Upgrading
Informal
Settlements
in South Africa

A PARTNERSHIP-BASED APPROACH

EDITED BY Liza Rose Cirolia, Tristan Görgens,
Mirjam van Donk, Warren Smit and Scott Drimie

UPGRADING INFORMAL SETTLEMENTS IN SOUTH AFRICA

UPGRADING INFORMAL SETTLEMENTS
in South Africa

A partnership-based approach

Edited by
Liza Rose Cirolia, Tristan Görgens, Mirjam van Donk,
Warren Smit and Scott Drimie

Upgrading Informal Settlements in South Africa: A partnership-based approach

Table of Contents

Preface and acknowledgements

This edited volume is the product of an intensive and exciting process of co-creation of knowledge on informal settlements and on strategies, processes and methodologies for upgrading informal settlements.

At the heart of it is a productive partnership between Isandla Institute and the African Centre for Cities, which came about as a result of their shared interest in evidence-based policy-making and practice. The partners agreed from the outset that the publication would have to incorporate different sources of evidence in order to adequately reflect the field of informal settlement upgrading in South Africa and to influence policy and practice. Thus, in addition to what may be considered conventional research (eg literature reviews, quantitative and qualitative data analysis) conducted by professional researchers, we also recognised the value of drawing lessons from practice. To this end, a call for papers invited a variety of practitioners from different organisational settings to contribute to the publication from their respective vantage points.

The end result is an exciting mix of contributions from academics, development consultants, policy-makers, municipal practitioners, built environment professionals and NGO representatives. To support the reflection and writing process, the partners convened two workshops, where contributors could present their work and engage with peers in deepening the analysis and teasing out implications for policy, practice and research. These workshops proved valuable in instilling a sense of being part of a broader community of practice on informal settlements and participatory upgrading.

We express our deep appreciation to the co-creators of this publication, the contributors, who have generously shared their insights and were willing to take on board different perspectives in the interest of learning and of sharpening the analysis presented.

We also want to thank the independent, anonymous peer reviewers of the manuscript, Sandy Shepherd, publisher of UCT Press, and Alfred LeMaitre, for overseeing the publication. We would also like to thank Karen Press, who provided a professional text edit to a widely divergent set of papers.

Notes on contributors

Editors

Liza Rose Cirolia is a researcher at the African Centre for Cities. For the past five years she has coordinated the 'Sustainable Human Settlements CityLab' project, a knowledge platform created jointly by the Western Cape Department of Human Settlements and the African Centre for Cities, with the intention of 'co-producing' knowledge on vexing urban problems in the region. The focus of her work is on the intersections and disjunctures among theory, policy and practice in the fields of housing, planning, urban development and—more recently—public finance.

Tristan Görgens is a policy analyst in the Policy and Strategy Unit of the Department of the Premier in the Western Cape government. Before this he was a policy researcher in the urban land programme at Isandla Institute, and it is in this capacity that he edited and contributed to this book. He has a background in urban land and housing issues, local government, participatory democracy and food security.

Mirjam van Donk is the Director of Isandla Institute. Mirjam is an urban planner who has worked and written extensively on local government, the role of civic actors in urban governance, human settlements, development planning, gender and HIV/Aids. She plays a leading role in the domestic non-profit sectors on local governance and urban development, including in her capacity as the chairperson of the Good Governance Learning Network, a network of South African NGOs in the local governance sector. She has expertise in managing complex projects and teams, programme design and institutional transformation.

Warren Smit is the Research Manager at the African Centre for Cities at the University of Cape Town, where he has worked since 2008. He previously worked as a researcher on housing and urban issues in South Africa from 1993 onwards (at the Urban Problems Research Unit, Built Environment Support Group and Development Action Group). He has written on a wide range of housing-related topics. His research interests include housing, urban planning, urban governance and urban health.

Scott Drimie leads a research and facilitation consultancy focused on food and land issues. In addition he has an adjunct position at Stellenbosch University at Interdisciplinary Health Sciences and the Centre for Complex Systems in Transition, School of Public Leadership. He has facilitated several studies on institutional arrangements for strengthening civic engagement, community-based spatial governance and accountability, including co-authoring a position paper on social empowerment and inclusion through urban development (with Professor Edgar Pieterse) for the Integrated Urban Development Framework. In his capacity as an Associate of Isandla Institute, he co-edited this book, bringing to bear his expertise in governance questions around complex social issues.

Authors

Olumuyiwa Adegun is affiliated with the School of Architecture and Planning, University of the Witwatersrand, Johannesburg, where he recently completed a PhD. He has researched and published on topics related to urban housing, informal settlements and green infrastructure in cities in sub-Saharan Africa.

Steve Ouma Akoth is the Executive Director of Pamoja Trust (www.pamojatrust.org) and a faculty member at the Tangaza University College—a Constituent College of Catholic University of East Africa. Akoth has worked on urban issues in Kenya since 1998. His areas of ongoing research touch on culture and the constitution, multiple justice systems, and minoritarian urban modernity.

Alexandre Apsan Frediani is a lecturer in community-led development in the global South and co-director of the Master's programme in Social Development Practice at the Bartlett Development Planning Unit, University College London.

Jhono Bennett is an architectural urbanist who teaches at the University of Johannesburg's Graduate School of Architecture, while managing the operations of 1to1 – Agency of Engagement, a non-profit spatial design entity. Jhono's work focuses on the role of spatial design in fluid and dynamic urban areas of southern Africa.

Stephen Berrisford is an independent consultant working at the intersection of law and urban development in sub-Saharan Africa. He is also an honorary associate professor at the African Centre for Cities. Previously, he has worked as the governance theme coordinator for Urban LandMark and for the South African government.

Robert Buckley is a Senior Fellow at the New School in New York and Affiliated Scholar at the Urban Institute in Washington, DC. He was Managing Director at the Rockefeller Foundation, and Advisor at the World Bank. He has written widely on urbanisation and development in both the popular press and academic journals, and has helped prepare projects in a variety of places.

Stephanie Butcher is currently undertaking her PhD with the Bartlett Development Planning Unit and the Centre for Urban Sustainability and Resilience, at University College London. Her work focuses on the 'everyday politics' of water and sanitation in informal settlements in Kathmandu, Nepal.

Sarah Charlton is based in the School of Architecture and Planning and at CUBES at the University of the Witwatersrand, Johannesburg. With a background in housing in local government and the non-profit sector, her research spans low-income housing policy and practice, state interventions in development and people's lived experiences of cities.

Michael Clark is a legal and research consultant and research associate at the Land and Accountability Research Centre (LARC) at the University of Cape Town. Prior to his work at LARC, Michael worked as a legal researcher at the Socio-Economic Rights Institute of South Africa (SERI). Michael has considerable experience in legal and participatory action research in the areas of socio-economic rights, housing, land and property rights.

Carin Combrinck is a full-time lecturer and Honours coordinator in the Department of Architecture, University of Pretoria, where she heads up the research field of Human Settlements and Urbanism. Her work is focused on research-based design investigations aimed at strengthening social capital and livelihood networks in an urbanising South Africa.

Cedric Daniels is the Manager of the Urban Design branch at the City of Cape Town.

Ronald Eglin is a land and housing specialist at Afesis-Corplan, a developmental NGO based in East London. Ronald, trained in city and regional planning, enjoys the challenge of piloting and promoting innovative approaches to participative and incremental settlement development.

Walter Fieuw is the former informal settlement upgrading Fund Manager at the Community Organisation Resource Centre (CORC), based in Cape Town. Following a short-lived career in corporate finance, he completed a Master's degree in Sustainable Development Planning, and is interested in spatial planning, regeneration and inclusive urbanism.

David Gardner is a development consultant based in Johannesburg, with extensive experience in human settlements policy, research and development. He has worked on human settlements issues since 1991, and has a specific interest in the role of backyard rental in a balanced human settlements approach.

Marco Geretto is an urban designer, architect and town planner with more than 15 years of experience in the built environment. He works in the Spatial Planning and Urban Design department at the City of Cape Town and was responsible for

developing directives for the planning, design and management of human settlements projects in Cape Town.

Nick Graham is the Managing Director of PDG development consultants, based in Cape Town. He has research experience in informal settlement and housing policy, and practical experience in engineering design and construction. His current focus is urban systems modelling for South African cities to inform urban policy.

Saskia Greyling is a PhD candidate in the Department of Environmental and Geographical Science at the University of Cape Town. Before this, she worked on the Mistra Urban Futures programme at the African Centre for Cities at the University of Cape Town, examining the factors within local government that enable and constrain decision-making for sustainable development.

Philip Harrison is the South African Research Chair in Spatial Analysis and City Planning, funded by the National Research Foundation and hosted by the University of the Witwatersrand in Johannesburg. He has held a number of positions within the public sector and the academic environment and has published widely in the fields of city planning and regional and urban development.

Berendine Irrgang is a Senior Heritage Professional in the Heritage Resource Management branch of the City of Cape Town. She was previously a Senior Urban Designer in the Urban Design branch of the City of Cape Town.

Andreas Keller is currently an independent consultant in the field of solar electricity and enterprise development. He previously worked for the Sustainability Institute at Stellenbosch University as the Project Manager for the iShack project.

Mike Kenyon, a researcher based in East London, started work in the NGO land sector and later became a senior manager in the national Department of Land Affairs (1995–2004). Mike works on governance and land tenure issues and recently conducted research on largely unseen livestock economies in the Eastern Cape.

Zunaid Khan is an Urban Planner and Principal Consultant at KPMG. Zunaid previously worked for the City of Johannesburg's Department of Housing, conducting research and policy development around informal settlement upgrading, participatory planning and the development of sustainable human settlements, and is actively engaged in the human settlements sector.

Felicity Kitchin is an independent researcher, who conducted the research for her chapter on while working for the Community Agency for Social Enquiry (CASE), based in Pretoria. Felicity's research has focused on the built environment, urban development, spatial planning and local government.

Neil Klug is a senior lecturer in the School of Architecture and Planning at the University of the Witwatersrand in Johannesburg. Neil has also run an urban planning consultancy since 1999, and has been a consultant, lecturer and researcher on housing and urban issues since 1990. His areas of research include housing policy and planning instruments.

Liezel Kruger-Fountain is an urban designer and planner with over 15 years of international consultancy experience for both public and private sectors influencing government policy and market responses. In April 2010, she joined the City of Cape Town's Spatial Planning and Urban Design department, where she continues to champion urban design and the collaboration of public and private enterprises.

Aditya Kumar is the executive director of the Development Action Group. Previously, he worked as the deputy director of the Community Organisation Resource Centre (CORC). He has worked on post-disaster, post-conflict and informal settlement upgrading across the world. His practice focuses on intersectoral partnerships, strengthening community action and housing policy.

Barbara Lipietz is Lecturer and Course Director for the MSc Urban Development Planning at the Bartlett Development Planning Unit, University College London. Her research work focuses on urban governance and community-led processes of urban transformation.

Miriam Muthoni Maina is a doctoral student at the School of Architecture and Planning at the University of the Witwatersrand, researching the influence of spatial planning in shaping Johannesburg's urban space economy. Her other research interests are the use of data and analytics to understand urban development in Africa.

Baraka Mwau is an urban planner, currently working as a consultant at UN-Habitat and as Community Planning Studio Facilitator at the Centre for Urban Research and Innovations, University of Nairobi. Mwau has previously worked with Shack/ Slum Dwellers International in Kenya and South Africa. He undertakes research on urban informality, urban infrastructure and participatory planning.

Ian Palmer has 40 years of experience in the fields of civil engineering and development. He founded PDG, a leading development consultancy in South Africa, in 1990, remaining part of PDG over the subsequent 25 years, 19 of which he has been the managing partner and then managing director. Ian is an Adjunct Professor at the University of Cape Town, attached to the African Centre for Cities.

Edgar Pieterse holds the South African Research Chair in Urban Policy and is director of the African Centre for Cities. His latest book, *City Secrets*, co-authored with AbdouMaliq Simone, will be published in 2017 by Polity Press.

Johru Robyn is manager of informal settlements for Stellenbosch Municipality.

Margot Rubin is a senior researcher at the South African Research Chair in Spatial Analysis and City Planning, located in the School of Architecture and Planning at the University of the Witwatersrand in Johannesburg. Margot has worked as a researcher since 2004, with a focus on housing, socio-economic rights and urban governance, and has a strong interest in comparative research within the global South.

Ancunel Steyn is a Landscape Architect in the Urban Design branch of the City of Cape Town.

Mark Swilling is a Distinguished Professor of Sustainable Development, Co-Director of the Centre for Complex Systems in Transition, School of Public Leadership, Stellenbosch University.

Lauren Tavener-Smith is a doctoral student in the School of Public Leadership, Stellenbosch University, and Lecturer in the School of Development Studies, University of the Western Cape.

Kirsten Jeske Thompson is currently completing her PhD at London Metropolitan University and is a practising architect at :nhab:t architects studio. Having completed her Master's degree at Cambridge University in 2009, she has continued to research what she calls 'shack urbanity', and specifically the incremental upgrading of informal settlements in South Africa.

Kate Tissington is a PhD candidate at the University of the Witwatersrand. Prior to this she worked as a researcher for the Socio-Economic Rights Institute of South Africa (SERI), a public interest legal organisation based in Johannesburg. Kate's research interests include housing policy, urban governance and law and social change.

Ivan Turok is Executive Director in the Economic Performance and Development Unit of the Human Sciences Research Council, based in Cape Town, and Chairman of the City Planning Commission for Durban. Ivan is also Editor-in-Chief of the journal *Regional Studies* and Honorary Professor at the University of Glasgow. His areas of expertise include the spatial economy (regions, cities and neighbourhoods), urbanisation and development.

Vanessa von der Heyde is the coordinator of the Change Makers Programme in the Sustainability Institute and Associate Researcher in the Centre for Complex Systems in Transition, both at Stellenbosch University.

Berry Wessels graduated in 2014 with a Masters in Sustainable Development and Planning from the Sustainability Institute at Stellenbosch University. He is working in Enkanini, an informal settlement in Stellenbosch, at the Enkanini Research Centre.

INTRODUCTION

Chapter 1

Upgrading informal settlements in South Africa: An introduction

Liza Rose Cirolia, Tristan Görgens, Mirjam van Donk,
Warren Smit and Scott Drimie

Informal settlements are a global challenge. However, the manifestation, implications and responses engendered by this challenge are often unique to particular contexts. The study of informality, informal settlements and upgrading has been of interest and consequence to activists, practitioners, politicians, scholars and bureaucrats, many of whom recognise the complexity of these evolving concepts (McFarlane & Waibel, 2012; Myers, 2011).

South Africa is a provocative and revealing case in the study of informal settlement upgrading. The history of informal settlements and the trajectory of attempts to address them reflect strands of place-based specificity and international commonality. The experiences in South Africa are therefore as useful to international dialogues and conceptual debates as they are to local policy and practice.

More than 1,2 million households in South Africa live in informal settlements, without access to adequate shelter, adequate services or secure tenure (HDA, 2013). There has been a gradual shift from informal settlement 'eradication' to 'informal settlement upgrading' in recent years. This has been supported by a slew of policy directives and many innovations. This shift forms part of a much longer lineage of international thinking and practice that calls for the incremental improvement of informal or extra-legal modalities of urban settlement. Despite this shift, only modest progress has been made towards progressively addressing informal settlements in South Africa. There is therefore a need to analyse the progress made and to explore the future agenda for informal settlement upgrading in South Africa and elsewhere.

This book examines the current successes and challenges of informal settlement upgrading initiatives in South Africa, and contextualises these experiences within global debates about informal settlement upgrading and urban transformation. The purpose of this book is to record and reflect on the diversity of upgrading experiences in South Africa. At various scales and within a range of registers, the intention is to inspire practitioners, activists, communities, officials, academics and others to engage more deeply, critically and reflectively with the complexities of

informal settlement upgrading. While offering a range of perspectives, the book cannot offer a 'silver bullet' solution for upgrading informal settlements in South Africa or elsewhere. Rather, it represents a situated attempt to reflect on upgrading in South Africa and to gesture, where possible, towards a way forward for upgrading praxis. Both the product and the methodology of the book's writing process seek to strengthen the sector in preparation for the journey ahead.

In this introductory chapter, we begin by discussing the global urban challenge of informal settlements. Following this, we briefly cover the history of upgrading informal settlements in South Africa. Here we show the disjuncture between progressive policies and their implementation. In the next section, we offer an overview of the book and discuss the process of writing it. We end the chapter with two critical concepts that act as lynchpins for the book as a whole: 'participation' and 'incrementalism'. In doing so, we argue that a participatory and incremental approach to upgrading offers scope for more radical upgrading praxis in South Africa and beyond.

Upgrading informal settlements: A global urban challenge

By 2050, the global urban population is projected to reach 6,3 billion (UNPD, 2009). The majority of this growth is likely to take place in the so called developing world (a flexible designation often used interchangeably with the 'global South'). Despite the many problems with these terms, it is clear that a pressing wave of urbanisation and urban growth is evident (UNFPA, 2007). Moreover, it is clear that the urban patterns and processes that are currently emerging depart from historical trajectories documented in the developed world.

By 2035, it is projected that 50 per cent of the population of Africa will live in urban areas (UNFPA, 2007). This is both exciting and daunting. Urbanisation processes on the continent evoke tensions and contradictions. The expansion of urban centres offers immense possibility, including opportunities and spaces to reconfigure social, economic and political systems, and processes. Simultaneously, this projection poses clear challenges to African states already struggling to adequately address jobs, infrastructure and the basic needs of existing urban populations on the back of scarce resources, conflicting agendas and limited concrete data (Pieterse, 2008; Rakodi, 1997; UN-Habitat, 2010).

Pervasive practices of informality emerge out of this tension, whereby many urban dwellers, from all class strata, meet their needs, secure livelihoods, reconfigure urban space and generate new modalities of organisations outside of formal and regulated systems (Pieterse, 2008). Informal settlements, as we define them in this book, are a particular expression of this urban informality.

Often located in the cracks, crevasses, peripheries and forgotten parts of cities, informal settlements—from Dakar to Johannesburg—are frequently characterised by dangerous and exploitative conditions, a lack of access to services, health hazards,

social unrest and vulnerability (Huchzermeyer, 2004; Simone, 2010; Watson, 2009a). While a range of housing interventions, from rental stock provision to 'site-and-service' projects, have been attempted in African cities, informal settlements and slum conditions continue to characterise the housing norm, rather than the exception (Fox, 2014). The growth of informal settlements and the perpetuation of informal practices, despite many efforts aimed at their eradication, challenge the 'modernist development project'.

Many acknowledge the ingenuity and creativity in the urban poor's efforts to forge spaces, albeit imperfect, for themselves in African cities (Gilbert, 2009; Myers, 2011; Turok, 2013). Despite this shared acknowledgment, there is fervent disagreement about the implications. In particular, what these efforts mean for governments is of central debate.

Within the international development community, the celebration of the practices of the poor has formed part of a broader swing from a focus on 'government' to one on 'governance'. This shift has been underpinned by the assumption that states in the developing world are often incompetent and their role best minimised. Here the efforts of the poor are representative of an embracing and exploitation of free(er) markets and a rejection of a focus on the state as a means of service delivery. Within these circles, terms such as 'good governance' have come to be synonymous with a catalogue of development buzz words, such as 'transparency' and 'efficiency'.

Radical scholars and activists critique the normativity and sanitisation of the 'good governance' discourses espoused by leading development agencies. They call for a more politicised and critical reading of the co-constitutive relationship between the informal practices of the urban poor and urban governance arrangements. In doing so, they explicitly call attention to issues of justice, power, complexity and provisionality. As such, Pieterse argues that the 'importance of the informal register in reading the city is that it compels one to take a more provisional approach before one pronounces on either what is going on, or what must be done to improve the quality of life and freedom in the city' (Pieterse, 2008: 3).

For most decision-makers and implementers, grappling with informality remains a deeply conflictual and contested process. UN-Habitat optimistically suggests that '[national] approaches to slums, and to informal settlements in particular, have generally shifted from negative policies such as forced eviction, benign neglect and involuntary resettlement, to more positive policies such as self-help and *in situ* (on-site) upgrading, enabling and rights-based policies' (2003: xxvi). Many authors express scepticism, arguing that implicit and explicit attempts to eradicate informality, stem migration to cities and minimise the voices of the poor in upgrading processes continue to characterise the dominant approach (Huchzermeyer, 2011; Turok & Parnell, 2009).

Informal settlement upgrading in South Africa

Within international informal settlements debates, South Africa is a good example of a country that has shifted from a focus on eradication to one of upgrading.

Instrumental in this shift has been South Africa's evolving housing policy. However, the relationships between policy and practice remain far from linear, reflecting gaps between intention and implementation. The history of South Africa's approaches to informal settlements is briefly covered below in an effort to contextualise the contribution of this book.

Informal settlements in the new South Africa

In 1994, South Africa emerged from apartheid with a strong 'rights-based' constitution and a commitment to building a 'developmental state'. A large part of this commitment manifested in a dedication to address the informal settlements that housed many of the poor in South African cities. Housing delivery formed a core component of the Reconstruction and Development Programme (RDP). At the time, a dedication to formal housing delivery was seen as admirable and in line with quests to provide dignified and just living conditions for those previously excluded. This housing came to be known as 'RDP housing'.

The evolution of South Africa's housing programme is well documented (Huchzermeyer, 2001). Suffice to say that the design of the housing programme in 1994 should not be seen as a radical departure from earlier attempts to address housing need in urban areas. The departure, in fact, had more to do with the scale and speed of delivery. In the first five years of the post-apartheid programme, the state built over 1 million housing units. These units were allocated to households living in informal settlements, backyards and overcrowded conditions, at little or no cost. These efforts solidified the role of the state as a central supplier of low-income housing.

Facilitating this delivery was the provision of nationally funded housing subsidies. These subsidies were provided in the form of conditional grants to provinces and were implemented by private developers. While a number of housing subsidy instruments were developed in the early years of the programme, the Project Linked Subsidy dominated delivery. The Project Linked Subsidy was a once-off capital subsidy used to develop greenfield projects. The properties created under this programme were exclusively for individual ownership and were generally free-standing units.

Importantly, incremental development was core to the original intention of the RDP housing programme. When adopted, the intention was to provide a serviced plot and minimal core unit for incremental development by the household. Small-scale contractors were originally envisaged as important delivery agents. However, as Charlton and Kihato (2006: 254) point out, 'by the late 1990s, the nature of the house to be delivered shifted from the open-ended concept of a "starter house" to a unit of a minimum area of 30 m^2 and of defined specification'. This evolution was driven by a combination of civil society and political groups lobbying the state for higher subsidies and specifications, and the lack of success of incremental initiatives such as subsidised material outlets and micro-lending (Huchzermeyer, 2003). In this process, the incremental and small-scale providers were increasingly crowded out of the development process.

Despite important successes made by the state in terms of housing delivery, the design and implementation of the housing programme was spatially problematic (Charlton & Kihato, 2006; Tissington, 2011; Todes, 2003). It quickly became clear that RDP-style delivery was producing urban sprawl (Harrison et al, 2003). The housing delivery programme, rather than spatial planning, was driving the expansion of urban areas, and decisions about the locations of projects were often taken by developers without cognisance of available infrastructure and services. The fiscal burden of these peripheral settlements was increasingly borne by already struggling local governments, forced to extend and maintain a rapidly expanding infrastructural footprint.

Undeniably, the housing programme was creating social and community fragmentation (Charlton & Kihato, 2006; Harrison et al, 2008; Huchzermeyer, 2001; Khan & Thring, 2003). The peripheralisation of the poor was causing a range of negative impacts on households and communities. Social networks, livelihoods and access to urban amenities for the most vulnerable were severely disrupted by the relocation process (Smit et al, 2007). In such processes, 'housing beneficiaries' were increasingly disempowered, their perspectives confined to superficial consultation processes (Pithouse, 2008). Additionally, where civil society organisations were successful in promoting an alternative vision of community-driven housing delivery (institutionalised in the People's Housing Process in 1998), the dominance of the subsidy instrument and the focus on top-structure delivery served to undercut attention to capacity building and community empowerment (see Khan & Pieterse, 2004; Swilling, 2008).

Finally, this supply-driven approach did not slow down the development of informal settlements. Informal areas multiplied and expanded, continuing to provide accommodation to the urban poor. In essence, the approach was proving unable to 'eradicate' informal settlements, as early architects of the housing programme had promised. A new policy approach that could address informal settlements and the spatial fragmentation of urban areas was therefore much needed.

Breaking New Ground

In 2004, the Breaking New Ground policy (BNG) acknowledged the need for a new housing paradigm. The focus on the rapid development of greenfield projects for the urban poor was clearly not sufficient. BNG included a number of important new programmes that aimed to broaden the focus of the state (DH, 2004). These include:

- **The Upgrading Informal Settlements Programme (UISP).** The UISP is a subsidy tool that allows for phased development of informal settlements. The UISP explicitly enables a more incremental and *in situ* approach to informal settlements.
- **The Emergency Housing Programme (EHP).** The EHP is an important tool that can be used to provide emergency accommodation and temporary relocation.

The EHP is an explicit acknowledgement of the state's responsibility to provide accommodation to those who are displaced.

- **The Integrated Residential Development Programme (IRDP).** The IRDP is the successor to the Project Linked Subsidy. The key difference is that it advocates the development of mixed-income projects where fully subsidised, rental, subsidised-mortgage and market housing is developed jointly.

Together, these subsidy programmes represent the 'BNG era' in South Africa's housing policy history. These policies are, no doubt, a progressive departure from the more simplistic instruments previously deployed. However, most assessments of South Africa's shift from the RDP to the BNG housing policy argue that implementation has been a challenge. Despite the progressive and flexible policy instruments, implementation has largely followed earlier RDP logics. For example, the overwhelming majority of UISP projects are not *in situ*. Instead they have followed classic township establishment and housing development processes. A small minority of residents remain on the original site and the majority have to move to distant IRDP projects. The EHP is used to facilitate this rollover and relocation, channelling funds for the erection of temporary camps (many of which become permanent fixtures on the urban landscape) (Tissington, 2011). The many challenges articulated in early critiques of the RDP approach have persisted, and new challenges have also emerged.

There are many explanations for the narrow and uninspiring implementation of BNG evident in towns and cities across South Africa. A clear contributing factor to the minimal embrace of incremental, participatory and *in situ* approaches to informal settlement upgrading is the lack of attention to 'institutionalisation'. We use this term to refer to the building of institutional support for scaled change. The lack of programmatic budgeting (until 2009), the systematic underdevelopment of the necessary capabilities of implementers and intermediaries, uneven political will and the ambitious targets for delivery and budget spend placed on departments have together disabled the possibility of radical change (Cirolia & Abrahams, 2016).

BNG 2.0

Notwithstanding the challenges faced in the RDP–BNG transition, efforts made by the national government around 2009 marked a renewed commitment to addressing the institutionalisation of the upgrading agenda. These have taken four main forms:

- The establishment of institutional support, particularly the National Upgrading Support Programme (NUSP), Housing Development Agency (HDA) and Cities Support Programme (CSP).
- The creation of financial instruments, particularly the Urban Settlements Development Grant (USDG), which allow for greater flexibility and local control. The USDG is a critical grant allocated to metropolitan municipalities.

- The intention to devolve key powers to capacitated metropolitan municipalities through the Accreditation Boards. This process has, unfortunately been placed on hold by the Human Settlements minister, but nonetheless is of the utmost importance.
- The creation of impetus through the setting of key targets related to informal settlements. These targets were initiated in the 2010 Outcome 8 Agreement, and have been pulled through in the 2014–2019 Medium Term Strategic Framework (DHS, 2010; Republic of South Africa, 2014).

Rather than signalling a significant shift from BNG, these represent a concerted attempt to assemble the governance tools required to pursue its vision. This marks a clear attempt to institutionalise the agenda. In addition, there is increasing attention to the urban nature of this challenge.

In parallel to these national efforts, there are also a range of innovative upgrading practices emanating from civil society networks, non-governmental organisations (NGOs), local communities and municipalities, which are slowly making their way into the institutional domain. For example, partnerships—an emerging modality of participation—have formed between municipalities, communities and NGOs to address upgrading challenges. These upgrading partnerships have proven constructive, offering mechanisms by which to shift (however marginally) the terms and outcomes of upgrading discussions. While extremely challenging, frequently power-laden and far from a panacea for the complexity of upgrading, these efforts offer ways to reconfigure, co-produce and improve upgrading (Mitlin, 2008).

Undeniably, there is still a long way to go in terms of streamlining a progressive upgrading agenda and addressing the inadequate conditions that many households still endure. The 2011 census offered valuable insight into the current trends and characteristics of informal settlements in South Africa. According to this data, nearly 14 per cent of households live in informal dwellings. Five per cent—a growing proportion—reside in backyard shacks, with the remainder in informal settlements. This equates to over 700 000 households living in backyards and 1,2 million in informal settlements (HDA, 2013).

Over half of the growth in population is in the three major metropolitan areas—Cape Town, eThekwini and Johannesburg—with the Western Cape and Gauteng experiencing the sharpest increases in the provincial share of the population (HSRC, 2012). Major cities and mining towns are experiencing marked increases in informal settlements and backyard shacks, as well as increasing discontent evident in the ongoing so-called service delivery protests or community-based protests (GGLN, 2011; HRSC, 2012; Nyar & Wray, 2012). These figures suggest that conditions of informality affect a significant proportion of the population. Coupled with challenging economic and fiscal trends, this reality will likely persist in the future.

South Africa in context

The living conditions of the urban poor is perhaps one of the most important, and politicised, issues in South Africa. South Africa's housing programme represents one of the few state programmes that places a tangible asset in the hands of the poor, making it of central importance to transformation efforts (Charlton & Kihato, 2006; Financial and Fiscal Commission, 2012; Harrison et al, 2003). Compared to the rest of the continent, and even internationally, the scale of delivery is incredibly impressive.

Simultaneously, the South African case demonstrates the challenges of focusing on a supply-side approach to housing delivery without considering the implications for the building of cities and citizens. These experiences foreground the struggle to reconfigure the gears of a 'path-dependent' housing delivery machine and to institutionalise radical and just modalities of upgrading and housing practice. The focus on state housing delivery, supported by ambitious numerical targets, is an increasingly common feature of developing-country efforts to address urban issues. This is particularly true in the African context, where housing is a pressing concern (Buckley et al, 2014; Croese et al, 2015). Lessons from the South African experience should be considered in future upgrading discourse, policy and practice locally and internationally.

About this book

While the issue of upgrading slums and informal settlements is covered extensively in international literature produced by academics, UN-Habitat, Cities Alliance and the World Bank, among others, this literature focuses mainly on Latin American cases and, to some extent, on Asia. Minimal reference is made to the African and South African contexts, and much of this literature overlooks the messy, political and conflicted nature of upgrading practice.

Given the complex history of South Africa and its relatively elaborate housing programme, international 'good practice' has tended to need a considerable amount of translation and adaptation for the South African context. Understanding and responding to the upgrading imperative in South Africa requires contextualising and localising the upgrading debates.

As we plot the way forward, it is imperative to capture and reflect on the current successes and challenges of informal settlement upgrading initiatives in South Africa. As such, this book seeks to document experiences, inspire sustainable and transformative upgrading practice, and use South African upgrading concepts and experiences to speak into the clear gaps in current institutional frameworks and debates.

The book consists of five sections. In each section, the editors provide an introduction that situates the contributions in the overarching narrative of the book and foregrounds the points of convergence and dissonance among the authors:

- In addition to this introductory chapter, there is also a framing chapter that explores the history of informal settlement upgrading globally and in South Africa.
- Section I articulates the different ways in which South African municipalities have grappled with informality at a city scale. These chapters highlight the diversity of definitions of informality and the implications of particular framings of local practices. They look in depth at the institutional, budgetary and conceptual struggles faced by municipalities that are trying to embrace upgrading agendas.
- In light of the struggle to embrace a housing and informal settlement paradigm shift, Section II explores and analyses the actors, partnerships and capabilities that have emerged in practice to address the complexities of informality and upgrading. Rejecting the status quo, in which the state acts as the delivery agent with communities reduced to passive recipients, the section investigates creative and challenging attempts at new partnerships and engagement platforms for upgrading projects.
- Section III discusses the tools and instruments that address aspects of the participatory and incremental agenda. This section argues for a deeper refinement of the financial, legal, design and participation frameworks to allow for broader achievement of progressive upgrading objectives.
- The final section explores the implications of the upgrading agenda for sustainability and urban transformation in South Africa. Reflecting on the body of practice set forth in the book, these chapters challenge the upgrading agenda to move beyond its current scope, arguing for the pursuit of upgrading within an integrated approach to urban development and human settlements provision.

The writing and reflection process

This book represents a collaborative effort to engage more deeply with the challenges and opportunities for incremental and participatory informal settlement upgrading in South Africa. The collaborating partners include Isandla Institute, the African Centre for Cities and the contributing authors and reviewers. Isandla Institute is an independent public-interest think tank with a primary focus on fostering just, equitable, sustainable and democratic urban settlements. At the core of its work is the goal of advancing the 'right to the city', which is only attainable when urban residents are able to exercise full citizenship and participate in planning and governance. The African Centre for Cities is a research institute based at the University of Cape Town. It is dedicated to the production of rigorous and collaborative research that contributes to imaginative policy discourses and practices in the global South.

In early 2013, Isandla Institute and the African Centre for Cities issued a call for abstract submissions to form part of this edited collection. The call specified that all those working on informal settlements could submit. In March 2013, the first workshop with selected participants was held at the African Centre for Cities. The authors, consciously selected to offer a range of perspectives, included officials,

practitioners, academics and activists. At this meeting, a basic structure of the book was co-produced and the authors were able to discuss their potential contributions with one another. In December 2013, another workshop was held with the authors. This workshop was opened to a broader stakeholder group in an effort to get critical feedback on the chapters and discuss the implications for a broader upgrading agenda.

In this book, the contributing authors offer their experiences, voices, disciplines, sectors, positionalities and perspectives on the issues of upgrading informal settlements in South Africa. Despite often conflicting views and diverse writing styles, they form an important 'community of practice' and platform for social learning. The outcomes of these debates have been captured in the section introductions and the conclusion chapter.

Gaps

Through the process of engaging with authors from a wide range of backgrounds and perspectives, thereby strengthening the community of practice on upgrading, we have also identified gaps both in upgrading practice in South Africa generally and in the book's content in particular. This is inevitable in a volume of this sort, which required dedicated and sustained investment on the part of authors. Some of the potential contributors noted that the time requirements were onerous and beyond their capacity, despite their desire to participate. In particular, a number of NGOs and officials with valuable experience in the field were unable to write chapters due to time and resource constraints. We have made efforts to capture their experiences and the complex terrain within which they operate through the more summative section introductions.

An important gap in terms of upgrading practice in South Africa relates to the issue of density. Urban sprawl is a major challenge in South Africa. Locating the poor on well-located land is of immediate importance. There has been inadequate theorisation and practice addressing the need for much higher-density housing typologies to be given preference at well-located sites. While there are some emergent examples of research (McGaffin et al, 2015) and practice (Deckler, 2013) that try to grapple with multi-storey incremental construction, there is much more research and experimentation to be done.

Additionally, informal settlements in rural contexts have not been fully addressed. This is in part because the editorial team has an explicit focus on cities, and in part because informal settlements are overwhelmingly an urban phenomenon (some settlements in customary tenure areas may superficially resemble informal settlements, but their histories, dynamics and challenges are very different to those of informal settlements). The book does, however, touch briefly on the issues and complex dynamics of housing provision in mining towns, in an effort to focus on areas where there will probably be continued growth of informal settlements in the future.

In tandem with this, while many of the chapters grapple with urbanisation and associated issues, few have delved in depth into the issue of migration processes and

trajectories in South African cities. There is, no doubt, a clear challenge involved in accessing reliable data that goes beyond simply measuring overall urban population growth (Mabin, 1990). Todes et al (2010) suggest that circular migration, as well as international conflict, is building more networked (and fractured) South African cities. Additional changes to the demographics of families in cities (such as the splitting of households) also greatly impact on the changing demands for things like housing and infrastructure in cities.

