As they say, it costs a lot of money to be poor. Being black and poor is actually a double dilemma. If one wants electricity one has to part with thousands of rands, which is not the case in white areas, where electricity is laid on. Yet they have more money than we do, and probably could afford such expenses far more easily than us, especially considering their subsidies.

We have no sewage facilities at all. People have to make do with pit privies in this day and age - and South Africa is so rich. These latrines are unhealthy and unpleasant. One always has to jump filthy stagnant water on the way to white South Africa to work. It is only those blacks who can afford the extortionate amounts charged by the Administration Boards and the so-called Town Councils that have such facilities. The average black cannot afford them. A lavatory is not a right, it is a privilege.

Refuse dumps are all over the place. Our areas are so polluted that one even feels a change of air from the one you experience in white areas. Most blacks believe that whites are putting all their energies into the green issue because they have already more or less achieved the basics of life. The battle against pollution will never be won as long as black areas are degraded, since there are no refuse removal facilities, and the atmosphere is one of constant pollution.

There are no roads to speak of in black areas, no pavements or gutters, no infrastructure. When rain is welcomed in other parts of the country, we dread it, because everything will be so muddy, and there are no storm drains. On a dry day, our roads look like dry river-beds. Most roads are not tarred; you can barely count the number of tarred roads in my area. We have been paying so much money for services we never see, and instead of things getting better, they are getting worse.

There are no places of entertainment whatsoever in a large living area, no swimming pools, cultural centres, cinemas or theatres. We have three tennis courts for a population approaching one million, and two bowling greens. Movies are usually shown in makeshift cinemas in church halls, which are in fact used for everything, wedding receptions and the activities of small self-help organisations.

The nearest cinemas are in neighbouring Vanderbijlpark and Vereeniging and they are said to be open cinemas. It is quite scary to venture into territory from which you have for so long been forbidden, the more so because we have led such very different existences. A friend of mine once dragged me to a cinema in Vanderbijlpark. I say dragged, because I did not want to go to such a verkrampte town and I was scared of a head-on collision with whites there. As I had predicted, just as we were going down the aisle to take our seats, a group of white males began to jeer at us with laughter. I was terrified. Being black in South Africa is an experience.

If I want to have a lovely week-end, I usually plan to do so with friends who live in Johannesburg. Believe me, it is a hassle. You end up without spontaneity, you have to plan so much. Johannesburg is a slightly more open city, or, shall I say, tolerant one. You do not feel like an intruder. I stay there either with black or white friends. Planning to go there is like planning to go to another country, another world altogether. Sometimes when I am invited I simply pretend that I have other plans, even though there is absolutely nothing to do in Evaton. It is just too complicated. Then if I go, say, to a party at the house of a white friend, I know that I will be the centre of attraction, everybody wants to know what life is like in the townships, and so on.

Looking for accommodation in South Africa is also no joke. There just is not any accommodation available in black areas, and even if there was, I would opt to live in town so as to be closer to my work and also be able to enjoy the rights which every South African is entitled to. After graduating with a law degree in

Botswana about a year ago I started looking for decent affordable accommodation everywhere, and I am still looking, believe me.

I once managed to find a place in Johannesburg over the phone, and was invited to have a look; the flat rental was reasonable and it was in a quiet area in the inner part of Berea. The reception I got in person was quite different to what it had been on the phone. I could tell from the expression on the caretaker's face that she had not realised I was black. In seconds, the rental shot up from R325 per month to R900. That was just a way to keep me out, she knew I could never afford it. My face dropped as she closed the door. The whole conversation had taken place on the doorstep, she never even let me in.

I discovered that there is a huge disparity in rentals in some blocks of flats for units of the same size. Whites are covered by the Rent Control Board and if they are overcharged they can appeal to the Board. Blacks have no recourse to any authority because for starters they are not supposed to be there in terms of the Group Areas Act. That is why we see organisations such as ACTSTOP to fight against this form of extortion.

What would I like to see done immediately in what are called the black areas?

Electricity: street lighting, and electricity in every home. These will restore dignity and also reduce violence which is so prevalent in our society. It will be cheaper and cleaner than the fuels we use at the moment, and we can study and watch TV at night.

Sewage facilities for everybody. This should cease to be a privilege for a few, and become available as of right to all. It will help reduce pollution.

We want properly tarred roads, refuse to be removed and places of entertainment.

As regards accommodation, we need decent accommodation which is also affordable. We want to live where we choose to. There are many blocks of flats standing half empty in Johannesburg, and the landlords who are white would rather have them empty than allow blacks in. There has also been a trend by

landlords to withdraw services, maintenance and security as soon as blacks move in; the rents are artificially high, the properties are neglected and slums result.

