Chapter 25
CLAIMING ‘RIGHTS’ IN THE AFRICAN CITY:
POPULAR MOBILISATION AND THE POLITICS OF INFORMALITY IN
NAIROBI, RABAT, JOHANNESBURG AND CAPE TOWN
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INTRODUCTION

The groundswell of mass popular activism in contemporary cities – in particular in the global South – has (re)inspired an academic literature on ‘the right to the city’ (Purcell 2002; Brenner, Marcuse and Mayer 2012; Harvey 2012; Schmid 2012; Samara et al. 2013), and has crystallised the emergence of global social movements claiming a ‘right to the city’ (Purcell 2003; Portaliou 2006, Mayer 2009), more or less rooted in localised political initiatives (see Fernandes 2007 for the Brazilian case for instance). Whilst both academics and activists do not necessarily directly nor even implicitly refer to Lefebvre’s initial concept of the ‘right to the city’ (Mayer 2009), and are rather developed in articulation with dynamics of urban neoliberalisation (Harvey 2008, Brenner et al. 2012), it could be argued that they both are calling for ‘some kind of [radical and fundamental] shaping power over the processes of urbanization, over the ways in which our cities are made and remade’ (Harvey 2012: 5).

In this chapter however, we do not directly use the term ‘right to the city’, as we follow Mayer (2009) in her call against the ‘proliferation of this rights [to the city] discourse’ that runs the risk of weakening its political power (see also Purcell 2002). We also believe that, on the academic terrain, the term (between a motto and a concept) is more analytically useful when its contribution to understanding specific urban social and political dynamics is carefully unpacked, in link with a specific intellectual question or project – see for instance Purcell (2002), Harvey (2008), Brenner et al; (2012), building on the lefebvrian concept to unravel the urban utopia at work in emerging contestations about what the city should be, in its spatial, social and political forms. In this respect, broadening too much the understanding of the notion reduces its analytical relevance. We do not equate the term ‘right to the city’, a trap we believe Samara et al. somehow disappointingly fall into in their recent book Locating Right to the City in the Global South (2013), with any form of collective mobilisation taking the city as their object – assuming that those mobilisations are ipso facto claiming a ‘right to the city’. We do not either assume that any policy initiative aiming at constructing more equitable or inclusive cities on the basis of strengthening urban dwellers’ ‘rights’ is always usefully analysed through this lens (ibid.; see also Morange 2011, interestingly debating Parnell and Pieterse 2010).

Our aim, in articulating urban mobilisation to the notion of ‘rights’ (in the plural) in this chapter, is to understand more narrowly, more practically, and perhaps then theoretically, to what extent these ‘rights’ to the city are (or not) a strategic tool for collective mobilisation in cities of the South to access urban goods, spaces, resources. In this respect, we are more interested in literature that takes the notion of ‘rights’ seriously, in line with Fernandez in Brazil (2007) or Bhan in India (2009) for instance: examining the legal dimension of ‘rights’ and its impacts in securing different forms of
access to urban spaces and urban goods. But this approach needs to explicitly take into account how the formality of this definition unfolds in urban politics and collective mobilisation marked by high levels of informality. Indeed, our understanding of differentiated, unequal, discrete levels of urban citizenship in cities of the South (Chatterjee 2004, Benjamin and Raman 2011, Holston 2008, Mamdani 1996, Yiftachel 2009), questions the ability of ‘the majority of the people’ to access and even to claim rights in their legal sense. We are interested here in the way urban social movements mobilise the notion of ‘rights’ – with a legal understanding or not - in their contemporary forms of mobilisation, in cities of the South in general and in African cities in particular, marked by the importance of informality: where, as Chatterjee (2004) has demonstrated, ‘being informal’ in a way or another in the city determines, or at least strongly influences, the ways urban dwellers articulate their (individual and collective) claims to the city.

Analyses of social movements and the contemporary literature on the ‘right to the city’ often underestimate, indeed, the complexity of informality and of ‘shifting to a language of rights’, assuming too easily that the main restriction to people’s mobilization of ‘rights’ is state repression, or more broadly lack of political opportunity in many urban contexts (Bayat 1997). In this type of approach, urban residents are condemned to the politics of ‘quiet encroachment’ or ‘everyday resistance’ because the outright expression of their rights would put them in danger. Highlighting the limits of the language of rights and citizenship to make claims, Chatterjee (2004) in his seminal work, The Politics of the Governed, opposes ‘civil society’ to what he terms ‘political society’, the context in which in fact ‘the majority of people’ exist, those living in informal conditions, be it for access to housing, to services, or to employment. In this approach, ‘political society’ generally cannot claim rights: informal, and therefore often unrecognized by state administration, this category of urban resident has no rights; it can only negotiate favours with local administration and politicians, through temporary arrangements and by stealth (Benjamin 2004), practices of informal arrangement that clearly break the law. In contrast, what Chatterjee defines as ‘civil society’ is restricted to a minority, elite social group in cities of the south - the rate payers and property owners - those who can claim full citizenry as they do not necessarily need to infringe the law in their daily lives.

