PRIVATISATION OF PUBLIC PLACES IN SOUTH AFRICA: A LOCAL NGO (COPESSA) IN A SOWETAN PARK

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ABSTRACT
This study examines institutional arrangements and practices associated with modes of appropriating public spaces in cities in Post-Apartheid South Africa. More specifically, I work from ethnographic observations of a case study around an NGO called COPESSA. My case study explores how by means of practical dynamics rather than any formal institutional arrangements, this NGO has appropriated a ‘private’ space of action for operating its philanthropic agenda within a ‘public’ space, the Protea Glen Park in Soweto, Johannesburg. I propose an argument in two parts. Firstly, I suggest that this is a case in the privatisation of use rather than of ownership. Furthermore, I propose that this case study is one in irony. Central to this NGO’s appeal and success at this privatization was the way it mobilized a notion of the “public”: the community interest. A main implication of my findings is that COPESSA’s private appropriation of some part of the Protea Glen Park has important implications for the blurring of responsibilities over the control of users in this public space.

Keywords: COPESSA, NGOs, Parks, Public places, Privatisation, and South Africa.
GLOSSARY

Even though throughout the report I have mostly included its full abbreviation time and time again so the reader does not have to track back to this page and therefore making the reading difficult.

COPESSA – Community–based Prevention and Empowerment Strategies in South Africa

JCPZ – Johannesburg City Parks and Zoo

CoJ – City of Johannesburg

JMPD – Johannesburg Metro Police Department

SDA – Service Delivery Agreement

NGO – Non-Government Organisation

s – Section

MOU – Memorandum of Understanding

SAGnet – South African German networks
CHAPTER 1

INTRODUCTION

Background
On the 14th of March 2009 COPESSA (Community-based Prevention and Empowerment Strategies in South Africa), a non-governmental organization (NGO), was given implicit permission by the city’s authority on public parks, the Johannesburg City Parks and Zoos (JPCZ), to establish and demarcate an area of a public park for its own private use. Accordingly, COPESSA proceeded to demarcate and establish a physical perimeter in Protea Glen Extension 11, a public park in Soweto. True, there was a condition attached to this private appropriation of a space in a public park. According to what I was told by COPESSA, this exclusive private space was granted to it by JPCZ as long as its use involves “the community.” Using metal palisade fences, COPESSA carved out a portion of what was once a dumpsite and established the place as its own for most intents and purposes. From then onward it has been using that space to provide a regulated aftercare center for the children in the community, as well as an established outdoor gym (which is on the other side of the main road that separates one park from another by seven – ten feet) across the road. Since then, COPESSA has become an unmistakable presence within the landscape of this public park. In this study, I am interested in examining the social, cultural, political and institutional dynamics that have since followed the creation of this “private” space within what is otherwise generally considered as a “public park” in Protea Glen in the Soweto Township. …

Johannesburg is an ever-growing space, one that is highly invested in urbanisation and modernisation. As a result, the major parts of the city are constantly being carved out for business developments just as and various regulations are rolled-out by municipal authorities to accompany such urban development and investment projects. As part of these dynamics, townships have not been left out of the picture. Rather, they have also been part of a drive towards new urban social transformation projects. It is partly in the backdrop of these dynamics that the current project by COPESSA can be situated and understood. In fact, the location in which the above-mentioned parks are in, brings these dynamics into play. Protea Glen in and of itself is a space that has newly catered to the ever-expanding Soweto Township, an area that is
largely inhabited by a diverse community of Zulu, Sotho and Venda speakers. However, like many townships in South Africa, this Sowetan Township lives with broader social and economic inequalities. The township is therefore having to cope with social problems such as crime, rape and the ever-growing unemployment rate.

As a way of gaining a bigger presence in its interventions in this community, COPESSA managed to approach the City of Johannesburg for these very social issues (reasons). COPESSA being a non-government organization defining itself as Community-based Prevention and Empowerment Strategies in South Africa, comes about politics and the notions of the private and public as stated above. The theme of the public and the private will be my most focused upon themes in bringing about a comprehension in answering the main research question. I will firstly, explain the history of COPESSA in relation to how it came about as well as its purposes. This will then set a stage to the second chapter which deals with privatization and the public space debate through COPESSA’s everyday routines and how COPESSA came about to attaining the space. The third and final chapter leads me to the reason as to why this topic was decided upon as well as bringing the other two chapters into a deeper comprehension. Parks seemed to have taken a new form, one that seeks to be more and more oriented towards community action and engagement both in terms of means of access mostly a relation to regulations and policies.

**Problem Statement and Argument**

A noticeable attribute of Johannesburg in the post-apartheid era is its self-branding as: “Joburg: a world-class, African city.” Obviously, this raises the question of what it is exactly that a “world-class” city must have in order to meet whatever standards that fit such a self-description. But whatever it is that finally get considered as “must have” attributes of “world-class” cities, I suspect that having a vibrant culture of “openness”, typified by both physical and cultural spaces for interaction, exchange and much more, will be a major element to consider. On this score, public parks are the most emblematic examples of open spaces in the life of modern cities (De Vos, 2005).

On its dedicated website Johannesburg City Parks and Zoo (JCPZ), the public municipal authority that establishes and oversees public parks in the city of Johannesburg affirms that its
mission is “to develop, maintain and conserve public open spaces, cemeteries and animal life for present and future generations.” Additionally, in Section 22(1)(1) of its Service Delivery Agreement (SDA) with authorities of the City of Johannesburg, it is stated that the JCPZ shall “At its own expense and with effect from the Effective Date, take all reasonable precautions for the protection of life and property or in any way connected with the whole or any part of the asset.” Accordingly, the SDA states furthermore, the JCPZ will be “responsible to the City, the Local Community and third parties for all risks and obligations pertaining to or arising out of the provision of services in accordance with this Agreement (Johannesburg City Park, p.41). Clearly, the JCPZ has overall administrative and legal responsibility over any physical space brought under its management as a public park. But in this thesis, I ask: what happens to this clearly outlined notion of responsibility when a part of a public park is ceded to any private actor or corporate entity for continuous, everyday use and administration for that actor's or entity's own private ends? I ask this question in relation to the ethnographic reality that characterized my fieldwork. As I describe above, a corporate entity called COPESSA (albeit being an NGO) was “given” a clearly demarcated and ring-fenced portion of a public park, the Protea Glen Park in Soweto, to use for its own needs and ends. So, throughout my fieldwork I kept wondering: who would really assume responsibility if anything with significant risk to persons and property were to happen in COPESSA’s privately-held space within the Protea Glen Park.