The issue of livelihoods, while central to the survival and mobility of the urban poor, is not a major focus of the chapters in this book. Nor does the book address the relationship between informal settlements and upgrading processes and issues such as HIV/Aids, gender or safety. Articulation and discussion surrounding the capabilities of the poor are, however, foregrounded in many of the chapters, with direct reference to the diverse types of capabilities and forms of social, economic and political capital held by informal settlement residents.

The book is unashamedly focused on South Africa. While a number of chapters explore other contexts or link the South African experience to international cases, the orientation is towards the local experience. This should not be read as a South African exceptionalism or an ignorance of global experience. Instead, it forms part of a desire to dive deeply into a complex context that can be (and is) read through many registers and perspectives.

The final chapters of the book set out some of the critiques and limitations of the incremental upgrading of informal settlements and explore what a more transformative upgrading agenda should look like. In South Africa, there has been substantial critique from social movements and their accompanying academics on the far left of the political spectrum. These groups suggest that incremental upgrading diminishes the role of the state in pursuing transformation and relieves the state of its responsibility to provide housing for the urban poor. This framing of upgrading is potentially useful in so far as it is necessary to be aware that upgrading processes can and do get co-opted by elite interests, fail to realise potential benefits for communities and can act as Band-Aids for structural issues. However, this book begins by suggesting that this is not necessarily so, and that upgrading informal settlements can greatly improve people's lives and begin to chip away at deeper underlying structural inequities. Moreover, the chapters seek to show some of the more complex dynamics at work within communities and the state that fail to conform to the sort of 'bad (and capitalist) state' versus 'good community' assumptions (see also Oldfield, 2008).

Critical concepts

Over a number of workshops, we collectively assembled the structure, elements and narrative of the book. During these engagements, the authors requested conceptual reference points and a framework. There was an expressed desire to situate their

contributions in relationship to one another and to the broader upgrading debates. In addition, authors asked that implicit assumptions be made apparent, as these were often embedded in the papers presented and in editorial positioning.

There remains disagreement as to the appropriate framing and situation of the upgrading agenda in urban transformation processes in South Africa. A discussion of issues related to the upgrading agenda, therefore, needs to 'surface' these contested framings.

In order to offer a set of conceptual anchors for the book, the following sections seek to weave together these framings, not necessarily as a means by which to build an undisputed consensus but rather to highlight the challenges, complementarity, contradictions and convergences that emerge through this critical conversation.

Defining informal settlements

The terms 'slums', 'informal settlements' and 'squatter settlements' are often used interchangeably, but do not necessarily mean the same thing. From its first appearance during the early 19th century, the term 'slum' was used to refer to 'the poorest quality housing and the most unsanitary conditions' (UN-Habitat, 2003: 9), and it continues to be used for all forms of housing that are regarded as being inadequate in some way. However, as Gilbert (2007) notes, 'slum' is too broad a term to be of much practical use.

Informal settlements are a specific type of slum; the United Nations (1997: 43) defines the key characteristics of informal settlements as places 'where groups of housing units have been constructed on land that the occupants have no legal claim to, or occupy illegally' and/or 'where housing is not in compliance with current planning and building regulations'. In this chapter, the term 'informal settlements' is used for settlements with both of these characteristics, that is, in which residents do not have legal security of tenure and do not have dwellings that comply with planning and building regulations (and which therefore generally lack adequate services).

Squatter settlements are a specific type of informal settlement: 'settlements established by people who have illegally occupied an area of land and built their houses upon it, usually through self-help processes' (UN-Habitat, 2003: 82). Most informal settlements in South Africa could technically be described as squatter settlements, but as Huchzermeyer (2003) notes, the term 'squatter settlement' has negative connotations in South Africa, so it should be avoided.

It should be noted that there are other forms of informal housing that are not classified as informal settlements. Informal rental accommodation, taking the form of backyard shacks located adjacent to formal housing, is common in South Africa. Also common in South Africa's larger cities is informal rental in inner-city blocks of flats, where buildings have fallen into disrepair and degradation. Commonly referred to as 'hijacked buildings', 'bad buildings' (in Johannesburg) or 'problem buildings' (in Cape Town), this phenomenon has come to the fore of housing debates, setting relevant precedent for the role of local government in cases of eviction and relocation.

While these forms of informal housing are not classified as informal settlements, they reveal the complexity of the housing situation and the frequent 'informalisation' and appropriation of city spaces by urban residents.

This book primarily, though not exclusively, focuses on informal settlements. This is not because other forms of informal housing are not in need of upgrading. In fact, in a number of metropolitan municipalities the growth in backyard accommodation is considerable. Rather, this focus is chosen because of the relative scale involved: the majority of households living in informal housing are in informal settlements. As shown in Chapters 4 and 5, which explore other forms of informal housing, the responses to such housing typologies are markedly different, requiring contextually differentiated tools and instruments. However, many of the tensions, discussions and lessons apply—to greater or lesser extents—to the range of informal housing forms evident or emerging in South African cities and towns.

Production of informal settlements

Although informal settlements are relatively easy to define, their continued existence is harder to explain. There are three main ways that scholars have interpreted informal settlements: as a transitional phenomenon associated with modernisation; as 'disjointed modernisation'; and as something created by inequitable planning systems.

At first, informal settlements were seen in the same way as other types of slums, 'as a refuge for marginal activities including crime, "vice" and drug abuse; and a likely source for many epidemics that ravaged urban areas' (UN-Habitat, 2003: 9). During the mid-20th century, informal settlements increasingly began to be seen as an inevitable, but temporary, by-product of urbanisation and modernisation (Turner, 1969, 1976; Turner & Fichter, 1972). In this view, people who migrate from rural areas to cities initially cannot afford to build, buy or rent adequate housing, and instead prefer to access low-standard housing quickly and cheaply in informal settlements close to employment opportunities. As they find employment and get a steady income, they eventually invest in upgrading their housing conditions or enter the formal housing market.

This view, however, has a number of flawed assumptions. First, it assumes that people who settle in informal settlements will get stable employment with steady incomes. In reality, 'the link between urban population growth and urban economic growth is tenuous, particularly in sub-Saharan Africa' (Fox, 2014: 192). In addition, even if there is economic growth, there is 'abundant research indicating low degrees of intergenerational socioeconomic mobility for households living in slum settlements' (Fox, 2014: 192–193). Second, it assumes that informal settlements provide cheap living conditions, but there is considerable evidence that residents of informal settlements often have to pay more for services (for example, Gulyani & Talukdar, 2008; Lee, 2007). Third, it assumes that 'the prevalence of slums and urban poverty should decrease as markets develop and the forces of economic development come under way' (Marx et al, 2013: 198). However, empirical evidence

shows that there is no clear-cut relationship between economic growth and increases or decreases in informal settlements/slums (Marx et al, 2013).

In response to the limitations of the view of informal settlements as a temporary by-product of modernisation, an alternative set of views arose in which informal settlements were interpreted 'as a manifestation of "disjointed modernisation" in which urban population growth outpaces urban economic and institutional development' (Fox, 2014: 193). These views generally combine demographic explanations (rapid urban population growth), economic explanations (continued urban poverty) and institutional explanations (rigid urban planning systems that are unable to cope with rapid urbanisation) as the reasons for the continued existence and growth of informal settlements (Arimah, 2010; Fox, 2014).

A third, more radical, set of views (that can be regarded as potentially complementary to the 'disjointed modernisation' view) is that the underlying causes for the continued existence of informal settlements are structural exclusion and exploitation (Fox, 2014; Huchzermeyer, 2011; Roy, 2005). It has increasingly become recognised that informal settlements are actively constructed by decision-makers: 'The planning and legal apparatus of the state has the power … to determine what is informal and what is not, and to determine which forms of informality will thrive and which will disappear' (Roy, 2005: 149). Although the exclusionary planning systems of the global South were usually set up by colonial governments, postcolonial governments have generally enthusiastically maintained them. Fox (2014: 196) suggests that informal settlements in African cities 'have provided opportunities for the cultivation of politically instrumental patron–client networks and rent-seeking opportunities that generate strong incentives to maintain the status quo'. The perpetuation of exclusionary colonial governance practices has been exacerbated by the impact of neoliberal policy objectives aimed at attaining world-class status and attracting foreign investment (Brenner & Theodore, 2002). In effect, decision-makers are often unwilling to prioritise the needs of the poor, making informal settlements an inescapable and intractable part of cities in the developing world (Huchzermeyer, 2009; Roy, 2009; Watson, 2009b). In this radical view, therefore, governance, institutions and politics play a key role with regard to the perpetuation of informal settlements.

This story is, however, incomplete without recognising the clear agency of the urban poor in carving out, reconstructing and creating spaces in the city along a fundamentally different trajectory from the traditional modernisation process in the developed world. These processes are often forgotten in macro explanations of informal settlement production. Huchzermeyer (2011: 26) argues that 'while the real lack of options must be acknowledged, informal settlements would not exist without the will or resolve of thousands of households … who assess their situation and decide actively to connect their lives to the city or its fringes through a particular informal settlement, and by consciously navigating among (and at times resisting or defying) players who they know exploit their existence'. By ignoring the

powerful effects of agency, one risks undermining a potential site of 'deep democracy' (Appadurai, 2001).

Issues of governance are thus core both to understanding and addressing informal settlements. The content of this book clearly bears this out, with the majority of chapters focusing on issues of governance, and exploring how the state and civil society can work together in new ways to try to overcome patterns of structural exclusion and inequality.

A case for upgrading

The framing of social problems—the way in which they are defined and understood—is closely linked to the nature of the proposed solutions and the authority granted to (or taken by) different actors to respond (Fischer, 2003; Schön & Rein, 1994). This is particularly evident in the case of informal settlement upgrading, where the envisaged solutions, fixes, interventions, knowledge and approaches vary, and even conflict, depending on the framing ascribed.

As discussed above, there are many different perspectives, which view informal settlements in very different ways, such as sites of crime, violence and illegality. When informal settlements are viewed (following Turner) primarily as temporary housing for labourers or entry points into the city, the response is often one of benign neglect and pragmatic naivety. When informal settlements are framed as a problem of in-migration linked to 'disjointed modernisation', which is common in the African context, policy responses generally include supply-side interventions to construct housing or release serviced land. However, they can also include such extreme responses as attempts to stem in-migration to cities and force the urban poor back into rural areas. While these framings and responses are almost never isolated, they form the explanatory basis for many of the initiatives and approaches that we see today.

Ultimately, in framing informal settlements, it is necessary to move away from what Pieterse refers to as the binary between 'apocalyptic views' and 'irrepressible optimism'—caricatured by the now (in)famous Davis and De Soto dichotomy (Gilbert, 2009; Huchzermeyer, 2011; Pieterse, 2008). This requires the curbing of the celebration of informal settlements as the 'solution' to urbanisation—without launching into legalistic and oppressive discourses of eradication and prevention that ultimately compromise the human rights and resolve of the poor (Huchzermeyer, 2004).

In this book, we argue that, notwithstanding the many benefits of informal settlements, the conditions in most (albeit not all) of them are not tolerable or sustainable. We take as a starting point the need for upgrading, predicated on a complex set of interlinking imperatives that drastically depart from the modernist obsessions with order and legibility and embrace a more iterative, flexible and holistic development process. We argue that the two key pillars of a more holistic, transformative and sustainable approach to upgrading informal settlements have to be an emphasis on 'participation' (including real partnerships between the state

and civil society) and on 'incrementalism' (within a radical framework). These two concepts are discussed in the following sections.

Why participation, and what does it mean?

As discussed above, the existence of informal settlements can primarily be understood as a governance issue, and new governance arrangements are thus required to effectively address informal settlements. We argue that a participatory approach is essential for upgrading informal settlements, as different stakeholders need to be included in order for sustainable solutions to be achieved. Decisions regarding what needs to be delivered, by whom, when and where require multi-stakeholder participation, action and agency. Participatory mechanisms have the potential to strengthen the voice of affected people in how the upgrading of informal settlements is undertaken—helping to build the wider enabling environments critical for such interventions to be successful.

It is important to distinguish between different types of participation. Top-down, consultation-focused, compliance-driven participation has been a staple of South Africa's housing delivery programme. It has been associated with the depoliticisation of development and with community disempowerment (Miraftab, 2003). Oldfield (2008) argues that the rush to address the political imperative of service delivery has largely sidelined a concern for public participation in South Africa. She believes that 'a softer, subtler reworking of power relations has been assumed problematically as a technical outcome, or by-product, of the idealised goal of non-racial and equitably administered development processes. Participatory mechanisms therefore exist and are statutorily required; in large part in practice, however, they are peripheral to the central state project' (Oldfield, 2008: 488).

In contrast, radical bottom-up participation of communities in high-level decision-making offers the possibility of overcoming structural inequities. Tools that support participation must embrace, challenge and nuance UN-Habitat's (2003) call for deeper participation and partnerships in upgrading informal settlements. There is now ample evidence that the spate of so-called service delivery protests that have increased year-on-year in South Africa is, in fact, linked to deep levels of community dissatisfaction with existing governance processes rather than the delivery of services per se (van Donk, 2012). Individuals and communities want their voices to be heard and to have an influence and impact on processes of planning and decision-making.

The effective upgrading of informal settlements necessarily needs to be a pluralistic and inclusive process that is underpinned by a collaborative spirit. Such processes bring together the state, communities, households, NGOs and the formal and informal private sectors, all of whom need to be mobilised and capacitated to perform their respective roles. A key feature of this is the slow process of building *trust* between the different groups—a process grounded in increased transparency between all stakeholders, so that each group better understands the motivations and

methodologies of the others, and in the creation of opportunities for the different partners to act in predictable and dependable ways (Görgens & van Donk, 2012).

However, as previous work has explored, an emphasis on collaboration and the building of trust should not be mistaken for a minimisation of elements of conflict and contestation that are invariably part of such processes (Isandla Institute, 2013; Kitching et al, 2014). Processes of participation need to recognise the generative potential of contestation, with its ability to generate new options, clarify different choices and allow for more explicit negotiation of trade-offs. The building of collaboration and trust between the state and communities is likely to be complex and slow, given the history of mistrust. Nonetheless, it represents an opportunity for small, concrete gains to be achieved between partners through experimentation, learning and adaptation. Over time these networks of collaboration can be converted into new impetus for action, new forms of knowledge, new networks of relationships and new ways of working together (Görgens & van Donk, 2012; Isandla Institute, 2013).

An additional reason to embrace participation as a central characteristic of the upgrading agenda is the need to generate solutions for the problems facing residents in informal settlements that combine both technical expertise and social and cultural knowledge. Problems that seem to be primarily technical in nature, for example, the determining and management of tenure security, require a relatively sophisticated understanding of both the social systems that underpin existing claims and the technical knowledge about the requirements for establishing a state-recognised option. Similar blends of technical and social knowledges are needed to tackle any number of the problems facing such settlements, for example fires, flooding, health, livelihoods and local economic development. Processes of participation should be designed to bring together different professional fields, social actors and residents in order to facilitate dialogues across knowledges so as to achieve mutually satisfying solutions.

The question remains: how does one design participatory processes that enable these forms of collaboration and knowledge production? A key point of distinction is the way in which participation is invoked; whether it is primarily a means to achieve the project objectives or an end in and of itself (Parfitt, 2004). Cornwall (2000) argues that there is a continuum of approaches to participation. 'Participation as a means' has tended to focus on the impact that participation has on the efficiency and effectiveness of the project but, as a result, views participation in quite an instrumentalist fashion—as projects 'for the people'. 'Participation as an end' emphasises the developmental effects of community organising and control beyond the direct benefits of the project—projects 'by the people'. The emphasis in the intermediate zone on this continuum focuses on the importance of the participation of both development workers and those they serve in order to emphasise the role of each in the development process.

Partnerships are a modality of participation wherein the negotiated roles and responsibilities, accountability and flexibility of incrementalism can be built

and sustained through ongoing decision-making platforms. Both excitement and frustration emanate from the increasing attempts to forge new pathways, modalities and models for participation and decision-making in the field of upgrading informal settlements. As a number of chapters in this book illustrate, a 'partnerships model' offers significant, unexplored potential for incremental informal settlement upgrading in South Africa. However, they also provide ample evidence of the complexities and cautions that are highlighted in the literature (for example, see Huxham, 2003).

Incrementalism: a radical agenda?

In *City Futures: Confronting the Crisis of Urban Development*, Pieterse argues for a 'radical incrementalism'—incremental change within a radical vision. He writes:

> The existential core of urbanism is the desire for radical change to bring all the good implied in the original utopian association of 'the city'. This radical impulse stands in contrast to the necessary prudence and constraints of incremental change, which is the only way of intervening in conditions of profound complexity and entrenched power dynamics embedded in capitalist modernities. (Pieterse, 2008: 6)

Informal settlements, like cities themselves, are profoundly complex. From this point of departure, a radical incremental approach is a powerful provocation for upgrading. It breaks open the arduous dichotomy between revolution and reform, forging an alternative space for theorisation and practice.

Practically, incremental upgrading embraces small changes, made by many actors, over a long time. Incrementalism is a way of seeing processes, rather than a set process itself. It includes interventions or developments that address the various 'substantive' challenges faced by informal settlements. Incrementalism stands in contrast to approaches that are linear (ie plan, build, occupy), product-focused and fixated on formalisation.

Incrementalism offers a number of important benefits. Embracing small changes over a longer time, incremental upgrading is more flexible and responsive to the needs, demands and aspirations of affected households and communities. It is less disruptive, allowing for the retention of positive attributes of settlements and areas (such as social networks or layouts). Testing and adaption can take pace through the upgrading process, often without irreparable consequences. Incremental upgrading emphasises multi-stakeholder participation and decision-making. In this case, participation is not an event, but is ongoing. It can incorporate contested visions and conflicting actions into the development process (Dewar & Uytenbogaardt, 1991; Greene & Rojas, 2008; Osman & Sebake, 2010; Wakely & Riley, 2010).

However, incremental upgrading discourses have serious risks. While making space for many perspectives, a lack of coherent strategy, vision and implementation strategy can lead to ad hoc and uncoordinated investments in informal settlements.

It is difficult to ensure that ad hoc investments are mutually reinforcing and create shared value for the settlement. It is also common that projects labelled as 'incremental' are left unattended by the state on the assumption that the 'community' is now responsible for driving the upgrading process.

These risks are not inherent to incrementalism. In fact, we argue that they represent a misunderstanding or narrowing of the term and a rejection of its more radical variants. In this book, we argue that incrementalism implicates the state in much more complicated and nuanced ways. Instead of simply building housing, the state must work with communities and intermediaries to ensure that the necessary subsidy, regulatory, administrative and investment frameworks are in place to support the long-term improvement of the settlement. Simultaneously, these efforts must work to shift the locus of power, make inroads into structural injustices and transform institutions and places if they are to be more than managerial gestures.

Incrementalism requires 're-gearing' a heavy and path-dependent machine, established with the intention of developing completed houses in greenfield housing projects. Transformation is needed in multiple spheres. Policy, programmes, plans, projects and practices are important areas, all of which are underpinned, undeniably, by questions of politics and power. This transformation implicates the state, as well as communities, households, intermediaries and the private sector. This transformation holds a range of tensions, as incremental upgrading is a balancing act. Trade-offs must be negotiated between the programmatic and the specific, people and places, scale and depth, accountability and flexibility, and provocation and practicality.

This book seeks to make inroads into this debate, demonstrating the potential of incrementalism as a radical philosophy and identifying areas where conceptual and practical work is still needed.

References

Appadurai, A. 2001. 'Deep democracy: Urban governmentality and the horizon of politics'. *Environment and Urbanization,* 13 (2): 23–43.

Arimah, B.C. 2010. *The Face of Urban Poverty: Explaining the Prevalence of Slums in Developing Countries*. United Nations University – World Institute for Development Economics Research Working Paper No. 2010/30. Helsinki: UNU-WIDER.

Bayat, A. 2000. 'From "dangerous classes" to "quiet rebels": Politics of the urban subaltern in the global South'. *International Sociology*, 15 (3): 533–557.

Brenner, N. & Theodore, N. 2002. 'Cities and the geographies of "actually existing neoliberalism"'. *Antipode*, 34 (3), 349–379.

Buckley, B., Kallergis, A. & Wainer, L. 2014. *The Housing Challenge: Avoiding the Ozymandias Syndrome*. Conference report, Bellagio, Italy, October 2014.

Charlton, S. & Kihato, C. 2006. 'Reaching the poor? An analysis of the influences on the evolution of South Africa's housing programme'. In: Pillay, U., Tomlinson, R. & Du Toit, J. (Eds.), *Democracy and Delivery: Urban Policy in South Africa*. Cape Town: HSRC Press.

Cirolia, L.R. & Abrahams, G. 2016. *Scaling Up the Upgrading of Informal Settlements: A Scoping Study of South African Good Practices and Innovations.* Report prepared by the World Bank for the Cities Support Programme. Pretoria: Cities Support Programme.

Cooke, B. & Kothari, U. (Eds.) 2001. *Participation: The New Tyranny?* London: Zed Books.

Cornwall, A. 2000. *Beneficiary, Consumer, Citizen: Perspectives on Participation for Poverty Reduction.* Sida Studies 2. Stockholm: Swedish International Development Co-operation Agency (Sida).

Croese, S., Cirolia, L.R., & Graham, N. 2016. 'Towards Habitat III: Confronting the disjuncture between global policy and local practice on Africa's "challenge of slums"'. *Habitat International*, 53: 237–242.

Deckler, T. 2013. 'Informal studio: Marlboro South'. *SLUM Lab 8.* Available at: issuu. com/2610southarchitects/docs/ms_article, accessed 25 August 2014.

Dewar, D. & Uytenbogaardt, R.S. 1991. *South African Cities: A Manifesto for Change.* Cape Town: Urban Problems Research Unit, University of Cape Town.

DH (Department of Housing). 2004. *Breaking New Ground.* Pretoria: Department of Housing.

DHS. 2010. *Delivery Agreement for Outcome 8: Sustainable Human Settlements and Improved Quality of Household Life.* Pretoria: Department of Human Settlements.

Financial and Fiscal Commission. 2012. *Building an Inclusionary Housing Market: Shifting the Paradigm for Housing Delivery in South Africa.* Report on the Public Hearings on Housing Finance. Available at: www.ffc.co.za/index.php/media-a-events-interactive/public-hearings/housing-finance, accessed 26 August 2014.

Fischer, F. 2003. *Reframing Public Policy: Discursive Politics and Deliberative Practices.* Oxford: Oxford University Press.

Fox, S. 2014. 'The political economy of slums: Theory and evidence from sub-Saharan Africa'. *World Development*, 54 (1): 191–203.

Gilbert, A. 2007. 'The return of the slum: Does language matter?' *International Journal of Urban and Regional Research,* 31 (4): 697–713.

Gilbert, A. 2009. 'Extreme thinking about slums and slum dwellers: A critique'. *SAIS Review*, 29 (1): 35–48.

GGLN (Good Governance Learning Network). 2011. *Recognising Community Voice and Dissatisfaction: The State of Local Governance in South Africa.* Cape Town: Good Governance Learning Network.

Görgens, T. & van Donk, M. 2012. 'Exploring the potential for "networked spaces" to foster communities of practice during the participatory upgrading of informal settlements'. In: Department of Human Settlements, *Re-Establishing the People's Contract: Meaningful Participation in Building Sustainable Human Settlements.* Pretoria: Department of Human Settlements.

Greene, M. & Rojas, E. 2008. 'Incremental construction: A strategy to facilitate access to housing'. *Environment and Urbanization*, 20 (1): 89–108.

Gulyani, S. & Talukdar, D. 2008. 'Slum real estate: The low-quality high-price puzzle in Nairobi's slum rental market and its implications for theory and practice'. *World Development*, 36 (10): 1916–1937.

Harrison, P., Huchzermeyer, M. & Mayekiso, M. 2003. *Confronting Fragmentation: Housing and Urban Development in a Democratising Society.* Cape Town: Juta.

Harrison, P., Todes, A. & Watson, V. 2008. *Planning and Transformation: Learning from the Post-apartheid Experience*. London: Routledge.

Holston, J. 1998. 'Spaces of insurgent citizenship'. In: Sandercock, L. (Ed.), *Making the Invisible Visible: A Multicultural Planning History* (Vol. 2). Los Angeles: University of California Press.

HDA (Housing Development Agency). 2013. *South Africa: Informal Settlements Status 2013*. Johannesburg: Housing Development Agency. Available at: www.thehda.co.za/uploads/images/HDA_South_Africa_Report_lr.pdf, accessed 26 August 2014.

HSRC (Human Sciences Research Council). 2012. *Census 2011 Reveals Boom in Backyard Shacks*. Available at: www.hsrc.ac.za/en/review/hsrc-review-may-2013/census-2011-reveals-boom-in-backyard-shacks, accessed 26 August 2014.

Huchzermeyer, M. 2001. 'Housing for the poor? Negotiated housing policy in South Africa'. *Habitat International*, 25 (3): 303–331.

Huchzermeyer, M. 2003. 'Housing rights in South Africa: Invasions, evictions, the media, and the courts in the cases of Grootboom, Alexandra, and Bredell'. *Urban Forum*, 14: 80–107.

Huchzermeyer, M. 2004. 'From "contravention of laws" to "lack of rights": Redefining the problem of informal settlements in South Africa'. *Habitat International*, 28 (3): 333–347.

Huchzermeyer, M. 2007. 'Tenement city: The emergence of multi-storey districts through large-scale private landlordism in Nairobi'. *International Journal of Urban and Regional Research*, 31 (4): 714–732.

Huchzermeyer, M. 2009. 'The struggle for *in situ* upgrading of informal settlements: A reflection on cases in Gauteng'. *Development Southern Africa*, 26 (1): 59–73.

Huchzermeyer, M. 2011. *Cities* with *'Slums': From Informal Settlement Eradication to a Right to the City in Africa*. Cape Town: UCT Press.

Huxham, C. 2003. 'Theorizing collaboration practice'. *Public Management Review*, 5 (3), 401–423.

Isandla Institute. 2013. *Planning for Informality: Exploring the Potential of Collaborative Planning Forums. A Propositional Framework.* Cape Town: Isandla Institute.

Khan, F. & Pieterse, E. 2004. *The Homeless People's Alliance: Purposive Creation and Ambiguated Realities*. A case study for the UKZN project entitled 'Globalisation, Marginalisation and New Social Movements in post-Apartheid South Africa'. Available at: ccs.ukzn.ac.za/files/pieterse%20khan%20hpa%20research%20report.pdf, accessed 20 March 2014.

Khan, F. & Thring, P. 2003. *Housing Policy and Practice in Post-apartheid South Africa*. Sandown: Heinemann.

Kitching, A., Görgens, T., Masiko-Kambala, P. & van Donk, M. 2014. 'Appreciating contestation: Investigating the value of conflict management for strengthening community resilience'. In: Good Governance Learning Network (Ed.), *Community Resilience and Vulnerability in South Africa*. Cape Town: Good Governance Learning Network.

Lee, K.N. 2007. 'An urbanizing world'. In: Starke, L. (Ed.), *State of the World 2007: Our Urban Future.* New York: W.W. Norton and Company.

Marx, B., Stoker, T. & Suri, T. 2013. 'The economics of slums in the developing world'. *Journal of Economic Perspectives*, 27 (4): 187–210.

Mabin, A. 1990. 'Limits of urban transition models in understanding South African urbanisation'. *Development Southern Africa*, 7 (3): 311–322.

McFarlane, C. & Waibel, M. (Eds.). 2012. *Urban Informalities: Reflections on the Formal and Informal*. London: Ashgate.

McGaffin, R., Cirolia, L.R. & Massyn, M., 2015. 'Overcoming the challenge of vertical consolidation in South Africa's low-income settlements: A case study of Du Noon'. *Urban Forum*, 26 (1): 59–75.

Miraftab, F. 2003. 'The perils of participatory discourse: Housing policy in postapartheid South Africa'. *Journal of Planning Education and Research*, 22 (3): 226–239.

Mitlin, D. 2008. *Urban Poor Funds: Development by the People for the People*. Poverty Reduction in Urban Areas Series Working Paper 18. London: International Institute for Environment and Development.

Myers, G.A. 2011. *African Cities: Alternative Visions of Urban Theory and Practice*. London: Zed Books.

Navez-Bouchanine, F. 2008. 'Evolution of urban policy and slum clearance in Morocco: Successes and transformations of "social contracting"'. *International Social Science Journal*, 59 (193–194): 359–380.

Nyar, A. & Wray, C. 2012. 'Understanding protest action: Some data collection challenges for South Africa'. *Transformation: Critical Perspectives on Southern Africa*, 80 (1): 22–43.

Oldfield, S. 2008. 'Participatory mechanisms and community politics: Building consensus and conflict'. In: van Donk, M., Swilling, M., Parnell, S. & Pieterse, E. (Eds.), *Consolidating Developmental Local Government: Lessons from the South African Experience*. Cape Town: UCT Press.

Osman, A. & Sebake, N. 2010. '"Time" as a key factor in design and technical decision-making: concepts of accessibility, affordability, participation, choice, variety and change in the South African housing sector'. *Human Settlements Review*, 1 (1): 236–252.

Parfitt, T. 2004. 'The ambiguity of participation: A qualified defence of participatory development'. *Third World Quarterly*, 25 (3), 537–555.

Pieterse, E.A. 2008. *City Futures: Confronting the Crisis of Urban Development*. London: Zed Books.

Pithouse, R. 2008. 'A politics of the poor: Shack dwellers' struggles in Durban'. *Journal of Asian and African Studies*, 43 (1): 63–94.

Rakodi, C. 1997. 'Global forces, urban change, and urban management in Africa'. In: Rakodi, C. (Ed.), *The Urban Challenge in Africa: Growth and Management of its Large Cities*. Tokyo: United Nations University Press.

Republic of South Africa. 2014. Medium Term Strategic Framework 2014–2019. Available at: www.gov.za/documents/medium-term-strategic-framework-2014-2019, accessed 31 July 2016.

Roy, A. 2005. 'Urban informality: Toward an epistemology of planning'. *Journal of the American Planning Association*, 71 (2): 147–158.

Roy, A. 2009. 'Why India cannot plan its cities: Informality, insurgence and the idiom of urbanization'. *Planning Theory*, 8 (1): 76–87.

Roy, A. 2011. 'Slumdog cities: Rethinking subaltern urbanism'. *International Journal of Urban and Regional Research*, 35 (2): 223–238.

Roy, A. & AlSayyad, N. 2004. *Urban Informality: Transnational Perspectives from the Middle East, Latin America, and South Asia*. Lanham, MD: Lexington Books.

Schön, D.A. & Rein, M. 1994. *Frame Reflection: Toward the Resolution of Intractable Policy Controversies*. New York: Basic Books.

Simone, A. 2010. *City Life from Jakarta to Dakar: Movements at the Crossroads*. London: Routledge.

Smit, W., Macgregor, H. & Mgwatyu, Z. 2007. *Living on the Edge: A Study of the Delft Temporary Relocation Area.* Cape Town: Development Action Group.

Swilling, M. 2008. 'Beyond co-option and protest: Reflections on the FEDUP alternative'. In: van Donk, M., Swilling, M., Parnell, S. & Pieterse, E. (Eds.), *Consolidating Developmental Local Government: Lessons from the South African Experience.* Cape Town: UCT Press.

Swilling, M. 2011. 'Reconceptualising urbanism, ecology and networked infrastructures'. *Social Dynamics*, 37 (1): 78–95.

Tissington, K. 2011. *A Resource Guide to Housing in South Africa 1994–2010.* Johannesburg: Socio-Economic Rights Institute of South Africa.

Todes, A. 2003. 'Housing, integrated urban development and the compact city debate'. In: Harrison, P., Huchzermeyer, M. & Mayekiso, M. (Eds.), *Confronting Fragmentation: Housing and Urban Development in a Democratic Society*. Cape Town: UCT Press.

Todes, A., Kok, P., Wentzel, M., Van Zyl, J. & Cross, C. 2010. 'Contemporary South African urbanization dynamics'. *Urban Forum*, 21 (3): 331–348.

Turner, J.F. 1969. 'Uncontrolled urban settlement: Problems and policies'. In: Breese, G.W. (Ed.), *The City in Newly Developing Countries: Readings on Urbanism and Urbanization*. Englewood Cliffs, NJ: Prentice-Hall.

Turner, J.F.C. 1976. *Housing by People: Towards Autonomy in Building Environments.* London: Marion Boyars.

Turner, J.F.C. & Fichter, R. (Eds.). 1972. *Freedom to Build.* New York: Macmillan.

Turok, I. 2013. 'Securing the resurgence of African cities'. *Local Economy*, 28 (2): 142–157.

Turok, I. & Parnell, S. 2009. 'Reshaping cities, rebuilding nations: The role of national urban policies'. *Urban Forum*, 20 (2): 157–174.

UNFPA (United Nations Population Fund). 2007. *State of the World Population 2007.* New York: United Nations Population Fund.

UN-Habitat. 2003. *The Challenge of Slums: Global Report on Human Settlements 2003.* London: Earthscan.

UN-Habitat. 2010. *State of African Cities 2010: Governance, Inequality and Urban Land Markets.* Nairobi: UN-Habitat.

United Nations. 1997. *Glossary of Environment Statistics.* Studies in Methods, Series F, No. 67. New York: United Nations Department for Economic and Social Information and Policy Analysis, Statistics Division.

UNPD (United Nations Population Division). 2009. *Urban and Rural Areas 2009.* Available at: www.un.org/en/development/desa/population/publications/pdf/urbanization/urbanization-wallchart2009.pdf, accessed 26 August 2014.

van Donk, M. 2012. 'Tackling the "governance deficit" to reinvigorate participatory local governance'. In: Good Governance Learning Network (Ed.), *Putting Participation at the Heart of Development/Putting Development at the Heart of Participation.* Cape Town: Good Governance Learning Network.

Wakely, P. & Riley, E. 2010. *The Case for Incremental Housing.* CIVIS Special Issue. World Urban Forum 5. New York: Cities Alliance.

Watson, V. 2009a. 'Seeing from the South: Refocusing urban planning on the globe's central urban issues'. *Urban Studies*, 46 (11): 2259–2275.

Watson, V. 2009b. '"The planned city sweeps the poor away …": Urban planning and 21st century urbanisation'. *Progress in Planning*, 72 (3): 151–193.

Chapter 2

Informal settlement upgrading: International lessons and local challenges

Warren Smit

Since the 1970s, there have been many attempts at the *in situ* upgrading of informal settlements around the world, and there have been some key lessons learned from the more successful attempts. In South Africa, approaches to upgrading informal settlements have often been quite different from the approaches used internationally; most South African long-term interventions in informal settlements have been rollover upgrading projects that focus on the provision of houses and infrastructure, and result in the relocation of significant proportions (frequently the majority) of households.

This chapter reviews the evolution of approaches to informal settlement upgrading, and discusses the key lessons learned, in terms of the following aspects of the upgrading process: the scope of upgrading, the implementers of upgrading, security of tenure, physical interventions, social and economic interventions, the importance of citywide strategies and the need for broader institutional reform. The evolution of informal settlement upgrading in South Africa is then examined, focusing on significant phases in this evolution: the dominant approach of the apartheid government towards informal settlements up until the 1980s; the emergence of a new housing policy in the 1990s that encouraged rollover upgrading and relocation; and the introduction of an informal settlement upgrading programme as part of the Breaking New Ground (BNG) policy in 2004. Two noteworthy projects are highlighted: the Bester's Camp *in situ* upgrading project in the 1990s, and the N2 Gateway project, which was initiated as a national pilot of the informal settlement upgrading programme in 2004. The chapter then concludes by discussing why the lessons learned from global experiences with informal settlement upgrading have had so little impact in South Africa.