We need to feel free everywhere in our country. I still recall being taken by a white friend to a cinema a few years ago. There were three of us, she, her boyfriend and myself. I was a bit apprehensive, but I did not say anything. At the Box Office all eyes were on me. I braced myself, but I was there and had to face the music. Jessica asked for three tickets, and the lady at the ticket box said: THREE TICKETS? Now we are watching the movie, and there are torches searching the crowd. I ask my friends if this is the usual procedure and they tell me, no. At this point I realise the search is on for me, and I am scared, terrified. During the break, the search starts again, but I am not thrown out after all. What a relief. I would not like to go through that again, ever.

Sometimes it is like being in the middle of a comic strip. When the Johannesburg Municipality started de-segregating buses, whites were up in arms with the usual story of standards dropping. I remember using the bus to go to the suburb of Dunkeld. The bus was not full, but one white passenger preferred to spend the whole journey standing rather than sit next to a black. I must say, I was totally amused - why the inconvenience?

It is quite an experience to be black in South Africa, one long unending movie, and very hard.

V. CONCLUSION - MAKING SOUTH AFRICA LIVEABLE AND THE COUNTRY GOVERNABLE

Ours is the generation that has the felicitous but daunting task of nationalising South Africa, that is - for those whose hearts have missed a few beats - of allowing a nation to evolve out of the multiplicity of fragmented units into which it has been divided. The nationalising of our nation implies the development of the ability to see issues from the vantage-point of all the people, and not just of this or that group. It pre-supposes a multi-faith, multi-

lingual and pluri-political society in which the right to be different in terms of personality and behaviour is underpinned by the right to be the same in respect of fundamental civil and political rights. It requires that after a long and bitter history of denying our common destiny and repudiating a shared patriotism, we South Africans finally come round to South Africanising ourselves.

A human rights approach gives us the greatest chance of achieving these goals:

It takes the emphasis away from what has been used to divide us, namely race, and puts the focus on what we have in common, our shared experience as human beings.

It situates the problem of re-building our country in the context of clear constitutional principles, rather than in the maelstrom of a scramble for control of the instruments of power.

It establishes a firm juridical basis for planning which does not depend on which party happens to be in power at any moment, or which economic ideology is ascendant or in decline. Fundamental rights, established at a time of pain and in moments of deep reflection, are entrenched with a great degree of community awareness and in such a way that no future government can renege on them; the basic rights of the people, including the rights to personal liberty and the pursuit of happiness, remain intact, whatever future temptations to override them might be. They represent permanent gains by the people. It means that those who promise freedom and equality can be held to their word.

It draws upon a vast amount of international experience and values that have been developed, refined and theorised by people in all continents and achieved unassailable universality.

It affirms a common foundation of values that includes everyone in our divided society. More rights for some does not necessarily mean less entitlements for others. The store of human rights is never limited. The oppressed are released from the burden of domination, while the oppressors escape from the more comfortable but nevertheless undignified and precarious yoke of privilege. Neither paternalistic on the one hand, nor vengeful on

the other, a human rights perspective puts us all in the picture. While it is mainly the poor and the oppressed who benefit from the application of universally held norms of dignified and decent living, the rich benefit too, for they too are human beings entitled like everybody else to enjoy fundamental human rights. What is sauce for the poor goose is sauce for the rich gander [one only wishes that the rich were more worried about their rights and less about their power; but in any event, a rights approach enables everyone to live with dignity, and at least those amongst the wealthy who wish to share their skills and knowledge with the rest of the population are enabled to do so as equals and not as philanthropists].

It insists on a bottom-up approach to social questions, starting with the people where they are, and making their needs and aspirations the foundation of social endeavour. A human rights approach emphasises that the people are not an abstraction in the name of whom power is exercised, but active participants in deciding issues which determine their fate. Their salvation comes neither from the state [though it has a role], nor from the market [though it has a role] but from their own work, intelligence and imagination.

It might sound unhelpful, even banal, to say: "there are people out there," yet this distinction between regarding South Africans as human beings with entitlements, rather than as units to be managed, is at the heart of the matter. It affects both conceptualisation and procedures, as well as the relationship between the planners and the plannees, both at the professional and at the human level.

The implications of a human rights approach for planning are particularly profound, not in spite of, but because of the severity of the financial and spatial problems facing our cities.

For the purposes of planning, a human rights approach requires that city dwellers be brought in right from the beginning in helping to decide how resources should be allocated. The oral tradition, which includes the practice of extensive debate over

issues affecting a family or neighbourhood, with attempts to reach a consensus embodying the highest degree of common sense and mutual advantage, lends itself to democratic involvement.

An experience from Mozambique is instructive. Shortly after Independence, town planners realised that any attempt to apply slum-clearance criteria to the problems of habitation would be inappropriate. Resources were extremely limited. What to do? The planners went out to the seventy bairros of the city, called public meetings, told the people how much funding was available for improving life in each bairro, and then asked how the money should be spent. With virtually no exceptions, the same answers were given in every bairro: access roads for ambulances and for fire-engines, and more water-taps.

The access roads were created by members of the community themselves in the course of a week-end moving shacks to agreed sites. The water authorities installed more communal taps, so that instead of there being one tap per thousand inhabitants there was now one for every two hundred, the result being that water was always nearby and queues were short.