As a student who is also currently studying law (LLB), I can immediately see how such an arrangement poses potential problems about risk, the law and legal responsibility in public spaces. But I propose that my ethnographic case may also hold important and broader interest for urban and policy studies across a range of disciplines within the social sciences and humanities, including anthropology, sociology and political studies. Quite broadly, at least, my case might be interpreted within the context of a growing, worldwide concern that public spaces, like many other aspects of public life, are increasingly coming under privatisation through a variety of ways. For example, in a recent press report for The Guardian's Cities Investigation initiative Jay Schenker suggests there's a rise in the “Pseudo-public space.” With this notion, Schenker describes the process by which we are witnessing the proliferation of a new, critical urban phenomenon. This refers to an apparent contradiction of the public experiences of "squares and parks that seem public but are actually owned by corporations." And although he was writing primarily about this phenomenon in London, he also emphasizes that this "has quietly spread
across cities worldwide” (Schenker, 2017; see also Garett, 2017). As Anthony Flint of the Lincoln Institute of Land Policy in Massachusetts writes in expression of similar concerns in the United States, ‘The very notion of public space, a subject largely reserved for design professionals until about a decade ago, is a hot topic today’ (see Flint, 2014; for similar responses in the USA to this concern with the privatization of public spaces, including public parks, see Soskis, 2013; Squadron, 2013; Swan, 2013).

Besides the media, scholars are also paying serious attention to these creeping forms of privatisations of public spaces. This is especially the case for urban parks. In urban studies, for example, Harry Smith (2016), a professor of urban planning and real estate, writes ‘Across the world, parks, plazas and promenades— which were once in the hands of public authorities— are coming under the control of private corporations. In some cases, you won’t even notice the difference’ (see also Ulam, 2013; Mitchell, 1995; Mitchell, 2003; Németh, 2009; and Németh and Schmidt, 2011). In anthropology and sociology, too, scholars are interested in understanding the different kinds of institutional arrangements and practices that may work to make such privatisation of urban public spaces possible. These start from the understanding that a central premise of the ‘publicness’ of public spaces is that they are “open to all” without restriction or discrimination. At the very least, the emphasis on the “publicness” of public spaces such as public parks or public transport, for examples, is that the conditions for access and use of these facilities by citizens are by default established by designated public authorities. Anthropological studies are therefore interested in understanding how such conditions for access and use might be established differently under privatised ownership or management of public spaces that Sylke Nissen (2008) describes as ‘hybrid spaces.’ For example, Setha Low and Neil Smith (2006, 3-4) underline that ‘Public space is traditionally differentiated from private space in terms of rules of access, the source and nature of control over entry to a space, individual and collective behavior sanctioned in specific spaces, and rules of use.’

From the foregoing, then, the perceived assault on public spaces in general and urban parks in particular by agents and processes associated with the forces of privatisation is of alarming interest to a wide variety of stakeholders (in both academic and policy circles) and for a variety of reasons. This research report hopes to intervene in these scholarly and spirited conversations in the media in two ways. Firstly, anthropological ethnographic studies of such privatisations of
public parks are still few in the case of cities in the Global South such as Johannesburg. Secondly, to the extent that media and scholarly attention have focused on the privatisation of public spaces as a new phenomenon of urban life, it has tended to underline the role of corporate, for-profit entities. My ethnographic case of a non-profit NGO operating a scheme of privatization of a public space such as a public park is a rare instance, even in terms of a global focus.

These debates and issues, I find, offer an interesting point of departure for my research in the Protea Glen Park in the Soweto Township. For one thing, as I read through these debates and the issues that they raise, I wondered if the COPESSA case is really one of privatisation or something else. If it is not privatisation in the sense discussed in these debates, then what is this kind of arrangement? As a tentative argument, I make two related propositions. Firstly, to the extent that we can discern elements of privatisation in the Protea Glen example, I suggest that this is a case in the privatisation of use rather than of ownership. Furthermore, I propose that this case study is one in irony and paradox. The reason for this is that this NGO’s appeal and modality of privatisation was through the mobilisation of a notion of the “public”: the community interest.

**Research Question**

In this study, my main research question was formulated as follows:

What are the social and institutional bases by which actors might attain privatization of public spaces and what ideas about moral, social and legal responsibilities attend to such privatizations?

**Sub-Questions**

More specifically, my ethnographic research was guided by these sub-questions:

(i) How did COPESSA work institutionally and pragmatically on the ground, to attain the exclusively private use of a part of the Protea Glen public park?

(ii) How does responsibility over the management and control of this privately-appropriated space in the Protea Gen Park work?
Aim and Objectives

The main aim of my study is to understand how private actors or corporate agencies may undertake to achieve a privatisation of a public space in Johannesburg.

Specific objectives

These include:

(i) Understanding the social and institutional bases upon which COPESSA’s privatisation was made possible.

(ii) To find out what institutional arrangements and material processes are involved in COPESSA’s management and control of this space.

Methodology

This research report is based on an ethnography of COPESSA’s action and work in a public park in Soweto. I focused on discerning and analysing the institutional and material arrangements of how this organization attained a rather private and exclusive right to a part of this public park for its everyday control, use and management. In doing so, it meant I also had to pay attention to ideas about the social and legal implications of notions of rules, responsibility and control that attend to any critical discussions of public and private spaces.

As such, my ethnography relies primarily on participant observation as a method of data collection. I did fieldwork as a part-time assistant in the offices of COPESSA, between July and September 2017, for a total of 4 weeks. This field work consisted of me working as a volunteer within COPESSA, alongside five other volunteers (consisting of three South African citizens and two foreign, female and male volunteers from Germany. During my fieldwork as a volunteer for COPESSA; I left my home most mornings at least four times a week. The day at COPESSA as a volunteer began at 11:30am and ended at 16:00pm. I mostly helped where I could with the day to day programs that took place (such as reading on a Monday, Chess on a Tuesday as well as various cultural activities that stimulate the children’s minds. At least 3 out of the 5 working days myself and the other volunteers collected bread from the local Pick n’Pay at the Protea Glen Mall. This bread was buttered and given to the children before the day ended. Usually the actual
physical work would begin just after 14h00pm when the children from the neighboring schools concluded their school day. The park worked as a space for an aftercare, managing and facilitating the behavior of children for development. As well as not allowing them to be vulnerable and alone at home while parents are at work. I spent my day helping out at the main offices in case cleaning was needed as well as give advice on how activities can be improved or certain incidents could be avoided or dealt with, such as; the theft of water pipes that were being stolen at the container. The library system of books not being returned and lastly how to get more children involved. I also usually spent my time with junior management at the office, a lady named Thabile Maziya, however, she then left her post after my first two week at COPESSA. I usually questioned her on the happenings at the park and offices in relation to my research.

After two weeks in and around the office and containers I spent my time on the park. I mostly took pictures and spoke to the volunteers between 12h00pm and 14h00pm. As I got to know the other volunteers better I would then usually spend an hour and a half of our day eating with them (informal interviews on the record), as well as walking around the neighborhood and park. I would also spend my time teaching children how to read as well as set up activities for the children and at times facilitate them with the help of another volunteer. Moreover, help out with the library in terms of packing, and cleaning. This is what I would mostly spend my time doing as a participant-observer.

I combined participant-observation with other methods of data collection. These included the use of drone-imaging spatial mapping, data from public archives such as media reports (including newspaper articles and TV news stories) and random video observations culled from YouTube and other social media platforms. On this last point—the use of videos— I also filmed various scenes in the park and I have incorporated a video which I created from such filming (edited, cut-outs) as an appendix, in order to help further understanding of the issues and points I raise in the written report (see Appendix 2). Lastly, as the example of the Service Delivery Agreement cited above illustrates, I also draw on public policy and legal documents such as formal agreements/memoranda.