Nonetheless, urban mobilization characterizes contemporary global south city politics, more often than not involving parts of ‘political society’. In this chapter, we start our analysis from the assumption that to embark on social movement mobilization for rights is not easy or straightforward, because such actions necessarily disrupt and, at times, rupture existing political and social orders, placing residents in visible and vocal opposition with dominant powers from which they derive many of their means of survival. It is these trade-offs, and negotiations, between the extra-ordinary claim for rights and the everyday reliance on social and political networks for survival, that we explore here. We base our analysis on processes of mobilizations for housing and for security of land through a comparative conversation in four African cities: Casablanca, Cape Town, Nairobi and Johannesburg. In each of these contexts, social movement mobilization has become a feature of urban politics, asserting agendas for socio-economic and spatial change, and framing the ways in which rights and justice are articulated. Yet, what rights and mobilization mean and demand differ, framed in social
and political, as well as geographical context: from the negotiated resolution from apartheid to democracy in the mid-1990s in South Africa, to the fissures of ethnic, identity-led mobilizations across Kenya in the mid-2000s, and the most recent 2011 movement for democracy and the reformation of royal power in Morocco.

In Nairobi, for instance, a protest by mothers against the detention of their sons in prison for mobilizing against the Kenyan one-party state creatively disrupts police action when these mothers strip and protest naked in Uhuru Park, a highly visible central location at the door-step of the globalizing Central Business District. In turn, the renaming of a peri-urban informal settlement in Casablanca highlights not only a right to housing, but also the social implications and costs embedded in renaming and challenging the stigmas of the rural and their interplay in a politics of urban injustice. In a peripheral neighbourhood in Cape Town, a mobilization to demand water makes visible - in large and old panties hung out on the fence of the municipality’s housing office in the neighbourhood - the spatial injustice of access and the absolute centrality of water in neighbourhood life; and, its corollary, the gross injustice produced when access is denied.

These stories are not interchangeable. It’s hard to imagine Moroccan women (or men) hanging out underwear to demand water, or for women to strip naked in a park in central Cape Town. But in each of these quite different urban, political and cultural settings, claims for rights take the form of a disruption of the usual, everyday, ‘traditional’ social order in the city. Rather than assume that the mobilization of ‘rights’ acts as a form of recourse and mobilization to claim redress (generally from the state), it is often more customary and efficient to use the register of favours and existing governance networks to try and claim access to resources. In exploring this type of interaction, we are not arguing that mobilization for rights has no bearing and no importance for the improved condition of the poor in the city generally: instead, we are more interested instead in analyzing when, and how, it becomes possible for political societies to use a language of rights to move beyond a politics of invisibility. A ‘right to the city’ is therefore meaningful, firstly inasmuch as it is a mobilization tool for residents, a category for action, organization and public debate. Secondly, movement mobilizations and their politics and practice disrupt any overly simple notion that the articulation on paper and in law of ‘rights’ - the heart of democracy - translates in some easy or linear way to everyday urban politics on the peripheries of African cities.

**A POLITICS OF ‘RIGHTS’, URBAN MOBILIZATION, AND INFORMALITY**

The ‘right to the city’ lays bare the clash of ‘exchange-value (profit oriented) and use-value (everyday life)’ and their continual contestation (Brenner, Marcuse and Mayer 2012: 3), processes Schmid (2012) suggests are a signature of the contemporary moment across the global north and south. Yet, Attoh (2011) challenges the right to the city literature to move beyond this quite conceptual and fuzzy - albeit at times strategic - ‘be-all’ notion of a ‘right to the city’. A sentiment mirrored by Parnell and Pieterse (2010: 146) in their assessment of ‘the universal right to the city as the moral platform’ and one ‘from which the developmental role of the state should be defined, and from which alternatives to neoliberal urban managerial positions should be articulated’. To take the ‘right to the city’ seriously - not as a Lefebvrian concept here so much as an instrument of political mobilization - we argue in this chapter that it is productive to
reflect on mobilization and the ways in which individual and collective claims are formulated as ‘rights’, and enacted as a political category of mobilization. As well as challenging the rhetoric of rights, mobilizations and their claims also assert an agenda for justice, and its inverse, a critique of the spatialities of injustice, notions bound up in the ways in which informality is produced and shapes southern city politics.

Yiftachel (2012: 152) highlights the critical gap in the ‘right to the city’ literature that we address, suggesting that: ‘[M]ost critical urban theories…have not sufficiently accounted for the implications of …the proliferation of ‘gray spaces’ of informalities and the emergence of new urban colonial relations’. Here, we also draw critically on Chatterjee’s work to reflect on the passages between political and civil society, and thus, the ways in which mobilization and organizing in peripheral ‘gray’ areas of African cities negotiate and move between a ‘politics by stealth’ and a ‘politics of rights,’ a type of politics Chatterjee deems impossible in contemporary Indian urban society. This type of analysis is important in settings where the poor mobilize rights actively (Robins 2008; Bénit-Gabaffou and Oldfield 2011; Bénit-Gabaffou and Piper 2012), often in conjunction with (rather than in opposition to) other politics in the South African context (see Oldfield 2008); or where the language of rights has democratized and spread to a number of public arenas (see, for instance, Holston 2008 on Brazil).