It should be noted that in this chapter, as discussed in the introduction to the book, the term 'informal settlements' is used to refer to settlements in which residents do not have legal security of tenure and do not have dwellings that comply with planning and building regulations (and which therefore generally lack adequate services). It should also be noted that in this chapter, I use '*in situ* upgrading' in the narrow sense of the term, to refer to upgrading projects in which only a minority of

households are required to relocate (usually to make way for roads or other infrastructure) and infrastructure is installed around existing dwellings. This is in contrast to 'rollover upgrading', in which all households are required to temporarily relocate while the site is redeveloped (and a significant proportion is typically permanently relocated away from the original settlement). In an established informal settlement where residents have invested in their dwellings, *in situ* upgrading is usually the best option, but in many cases rollover upgrading can be appropriate (as long as it does not result in the displacement of large numbers of households).

Informal settlement upgrading globally

From the late 19th century onwards the usual response (where there was a response) to traditional inner-city slums was slum clearance—slums were demolished and replaced by public housing (UN-Habitat, 2003). Stephens (2011: 35) notes that slum clearances of the 19th century were essentially 'a paternalistic, technical approach', which, while lowering disease rates and improving life expectancy, 'did not change the overall inequality in society, [or] bring many urban poor people out of their structural poverty'. Nonetheless, with the increased growth of informal settlements in the rapidly growing cities in the global South during the post-Second World War period, the same approach often began to be applied to informal settlements. Up until the early 1970s, therefore, two dominant discourses with regard to informal settlements coexisted: 'slum clearance' (Abbott, 2002; Werlin, 1999) and what can be called 'benign neglect'.

Slum clearance was driven by views of 'the uncontrolled informal-settlement phenomenon as a threat to the security, health, and well-being of formal, mainly middle-class society … Intervention based on this interpretation seeks eviction and at best relocation to peripherally located, segregated residential development' (Huchzermeyer, 2002: 99). The assumption was that this approach would eventually result in the elimination of informal settlements (Pugh, 1995). In reality, however, the growth of informal settlements continued. The benign neglect of such settlements was driven by views of unserviced informal settlements 'as a pool of cheap labour' (Huchzermeyer, 2002: 99). This typically resulted in informal settlements being tacitly accepted, but otherwise ignored.

Although these two discourses continued (and continue) to be very common among policy makers, in the 1970s a new discourse on informal settlements, that of '*in situ* upgrading', began to develop. In the late 1960s and early 1970s, John Turner and other academics began to study the processes of the establishment and consolidation of informal settlements, and began to critique the slum clearance approach and highlight the importance of self-help housing processes in informal settlements (Choguill, 1999). Drawing on the work of Latin American scholars (Harris, 2003), Turner argued that the solution to slums was not to demolish the

housing but to improve the environment, especially by providing infrastructure; as the environment improved, informal settlement dwellers would gradually better their homes and living conditions, especially when encouraged by security of tenure and access to infrastructure (Turner, 1976; Turner & Fichter, 1972). Turner's ideas have been criticised, most notably by Burgess (1982), mainly on the grounds that informal settlement upgrading can result in increasing commodification, ultimately leading to the displacement of the poor, but they nonetheless proved to be extremely influential, particularly with the World Bank. During the early 1970s there was pressure on the World Bank from governments in developing countries to 'extend its range of development loans to urban infrastructure and housing' (Pugh, 1995: 64). In response to this pressure, the World Bank entered the housing sphere. At the same time, it was clear that public housing policies in the global South were failing; these housing programmes were criticised for not being affordable either for governments or for the envisaged beneficiaries (Gilbert & Gugler, 1992). Strongly influenced by the writings of Turner, the World Bank therefore adopted the 'self-help' approach as a replacement for traditional slum clearance and public housing approaches during the 1970s; the delivery mechanisms were the provision of sites-and-services and associated informal settlement upgrading projects (Pugh, 1995, 1997). The aim of the World Bank, essentially, was to lower the standard of the housing product in order to make it more affordable to both government and low-income households (Marais & Krige, 2000). Because of the problems associated with accessing vacant land, in practice there was a focus on upgrading projects (Werlin, 1999).

The World Bank's overall approach to informal settlement upgrading emphasised the centrality of physical infrastructure and hard service delivery (Abbott, 2002). Although its interventions in specific contexts varied considerably (Gulyani & Bassett, 2007), the typical World Bank approach has been described as 'externally designed comprehensive upgrading', which seeks 'within a relatively short period, to transform an illegal and sub-standard environment to acceptable standards through a capital intensive intervention' (Huchzermeyer, 2004b). Its biggest slum upgrading projects included the Kampung Improvement Programme in Jakarta, the Bustee Improvement Programme in Kolkata, and the Comprehensive Slum Improvement Programme in Madras/Chennai (Werlin, 1999).

Simultaneously, other organisations also began to implement informal settlement upgrading. Some of their approaches were similar to that of the World Bank, but some were very different, such as those that followed what Huchzermeyer (2004b) calls the 'support-based' approach, in that communities are supported to play the lead role in the upgrading process. Notable government-led examples include the Million House Programme in Sri Lanka and the Baan Mankong programme in Thailand (Archer, 2012; Boonyabancha, 2005). A notable example of NGO-led, support-based upgrading is the Orangi Pilot Project in Karachi, Pakistan (Hasan,

2006). There also began to be attempts at addressing informal settlements through mobilisation, for example by affiliates of Shack/Slum Dwellers International (SDI). These interventions derived from a more radical perspective on informal settlements as 'a consequence of class-based exploitation … Intervention then seeks to support (1) informal-settlement mobilization, (2) the grassroots-based articulation of intervention proposals, and (3) the exertion of pressure on the state for policy amendments and action, including pressure for change in other policy areas' (Huchzermeyer, 2002: 98–99).

Over time, the World Bank approach to informal settlement upgrading also gradually evolved. For example, the Kampung Improvement Programme became more decentralised and more participatory, and began including community development activities as well as the provision of physical infrastructure (Kessides, 1997).

During the 1990s, with a shift to broader housing policies, informal settlement upgrading fell out of fashion (Gulyani & Bassett, 2008), but at the turn of the millennium it made a prominent return and became a global priority. First Cities Alliance was launched in 1999 by the World Bank and UN-Habitat, and developed the Cities Without Slums initiative. Then, in 2000, the Cities Without Slums initiative was incorporated into the United Nations' Millennium Development Goals (MDGs), as Target 11 of Goal 7: 'By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers'. UN-Habitat's *The Challenge of Slums* report (UN-Habitat, 2003) subsequently highlighted the need for participatory informal settlement upgrading.

Lessons from international experiences of upgrading

Although informal settlement upgrading has, of necessity, to be context-specific, the past four decades of upgrading interventions have provided fairly consistent lessons about the approaches that tend to work well. There have been a number of reviews that have considered a range of informal settlement upgrading projects and programmes, and these are particularly useful (for example, Fernandes, 2011; Gulyani & Bassett, 2007; Minnery et al, 2013; Turley et al, 2013; UN-Habitat, 2003).

What is upgrading?

The term 'informal settlement upgrading' does not have a clear definition;[1] it can be applied to any intervention in informal settlements 'that results in a quantifiable improvement in the quality of life of the residents affected' (Abbott, 2002: 307). By

---

1 Other terms are sometimes used (eg 'regularisation', 'formalisation' or 'rehabilitation'), sometimes to mean a particular variant of upgrading or sometimes as a synonym for upgrading in general, but 'upgrading' is the usual, and preferable, term.

definition, informal settlement 'upgrading' interventions (as opposed to relocation projects) generally have minimal displacement of residents as an objective. However, physical upgrading often necessitates the relocation of some households, for example to make way for roads or community facilities. The proportion of residents relocated can vary greatly, from none in the Kampung Improvement Project in Indonesia through to more than 50 per cent of residents in some cases (Van Horen, 2000).

Informal settlement upgrading interventions typically include one or more of the following components (Amis, 2001; Barrett, 2000; Majale, 2003; Wekesa et al, 2011):

- physical upgrading: roads, pavements, stormwater drainage, water supply, sanitation, street lighting, solid waste management
- increasing security of tenure
- social and economic interventions: setting up neighbourhood and women's groups, youth activities, forming savings groups, pre-primary education, adult literacy, community health, mother and child care, mobilising community savings, supporting income-generating activities through vocational training/ skills upgrading, and facilitating access of small businesses to finance and trade.

In addition, citywide strategies and institutional reform can be added as two more components (Minnery et al, 2013; Stephens, 2011). These five components are discussed in more detail further on in the chapter.

Some informal settlement upgrading programmes have focused on only one of these components (for example, the COFOPRI programme in Peru focused only on legalisation of tenure) whereas other programmes have included multiple components. Experience suggests that the best approach to upgrading informal settlements is an integrated, multi-sectoral one, as urban poverty is complex and multi-dimensional, and 'single sector interventions cannot sustainably improve the shelter conditions of urban poor households' (Majale, 2003: 8). A well-known example of an integrated informal settlement upgrading programme is the Slum Networking Project in Ahmedabad, India, which included a range of interventions (Amis, 2000; Amis & Kumar, 2001; Das & Takahashi, 2009; Dutta, 2000; Tripathi, 1999). The physical upgrading interventions included: water supply, underground sewerage, roads and paving, storm water drainage, street lighting, solid waste management, and landscaping. Social development interventions in the upgrading process included: establishing neighbourhood groups for women and youth; community savings and loan groups; non-formal education opportunities for children and adults; community and health interventions; vocational training and job access; and small enterprise assistance.

The actual interventions required in a particular settlement, however, would need to depend on the context. Gulyani and Bassett (2008) suggest that 'the "right" entry point, or combination of entry points, for improving conditions in a settlement will depend on context and the nature of linkages between various dimensions [such

as current tenure, infrastructure and shelter conditions] in that place' (Gulyani & Bassett, 2008: 859).

The implementers of informal settlement upgrading

Informal settlement upgrading interventions have been implemented by a wide range of organisations—donor organisations, community organisations, local government, national government, NGOs—in both 'top-down' and 'bottom-up' ways (Huchzermeyer, 2004b). It seems clear, however, that multiple stakeholders, particularly communities and local government, should always be involved. Cronin and Guthrie (2011) suggest that both the bottom-up and top-down approaches have their advantages, and should ideally be combined.

An unambiguous lesson from experiences of informal settlement upgrading is that communities always need to be centrally involved in the process. For example, UN-Habitat's review of informal settlement upgrading practice suggested that '[it] is now good practice to involve the communities from the outset, often through a formalized process, and to require a contribution from the occupants, which gives them both commitment and rewards' (UN-Habitat, 2003: 132). Minnery et al noted in their review of upgrading in South-East Asian cities that '[community] participation was a key strategy in the physical upgrading projects undertaken in the study sites, from project identification and planning to procurement of materials and provision of labour, although the level and form of this participation varied enormously … Community readiness to be involved in the programs was essential to long-term success' (Minnery et al, 2013: 167). By contrast, 'projects that involved community participation only during the implementation stage did not gain proper public support' (Minnery et al, 2013: 167–168). NGOs often play an important role in supporting community organisations, and appear to be 'critical in both the development and implementation of many slum upgrading programs' (Minnery et al, 2013: 167). Effective community engagement usually necessitates processes of gaining community buy-in, undertaking a community enumeration and involving the community in planning for the upgrading interventions (Sarkar, 2011).

Although many early informal settlement upgrading projects effectively bypassed government, it began to be recognised that government, especially local government, has to be involved in upgrading as government agencies need to undertake the long-term provision of services to residents (Werlin, 1999). Gulyani and Bassett (2007: 506) argue that upgrading programmes 'should be part of regular government business … Municipal or local government departments (such as public works, planning and community welfare) as well as public utilities should be required to not only deliver and maintain services in slums but also to mainstream such efforts in their work'.

There may also be a role for state agencies that can work with and support community organisations and NGOs. For example, the Baan Mankong project in Thailand involves a new organisation, the Community Organisations Development

Institute (CODI), which 'works closely in communities to build up the strength of community groups such as saving groups, and promote collective action through community improvement projects, also channelling funds to these communities' (Archer, 2012: 178).

How these organisations interact with each other, and how competing agendas between (and within) organisations are dealt with is crucial. Different stakeholders, such as landlords and tenants, may have directly competing interests. Many upgrading projects have been derailed by the resulting serious political and social conflict. A not-untypical example is the Mathare 4A upgrading project in Kenya, which 'stalled at the pilot phase after violent confrontations engineered by local politicians and absentee landlords' (Kiyu, 2014: 26). Mechanisms to ensure participation by all residents can potentially avoid projects being blocked by minority interests. It is also important to have a project committee or forum where all stakeholders, including representatives of various community interests, are represented. The Slum Networking Project in Ahmedabad, India, initiated in 1995 as a long-term citywide programme to upgrade settlements and link them into the city's networked infrastructure, is a notable example of an upgrading programme being driven by a multi-stakeholder partnership (Das & Takahashi, 2009; Dutta, 2000; Tripathi, 1999). The programme was a partnership between the Ahmedabad Municipal Corporation, the Self-Employed Women's Association and various NGOs, community organisations and the private sector. The two key dimensions of the institutional arrangements in the Slum Networking Project are decentralised governance—'the participation by institutional stakeholders from the public, private, and nongovernmental sectors … primarily aimed at improving the effectiveness and efficiency of development projects through power sharing, greater accountability, and transparency'—and participation— 'citizens' direct involvement [which] primarily seeks the inclusion of poor and marginalized sections of society in the decision-making process' (Das & Takahashi, 2009: 214).

Security of tenure

One of the key characteristics of informal settlements is inadequate security of tenure, with residents often at risk of eviction, and improving residents' security of tenure is therefore usually regarded as an essential part of upgrading informal settlements. There has, however, always been a debate about the extent to which security of tenure is equated to formal individual ownership in which the heads of households occupying each plot get a title deed (ie titling).

Some upgrading programmes have focused on the narrow legalisation of tenure through titling. This approach is inspired by Hernando de Soto's hypothesis that title deeds are a trigger for development, stimulating access to finance, economic activity and residential upgrading (De Soto, 2001). The most notable programme of this nature has been the COFOPRI programme in Peru, which issued over 1,5 million individual freehold titles between 1996 and 2006. Evaluations suggest that there

were fairly modest results in terms of access to credit and investment in housing (Fernandes, 2011). Another way of trying to legalise tenure while trying to avoid some of the negative impacts of individual land titles has been to use community or group titles as a way to confer tenure security (Gulyani & Bassett, 2007). An example of this is the Baan Mankong programme, where, however, perceptions of security of tenure have not significantly increased, due partly to misinformation and partly to the difficulty experienced by some residents in keeping up with loan repayments (Archer, 2012).

An alternative view of security of tenure has been that it is not the formality of the tenure, but the perception of security of tenure that is important (Angel, 1983). Some upgrading projects therefore 'deemphasize or completely exclude the official documentation of land rights' (Gulyani & Bassett, 2007: 494). Many upgrading projects in Brazil, such as the Favela Bairro programme in Rio de Janeiro (Handzic, 2010) have gone this route and focused on other types of interventions. In these projects, 'managers increasingly realize that there is an important distinction between providing security of tenure and issuing land titles … Security of tenure will spur investment and housing improvement; land titles may simply raise project costs and bring unwanted secondary effects' (Gulyani & Bassett, 2007: 495). There are a wide variety of ways in which de facto security of tenure can be provided without undertaking expensive and time-consuming titling processes, such as 'moratoriums on relocations' and evictions or 'temporary occupation licences' (Payne, 2005: 136–137). Gulyani and Bassett (2007) note, however, that stronger legal rights (such as full individual or communal ownership) may indeed be preferred by vulnerable groups at risk of eviction or displacement.

Physical interventions

The literature on informal settlement upgrading suggests that infrastructure upgrading, particularly water and sanitation, are the top priorities for informal settlement communities (Turley et al, 2013). Physical interventions such as providing water and sanitation, roads and street lighting can have a significant impact on the quality of life of residents. For example, a review of evidence suggests 'that the incidence of diarrhoea is reduced following slum upgrading' (Turley et al, 2013: 48). Infrastructure can potentially also play an important role in poverty alleviation and reduction.[2] For example, in an urban upgrading programme in Visakhapatnam in India, in which

---

2   A distinction can be made between poverty alleviation (addressing basic needs, such as food, shelter, water), poverty reduction (reducing the depth of poverty through the transfer of assets, skills building, provision of employment opportunities, etc) and poverty eradication (institutional reforms that increase the political power of the poor)—all three strategies are important (Pieterse & van Donk, 2002).

170 settlements with a total population of 200 000 were upgraded, it was found that the improvements in physical infrastructure had a significant impact on poverty alleviation. In the Slum Networking Project in Ahmedabad it was found that infrastructure provision resulted not only in poverty alleviation, but in poverty reduction as well (Amis, 2001; Amis & Kumar, 2000).

Most physical informal settlement upgrading interventions have focused on collective infrastructure and not on individual dwellings, as consolidated settlements where residents have already invested in their dwellings are usually targeted for upgrading (Fernandes, 2011). However, some informal settlement upgrading interventions do include the upgrading or replacement of dwellings, and shelter improvements have frequently been promoted as a way for residents to earn additional income through the renting out of rooms (Sheuya, 2009). A few informal settlement upgrading projects have focused on shelter interventions; for example, in the case of the Piso Firme project the only intervention was the replacement of dirt floors with cement floors (Cattaneo et al, 2009). Housing can potentially also play an important role with regard to income-generating activities, and vice versa: 'many households would not have a dwelling without their home-based enterprise and many enterprises would not exist without the use of a dwelling' (Kellet & Tipple, 2000: 204).

There is an ongoing debate about whether informal settlement upgrading interventions should focus solely on the public realm (public spaces, facilities, infrastructure networks) or whether they should also include the private realm (individual dwellings and associated private open spaces). As Gulyani and Bassett (2008) suggest, however, this would depend on existing conditions in the informal settlement being upgraded.

Social and economic interventions

It has increasingly been recognised that a variety of social and economic components ideally need to be included in informal settlement upgrading interventions. For example, UN-Habitat's review of informal settlement upgrading practice concluded that the 'best examples are holistic approaches to neighbourhood improvement, taking into account health, education, housing, livelihood and gender' (UN-Habitat, 2003: 132).

The sustainable livelihoods approach, which dates back to the work of Robert Chambers in the 1980s and 1990s (for example, see Chambers, 1995), has become an important framework for thinking about integrated informal settlement upgrading (Majale, 2003). A livelihood comprises 'the capabilities, assets (including both material and social resources) and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from shocks and stresses and maintain and enhance its capabilities and assets both now and in the future, whilst not undermining the natural resource base' (Carney et al, 1999: 4).

In an integrated approach it is therefore important that all facets of poverty are addressed through a multifaceted strategy that includes strengthening social capital (strengthening community institutions and social networks, for example, neighbourhood committees, savings groups, income-generating activity groups), human capital (improving health and education), financial capital (increasing income and access to credit) and physical capital (access to infrastructure and shelter) (Majale, 2003). As an example, in the Baan Mankong programme, one of the objectives is 'creating economic space for the poor (for instance, new markets), or economic opportunities wherever possible within the upgrading process' (Boonyabancha, 2005: 25–26).

It should be noted that social and economic interventions may require the provision of physical facilities such as schools within the upgrading project, or the expansion or conversion of existing facilities in the surrounding areas.

Citywide strategies

Experience with informal settlement upgrading suggests that it is important to go beyond isolated projects and establish citywide upgrading strategies. UN-Habitat, in their review of informal settlement upgrading practice, suggested that '[the] more sustainable efforts appear to be those that are the main plank of a city development strategy with planned, rolling upgrades across the city and a political commitment to maintenance' (UN-Habitat, 2003: 132). Similarly, Gulyani and Bassett (2007: 506) suggest that '[first], upgrading efforts should explicitly link infrastructure in slums to citywide (trunk) infrastructure networks and citywide service and maintenance arrangements. Second, it is imperative that upgrading becomes programmatic and does not continue as isolated (large or small scale) projects. To be programmatic these efforts will require: a plan, predictable funding, agreed and simple operating rules, and capacity.' An example of citywide informal settlement upgrading is the Baan Mankong programme. Pilot projects are selected, and then the subsequent steps include 'integrating these upgrading initiatives into city-wide development. This includes coordinating with public and private landowners to provide secure tenure or alternative land for resettlement, integrating community-constructed infrastructure into larger utility grids, and incorporating upgrading with other city development processes' (Boonyabancha, 2005: 25–26).

A particularly important issue that needs to be addressed by citywide strategies is that informal settlement upgrading 'needs to be complemented with strategies that deal with "flow"—or demand from future waves of poor immigrants and other low-income residents and prevents the formation of new slums' (Gulyani & Bassett, 2007: 506). Payne (2005: 137) refers to this as a 'twin-track' approach, with informal settlement upgrading interventions accompanied by a programme to pre-empt the formation of new informal settlements. One way to prevent the growth of new informal settlements is through the rapid provision of serviced land for settlement, or 'managed land settlement'. The Hyderabad Incremental Development

Scheme in Pakistan provides a model of managed land settlement, in which households could get rapid access to land with basic services (UNCHS, 1991). The planned layout of these areas meant that the infrastructure could subsequently be easily upgraded.

Institutional reform

The major criticisms of informal settlement upgrading initiatives have typically been, first, that it is a '"Band-Aid"—a piecemeal approach that benefits a lucky few, but does little to address the dynamics underlying squatter settlement development such as inequitable land distribution, dysfunctional institutional frameworks, and structural poverty' (Gulyani & Bassett, 2007: 504); and second, that even where enthusiastically implemented for sustained periods (such as in Belo Horizonte, Brazil, where an informal settlement upgrading programme has been implemented continuously since 1983), informal settlement upgrading has not been able to decrease the proportion of residents living in informal settlements (Fernandes, 2011).

Many scholars therefore suggest that it is necessary to address the factors underlying the growth and persistence of informal settlements through changing policies, laws and processes that systematically exclude residents of these settlements (Fox, 2014; Stephens, 2011). In particular, it is necessary to change urban governance processes so that informal settlement residents are better represented in decision-making at local government level (Minnery et al, 2013).

Informal settlement upgrading in South Africa

All of the various approaches to informal settlements (slum clearance, benign neglect and various forms of top-down and bottom-up upgrading) have been reflected in South Africa, often simultaneously. The approach to informal settlement upgrading taken in South Africa has, however, generally been very different to that followed elsewhere. Firstly, it has focused on physical upgrading (the provision of houses and infrastructure) as opposed to more integrated approaches, on individual title deeds as the only form of tenure, and on a rollover upgrading approach (in which the majority of residents are usually displaced) as opposed to an *in situ* upgrading approach.

In order to understand these differences, we need to examine the history of how informal settlements in South Africa have been addressed. This history is discussed in three parts below: the draconian eradication approach of the apartheid era; the adoption of the capital housing subsidy programme, which has its roots in the 1980s; and the introduction of the UISP in 2004 as part of the BNG policy.

The era of demolition and forced removals

From the 1920s onwards, South Africa had a housing policy that focused on demolishing 'slums' and forcibly relocating residents to racially segregated public

housing estates on the urban periphery. Until the 1950s this was done in a fairly ad hoc manner and on a small scale, but after the introduction of the Group Areas Act (No. 41 of 1950) the amount of funding for housing greatly increased, and enormous effort was expended on building segregated townships on urban peripheries in the 1950s and 1960s (Mabin, 1992; Maylam, 1990). The principle of racial segregation was put into practice with 'the construction of vast African townships. According to the apartheid "ideal" these townships were to be sited as far as possible from white residential areas, but reasonably close to industrial areas. Spatial separation was to be reinforced by buffer zones and by natural or other barriers' (Maylam, 1990: 69–70). From the late 1960s, the provision of housing for black Africans began to slow down as the state attempted to prevent migration of black Africans to urban areas. The halting of new housing construction for black Africans in urban areas led to the renewed growth of informal settlements in the 1970s. The forcible demolition of these informal settlements and the relocation of residents to newly established peripheral settlements such as Khayelitsha continued into the 1980s (for example, see Cook, 1986).

Towards a new housing policy

The roots of the current South African housing programme lie in the 1980s, when the apartheid system began to gradually unravel. The Urban Foundation had been set up by Anglo American, the largest private corporation in South Africa, as a private-sector think tank after the Soweto protests of 1976 (Smit, 1992). Recognising the issue of informal settlements as something that needed to be addressed, the Urban Foundation began thinking about a new approach to housing policy in South Africa. As Huchzermeyer (2001) notes, most research on informal settlements in South Africa in the 1980s was commissioned by the Foundation. Drawing on the ideas of the World Bank, 'its staff carried out literature reviews and designed a new approach to subsidy policy' (Gilbert, 2002: 1916). The Urban Foundation's 1990 recommendations for a new housing policy 'may be seen as a benchmark in the South African informal settlement intervention debate and practice. The proposal was based on the principle of a standardised, household-based capital subsidy, defining the individual plot size, service level and form of tenure' (Huchzermeyer, 2001: 71). In line with the ideas of De Soto and the World Bank, full individual ownership (or 'freehold title') was seen as the preferred tenure option. In the early 1990s, the Independent Development Trust (IDT), headed by the former chairperson of the Urban Foundation, piloted an initiative based on the capital subsidy and freehold title approach to provide 100 000 serviced sites in three years (Gilbert, 2002). This approach was subsequently incorporated into the national housing policy. The ANC agreed to introduce a capital housing subsidy scheme, and its election manifesto for the first democratic elections in 1994 announced a target of one million houses to be delivered in five years. Implementation of the new housing

programme, popularly called the Reconstruction and Development Programme (RDP) housing programme, began in 1994.

The capital subsidy housing scheme that South Africa adopted in the early 1990s is more or less identical to the World Bank model implemented in countries like Chile. The extent to which South Africa adopted the World Bank housing agenda in the early to mid-1990s is debated, though. Whereas many researchers (for example Jones & Datta, 2000) are of the view that South Africa explicitly adopted the World Bank model, Gilbert (2002) convincingly argues that South Africa ignored experience elsewhere and reinvented the capital subsidy housing scheme for itself. It needs to be noted that although South Africa's new housing policy had many similarities to the World Bank model, most notably the use of targeted capital subsidies and the emphasis on individual ownership, it also had fundamental differences. The main difference was that whereas the World Bank advocated the use of capital subsidies for infrastructure only, the South African housing capital subsidy was explicitly also for 'starter houses' (Marais & Krige, 2000), although initially there were no minimum standards for what this starter house should be. Another key difference was that whereas the World Bank approach focused on the upgrading (particularly *in situ* upgrading) of informal settlements, South Africa had no explicit programme for informal settlements. Nonetheless, there were some experiments with *in situ* informal settlement upgrading in South Africa in the 1990s, such as Bester's Camp (see Box 2.1). The housing programme was not conducive to *in situ* upgrading, however, and changes to the programme meant that by the end of the 1990s *in situ* upgrading had more or less disappeared from South Africa.

The housing delivery programme succeeded in ensuring that millions of households obtained access to basic services and secure tenure, but there were many criticisms of the programme. In particular, most of the houses delivered were in peripheral locations, and there was a focus on physical delivery, with insufficient social and economic interventions (CSIR, 2002; PSC, 2003; Tomlinson, 1999; Zack & Charlton, 2003). Initially there was a focus on participation, with developers required to sign 'social compacts' with community representatives, but over time the pressure of rapid delivery (and the trend towards standardised end products) meant that participation in housing projects gradually dwindled, other than in allocation processes (Smit, 2001).

During the late 1990s, the housing subsidy amounts gradually increased and minimum standards for house size (and plot size in some provinces) began to be introduced as the delivery of completed houses became an important political priority and demand. For example, in 1999 the national department set 32 m^2 as the minimum size of subsidised houses, and some provinces introduced even larger minimum house sizes as well as minimum sizes for plots (PSC, 2003). As the minimum standards for subsidy housing increased, the *in situ* upgrading of

Box 2.1	The Bester's Camp *in situ* upgrading project

In the 1990s, there were a number of experiments with *in situ* informal settlement upgrading in South Africa, using capital subsidies (initially IDT subsidies, and then the government housing subsidies once these were introduced), particularly in Durban (Charlton, 2006). This was possibly because informal settlements on the urban fringe of Durban often had a significant proportion of relatively well-constructed and permanent dwellings, for example dwellings constructed of wattle, stone and cement (Smit & Mbona, 1996). A particularly noteworthy *in situ* upgrading project in Durban (it was the first and largest in South Africa) was the Bester's Camp project. Van Horen (2000: 391) notes of the project that 'the implementation of large-scale shack settlement in-situ upgrading was without precedent in South Africa at the time of the project initiation'. The informal settlement had a population of about 7 000 households (about 50 000 people). Only 400 households were relocated through the upgrading project, and the 'original settlement patterns remained largely unchanged' (Van Horen, 2000: 391). Infrastructure provided during the project included 'a pedestrianized circulation network of asphalt and concrete roads, lanes and footpaths, and a stormwater drainage network', 41 water points, and a ventilated improved pit (VIP) latrine toilet and an electricity connection for each household (Van Horen, 2000: 391). IDT requirements stipulated titling, but this proved to be expensive and inappropriate, and there were a number of informal sales of properties leading to the legal site ownership records increasingly diverging from the de facto ownership (Van Horen, 2000). This essentially meant that an increasing proportion of residents had no formal security of tenure.

informal settlements fell off the agenda, since the delivery of standardised housing units on standardised plots was clearly not compatible with *in situ* upgrading. The subsidy scheme for the delivery of complete houses became the primary tool for addressing informal settlements: 'Through this form of intervention, informally developed settlements are replaced by fully standardized townships on cheap tracts of land (usually involving relocations), thus largely perpetuating the existing structure of the South African city' (Huchzermeyer, 2003: 592). Most informal settlements targeted by the housing programme were relocated, but in some cases informal settlements were upgraded. The standardised nature of the product, and the delivery of starter houses, meant that rollover upgrading rather than *in situ* upgrading was used. As Huchzermeyer (2004a: 75–76) notes, 'a "roll-over" upgrading procedure is common practice in South Africa. This means removal of all shacks from the land, their temporary reconstruction on nearby land, and the installation of layout and infrastructure according to conventional greenfield procedures.' This approach 'has shaped not only the formal low-cost environment, but also the informal/illegal environment', as requiring the replacement of informal settlements by standardised products 'discourages gradual popular investment in permanent structures' (Huchzermeyer, 2003: 591–592).

Even where settlements were upgraded through rollover upgrading, the housing delivery model of a standardised freestanding house meant that the majority of households often needed to be relocated. Huchzermeyer (2004a) notes that, whereas parts of the KTC informal settlement in Cape Town had densities of more than 250 dwelling units per hectare, after rollover upgrading the density was reduced to 37 dwelling units per hectare, meaning that in some areas up to 85 per cent of residents were displaced through the upgrading process.

This replacement of informal settlements by rollover upgrading and relocation can be seen as an attempt to transform '"chaotic" shack settlements' into 'orderly working-class suburbs' (Robins, 2002: 511). This attempt has been only partially successful. As Robins notes of Joe Slovo Park in Cape Town (a housing project developed in the 1990s for residents of an adjacent informal settlement), while 'planners and developers envisaged a highly regulated formal housing development devoid of backyard shacks, shebeens and spaza shops, Slovo Park's core brick structures ("RDP" subsidy houses) have been swamped by informal structures built from corrugated iron and a mixture of other improvised building materials. It appears as if these brick-and-mortar houses have been recolonised by corrugated iron, plastic and wood. In other words, the "formal" suburb of Joe Slovo Park seems to have reverted back to its original "unruly" state' (Robins, 2002: 512). Social conditions in the new settlements have also been somewhat different to what policy intended. A study of residents of four housing projects in Cape Town, between 10 and 15 years after completion, concluded that 'important attributes of the sense of neighbourhood (such as inter-household familiarity, kin and friendship networks, residents' perceived commonality and social control and sense of identification with place) in the four poor post-apartheid urban housing projects were found to be weak overall … the government's ambition to create socially viable neighbourhoods of homeowners has run aground, given residents' ambitions of privacy amidst pervasive crime, poverty and uncertainty' (Muyeba & Seekings, 2012: 58). These realities suggest that the conventional rollover or relocation approach does not adequately address the needs and priorities of informal settlement residents.

Despite the large-scale delivery of RDP houses for residents of informal settlements from the mid-1990s onwards, informal settlements continued to grow in South Africa. Because of the national policy void on informal settlements, and the failure of the housing programme to keep up with informal settlement growth, local governments were increasingly forced to fund and implement ad hoc servicing projects to provide services to informal settlements (Graham, 2006; Pottie, 2003). This usually took the form of '[interim] basic servicing coupled with temporary security of tenure, while awaiting relocation or permanent "formalisation"' (Huchzermeyer, 2011: 199).

Breaking New Ground

As the upgrading of informal settlements became a priority on the global housing agenda (through the adoption of the MDGs in 2000 and the publication of UN-Habitat's *The Challenge of Slums* in 2003), the lack of an informal settlement upgrading programme in South Africa became an increasingly obvious gap in the overall housing programme. In 2004, accordingly, there was a fundamental shift in national housing policy towards a focus on informal settlement upgrading. On 1 September 2004, the South African Cabinet approved a new housing plan to provide a framework for housing development over the next five years, and on 2 September the Minister of Housing, Lindiwe Sisulu, unveiled the Comprehensive Housing Plan for the Development of Integrated Sustainable Human Settlements, also known as Breaking New Ground (BNG). A key focus of the plan was on informal settlements: 'Informal settlements must urgently be integrated into the broader urban fabric to overcome spatial, social and economic exclusion … the plan supports the eradication of informal settlements through in-situ upgrading in desired locations, coupled to the relocation of households where development is not possible or desirable' (DH, 2004: 12).

A key component of BNG was the UISP, intended to promote *in situ* upgrading. In fact, the UISP essentially remained 'on the shelf' until the establishment of the NUSP in 2009 (Huchzermeyer, 2011: 117), and rollover upgrading and relocation continued to be the usual way of dealing with informal settlements. In 2004, the Department of Housing also adopted an Emergency Housing Programme that could, among other things, be used for the temporary relocation of households to enable development to proceed. This, in effect, made rollover upgrading an even more attractive proposition, as a dedicated funding stream was now available to provide temporary housing for informal settlement residents while the original site and new greenfield projects for the residents to be displaced were redeveloped (Cirolia, 2014). And indeed there continued to be strong political attachment to the eradication and relocation of informal settlements. One of its most notable recent manifestations was in the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act (No. 6 of 2007), which was eventually declared invalid by the Constitutional Court in 2009 (Huchzermeyer, 2011). The N2 Gateway project, the first pilot 'informal settlement upgrading' project of BNG, highlighted all the contradictions of the time in which it was initiated (see Box 2.2 overleaf).

Box 2.2	The N2 Gateway project

The N2 Gateway project was the first pilot 'informal settlement upgrading' project of the BNG policy. The project was intended to provide for the upgrading or relocation of informal settlements along the N2 freeway 'between the Cape Town International Airport and the city centre' (DH, 2004: 2). There were an estimated 10 000 households in the informal settlements along the N2, and only 48 hectares of the total area of 124 hectares was estimated to be suitable for development (many of the informal settlements are on landfill sites). The project, as initially conceptualised, was intended to develop most of the developable land with two- to four-storey blocks of flats at a gross residential density of about 150 dwelling units per hectare, in order to minimise the need for relocations. This meant that about 7 200 housing units would be provided along the N2 and that the other 2 800 households would be relocated to areas further from the city centre. It was also intended that there would be a range of social and economic facilities provided in the project.

The first phase of the project was announced as the construction of 705 flats on part of the site occupied by the Joe Slovo informal settlement. Phase 1 was to be funded in terms of the new Social Housing Restructuring Capital Grant, and therefore had to be aimed at households in the R1 500 to R7 500 per month income group. This meant that approximately 85 per cent of the informal settlement households that lived on the site would be unable to afford the new units.

In the meantime, the estimate of the number of households living in the informal settlements along the N2 was revised upwards, and protests by backyard shack dwellers who lived in adjacent areas resulted in a decision to allocate 30 per cent of the housing units in the project to backyard shack dwellers (Eppel, 2007). The total number of housing units required therefore increased to more than 25 000 (Smit, 2008).