This all happened in a society where the people were used to discussing questions of public interest at meetings rather than paying lawyers to page through the Government Gazette to find out what was going on. We have a similar tradition in South Africa. Indeed, if properly taken advantage of, and if the rights of all are taken into account, whether they are in organised groups or not, it could prove to be the greatest asset in relation to planning and planning decisions.

In few parts of the world have the poor created self-management structures to equal 'the civics', as the township civic organisations are popularly known.

Their experience is rich, uneven and by its very nature, particularistic. It needs to be analysed at a country-wide level, with the civics themselves playing a key role in this examination, exchanging experiences and generalising for the whole country what has been positive as well as pointing out what has been

negative. Until recently their function was essentially defensive of community rights; now it needs to be affirmative of community claims.

Present trends indicate that although the civics will collaborate with political organisations and the state, they will retain their autonomy and not be identified with any single movement or authority. The civics can look forward to progressively assuming the role of helping to make the country governable, improvements plannable and the cities liveable. The very lack of elementary facilities today represents such a bereft starting point that even relatively minor improvements become immediately visible. What is vital is that people feel that they are participating in crucial decision-making in relation to things that directly affect their lives; it is equally important that their input affects the outcome, and that results can be seen. A virtuous circle of involvement, improvement, further involvement, is established, with the rights idea always at the centre.

The relationship between professionals and the community is problematic in any part of the world, and doubly so in a society such as ours where people's minds have been as rigidly segregated as their bodies.

One solution is for the planners and funders to select out favoured warlords or, as in Chicago, to work in liaison with city political bosses, and to give them spoils to share out according to the intricate rules of cutback and patronage.

Another is to work out a scientific plan in the studio, make it as watertight as possible, and then sell it to the consumers. Unfortunately, the consumers that count are usually not the ultimate users, but the departmental authorities and the contractors.

Both these approaches proceed on the assumption that the people are stupid. The alternative assumption, and the one being asserted here, is that the people can be stupid or capable of great wisdom, depending very much on how issues come to them. Similarly, it is assumed that the people are not passive recipients of largesse or that things are 'done for them'. Rather, they are

citizens enjoying their rights: the right to decent and affordable living conditions, the right to know what is going on, and the right to participate in decisions on how funding is to be spent. The right to information becomes crucial, and this must be both across the board [for the whole city] and in relation to the area concerned. Finally, they have the right not only to be right, but the right to be wrong (not too often, one hopes).

Clearly, new planning relationships based on community involvement and trust can only be fully developed in the context of a transformation in local government and the creation of a whole new manner of achieving respect for the law. Instead of the police and the courts being seen as agents of external and oppressive control, they must become agencies for protecting the rights and tranquillity of the people. All these changes will come about at uneven rates; it is not necessary for planners to await full transformations before they begin to make their contribution towards humanising life in our cities.

An unusually rich prospect awaits planners who take serious pride in their work [and lawyers and doctors and engineers and teachers].

It is not simply that as individuals and as a profession they can escape from the shame of having planned the apartheid city, important though it would be to acknowledge responsibility for participation in hurtful and inhuman activities. More important is that planners can now be assiduous in helping the cities to recover from these imposed wounds and divisions.

There are new things in South Africa, but the new South Africa is still a long way off. It has to be built up, and no single group can do it on its own. Professionals with a love of their work will be tested to the utmost. They will be called upon to help in the upgrading of the poor areas while ensuring that the more affluent ones are not degraded. They will be expected to make their special contribution towards knitting the city together.

The changes that are under way in our country, if followed through, should result in the whiteness of most professionals

becoming increasingly less important and their skills becoming ever more relevant. One looks forward to a true de-racialisation of the profession, to the facilitating of access to its ranks not by lowering standards but by assisting people to overcome the barriers to qualification. One envisages the diffusion of planning knowledge into the communities, and the training of large numbers of community-based para-planners to work in collaboration with the professionals and the community.

Voluntary organisations, such as BESG, DAG, and PLANACT, have a major and at times poignant role to play in relation to their elders and betters in the profession. The strong links they have with the communities, their creativity and idealism have done much to earn prestige for planners in general.

We can expect NGO's from all over the world to want to be represented in South Africa so as to share their developmental skills with us. We should welcome their presence, especially bodies like HABITAT, without expecting them to solve our problems for us. Nor should we expect that renewed links with overseas counterparts and visits to foreign cities, valuable though they will be, will give us the solutions to our difficulties.

The basic solution can only come about by establishing a dignified relationship between the professionals and the communities. There is great reward for all of us, both professionally and as human beings, in discovering each other as compatriots; as in love, the first contacts are often the most tentative and insecure, but also the most delicate and meaningful. We each bring in what we have, whether it be life experience or technical, communicative, language or administrative skills.

It might even be, that just as out of the painful experience of fighting against racism we South Africans one day become examples to the world of how people can encounter each other as full human beings, so out of overcoming the doleful experience of planning for division and contempt, we can become models of how to plan for integration and respect.

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