My effort in integrating several elements of data collection in my ethnographic study is an attempt to respond to some of the opportunities offered by new information and communication technologies (ICTs) for ethnographic research of the contemporary city, particularly in the
Global South. Throughout my conversations with my supervisors I have expressed my desire to do things a little differently from the conventional approach of researching and writing in anthropology. This is particularly so when it comes to researching the links between broad moments of social transformations (e.g. the “post-Apartheid” South Africa) and urban processes, including making sense of the relationship between the shape, vision and experience of large cities such as Johannesburg. Important in this direction, I think, are the ways that urban citizens at the margins such as in the townships draw meanings not only from their public places such as streets and parks, but also understand how these may be associated with large-scale projects of urban social transformation initiated by different organizations and powers in the city, including the municipality and NGOs. I should also indicate that although this NGO is focused on mostly working with children, my research does not tackle that subject. Children are discussed only as an element of contextualization of the mission of the NGO itself. This is so because attaining ethical clearance in relation to talking to such (the children) research subjects is difficult, especially at an Honours level.

**Privatising Public Places: a Review of Relevant Literature**

What makes something or someplace “public”? This was the main question that guided my reading of different kinds of materials (especially scholarly and policy literature) in relation to my research project on this park in Soweto. As my discussion of the problem statement above makes clear, there is a wide range of literature in relation to the privatisation of public spaces, as well as what public and private entails. Following from my discussion of the problem at stake in this research project above, I will discuss some of the literature I feel are most relevant in situating and contextualizing the key themes, issues and questions relating to my study.

Thinking about “public” places or spaces necessarily involves reflecting on the question: why? That is, is there anything intrinsically different between such spaces or places and those inhabited or described differently, say as “private” ones such as individual’s homes? At the very least, what seems to be a main element of discussion is a question of value(s). For many authors, public places or spaces differ from private ones as a matter of the kinds of interests they foster and represent. On the one hand, the former are associated with what is called “public goods” that benefit a wider community of people that participate in the production of such a good, for example education or policing. The latter, on the other hand, are associated with “private
interests”. As a result, public interests or goods are deemed valuable for the very fact that they are publicly accessible provided one meets the conditions of membership in a particularly defined community in which these interests/goods are offered. In short, public places or spaces would be part of what Barnett (2014:6) calls the multiple ‘grammars of public value.’ Taken as concepts that emerge in relation to the “modern” capitalist state, public and private places correspond respectively to the domains of public interaction associated with business, economy and politics, on the one hand, and the home and family, on the other (Starr 1988). The relevance of this debate on the public-private discussion in regards to public spaces and places can, in part, be understood from the views of the UN-HABITAT. As its Executive Director, Joan Clos i Matheu, writes

What defines a character of a city is its public space, not its private space. What defines the value of the private assets of the space are not the assets by themselves but the common assets. The value of the public good affects the value of the private good. We need to show every day that public spaces are an asset to a city (cited in Project for Public Spaces, Inc., 2012:3).

Also, in relation to our discipline there is an anthropological consensus that spaces and places of any kind are socially constructed. A monumental work in anthropology that offers an overview of this consensus is the edited volume by Setha M. Low and Lawrence D. Zuniga (2003). But what implications does this hold for our understanding of those places that we think of us “public” places? Among the many anthropologists who have written about this subject, I find Margaret Rodman’s work particularly helpful. For example, Rodman (1992: 641) suggests that places spaces must be approached ethnographically as politicized, culturally relative, and historically specific. As such the meanings attached to what is a public place or space are always negotiated and contextualized according to local histories and relations of power.

In regards to my focus on the privatisation of public parks, then, the central question of interest has been to determine how their social constructions and histories are contingent upon various social and material conditions and processes. For example, in theorising the ‘publicness’ of public places Mitchell (1995) describes the issue of ownership of public spaces as important. Mitchell (2003) underlines that the issue is very much about urban citizenship as it is about social justice and rights to public spaces for all people. In this regard, for example, when Els De
Vos (2005) writes about the Belgian city of Ghent he remarks that ‘diversity’, ‘anonymity’ and ‘safety’ are important qualities for parks to hold. If the anonymity refers to the opportunity for the dissolution of the individual identities of users into a social whole with its own collective identity (cf. Nemeth, 2009), the guarantee of social safety frees users from the fear of assault or confrontations (De Vos, 2005). The third element in De Vos’ discussion, diversity and the equality of access to public places, is also a very important point in theorisations of processes associated with the social constitution of public spaces (see Soja, 2000: 320, Soja, Edward W. (2000) Postmetropolis: critical studies of cities and regions (Oxford; Malden, MA, Blackwell Publishers; Mitchell, 2003: 129).

Questions of diversity and access to public places are particularly important for a country like South Africa in regards to concerns about racial (cf. Terreblanche, 2002).) And sexual freedoms. For example, in this country the histories of racial inequality under the British colonial and Apartheid regimes means that race has always been central to thinking about urban planning and public places (see, Fraser, 2008; Houssay-Holzschuch and Teppo, 2009; Ramoroka and Tsheola, 2014). Crucial to diversity and access, it may be argued, is the extent to which authorities may have the power to exercise control over who can enjoy these public places as well as when and how they may do so. In this regard, Németh (2012) states that there is a need to analyze control and freedom in public spaces (see also Németh and Schmidt, 2011). So, in the context of contemporary South Africa, my research attempts to contextualize Nemeth’s suggestion about the need to contextualize the dynamics of control and access. Only I am doing so from the point of view of the privatisation of such public places.

In a very wide-ranging scholarly review on the subject of the privatisation of public spaces on behalf of the Grovesnor Research Group in the United Kingdom, Mike Devereux and David Littlefield (2017) conclude that what is undoubtedly clear is the ‘contested nature of the subject.’ For these authors ‘The critiques of privately-owned public space can be polemic and damning, typically based on a suspicion of private motives, restrictions on behaviours, accusations of commodification and homogenisation, and (largely middle class) exclusivity’ (Devereux and Littlefield, 2017: 3). The authors offer a really comprehensive and fairly-balanced discussion of the issues and questions. This is certainly going to be highly useful for students like me who are
just starting out in this line of research. For example, among several other questions surrounding the involvement of private actors in the provision and or management of public spaces, the authors argue that at stake are the following questions:

- Who is the public? (is there such a thing as a single public, or multiple publics?).

- What is public space? (space owned by the public sector? space accessible to the public?)

- What activities and rights of access are implied by public space?

- Are spaces such as open parks and covered shopping malls, or airports, equally part of the public realm, or quantifiably different?

- What is the relationship between ownership and control/use/access? (Devereux and Littlefield, 2017: 4-5).