After it became apparent that the provision of multi-storey rental housing for the poor was not a viable option within the current subsidy framework, the plans for Joe Slovo had to be changed so that Joe Slovo Phase 2 consisted of 567 mortgage-bond houses for households in the R3 500–R7 500 monthly income bracket (Thubelisha Homes, 2007) and Joe Slovo Phase 3 consisted of single-storey individual-ownership housing units. The net result of all of this is that a greater proportion of informal settlement residents had to be moved. In all, the N2 Gateway project involved the relocation of at least 12 000 households from the informal settlements along the N2 (Smit, 2008). The Joe Slovo community strongly resisted their proposed relocation to Delft South, but the state obtained an eviction order in 2008 (COHRE, 2009)

Although the dominant approach to informal settlements in South Africa has continued to be rollover upgrading and relocation, there have been a number of NGO-supported upgrading projects that have attempted to support communities in upgrading informal settlements in a more participatory way that better responds to the needs of residents, for example those implemented by SDI/ISN (Huchzermeyer, 2011; also see Chapters 9 and 11 in this volume). These upgrading interventions

have typically involved the community-based self-help construction of basic services and community facilities. There have also been a number of local government initiatives that have attempted partnering with communities on the upgrading of informal settlements (see Chapters 10 and 11 in this volume).

With the adoption of the NUSP plan in 2010, in which 45 municipalities (this number subsequently increased) are being supported in the upgrading of informal settlements, the UISP policy has begun to be implemented, and some attempts at participatory and incremental upgrading of informal settlements are again beginning to be made.

Conclusion

The discourse of slum/informal settlement upgrading has been adopted in South Africa, along with other key elements of the World Bank/UN-Habitat housing agenda such as capital subsidies and individual ownership. However, the rhetoric of participatory, integrated and incremental informal settlement upgrading has collided with perspectives that strongly favour slum clearance and with a policy that focuses heavily on the subsidisation of top structures. This has resulted in informal settlement upgrading interventions that are actually largely slum clearance projects that largely relocate residents to new housing estates, although in some cases some of the residents are provided with housing on the original site. The N2 Gateway project is an exemplar of this trend; it was initially framed as an upgrading project, but actually turned out to be largely a slum clearance project that was not dramatically different from the usual rollover approach to informal settlement upgrading (or even from some earlier slum clearance projects). Notions of incrementalism and participation, which are prominent in the UISP, have also largely fallen by the wayside in practice (although this has started to change with the implementation of the NUSP initiative).

The reasons why the discourse of informal settlement upgrading has been reinterpreted as it has in South Africa are complex. On one level, adoption of a capital housing subsidy in the early 1990s and, since 1999, the continual increase in standards for top structures produced by the subsidy have made it difficult to undertake housing interventions other than those that result in the stereotypical low-density RDP housing projects delivered by contractors. This approach has been driven by the fact that the delivery of completed houses became a key political priority and demand in the 1990s. On another level, policy-makers in South Africa continue to have an intolerant attitude towards informality, and the informal settlements 'eradication' agenda continues to be influential.

As the capital housing subsidy was the main tool of intervention in informal settlements, a strong focus of South African upgrading has been on the private realm, on individual dwellings and plots, which contrasts with most informal settlement upgrading interventions elsewhere in the world that often focus only on

the public realm. There have been attempts in South African housing policy to have complementary housing subsidy funding for the provision of public spaces and facilities, but the main problem has been with the funding for operational costs. There has also been insufficient attention paid to the need for broader institutional reform to address the underlying causes of the continued growth and persistence of informal settlements.

South Africa needs to learn from the lessons of informal settlement upgrading elsewhere, but we also need to learn from our own experiences as we work towards programmes and projects that improve the lives of informal settlement residents in a holistic and sustainable way.

References

Abbott, J. 2002. 'An analysis of informal settlement upgrading and critique of existing methodological approaches'. *Habitat International,* 26 (3): 303–315.

Amis, P. 2001. 'Rethinking UK aid in urban India: Reflections on an impact assessment study of slum improvement projects'. *Environment and Urbanization,* 13 (1): 101–113.

Amis, P. & Kumar, S. 2000. 'Urban economic growth, infrastructure and poverty in India: Lessons from Visakhapatnam'. *Environment and Urbanization,* 12 (1): 185–196.

Angel, S. 1983. 'Land tenure for the urban poor'. In: Angel, S. (Ed.), *Land for Housing the Poor*. Singapore: Select Books.

Archer, D. 2012. 'Baan Mankong participatory slum upgrading in Bangkok, Thailand: Community perceptions of outcomes and security of tenure'. *Habitat International,* 36 (1): 178–184.

Barrett, A. 2000. *Poverty reduction in India: Towards building successful slum-upgrading strategies*. Paper presented at the World Bank South Asian Urban and City Management Course, Goa, January.

Boonyabancha, S. 2005. 'Baan Mankong: going to scale with "slum" and squatter upgrading in Thailand'. *Environment and Urbanization,* 17 (1): 21-46.

Burgess, R. 1982. 'Self-help housing advocacy: A curious form of radicalism—a critique of the work of John F. C. Turner'. In: Ward, P. (Ed.), *Self-help housing: A critique*. London: Mansell.

Carney, D., Drinkwater, M., Rusinow, T., Neefjes, K., Wanmali, S. & Singh, N. 1999. *Livelihoods Approaches Compared: A Brief Comparison of the Livelihoods Approaches of the UK Department for International Development (DFID), CARE, Oxfam and the United Nations Development Programme*. London: Department for International Development.

Cattaneo, M.D., Galiani, S., Gertler, P.J., Martinez, S. & Titiunik, R. 2009. 'Housing, health and happiness'. *American Economic Journal: Economic Policy,* 1 (1): 75–105.

Chambers, R. 1995. 'Poverty and livelihoods: Whose reality counts?' *Environment and Urbanization,* 7 (1): 173–204.

Charlton, S. 2006. 'Learning from the local: Experiences of informal settlement upgrading in Kwazulu-Natal'. *South African Review of Sociology,* 37 (1): 48–64.

Choguill, C.L. 1999. 'Community infrastructure for low-income cities: The potential for progressive improvement'. *Habitat International*, 23 (2): 298–301.

Cirolia, L.R. 2014. 'South Africa's Emergency Housing Programme: A prism of urban contest'. *Development Southern Africa,* 31 (3): 397–411.

Cook, G.P. 1986. 'Khayelitsha: Policy change or crisis response?' *Transactions of the Institute of British Geographers, New Series,* 11 (1): 57–66.

COHRE (Centre on Housing Rights and Evictions). 2009. *N2 Gateway Housing Project: Housing Rights Violations as 'Development' in South Africa.* Geneva: Centre on Housing Rights and Evictions.

Cronin, V. & Guthrie, P. 2011. 'Alternative approaches to slum upgrading in Kibera, Nairobi'. *Proceedings of the ICE—Urban Design and Planning,* 164: 129–139.

CSIR (Council for Scientific and Industrial Research). 2002. *Sustainability Analysis of Human Settlements in South Africa.* Pretoria: Council for Scientific and Industrial Research.

Das, A.K. & Takahashi, L.M. 2009. 'Evolving institutional arrangements, scaling up, and sustainability: Emerging issues in participatory slum upgrading in Ahmedabad, India'. *Journal of Planning Education and Research,* 29 (2), 213–232.

De Soto, H. 2001. *The Mystery of Capital.* London: Black Swan.

DH (Department of Housing). 2004. *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements.* Pretoria: Department of Housing.

Dutta, S.S. 2000. 'Partnerships in urban development: A review of Ahmedabad's experience', *Environment and Urbanization,* 12 (1), 13–26.

Eppel, S. 2007. *'They come here and take our houses!': Community conflicts in Langa in the context of the housing crisis in Cape Town—'borners' against 'migrants'.* Master's dissertation, Department of Sociology, University of Cape Town.

Fernandes, E. 2011. *Regularisation of Informal Settlements in Latin America.* Cambridge, MA: Lincoln Institute of Land Policy.

Fox, S. 2014. 'The political economy of slums: Theory and evidence from sub-Saharan Africa'. *World Development,* 54: 191–203.

Gilbert, A. 2002. '"Scan globally; reinvent locally": Reflecting on the origins of South Africa's capital housing subsidy policy'. *Urban Studies,* 39 (10): 1911–1933.

Gilbert, A. & Gugler, J. 1992. *Cities, Poverty and Development: Urbanisation in the Third World.* Oxford: Oxford University Press.

Graham, N. 2006. 'Informal settlement upgrading in Cape Town: Challenges, constraints and contradictions within local government'. In Huchzermeyer, M. & Karam, A. (Eds.), *Informal Settlements: A Perpetual Challenge?* Cape Town: UCT Press.

Gulyani, S. & Bassett, E.M. 2007. 'Retrieving the baby from the bathwater: Slum upgrading in Sub-Saharan Africa'. *Environment and Planning C: Government and Policy,* 25 (4): 486–515.

Gulyani, S. & Bassett, E.M. 2008. 'Revisiting … Retrieving the baby from the bathwater: Slum upgrading in Sub-Saharan Africa'. *Environment and Planning C: Government and Policy,* 26 (5): 858–860.

Handzic, K. 2010. 'Is legalized land tenure necessary in slum upgrading? Learning from Rio's land tenure policies in the Favela Bairro Program'. *Habitat International,* 34 (1): 11–17.

Harris, R. 2003. 'A double irony: The originality and influence of John F.C. Turner'. *Habitat International,* 27 (2): 245–269.

Hasan, A. 2006. 'Orangi Pilot Project: The expansion of work beyond Orangi and the mapping of informal settlements and infrastructure'. *Environment and Urbanization,* 18 (2), 451–480.

Huchzermeyer, M. 2001. 'Consent and contradiction: Scholarly responses to the capital subsidy model for informal settlement intervention in South Africa'. *Urban Forum,* 12 (1): 71–106.

Huchzermeyer, M. 2002. 'Informal settlements: Production and intervention in twentieth-century Brazil and South Africa'. *Latin American Perspectives,* 29 (1): 83–105.

Huchzermeyer, M. 2003. 'A legacy of control? The capital subsidy for housing, and informal settlement intervention in South Africa'. *International Journal of Urban and Regional Research,* 27 (3): 591–612.

Huchzermeyer, M. 2004a. 'From "contravention of laws" to "lack of rights": Redefining the problem of informal settlements in South Africa'. *Habitat International*, 28 (3): 333–347.

Huchzermeyer, M. 2004b. *Unlawful Occupation: Informal Settlements and Urban Policy in South Africa and Brazil*. Trenton, NJ: Africa World Press.

Huchzermeyer, M. 2011. *Cities* with *'Slums': From Informal Settlement Eradication to a Right to the City in Africa*. Cape Town: UCT Press.

Huchzermeyer, M. 2014. 'Troubling continuities: Use and utility of the term "slum"'. In: Parnell, S. & Oldfield, S. (Eds.), *The Routledge Handbook on Cities of the Global South*. Abingdon, Oxfordshire: Routledge.

Jones, G.A. & Datta, K. 2000. 'Enabling markets to work? Housing policy in the "new" South Africa'. *International Planning Studies,* 5 (3): 393–416.

Kellet, P. & Tipple, A.G. 2000. 'The home as a workplace: A study of income-generating activities within the domestic setting'. *Environment and Urbanization,* 12 (1): 203–213.

Kessides, C. 1997. *World Bank Experience with the Provision of Infrastructure Services for the Urban Poor: Preliminary Identification and Review of Best Practices.* Washington, DC: World Bank.

Kiyu, G.M. 2014. *Politics and Slum Upgrading in Kenya: A Case Study on the Influence of Politics on Slum Upgrading in Kibera.* Berliner Studien zur Politik in Afrika—Vol. 18. Frankfurt am Main: Peter Lang.

Mabin, A. 1992. 'Comprehensive segregation: The origins of the Group Areas Act and its planning apparatuses'. *Journal of Southern African Studies,* 18 (2): 405–429.

Majale, M. 2003. *An integrated approach to urban housing development: Has a case been made?* Paper presented at the World Bank Urban Research Symposium 2003: *Urban Development for Economic Growth and Poverty Reduction*, Washington, DC, 15–17 December.

Marais, L. & Krige, S. 2000. 'Who received what, where in the Free State? An assessment of post-apartheid housing delivery and policy (1994–98)'. *Development Southern Africa,* 17 (4): 603–619.

Maylam, P. 1990. 'The rise and decline of urban apartheid in South Africa'. *African Affairs,* 89 (354): 57–84.

Minnery, J., Argo, T., Winarso, H., Hau, D., Veneracion, C.C., Forbes, D. & Childs, I. 2013. 'Slum upgrading and urban governance: Case studies in three South East Asian cities'. *Habitat International,* 39: 162–169.

Muyeba, S. & Seekings, J. 2012. 'Homeownership, privacy and neighbourly relations in poor urban neighbourhoods in Cape Town, South Africa'. *South African Review of Sociology,* 43 (3): 41–63.

Payne, G. 2005. 'Getting ahead of the game: A twin-track approach to improving existing slums and reducing the need for future slums'. *Environment and Urbanization,* 17 (1): 135–146.

Pieterse, E. & van Donk, M. 2002. *Capacity Building for Poverty Eradication*. Johannesburg: Sedibeng Centre for Organisational Effectiveness.

Pottie, D. 2003. 'Challenges to local government in low-income housing delivery'. In: Khan, F. & Thring, P. (Eds.), *Housing Policy and Practice in Post-Apartheid South Africa*. Johannesburg: Heinemann.

PSC (Public Service Commission). 2003. *Evaluation of the National Housing Subsidy Scheme*. Pretoria: Public Service Commission.

Pugh, C. 1995. 'The role of the World Bank in housing'. In: Aldrich, B. & Sandhu, R. (Eds.), *Housing the Urban Poor: Policy and Practice in Developing Countries*. London: Zed Books.

Pugh, C. 1997. 'Poverty and progress? Reflections on housing and urban policies in developing countries, 1976–96'. *Urban Studies,* 34 (10): 1547–1595.

Robins, S. 2002. 'Planning "suburban bliss" in Joe Slovo Park, Cape Town'. *Africa: Journal of the International African Institute,* 72 (4): 511–548.

Sarkar, S. *'United We Build'—Lessons on Slum Upgrading in India*. Available at: www. globalcommunities.org/node/36921, accessed 15 February 2016.

Sheuya, S.A. 2009. 'Urban poverty and housing transformations in informal settlements: The case of Dar-es-Salaam, Tanzania'. *International Development Planning Review,* 31 (1): 81–108.

Smit, D. 1992. 'The Urban Foundation: Transformation possibilities'. *Transformation*, 18: 35–42.

Smit, W. 2001. 'The changing role of community based organizations in South Africa in the 1990s, with emphasis on their role in development projects'. In: Tostensen, A., Tvedten, I. & Vaa, M. (Eds), *Associational Life in African Cities: Popular Responses to the Urban Crisis*. Uppsala: Nordiska Afrikainstitutet.

Smit, W. 2008. 'Le grand project N2 Gateway' In: Dubresson, A. & Jaglin, S. (Eds.), *Le Cap après l'apartheid*. Paris: Karthala.

Smit, W. & Mbona, D. 1996. *Low-Income Housing Consolidation Processes in Metropolitan Durban*. Supporting People's Habitat Initiatives Series 1. Durban: Built Environment Support Group.

Stephens, C. 2011. 'Revisiting urban health and social inequalities: The devil is in the detail and the solution is in all of us'. *Environment and Urbanization,* 23 (1): 29–40.

Thubelisha Homes. 2007. 'N2 Gateway: The new face of housing is emerging'. Advertisement, *Weekend Argus*, 9 June.

Tomlinson, M.R. 1999. 'From rejection to resignation: Beneficiaries' views on the South African government's new Housing Subsidy System'. *Urban Studies,* 36 (8): 1349–1359.

Tripathi, D. 1999. *Slum Networking in Ahmedabad: The Sanjay Nagar Pilot Project.* Development Planning Unit Working Paper No. 101. London: Development Planning Unit, University College London. Available at: www.energy-epidemiology.info/bartlett/dpu/publications/latest/publications/dpu-working-papers/wp101.pdf, accessed 8 May 2015.

Turley, R., Saith, R., Bhan, N., Rehfuess, E. & Carter, B. 2013. *Slum Upgrading Strategies Involving Physical Environment and Infrastructure Interventions and Their Effects on Health and Socio-economic Outcomes.* Cochrane Database of Systematic Reviews.

doi:10.1002/14651858.CD010067.pub2. Available at: onlinelibrary.wiley.com/doi/10.1002/14651858.CD010067.pub2/abstract, accessed 6 September 2014.

Turner, J.F.C. 1976. *Housing by People: Towards Autonomy in Building Environments.* London: Marion Boyars.

Turner, J.F.C. & Fichter, R. (Eds). 1972. *Freedom to Build*. New York: Macmillan.

UNCHS (United Nations Human Settlements Programme). 1991. *The Incremental Development Scheme: A Case Study of Khuda-Ki-Basti in Hyderabad, Pakistan.* Nairobi: United Nations Human Settlements Programme.

UN-Habitat (United Nations Human Settlements Programme). 2003. *The Challenge of Slums: Global Report on Human Settlements 2003*. London: Earthscan.

Van Horen, B. 2000. 'Informal settlement upgrading: Bridging the gap between the de facto and the de jure'. *Journal of Planning Education and Research*, 19 (4): 101–112.

Wekesa, B.W., Steyn, G.S. & Otieno, F.A.O. 2011. 'A review of physical and socio-economic characteristics and intervention approaches of informal settlements'. *Habitat International,* 35 (2): 238–245.

Werlin, H. 1999. 'The slum upgrading myth'. *Urban Studies,* 36 (9): 1523–1534.

Zack, T. & Charlton, S. 2003. *Better Off, But … : Beneficiaries' Perceptions of the Government's Housing Subsidy Scheme*. Johannesburg: Housing Finance Resource Programme.

SECTION I

Grappling with Informality and Upgrading: The City Scale
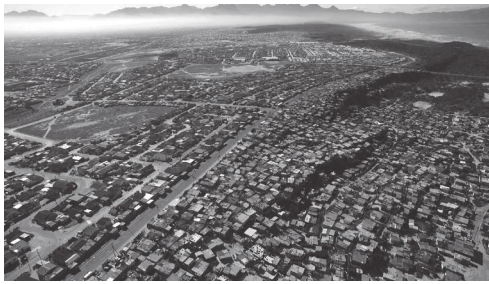
Literature on Southern cities generally and African cities particularly is replete with apocalyptic tropes about slums and informal housing. These writings sit in contrast to writings which recognise these challenges while simultaneously articulating the value and possibilities of urban environments, city dwellers and urban life (Myers, 2012; Pieterse, 2008). In fact, many authors who write about 'Southern cities' argue that towns, cities and city regions have become the most critical sites through which multi-scaled processes of development unfold (Brenner, 2000; Holston & Appadurai, 2003; McFarlane, 2011). It is within the latter, that the chapters in this section are positioned, reflecting the desires of the authors to foreground innovations emanating from city contexts and by urban decision-makers—appointed, elected and insurgent.

In South Africa, the locus of governance is shifting from the national and regional scales to that of the local, increasingly with urban tendencies and characteristics (Parnell & Pieterse, 2010). The 'right to the city', for example, has emerged as central to debates over access, agency and informality, being reflected in discourses of civil society and the state alike (Coggin & Pieterse, 2012; Duminy & Watson, 2011; Huchzermeyer, 2011; Parnell & Pieterse, 2010). Additionally, and while still embroiled in high-level politics, the municipal accreditation process, the Urban Settlements Development Grant (USDG), the Integrated Urban Development Plan and the Spatial Planning and Land Use Management Act have foregrounded the expanding

role of metropolitan municipalities and other larger municipalities, seen as equipped not only to 'manage' cities but also to formulate grounded responses to issues of human settlements, integrated planning and local economic development.

Closest to the action, and increasingly responsible for the outcomes, local government has become a prominent site for innovation, particularly for human settlements. Practices, processes and constraints 'on the ground' have engendered iterative and creative practices and experiments, shedding light on the limits of national policy agendas and provincial application mechanisms (Charlton & Kihato, 2006). In addition to speaking into national policy formation processes, local NGOs and CBOs, such as Violence Prevention through Urban Upgrading, Abahali baseMjondolo and Slum Dwellers International, have become sites of global learning, claiming space in international debates on upgrading informal settlements.

However, the South African state is a site of deep contradiction (Hart, 2013). There are progressive and 'developmental' efforts undertaken by benign bureaucrats and politicians intent on representing those who put them into their offices. Simultaneously, deeply unjust and anti-poor actions (such as the recurrence of violent evictions in informal settlements and inner cities and the active pitting of poor people's movements against one another) are common practices. These contradictions cannot be explained solely by the usual suspects of capacity constraints, corruption or even neoliberalism. Explaining this contradistinction requires more nuanced interrogation. South Africa's state-led housing delivery programme is one such example of particular pertinence to the chapters in this section. Here the provision of subsidised housing is part of the 'developmental local state', representing efforts to address housing shortages, and simultaneously implicated in the growth of informal settlements, increased spatial fragmentation and deactivation of urban citizenry (Parnell & Robinson, 2012). The management of the emerging consequences of these contradictions is frequently initiated at the local scale, where civic unrest, the whip of accountability and urban inefficiency is most acutely felt.

Through the lens of informal housing and settlements, this section explores how the complex social, political and material dynamics underpinning the upgrading imperative play out in different cities and types of settlements. The purpose of this section is to highlight creative, as well as problematic, practices that emerge as local governments and other important players come to grips with the perpetual challenge of informality. In particular, these chapters shed light on the institutional, political and conceptual struggles faced by the state in trying to address informal settlements and housing in meaningful ways. In addition, this section offers the seldom explored opportunity to look at different typologies of informal housing such as 'backyard shacks' and 'hijacked buildings', which coexist with informal settlements in South African cities. Highlighting this diversity thus allows for a more robust examination of concepts of informality and implications of particular framings on policy and practice.

The first chapter in this section, by Sarah Charlton and Neil Klug, explores the history of upgrading informal settlements in eThekwini municipality. Charlton and Klug document the shift from classic *in situ* upgrading in the 1980s and early 1990s to the more recent emergence of a 'rollover approach'—more similar to the RDP-type housing model described in Chapter 2. They argue that this approach, while running counter to current policy discourse and international 'best practice', has financial, political and social momentum and incentives. This momentum constrains and nuances the potential of an incremental and *in situ* upgrading agenda being driven in tandem, with implications for both policy and practice.

While the first chapter of this section focuses primarily on upgrading of informal settlements, the next two chapters discuss variants of informal housing. Chapter 4, by David Gardner and Margot Rubin, focuses on the informal provision of backyard structures for rental purposes. Backyarding, they argue, is the second largest informal housing submarket and an important force in city-making. Moreover, in contrast to the official disgust with backyarding, it has a range of benefits, including livelihoods creation, densification and affordable rental provision. While it is a vastly diverse market that exhibits formal and informal characteristics, its emergence is most often linked to the provision of RDP housing, creating a unique and uneven process of 'informalisation' within formal settlements. Unpacking a range of interventions that have been tested in cities, such as by-law enforcement, demolition and reconstruction, and basic service provision, they conclude by suggesting a minimalist approach that preserves this vital submarket.

Chapter 5, by Felicity Kitchin, departs in focus from the previous chapters; the state's address of poor living conditions is used as the backdrop to discuss community engagement and participation. Canvassing informal settlements, occupied buildings (or 'bad buildings', as Johannesburg policy has unfortunately labelled them) and temporary relocation areas, her analysis focuses on the discrepancies between the perspectives of local officials and community members with whom officials were meant to engage. In doing so, she highlights the limits of compliance-driven participation methodologies and the problematic nature of the existing systems of democratic representation.

Chapters 6 and 7 are examples where city planning departments created innovative programmes to address informal settlements. Both chapters demonstrate the difficulty of institutionalising new approaches in the face of path dependency. Chapter 6, by Miriam Maina, documents the history of the Johannesburg 'regularisation programme' inspired by the Brazilian land tenure interventions. Her piece unpacks the reasons for the limited traction and lack of success achieved by the programme, with a specific focus on the 'implementation interface'. The implications of her piece are vital, asking 'what good are great ideas without institutions which can implement them?'

In Cape Town, urban planners had more success in shaping the strategies for upgrading. Chapter 7, by Cedric Daniels, Liezel Kruger-Fountain, Marco Geretto, Berendine Irrgang and Ancunel Steyn, reflects on the City of Cape Town's experience using a 'public sphere' investment approach to upgrading. Independent of national policy, the Spatial Planning and Urban Design Branch has propelled a unique upgrading approach which focuses on public structure as a driving force in the improvement of informal areas. Reflecting on a number of city projects, the authors draw out the potentialities and lessons that such an approach offers.

The final chapter in this section gestures towards the increasing political and scholarly interest in South African mining towns, evident in the most recent Human Settlements Budget Speech and the continued references to 'distressed mining towns' in policy debates. Chapter 8, by Margot Rubin and Philip Harrison, offers insights into the conditions and dynamics of the growing informal settlements in mining regions, particularly the Platinum Belt. Their spatial and social analysis demonstrates the complexity and diversity of such settlements. In addition, they show that these informal settlements have a long history dating back to exclusionary and gendered policies of apartheid. Their study adds depth and nuance to the emerging debates regarding upgrading informal settlements in mining regions and the role of both the state and the private sector in this process.

There are five threads running through the chapters that are worth highlighting upfront. First, all of the chapters highlight the heterogeneity and fragmentation of the state. What is shown is that state interests and competencies differ among departments and spheres, complicating informal settlement responses. The chapters by Maina and Daniels et al articulate the tensions between the planning and housing departments, both responsible for parts of the informal settlement puzzle. Charlton and Klug echo this articulation, noting that the differing mandates, objectives and targets of the departments often come into conflict. Sympathy for the constraints faced by the state, particularly in terms of implementation of policy, is perhaps what makes this section particularly unique. For example, Kitchin documents the well-intentioned, yet inadequate efforts of local officials to engage communities in housing delivery processes. Likewise, Charlton and Klug offer pragmatic explanations for why the more progressive intent of incremental upgrading has been thwarted. Throughout the section the question of how to align policy intention with institutions and implementation processes is foregrounded. In documenting the implementation of these initiatives, it becomes increasingly clear why transformation is so difficult and imperative.

Second, all of the chapters find concern with the fixation with 'formalisation', particularly in terms of dwellings, which underpins South Africa's national housing and upgrading policy. Some chapters query the oft-referenced binary between the formal and the informal. This is particularly clear in Gardner and Rubin's chapter, which shows the spectrum of formality that characterises backyard structures. By

way of suggestions, Daniels et al make an argument for a rejection of the stigma attached to informal housing, suggesting that the state should instead focus on creating functional, attractive and applicable public spaces and infrastructures. Similarly, Gardner and Rubin ask for more differentiated approaches, rather than a 'one size fits all'. All of the chapters seek to articulate what the authors find to be the 'real' and substantive issues with informal settlements, backyarding, 'bad buildings' and mining town conditions, seeking intervention to address these deprivations, rather than simply to formalise.

Third, the chapters in this section show that the state has a strong hand in shaping poor neighbourhoods in South Africa. Thus, informality and informal settlements are not simply a case of state absence or incompetency; the impressive and direct provision of housing is the most obvious example of the state's strength. More indirectly, state inaction or concession also has an impact. The patchy enforcement of legislation, failure to protect the rights of land occupiers, and weak participatory practices are just a few examples noted in the chapters. These contributions clearly push the debates beyond the critique of the neoliberal state, asking for a deeper look at the agency of governance institutions in the perpetuation of problematic policy outcomes.

Fourth, the chapters share particular scales of inquiry and analysis. The majority of the chapters in this section focus on one metropolitan area. However, the chapters by Gardner and Rubin and by Kitchin are more comparative gestures. These chapters look across metropolitan areas, offering insight into the similarities and differences faced. The chapter by Rubin and Harrison, by contrast, focuses on mining towns, thus allowing for spatial variances and diversity to be foregrounded. This chapter also allows for a deeper look at the ways in which municipalities and informal housing are connected to and influenced by global processes, such as natural resource extraction and the liberalisation of labour.

Last, and possibly most importantly for the book as a whole, many of the chapters explore issues of incremental investments in informal housing and settlements. These chapters show that there is no one set starting point or clear timeline for incremental interventions. In the case of Maina's chapter, incremental land and tenure security measures are discussed. For Daniels et al, incrementalism starts in the public sphere, structuring elements such as roads and public space. Kitchin discusses 'transitional housing', which includes reblocking informal structures and the provision of basic metal structures. Gardner and Rubin discuss the incremental provision of services to backyard shacks. These chapters show that there is no blueprint for incremental upgrading.

As is always the case, there are a number of gaps in this section. While there is reference to inner-city, high-density, informal housing, there is no direct attention given to the options for upgrading such settlement types. This is because the majority of cases are framed squarely as eviction and relocation cases. To date, there are very few examples of cases where vertical informal settlements (for example, illegally

occupied buildings or multi-storey warehouses or structures) have been upgraded *in situ*. Upgrading attempts in Marlboro South (Johannesburg), Hangberg (Cape Town), and Du Noon (Cape Town) are a few examples of working with high-density informal housing in an *in situ* manner. This gap raises bigger questions regarding the issue of density and upgrading more generally. There have, for decades, been tensions between the proponents of 'self-help' and 'self-build' models, and the need for more compact and, by extension, multi-storey housing designs. The insufficient attention given to this issue is, in part, a reflection of the lack of practice and ingenuity in this regard. As the upgrading agenda picks up speed, this issue will likely surface as increasingly relevant.

Additionally, the majority of the focus of this section is on metro strategies and dynamics related to participatory approaches and response. This is mainly because, evident in the most recent census (2011), metropolitan municipalities experience the majority of unmet housing demand and urbanisation. However, there are also growing informal settlements in smaller economic hubs, such as mining and industrial towns, where urbanisation and inequality are evident. These dynamics are discussed in the final chapter of the section, which articulates some of the unique challenges faced in mining towns in South Africa but which require deeper interrogation.

Finally, the chapters show the ways in which state processes shape upgrading approaches. However, many other formal and informal institutions play strong roles in upgrading processes. The dynamics of urban NGOs, private sector players (such as developers, informal builders), individual people and households, and community-based organisations falls beyond the scope of this section, but are critical contributors to upgrading processes.

References

Brenner, N. 2000. 'The urban question: Reflections on Henri Lefebvre, urban theory and the politics of scale'. *International Journal of Urban and Regional Research*, 24 (2): 361–378.

Charlton, S. & Kihato, C. 2006. 'Reaching the poor? An analysis of the influences on the evolution of South Africa's housing programme'. In Pillay, U., Tomlinson, R. & Du Toit, J. (Eds.), *Democracy and Delivery: Urban Policy in South Africa*. Cape Town: HSRC Press.

Coggin, T. & Pieterse, M. 2012. 'Rights and the city: An exploration of the interaction between socio-economic rights and the city'. *Urban Forum*, 23 (3): 257–278.

Duminy, J. & Watson, V. 2011. *The 'right to the city'—political slogan or useful concept?* Paper presented at the South African Cities Conference, University of Cape Town, Cape Town, 7–9 September.

Hart, G. 2013. *Rethinking the South African Crisis: Nationalism, Populism, Hegemony*. Durban: University of KwaZulu-Natal Press.

Holston, J. & Appadurai, A. 2003. 'Introduction: cities and citizenship'. In: Holston, J. (Ed.), *Cities and Citizenship*. Durham: Duke University Press.

Huchzermeyer, 2011. *Cities with 'Slums': From Informal Settlement Eradication to a Right to the City in Africa*. Cape Town: UCT Press.

McFarlane, C. 2011. 'Assemblage and critical urbanism'. *City*, 15 (2): 204–224.

Myers, G. 2011. *African Cities: Alternative Visions of Urban Theory and Practice*. London: Zed Books.

Parnell, S. & Pieterse, E. 2010. 'The "right to the city": Institutional imperatives of a developmental state'. *International Journal of Urban and Regional Research*, 34 (1): 146–162.

Parnell, S. & Robinson, J. 2012. '(Re) theorizing cities from the Global South: Looking beyond neoliberalism'. *Urban Geography*, 33 (4): 593–617.

Pieterse, E. 2008. *City Futures: Confronting the Crisis of Urban Development*. London: Zed Books.

Chapter 3

Pressures on practice: How 'RDP housing' and other factors have shaped informal settlement upgrading in eThekwini municipality

Sarah Charlton and Neil Klug

The visible emergence of informal settlements in South Africa in the dying years of the apartheid era stimulated discussion on upgrading interventions (Hindson & McCarthy, 1994; Urban Foundation, 1991). But subsequent practical interventions were generally limited in scale, despite calls from scholars for far greater intellectual and applied focus on informal settlements (see for example Charlton, 2006; Cross, 1994; Huchzermeyer, 2003, 2004a, 2009). Instead, over the past two decades much practical attention has focused on the mass rollout of new, government-subsidised housing for ownership, on undeveloped land. We argue that this housing programme has had a considerable impact on the informal settlement upgrading practices discussed in this chapter.

We consider a key locus of upgrading experience in KwaZulu-Natal, Durban, where informal settlement upgrading using capital subsidies has been practised since the late 1980s (Charlton, 2009; Hindson & McCarthy, 1994; Van Horen, 1999). Interventions here evolved over the years from individual project initiatives to a programmatic approach by the municipality, but the interventions also shifted in character. The chapter reflects on the different approaches adopted in the Durban area over the past two decades and the significance of the resultant trajectory. It draws on a variety of data sources including the authors' personal experiences, strategy documents of eThekwini municipality, and interviews with City officials and housing experts conducted between December 2009 and February 2010.

We note that by 2010 a dominant approach to upgrading had emerged, although other approaches could also be found. Differing from previous interventions, this dominant approach also differs from key orthodoxy and discourse around *in situ* upgrading. We argue that explaining the shift to the prevailing approach in Durban illuminates the current forces and pressures on informal settlement upgrading in the South African context. Current practice in Durban deviates from that advocated by key international agencies and scholars not because of a lack of experience, knowledge, funding or skill. We argue, on the contrary, that these are largely in place. It deviates

rather because of the pressures in the wider context that are little acknowledged and that are likely to exert similar influence in other parts of the country. A key pressure we identify is the Reconstruction and Development Programme (RDP)/ Breaking New Ground (BNG) housing programme.

The aim of the chapter, therefore, is to explain the change in approach to informal settlement upgrading in a city with long-term experience of an alternative, widely advocated approach, in order to provide a better understanding of the pressures influencing upgrading in South Africa. This understanding of how a form of counter-practice has developed can help inform how to support and sustain *in situ* upgrading in future.

Informal settlement interventions

Emphasising the importance of informal settlements as a defining characteristic of African cities, UN-Habitat (2011) advocates *in situ* upgrading as the preferred intervention into these areas.[3] This is defined as 'improving the physical, social and economic environment of an existing informal settlement, without displacing the people who live there' (UN-Habitat, 2011: 18). This approach has been widely supported by influential agencies, including the World Bank,[4] though the Bank's endorsement has been critiqued for adopting a form of housing support that places an inequitable cost burden on poor households (Davis, 2006).

At its most basic level, informal settlement upgrading generally involves improving the physical environment of the settlement through developing or installing basic infrastructure such as water, sanitation, solid waste collection, access roads and footpaths, storm water drainage, electricity and public lighting (Imparato & Ruster, 2003: 2). Upgrading also typically secures land rights, to release residents from the threat of eviction and assist them to invest time or resources in developing their dwellings. The United Nations (UN) notes also the importance of other investments in public facilities, for example income stimulation and welfare support. Upgrading may also have a significant 'people development' dimension, in which capacity building and empowerment of residents—in whatever way these concepts are defined—are explicit objectives. All forms of upgrading raise the matter of what role residents take in the process, and where power and control relating to the interventions lie.