Mobilizing rights, or, in Chatterjeean terms, moving from political society to civil society in a context still marked by informality, certainly has risks if it alienates or sidelines the everyday networks of patronage that prevail locally. Benjamin (2004) has shown how, for informal residents, mobilizing rights to housing in Indian cities through well intentioned formal NGOs, has in fact led to the eviction of the poorest; while the low profile of the politics by stealth have been de facto more efficient in protecting the poorest from eviction (Benjamin 2004). In Casablanca, Cape Town, Johannesburg and Nairobi, the study of everyday politics on city ‘margins’ also demonstrates another degree of complexity, located in the ruptures of dominant and everyday local systems of regulation and distribution, and their social and political costs for low-income residents.

THE ‘RIGHT’ TO PROTEST AND THE FRAMING OF COLLECTIVE MOBILIZATION
From post-apartheid protests in cities across democratized South Africa, to violent mobilizations within an ethnicized and challenged multi-party political system in cities and towns in Kenya, to the ‘quiet’ revolution brewing in cities across Morocco, contexts vary widely. In this respect, the differentiated legal and practical context shaping the right to protest, as practiced and experimented respectively in Casablanca, Cape Town, Johannesburg and Nairobi are a key element in our discussion.

Contexts for mobilization differ, of course, shaped by national legislation and the particular institutional and socio-political contexts in each place. In Nairobi, for instance, no authorization is required to organize a march or a public meeting. It is necessary however to alert the police in advance, and they can make recommendations on security matters. In practice, it sometimes works differently. For example, in the context of the 1997 post elections violence in Nairobi, an opposition party, Orange Democratic Movement of Kenya (ODM), planned to have a meeting in Uhuru Park. On the day of the meeting, police and army officers formed a human chain all around the
park to prevent participants’ access to the park. Both groups stood there for an unprecedented three weeks, day and night (Owuor, personal communication 2012).

In contrast, in Johannesburg and Cape Town (and elsewhere in South Africa), one needs to ask the Metropolitan police for authorization when planning a march (officially to organize security and traffic and pedestrian circulation). Sometimes marches are forbidden ‘for security reasons’, which leads to an increasing number of ‘illegal’ (unauthorized) marches - sometimes violently repressed by the state, leading at times to marchers’ violence (see Alexander 2010). And, in Casablanca, one needs to ask the regional authorities (the prefecture) for an authorization to march, as legislated by a 1958 law. However, jurisprudence from the Supreme Court does not consider ‘sit-ins’ as part of this category, as they fall under the right to strike at a work place. For this reason, many social movements use sit-ins in their struggle. However, the police often try and bar access to the public place where the sit-in is planned. Although sit-ins are not technically illegal, these protests remained unauthorized, thus authorities have the right at any time to ‘disperse’ collective groupings.

Clearly urban and national contexts vary: place matters - institutional contexts situate and definite rights, shape mobilization, not determinately or instrumentally, but importantly nonetheless. Our objective here is not to present a thorough and comparative analysis of each city’s and nation’s democratization and political dynamics, but to stress how such contexts affect the forms urban mobilization takes and the differentiated articulation of rights related to urban spaces and access to housing in particular.

THREE STORIES OF MOBILIZATION FOR ‘RIGHTS’ TO HOUSING

Housing is not a right in equivalent ways across Casablanca, Cape Town, Johannesburg and Nairobi. In the South African Bill of Rights in the post-apartheid Constitution, for instance, ‘access to housing’ is articulated as an explicit legislated right (1996: Article 26.1) which the state must gradually ensure within its capacity and available resources. The substantiation of this right lies at the heart of many political mobilizations, from Abahlai baseMjondolo (see Pithouse 2008) to a series of court cases successfully won by legal NGOs against municipal or provincial government, which have compelled the state to change housing policies and practices (Wilson 2011; Huchzermeyer 2011). In Kenya, the 2010 Constitution establishes the right to ‘accessible and adequate housing’ (Kenyan Constitution 2010: article 43.1.b), also taking into account the state’s limited resources and the incremental nature of the implementation of this right. By contrast, in Morocco housing is not a constitutional right and cannot easily be drawn on in court-case actions: but the mobilization of a collective right to housing is emerging based on claims from informal settlements and a broader movement for democracy. These institutional, legislative, and political contexts shape mobilisations for housing in quite particular ways, as illustrated in the three stories of such mobilizations around housing below.

In eThekwini (South Africa), a movement called Abahlali BaseMjondolo (the residents of the shacks, in Zulu) was born in 2005 to resist municipal attempts to ‘eradicate’ informal settlements, in line with a specific and repressive interpretation by the South African state of the Millennium Development Goals (Huchzermeyer 2011). Based in the
Kennedy Road informal settlement, the movement soon attracted affiliates in a number of informal settlements in the City. When a Provincial Act (The Kwazulu-Natal Elimination and Prevention of Re-Emergence of Slums Act 2007) was passed that made it easier to evict informal residents in the name of urban development, the movement challenged the Act in the Constitutional Court (see Huchzeremeyer 2011), using the Constitutional right to housing as its basis for action, and supported by rights-based NGOs and academics. While the matter was still being processed in court, the leadership of the movement was violently attacked in Kennedy Road, and forced to leave the settlement and go into hiding. Strong presumptions exist that the attack was coordinated and organized by the African National Congress (ANC) at local but also provincial level, and supported by the national and metropolitan police. Whilst the movement won the case - the Court eventually stated that the Act was unconstitutional - a politics of fear and patronage characterizes this context. The legal battle has been won on the ‘right to housing’, the Act repealed, and the practices of brutal evictions slowed down: but the movement has been considerably weakened in the process (Kell and Nizza 2011).