Fortunately for me, given that the authors’ review is very comprehensive as well as really recent, there is no need to undertake a similar task here. Rather, the more relevant question for me is to think about how their review helps me to situate and position my own research. As they sum up their overview of the state of research on these and related questions surrounding the privatisation of public spaces, Littlefield and Devereux follow Matthew Carmona’s (2015) conclusions on the matter. For Carmona (2015:400) the most relevant point is that ‘Ultimately, the rights and responsibilities associated with spaces… are far more important than who owns and manages them. How, not who, is key.’ My research report is very much guided by this invitation to reflect on the process of privatisation and its relationship to questions of access as opposed merely identifying the agents of privatisation. Especially clear, is the call to focus on the nature and expression of responsibilities and rights throughout these processes of privatisation.
CHAPTER 2
COPESSA: AN NGO IN A CITY PARK IN SOWETO

Introduction

“The space was sufficient and so was the goal, the community was dreaded, no life only further decay.” This was how Gopie described the very beginnings of their NGO’s work in Protea Glen Park to me. Gopie is a manager at COPESSA. And there are several others like her who try and manage the day to day happenings at the organization. Even further they would argue that by their various activities in this place they try to deal with new ways of making the community better. “Sometimes you have to do what you have to do. It is never easy, but it must be done,” Gopie says further. These are but the very few words that were shared with me when speaking to management. COPESSA works for the purposes of the providing community-based solutions to social issues or problems. Such solutions include “community prevention” actions such as childcare and gardening as well as activities in the area of child health and youth programmes.

But how did COPESSA get here? How did the organization come to get an exclusive access to an area of the Protea Glen Park in Soweto? This chapter examines the ideational, institutional and material arrangements surrounding COPESSA’s presence and operations here. As a non-profit, non-governmental organization (NGO), COPESSA is part of a broad constellation of similar organizations whose visions, missions and actions constitute what has come to be called the ‘NGOisation’ of the world (see the edited volume by Choudry and Kapoor, 2013). With this notion of an ‘NGOisation’ of our life today, particularly in reference to Global South contexts, contributors to this edited collection draw our attention to the sometimes self-interested thinking and actions of NGOs. Particularly, these authors demonstrate how such NGO actions, programs and projects, including the signing of Memoranda of Understanding with government agencies and or corporations, may end up re-inscribing themselves in and reinforcing the neoliberal logic of privatisation. But it is not only by means of NGO action that such privatisation of public interest might be enabled. Indeed, almost a decade earlier Sangeeta Kamat (2004) had drawn attention to what she termed the role of ‘NGO discourse in a neoliberal era’ in facilitating the multiple ways that public interests may be privatised. Whether by discourse or practice, the result, Choudry and Kapoor (2013:5) write, is that NGOs are often complicit in the ‘privatization
of the notion of public interest.’ In other words, NGO interventions and activism are argued to have become largely the result of multiple processes of ‘corporatisation’ (Dauvergne and LeBaron, 2014). This leaves them less and less able to enact a real social transformative agenda. As Kamat (2010: 156) puts it, at stake in such modes of privatisation is the ‘revaluation of private interest and public good.’ It is therefore important to look out for the ways in which this may occur in various places around the world as well as the various objects of public interest that may be subject to privatisations in ways that may be either explicit or implicit.

In this chapter I seek to build upon these recent general theoretical critiques of NGO interventions in relation to the privatisation of public interests to examine the particular case of COPESSA and the public park at Protea Glen Extension 11 in Soweto, Johannesburg. I suggest that this is an interesting case in both irony and paradox. My argument here is that COPESSA’s successful efforts at privatisation of a portion of the park in Soweto was largely contingent on its use of a concept associated with the very idea of “a public”: the community interest. Indeed, as I was told by the staff at COPESSA, an important element in the agreement between the JPCZ and COPESSA was that the NGO’s activities should be directed towards the broader good of the community. But what is this “community” that COPESSA would serve? Were they any part of this negotiated settlement to delegate a part of a public interest (the park in their neighborhood) to a third party (COPESSA), I wondered?

From: “A Dumpsite” Origin Story …

To locate a physical site for its activities, COPESSA identified a dumpsite. So from the very beginning this space was always already public in some sense, if not in the sense of property rights to ownership of the place, at least in the sense of its use. As Ash Amin (2006) writes,

Urbanists have long held the view that the physical and social dynamics of public space play a central role in the formation of publics and public culture. A city's streets, parks, squares, and other shared spaces have been seen as symbols of collective well-being and possibility…

But in its account of the very beginnings of this park project the NGO claims that the park “was built from an illegal dumpsite, about 100m away from COPESSA” (see COPESSA, n.d.). I
found its choice of the word “illegal” to describe this place that served as a dumpsite for some community members to be particularly interesting. As I see it, dumpsites within communities in the townships hardly emerge out of legal assignations from whatever authority that might be deemed “legal” (the City of Johannesburg?). Rather, they tend to spring up spontaneously here and there largely because of broader social dynamics around a sense by community members that some spaces are “empty” and others are “occupied.” I wondered whether in defining the site as an “illegal dumpsite” COPESSA was not trying to legitimate its efforts at appropriation of this space for its own uses. Anyway, it seems that from the very beginning this space was always already public in some sense, if not in the sense of property rights to ownership of the place, at least in the sense of its use.

Figure 1: A View of the Site before its transformation.
Dumps, like market places, city streets or parks, are both open and “public places” or open spaces that are typically considered to be for the general ‘public’ or ‘community’ use. As Saskia Sassen (2006) remarks, the “publicness” of such places derives to a considerable extent from the

Source: COPESSA’s website (http://www.copessa.co.za/projects/childrens-park) for all three pictures.
fact that ‘Users do render them public through their practices.’ Most often responsibility over these spaces of rubbish disposal fall on designated “public authorities” such as the chief and his councilors (in the case of villages) or the municipality and its surrogate agencies (in the case of cities). But public places do not only have multiple uses (Atkinson, 2015:135). They can also easily be re-purposed and refitted into entirely new forms and designs suited to absolutely different uses (Degen, 2008). However, what remains central to all public places, despite the multiplicity of forms or uses, is their essentially “public” character in terms of “openness” and diversity (cf. De Vos, 2005: 1036). This openness must be understood not only in terms of the capacity of public places to accommodate this multiplicity of use and users but also in terms of their “accessibility” and safety to all who seek to be part of such places in one way or another (American Planning Association, n.d.). As the case of the Protea Glen Park in Soweto demonstrates, a local community dumpsite characterized by rubble and having no marked boundaries became the object of an NGO’s vision for a new design and use as a park. This dumpsite was situated some twenty or twenty five steps away from COPESSA’s head offices in Soweto, Protea Glen extension 11.

COPESSA was an organization that was already established within the local community here in Soweto. It used to be called the Zamokuhle Child Abuse Centre but in 2004 its name was changed to COPESSA. According to the narrative of managers at COPESSA, the organization began talking to City Parks about the need for transforming this dump site into a park when social issues were at a high in Protea Glen. For instance, according to the organization incidents of child abuse were a source of constant complaints from community members. As the NGO narrates further in that same account on its website regarding the origins of this project,

There is nothing as heart wrenching as when one consults with a child who gets abused while they were playing and got carried away with the exploration and wonders away from safety. A number of abused children who presented to us were abused while playing in secluded areas and dumpsites, which are often a distance away from the community. On further investigation of this trend we discovered that there were no safe areas in our community where children could play (COPESSA, n.d.).