Abbott (1996) reflects on different approaches to infrastructure provision in informal settlements. He discusses first the 'high level of service' approach, most

---

3 Informal settlements are referred to as 'slums' in UN-Habitat documents.
4 The Bank's involvement in upgrading has gone through various phases, with at times as much as 90 per cent of its shelter lending going to slum upgrading and sites and services projects, and at other times a much smaller percentage (Arnott, 2008).

easily achieved by clearing and completely redeveloping an informal settlement with a relatively sophisticated level of new services. The second approach is the 'progressive improvement model', applicable to an incremental upgrade implemented over time but focusing on physical infrastructure improvements. The final approach is 'demand-driven', and applies to a community-driven incremental upgrade in which residents determine their upgrade priorities (which may not necessarily be of a physical infrastructure nature).

The notion of upgrading can thus extend to a combination of physical, social, economic, organisational and environmental improvements, undertaken cooperatively and locally among residents, community groups, support organisations, businesses and local authorities. Some form of informal settlement upgrading has been adopted by most multilateral and bilateral donors and has become the core approach of many influential organisations such as Cities Alliance.

Despite the diversity and range of interventions encompassed by the term 'informal settlement upgrading', initiatives based on capital grants for funding are often confined to physical and engineering-orientated interventions.[5] This approach, evident in South Africa, has been criticised for neglecting economic and political dimensions of informal settlement communities (Huchzermeyer, 2002) and for reducing a more sophisticated understanding of people's needs to a matter of shelter and technical services (Marx, 2003).

Within the confines of a capital subsidy approach, the matter of technical standards—such as the size of individual sites and the specifications for engineering infrastructure—is a sensitive one, influenced inter alia by government imperatives to reduce maintenance costs. Standards might also be influenced, it is argued, by governments aspiring to 'a highly formalized utopian vision of their cities' (UN-Habitat, 2011: 20).

In UN discourse the emphasis on *in situ* upgrading is interpreted to mean minimal displacement of residents and improvement interventions respectful of existing built fabric. While permanent displacement of residents away from a settlement is rejected, temporary displacement for redevelopment is not out of the question should communities themselves 'opt to totally rebuild their settlement, and start from scratch with a new plan, infrastructure and houses' (UN-Habitat, 2011: 18). According to Van Horen (2000), international case studies show that displacement of residents in upgrading initiatives ranges along a continuum from zero to as high as 57 per cent of residents. The Bester's Camp upgrade undertaken in Durban between 1988 and 1995 succeeded in having only about 1 per cent displacement of residents as a result of service provision, in a settlement with a density of between 50 and 90 units per hectare (Van Horen, 2000).

---

5   Broadly, capital grants are funds given to construct tangible engineering and building products, rather than to operate support services or training programmes.

In this chapter we contrast this minimal-displacement approach with one termed 'rollover', which involves the total redevelopment of the land in a completely reconfigured layout, in this case effectively producing an RDP housing layout[6] on the same land as the existing informal settlement. State housing programme regulations that get applied in these developments generally result in significantly curtailed densities;[7] the Norms and Standards first introduced in 1999 prescribed a minimum house size and specification (DHS, 2009a: 54). By way of illustration, with a typical 150 m² plot size which can accommodate a minimum 40 m² house on a slope, the maximum units achievable per hectare is 53 units. As hypothetically applied to the Bester's Camp example mentioned earlier, this would mean a displacement of at least 24 per cent of residents; in reality the undulating topography of Durban would necessitate 'cut and fill' for roads and platforms, increasing the minimum plot sizes and thereby increasing displacement.

This rollover approach to *in situ* upgrading has further consequences, including the temporary relocation of all residents at some point in the development, the permanent displacement of a considerable proportion of residents, and little or no retention of the original built fabric of the informal settlement. It is an approach that is at times viewed negatively and as an aberration of what is meant by upgrading, as this statement reflects:

> … upgrading brings minimal disturbance or displacement, and involves the adaptation of an existing layout to incorporate improved facilities. It does not involve major redevelopment (or slum clearance), with a new 'better' layout being superimposed on an existing settlement pattern. (Wakely, 2008: 9)

We argue that the rollover approach has emerged in South African practice in Durban despite scholarly arguments to the contrary advocating the minimal displacement of people, concomitant networks and existing physical fabric during *in situ* upgrading (Abbott, 2002; Huchzermeyer, 2003), for contextual reasons that need to be understood. Replacement of informal settlements by standardised housing in South Africa has been critiqued previously (Huchzermeyer, 2006), but we highlight in the case of Durban a somewhat different situation: one in which informal settlement interventions aimed at minimal displacement and which worked with existing built fabric were familiar and operational, yet have *subsequently* fallen away. It is this somewhat counterintuitive trajectory that the chapter seeks to explain, contextualise and analyse.

---

6   Such as typically occurs in 'greenfields' or empty land developed for low-income housing.
7   Unless a different built form for individual houses is achieved, such as low-rise attached units.

Informal settlement upgrading trajectories in South Africa

There has long been theoretical and academic support for *in situ* upgrading approaches in South Africa (see for example Charlton & Kihato, 2006; Hindson & McCarthy, 1994; Huchzermeyer, 2004a; Huchzermeyer & Karam, 2006; Marx, 2003; Misselhorn, 2008; Van Horen, 2000). Despite this, much of the housing debate has focused first on the main component of the national subsidy scheme, which creates new houses for ownership on undeveloped land, and to a lesser extent on social rental housing. Debates around approaches to informal settlement upgrading have only really emerged since 2000 and have largely focused on the state's perceived reluctance to undertake *in situ* upgrading, including the contention that rare initiatives to upgrade informal settlements have resulted predominantly in displacement of original residents to another site (Huchzermeyer, 2006). While there is broad agreement about the limited prevalence of *in situ* upgrading to date, the exact extent of practice is disputed and relatively few evaluations of experience to date have been undertaken (Charlton, 2006).

The BNG policy amendment by national government in 2004 heralded a targeted, incremental approach to informal settlement upgrading involving four phases (DH, 2004). The Upgrading of Informal Settlements Programme (UISP) aims to limit relocations of people out of existing settlements, and, in addition to securing tenure and providing engineering infrastructure, has a number of further objectives. These include encouraging community empowerment, social and economic integration, the building of social capital and addressing social needs, using participative processes as far as possible (DHS, 2007). The approach is characterised in policy documents as a paradigm shift away from 'the current state-provided housing for the poor' (DHS, 2009b: 14).

Significantly, the policy acknowledges a tension between the qualitative and livelihoods objectives of the programme on the one hand, and on the other, the quantitative and service delivery emphasis inherent in delivery targets. Studies show that by 2009 many of the BNG policies, including those relating to informal settlements, had been only partially implemented, due to the continued bias towards greenfields RDP housing schemes (Klug & Vawda, 2009). However, more recently there has been renewed impetus from national government for *in situ* upgrading, including national targets set by the Presidency (Huchzermeyer, 2011: 169). In addition, institutional support for upgrading has been developed through the creation of the National Upgrading Support Programme (NUSP), a joint initiative of the Department of Human Settlements, the World Bank Institute, and Cities Alliance (World Bank Institute, n.d.).

Informal settlement upgrading experiences in eThekwini

We now sketch out a broad periodisation of dominant approaches to informal settlement upgrading in the Durban area since the late 1980s. While categories are

in practice not rigidly defined, our purpose here is merely to highlight key characteristics that pervaded practice at particular times, and how these have shifted. We note that there has been little reflection on the learning offered by this dynamic environment, and little consideration of the significance of current practice in Durban. The prevalent rollover practice, we argue, epitomises the inevitable result of informal settlement intervention in the context of a vigorous, robust and product-orientated housing programme.

   We start the periodisation in the late 1980s and early 1990s, during which a few individual, significant projects were tackled, largely driven by the imperative to improve living conditions and encourage political stability in a time of great tension and political violence. The Urban Foundation Informal Settlements Division (UFISD) played a key role in the large-scale and intricate *in situ* upgrading of informal settlements, including Mshayazafe in Inanda and the dense shack settlement of approximately 6 000 dwellings called Bester's Camp referred to earlier, both settlements to the north of the apartheid-era white city of Durban (Napier & Meiklejohn, 1997).[8] In these projects there was a concern for local community involvement, infrastructure provision and fine-grained, resource-intensive experimental work that took existing physical conditions on the ground as a starting point and advocated minimal disruption of people and structures (Van Horen, 1999). Interventions in these and other informal settlements evolved over time, were considered to be responsive to 'community voice', and were seen as part of a longer-term consolidation process.[9] For example in the initial conceptualisation of the Mshayazafe *in situ* upgrade project in 1992, the residents did not even list top

---

8   The Urban Foundation was established in 1976 as a non-profit, private sector-funded, non-governmental organisation chaired by senior business leaders of the time. In their policy document series titled 'Policies for a new urban future, Document 9—Housing for all', the Urban Foundation argues that 'the informal housing delivery process be positively embraced and promoted in South Africa as a significant component of a national urban housing policy. This means the adoption and facilitation of two important informal housing delivery processes: *in situ* upgrading and site and service schemes' (Urban Foundation, 1991: 25).

9   The Urban Foundation approach to *in situ* upgrading is clearly spelled out in their document as a three-part process, the first entailing a feasibility study, the second securing the health and safety of the settlement through the provision of necessary physical and social services such as water, drainage access etc. The final part is the 'creation of a momentum towards ongoing improvement of the settlement' or 'consolidation'. This process of consolidation is described as inter alia the provision of secure tenure, providing access to loans, securing investment in the public environment, facilitating access to building materials and advice, promoting local income generation through local labour-intensive construction processes, mobilising individuals and the community, and a variety of other inputs (Urban Foundation, 1991: 25).

structures or houses as a priority need, but rather sports fields, schools/education and toilets (Klug, 1994).

In the Bester's Camp upgrade, resident participation was initially through 'representative local development committees', given the weak community structures that existed at the start of the project (Van Horen, 2000: 396). Over a period of nine months, project principles were debated and agreed with these committees, and various technical trade-offs were decided. This decision-making committee structure evolved into a legally constituted Community Trust[10] whose role was to formulate settlement policies, monitor the upgrading process and liaise with other institutions on behalf of the residents. The UFISD was the project manager accountable to the trust in its capacity as developer. The Bester's project was thus undertaken by an institution that was autonomous from the government of the day. Funding for early upgrade projects such as this came from the Urban Foundation, local government sources (eg the Operation Jumpstart fund) and subsequently the Independent Development Trust.

From the mid-1990s, after the advent of democracy and the introduction of the post-1994 housing programme, local authorities such as Pinetown Municipality and not-for-profit organisations—the Built Environment Support Group in particular—engaged in individual upgrading projects, in particular where communities were organised and proactive, and where technical conditions such as land availability were conducive. On a project-by-project basis areas such as Luganda in Southern Pinetown were developed. These projects followed a similar three-part process outlined by the Urban Foundation. Technical surveys of existing perceived plot boundaries were used to demarcate the General Plan plot boundaries as close to the house edges as possible, to ensure minimal displacement. However, with the advent of democracy the decision-making processes became less autonomous from government, and in some cases project management was undertaken by the local municipalities. Private consultants became involved in the *in situ* upgrading of settlements such as Africa (in Inanda) and the continuation of Mshayazafe project. During this time political violence in the region was stabilising and the emphasis was on developmental improvements. In non-governmental organisation (NGO) projects in particular there was an ongoing concern for fostering community empowerment and self-confidence through substantive participation and decision-making by residents. '*In situ* upgrading' meant working with and in consideration of existing settlement patterns, ground conditions and community choices. Funding at this time was through the national Housing Subsidy Scheme, a crucial point in

---

10 The development committees were disbanded in order to form the new more formally constituted Trust. The Trust was composed of members of local affiliates of the South African National Civic Organisation (SANCO) and some members of the disbanded development committees.

that informal settlement intervention was now subsumed under the national housing budget and approach. At this stage there was flexibility as to how spending was apportioned between infrastructure and top structures, according to infrastructure choices made by community representatives. The approach had many similarities with the Urban Foundation upgrading interventions, a legacy of influence that is criticised by Huchzermeyer (2004b), inter alia for elevating individual property ownership to the status of a key feature of the post-apartheid housing programme.

By 1997 the restructuring of local government into metropoles had advanced sufficiently to enable the establishment of a new low-income housing unit in Durban, Metro Housing (MHU), which took on various informal settlement upgrading projects in the central municipal area. Some of these efforts, such as the Briardene and Burnwood Road projects, experimented with a rollover approach to upgrading, during which existing residents moved onto adjacent land during construction, and most moved back to the redeveloped land thereafter, though some moved to developments elsewhere. These projects entrenched the gains of small communities on well-located infill land in strategic city locations, achieved largely through land invasions.

A conference held by MHU in 1998, attended by Housing minister Sankie Mthembi-Mahanyele, emphasised the centrality of informal settlement upgrading to the unit's overall housing strategy for the metro area (Metro Housing, 1998). By 2000, Metro Housing had developed an informal settlement *programme*, based on an extensive audit of a variety of technical, social and political conditions in all informal settlements identified to date. In this programme, each of the 356 known informal settlements in the North and South Central Local Councils[11] was earmarked for one of three interventions in the short to medium term: full *in situ* upgrading using the national housing scheme's capital subsidy, emergency service intervention or land release (Metro Housing, 2000).[12] It was noted that *in situ* upgrading, while working with existing structures and layouts, typically involved some level of de-densification of built form and residential occupancy. Greenfields development and relocation of some people to these sites was explicitly articulated as a necessary accompanying tactic.

During the 1990s organisations such as the Cato Manor Development Association also worked on the upgrading of key settlements, such as Cato Crest, which had grown rapidly on steep, well-located land in the early to mid-1990s. These complex,

11 These councils were local government sub-structures that were eventually amalgamated into the metropolitan municipality of eThekwini.

12 Land release involves the provision of basic services and 'beneficiary occupation' for an interim period until formal application for (housing) subsidies is made to complete the project (Metro Housing, 2000: 42).

technically difficult upgrades were slow to progress and defied efforts to find speedy solutions to problems that arose, for reasons related to the steep topography, geology, limits of finance, contested acceptability of built form solutions and constraints on provision of additional land within the Cato Manor area (Nell et al, 2004).

In addition to direct involvement in upgrading, Metro Housing tried also to shape the nature of those upgrading (and greenfield) housing projects initiated by consultants or communities, using a municipal process of project approval that considered issues such as the environment, internal servicing, bulk services and the financial 'top-up' investment offered by the municipality to supplement national funds. This stronger role for local authority guidance gained support in 2000 from national government, which increasingly disfavoured housing projects that were initiated and driven by private sector developers and consultants. This period of upgrading focused on fairly high-quality and high-specification infrastructure investment as required to meet municipal standards, with small and often basic top structures resulting from the balance of the grant funding.[13]

In the early 2000s there appears to have been some hiatus in informal settlement upgrading, with greenfields housing development receiving greater emphasis, and a number of upgrading projects that were started in the late 1990s becoming mired in difficulties relating to land, legal or environmental concerns. From about 2004 onwards informal settlement upgrading initiatives appear to have focused increasingly on the nature of the top structure—the size, shape and quality of the house. This emphasis parallels the attention increasingly placed on the house as a key product in greenfields developments, following the introduction by national government of the Norms and Standards that specified a particular size and quality of house that had to result from subsidy funds: first a 30 m^2 house was introduced, and this was later increased to a 40 m^2 house of higher specification.

Rollover has thus increasingly come to dominate informal settlement upgrading rather than 'classic' *in situ*, which works around existing shacks or structures. Where classic *in situ* is still practised it appears to be in more peripheral, perhaps less congested areas such as the former outer west area of Durban.[14] There are also some other experiments in upgrading. Forms of building apart from detached houses have been tested, such as walk-up flats in the Lamontville area, and other plans for precinct-level upgrading in the Kenville/Sea Cow Lake cluster of informal settlements. Significantly, there is now some experience within the eThekwini Metro with interim services programme or emergency relief programme.

---

13 'Top structure' is the term used to describe dwellings and to distinguish this investment from engineering infrastructure.

14 Where there is possibly a more settled population and more individual household investment in the existing house.

Review of approaches in eThekwini over time

There have thus been a series of shifts in approach over time in the Durban area, reflecting very broadly a shift from *in situ* upgrading interventions in individual settlements to a scaled-up approach characterised by rollover upgrades, which emphasise the nature of the house as a product. We see the significant shifts in approach over time as being:

- from an emphasis on community participation or indeed community control over a range of choices in the upgrading process, and in addition, a focus on building trust and capacity within the community, to an emphasis on the visible delivery of a physical product on the ground (from a concern with process and people development to a concern with product)
- from an emphasis on various combinations of engineering infrastructure of a durable nature that meet local authority requirements, to an emphasis on the individual house coupled with a defined level of individual services that complies with a certain size and material quality (from 'infrastructure and tenure' to 'house + service package')
- from an emphasis on minimal displacement of structures and households, with associated compromises in settlement efficiency and order, to an emphasis on a standardised, regular layout and house, with the result that a number of residents are unable to be accommodated on the redeveloped site (from classic *in situ* upgrading to rollover with displacement)
- from individual projects to a programmatic approach (although the programme has been sluggishly implemented for various reasons).

Current practice in informal settlement intervention, at least in the more central areas of the city, is thus predominantly one of 'greenfield'-type delivery, using a rollover approach, and developing the newly vacated land with a house, waterborne sanitation and other services. These properties are then allocated to a portion of the original inhabitants of the land. As a senior official in Metro Housing put it in 2009: 'We have moved totally away from trying to use what's there, to rollover rather' (Respondent one, personal communication, 2009).[15] What has driven this shift, given the City's experience over many years with classic *in situ* upgrading?

---

15 Interviews were conducted in 2009 and 2010 with key officials from Metro Housing and individuals from the private and not-for-profit sector who were or had previously been active in informal settlement upgrading in Durban. A list of respondents is provided at the end of this chapter. For reasons of confidentiality, individual statements are not attributed to specific respondents within the chapter.

Explanations for shifts in approach

Our findings show that the emergence of this form of upgrading intervention, despite some experience with *in situ* upgrading over a number of years, has been shaped by a combination of the following factors:

- A response to the emphasis nationally on *a house* of a particular size and specification as an outcome of housing delivery, as is the case in the RDP/BNG programme. While much of this delivery occurs in greenfields projects, in eThekwini currently this product is taken as an objective of informal settlement intervention as well. This size of housing product is more difficult to achieve when working within the denser arrangements of existing shacks than when using the space and flexibility created by rollover, thus driving this approach.

- An emphasis by senior officials such as the deputy municipal manager at the time (apparently responding to political pressures) on hugely increased rates of *delivery* and higher targets. Officials received an instruction 'to double the delivery rates of housing', as our interview respondents put it. Upgrading demands much greater human resource input than greenfields delivery: a senior housing official noted that one *in situ* upgrade project is the equivalent of three greenfields projects in terms of project manager workload (Respondent two, personal communication, 2010). Within the broad category of 'upgrading', classic *in situ* requires more facilitation than rollover, more household and community participation, and is also technically more difficult, therefore taking longer to deliver.

- Related to this point, there is a perception that there are now fewer organisations and individuals with an interest in or experience of informal settlement upgrading, to assist the overall upgrading project. Some NGOs active in the 1990s have closed or have shifted areas of focus; consultants working as community facilitators or project managers have left Durban or moved into other areas of work; and, off the record, some professionals outside the state structures will say that they feel there is 'no longer a place for them' in upgrading work and they have therefore moved out of the sector. Capacity and skills have thus been somewhat eroded outside the state, but within it too; our respondents lamented the high turnover rate of project management staff within eThekwini Municipality.

- An emphasis on higher service levels since the early 2000s—waterborne sanitation in particular as an alternative form of sanitation to Ventilated Improved Pit-latrines, which were implemented in earlier *in situ* upgrading projects and are perceived to have failed. It is not clear what the reasons for this actual or perceived failure are—whether this infrastructure was poorly constructed initially, or poorly maintained, including by the municipality, or whether expectations have shifted and these services are no longer politically palatable. Pedestrian-only access is also apparently seen as problematic or inconvenient for a range of daily activities and for access from outside the settlement.

- There is also the sense that the 'look and feel' of shack settlements are not favoured, even where these are formalised ones that have infrastructure, tenure and so on but which still retain aspects of improvised structures or informal building materials (Respondent three, personal communication, 2009; Respondent one, personal communication, 2009). For example, Respondent one noted that his experience with materials vouchers as a contribution to top-structure improvement in *in situ* upgrading hasn't really worked, as it results in a mixture of different materials (ie it hasn't worked aesthetically): 'it actually looks like a shack settlement afterwards' (Respondent one, personal communication, 2009). These comments echo concerns with the 'aesthetics of informality' identified as a preoccupation of authorities in developing countries with modernist aspirations (see for example Ghertner, 2011; Meth, 2013).
- Some of our respondents noted that the introduction of the procurement regime, in which cities became the developers in housing projects, resulted in the evolution of more standardised rather than tailor-made approaches to upgrading (Respondent three, personal communication, 2009).

Reasons for current practice therefore draw on a complex array of factors, including financial imperatives (the higher cost of slower, more intensive processes), political pressures (specified house sizes, and accelerated timeframes) and a narrower set of social objectives (delivering an asset against which a person could leverage further economic or financial benefits). It is also suggested that this trajectory reflects a concern with a particular kind of orderly, formal development and its appearance as such. The broader social objectives of empowerment and social development, as set out in the general principles of the Housing Act (No. 107 of 1997) and echoed in the policy aims of the Upgrading of Informal Settlements Programme (DHS, 2009b), have been largely neglected in the face of the financial and political imperatives mentioned above. This resonates with NUSP's observation that in-depth engagement in community empowerment, social and economic integration and participative processes to build social capital are seldom implemented in upgrading initiatives (Narsoo 2013). Nevertheless, this current approach—predominantly rollover upgrading, with a focus on technical product, and implemented in particular ways— offers strengths and weaknesses for both the local authority and the residents of such settlements, when compared with a classic *in situ* approach which we outline in the next section.

Assessing the current rollover approach

Essentially the rollover approach is an RDP housing development with some specific characteristics, such as its phasing of construction, and the facts that houses are built

on the original site of the informal settlement and beneficiaries of the completed development come from those originally in occupation of the site. However, community capacity building, 'community based bodies fulfilling their own housing needs' (as set out in the general principles of the 1997 Housing Act), income stimulation (UN-Habitat, 2011: 20) and other social and economic objectives are neglected—as is also the case in greenfield RDP housing developments. This weakness in the housing programme as a whole serves to highlight the difficulty of exceptionalising informal settlement intervention in the South African context, when the main funding and technical instrument for intervention (ie the Project Linked Subsidy and now the UISP) is a housing-orientated one,[16] and is intimately associated with a large programme of greenfields house building. Though both upgrading and greenfields developments are intended to result in sustainable human settlements, both development situations experience the pressures that advance *house construction* ahead of other aspects—for a series of political and practical reasons—and that diminish 'people development'. Thus, although the UISP tool advocates more community engagement, from this perspective it may be ambitious or even contradictory to expect substantial resident effort and involvement, and different outcomes, in the case of upgrading, yet not in greenfields development. This context of a larger housing delivery programme also requires consideration of the merits of the current approach in Durban, despite its failure to fulfil the aims of the approach generally advocated for *in situ* upgrading.

Disadvantages of this approach

The rollover approach has a number of disadvantages for both the local authority and the residents involved. The first is that the current approach in Durban typically results in a greater demand for alternative land and more people being displaced than in a classic *in situ* upgrade. This displacement is both in the short term, while construction work is under way, and in the longer term, as those permanently displaced through de-densification are relocated elsewhere. This raises the issue of the availability and location of alternative land: where do people relocate to, and with what social and economic consequences for them? This is an issue both for the local authority in sourcing and developing alternative land, and for the households required to move, perhaps out of the area of their current schooling, work or income opportunities.

Second, relocating people during construction raises questions of the cost of temporary accommodation and services, and the management of these—who pays, with what budget—as well as concerns with the impact on those temporarily relocated.

---

16 Although the objectives do reach beyond the delivery of housing, land and infrastructure, as noted.

Third, respondents have indicated that in some instances control over allocations—who remains in the original settlement and who moves elsewhere in the long term—is in the hands of ward councillors. In these instances a key decision affecting peoples' lives may be subject to the vagaries of local-level political concerns, with elected development committees having little power to impose checks and balances.

Fourth, a more technically advanced level of service is delivered than more basic services that sometimes featured in past upgrades, and this presumably costs more in the form of upfront capital investment, although there may be maintenance gains in the long term.

Fifth, project managers under pressure to meet targets see their jobs ending with house building, infrastructure and general plan approval, and do not involve themselves in the many other issues that contribute to 'sustainable human settlements'—for example, ensuring that postal addresses are allocated, coordinating other local or provincial government departments to deliver facilities and fulfil maintenance obligations, and so on.[17] These elements of the process may eventually fall into place, but this will take much longer without the facilitation of a project manager who can ensure that a newly developed area is visible to organs of the state and other agencies.

Sixth, the rollover approach revolves around the delivery of top structures as an ultimate objective, which, despite provisions to the contrary in the UISP, may effectively exclude foreigners and those who do not qualify for subsidies in the existing informal settlements, affecting many lives and potentially giving rise to community conflicts and project delays.

Seventh, the concern with building trust in the ability of communities to shape their own futures that were evident in the early period of *in situ* upgrading has completely fallen away.

Are there advantages in the current approach?

There are some possible advantages in the current approach. First, rollover can probably be implemented more quickly than classic *in situ* upgrading (although they both take a long time relative to greenfield development). A senior housing official estimates that *in situ* upgrading in general averages about five years, in comparison to a greenfield development which can take a little as 18 months to complete (from time *on site*, ie excluding preparation) (Respondent two, personal communication, 2009); others peg the project cycle in 'full-suite' *in situ* upgrading at nine years (Respondent three, personal communication, 2009).

---

17 Informal settlement upgrades typically deliver about 30 houses per month versus a delivery rate in greenfields of approximately 100 houses per month.

Second, it seems that better-quality houses, and perhaps services, are delivered for households under the current approach, making it difficult to defend an alternative type of intervention that retains existing dwellings, which may be perceived to be of inferior construction quality, at least in the short term.

Third, there have been some experiments with innovative built form typology, for example double-storey structures, during this upgrading phase, which are important efforts towards quality construction that can accommodate more of the original residents on site than detached dwellings can, although none of these projects addresses issue of sustainability (environmentally, in terms of income generation, and so on). Rather, short-term gains and outcomes are seen to be necessary to ensure political stability.

Significance of the shifts in approach

We now turn to the significance of what this chapter has considered: the historical experience of different types of informal settlement intervention (within the constraints of a capital subsidy framework that in effect has limited ability to address a broader range of socio-economic needs). Shifts in the dominant approach have resulted from a combination of external pressures (such as prescriptions of the norms and standards established at national level) and Durban-specific pressures (such as steep topography creating technical difficulties for infrastructure in dense settlements). Overall the influence of the national subsidy programme—in particular the heightened dominance of house construction in the country more generally—is directly shaping interactions in the local context. This factor may not be sufficiently elevated in NUSP's more general observation that in South Africa the 'capacity and inclination to do upgrading in an incremental way involving communities is something that we have somehow lost' (Narsoo, 2013). It does however accord with NUSP's recognition of the greater degree of political attractiveness of formal housing projects over more modest incremental achievements in upgrading initiatives (ibid).

The current approach to upgrading can be argued to have certain advantages and disadvantages when compared with earlier approaches; but these relative merits and problems are not systematically considered by the delivery institution, and in fact officials are minimally aware of shifts or of their significance. A senior official was emphatic that, despite evidence to the contrary, and contradicting comments from colleagues, 'informal settlement upgrading continues—it is no different now to the early/mid-1990s … [except] perhaps now there is a more thorough upfront investigation than before, and more restrictions from a planning point of view' (Respondent two, personal communication, 2009). At the same time this official concurred with others that 'there is no reflection on upgrading experience, no

looking back: in two years' time there will be another set of councillors cracking a new whip'. Despite the existence of more than 20 years of experience to draw on, very little of this experience appears to inform the choices of approach taken, or their outcomes.

We see it as significant that the current approach does not reflect a sustainable human settlements orientation, in the sense that there is no specific investment in people (capacity building, empowerment, and so on) or in the wider environment or facilities, amenities or income-generation options. In this and in other ways the approach is somewhat out of kilter with UN-Habitat and the World Bank's canon, although aligning to a large extent with these organisations' central concern that original residents must benefit from the upgrading intervention (World Bank Institute, 2009). For example, the total reliance in the Durban case on a state grant of substantial proportions differs from the Bank's concern with cost recovery or cost sharing between the state and slum residents. Further, the prioritisation given to delivering a finished house, also without the involvement of homeowner in the process, deviates from the Bank's primary emphasis on securing tenure and basic infrastructure provision, which are then intended to stimulate self-investment by residents in their houses (World Bank Institute, 2009). In general however, the World Bank appears to be relatively silent on how upgrading relates to or can be framed within a bigger low-income housing programme with a substantial greenfields component, such as that in South Africa. In some senses the Durban experience exemplifies an interpretation or approach to informal settlement upgrading that is the inevitable outcome of a particular set of national and local pressures, which include an overriding low-income housing delivery programme. Significantly, these pressures did not determine the nature of informal settlement interventions in the 1990s after the housing programme was first introduced, but they have since become dominant. While the rollover approach might fulfil certain objectives (such as the delivery of houses as rapidly as possible), it misses other objectives. For example, spatial objectives of the city linked to compaction and densification are little supported by an approach requiring, almost by definition, expanded de-densification and additional land as part of upgrading initiatives—unless a more appropriate built form than detached single-storey houses is possible. Furthermore, an emphasis on product (rather than participation and 'process') downplays the importance of developing city residents' capacity to engage with the state, and to fulfil ongoing city life responsibilities.

We suggest that it is critical for other cities, communities and institutions confronting informal settlement upgrading to consider—from an institutional as well as a household perspective—what factors influence the choices in approach to informal settlement upgrading, especially when it is taken to scale. At the most pragmatic level, powerful influences include the workloads of project managers and the timeframes of development initiatives.

At the same time, there are some indications that the overall context might be shifting. The financial viability of delivering a complete house under the RDP housing programme is being questioned (see for example FFC, 2013), and its future is under review. There are calls for a new emphasis on the provision of serviced land, such as advocated by the Land First campaign (see Eglin, 2009). *In situ* upgrading has received a new impetus in the last two years through the efforts of NUSP and its partners. In these various initiatives the matter of incremental housing has surfaced—referring to a gradual process of improved construction, over time, supporting the initiatives of households themselves. The emergence of this common theme suggests that in future there may be a better convergence across the low-income policy spectrum of the approach to house delivery.[18] It may be that these shifts in the housing programme as a whole offer the best outlook for a future of *in situ* upgrading of informal settlements less distorted by RDP housing policy imperatives.

Conclusion

The rationales for present practice in Durban, and their implications, offer key insights into informal settlement upgrading and South Africa's housing programme more generally, and raise questions about the viability of an *in situ* and incremental approach running in parallel to the ongoing RDP housing approach. The emphasis in the national housing programme on a complete house for every site delivered suggests that any approach to settlement redevelopment that does not achieve this may be viewed by residents as inferior or inadequate. These perceived views need to be tested in future research with beneficiaries, to deepen understanding of the expectations and aspirations in an upgrading programme that is inextricably entwined in our context with a house-building programme.

We argue that *in situ* upgrading debates and initiatives must engage more explicitly with the wider context of housing in South Africa, including the presence of a strong and powerful state with considerable financial resources, a large and vigorous housing programme, delivery pressures and political imperatives. All of these distort notions of *in situ* upgrading as advocated elsewhere, in contexts that do not encounter the combination of these forces in the same way. The Durban case highlights the imperative to view informal settlement upgrading in relational terms, and to manage its interaction with the wider housing environment. Part of this

---

18 It also articulates with the call in the National Development Plan to develop an 'active citizenry' and for people to take 'more responsibility for providing their own shelter' (NPC, 2011: 243).

process involves naming and characterising the altered approach, identifying its external influences, linking it to broader debates and carefully considering its pros and cons, so that decisions on how to counteract or to support these are made from a position of knowledge.

References

Abbott, J. 1996. 'Approaches to urban infrastructure provision: Experiences from South Africa'. *Habitat International*, 20 (4): 595–606.

Abbott, J. 2002. 'An analysis of informal settlement upgrading and critique of existing methodological approaches'. *Habitat International*, 26 (3): 303–315.

Arnott, R. 2008. *Housing Policy in Developing Countries: The Importance of the Informal Economy*. Washington, DC: The International Bank for Reconstruction and Development/ The World Bank on behalf of the Commission on Growth and Development.

Charlton, S. 2006. 'Learning from the local: Experience of informal settlement upgrading in KwaZulu-Natal'. *South African Review of Sociology*, 6 (1): 48–64.

Charlton, S. 2009. 'Housing for the nation, the city and the household: Competing rationalities as a constraint to reform?' *Development Southern Africa*, 26 (2): 301–315.

Charlton, S. & Kihato, C. 2006. 'Reaching the poor? An analysis of the influences on the evolution of South Africa's housing programme'. In: Pillay, U., Tomlinson, R. & Du Toit, J. (Eds.), *Democracy and Delivery: Urban Policy in South Africa*. Cape Town: HSRC Press.

Cross, C. 1994. 'Shack tenure in Durban'. In: Hindson, D. & McCarthy, J. (Eds.), *Here to Stay: Informal Settlements in KwaZulu Natal*. Durban: Indicator Press, CSDS, University of Natal, Durban.

Davis, M. 2006. *Planet of Slums*. New York & London: Verso.

DH (Department of Housing). 2004. *A Comprehensive Plan for the Development of Sustainable Human Settlements: 'Breaking New Ground'*. Available at: abahlali.org/ files/Breaking%20new%20New_Housing_Plan_cabinet_approved_version.pdf, accessed 12 August 2010.

DHS (Department of Human Settlements). 2007. *National Housing Code*. Pretoria: DHS.

DHS. 2009a. *A Simplified Guide to the National Housing Code 2009: Part 1*. Pretoria: DHS.

DHS. 2009b. *Annexure A: For Outcome 8 Delivery Agreements: Sustainable Human Settlements and Improved Quality of Household Life*. Available at: www.poa.gov.za/Delivery%20 Agreements/Outcome%208%20Human%20Settlement.pdf, accessed 31 May 2013.

Eglin, R. 2009. 'Make housing delivery easier by unlocking bulk land for Landfirst'. *The Transformer* 15 (2). Available at: landfirst.org.za/make-housing-delivery-easier-by-unlocking-bulk-land-for-landfirst/, accessed 10 July 2016.

FFC (Finance and Fiscal Commission). 2013. *Exploring Alternative Finance and Policy Options for Effective and Sustainable Delivery of Housing in South Africa*. Midrand: FFC.

Ghertner, D. A. 2011. 'Rule by aesthetics: World-class city making in Delhi'. In: Roy, A. & Ong, A. (Eds.), *Worlding Cities: Asian Experiments and the Art of Being Global*. Oxford: Wiley-Blackwell.

Hindson, D. & McCarthy, J. (Eds.) 1994. *Here to Stay: Informal Settlements in KwaZulu-Natal*. Durban: Indicator Press, CSDS, University of Natal.

Huchzermeyer, M. 2002. 'Upgrading through the project-linked capital subsidy: Implications for the strategies of informal settlement residents and their community organisations'. *Urban Forum*, 13 (2): 67–85.

Huchzermeyer, M. 2003. 'A legacy of control? The capital subsidy and informal settlement intervention in South Africa'. *International Journal of Urban and Regional Research*, 27 (3): 591–612.

Huchzermeyer, M. 2004a. 'From "contravention of laws" to "lack of rights": Redefining the problem of informal settlements in South Africa'. *Habitat International*, 28 (3): 333–347.

Huchzermeyer, M. 2004b. *Unlawful Occupation: Informal Settlements and Urban Policy in South Africa and Brazil*. Trenton, NJ: Africa World Press.

Huchzermeyer, M. 2006. 'The new instrument for upgrading informal settlements in South Africa: Contributions and constraints'. In: Huchzermeyer, M. & Karam, A. (Eds.), *Informal Settlements: A Perpetual Challenge?* Cape Town: UCT Press.

Huchzermeyer, M. 2009. 'The struggle for in situ upgrading of informal settlements: A reflection on cases in Gauteng'. *Development Southern Africa*, 26 (1): 59–73.