In Casablanca, following the rebellion of the 20th of February 2011 inspired by and part of the Arab Spring, the youth and the unemployed mobilized for ‘decent housing’. Born initially outside traditional social movements such as trade unions and political parties, this movement began at a very local level, when the residents of two informal settlements, Skouila and Thomas, led a sit-in in front of the local government offices (the ‘prefecture’). The initial trigger was a strong feeling of injustice: not because the municipality was organizing the relocation of informal settlements’ residents, but because a number of residents fell outside of the list planned for relocation (the recasement) (Belarbi 2011).

This initial sit-in was transformed into a broader movement due to two contextual elements: the presence of two trade unionists who were also residents in one informal settlement (Sidi Moumem) and members of a Moroccan Human Rights Association, ATTAC (an anti-globalization movement); and the adoption by one radical political party (Annahj Eddimocrat) of a mobilization strategy around the right to and access to housing, in line with its initiative to ground the party in poor people’s everyday concerns. Their involvement led to the creation of a ‘Commission for Housing in Sidi Moumem Lakdim’, which proposed to centralize and coordinate all residents’ housing claims and forward them to the administration. The Commission followed up complaints of residents (against eviction, and failure to be registered on relocation lists, for instance) and organized marches and sit-ins in front of the regional offices (prefecture). Working locally originally, this Commission has become metropolitan in scale, operating across Casablanca under the title ‘Regional Commission for Social Support to Victims of Indecent Housing’. More recently, it has become the official partner of public authorities to deal with housing issues in Casablanca. This shift has also led to a change of discourse too: through the Commission, protestors use slogans, such as ‘You are the ones responsible for making sure your rights are fulfilled’; ‘no housing, no citizenship’, drawing on the internet to circulate and publicize videos of their marches and protests.
In Nairobi, the housing question is a central one, and has been at the core of some of the ethnic political violence that marked the city in the aftermath of the 2007-contested election. De Smedt (2009) argues, for instance, that violence emerged in Kibera, a dense informal settlement, around landlord-tenant conflicts, a cleavage that also had ethnic and political dimensions. While claims to housing seldom use the language of rights, and generally adopt the path of clientelist local compromises or traditional informal resolutions (Lamba 2005), the increase in evictions, primarily led by private developers, has led to the creation of Muungano wa Wanavijiji (the ‘Federation of Slum Dwellers’), begun in 1996 in Nairobi initially. The Federation, affiliated to the global organization Slum Dwellers International, argues that forced evictions are in breach of well-established international norms and laws which obligate the government to provide affected communities with adequate and reasonable notice; genuine consultative forums; information on the proposed evictions; and adequate alternative housing or resettlement of those to be affected. It has not however adopted a confrontational or legal approach to public policies, rather seeking cooperation and compromise with the State, which has led to the developing of a number of ad hoc solutions based on residents’ saving schemes and in-situ upgrading projects.

Although different, these cases mark a rise in mobilization for housing for the poor at metropolitan, and sometimes even national, scales - moving beyond the neighbourhood level where most mobilizations for housing started. The reasons, or conditions, for this up-scaling are not fully explored here, but connect in some ways to the globalization of housing issues (through events, conferences, agreements and NGOs) and through the influence of global movements (such as Slum Dwellers International and ATTAC), or, indirectly, through globally inspired policies (such as the Millennium Development Goals, often used as by governments in the African context as a pretext to clear informal settlements and legitimize repressive Slum Acts: Huchzermeyer 2011).

All three contexts also witness the rise of the language of ‘rights to housing,’ although the South African case is distinctive because rights are understood as legal, and used to contest repressive policies in Court; in contrast, in the Moroccan and Kenyan cases, the language of ‘rights’ is more abstract, and probably less wide spread amongst residents of informal settlements. In consequence, it is possibly used, not to confront the (less democratic) state, but to fit into the international language of human rights and international NGOs, and to put pressure on national governments.

Finally, present in all instances are local politics and practices of clientelism through party representatives or traditional chiefs, that draw on a mix of formal and informal politics (sometimes even violent politics) to craft compromises to conflicts around housing. In the cases discussed, the articulation between this daily politics of clientelism and the emerging, and varied, metropolitan-wide rights-based mobilization is complex. It is this articulation we turn to now to reflect on, particularly: how one translates or expresses a shared, local, collective feeling of spatial injustice (related to the access to urban goods, such as housing or access to services and central city, for instance) into the language of ‘rights’?