But the feasibility of this request was made even more possible by the social and economic circumstances of the country at the time, specifically, the year 2009. There was an unmistakable
need for safe spaces for public interaction in townships such as Soweto considering the feverish buzz over South Africa’s first ever hosting of the FIFA Soccer World Cup in 2010. The drive to claim, appropriate and accumulate, build and develop public spaces was felt in most urban centres of the country. With the theme of a “world class African city” almost at every turn, buses, taxis and so forth, it could only mean that the “City of Johannesburg” was at work, an oiled up working machine. In this atmosphere of optimism and a sense that the nation was forward-looking towards global prominence, COPESSA approached the city, specifically Johannesburg City Parks and Zoos. However, attaining this objective did not come easily for COPESSA. “It was difficult I tell you,” Gopie explained to me further. As she tells it,

“Big, Black, and Bold.” That was a common mantra that was chanted, as well as what the BBB[EE] stood for in this context. The name Soweto also had a lot to do with it, “it” meaning, reaching some sort of verbal agreement, COPESSA had an agenda, one of protection due to cases of abuse always being logged to the front desk. If the park was to be built, instead of these children going back to a sometimes empty household where parents are striving to become breadwinners, not to also leave the children vulnerable and alone. The park was a solution; the containers on the park were an even better solution. The next step was to spread the vision onto others.

Figure 2: Aerial view of Protea Glen Extension 11 Park, Soweto, Johannesburg.
Source: author (Kenny Nigere) for both pictures.
Gopie then went on to state that a sum of money was allocated officially for a particular use, specifically suitable for the circumstance. I understood this as appropriation at its purist form, donations became the motive, donations were key. Gopie stated that City Parks saw the goal and was convinced by the effort being put in from COPESSA’s side and approved of it. But from what I understood from Gopie there was a lack of clarity on responsibility and ownership, however, responsibility was delegated in some form nonetheless, “COPESSA” was further engraved “in partnership with City Parks” at the entrance of the park. Once the containers were set, a donated library came about, and so did children’s plastic seats and tables, an irrigation system, electricity and so forth. This is similar in Flint (2014) description of a park being intentionally designed in a manner that is purposeful for a motive, “Anyone who walks the sidewalks of New York [Protea Glen Park] realizes how much of the city's life is played out in public. The way that space gets used can seem accidental as much as intentional, from the High Line … to the benches at either end of the planted medians” (Flint, 2014). The space gets used intentionally to further goals set by COPESSA for the community, to an extent laying claim to the park in a subtle manner through that of events and control during after care programs. Hence the use of the container and its library, two parks one across the road with the intention of adults on one side, children on the other.

From the above description, the park was set out with three containers: one on the left as you walk in, two to the right (see photos above). Furthermore, to the left were the swings, the merry-go-round and the slide, benches and tables made of cement were also visible, followed by a sandy soccer pitch with two metal poles instilled into the ground. The field was small but it further defined the park, it gave purpose to its direction and usage. Thinking about this transformation of a dumpsite into a public park I couldn’t resist seeing the theme of recycling that is now so present in our everyday discourses and institutional practices. From a site of rubble the new Protea Glen Park now housed the sounds of children playing, with a school situated right on the other side of the park, Faranani Primary. This school became embedded into the culture (aftercare program) of both COPESSA and the park. With every new child entering into the space after school, they signed forms, even further consent forms to be part of this culture. COPESSA became a presence (still is) within the community. The metallic containers marked with the acronym of COPESSA became physical, cultural objects, parts of a symbolic
universe of urban playfulness, leisure and freedom that this part of the city could also pretend to offer its local community and visitors (cf. Nemeth, 2012: 12).

“Today, this park is not only a safe place for children to play but also boasts of a mini-library, an activity centre where we host our After Care Programme. Children can enjoy activities such as playing chess, reading or sports, to mention a few.” (COPESSA, n.d.)

… To: “COPESSA’s Park”

Walking through the park on the 29th of September, I could hear it; the children did not just call it a park. It was “the COPESSA Park” as the voices began to draw closer. I had just finished having a conversation with Kamo. Kamo is a volunteer who has been under COPESSA for four years. Kamo describes the parks as one of COPESSA’s great leaps forward, “Yes, for us to get this park has left a mark in our community”. Thinking further in relation to the notion of leaving a mark as well as Kamo interpreting COPESSA as “us” I could sense that there was a claim that has been made, even further the claim was achieved. Kamo further went on about how it was once a dump, he pointed at the swings and said, “you could never have imagined that would be here today”. Conversations of the past and present was what proceeded throughout the day, Kamo said he had always liked children, but also the resentment of adults and the power to abuse, imposed onto children came into contrast, knowledge was key, always is, the fact that these adults had the knowledge of power over children is another reason that led to COPESSA being established. The factors of knowledge being power as well as a need for surveillance to control became engrained into COPESSA’s vision. COPESSA became controllers of the park to a certain extent and gained the knowledge of being able to watch over children from their parents was a further dynamic (still is). Being able to then transfer knowledge of power onto the children also became a big factor, a given factor with the issues (rape, abuse, depression) that surrounded the community.

**Figure 3:** Children playing within COPESSA’s perimeter of the Park (notice barricade separating this part from rest of park)
Source: COPESSA website.
Conclusion

It can be argued that the privatisation of the park in Protea Glen was not one of ownership but of use. That is, it is essentially a privatisation of user-rights rather or property rights in regards to ownership of this part of the park. COPESSA had exclusive use of this part of the park and controlled access to it as well as the ways users could conduct themselves once they are admitted. But at least in the absence of any formal transfer of title deed (if there is any) from either the City of Johannesburg or the local community chief, COPESSA did not “own” this place in legal terms. Even more, the ethnographic accounts demonstrate sufficiently that the allocation of this space to COPESSA was certainly made contingent on the “public,” community-based orientation of its mission and everyday work. As a corporate, private but not-for-profit actor COPESSA made a request for a public space (a dumpsite) to be transformed into some other kind of public space (a park). Furthermore, as part of this transformation, it also requested that part of this park be allocated to it exclusively by the City authorities. Both of these requests by an NGO were granted by the Johannesburg City Parks and Zoo in an apparent exchange of its help in tackling some of the ongoing social issues in the community, especially child abuse. But, importantly, as the incident of police arrests suggests it is also apparent these requests for a privatisation of use were also granted on the unwritten, moral understanding that COPESSA will assume some kinds of responsibility over the surveillance and control of who the users of this ‘privately’ allocated domain of the park will be as well as what they could or could not do once they come into this space.
CHAPTER 3

PRIVATISATION COMES WITH RESPONSIBILITY: PUBLIC PLACES AND THE MATERIALITY OF REGULATION

Introduction: On “Open Spaces”

On its website, the section directing visitors to “What we do”, the Johannesburg City Parks and Zoo, states the following:

Vision: A green, clean, conserved and active world-class, African city.

Mission: To develop, maintain and conserve public open spaces, cemeteries and animal life for present and future generations (Johannesburg City Parks and Zoo, n.d.).