Huchzermeyer, M. 2011. *Cities with 'Slums': From Informal Settlement Eradication to a Right to the City in Africa.* Cape Town: UCT Press.

Huchzermeyer, M. & Karam, A. (Eds.) 2006. *Informal Settlements: A Perpetual Challenge?* Cape Town: UCT Press.

Imparato, L. & Ruster, J. 2003. *Summary of Slum Upgrading and Participation: Lessons from Latin America*. Washington, DC: World Bank.

Klug, N. 1994. *A critical evaluation of professional interventions in the consolidation of informal settlements*. Master's thesis, Oxford Brookes University.

Klug, N. & Vawda, S. 2009. 'Upgrading of informal settlements: An assessment with reference to the application of "Breaking New Ground" in Cape Town and Johannesburg'. *Town and Regional Planning*, 54: 37–49.

Marx, C. 2003. 'Supporting informal settlements'. In: Khan, F. & Thring, P. (Eds.), *Housing Policy and Practice in Post-apartheid South Africa*. Sandown: Heinemann.

Meth, P. 2013. 'Millennium development goals and urban informal settlements: Unintended consequences'. *International Development Planning Review*, 35 (1): v–xiii.

Metro Housing. 1998. *The metropolitan context: Durban Metropolitan Council and local council housing strategies.* Paper presented by Dan Smit and Sarah Charlton at the conference *Housing in Metropolitan Durban: The Way Forward*. Durban, 20–21 August.

Metro Housing. 2000. *Informal Settlement Programme for the North and South Central Local Councils*. Report produced by Metro Housing, a Service Unit of the Durban Metropolitan Council. Durban: Metro Housing.

Misselhorn, M. 2008. *Position Paper on Informal Settlements Upgrading: Part of the Strategy for the Second Economy for the Office of the President*. Pretoria: Urban LandMark.

Napier, M. & Meiklejohn, C. 1997. *Core Housing and Incremental Growth: Is the Vision Being Realised?* CSIR Publication No: BOU/E9709. Pretoria: Council for Scientific and Industrial Research.

Narsoo, M. 2013. The Upgrading of Informal Settlements Program South Africa. Innovative Solutions for Cities Webinar. 9 October. The World Bank Institute e-Institute

Nell, M., Charlton, S. & Maxwell, H. 2004. 'Housing and *in situ* upgrading'. In: Robinson, P., McCarthy, J. & Forster, C. (Eds.), *Urban Reconstruction in the Developing World: Learning Through an International Best Practice*. Sandown: Heinemann.

NPC (National Planning Commission) 2011. *National Development Plan.* Pretoria: National Planning Commission, The Presidency.

UN-Habitat. 2011. *Quick Guide 2: Low-income Housing. Approaches to Helping the Urban Poor Find Adequate Housing in African Cities*. Nairobi: UN-Habitat.

Urban Foundation. 1991. 'Informal housing Part 1: Current situation: Policies for a new urban future'. *Urban Debate*, 2010 (10): n.p. Johannesburg: Urban Foundation.

Van Horen, B. 1999. 'The de facto rules: The growth and change of an informal settlement in Durban, South Africa'. *Third World Planning Review*, 21 (3): 261–282.

Van Horen, B. 2000. 'Informal settlement upgrading: Bridging the gap between the de facto and the de jure'. *Journal of Planning Education and Research*, 19: 389–400.

Wakely, P. 2008. Quick Guide on Approaches to Low-income Housing. Draft document.

World Bank Institute. Not dated. Strengthening the South African National Upgrading Support Program. WBI Urban Practice Document. Available at wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/urban_countryengagement_southafrica2011.pdf, accessed 10 July 2016.

World Bank Institute. 2009. Approaches to Urban Slums. Adaptive and Proactive Strategies. Audiovisual Presentation. Available at info.worldbank.org/etools/urbanslums/adaptive-appr.html.

Respondents interviewed

Masson, A. 2009. Area Manager for Inanda and Intuzuma, eThekwini Municipality, 27 November, eThekwini.

Byerley, M. 2009. Head of Housing Research, eThekwini Municipality, 30, November, eThekwini.

Seedat, F. 2009. Official, Housing Department, eThekwini Municipality, 30 November, eThekwini.

Misselhorn, M. 2009. CEO of Project Preparation Trust in KwaZulu-Natal, 1 December, eThekwini.

Pather, C. 2009. Director of Housing, eThekwini Municipality, 1 December, Durban.

Nightingale, J. 2009. Project Manager, Housing Department, eThekwini Municipality, 1 December, eThekwini.

Rutch, P. 2010. Land legal consultant to eThekwini Municipality, 12, January, Durban.

Breetske, K. 2010. Official, Department of Infrastructure, eThekwini Municipality, 12, January, eThekwini.

Maharaj, K. 2010. Project Manager, Housing Department, eThekwini Municipality, 13, January, Durban.

Mngadi, K. 2010. Official, Housing Department, eThekwini Municipality, 13, January, eThekwini.

Khanyile, B. & Paulson, G. 2010. Project Managers, Housing Department, eThekwini Municipality, 13, January, eThekwini.

Narsoo, M. 2010. Consultant to NUSP, 12 August, Johannesburg.

Chapter 4

The 'other half' of the backlog: (Re)considering the role of backyarding in South Africa

David Gardner and Margot Rubin

Households living in informal settlements make up approximately half of the officially defined accommodation backlog in South Africa (Stats SA, 2011). The balance comprises predominantly households living in backyard accommodation, with a smaller number of households sharing houses, occupying inner-city buildings and in situations of outright homelessness. Therefore, a significant part of the challenge of upgrading the conditions of people living in situations of informality relates to how the state responds to these households. This chapter considers the role of backyard accommodation in relation to informal settlement generally, and identifies how participatory approaches to its improvement have both helped and hindered the sub-sector.

Despite the large proportion of the officially defined backlog that backyard dwellings constitute, this remains a poorly understood and inadequately researched sub-market. However, although little is known about this market, urbanists, housing practitioners and professionals, as well as community groups and economists dealing with issues of survivalism and livelihoods, have understood and argued for the importance of backyarding, because it challenges generally accepted notions and discourses about housing. In this chapter we argue that backyarding should be considered as a city-building tool rather than a contributor to urban blight,[19] and that it plays multiple roles in the lives of poorer households. We also consider the role of rental in an ownership-based settlement paradigm as a reference point for ascertaining the extent and limits of government interventions into the housing sector.

The chapter makes two explicit arguments: first, that backyarding is a complex phenomenon that challenges the current approach to the binary of formality/informality in cities, and therefore should not be considered purely to be part of the informal settlement upgrading paradigm; and, second, that it is a fragile market, and that to date interventions focused on upgrading conditions in the backyarding

---

19 City-building in this context refers to a clear strategy of developing and constructing a more just and considered urban space.

sub-sector in South Africa have generally not created more housing stock or secured tenure for more vulnerable urban residents. As such, new types of sensitively thought-through upgrading interventions need to be considered in order to support this sector.

The chapter begins with an analysis of the demographics, dynamics and core elements of the backyarding sub-market, drawing attention to some of the common misconceptions about the provision and occupation of backyard structures. Here we demonstrate that backyarding is a viable and thriving housing sub-market providing necessary and affordable rental accommodation for large numbers of households across a wide, yet mostly low, income spectrum. We analyse the role that backyarding can play in helping to meet critical urban challenges of shelter, restructuring, integration and inclusion, densification and compaction, and sustainable livelihoods.

We then present a high-level review of the continuum of public sector responses in South Africa to backyarding in order to demonstrate the array of upgrading interventions that have been proposed and implemented, the challenges they have faced and the successes achieved. The chapter will argue that many of the state's interventions to date have been unsuitable, and have had unintended consequences for the state, backyard occupants and small-scale landlords.

In response to these findings and a sense of dissatisfaction with the extant interventions, the chapter then considers if, under what conditions and how interventions in the backyarding sub-market could take place, working with what already exists. A careful and differentiated approach to such interventions is proposed, one that considers the sensitivities, complexities and tensions inherent in this sector, and the (in)applicability of currently defined norms and standards relating to tenure, levels of access to services and accommodation size and quality. Such an approach also questions the ability and desirability of state interventions to meet all accommodation needs in South Africa's urban areas, and instead proposes a participatory response that supports self-provisioning, and small-scale landlordism.

The chapter concludes that there has been limited understanding of and sensitivity to the important role that backyarding plays in many poorer people's lives, and that this has led to inappropriate and incomplete responses by the state. We argue that backyarding must be recognised as a critical city-building force, and we advocate for a nuanced set of incremental interventions and supports that allow for informal and more flexible standards for accommodation and services, which in turn will be sensitive to the fragility and potential of this sub-market. Thus the chapter advocates for the state limiting its interventions for fear of disrupting what is in many ways a functional and important process of low-income housing provision.

Backyarding: Its shape and size in South Africa

The common defining elements of backyarding in South Africa are that it is procured and managed by private individuals on privately owned, held or controlled land. Beyond this, backyarding exhibits a wide variety of uses and is materially configured in myriad ways.

Backyard units are found in all parts of the city. Across old and new subsidised and unsubsidised housing estates, in rural (traditional tenure) areas, in old public housing stock and even in informal settlements, those in control of settlements rent out a portion of their stand or other stands (see Table 4.1). There are even cases in higher-income areas of the city. How local authorities respond to backyarding is highly differentiated. There is a sense that in lower-income areas and Reconstruction and Development Programme (RDP) settlements backyarding is undesirable and possibly even criminal, whereas in higher-income areas there is greater acceptance and in many cases formal approval of this form of housing. The differentiated responses will be discussed in further detail later in the chapter.

While there are notable exceptions, backyarding is generally a small-scale, household-level activity, seldom exceeding a few units per property. Although backyard units are predominantly used for residential purposes, a proportion is allocated to other uses such as subsistence retail, service provision and petty manufacturing (CSIR & Shisaka Development Management Services, 2006). A further bifurcation in the market relates to the motivation of the landlord, whereby units are either rented out for some form of monetary exchange or service compensation or alternatively they are occupied by family or kin, often for free or on a cost-recovery basis (Gardner, 2010).

Backyard units vary greatly in terms of their size, type and quality of construction materials and access to basic services. Units are built from wood, tin, plastic and cardboard, or using more conventional (prefabricated panels, brick, block) materials. Quality of construction varies considerably. A high proportion of backyard structures have access to basic services (water, toilet and electricity), but the nature and quality of this access is also highly variable. Access can be internal, on-site (shared) or off-site (communal). Service connections vary from fully reticulated to illegal connections.

There is further variance in the willingness and ability of landlords to comply with building regulations. Some landlords go through the formal channels of building application and approvals, and build to legislatively required specifications, while others are either ignorant of or choose to ignore existing planning frameworks, building regulations and by-laws. Importantly, the legal status of the units does not necessarily reflect or determine their quality, access to services or the nature of the relationship with the landlord. Table 4.1 provides an overview of seven different instances of backyarding in South Africa that show various configurations of location and nature of the settlement. The precise extent and distribution of backyarding in

South Africa is not well documented and presents a clear area for further necessary research.

When considering the range of backyarding conditions referred to above, it becomes clear that traditional notions of informality and formality do not apply, as the units can exhibit formal and informal characteristics simultaneously (ie in terms of use of building materials and quality of construction). In terms of legality, units may meet building and planning norms and standards, and yet not have planning approval or be built within servitudes; the tenant-landlord relationship, although seldom regulated by written lease, may still comply with rental legislation. Thus designating backyarding as informal housing is too broad a categorisation for a sub-sector that exhibits such wide variance, and which in diverse ways (and often simultaneously) meets criteria for both formality and informality.

Furthermore, backyarding also challenges the conventional notion that formality is 'good' and informality is 'bad', or even that something is either entirely 'formal' or entirely 'informal', and demonstrates the ability of different accommodation types to exist within multiple spaces of legality and illegality, formality and informality, and acceptability and unacceptability at the same time.

Table 4.1: Case studies of backyarding in South Africa, demonstrating range and variance

Case study	Stage of develop-ment	Nature of settlement	State inter-vention	Type of state inter-vention	Nature of backyard units
Kennedy Road Informal Settlement Backyarding	Existing informal settlement	Informal settlement	None. Emergency services only.	N/A	All informal units
Diepsloot Township Re-informalisa-tion	Existing RDP township	Formal low- income RDP township	Limited to no urban management control	None. Urban planning and controls not enforced.	Mostly informal units at high densities
Grassy Park Second Dwelling Densification	Existing old apartheid satellite suburb	Formal middle-in-come suburb	Strong municipal urban management controls	Urban planning controls and enforcement	Formally constructed self-contained units at low density
Alexandra Renewal Project Urban Upgrade	Existing old apartheid township	Formal settlement/ informal settlement/ slum conditions	Yes— municipality province national	Multifaceted investment in planning, infrastructure, housing and resettlement	Formal and informal. Very high densities. *Continued*

Orlando East Urban Improvement	Existing old apartheid township	Formal settlement	Yes— municipality, province	Urban investments to improve liveability of high-density area	Formal and informal. Range of densities.
Orlando and Zola Backyard Pilot Project	Existing old apartheid township	Formal settlement	Yes— province	Backyard gentrification through subsidies	Formal units (top structure and services) to replace informal units
Cosmo City Controlled Backyarding	Existing & new integrated develop- ment	Formal RDP area proximate to bonded housing	Yes— municipality, via developers	Urban planning controls	Formal rooms with shared ablutions and self-contained
Alexandra K206 Subsidised Rental Room Programme	New RDP township	Formal, medium density RDP housing	Yes— municipality, province	Subsidy for provision of rooms for rent	Rooms with ablutions integrated into medium- density RDP development
Factreton Municipal Housing Backyard Servicing	Existing old municipal housing area	Formal municipal housing area	Yes— municipal intervention to upgrade it	Regularisation, neighbourhood and site infrastructure reticulation and service provision to backyard units	Mainly informal. New access to basic metered services and free basic services.

Source: Adapted from Gardner and Rubin, 2013.

Just a normal, if fragile, market

Backyarding in South Africa has suffered from a poor reputation, being notorious on a range of counts. Watson (2009: 6) identifies 'the stereotype of the greedy landlord, building rentable units and extracting maximum profit from them' and providing sub-par accommodation in return. Another widely held perception is that landlords are 'shack farmers', putting up as many backyard units as possible in order to gain monetarily. While there is evidence to suggest that in specific cases, '"shacklords" claim some form of right or authority over land and use this to extract "rent" or "protection money" from households' (Watson, 2009: 6), this cannot be generalised to all backyard accommodation.

Findings from the few studies of backyarding that have been undertaken reveal that, although exploitation and poor relations do occur, this is in fact a very complex, fragile, but normally operating housing sub-market (Charlton & Shapurjee, 2013; Gardner, 2010; Lemanski, 2009). The factors driving demand within this sub-market are the current limited stock of affordable rental options and insufficient delivery of subsidised accommodation in general, coupled with low effective demand for purchased housing due to financing constraints, low affordability and inadequate supply (Gardner, 2010). Lemanski (2009: 473) argues for instance that 'South Africa's formal housing policies have indirectly encouraged backyard housing and have thereby augmented informality in South African cities, the exact opposite of the policy's intentions'.

More importantly, there is a high demand for and desire to access more affordable, readily available and relatively well-located backyard accommodation by choice, not because of lack of other options. Factors contributing to this include high rates of migration into and within South Africa's primary and secondary cities and varied livelihood strategies, including multi-nodal households. Demographic changes also drive this demand. The five years from 2007 to 2011 saw a 25 per cent reduction in average household size from 4,2 in 2007 to 3,1 in 2011 (StatsSA, 2011). In addition, there are clear indications of increasing demand for accommodation that is better suited to smaller, one- and two-member households that now comprise nearly two-thirds of the officially defined backlog (Gardner & Rubin, 2013). These trends contribute to increasing demand for more flexible tenure forms and more affordable accommodation options.

This demand is met by landlords who are seeking to supply accommodation and shelter for gain either in order to supplement existing incomes or as a primary income source, or alternatively as a way of accommodating kin (Carey, 2009; Lemanski, 2009). Earlier research suggests that the majority of small-scale landlords on average

> have one or a few units for rent and are not profit-maximisers. They do not view renting as a business, but rather as a way of supplementing income, supporting family members, or gaining some help at home. Renting is a low-risk and simple way to generate some income. (Watson, 2009: 6)

More recently there has been growing evidence of a clear commercial motive, and an increase in the number of small-scale landlords viewing backyarding as a commercial opportunity (Gardner & Rubin, 2013).

Backyarding in numbers: A statistical overview

Census 2011 (StatsSA, 2011) estimates that there are 1,14 million households living in backyard units (422 849 units) and shacks (712 956 units).[20] Contrary to popular perception, 43 per cent of all backyard structures are formally constructed (second dwellings and formally constructed rooms), with the balance (57 per cent) being informally constructed (predominantly, but not limited to, shacks constructed of tin and wood).[21] Comparisons between the 2007 General Household Survey (StatsSA 2007) and Census 2011 (StatsSA 2011) also indicate that backyarding is a rapidly growing market. The authors' own calculations indicate that of all households not absorbed into formal housing between 2007 and 2011, backyarding has absorbed two-thirds (288 000 households). This is exactly double the number absorbed into growing informal settlements over the same period (144 000 households). Thus the backyarding market added an annual average of 72 000 new accommodation opportunities between 2007 and 2011. In comparison, subsidised housing programmes delivered an estimated 180 000 completed units per annum between 1994 and 2009 (Finance and Fiscal Commission, 2012). This indicates that the backyarding sub-sector has delivered 80 per cent of all new affordable accommodation opportunities. This can be interpreted to mean that rental is not merely the last resort of those who cannot find ownership opportunities, but within the urban milieu is also a highly desirable form of accommodation and tenure, as some households are choosing backyards over other forms of accommodation.

Unfortunately, there are insufficient data on the demographics and profile of the backyard sector, and only the broadest indications of how the sector is comprised. Many of the significant studies are already almost a decade old and there is an urgent need to update our information about this increasingly vital accommodation sub-sector. From what can be gleaned from a set of studies that were conducted in the 2000s (see Gardner, 2003; Shisaka Development Management Services, 2004; Sigodi Marah Martin, 2002), the following characteristics of the sub-sector have been identified:

- Households living in backyards are on average smaller, younger and have higher incomes than households in subsidised houses and occupants of older township stock.

---

20 This excludes the 119 000 households living in second dwelling units, cottages and 'granny flats'.

21 It is important to note that the census does not indicate legality, durability or quality of construction. Therefore only general indications of quality can be ascertained from the use of the terms 'shack' and 'unit/room' (formally constructed dwellings). A conventionally or formally constructed room could be of very poor quality, while a shack (built of wood and corrugated iron) could be very durable and safe.

- Roughly one-third are single-person households, one-third two-person households and one-third households with three or more members.
- Backyard occupants are more likely to be employed, and to have higher incomes than many backyard landlords (Gardner, 2005; Watson, 2009), indicating the critical role that rental streams play in homeowner survival strategies.
- Moreover, backyard households demonstrate higher rates of vulnerability than RDP housing, in the sense that they are more likely to include women-headed households, single parents, foreigners and undocumented residents, and/or recent urban migrants.
- Similarly, in older township areas the landlords were predominantly female, retired or close to retirement age, low-income and long-term urban residents. Thus there is a clear gendered angle to backyarding in relation to both its demand and supply, whereby backyarding seems to provide a form of protection and support for female landlords and tenants.

Research findings from a range of sources suggest that across a set of housing indicators, namely, arbitrary eviction, affordability, tenant-landlord relations and profit maximisation, the majority of backyard rental relations in South Africa on average perform reasonably well.[22] The majority of backyard accommodation is of acceptable quality, provides access to basic services,[23] and is a relatively well (albeit informally[24]) regulated market providing affordable rentals and relatively secure tenure. Evidence in South African cities suggests that 80 per cent of backyard renters have been in their accommodation for five years or more and there are relatively few evictions (Watson, 2009: 5), which seems to indicate both general satisfaction with the accommodation as well as a dearth of alternative accommodation.

Furthermore, despite a lack of regulation, relations between owners and renters are good. Bank (2007) noted, based on his 2005 survey conducted in Duncan Village, that 70 per cent of households reported no conflict in their rental relationships. Evictions are relatively rare and Carey's 2009 study reveals that they often take place when the

---

22 These findings are synthesised from a number of sources, including Carey, 2009; CSIR & Shisaka Development Management Services, 2006; Gardner, 2005, 2010; Sigodi Marah Martin, 2002; and Watson, 2009.

23 Generally, backyarders have at minimum access to shared toilets, water and an electricity connection. There is currently little information available on the extent of free basic service provision to households occupying backyard structures, and it is believed therefore that most backyarders are currently required to pay for services.

24 Research by Carey (2009), Gardner (2010) and Watson (2009) indicates that the market is generally regulated via verbal agreements between landlords and tenants. Few formal leases are signed, and most disagreements are resolved through discussion, and at times through referral to an external person such as a community leader or councillor.

space is needed for a family member. Renters are often extended family members or are part of broader social networks. Relationships between landlords and tenants can go beyond financial exchanges, and can include exchange of accommodation for goods or services (such as cleaning, child care and even sexual relations). Security, and being 'under the protection of landlords', is also reported (Charlton & Shapurjee, 2013). Flexibility is also common: in times of financial stress or uncertainty, renegotiation of payments or swopping services for cash payments may be agreed upon. When conflicts do occur they are generally dealt with internally, rather than by resorting to formal legal channels. Given these very personal tenant-landlord relationships and the high degree of flexibility involved, it would seem that backyarding can offer as much security in terms of tenure as ownership, with few examples of arbitrary evictions or unfair practices (Carey, 2009).

State interventions in backyarding: Their form and impact

The South African government has not been unaware of the backyarding phenomenon, but has historically either ignored backyarding or engaged in eradication or gentrification processes, understanding it as a form of what Charlton and Shapurjee (2013) refer to as 'failed modernity'. We would argue that not only has formal housing policy augmented informality (Lemanski, 2009), but it has also, when trying to engage with backyarding, intervened in ways that have in many cases had unintended unfortunate consequences for both landlords and tenants. There are very limited examples of proactive, positive responses from municipalities, provincial or national government to the complexities of backyarding.[25]

The following sections explore four different state responses and their impacts in the backyarding market, based on case studies of places where these models have been instituted. These case studies are discussed within a current context in which there is neither a formal national rental housing strategy nor an overarching backyard policy response from the Department of Human Settlements (DHS). Thus they are largely ad hoc and unsupported by any national policy guidance. While at least one draft national rental policy has been developed (2007/2008), this has not been approved or implemented. Recently, the national DHS appointed consultants to produce a framework document regarding a national rental policy, and the DHS is also currently finalising research into backyarding. The South African Local Government Association (SALGA) has also recently undertaken research into backyarding and is considering how to support the development of a

---

25   For example, the City of Johannesburg and Gauteng Province have over the past few years engaged directly in the market through one programme that endeavours to deliver backyard rooms as a component of subsidised housing areas, and another that directly replaces informal backyard units with formal units.

local government response (Gardner & Rubin, 2013). Thus there is a clear recognition of the importance of backyarding at the national level; however, it is unclear exactly when or how a national framework will be put in place to support backyard accommodation. The four cases presented below offer accounts of the generalised typologies of responses in South Africa, and discuss some of their advantages and impacts.[26]

Settlement control: Urban management and by-law enforcement

A controlled urban management approach has been implemented in both new and old formal settlements, creating a situation in which residents have been required to have plans developed and approved prior to developing secondary structures. All new structures have to meet local development by-laws, which include the regulations that units cannot be constructed from 'temporary materials' and must have access to services. The number of formal backyard rooms and units has been specified, and informal units have been actively discouraged.

Cosmo City is a private-public-partnership integrated residential development built mainly over the past decade in northwestern Johannesburg. The developers of the settlement are managing urban development directly, via community liaison officers and building inspectors. They have also instituted a system whereby new owners are sent for training on the Cosmo City by-laws and informed of the conditions for upgrading their houses and constructing backyard accommodation, and the consequences of non-compliance, ie demolition of informal units on their properties.

The urban management approach has the capacity to provide a gradual response to increased pressure for accommodation in this well-located settlement and thus to respond to accommodation needs facing the community over time, including changes to affordability, the ability to house aging parents and offering greater accommodation opportunities to young families. Furthermore, evidence from the Grassy Park community in Cape Town, where controlled management of secondary development has been implemented over a long period of time, is that many elderly couples with few other accommodation options are able to continue living in their historical neighbourhoods because of the income they generate from secondary dwellings on their properties. Without this, many might be forced to move to cheaper, and worse, neighbourhoods and accommodation.

Thus proactive city planning and building control processes can guide neighbourhood change over time, in order to adapt to new socio-economic conditions and urban planning pressures. However, planning and building control processes can also constrain such positive natural processes if they are not carefully considered,

---

26 The findings in this section are from research undertaken by the authors into this sector in 2013 (cf Gardner and Rubin, 2013)

well-constructed and appropriately managed. Anecdotal evidence also suggests that such a formal approach can increase rentals considerably for backyard accommodation, putting it out of reach of some of the poorer urban residents. And it requires significant capacity and sophistication on the part of the landlords to navigate the formal planning application and approval process, potentially putting it out of reach of some settlements' more marginalised residents. The key lesson from these cases is that municipalities have the tools to actively manage positive urban outcomes relating to backyarding, if these are used appropriately and consistently.

Eradication, rebuilding and direct interventions

An entirely different approach has been taken by the Gauteng provincial government, which has a policy of direct intervention in this sector, through the development, piloting and rollout of a backyard redevelopment programme. Developed in 2008, the Gauteng Provincial Backyard Rental Policy (cited in Gardner & Rubin, 2013: 17) is intended to:

> [regularise] the erection of backyard accommodation for rental and normalise the landlord-tenant relationship as a means of providing alternative accommodation while at the same time changing the current context of shack development.

The aim of the Backyard Rental Pilot Project is to upgrade and formalise backyard units by eradicating informal backyard structures and replacing them with subsidised backyard rooms with shared ablutions that are compliant with the minimum norms and standards for subsidised housing approved by the Gauteng Department of Local Government and Housing.[27] The province has undertaken the project by entering into an agreement with existing property owners, initially in Orlando, Soweto, where landlords were in possession of old housing stock built by the previous government. Criteria for selection include that the owner of the property to be upgraded must be living permanently on the property or own the property, and must agree that this status will not change for a minimum of five years.

The Gauteng Department of Human Settlements uses a special provincial subsidy for these backyard upgrades. This is known as the Affordable Rental Accommodation Grant, and is roughly equivalent in size to Breaking New Ground's Individual Subsidy.[28] Pre-existing backyard units that do not meet the requirements of the

---

27 In 2013 this department was divided into the Department of Cooperative Governance and Traditional Affairs and the Department of Human Settlements.

28 These subsidies are used to build freestanding, individually titled units that are provided to beneficiaries, generally free of charge, by the state through the Department of Human Settlements.

existing by-laws are demolished, and units comprising two or three rooms of 11 m², each with access to a shared bathroom, are constructed to replace these. Once the units have been constructed by the state and connected to formal services, landlords and tenants are compelled to sign formal, written lease agreements. To date, approximately 1 000 units have been constructed, and are being rented out by the homeowners. Therefore this initiative has made around 2 000–3 000 rooms available, but has eradicated at least as many.

There have been a range of concerns surrounding this programme, including the fact that it displaced more households from existing backyard accommodation than it replaced, as landlords were forced to lower the number of backyard units in order to meet the by-law specifications. There were also reported cases in which landlords raised rents above approved limits to ensure that they still had comparable income from the new units and to make up for the loss of earnings from the lower number of units, or simply because the better accommodation commanded higher potential rentals. This meant that poorer households were forced to find alternative accommodation, probably in similar or worse circumstances than those they were in prior to the intervention. Alternatively, landlords displaced tenants in favour of family and kin.

Some of the upgraded units have been converted for commercial use or have been absorbed as part of the primary house, and are no longer available for rental accommodation (which is expressly disallowed by the programme). Neither the state nor the landlords have assisted displaced households to find alternative accommodation. The displaced residents have mobilised and formed the Backyard Dwellers Association to fight for their own housing rights and to motivate backyarders in other areas to reject the scheme.

In addition, the subsidisation of such accommodation could set a precedent for double subsidisation that may be difficult to justify or maintain in future. For instance, the subsidy for the rental units is granted to existing landowners (most of whom have received state housing previously). While this may be justified in pre-1994 townships, it is less defensible in new subsidised settlements such as Cosmo City, where the Gauteng provincial government is considering supporting subsidised backyard units. This has led some existing tenants to refuse to pay for what they see as subsidised accommodation. It has also led to tenants asking why they did not simply receive RDP units which they could own, instead of having to rent state-subsidised backyard units.

Service provision to backyard dwellings in a municipal housing area

This programme was instituted in the City of Cape Town and focuses specifically on the improvement of backyard rental conditions in municipality-owned housing estates, but potentially has wider applicability. Cape Town's detached and row house municipality-owned housing stock has very high densities of backyarders who have

moved in over decades, and who generally pay rent to the sitting tenants. Currently, the City holds 43 000 housing units which have 41 500 backyard units associated with them. Backyard units in municipal housing areas account for 38 per cent of the 109 000 backyard structures in the city, and therefore constitute a large portion of the officially defined accommodation backlog. Very poor conditions faced by backyard residents on private and public properties led the City of Cape Town to identify backyarders as a group that was as much in need of improved living conditions as the occupants of informal settlements.

The City decided to tackle backyards within its own housing stock, since as landowner and landlord it had more leverage in these areas than in private housing areas. The City also faced a situation in which increased urban densities and old infrastructure networks were leading to regular infrastructure failures on a neighbourhood scale. Furthermore, there were concerns about overcrowding, poor (and sometimes impeded access to) water and sanitation (much of which involved the bucket system), and in certain cases fire hazards and health risks, as well as the temporary nature of the construction materials used. These conditions, in combination with the City of Cape Town's Spatial Development Framework and other urban development policies that aim to ensure that all residents receive access to basic services, led the City to identify the need to improve conditions among backyard residents.

Initially the City engaged with a number of communities in municipality-owned estates, and selected specific areas for improvement based on the receptiveness of tenants and landlords. The first area selected for intervention was Factreton, a neighbourhood of single-storey council-owned row housing. The area was extensively surveyed, backyard units were logged, and a services needs assessment was conducted. Plans were drawn up and approved by residents for replacement and/or upgrading of bulk supplies (water and sanitation), reticulation of services to backyards and, in some cases, de-densification of structures where hazardous conditions existed.

A pilot phase of 156 houses has thus far been implemented, after which interventions were extended to all City-owned properties in the area. Certain backyards were very densely populated, and have required a re-planning of the layouts in backyards. However, most have been kept at their original densities. Innovative approaches were required to make this programme work, including the promulgation of a Special Residential 2 zone that allows for informal structures on properties with formal structures, and provides the legal mechanism for providing minimum standard services to backyards in accordance with national norms and standards for informal settlements, mechanisms for multiple households to access minimum basic services allowances using the same standpipe, and approaches to utilising housing and Urban Settlement Development Grant funding for this programme. The need to invest in infrastructure networks on a neighbourhood scale in order to provide sufficient capacity is an important lesson. This scheme has therefore benefited the primary residents as well as backyard residents.

As a result of this programme, many backyard residents now have secure access to water and sanitation on a shared basis. Multiple households in single backyards are able to obtain their basic water allowance through the use of innovative electronic metering systems, and the old 'bucket system' has been upgraded to shared waterborne toilets. All households have pre-paid electricity supplies. However, while this programme has helped to improve the quality of life for backyarders, it has not yet tackled other important issues, notably whether backyarders should pay rentals to sitting tenants of the municipality or to the municipality itself, and how to improve the quality of backyard structures. What it has done, however, is focus on one set of issues, rather than on blanket formalisation to meet all building norms and standards; nor has it intervened in the landlord-tenant relationship.

Greenfield interventions: Intervening in the backyard rental market

The Alexandra K206 project is located on the Far East Bank Extension 9 of Alexandra, Johannesburg, and forms part of the greater Alexandra Renewal Project (ARP). The K206 focuses on households from Setjwetla informal settlement and is intended to provide households with better living environments and housing opportunities. It is a greenfield housing project that offers unemployed beneficiaries and low-income households a unit that has two attached rental units.

The final project is intended to deliver 1 229 subsidised units at an average size of 40 m² (one bedroom) and 1 665 rental units of average size 30 m², generally with two rooms and shared ablution facilities. There is some uncertainty as to how eligibility was considered and why certain residents have been provided with rental accommodation and others with ownership.

The ARP uses the Individual Subsidy for the primary unit, and additional funding of R18 000 per unit from the ARP to pay for the rental units. The ultimate provider of these funds is not known, but is probably the DHS. The housing is grouped into culs-de-sac of clusters of eight to ten units, which are intended to echo the yard structures of much of Alexandra. Every unit has a 40 m² or 50 m² double-storey government-subsidised dwelling, with full ownership and all services, including solar water heaters. In addition, each unit has two adjacent but independent ground-floor rooms with shared ablution facilities intended for rental by the new owner, at rentals determined by the project.

Following the completion of the project there has been significant contention around who was given ownership and who was allocated to rental units, as the majority of the residents came from the same informal settlement. Landlords resent the fact that renters were allocated to units by the state and would much rather have selected their own tenants, especially in the cases of households who want to house their own kin. This seems to indicate that there has not been a clear understanding or consideration of the multiple roles that backyarding plays in the lives of low-income residents. The flexibility to be able to accommodate extended family members,

and the social safety net that such housing provides, were neglected in favour of an approach that focused explicitly on formalised ways of income generation and housing. There are also more technical concerns about the quality of the build and finishes, especially for the rental market, which requires more hardwearing construction materials and thus possibly a higher subsidy.

What can be concluded from current interventions?

The case studies presented above usefully portray two very different arenas of intervention: the first into backyarding in existing areas (with the aim of improving living conditions), and the second involving proactive planning for backyarding within newly planned areas. They also indicate how difficult it is to know where and how to intervene in a sub-sector that is simultaneously a form of social insurance, a source of income generation and a housing opportunity. It is also clear that the previous discourse on informal settlement upgrading, eradication, formalisation and modernisation has been echoed in state approaches to backyarding.

It is evident from these cases that a clear set of objectives for intervention is required: is the state's intention to stimulate the development of more decent affordable, intermediate-standard accommodation; to further state-subsidised housing reach; to densify existing urban areas; to replace existing structures deemed unsuitable; or to encourage future market forces? Given the high accommodation demand in South Africa and the express desire for dense and compact cities, de-densification, eradication and formalisation, which have thus characterised the state's response, seem to be contradictory approaches. Similarly, given the high unemployment rates and the need for more entrepreneurship, a highly regulated approach that enforces inflexible norms and standards seems counterintuitive, as it forces a range of would-be housing entrepreneurs out of the market.

In addition, the need to engage with landlords and tenants in any intervention process is critical, if unintended consequences are to be avoided. For example, if backyarding is understood as a vital source of income generation, then the serious repercussions de-densification could have on low-income households' livelihood strategies should be taken into consideration.

The four case studies, although not conclusive, also seem to indicate that the lighter the touch and the more incremental the approach, the better for landlords and tenants. However, none of these four responses strays beyond the 'control or replace' approach. At present, South Africa has a complete dearth of examples of positive facilitation of backyarding to draw on.

Towards a new intervention model?

Having considered the size, dynamics and importance of backyarding in urban South Africa, it is important to suggest a path forward. A point of departure is

that any response to the backyarding sector must move away from the current predisposition of government to want to eradicate and/or gentrify backyard accommodation. An overarching philosophy for state interventions is grounded in the constitutional obligation of government to ensure adequate accommodation for the country's citizens, and the role that backyarding has played and can continue to play in achieving this must be explicitly acknowledged. Further, any engagement in the backyarding market comes with the constitutional obligation to ensure that all affected households are left better off after such intervention (Republic of South Africa, 1996). In fact, as Gardner (2010) indicates, it is preferable to do nothing rather than to implement approaches that result in more displacement and fewer affordable rental accommodation options. This identifies the need to ensure a much greater level of participation in upgrading interventions from those most affected, namely, the landlords and occupants of backyarding. Not doing so creates the likelihood that upgrading interventions are likely to gentrify, rather than upgrade conditions, therefore displacing the very households that rely on this market the most, instead of providing a larger base of good quality accommodation to dilute poor conditions in the sub-market.