In moving between informal politics and the formal politics of rights, we articulate two critical dimensions. The first rests on the processes of turning stigma (Goffman 1963;
FEELING ASHMID OF ONE’S INFORMAL STATUS OR ACTIVITIES, AND ATTEMPTING TO HIDE THIS STATUS BOTH FROM OTHERS AND FROM THE STATE - INTO A PUBLIC EXPRESSION OR ISSUE IN ORDER TO CONVERT IT INTO A CLAIM, A RIGHT, OR A CALL FOR JUSTICE. THE SECOND DIMENSION OF THIS ARTICULATION IS THE COMPLEX NEGOTIATION OF LOCAL CLIENTELIST LINKAGES THAT RENDER DAILY LIVES BEARABLE, WITH THE GENERALLY MORE EXTERNAL, EPHEMERAL, AND OPPOSITIONAL POLITICS OF RIGHTS - THAT OFTEN DISCARD, EXPOSE OR CONFRONT CLIENTELISTIC LINKS, AT THE RISK OF LOSING RESOURCES, IF THE NEW MOBILIZATION NETWORK DOES NOT LAST OR SUCCEED.

FROM INDIVIDUAL SHAME TO COLLECTIVE CLAIMS - CHALLENGING DOMINANT NORMS AND DISCOURSES DISCREDITING ‘THE INFORMAL’

Drawing on three mobilizations which help us reflect on the ways in which issues of shame challenge mobilization, we explore in this section what is required to shift individual experiences into collective claims for rights. Central to these processes are ways in which mobilizations challenge the dominant norms and discourses that discredit and de-legitimize so-called ‘informal’ forms of everyday life and city living. We discuss water cut-offs and the ‘right’ to illegal reconnections in Cape Town; how the recognition of the ‘urban’ status of a settlement allows for new claims for services, in Casablanca; and lastly, again in Cape Town, the ways in which what is reputedly shameful - the inability to be clean - can be converted into a tactic to shame the oppressor and to assert and claim the right to water.

The ‘right’ to water? From a private shame to a public entitlement in Cape Town

How does a resident shift from feelings of shame and humiliation to feelings of entitlement and rights? This shift cannot be generalized, nor is it easy; here we reflect on the challenges of changing notions of what is private to open up debates and mobilizations around rights and access to public entitlements. These experiences are lived and contextualized in places and their dense social practices; moreover, mobilizing holds costs - from the personal to the neighbourhood.

In South Africa, the Bill of Rights in the Constitution provides the right to water (Constitution 1996). Yet, municipalities charge for water and are allowed legally to cut residents from their normal water supply in cases of non-payment. In these instances, municipalities are required legally to provide ‘free basic access’, a minimum amount per household per month (Peters and Oldfield 2005), they thus insert a ‘stopper’ (known as a ‘drip’ in some parts of Cape Town), a metal coin-like object with a small hole through which residents can access a minimal supply of this essential resource.

Mobilizing to challenge this policy and to access water requires group solidarity and collective strength, in this case shining a public light on individual households’ struggles to access water, issues more often than not hidden. These concerns and their politics and practices are bound up in dominant discourses that operate citywide. There’s a debate in the neighbourhood, for instance, about what families should do if they have their water access restricted. Nearly everybody has water debts and hardly anybody can formally and legally reconnect by paying off a big portion of arrears and the reconnection fee.
For activists in the neighbourhood, it’s obvious: ‘reconnect, it’s so easy. Know your rights. You just need a ‘baboon spanner’ and a ‘struggle plumber’ to reconnect you. The leader of the local community organization reflects on ‘the long stories that people tell’, proclaiming that ‘you shouldn’t be ashamed’. In contrast, some community leaders and families suggest you should live within the free basic water allocation, conserving your water usage, individually embodying the public city logic of ‘careful’ use, of living ‘responsibly’, within your means, as a ‘good citizen’ should. Fearful and conscious of the possibility of legal recourse and criminalization, some families choose to live on the drip, to supplement their water access by going to the informal settlement in the neighbourhood, a place where there are standpipes and water is not metered. This requires requesting permission, begging for access to the water tap, carrying water back to your home, feeling individually the humiliation of this ‘step down’ from formal service. The cut-off from water is public in other ways too. The law enforcement vehicle, in tandem with the sub-contracted company paid to disconnect the water, place your status in full view of neighbours. They pull out their equipment, open up the water meter on the street, and publically insert a stopper to limit the household’s access to water. Neighbours and residents observe; in consequence, many families feel humiliation. They cannot afford to pay their water debt, or to pay the reconnection fee. They opt to survive on the water dripping into the bucket, slowly, all day long, but the immediate effect is a water shortage: the inability to do laundry, the need to cook, to cut out cleaning. They live on the drip, in private, limited to a bucket or two of water a day, feeling the paralysis and disempowerment of such limited access, a public challenge to these often hidden, yet challengingly public, individual struggles.

The activist community leader is ambiguously positioned too. As a formal representative on the municipal sub-council, she cannot break the city’s laws. She’s caught in a game in which she cannot reconnect water publically, so sends residents to others for help. In the sub-council, she can report maintenance problems and water leaks, but structurally cannot challenge the city’s water policies directly or the broader social discourse that you are a criminal if you do not pay, or an irresponsible citizen, if you are not ‘water-wise’. The social dynamics that constitute the meanings of mobilizing, and their costs, are bound up in such local and national contexts and cultures. These are constituted in and operate in place-specific ways. In Morocco, for instance, a critical marker is that of the urban and rural, the focus in the following subsection.