As a reminder, the Johannesburg City Parks and Zoo is a publicly incorporated organization. It is “mandated by the City of Johannesburg to manage the City’s cemeteries, parks and designated public open spaces as well as to ensure that its environmental conservation function is carried out” (Johannesburg City Parks and Zoo, n.d.). From its bold statements of “vision” and “mission” above, the strategic focus on the “openness” and “greening” of the city’s spaces by the authorities of the City of Johannesburg is aligned with their effort to present Johannesburg as a “World-class, African city” (see JCPZ’s map of its “Open Spaces”, accessible online through: http://www.jhbcityparks.com/images/stories/pdfs/openspaces.pdf). Indeed, open (and especially “public”) spaces are now desired and clamoured by most cities around the world today as a way of re-inventing the contemporary city. As a result, municipal authorities and agencies around the major cities of the world seem to be under increasing expectations to re/invent their cities as “sustainable” and “habitable” places. In this sense, such new efforts at urban “openness” and sustainability are part of the age-old culture of the ‘world city.’ These efforts run counter to the emphasis on abstraction and extraction that come with the ‘global city’ (see Sassen, 2005:28). As Ash Amin (2006) writes,

Urbanists have long held the view that the physical and social dynamics of public space play a central role in the formation of publics and public culture. A city's streets, parks, squares, and other shared spaces have been seen as symbols of collective well-being and possibility…
But an important point of consideration is the management and control of such public, open spaces once these are established. If JCPZ “is mandated” by the City of Johannesburg to manage the City’s open spaces, what are the parameters by which this happens if a “third” party such as COPESSA becomes involved?

A Curious Set of Agreements: The Materiality of Public-Private Regulation

In this chapter I try to analyse and discuss the legal and institutional parameters, on the one hand, as well the actual practices of regulation by COPESSA, on the other. I propose that both of these are integral to the materiality of privatisation that operates in COPESSA’s “deal/agreement” with municipal authorities. In other words, both work to give form and content to this curious privatisation reached between COPESSA and the Johannesburg City Parks and Zoos (JCPZ). As I hope will be evident, I begin by paying attention to the legislation regarding the regulation of public spaces or places such as city parks in Johannesburg by public authorities. Ultimately, my intent in the chapter is to indicate how these might be tested by new practices of privatisation, whether in formal or informal ways as the case is with COPESSA in the Protea Glen Park.

As I have already indicated in the introductory chapter, this curious mix of public-private ownership and management of public spaces is not unique to South Africa. This is only one among possibly several forms of privatisations of public places and spaces that some have been describing elsewhere as the emergence of “pseudo-public spaces” (Schenker, 2017 and Garett, 2017) or “hybrid spaces” (Nissen, 2008). However, I argue that the Protea Glen example actually runs contrary to the situation that Schenker describes for major capital cities in Western countries. Where in those places “squares and parks that seem public but are actually owned by corporations,” the Protea Glen example is different in at least two important respects. Firstly, “ownership” of the park in Protea Glen appears to still be technically residing with the municipal (and therefore public) authorities. As recent work by anthropologists in Johannesburg suggests, it is the case that determining legal property rights to ownership of some public places under the management of the Johannesburg City Parks can itself be challenging. There are uncertainties as to whether the municipality actually “owns” some of the places it is “appropriating” for itself through a variety of institutional means and practices that include fencing and collection of user-fees (see, for example, Wilhelm-Solomon et. al. 2016).
Of course, “private ownership” does not by itself immediately eliminate the possibility of enjoyment of the space by visitors from the public. As Jack Shenker (2017) admits ‘there are many instances where private spaces are well-used and enjoyed, and contribute socially and economically to the city.’ However, it remains central to consider that ownership might be crucial to the “public” character of such spaces in at least one important respect: control over access (cf. Low and Smith 2006). A second important way in which the Protea Glen example is remarkably different from the situation described elsewhere concerns the kind of corporate agent involved here. Elsewhere the corporate agents of privatisation of public spaces are for-profit corporations. However, the Protea Glen example stands out as one of the earliest examples of the ways that NGOs might be embedded in the privatisation of public spaces such as parks, even if it is for non-profit motives. This is important because the question of control over access poses itself again as a major concern over the “public” character of such a space once a non-public authority is delegated such powers.

A Verbal Agreement that Delegates Control Over Access

“Hello,” I heard Gopie saying on the line. Then the line went dead. I called her back: “Sorry the line cut, so you were saying there wasn’t any formal agreement?” Gopie went onto say that it was just a verbal agreement between COPESSA and Johannesburg City Parks and Zoos. However, according to her account, COPESSA returned to City Parks in 2013-14 in attempts of working out a memorandum of understanding (MOU). These agreements are still in a process and awaiting decisions. But for now, there is still an unofficial agreement to use the parks whenever they can, but COPESSA does not have the authority to delegate the use of the park to other people. Gopie did not sound too happy when she spoke about the mutual verbal agreement. COPESSA however, had another opportunity to approach City Parks when a few community members asked for a skate park. As a corporate organization, although one defined by a “non-profit” mission, the community saw COPESSA to be better placed than ordinary, individual community members to engage in negotiations with City Parks. For all intents and purposes, therefore, this was a curious informal or non-verbal “arrangement”. The part of the Protea Glen Park administered by COPESSA was under a kind of “private management.” But it was nonetheless still legally “owned” by the municipal authority, the City of Johannesburg represented through its specific agency the JCPZ.
Nonetheless, an important consequence of this verbal agreement is that it still gives COPESSA *de facto* managerial control over access to the part of the Park under its management. An instance of such control over access is another kind of agreement that COPESSA entered into with a local school in the neighbourhood, Faranani School and the BASA Institute Primary School. Faranani sought a longer-term relationship with COPESSA in order to guarantee access to the COPESSA play park for their school children. To do that, the school administrators went through various steps in order to successfully attain an agreement. These include holding an introductory meeting with COPESSA managers to talk about whom they are, organizing school talks and allowing COPESSA to organize awareness campaigns in the school. Another school, the BASA Institute Primary School asked for permission from COPESSA because it has no play area of its own. At least for these other actors, even without a clear, formal evidence of ownership they think that COPESSA “owns” this part of the Park. COPESSA, in contrast, tends
to pretend to be unaware of the power that this control over access gives them in their relationship with other actors around the local community. At the very least, they seem to want me to think so. As Gopie said: “I do not know why they asked, but clearly a notion of us [COPESSA] owning the park is out there somewhere.”

As far as the JCPZ is concerned, the Protea Glen Park in Soweto can legitimately be described as a “marginal” park. It is not among its twenty-five or so “Flagship parks” advertised on the JCPZ’s website, that include notable spaces such as the Joubert Park, the Melville Koppies, Oppenheimer Tower and Zoo Lake. To return to COPESSA’s access to this park, the following account from the organization is a helpful reminder of both the mode of involvement and the kind of relationship(s) implied:

In 2008, we approached Johannesburg City Parks, whose mandate it is to build Parks, to partner up with us to build a play park for children. The first phase of the first park was realised in 2009 in Protea Glen Ext 11, thanks to the following sponsors: Johannesburg City Parks, EOH Mthombo Trust, Table of Peace and Unity Infant Trust … (COPESSA, n.d.).