This in turn indicates the need to review existing national norms and standards, building regulations, planning standards, by-laws and infrastructure and housing subsidy mechanisms in order to enable them to accommodate and support acceptable outcomes from backyarding in a way that does not criminalise or negatively impact on backyarding generally. In a sense, a similar approach to the Upgrading Informal Settlements Programme contained in the National Housing Code should be developed for backyard upgrading. In the case of informal settlement upgrading, the national norms and standards are merely a guideline. An incremental approach is specified for services that can be interim services and/or final services and the same is true of stand sizes, all which need to be negotiated with the beneficiaries and need to meet some engineering and fiscal responsibility standards. This is especially important at a time where there is wide acknowledgement of the need to review government's housing strategy due to its failure to make significant inroads into the officially defined backlogs, while government is simultaneously indicating a desire to further increase national norms and standards for accommodation.

Arguably the most thorough framework for a response to backyarding is a recent submission by the present authors to SALGA (Gardner & Rubin, 2013). This research sets out a range of problems and prospects in relation to backyarding from a municipal perspective, reviews 14 case studies of different official responses to backyarding, and outlines a proposed 'toolbox', or differentiated set of strategies, that could be considered for future engagement in the backyarding market.

The nine key responses in that 'toolbox' are:

1. undertaking further detailed research into backyarding, and specifically, ensuring that attempts at upgrading backyarding are understood in the full context of their potential negative and positive consequences on the fragile sub-sector
2. lobbying for enabling policy at national level, with a specific focus on an acknowledgement of both positive outcomes from backyarding as well as the problems and concerns raised by this approach
3. building a unified yet differentiated response to backyarding into municipal land planning and policy frameworks
4. proactively guiding backyarding using urban management instruments available, with specific reference to new land and planning frameworks
5. pre-emptively planning for future backyarding in new and existing areas, as a key tool for future densification and accommodation delivery strategies
6. investing in existing and new infrastructure networks to support positive densification through backyarding, in a way that optimises accommodation development and utilisation of scarce municipal resources
7. resourcing and implementing urban management control systems to actively facilitate where, how and what outcomes result from backyarding processes
8. implementing support mechanisms through which municipalities alone, or in partnership with provincial and national government and other actors, can encourage the optimal development of backyard accommodation (this may or may not include direct and indirect subsidy instruments)
9. and finally, taking remedial action (that could include de-densification, upgrading and relocation) where the breakdown in urban management has resulted in backyarding conditions that are a serious threat to public health, safety and welfare (Gardner & Rubin, 2013).

Conclusion

Backyarding is a significant human settlements sub-market that bridges the divide between formal housing and informal housing, ownership and rental. A South African human settlement paradigm that does not embrace backyarding as a critical city-building force will ultimately fail on numerous counts. In particular it will not reach all households in their complex configurations that require affordable, well-located and flexible accommodation options. This will in turn perpetuate the creation of sprawling, low-density, mono-functional and sterile subsidised housing areas. However, responses to date to upgrade conditions in backyarding have lacked a clear understanding of the sector, and have not been sufficiently participatory to consider the implications of interventions for both landlords and tenants. Therefore,

while notable successes have been achieved, many responses to upgrading backyarding conditions have had negative consequences for either landlords and/or tenants.

It is incumbent on policy-makers and practitioners to consider the potential positive impacts that can accrue from backyarding and to proactively work with backyarding as a key part of the solution to South Africa's housing crisis. Current evidence suggests that incremental, participatory processes that take rental seriously in both existing and new settlements offer the best hope of leveraging this sub-market to create affordable rental housing, income generation and socially responsible safety nets for some of South Africa's poorest and most vulnerable residents.

References

Bank, L. 2007. 'The rhythms of the yards: Urbanism, backyards and housing policy in South Africa'. *Journal of Contemporary African Studies*, 25 (2): 205–228.

Carey, S. 2009. *Investigation into the Proliferation of Low-income Private Rental Housing Supply, and the Development of Recommendations Concerning Appropriate Interventions/ Responses*. Final report. Prepared for the Social Housing Foundation and Urban LandMark. Available at: www.urbanlandmark.org.za/downloads/small_scale_rental_report_carey_ 2010.pdf, accessed 25 September 2013.

Charlton, S. & Shapurjee, Y. 2013. 'Transforming South Africa's low-income housing projects through backyard dwellings: Intersections with households and the state in Alexandra, Johannesburg'. *Journal of Housing and the Built Environment*, 28 (4): 653–666.

CSIR (Council for Scientific and Industrial Research) & Shisaka Development Management Services. 2006. *Research Report: Consolidated Analysis of Research into Small Scale Landlords and Home Based Entrepreneurs*. Prepared for the National Department of Housing, Social Housing Foundation, FinMark Trust & Nedbank.

Finance and Fiscal Commission. 2012. *Building an Inclusionary Housing Market: Shifting the Paradigm for Housing Delivery in South Africa, For an Equitable Sharing of National Revenue*. Pretoria: FFC. Available at: www.ffc.co.za, accessed 8 January 2013.

Gardner, D. 2003. *Quantitative Study into Backyard Landlords and Tenants in Three Areas: Orlando East, Katorus and Cato Manor*. Research conducted for the National Urban Reconstruction and Housing Agency.

Gardner, D. 2005. *Investigation into Entrepreneurs and Small Scale Landlords*. Johannesburg: NURCHA Construction Finance and Management Programme.

Gardner, D. 2010. *South African Rental Sector Overview.* Unpublished report produced for the National Urban Reconstruction and Housing Agency.

Gardner, D. & Rubin, M. 2013. *Developing a Response to Backyarding for SALGA*. Final report, 14 May 2013. Prepared for the South African Local Government Association. Available at: www.salga.org.za/documents/download/app/webroot/assets/files/Research_ Results/Developing%20a%20Response%20to%20Backyarding.pdf, accessed 25 September 2013.

Lemanski, C. 2009. 'Augmented informality: South Africa's backyard dwellings as a by-product of formal housing policies'. *Habitat International*, 33: 472–484.

Pieterse, E. 2008. *City Futures: Confronting the Crisis of Urban Development*. London: Zed Books.

Republic of South Africa. 1996. Constitution of the Republic of South Africa, Act 108 of 1996. Available at: www.info.gov.za/documents/constitution/index.htm, accessed 25 September 2013.

Shisaka Development Management Services. 2004. *Workings of Township Residential Property Markey Study*. Prepared for FinMark Trust, Ford Foundation, Micro Finance Regulatory Council/USAID, the South African National Treasury and the National Housing Finance Corporation. Available at: www.housingfinanceafrica.org/document/workings-of-township-residential-property-markets-newsletter-phase-3-%E2%80%93-findings-conclusions-implications-final-report/, accessed 30 July 2013.

Sigodi Marah Martin (Sigodi Marah Martin—Matthew Nell and Associates Joint Venture). 2002. *Rental Housing Policy and Subsidy Programme*. Draft for discussion. Prepared for the National Department of Housing.

StatsSA (Statistics South Africa). 2007. *General Household Survey 2007*. Available at: www.statssa.gov.za/publications/statsdownload.asp?PPN=p0318&SCH=4187, accessed 25 September 2013.

StatsSA 2011. *Census 2011*. Available at: www.statssa.gov.za/census2011/default.asp, accessed 22 June 2013.

Watson, V. 2009. *Strategic Literature Assessment for Informal Rental Research Project*. Report to the Social Housing Foundation, March 2009. Available at: www.urbanlandmark.org.za/downloads/small_scale_rental_report_watson_2010.pdf, accessed 25 September 2013.

Chapter 5
Enhancing the voices of the poor in housing

Felicity Kitchin

South African local government has a clear mandate to include community participation in the process of creating and implementing policies. The 'developmental' approach followed since 1994 is defined in the White Paper on Local Government (National Treasury 1998: 23) as being the following:

> Developmental local government is local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives.

Given the centrality of shelter and housing issues to one's quality of life, participation is seen as an essential aspect of housing delivery and provision, including upgrading. This is underscored by recent court findings which indicate that local governments must engage 'meaningfully' with those facing eviction (SERI, 2011). The Constitutional Court has outlined minimum requirements for participation, including having an authorised representative of the community present at a well-publicised meeting with sufficient notice given, and involving information sharing and technical support (Clark & Tissington, Chapter 20 in this volume).

This chapter examines state-led participatory processes conducted by the City of Johannesburg and eThekwini Municipality, Durban (CASE, 2012). A broad view of informality has been adopted, one which suggests that informality is any housing practice not recognised as legal or formal by authorities. The cases considered focus on two common types of 'illegal' housing in South Africa, namely, 'bad buildings' and informal settlements.[29] The documentation review and interviews conducted as part of the research for this chapter reveal that municipalities engage

---

29 'Bad' buildings are those that fail to comply with legislation or by-laws in ways that threaten the health and safety of occupants, neighbouring buildings and the environment. Common characteristics include rates and services arrears, overcrowding, inadequate or dysfunctional service provisions and collapsed building management structures (City of Johannesburg, 2010). Informality can also include homelessness and backyard shacks, neither of which are addressed in this chapter.

in many community consultation processes pertaining generally to integrated development planning, and specifically to issues such as upgrading, relocation from informal settlements and relocation from inner-city buildings. In both cities, there were examples of non-governmental organisation (NGO) involvement in facilitating participation, which was encouraged and supported by the municipality.[30]

From the state's perspective, legislated participatory processes are managed in the Speaker's office in the City of Johannesburg, and by the Community Participation and Action Support Unit (CPSU) in eThekwini Municipality. With regard to specific issues pertaining to housing-related projects, community participation processes include appointing a Project Steering Committee and a community liaison officer, whose role is to include local people in the project and liaise with the community. Regular community meetings usually include the ward councillor, and housing projects should, according to legislation, be incorporated into the IDP. Relocation of informal settlements should involve negotiation with community leadership and councillors in the area from which people will be moved, in neighbouring areas, and in the area to which they will move. Although officials acknowledge that this process is sometimes flawed and not always followed in full, in several cases documented in this research, officials stated that they believed it to have been extremely effective in informing the community about housing-related issues, giving them an understanding of the community perspective, and outlining the future for the area.

NGOs often see themselves as intermediaries between the community and the city. In Durban, for example, the Organisation for Civic Rights believes it formed a partnership with the City's Health and Fire Departments to meet regularly to address problems relating to 'bad buildings'. However, this cooperative relationship disintegrated as a result of aggressive action on the part of some buildings' owners, and the City's disconnection of electricity to some affected buildings. Frustration with the process of engaging formally with the municipality has led some NGO representatives to feel that 'they have to fight for the right to participate as collective efforts have been made to fail' and that protests and the media 'become the only way of making your voice heard' (Zikode, 2011, personal communication, cited in CASE, 2012). This suggests that frustration with the limitations of the 'invited' participatory spaces has led community organisations to create their own space for participation, one that involves protest (Miraftab, 2006).

---

30 Examples of NGO involvement in Johannesburg included the move to MBV Hospital, which involved the Legal Entity Assessment Project (LEAP) and the Centre for Applied Legal Studies (CALS); in Durban the Project Preparation Trust played a role in participatory processes involving residents of Jadhu Place.

During the present research, residents of informal housing were specifically asked about their engagement with authorities relating to their living conditions and housing, and if they had been informed of plans for the future of the area. Hardly any respondents referred to any of the participatory processes identified by officials, while some mentioned ward committees and councillors and the problems associated with these. As a result, very few respondents felt knowledgeable or secure about their future in their area.

This disjuncture between the views and actions of officials relating to public participation and the perceptions of its nature and effectiveness on the part of community representatives and residents is of concern in the context of developmental local government generally and housing particularly. As Watson notes in her study of a house-building project in Crossroads,

> the clash of rationalities, or the differences in world-view between the various parties involved, is so great that it is difficult to believe that any amount of discussion or conflict resolution could overcome the divide and achieve consensus: differences go far beyond speech level misunderstandings or an unwillingness to see the others' point of view. It is also difficult to imagine what institutional arrangements, or what systems of governance, might cope with such schisms. (Watson, 2003: 402)

The research reported on below indicates that there are fundamental and perhaps irreconcilable differences in how participating stakeholders understand and value such processes. Without negating the importance of building community engagement strategies into policy approaches, these cases highlight some of the resounding difficulties faced by all stakeholders involved. The chapter first considers the conflicting rationalities of professionals and residents, examining the concepts of both 'community' and 'participation' that are fundamental to developmental local government. It then examines how these play out in participatory processes in Johannesburg and eThekwini, drawing on research conducted by CASE in 2012 to explore how effective participatory strategies are in promoting developmental local government in the context of 'illegal' housing strategies.

Who is the community?

Developmental local government is premised on effective participation of residents, often grouped together in city policies and practice as 'the community'. How to define 'the community', identify a representative, work with so-called communities towards their developmental goals and therefore ensure proper engagement, are questions that continue to bedevil participation processes.

The 'community' is often seen by the state and sometimes by academics as a homogeneous group who 'recognise their shared interests and work harmoniously

for the common good' (Cornwall, 2002: 45). The concept of 'community' is often used by the state and other organisations, rather than by people themselves, and 'carries connotations of consensus and "needs" determined within parameters set by outsiders' (Nelson & Wright, 1995, cited in Cooke & Kothari, 2001: 5). Yet there is usually no clear definition of what is meant by the term 'community', despite its frequent use. State officials in particular often regard people in a particular area as being members of the same community, thus seeing community as necessarily a place-bound entity; and, in many cases, these officials assume that all people living in the same place share similar concerns about the area, and have equal access to state institutions and participatory structures.[31]

However, Watson's examination of Crossroads suggests that there is a huge gap between the idea of community held by planners and officials, and the reality faced by those living in these marginalised areas, often battling to survive (Watson, 2003). According to Watson, a key aspect of their survival is their web of personal networks and reciprocal relationships (2003: 401). She notes that the assumption that people will be committed to a particular piece of land and their continued presence there underlies most projects. Under conditions of extreme poverty and marginalisation, however, people may well feel the need to move frequently in order to survive, belying the idea of a (spatially situated or confined) community that just needs stability to encourage them to invest in their area and improve their living conditions (2003: 401).

Focus group participants in the present research were able to articulate their problems with the understanding of 'community' that operates in participatory processes. For example, a resident referred to a 'fragmented community', where political parties engage with members of the community who are from their own political parties and not with the community as a whole. This resonates with Watson's contention that it is important to examine 'what underlies the notion of a "proper" community' (2003: 403).

What is participation?

In South Africa, participatory processes engaged in by municipalities are usually initiated and defined by government. These state-led efforts and platforms, such as

---

31 The Integrated Development Planning Guidepack interprets Section 74 (4) of the Municipal Structures Act as indicating that 'the primary function of a ward committee is to serve as a formal communication channel between the community and the council' and a ward committee is 'a forum for communication between the ward councillor and the community about municipal issues and development, as well as service options within the ward' (Multilevel Government Initiative, 2000).

ward committees, or participation around specific issues, can be seen as 'invited spaces'—forums and processes in which people are invited to participate by authorities under the terms and conditions set out by the city (Cornwall, 2002). While 'invited' participation can evolve into productive collaboration, in South Africa these spaces have remained limited to compliance-driven directives with little room for evolution (2002: 49). In fact, community-based planning as the city's local planning mechanism can be 'understood from the perspective of invited participation, where ward representatives get together to prepare lists of needs, priority items and ward objectives for inclusion as ward priorities in financial budgets and the IDP' (CASE, 2012). In contrast to these invited spaces, 'invented' or created spaces are claimed by those without voice in the invited processes or as a result of the kind of frustration with invited spaces mentioned earlier. In South Africa, invented spaces are often linked to mobilisation around a particular issue, for example the recent service delivery protests in many areas (Miraftab, 2006).

Where the relationship between the state and community groups has been hostile, intermediaries can play a vital role in mediating between them to promote collaboration and understanding. Intermediaries can mobilise and support communities, develop appropriate participatory methodologies, build capacity of officials and community members, coordinate and manage projects, conduct research and share knowledge, play an advocacy role, and engage in litigation if necessary (Görgens & van Donk, 2012). Görgens and van Donk suggest the creation of a 'community of practice' that promotes ongoing collaboration between all stakeholders. This can be developed and promoted by NGOs acting as intermediaries. However, this requires considerable resources, and the weakness of the NGO sector often precludes it from achieving success (Görgens & van Donk, 2012). In addition, community members who attend meetings or other participatory processes often incur substantial costs in time and travel, which may prevent or limit their participation (Cornwall, 2002: 56).

Key to the structure of South Africa's local government system is the ward, headed by an elected ward councillor who, in turn, chairs the ward committee of the area. It is being increasingly recognised that 'ward committees have generally been ineffective and often impede community empowerment' (Pieterse, 2013: 20). Problems with state-led community participation in South Africa, particularly those involving ward committees, include the following:

- **Undemocratic ward committees:** The formation of ward committees sometimes violates municipal guidelines, and members are sometimes 'elected' solely by the ward councillor. Committees may be skewed towards one political party and create space only for political domination (Smith & De Visser, 2009). Some residents and NGO organisers maintain that participative structures such as

ward committees have become an extension of the ruling political party, which only enhances the interests of those affiliated with them. For example, S'bu Zikode of the organisation Abahlali baseMjondolo has indicated that existing mechanisms for community participation have failed as a result of the politicisation of ward committees.[32] Although he is a member of a ward committee, he has been excluded because he is seen as 'non-ANC'. In ward committees, 'the Chair is automatically the ward councillor, therefore cronyism is introduced. This gives power to that party. How the agenda is formulated is in the interests of the political party of the ward councillor' (Zikode, 2011, personal communication, cited in CASE, 2012). This view is supported by Oldfield (2008), who says that 'more often than not, ward councillors select ward committee members'.

- **Role of the ward councillor:** Where the ward councillor is active, the community is usually well-informed. However, area committees have been formed in some areas. Operating independently of ward committees, these may challenge the ward councillor and create a parallel participation process that is not recognised by officials, which in turn leads to confusion among local residents and officials. As one informant put it, 'a problem is that the poor start to disown movements of the state, which is a mistake' (Buccus, academic and civil society activist, personal communication, cited in CASE, 2012).

- **Local councils and committees unable to influence power:** Councillors often fail to influence decision-making at municipal level and their powers are frequently reduced to dealing with matters within their wards. Their proposals are often neglected in council deliberations, particularly when the ward councillor is not a member of the majority party (Naidu, 2011). Thus community views channelled through ward councillors and committees may not be considered at municipal level. There is also no clear structure whereby ward committee concerns can become a part of council agendas. This throws into question the power of local democratically elected representatives.

- **Lack of capacity:** The lack of capacity of ward committee members has been highlighted by representatives of civil society. For example, S'bu Zikode of Abahlali baseMjondolo notes that while the ward committee system is presented as 'the door for grass roots to put forward their interests, there is no training of ward committee members on how demands can be filtered into city planning' (personal communication, cited in CASE, 2012).

- **Participation by non-South Africans:** The interests of non-South Africans are not usually catered for by either ward or area committees, which is particularly problematic in some areas, such as inner-city Johannesburg, where there are

---

32 Abahlali baseMjondolo is a shack dwellers' movement, based in Durban.

high concentrations of foreigners, thus creating further difficulties in forming a united community (CASE, 2012: 122).

Several tools have been developed to assist in promoting more effective participation by communities. Two examples are discussed here, one from Johannesburg and one from eThekwini.

The Ward Key Performance Indicators Matrix is designed for use by ward committees or civil society to hold councils accountable for performance and to provide municipalities with a reliable, structured form of feedback on municipal performance. The NGO Planact uses this model in their local governance programme, which focuses on service delivery in the City of Johannesburg (Makwela, personal communication, cited in Kitchin, 2011), in particular with community-based organisations in Orlando East and Noordgesig, in Soweto. In this process they have tried to organise the community in a different way from the ward system, expanding the public participation process by creating Community Development Committees (CDCs). Ward councillors invited them to do this as they were concerned that public participation was low, and that public meetings had taken on a party-political character. The process appears to have been very successful.

The CDC is responsible for deepening public participation and engaging with the City around documents such as the IDP and the Urban Development Framework (UDF). A coordinating committee has been set up at area level, across three wards. A declaration relating to the UDF has been signed by the people concerned, including the councillors, in conjunction with the Johannesburg Development Agency and the municipality, to address the framework plan for the area. The municipality has indicated that in five years' time they will commit the budget necessary for specific items. Therefore the community will know how to measure progress and performance based on the framework developed, knowing what the budget should be and what needs to be accomplished. Structurally, information extends from the CDC to block level and includes political organisations. The CDC is taken through the IDP, and inputs are prepared, officials are supportive and councillors play an *ex officio* role (Kitchin, 2011).

In eThekwini, the Project Preparation Trust (PPT) engages in participative community action planning in various informal settlement communities (Misselhorn, personal communication, cited in Kitchin, 2011). The plans often dovetail with interim service delivery or full upgrading, but also focus on a range of additional livelihoods and service-related issues. They are practically orientated, and educate and capacitate community members to enable them to monitor developmental progress. Participative community action provides information about what is important and what opportunities there are in an area.

In the context of planning housing and infrastructure delivery, and using a community action planning approach, the PPT has found Gantt charts useful in educating community leaders about the phases of planning and construction and the timeframes involved, and in engaging them in the processes of planning and implementation.[33] Progress measured against Gantt milestones becomes an important community deliverable (even though it is not the actual delivery of housing and services). Participative community action planning therefore also capacitates civil society. Key aspects are that it provides a relatively low-budget, scalable mechanism for community planning and monitoring. However, this requires increased capacity on the part of all parties involved, state commitment and capacity to respond to and engage with plans, and both funding and coordination of funding (Kitchin, 2011). Although this approach was followed in Jadhu Place, a case study for this research, it does not seem to have contributed to an increased sense of security or involvement for residents over the longer term.

From the discussion above it is clear that at local government level, formal state-led participation by communities in processes affecting them relies to a large extent on the ward councillor. It has been argued that serious problems exist with this approach, which means that the views of local people may not be considered in strategic planning exercises or planning around specific local issues. There are, however, examples that highlight the possibilities for introducing more effective community participation mechanisms into local government planning, ones that could alleviate some of the problems of current municipality-driven processes. In drawing on these alternative mechanisms, it is important to ensure that such processes and structures work with, and complement, municipal processes to maximise effectiveness in terms of influencing municipal policy and actions.

City approaches to dealing with 'illegal' housing strategies

This section examines two citywide approaches to addressing informal housing challenges: Johannesburg's approach to 'bad buildings', and eThekwini's informal settlement programme.

Johannesburg

Johannesburg officially has 189 informal settlements. Not included in this statistic are the vast numbers of 'bad buildings', mainly in the inner city, which are no

---

33 A Gantt chart is a project management tool that outlines what needs to be done and when, allowing a project's progress to be monitored over time.

longer maintained in good condition, have become health and fire hazards, and may be 'hijacked' or managed by criminals. Johannesburg has the highest count of such buildings in South Africa. To put this in perspective, in 2011 Durban had approximately 60 'bad' buildings, while Johannesburg had over 1 500 (Ahmad, personal communication, cited in Kitchin, 2011). In 2010, as part of the City of Johannesburg's inner-city regeneration agenda, which was driven by the desire to bring business back into the city and by other factors such as the Blue Moonlight Properties legal case (Tissington & Wilson, 2011),[34] the City launched a strategy to address such buildings. This included the following steps: identification; prioritisation; categorisation; issuing of notices; consultation with the owner and tenants; provision of emergency services; rehabilitation at the owner's expense; tackling of crime and corruption; evictions; prosecution; securing City-ownership buildings; provision of temporary/permanent accommodation; earmarking buildings for rehabilitation/ redevelopment; interruption or termination of services; administration of buildings; securing of vacant buildings (City of Johannesburg, 2010). This strategy was replaced in 2011 by the Inner City Property Scheme (ICPS), which aimed to refurbish 30 buildings, transferring expropriated properties to an Inner City Property Portfolio (*Mail & Guardian*, 2011). However, despite this strategy, research suggests that the City's urban regeneration policies continue to 'actively promote the eviction of poor people from urban slums' (Tissington, 2014).

Despite explicit articulation of a 'participation strategy' as part of this approach, civil society representatives still feel that communities are not consulted sufficiently when it is implemented.

eThekwini (Durban)

eThekwini does not have an equivalent strategy for 'bad buildings'. However, in 2011, the city had at least 588 informal settlements, with 171 of those being upgraded, and 100 earmarked for relocation (eThekwini Municipality, 2011). The municipality's Informal Settlements Programme attempts to coordinate development, management and control of informal settlements to enable the Housing Unit to upgrade and relocate informal settlements while providing basic services (eThekwini Municipality, 2011). To legalise informal settlements, the municipality has a transitional housing policy that has been implemented in certain places, including Jadhu Place, one of the case studies in this research. This policy aims 'to provide practical and accessible accommodation alternatives for street traders and others who require it'

---

34 The eviction of residents of 7 Saratoga Avenue, Johannesburg, in 2011 led to the Supreme Court of Appeal (SCA) declaring the City of Johannesburg's housing 'policy irrational, discriminatory and unconstitutional. The SCA directed the City to provide temporary emergency accommodation to the occupiers' (CASE, 2012: 51).

and to bridge the gap between homelessness and the ability to reintegrate with society (Lund et al, 2003: 17–18). Underlying the policy is the concept of a 'stepladder' of accommodation from street person, to shelter, to transitional housing facility, to communal housing, to social housing and to homeowner (2003: 17–18).

Residents′ experiences of community participation
The case study sites
Six case study sites were selected for the field research for this chapter—three in eThekwini and three in Johannesburg. In both cities, two of the three case study areas were proposed by city officials for this research, as they believed that the City had fairly extensive engagements with affected residents in those areas.

In eThekwini, the case studies were 24 Carlisle Street, Jadhu Place and Siyanda. Located in the inner city, 24 Carlisle Street consists of a dilapidated house and several shipping containers each with eight to twenty bunk beds. Residents rent a bed or mattress and have no private space. Although the owner feels the property is a shelter that addresses the desperate need for cheap accommodation, a survey by the Organisation for Civil Rights found that most residents were non-South Africans staying there on a long-term basis, and it could not therefore be regarded as a temporary shelter (Mohamed, director, Organisation for Civic Rights, personal communication, cited in CASE, 2012). There is an ongoing court battle to have these premises closed.

Jadhu Place is an informal settlement in Springfield's industrial area, between the central business district and KwaMashu. Previously designated an Indian area under the apartheid-era Group Areas Act, the area now houses about 600 African families in emergency transit housing provided by the municipality after they lost their homes in a fire. It is not clear if residents will be provided with permanent accommodation.

Siyanda is an informal settlement whose residents have lived in fear of eviction since construction of the MR577 freeway began in 2008 (Abahlali baseMjondolo Siyanda Branch, 2008). While some residents have since been relocated to adjacent houses built by the Kulula Housing Project, others continue to live in shacks.

In Johannesburg, the case studies were MBV Hospital, Marlboro-Chiccos and Heavenly Valley. The history of MBV Hospital dates back to 2006. In that year, San Jose and Zinns were abandoned, poorly serviced buildings in central Johannesburg that together housed about 400 residents (LEAP & CALS, 2007). In 2007 a settlement agreement was reached between the residents and the City of Johannesburg regarding relocation. As a result of a Constitutional Court ruling, the City had to find alternative accommodation and ensure the provision of permanent housing solutions in consultation with residents and their representatives. Residents were moved into what should have been temporary accommodation, in MBV Hospital and the Old

Perm building, through an extensive participatory process facilitated by NGOs and supported by the City. Unfortunately people are still living in these buildings and have not yet been moved into permanent accommodation.

In Marlboro, approximately 8 000 families were living in 53 warehouses at the time of the study. These had been converted 'illegally' into residential spaces using zinc sheets, with no municipal services or bathroom/toilet facilities. Residents formed the Concerned Warehouse Residents committee following threats of eviction by government and private owners in 2005. In 2008 residents staged a protest over housing and called for an end to evictions (*Mail & Guardian*, 2008).

Heavenly Valley, an informal settlement, is a transit camp of approximately 40 households in Klipspruit West, Eldorado Park. Dwellings are built from asbestos, electricity is connected illegally and the community does not receive regular services. Interviews with officials in the City's Department of Planning and Urban Management revealed that Heavenly Valley is now regularised, meaning that the municipality has recognised the settlement, and is in the process of providing some form of security of tenure. The regularisation process involved extensive engagements with residents, which officials believe should mean that residents now feel more secure about their future in the area.

Community perspectives

At each site, approximately 60 people were consulted through detailed surveys and focus group discussions. Residents were asked to describe interactions with officials relating to housing and service delivery, and their knowledge of future plans for their area. It was made explicit to interviewees that 'interaction with city representatives' could include: meetings to discuss improving residents' lives (ie more general IDP-type, participatory meetings), meetings to discuss or negotiate planned relocation (more issue-specific meetings), other meetings with city representatives, letters of demand or eviction, or police raids.

Engagement with officials and councillors

In eThekwini, most survey respondents in all areas reported that they had had no interactions with authorities relating to living in their area, the highest proportion being in Jadhu Place (98 per cent). Siyanda residents reported the greatest interaction with authorities through meetings to discuss improving residents' lives or around relocation (58 per cent and 50 per cent, respectively). In Carlisle Street the most common engagement with authorities was through police raids (64 per cent). The same situation was found in Johannesburg, with 98 per cent of respondents in Chiccos reporting no interactions, followed by 74 per cent in MBV hospital and 60 per cent in Heavenly Valley.

Exploring this further in focus group discussions, in eThekwini, residents' experience of engagement with municipal representatives ranged from a feeling

of being ignored to a sense of not having rights, and only being approached by councillors or officials at election time. At 24 Carlisle Street residents felt service delivery complaints to municipal officials were ignored, probably because they were Zimbabwean, which they also felt led to assaults on them by the police.

During the focus groups with residents of Jadhu Place, participants said that they interacted with government mainly through leaders of a locally elected committee that had previously interacted with the municipality on issues of land and housing, but participants felt that government had not delivered on its promises. Residents noted that there had been no progress in housing delivery since a pre-feasibility study conducted by PPT in 2007, indicating that the last feedback they had received on this was in 2010 and that the promised follow-up did not materialise. Residents therefore resorted to building their own shacks, although they were not sure whether or not this was illegal. One participant reported that in some cases the municipality allowed it, while in others not. Another noted that her shack was demolished by the municipality:

> I do not think there are any people who could say they know the responses that are coming from the municipality. Because I am going to ask the committee from Housing that I would like to build the shack, one would say yes you can build the shack; you would then see the car from [the] Housing [department].

Reflections on local political processes included those by Siyanda residents who felt their complaints were ignored by ward councillors who were not interested in interacting with them regarding service delivery but were only interested in their votes. Some suspected election irregularities and some felt that their councillor prevented their access to housing and services. Overall, participants in the study felt that no one represented shack dwellers, and that community members elected to municipal positions often neglected to serve those who elected them, as illustrated by one participant's comment:

> It means that a person who lives in the shacks is in big problems because whatever they do to him, there would be no one to talk or answer for him; there is no one who defends him.

Siyanda residents alluded to the need to move beyond the invited space of participation, indicating that protesting and picketing were the only effective means for the community to make their voices heard:

> You can sit around tables like this and what you said would come into this ear and go out this other ear. The only language that they hear is for us to take to the streets and march; that is what we usually do.

As an alternative, they had joined what they referred to as an 'organisation of the shacks' (presumably Abahlali baseMjondolo). They noted that ward councillors were opposed to this movement and regarded it as competition.

Several Siyanda participants felt they did not have rights, which they attributed to their being shack dwellers. One participant commented specifically on the planning process:

> Can you see that if you live in the shacks you are like a parcel that is tossed from one place to another? … People who live in the shacks have other people planning for their lives; whatever they get is not planned with them; there are people planning for them.

In Johannesburg, residents' experiences were similar. In Marlboro, most participants in the study felt that they had not had any fruitful interaction with government officials and that politicians only approached them during elections. They had asked their ward councillor to ask the municipality to provide them with electricity, for which they were willing to pay, but this was unsuccessful. They felt that their councillor failed to give them feedback on issues raised.

Heavenly Valley respondents felt that the area was ignored by government, and used only for election votes. One resident noted that she had worked with previous ward councillors to improve the situation without seeing any tangible changes. Although Heavenly Valley had been earmarked for the city's informal regularisation programme, and officials have therefore conducted numerous engagements with residents in this regard, participants were unaware of this. They believed that interactions with their local municipality regarding housing solutions for the community were initiated by community members who had been unsuccessful in securing a commitment from the municipality to address their housing needs. The residents' committee interacts with the municipality on their behalf, but appears unable to effect change.

Residents of MBV Hospital were moved by the municipality from the buildings they were previously occupying because they did not have access to basic services. One participant elaborated on interactions relating to relocation from their original accommodation to MBV Hospital:

> We had a white person who was representing us there at San Jose because many times we were threatened to be moved out of the place, and this white man told them that they cannot move us without providing alternative accommodation for us.

MBV Hospital residents interacted with the municipality mainly through the residents' committee, which did provide feedback.

Security of tenure

Concern over evictions and tenure security varied at the different locations. For example, in Jadhu Place in Durban, several participants were confident that they would not be evicted as the municipality had approved their staying in the area. As a resident indicated:

> The municipality has a database of this area and each and every house has the number and what I can say is that it is not easy that anyone can come and evict us. Because already we are known by the municipality and we are living here legally because the municipality is giving us some services even though the land owners are complaining.

Not all participants shared this confidence, because the land was privately owned and the owners could evict them at any time.

In Marlboro in Johannesburg, one respondent indicated that he had previously been evicted by the 'Red Ants'[35] and that some residents had been arrested, despite paying rent. Others referred to incidents in which they had been threatened with eviction by people posing as the buildings' owners. The overwhelming feeling was that they were not safe from evictions. The same was true for MBV Hospital residents, who anticipated eviction.

Knowledge of future plans

If state-led participation is successful with regard to both legislated participation and issue- or project-specific participation, residents should have some knowledge of the municipality's plans for the area. This was generally not the case.

For example, in Siyanda, eThekwini, most participants in the study did not know of future plans for Siyanda but said they would resist removal because they had fought for Siyanda during the apartheid era and it was situated close to their places of employment. At 24 Carlisle Street, Durban, all the respondents felt that eviction was inevitable.

In Marlboro, Johannesburg, there was a general sense of hopelessness and uncertainty regarding future plans, as summarised by one participant:

> There is no future because it may happen that as you are here today sir, tomorrow we would get a letter or someone would come and tell us that we must take our things and move outside. We do not know where we would go and we have no future in this place and would not be sure who would help us where and when; that is truth.

---

35 A private security firm that carries out evictions, usually on behalf of the government. Their red overalls have led to their being called 'Red Ants' by residents of targeted buildings.

The MBV Hospital residents' committee had discussed the issue of permanent accommodation with the municipality, as residents had been promised this subsequent to their relocation to the hospital. One resident noted that their lawyers had initially informed them that they would stay at MBV Hospital for 18 months, after which they would be relocated to permanent residences. However after two years they had not heard anything more from their lawyers or the municipality. All participants felt insecure about their future, and anticipated eviction.

Towards improved city strategies for participation

It is clear that considerable state effort is being invested in participatory processes in both eThekwini and Johannesburg, in terms of both legislated strategic planning and specific issues. However, the research reported on in this chapter suggests that this is not increasing residents' sense of security or their feelings of 'being heard' by the respective cities. Instead, participation is seen by residents as a once-off and often politically motivated political event, usually involving the ward councillor. In terms of participation in housing decisions at the very local level, it is clear that what the state believes it is doing and what residents feel it is doing are vastly different.