In a name: the nature of claims for the city, Hay Watani, Casablanca

Living in an informal settlement in Morocco carries a strong stigma (Zaki 2010) of being illegitimate in the city, shame because you are assumed to come directly from the village, where the ‘peasant’ is often mocked and caricatured as unable to understand the sophistication of urban life. Informal settlement dwellers, as well as rural dwellers, are often described as ‘animals’. Sometimes this categorization is used even by informal settlement dwellers themselves to emphasize what they consider inhumane conditions of life. An element of shame attaches to those who are rural, and to those parts of the city that are deemed rural - often described, by other residents but also by informal dwellers themselves, as places where ‘we live like animals’. This stigma has been turned in some instances into an accusation against the state, evident in broad terms by
its failure to regularize or develop the neighbourhood; or, more mildly when the stigma is not accompanied by a direct and immediate threat to the neighbourhood, by forms of collective mobilization from emerging patrons, who then take up the task of mediating with local government (Iraki and Tamim 2009). Although these tactics are not directly confrontational or legal challenges to an authoritarian regime, recognition by state authorities often helps frame collective expectations to claim rights as discussed next in Hay Watani of Lissasfa on the periphery of Casablanca.

An informal settlement on the western periphery of Casablanca dating from the 1970s, the neighbourhood includes approximately 750 houses living with incremental access to services such as electricity and water. Property owners created an association (Lissasfa Li Hay Lhaj Bouchaib El Watani) in 1996 and sent petitions to the municipality, a delegation to the service provider, and held sit-ins in front of municipal and service providers’ offices. They also tried to convince property owners located next to the settlement to allow for infrastructure installation without payment of compensation. In 2002 Association required the municipality to change name of their area, as they felt that their original name was too ‘rural’: it was douar Haj Bouchaib (douar meaning village). The request was accepted in 2010, and the neighbourhood was given the new name of Hay Watani (Hay meaning urban area). For residents the change of name corresponds to a change in social status, and allows them to make new claims towards the municipality and the state, in particular in relation to housing: ‘how can an urban neighbourhood (‘hay’), that has become fully urban, still display such degraded housing conditions’, says a leader in the tenants association, when arguing for relocation.

In Morocco in particular, urban-rural divisions shape rights and the ways in which they are mobilized, built on durable interconnected notions of legality-illegality, urbanity-rurality, as they shape expectations for (in)formality. Reflecting different social logics and meanings across the contexts considered here, stigma and shame are not always, of course, impediments to mobilization, but also the agents or tools movements draw on to disrupt the status quo, to reshape a public debate, or to draw attention and to challenge authority, as evident in the brief discussion on struggles to claim rights to water in Cape Town below.

**Shaming the city - reverting a stigma to realize a right to water**

Not fixed, stigma can, of course, be challenged. The discussion below in a Cape Town township neighbourhood demonstrates the ways in which mobilization for rights also invokes and questions. To get the City to put in water and sanitation for the settlement, and to challenge their response that there’s ‘no budget for it’, the neighbourhood organization dreamed up an effective strategy: to use Council buildings in the neighbourhood to access all the settlements’ water needs - toilets, drinking and cooking water, and washing in particular. All one-hundred informal settlement families brought their washing, used the council toilets all day, collected water for cooking, hung their washing to dry on council fences. Women especially were encouraged to hang their largest and oldest underpants, to emphasize graphically the indignities of living without water and to challenge the shame people feel in living in dirty soiled clothing. In doing so, they reversed the stigma, drawing attention to the shaming instead of the municipality and its employees. Council work stopped, the crèche closed, harried to their limits, the administrators called their bosses in the municipal offices in the centre...
of the city. The following day, literally, what was previously unbudgeted for was possible - water standpipes were installed in the settlement (Oldfield and Stokke 2007).

Mobilizations can challenge notions of shame and create public debate. Shame may also be a weapon in mobilization, as in Uhuru Park in Nairobi where the 1992 mobilization by elderly women challenged social mores and norms, particularly when these women stripped naked and pointed their breasts at policemen young enough to be their sons and grandsons (conversation with Sam Owuor, May 2012). Their actions pressurized the Kenyan government to release their sons for anti-government political activities. Across these contexts, mobilization provocatively opens up debate, revealing and challenging the clientelistic practices that characterize informality, the focus of the next discussion.

BREAKING FAVOURS: CHALLENGING CLIENTELISM THROUGH MOBILIZING RIGHTS

Many times, in mobilizing rights, movements challenge local clientelistic practices, negotiations that make things happen, that facilitate everyday life based on a system of favours granted to an individual or a group generally at a neighbourhood or local level. The several local stories we are basing our reflection on illustrate different aspects of the intricacies of these practices, beginning with Mukuru in Nairobi, turning to Bertrams in Johannesburg and Lahraouiyine in Casablanca.