The key word here, it seems, is the term “partner”. As far as COPESSA is concerned the Protea Glen Park in Soweto was established through a “partnership” of some kind. We are told that funding for the initiative came from identified “sponsors.” But this partnership to establish an open park for children, an initiative born from a private (non-profit) organization and the JCPZ brings up all kinds of questions, including those related to ownership and everyday management and control. Upon the authority conferred to it by the municipality the JCPZ manages its portfolio of over 20 000 ha of green open spaces according to the terms specified under “Public Open Spaces By-laws for the City of Johannesburg Metropolitan Municipality.” These By-Laws are themselves predicated on Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000). As far as my research is concerned, the most relevant provisions of these By-Laws is Chapter 2 (“Management and Administration of Public open Spaces”), Chapter 3 (“Prohibited Conducted”) and Chapter 5 (“Cooperative Managements Agreements”). For example, subsection 3 of section 4 in Chapter 2 of these By-Laws provides that: “Subject to the provisions of subsection (5) and section 7, people must be given access to public open spaces on a non-discriminatory and equitable basis” (City of Johannesburg Metropolitan Municipality,
Likewise, in Chapter 3 Section 12 Subsection 1 of “General Prohibitions,” the By-Laws provide the following:

1. No person may within a public open space –
   (a) act in a manner which is dangerous to life or property;
   (b) contravene the provisions of any notice within any public open space;
   (c) unlawfully enter a public open space to which access has been restricted in terms of section 8;
   (d) cause a nuisance; or
   (e) Behave in an indecent or offensive manner.

Such regulations are an important material basis for the management and control of all public open spaces. But without the direct involvement of the JCPZ in the day-to-day management of the portion of the Protea Glen Park allocated to a third party, how does COPESSA undertake such regulatory responsibilities? I propose that COPESSA strives to achieve this regulation partly through a dynamic cooperation with other authorities and state agencies and partly by account of its own internal processes and actions. I will first describe my ethnographic observations in relation to the first aspect of cooperation that has to do with cooperation. I will then go on to discuss the variety of practices in COPESSA's work that help to bring about some kind of regulatory action in the space under its management.

Although the above-mentioned regulations are the main focus of my research. A further identification of the Service Agreement between JCPZ and the City of Johannesburg can shed further elaboration to what is being discussed. Section 16.3, s19 and s20.3 on pages 35 to 38 of the document can be considered, for example:

In relation to s16.3 relating to Human Resource Policies of the SDA; stating that JCPZ shall at all times during the duration of the agreement mandated to them must develop and maintain a register of all employees employed by it in a separate file, and point out the rights and functions of the employee within city parks (SDA, p35). Moreover, s19 on Socio-economic development plans and further budgets given show how and why JCPZ come to funding certain spaces and for the purposes of the local community as a whole. Lastly the inclusion of s20.3 of the SDA also
speaks to a formulation of my research with regards to, mitigating losses as well as agreements to liability. The reason for this inclusion mostly relates to the fuzziness that takes place, matters of uncertainty and responsibility, even with the formalistic expressed terms of the duties and obligations laid out in this SDA (p.37-38).

The Dynamics of Vigilance and Cooperation

“Hey wena! Hey wena, Ntombi bring back the book, please, and do not just throw it in the shelf (Faith one of the volunteers in the background).

Faith, another volunteer (one of the consisting five volunteers) is constantly shouting at one child or another. There are a variety of reasons that may explain why she shouts on each occasion. I often figured one of these reasons may be due to the fact that she has to meet the new faces of the children because shouting seems to be like a kind of routine, always following the same style. Faith always spoke of a system, one that watches over them and records them and so that books do not also go missing from the library in the aftercare. She further spoke about a system that threatens them: “It is the only way,” she said. “And they [the children] must know I am watching,” she said further. As far as monitoring the behaviour of the children inside the container, Faith was the regulator. She was a legal physical presence enacting the cultural practice of social control (cf. Nemeth 2012).

In this example, COPESSA’s privatisation was more than just the fact of claiming the space by imposing containers marked with the NGO’s acronym. Certainly, this was a material presence that asserted an “ownership” of sort of the space. This material presence was clearly demarcated and bolstered by “boundaries” that separated its space from the rest of the park: a fence made of metal bars (see Figure 4 below).

But the burden of privatisation is also that it demands a constant monitoring and control of the bodies that move into the space over which one asserts ownership. And even more, it demands a careful surveillance of the attitudes of the bodies that are admitted, a responsibility of knowing where they are within the Park at all times and what they are up to.

Figure 5: the metal fence demarcating COPESSA’s perimeter from the rest of the Park.
For COPESSA, coping with this expectation of social control was also very much about how the “smaller” details of everyday practices can be useful to this management and control of this open space. I once arrived there and saw the Johannesburg Metro Police Department arresting young adults who were smoking in the parts of the park that had been informally (that is verbally) allocated to COPESSA. The police proceeded to turn to the volunteers telling them how they (the police) appreciate the reports from the volunteers and how it is good for these boys not to smoke at the park with all these children around. Responsibility was given, and when routine was not followed, consequence proceeded (a new form of modern day prison for the safety of the kids, an “open prison”). Privatisation of the public came with a responsibility for COPESSA the need to constantly watch over, both the parks and the children. Through policy and relationships, COPESSA has the power to call upon the Johannesburg Metro Police (JMPD), much like Jack Shenker (2017) reports on “a new culture of secrecy and control, where private security guards can remove you for protesting, taking photos ... or just looking scruffy”.

As I walked towards the park and took the turn from Faranani primary school to make my way to the containers. I saw a white van swerve into the park. A few young adults began to scatter, they knew what it was. My head was racing, surprised at the amazing turn of events. When the van stopped, a bald-head man in uniform ran out towards the dispersing group of young adults who
were positioned at a bench smoking. It was trouble. The man in blue uniform caught two of the boys, and quickly hand cuffed them. I saw Bastian and Katlego smiling and heading towards the white van. They spoke to the man in uniform and shook hands. I quickly rushed towards the dramatic scene. As I looked at the van, I did not notice any badge or symbol to indicate that these were police services. The bald-headed security man, on the other hand, looked like he was part of the police. He had the recognizably blue uniform. As he placed the two young men into the back of the van, I made my way to Bastian and Katlego and asked what was going on. “No, we just called the cops so they could arrest these kids who were smoking weed, because they’re not allowed to do that on the park”. Here, at this moment, I thought about Shenker’s (2017) perceptive remarks about an evolving fuzziness of responsibility and delegation of control over the management of public spaces.

**Regulation through Routines of Bureaucracy and Community**

In a Foucauldian lens of governmentality (Foucault, 2007), the register (see Figure 6 below) is an important element of everyday practice in COPESSA’s organisational life. Information on people are “recorded” or “captured” into it in one way or another. As such, the register helps in COPESSA in the monitoring of both the volunteers when they come into the space in the morning as well as the children who want to use many of the services offered in the NGO’s containers. As a volunteer, you sign in at the main offices, before you are given access to enter a container. Moreover, the same applies to the children in the afternoon when they come in to the park and enter a container. For the volunteers, this does not seem to constitute a source of worry. Rather, they understand this as part of the routines of their job. This answer from Bastian (a German volunteer from South African German networks) is illustrative of this bureaucratization of the NGO’s controlling function over its employees: “Yeah, man we have to sign in always. Because we are coming here to work, it has become a job”. After “signing-in” on the registers, the volunteers are then directed to go work in the parks as “facilitators” of activities of one kind or another. To some extent these facilitations help to offer monitoring around the park. Even if you are a community member just walking about the park or right outside it, you tend to notice these volunteers not only because of their race but also because of the actions they take in regards to the children.

Figure 6: Pictures of the Register and the Library


Returning to the register, Bastian went on to tell me that the register was like “a vision” for COPESSA. This register “had more than just your usual library registration details. It contained parents’ phone numbers, who helps with homework, who is the breadwinner, allergies … and so on.” All this unfolded due to a need for a child to borrow a reading book. Details of these children are then studied, and so is the situation at home. I thought to myself as Bastian had dismissed me after that conversation. This register hey, it delegates orders, it then gives identity to both COPESSA and the subject, delegating duties of support, intervention. This then is a mechanism of appropriation. Moreover, bringing in a concept of privatiation, a Foucauldian term of the pan-optic can be spread out through these registers. The volunteers work as the guards in this “public space” they watch, and observe the subjects, the subjects are always aware that there is someone watching over the children on a daily. Furthermore, the registers work as a direction of what to do with the individual, a form of prison for development. The volunteers know each subject, these are the cultures that are developed through the everyday practices of COPESSA.

Another important element of regulation by COPESSA is operation through “engagement” with the community. Notably, this works through the bi-weekly or monthly town-hall meetings the organization convenes with members of the community in attempts to bring them [community] together around common issues affecting Protea Glen. If the town-hall meetings help the community to see the value of having an organization like COPESSA in their midst, it also works to produce acceptance of COPESSA and reduce potential challenges to its presence and
control of parts of this park by members of the community. Additional to town-hall meetings, there are also other practices of community engagement by COPESSA. I will briefly mention two of these. The most notable one involves its partnering with Pick n’ Pay to offer a “bread collection” and distribution programme. This joint initiative that Pick n’ Pay shopping outlet in the Protea Glen neighbourhood, with Kamo [a volunteer] specifically stating that “the Pick n’ Pay gives, three particular items (bread, peanut butter and jam) to the NGO for distribution to the “needy” children who participate in the activities at the day care in the community”.

Another element of useful service for the community is that COPESSA could be approached for keys to the public facilities in the Park such as access to the bathrooms, even though these facilities are inherently owned by Johannesburg City Parks. All these actions and initiatives by COPESSA certainly participate in the regulatory work. But more than this, I would argue that they must also be understood as part of COPESSA’s effort to demonstrate the sense of moral validity and community-orientation that was at the basis of its non-verbal agreement with the authorities of the City of Johannesburg. This is particularly important if one takes into account the reality that COPESSA is still looking to formalize this agreement and, hopefully, make it quite permanent and less subject to the uncertainties of informal agreements with the City of Johannesburg through JCPZ.

**Conclusion**

In an article by Nemeth (2012) entitled ‘Controlling the Commons: How Public is Public Space?’ Nemeth argues of the control and access with regards to public spaces as a central focus. Through this a need for contextualizing and analysing freedom and what these terms actually mean. This then suits the main argument of my ethnographic content as I try to understand these notions and implications of legislation and the constant regulations, the model used can be clearly established in Protea Glen. A key prospect with the volunteers of COPESSA, acting in the form of physical, code and content by the means of privatisation. Moreover, the chapter analysed and discussed the legal and institutional parameters, on the one hand, as well as the actual practices of regulation by COPESSA, on the other. The chapter has used relevant legislation in the Service Delivery Agreement, therefore proposing that both of these are integral to the materiality of privatisation that operates in COPESSA’s “deal/agreement” with municipal authorities. In other words, both analysis have illustrated a form and content to this curious
privatisation reached between COPESSA and the Johannesburg City Parks and Zoos (JCPZ). It is now evident that control over access is somewhat visible through delegation, showing COPESSA having a *de facto* managerial control over Protea Glen Park and an ownership of some sort. Moreover, through paying attention to the legislation regarding the regulation of public spaces or places such as city parks in Johannesburg by public authorities as well as the fuzziness of control through being a negotiator of the park for the community (town hall meetings, being surveillance and calling for police intervention), as well as having keys to public toilets on the park and a need to approach COPESSA to make use of the toilets. Ultimately, my intent in the chapter has indicated how these might be tested by new practices of privatisation in the form of “partnerships” between COPESSA and CPJZ, whether in formal or informal ways as the case is with COPESSA in the Protea Glen Park. This chapter illustrates an early notion of an NGO having power to privatise even if it is non-profit like other cooperation’s discussed in the relevant literature (not needing to be corporate or privatising for profit).
CHAPTER 4

CONCLUSION

In both academic and policy circles, there is growing anxiety about the privatisation of public spaces across several countries in both the Western and Global South contexts. The main research question of my project was therefore to determine whether and how such processes of privatisation might be happening in Global South contexts such as South Africa. Drawing from my ethnographic observations in a public park in Soweto Township, I have tried to demonstrate how this process of privatisation might occur from the perspective of a non-profit organisation called COPESSA. I have suggested and shown that COPESSA’s privatisation is certainly a curious case. But it is a significantly remarkable example of how this may happen, given that current debates hardly mention NGOs as possible actors in the privatisation of public spaces.

Yet, as I have also insisted throughout my report, to the extent that this is a case in the privatisation of public spaces COPESSA’s example in Protea Glen Park is a case of privatisation of use and control over such use of public spaces. It is not a case of privatisation in the sense of ownership as discussed. COPESSA has not been ceded the rights of ownership to that space in the Protea Glen Park by the City of Johannesburg. Neither is it even clear that this is what the NGO seeks at all. Rather, what the NGO pursues is a more formalized agreement with the the authorities of the City of Johannesburg regarding its exclusive use of the part of the park allocated by the JCPZ. As the ethnographic evidence shows, COPESSA is yet to even succeed in getting such a formal agreement since 2009. All this demonstrates the very precarious nature of the process as currently experienced by COPESSA.

Importantly, I have also argued that there were important social and moral elements that explain why this privatisation occurred for the NGO. As I show in chapters two and three COPESSA’s appeal to its role as a “public”, community-oriented organisation offering important services such as child care and child protection to the local community in Protea Glen, was a very important aspect of the entire process. It is mainly this social dimension that seems to justify the City’s decision to allow it exclusive use over this given space.
But as we have seen in chapter three, any kind of control over the use of public spaces comes with burden or responsibility. A major aspect of such responsibility is about ensuring regulation of the space in terms of users’ access and use of the space. For COPESSA, this privatisation (even if only restricted to exclusive use) brought with it the burden of regulation. COPESSA strives to meet this regulatory burden through a dynamic cooperation with state other authorities, especially state security agencies, as well as by relying on its own internal processes and actions of surveillance.

Lastly, possible areas for new research that my findings has not covered, but also that would most probably be suited for a Masters research would be including the voices of the children considering ethical clearance being granted at that level, this would make the research more holistic. As well as safety in relation to public spaces at the Protea Glen Park, these are topics in but a brief manner that my research touched on, but could not go into depth. However, that is also a reason of word limitations given.
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Appendix 1
Appendix 2
Video DVD disk here (Please watch full length video)