Going to court to fight a private developer - Mukuru informal settlement, Nairobi

Mukuru kwa Njenga, an informal settlement in Nairobi, has a complex land management system: part of it is managed by a chief, who appoints a number of village headmen for each zone. Headmen manage land, keep informal record of land sales, and solve conflicts (Lamba 2005). These everyday land management systems have their limitations however; particularly, internal ones when different factions fight and a chief or headmen’s legitimacy is questioned. Their limits are external also. Mukuru is located on private land, under which it is managed by another set of rules, and also subject to recurrent eviction attempts (Lamba 2005). When private developer-led evictions started to occur in early 2012, residents could not turn to their chief or headmen; and resistance to eviction and police repression led to the death of three residents. Subsequently, a group of residents, supported by Muungano wa Wanavijiji (the Federation of Slum Dwellers), organized a protest outside the nearest Law Courts. They petitioned the court to take action against the private developer for forcibly and violently evicting them in total disregard of a court order issued earlier, restraining the developer until the case they had filed was heard and determined. Interestingly, they did not mobilize around the right to housing, but rather on the right to human dignity (see Figure 25.2): ‘residents argued that forced evictions contravened the International Covenant on Civil and Political Rights, and that the Constitution provides for the right to protection against arbitrary interference to a person’s privacy, family and home’ (Ogemba 2012).

The case gained a high profile, and the Prime Minister, Raila Odinga, described the demolitions as ‘inhuman and unbearable’, and stated that ‘it sends wrong signals to citizens who have hoped for better governance with the coming of the new Constitution’. He emphasized that ‘the Constitution guarantees the right to housing’ and
that the evictions should be halted until measures are put in place to ensure that those affected have alternative places to stay (Zadock 2012).11

FIGURE 25.2 NEAR HERE

Clearly, the politicization of the ‘right to housing’ (and particularly its emergence in a political and policy field, beyond ad hoc politics of local clientelism)12 is linked to a number of factors that we cannot unpack fully here. Certainly, the rise of housing social movements, with global support and audience; the quest for international respectability and aid (following ‘good governance’ criteria); the political moment (in the context of nation building around the new Constitution); and the negative publicity around the brutality of police repression in response to residents’ court action, provide a favourable context for a shift from a language of favour and local arrangement, to a language of rights, laws, and appropriate policies. Interestingly, this language of rights does not necessarily contradict the informal arrangements with local chiefs, and appears more as a complementary, parallel strategy in a time of crisis. Not yet fully mobilized by Mukuru residents themselves (who still refer to relatively abstract and remote notions of human dignity), the notion of a ‘right to housing’ is entering the public domain. The way it will impact access to housing for the poorest remains to be seen, but certainly this case and its politicization has strengthened the capacity of slum dwellers to refer to it and use it in their repertoires of action.

The resilience of clientelist logics in the face of a short-lived rights discourse?
In contrast, the two stories below - in Bertrams Johannesburg and Chechnya Casablanca - illustrate cases where mobilization of ‘rights’ by residents contradicts, conflicts with and potentially damages clientelistic relationships with local patrons or representatives. In both cases, mobilization of a ‘rights’ discourse emerged when the patron had betrayed a clientelistic agreement.

In the wake of the 2010 Soccer World Cup, in Johannesburg, evictions loomed around the Ellis Park Stadium and it’s upgrading. A group of residents in Bertrams (the area neighbouring the stadium) mobilized, and, as former anti-apartheid activists resourced with strong ANC networks, they approached a rights-based NGO, the Centre for Applied Legal Studies (CALS), to be protected from the evictions rumoured to be forthcoming. CALS wrote a letter to the municipality demanding the right to information and threatening action against unlawful eviction. Soon after, the residents abruptly ended their relationship with CALS, as, they argued, CALS was ‘undermining our government and the nation’; through ANC struggle networks, the residents had been approached and promised that they would not be evicted and that their houses would be refurbished instead (see Bénit-Gbabou 2011). From the 17 houses, two eventually were demolished in the context of the widening of the road for the construction of rapid bus transit lanes. A mosaic (see Figure 25.3) celebrating the anti-apartheid struggle now sits in their place; ironic perhaps, as in this case collective mobilization was actively discouraged by patronage networks.
FIGURE 25.3 NEAR HERE
In contrast, in Casablanca, the City constantly threatened to demolish the peripheral unregulated settlement of Lahraouiyine until mass riots erupted in 1996 (Belarbi 2011). The riot was not a response to the overall repressive municipal policy, but focused instead on demolitions that affected those dwellings whose residents had not paid sufficient bribes to local elected representatives, who had spared others from eviction. Sit-ins in front of the local representatives’ offices, but also violent riots and blockage of the main regional road were organized by residents and attracted much media attention. These actions were brutally repressed by the army. The settlement and its residents won the nickname ‘Chechnya’, both as a symbol of rough rebellion and of brutal state repression. The state retaliated in a number of ways. It started gerrymandering local boundaries to fragment the movement. More directly affecting residents’ ability to access basic and much needed public resources, the state withheld the delivery of ‘residence certificates’. In response residents claimed their ‘rights’ to papers, ‘as citizens’ of the country. The critical administrative matter was only solved with the 2002 legislative election and the 2003 municipal election - in which local politicians mobilized explicitly for the delivery of papers (residence certificates) to their constituencies in this area. In the longer term, however, and in the aftermath of the 2003 Casablanca bombings (where the terrorists originated from informal settlements), the municipality has initiated development plans, in this case housing and infrastructure for Lahraouiyine.

In the first instance in Bertrams, Johannesburg, the clientelistic relation prevailed and led to the failure of an emerging mobilisation against eviction. In the second in Casablanca, while mobilization of rights did not fully place the local clientelistic system in question, it shook it - before re-establishing its pre-eminence at the local level. Combined with political turmoil in the country, the state’s fear of rising violence (in particular in the form of radical Islamism and terrorism) linked to informal settlements and poverty, state neglect and degradation, mobilisation such as that in Lahraouiyine have led to major public investment in peripheral areas.

CONCLUSION - THE HARD CHALLENGES OF MOBILIZING RIGHTS
The complex articulation between economically impoverished – often informal – residents’ everyday politics of access to resources, and collective mobilisation to claim rights, are often overlooked. They are either considered unproblematic in formalistic approaches to ‘rights’ in mobilisation for the substantiation of democracy in developing, post-colonial African urban contexts; or in broad and often depoliticised understanding of a ‘right to the city’ that becomes little more than any form of mobilisation taking the city as its object; or they are underestimated in their importance and impact, when analysis prevails that focus on the reproduction of ‘political society’ (Chatterjee 2004; Benjamin 2004).

In this chapter, we have reflected contextually on what it takes to claim justice and mobilize rights to secure forms of access to the city. These collective and popular claims draw on diverse networks, and occasionally (rather than generally) new agents, that emerge in urban government and open new opportunities for residents in peripheral parts of cities to access resources. In what instances or contexts are new agents or networks relied on or called for, compared to traditional patrons? Is it when local
patronage no longer works, fails to deliver, or is perceived as betraying the informal ‘contract’ of delivery against political loyalty? Or can patrons also be agents in this mobilization of rights, as argued by Auyero et al. (2009) in the context of Buenos Aires?

Certainly, Chatterjee’s heuristic dichotomy of political and civil society helps identify the structural challenges most people in cities of the south face to mobilize a rights discourse: what perhaps naïve, or depoliticized, understandings of ‘the right to the city’ miss. In bringing a comparative reflection grounded in everyday politics of mobilizing in neighbourhoods, we hope to frame more effectively the articulation between political society and civil society, as a continuum rather than a strict dichotomy, in which in particular moments ‘political society’ draws on the language of rights (of ‘civil society’); and -when the national or local legal framework allows for it- on its more powerful instruments such as the courts. In parallel, evidence that civil society also operates in a politics of patronage and draws on elements of mobilizing, characterized as ‘political society’ or ‘gray space’ abound (see Yiftachel 2009).

These discussions invigorate and ground the notion of ‘claiming rights to the city’, as an important form of reshaping contemporary African urban landscapes. They stress the fact that claim-making is a constructed process that is politically embedded in contextually specific political and social networks; and that the notion of ‘rights’ (cast in existing or emerging legal framework or broader notions of human rights promoted by global institutions or movements) can be used even by ‘political society’, in quite specific contexts, possibly opening the space for a broader discourse and imagination of ‘a’, or even of ‘the right to the city.

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2 As part of the wider 2011 ‘Arab Spring’ mobilizations, for instance, the ‘Movement of the 20th of February’ in Casablanca and across Moroccan cities did not request authorization. Nonetheless, public authorities responded in uneven ways to these mobilizations. For instance, the march of the 20th February was not repressed, the one on the 20th March was not either (just after the King’s speech calling for a constitutional reform), whilst the march of the 22nd of May was violently repressed, and the march of the 5 June was not. The effect seems to be to create uncertainty about whether protests would be tolerated or repressed (conversation with Aziz Iraki).

3 This relatively new right has obviously not yet had time to be mobilized as such by Kenyan social movements, which have developed claims on the issue of housing over the last decade.

4 For a broader contextualisation on housing and community participation in Morocco, see Iraki and Letellier 2009.

5 Conversation with Wafae Belarbi and Aziz Iraki, May 2012.

Conversation with Sam Owuor; authors’ analysis of Muugano wa Wanavijiji website, http://www.mustkenya.or.ke/, accessed 24 June 2013. For a broader analysis of Slum Dwellers International and its approach, see Mitlin and Patel, Chapter 26 this volume; for a critical analysis, see Huchzermeyer 2011, Roy 2009b.


In this context, the neighbourhood association and residents of the informal settlement won in Court a right to services for the informal settlement (see Oldfield and Stokke 2006).

Raila’s discourse interestingly contrasts to the one he held in Kibera informal settlement in 2007 when he was in opposition politics and looking for votes, a moment in which his stance on excessively high rental levels and the necessity to curb exploitative landlords carried a more clientelistic ring.

This positive sense of the term ‘politicization’ is often forgotten in discussions on urban politics (Benit-Gbaffou and Piper 2012).