There are many potential explanations for this difference. Without alleviating officials of their constitutional obligations to engage in a meaningful manner with communities, part of the variance can be attributed to fundamental differences in rationalities. Residents living in extremely precarious and insecure situations often rationalise around their immediate needs (many of which are not being met by the state in any way). Officials, on the other hand, rationalise around policy (which requires them to balance a whole range of imperatives within a context of scare resources). They are pulled in many directions chasing targets, appeasing local politicians and complying with various bureaucratic and accountability measures.

In addition, the state's concept of the community often does not fit well with the actual and existing dynamics in the areas studied. While some sites, such as MBV Hospital, exhibit some qualities of social cohesion, others, such as Marlboro-Chiccos, appear to be more fragmented. In these cases, state officials may have engaged with some members of the community, but the discussions and decisions appear not to have been shared.

This research suggests that the current way in which officials are undertaking participation processes in both cities is insufficient in terms of giving voice to the poor.

Problems experienced with official participation mechanisms lead civil society organisations and citizens to believe that they have to fight to participate. According to one NGO, 'Protests and the media have often become the outlets for people's expression of frustration with lack of consultation and expression of their voice'

(CASE, 2012: 129). This resonates with literature that suggests that when invited spaces for participation do not work, poor people create their own space to put forward their views. Cornwall (2008) cautions, however, that for poor people and their representatives 'a dual strategy may be most effective in relation to invited spaces: taking up places inside them, while continuing to exert pressure from outside' (2008: 62).

It has been acknowledged that it is 'difficult for participatory mechanisms to overcome the power inequalities that structure and sustain governance processes' (Oldfield, 2008: 498). Policy-makers need to be cognisant of the limits of such processes. Naidu (2011) argues that a more active notion of citizenship than is generally used in current local government planning needs to be promoted in all municipalities. This should see people as the makers and shapers of the affairs of their communities through active participation in development policy and decision-making processes (Naidu, 2011). What is needed is an increased and common understanding of the objectives of participation, of who needs to be involved, and of how to go about it. The state needs to become a 'supportive partner in social transformation, willing to take the lead in creating a new culture of participation' (Cornwall, 2008: 62).

This requires a rethink of how to 'do' community participation effectively. Community participation and consultation needs to be an ongoing process, rather than seen as a once-off event organised for dealing with strategic and specific issues. The reliance on the ward system needs to be reconsidered, to ensure that the process is not politicised and that there are more effective mechanisms to feed the results of local-level participation into city strategies and actions. Greater resources need to be invested in terms of time, budget and skills at three levels—the state, NGOs and local communities. NGOS need sufficient capacity to mediate, monitor and promote participation, and the city's participation strategies need to recognise the time and costs of travel to meetings for local residents. The Ward Key Performance Indicators and community action planning discussed earlier provide examples of alternative approaches, facilitated by NGOs working with both the community and the municipality, which could be extended to more areas of the city, and implemented on an ongoing basis.

Conclusion

This research has explored the interaction between the municipalities of Johannesburg and eThekwini (Durban) and marginalised residents relating to informal housing. Despite officials believing that they had involved residents (or 'the community') in decisions and planning around their area, usually through the ward structures, in surveys and focus group discussions few residents mentioned any interaction in

the participatory mechanisms identified by municipal officials; most felt that their concerns were ignored by these mechanisms.

Clearly, existing participatory processes are not effective in ensuring that residents feel secure and have a say in determining their future. Although there are examples where residents have felt included in some phases of the project, this engagement has not translated into residents feeling that their voices count in the longer term. This disjuncture between the views and actions of officials and the experiences of residents is of concern in all low-income housing projects, not only in upgrading, which is a complex process requiring ongoing consultation with affected residents. It also has implications for the participatory processes associated with developmental local government.

For participation to be more effective, residents need to be engaged through multiple means, on an ongoing basis, recognising that communities are not homogeneous but consist of different groups and sectors who use different modes of communication (such as ward committees, area committees or possibly social media). Clearer, more identifiable processes are needed whereby what residents say during participation processes can be fed into municipal planning and delivery.

References

Abahlali baseMjondolo Siyanda Branch. 2008. *Forced Relocations in Siyanda to Make Way for New Freeway* [press release] September 17. Available at: antieviction.org.za/2008/09/17/abm-forced-relocations-in-siyanda-to-make-way-for-new-freeway/, accessed 26 May 2013.

CASE (Community Agency for Social Enquiry). 2012. *Enhancing the Voices of the Poor in Urban Housing: Durban and Johannesburg.* Available at: www.case.org.za/images/docs/enhancing-the-voices-of-the-poor-july-2012.pdf, accessed 16 September 2013.

City of Johannesburg. 2010. Strategy for addressing blighted medium and high density residential 'bad buildings' in Johannesburg. Unpublished document.

Cooke, B. & Kothari, U. (Eds.) 2001. *Participation: The New Tyranny?* London: Zed Books.

Cornwall, A. 2002. *Beneficiary, Consumer, Citizen: Perspectives on Participation for Poverty Reduction.* Sida Studies No 2. Stockholm: Swedish International Development Cooperation Agency.

Cornwall, A. 2008. *Democratising Engagement: What the UK Can Learn from International Experience.* London: Demos.

eThekwini Municipality, *Community Participation Background.* Available at: www1.durban.gov.za/durban/services/cpasu/document-storage/background, accessed 1 July 2011.

eThekwini Municipality, *eThekwini municipality Housing Policy and Subsidies.* Available at: www.mile.org.za/Come_Learn/Capacity%20Enhancement/Multimedia%20Library/Peer%20Exchange%202124%20February%202011/Durban%20Housing.pdf, accessed 25 January 2016.

Görgens, T. & van Donk, M. 2012. *Connecting the dots between settlement functionality, integrated and incremental upgrading and the need for a capacitated network of intermediary*

organisations. Paper presented at Sustainable Human(e) Settlements: The Urban Challenge Conference, Johannesburg,17-21 September.

Kitchin, F. 2011. *Scoping an Approach for Community-based Monitoring and Accountability.* Draft report for the Department of Performance Monitoring and Evaluation, the Presidency.

LEAP (Legal Entity Assessment Project) & CALS (Centre for Applied Legal Studies). 2007. *Good, Bad, Ugly? The Case of a Building in Inner City Johannesburg.* Draft case study report for LEAP symposium, Johannesburg, 5–8 November. Available at: www.leap.org.za/File_uploads/File/03bad_buildings_case_study.doc, accessed 3 September 2011.

Lund, C., Ramogayane, R., Poulson, L. & Brand, D. 2003. *Exploring Transitional/Communal Housing as a Form of Social Housing in South Africa.* Draft report for the Social Housing Foundation.

Mail & Guardian. 2008. 'Marlboro residents protest allocation of housing'. *Mail and Guardian,* 30 September. Available at: mg.co.za/article/2008-09-30-marlboro-residents-protest-allocation-of-housing, accessed 26 May 2013.

Multilevel Government Initiative. 2000. *Integrated Development Planning: A Practical Guide to Municipalities.* Available at: mlgi.org.za/publications/publications-by-theme/local-government-in-south-africa/integrated-development-planning/Integrated%20Development%20Planning%20A%20Practical%20Guide%20to%20Municipalities.pdf, accessed 7 January 2015.

Miraftab, F. 2006. 'Feminist praxis, citizenship and informal politics: Reflections on South Africa's Anti-Eviction Campaign'. *International Feminist Journal of Politics.* 8 (2): 194–218.

Naidu, R. 2011. *Public Participation and Ward Committees.* Available at: www.ddp.org.za/information-material/research-unit/research-themes/citizenship-participation/Public%20Participation%20and%20Ward%20committees.pdf/view?searchterm=public%20participation%20and%20ward%20committees, accessed 26 May 2013.

National Treasury. 1998. White Paper on Local Government. Available at: mfma.treasury.gov.za/MFMA/Guidelines/whitepaper.pdf, accessed 28 July 2013.

Oldfield, S. 2008. 'Participatory mechanisms and community politics: Building consensus and conflict'. In van Donk M., Swilling M., Pieterse E. & Parnell S. (Eds.), *Consolidating Developmental Local Government: Lessons from the South African Experiment.* Cape Town: UCT Press.

Pieterse, E. 2013. 'Rethinking the purpose and modalities of community development in South African cities'. In Good Governance Learning Network (Ed.), *Active Citizenship Matters.* Cape Town: GGLN.

SERI (Socio–Economic Rights Institute of South Africa). 2011. *A Resource Guide to Housing in South Africa 1994–2010: Legislation, Policy, Programmes and Practice.* Johannesburg: SERI. Available at: www.seri–sa.org/images/stories/SERI_Housing_Resource_Guide_Feb11.pdf, accessed 9 September 2013.

Smith, T. & De Visser, J. 2009. *Are Ward Committees Working? Insight From Six Case Studies.* Cape Town: Community Law Centre, University of the Western Cape.

Tissington, K. & Wilson, S. 2011. 'SCA upholds rights of urban poor in Blue Moonlight judgment'. *ESR Review*, 12 (2): 3–6.

Tissington, K. 2014. 'The Social Costs of Inner City Regeneration'. Daily Maverick, 28 February 2014. Available at: www.dailymaverick.co.za/opinionista/2014-02-28-the-social-costs-of-inner-city-regeneration/#.VqX-a_l96Uk, accessed 25 January 2016.

Watson, V. 2003. 'Conflicting rationalities: Implications for planning theory and ethics'. *Planning Theory and Practice*, 4 (4): 395–407.

Chapter 6

Adopting an incremental approach to informal settlement upgrading: The Johannesburg experience

Miriam Muthoni Maina[36]

Informal settlements have continued to pose a considerable challenge for local authorities in South Africa. Over the years, national policy has attempted to formulate interventions for them, mainly through the provision of housing opportunities. The core output of this approach has been the mass rollout of low-density housing for qualifying beneficiaries (NDH, 1994). Though these efforts have, over the years, yielded considerable results, they have also faced a number of challenges, as discussed in other chapters in this book.

In 2004, the national government launched the Breaking New Ground (BNG) policy (DHS, 2004). Most crucial within this policy was the introduction of the Upgrading of Informal Settlements Programme (UISP), which instituted a phased approach to informal settlement upgrading. Its stated goal, rather than merely the provision of housing, was 'securing tenure and access to health and security and the empowerment of settlement residents through participative processes' (DHS, 2009a).

However, a closer analysis of the informal settlements intervention drive in South Africa reveals that since its adoption, the UISP's outputs on the ground have been limited (Charlton & Kihato, 2006; Huchzermeyer, 2011). Despite the presence of a far more progressive policy discourse, implementation has stubbornly remained focused on eradication and/or formalisation of informal settlements, with the provision of housing as the ultimate goal.

Furthermore, the process through which formal housing is provided remains the same. While the UISP proposed new principles of incrementalism, *in situ* upgrading, a range of tenure options and house typologies, as well as a specific emphasis on enhanced community participation in all aspects of the development process, in practice, implementation outputs and procedures still resembled the classic RDP housing delivery model where sites are cleared and redeveloped as a formal township,

---

with little input or participation from beneficiaries. In this case, the majority are often relocated to new developments on the peripheries of towns and cities.

There have, however, been notable initiatives to apply the principles of *in situ* upgrading to informal settlement intervention in the local government sphere. These have occurred both within the framework of the UISP—as with the *in situ* upgrading of Hangberg informal settlement in the City of Cape Town (Development Action Group, 2011; Pithouse, 2009; Tissington, 2011)—or through distinct programmes.

This chapter focuses on one such programme: the City of Johannesburg's Regularisation Programme, a city-level initiative aimed at introducing an incremental upgrading model to informal settlement intervention. This chapter aims to explore and track the process through which policy changes are being adopted and carried out at the implementation sphere. The gap between policy and implementation—not only in the informal settlements sphere—remains a richly debated field. Within this, research explores the factors that contribute to the shortfall between ambitious policy goals and implementation outcomes. The research in the chapter aims to contribute to this literature by exploring, using the City of Johannesburg, the interface between policy and implementation. It presents a brief snapshot of a much larger process that is still ongoing, highlighting the initial stages of the implementation process. Primary interviews with key programme officials at the time, and secondary sources, including city policy documentation and meeting reports, have been used.

The City of Johannesburg's Regularisation Programme's main goal was to shift the focus of intervention from the slower housing-led approach towards a more efficient approach that would secure tenure and, eventually, access to the city through settlement 'regularisation'. As we shall see below, the main hindrance to settlement improvement of any kind (provision of water, improved infrastructure or even better sanitation) is all pegged to their legal standing, and formality. So long as a settlement remains 'informal', no city investment can be undertaken therein, and service provided in this settlement are, at best, 'emergency services', which are often inadequate to meet the area demand. The regularisation process therefore aimed to remedy this, first through the provision of legal recognition which would secure tenure and enable municipal investment in improved services,[37] and eventually full service delivery and physical upgrading.

Through this chapter, we observe that the programme's impact was highly constrained, and this was mainly because of the dominance of the formalisation approach that underlies RDP and BNG housing provision practices. This brought logistical, legislative and intra- and inter-institutional complexities that made the introduction of a 'new' approach problematic. The chapter argues that to better understand the challenges facing the process of policy change, a closer and more

---

37 These include water, sanitation facilities, electricity and roads and sewerage infrastructure.

critical look at the implementation interface is necessary. A deeper and more critical analysis of this sphere could enable a better understanding of the implementation framework and the opportunities for transitioning to a more incremental approach to informal settlement intervention.

Although the chapter presents a brief overview of one programme, and focuses specifically on the City of Johannesburg, it highlights pertinent issues relating to policy implementation structures and systems that could be applicable to other contexts, both within and outside South Africa. This chapter documents the interface between old and new policy implementation. Furthermore, it explores the institutional sphere within which policies and programmes are designed and implemented, encountering issues that arise in the course of these processes. The chapter follows a narrative format, documenting the process of programme formulation and implementation mainly through the eyes of implementing officials. Finally, we see that there are notable efforts under way in cities to formulate more innovative and incremental approaches to informal settlement upgrading. The process of implementation is, however, fraught with diverse challenges. If policy shifts could anticipate and prepare for these, the shift in implementation might happen more effectively.

Gauteng's plan for addressing informal settlements in Johannesburg

The City of Johannesburg has approximately 189 informal settlements, and these differ in location, size, density, tenure and socio-economic character (City of Johannesburg, 2011). The day-to-day management of informal settlements is the mandate of the City. This management includes the delivery of basic services as per constitutional requirements—including water, sanitation and refuse removal (Republic of South Africa, 1996). While the role of service delivery, settlement control and management falls under local governments, the function of housing delivery, which is the main intervention approach to informal settlements, remains at the provincial sphere.

The City of Johannesburg's main intervention strategy for informal settlements is therefore coordinated as part of Gauteng provincial government's plan for informal settlements dubbed Formalisation and Eradication of Informal Settlements (Gauteng Department of Housing, 2009). As of the time of this research, the province's 405 informal settlements had already been identified, categorised and allocated intervention decisions (formalisation or relocation).

As per the national policy, this process begins with the identification and categorisation of settlement. The categorisation clusters the settlements into groups depending on the most feasible intervention strategy: formalisation or relocation. The process of formalisation entails a legal township establishment process through

TOWNSHIP ESTABLISHMENT: PRE-APPLICATION	42 days
FEASIBILITY STUDIES	35 days
SUBSIDY APPLICATION	249 days
ENVIRONMENTAL IMPACT STUDIES	325 days
COMPILATION & SUBMISSION OF APPLICATION	332 days
TOWNSHIP APPROVAL BY LOCAL AUTHORITY	0 days
LAND SURVEYING & CONVEYANCING	
SALES ADMINISTRATION	
LAND SERVICING	
HOUSE CONSTRUCTION	
PROJECT HANDOVER	

1 Nov 11   1 May 12   1 Nov 12

Figure 6.1: Housing process project timeline   *Source*: Author, based on DHS, 2009b.

which an informal settlement is converted to a formal settlement, with formal infrastructure and services, and wherein residents will have formal land rights (title deeds), as indicated by Figure 6.1 above.

Approaches predicated on the eradication and formalisation of informal settlements have been critiqued *ad nauseam*. One of the main criticisms of this policy approach is that it has perpetuated the social and spatial marginalisation of the poor since the majority of the settlements are relocated to greenfield developments, located on the edges of cities, far from employment opportunities, as land costs are lower in these locations (Charlton & Kihato, 2006; Huchzermeyer et al, 2004; Misselhorn, 2008; Wilkinson, 1998). Furthermore, by focusing mainly on housing delivery, the policy fails to address the multi-dimensional challenges that face informal settlements (see also Huchzermeyer, 2004). In addition, the approach is slow and fails to address the scale of the issue. Moreover, as Figure 6.1 above indicates, the process takes a minimum of 3–4 years to fully complete a formalisation project. As a result, the municipality's mandate of service delivery cannot be carried out fully until the formalisation process is complete.

In Gauteng, some of the causes highlighted for slow delivery of housing opportunities included inadequate capacity at both province and city levels, and the rising costs of acquiring land and implementing development programmes. The impacts of this slow pace of formalisation are that settlements remain in very poor condition, with only a minimum level of electricity, water, sanitation services and infrastructure provided by the City as per the Constitution (Republic of South Africa, 1996). The frustrating pace of investment in informal settlements was cited

214 days				
	275 days			
			1042 days	
			731 days	
			144 days	

1 May 13   1 Nov 13   1 May 14   1 Nov 14   1 May 15

Start Date
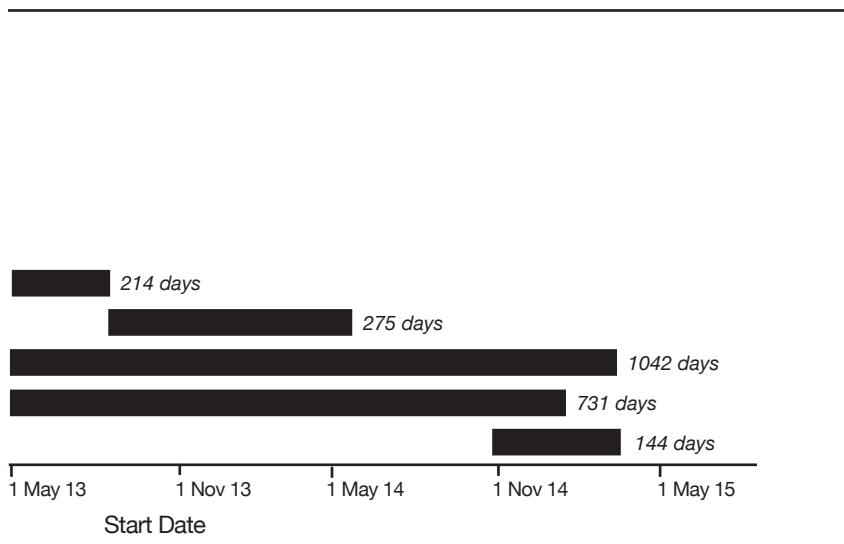
by government as the reason for the development of a 'new' idea for intervention (DHS, 2004). Indeed, one of the main goals of the UISP under the BNG was to facilitate a phased upgrading of settlements, whereby house consolidation and construction would only come in the final phase, after tenure securitisation, services provision and settlement improvement had taken place. However, as mentioned in the introduction, the UISP is yet to be effectively implemented across the country, and this is also true of Gauteng Province.

The Regularisation Programme in Johannesburg

In 2008 the City of Johannesburg's Development Planning and Urban Management Department was charged with the formulation of a new and more expedient programme. In an interview, an official who was part of the project team shared his experience, outlining how ideas from South America were applied to the Johannesburg context:

> I had been to a conference in Brazil in 2006, and I had become familiar with Brazil's approach to giving recognition to *favelas* in the city—what they call Zones of Special Interest (ZEIS). And we wondered whether we couldn't use the Town Planning Scheme to give legal recognition to informal settlements without going through township establishment processes …
>
> So we took a group of politicians and senior officials to Brazil. We went to Rio [de Janeiro], which was one of the world's largest upgrading programmes. The tour

> included the members of the Mayoral Committees for Finance, Planning, Housing and Infrastructure. When we came to Johannesburg, we prepared a memorandum to the Mayoral Committee which basically proposed that we regularise informal settlements through an amendment to the Town Planning Scheme. (Former City of Johannesburg official, personal communication, 28 June 2012)

Drawing upon Brazil's experience with regularising informal settlements, the Development Planning and Urban Management Department suggested that a similar process of informal settlements regularisation could be adapted for Johannesburg, thus allowing for more scaled and speedy development. Acknowledging that the main encumbrance to settlement improvement was their 'informal' status, they proposed, first, to legally adopt settlements into the city's development framework. This would assure residents some form of tenure, according them a right to occupy. Following this 'legal adoption', settlements would no longer be 'illegal' and, residents would have some form of security of tenure. In addition to offering some level of security, regularisation would also create a legislative environment that is conducive for state investment in services and other infrastructure and as such, could be provided with upgraded services, basic development control and layout planning (City of Johannesburg, 2009b).

As we see above, both regularisation and formalisation seek to achieve the same goal: the improvement and ultimate upgrading of informal settlements. The main difference between the two, however, is that the former separates the process of housing delivery from that of tenure securitisation, which, by extension, is linked to improved servicing. The latter combines these processes into one lengthy and complex procedure. Table 6.1 outlines other differences between the two approaches.

The regularisation programme would enable more rapid improvement of settlements by legally adopting them into the City's planning framework. While the formalisation process only 'legalises' settlements once they are formalised, regularisation would provide this legal recognition more quickly—thus enabling development control and service improvement, and providing incremental security of tenure. Interviewed officials envisioned that residents could also begin investing in the improvement of their units once tenure security was provided. Conceptually, regularisation was similar to the UISP in so far as: it focused on tenure security as an entry point to incremental improvement; facilitated a more participatory process of upgrading, where residents and officials worked together to determine the manner of area improvement; and, most importantly, broke down the process of formalisation into independent incremental steps. The only difference was that the regularisation program was originated and funded by the City of Johannesburg. The City brought in Urban LandMark, a land and housing research institute, to aid with technical support for regularisation. The technical approach that would be followed has been documented by Urban LandMark, and outlines the legislative

Table 6.1: Main differences between formalisation and regularisation

	Formalisation and upgrading	**Regularisation**
Brief definition	Legal process of township establishment,[38] where final output is a formal settlement, with security of tenure and the delivery of top structures.	Interim measures to provide recognition to informal settlements by adopting them into the City's legislative mechanism.
Tenure security	High tenure security provided with the full settlement formalisation.	Tenure is incrementally secured over time.
Improved services	Settlements are improved and accorded full services after formalisation processes have been completed. Full services includes piped water, full infrastructure (roads, sewerage etc) and full sanitation facilities.	Legal recognition enables incremental service provision from the City, including piped water (shared or individual), improved infrastructure and better sanitation.
Development control and planning	Settlements, once formalised, are adopted into the City's planning and development control framework.	Legal recognition adopts the informal settlements into the planning and development control framework of the City.

Source: Author, adapted from City of Johannesburg documents and Urban LandMark, 2010.

and technical procedures that were to be applied in the City (Urban LandMark, 2010). The process included the following key steps:

- a feasibility investigation to determine initial suitability for regularisation (scan of location, infrastructure availability, environmental issues)
- negotiations with the landowner (if privately owned)
- an amendment to the Town Planning Scheme to give legal recognition to settlements. This was achieved by declaring the settlements as 'Transitional Residential Settlement Areas'.[39]
- participatory preparation of a basic layout plan and a business plan for service upgrading

---

38 Township establishment is the legislative process for setting up a formal, planned, approved settlement in South Africa according to the Town Planning and Townships Ordinance Act, No. 15 of 1986 (Republic of South Africa, 1986).

39 Properties in settlements designated as Transitional Residential Settlement Areas were governed by a set of conditions, including requirements to: prepare a draft layout plan; identify and number each structure and open a settlement register; identify any non-residential uses; introduce appropriate building regulations; and control development, whereby new structures and change of use would be regulated (Urban LandMark, 2010).

- opening of a settlement register digitally linking all structures to a layout plan.
- registration of shacks and households
- provision of tenure certificates
- Incremental service upgrading (including settlement reorganisation)
- having a development office on site to facilitate management and development control issues (City of Johannesburg, 2009b).

Political support for the initiative

At its inception, the programme enjoyed relatively high political support in the city. This could be seen in mayoral addresses from 2008 to 2010, which spoke highly of the programme (City of Johannesburg, 2008, 2009a, 2010a, 2010b). The mayoral committee was also in support of the initiative. One implementer noted:

> The proposal was very enthusiastically accepted because it was [what] the Mayor had been looking for. He was very keen, it went to council and council accepted it. (Former City of Johannesburg official, personal communication, 28 June 2012)

As such, the City of Johannesburg demonstrated its support for the programme and a commitment to embracing the incremental and *in situ* upgrading of informal settlements in the city. However, despite this technical and political support, the programme encountered a range of constraints. These constraints can primarily be viewed as part of the 'implementation interface'. This means that, rather than being conceptually flawed (ie most of those involved agreed that regularisation was a good idea and should be embraced), issues pertaining to the actual implementation came to bear on the project outcomes. These issues are discussed below.

Support from ward councillors

To start with, the political support for the programme was uneven. While the mayor expressed approval, this was not a unanimous view. Local ward councillors, concerned that the approach was unclear on the top-structure provision, were hesitant to support it. One interviewee noted that ward councillors were unhappy with its intentions:

> They [many ward councillors] believed that people should get formal top structures, and what we were saying was that give people some form of legal recognition, but we weren't saying anything about the top structure. And this didn't allow us to access subsidies. (City of Johannesburg official 1, personal communication, 2 August 2012)

The lack of local level support from ward councillors made it difficult to convince communities that regularisation was a good idea. While this failure to achieve local buy-in was only a minor constraint on the project, it is representative of a major difficulty that besets such programmes. It also highlights the challenge in South

Africa, where the right to housing has specifically been interpreted as the right to an 'RDP house'. This limits the possible avenues for exploration of alternative options for housing delivery, as it is difficult to convince local communities and their representative structures that a partial or progressive fulfilment of this obligation is sufficient.

Province versus City

The second issue that affected implementation was the fact that the city wanted to include as many settlements as possible within the Regularisation Programme, to enable a scalar improvement approach. However, as previously noted, the province already had a list of settlements that it had identified and categorised. Presumably, an implementation plan for formalisation had already been formulated. The first step would therefore involve some tense negotiating to reconcile the existing settlement database, and to identify settlements that could be regularised. According to interviewed officials, there were tensions over categorisation:

> The idea was that we (as Planning) needed a plan for all these informal settlements [on the database]. But already, there were plans on the table for many of them, from [Gauteng Province Department of Housing] and they didn't want to deviate from these categories. (Former City of Johannesburg official, personal communication, 28 June 2012)

It proved difficult to deviate from ongoing projects where consensus at the provincial level had already been achieved, and, presumably, implementation was already under way. There was a sense that reclassifying settlements for regularisation that had been slated for formalisation would cause implementation problems:

> [Gauteng] Province was not too happy about this. They had a list of settlements to be upgraded, and the list we were giving didn't comply with their list. They wanted eradication, and now we were saying, 'Here's a programme that would allow the shacks to exist.' There was a lot of unease. So provincial government became involved, and it was a very tenuous negotiation because there were a lot of interests represented in the committee. (Former City of Johannesburg official, personal communication, 28 June 2012)

Gauteng's officials were equally unwilling to imagine that the City could formulate and implement a new approach outside of the established framework. The Regularisation Programme potentially threatened the position of the province—an unwelcome action. This stance was affirmed by a provincial official who remarked:

> Managing informal settlements and dealing with informal settlements are two different things. *Managing* informal settlements involves development control issues—ensuring that it doesn't get bigger; and that adequate water and sanitation is provided. *Dealing*

with informal settlements means that these people should get out of these shacks and be given houses. One mandate belongs to municipalities—that is managing informal settlements and development control. Our job (as Province) is to identify informal settlements, and do one of two things. We either formalise it, or we eradicate it. (Gauteng official, personal communication, 27 September 2012, my emphasis).

The above quotation highlights the disjuncture in appreciating the complexity of informal settlements management. As mentioned in this section, the City couldn't effectively *manage* settlements (through provision of improved water and sanitation, for instance) unless they had some form of legal status; hence the need for regularisation. However, the same process of regularisation required that they negotiate with the broader process of formalisation, which, though frustratingly slow, was also difficult to alter. Once the province had identified, mapped and categorised the 405 informal settlements, these were put in a project pipeline for implementation, and service delivery could not commence until the process was fully complete. Negotiating this merger between the two programmes would therefore prove difficult.

Competing mandates between housing and planning

The aforementioned tensions were, however, not only linked to stringent categories, but also lay deeper in the structures, objectives and incentives of various City departments. The housing departments in the City and province are incentivised to deliver 'the maximum number of housing units, and find the quickest way to roll out a housing programme' (former City of Johannesburg official, personal communication, 28 June 2012). The way in which they are assessed speaks to quantitative deliverables (ie total number of houses delivered). The formalisation programme is the chosen vehicle for achieving this goal, as it can guarantee the delivery of large numbers of houses.

The Planning Department, on the other hand, had its own mandate: '[T]rans-forming the spatial structure of the city, and consolidating and densifying the city's spatial structure' (former City of Johannesburg official, personal communication, 28 June 2012). With the Regularisation Programme, this could be achieved, as settlements could be improved *in situ* and the poor would be able to stay on sites that had been occupied—sites that were arguably well-located. This model of development naturally contrasts with the approach and mandate of the Housing Department, whose main approach in the past has been massive delivery of housing on greenfield sites, often at the City's periphery. As mentioned earlier, infrastructure upgrading could not take place until the settlements had some form of legal tenure, and therefore this department remained stuck.

The Regularisation Programme's main obstacle would, therefore, arise from the underlying assumption, evident in much of the housing policy and official discourse, that the complete eradication and formalisation of all informal settlements is ultimately

possible. This dominant approach to delivery is predicated on the belief that all informal settlements will ultimately be upgraded through housing delivery. This rationale is then backed by a large-scale, well-funded and efficiently coordinated implementation framework. The task of introducing a new programme would require a negotiation with this existing regime.

Land and funding constraints

The Regularisation Programme however also ran into another set of stumbling blocks. In the case where regularisation could be implemented, and not conflict with future formalisation plans, here was still the question of negotiating land ownership. As one city official noted:

> A problem was a number of these settlements were on private land. If it was on state land, then it was easy. But if it was on private land, then you had to get permission from the landowner, to change the status of the land. [This] forced us into complex negotiations with the landowners which were very protracted, either to give permission to change the status, or to sell the land … It was quite a challenge, especially when you had limited capacity to undertake these negotiations. (City of Johannesburg official, personal communication, 2 August 2012)

The issue of land is self-evident in housing debates. In particular, questions pertaining to private versus public land are increasingly important as the stock of public land for housing is diminished. The process of negotiating land ownership would prove challenging, not simply because the project was piloted from the planning department which did not have adequate capacity to deal with complex land negotiations (ibid), but also because it could not purchase the land due to limited financial capacity.

The limited financial capacity faced by officials to implement the regularisation approach also refers to funding for the requisite human resources and not just for actual implementation. When it was first introduced, the Regularisation Programme was a small-scale, City-piloted and City-funded process. According to those responsible for the implementation, the initial processes of setting up the programme were not adequately supported, and this slowed its scope and impact. The City Treasury's reluctance to fund the programme was related to the fact that this was an 'unfunded mandate', particularly when compared to the larger subsidy-led programme. As one of the interviewees lamented:

> If there was a link to housing subsidies, there would have been resources. But there was no link. City Treasury was very reluctant to spend money on housing, because this was an unfunded mandate. They didn't have the powers to do housing projects. (Former City of Johannesburg official, personal communication, 28 June 2012)

In the first year, according to this respondent, the Planning Department would only receive R5 million of the R30 million applied for.

Outcomes and emerging opportunities

Despite its initial positive reception, the Regularisation Programme is yet to be fully implemented. As a result, its impact on the ground cannot be quantified. Initial results, however, indicated that overall, implementation was slow, and few settlements have been regularised. Despite this fairly limited impact, however, the programme did achieve some benefits. Interviewed officials, for example, noted that the programme's development encouraged some interdepartmental coordination and cooperation, and this was a notable shift from the previous model. Similarly, the ideas formulated and developed through the programme, though yet unimplemented, still remain as City policies for future reference and policy learning.

When implemented, the programme will provide an avenue for deeper engagement with beneficiary communities, as it requires participatory decision-making. While formalisation involved a more detached model of top-down housing delivery, regularisation necessitates a collaborative approach between implementers and communities. This active engagement could facilitate more efficient planning, decision-making and implementation, in line with goals of the UISP.

The planned process of Municipal Accreditation provides another potential opportunity for the regularisation process. The accreditation process includes a broader constitutional mandate to 'locate the decision making authority and funding capacity for local development at the most local sphere of government' (DHS, 2009c: 9). Within the sphere of housing, this implies that technically qualified municipalities would receive the full housing function, including funding, implementation, monitoring and evaluation.[40] Through this process, the City of Johannesburg would be able to undertake full planning and housing development roles. However, whether the process of Accreditation leads to an implementation of more innovative informal settlement intervention strategies, or a continuation of the existing (inefficient) formalisation programme remains to be seen. Municipal Accreditation forms part of the Outcome 8 Delivery agreement discussed elsewhere in this book.

The drive arising from national policy shifts could encourage the adoption of an incremental approach to upgrading in practice. From this chapter, we see that the requisite shifts are more nuanced and must be negotiated within individual municipal frameworks.

---

40 The City of Johannesburg received full accreditation in 2012 (City of Johannesburg, 2012).

Conclusion

The Regularisation Programme is a manifestation of the idea that policy transition is not always originated or effected at national-government level. As in this case, there were initiatives on the part of the City of Johannesburg to shift to incremental upgrading even before UISP and Outcome 8 were introduced. Cities, learning from other cities across the world, are able to conceptualise more appropriate responses to informal settlements.

However, the above outline of the City's experience underscores the fact that the most pertinent challenges to policy implementation are not in the formulation of 'innovative' approaches, or in conceptualising their implementation, but in actually implementing them. It is here that a deeper and more critical engagement is required if informal settlement policy implementation is to become more effective and responsive to the needs of residents. Within this stage, one must consider and anticipate issues such as how political buy-in will be achieved, how to manage and assemble the range of institutions that are part of an informal settlements upgrading process, how to streamline budgets, existing commitments, regulation, accountability, project and programme management, and a range of other critical issues that feed into the production of a new upgrading approach. Introducing incremental upgrading into practice will require a deeper engagement with the functioning and incentivisation of various departments in a municipality.

References

City of Johannesburg. 2008. *State of the City Address by the Executive Mayor of the City of Johannesburg, 2008.* Available at: www.joburg.org.za/index.php?option=com_content&task=view&id=2233&Itemid=114, accessed 19 July 2012.

City of Johannesburg. 2009a. *State of the City Address by the Executive Mayor of the City of Johannesburg, 2009.* Available at: www.joburg.org.za/index.php?option=com_content&task=view&id=3538&Itemid=114, accessed 19 July 2012.

City of Johannesburg. 2009b. *New Directions in the Formalisation and Upgrading of Informal Settlements?* Johannesburg: City of Johannesburg.

City of Johannesburg. 2010a. *State of the City Address by the Executive Mayor of the City of Johannesburg, 2010.* Available at: www.joburg.org.za/content/view/4933/114/, accessed 19 July 2012.

City of Johannesburg. 2010b. *Statement by the Executive Mayor of Johannesburg on the Formalisation and Regularisation of informal settlements.* Available at: www.joburg.org.za/content/view/4142/114, accessed 15 March 2011.

City of Johannesburg. 2011. *Informal Settlement Database.* Johannesburg: City of Johannesburg.

City of Johannesburg. 2012. *Housing Agreement Signed.* Available at: www.joburg.org.za/index.php?option=com_content&view=article&id=8143:housing-agreement-signed&catid=123:housing&Itemid=204, accessed 27 September 2013.

Charlton, S. 2009. 'Housing for the nation, the city and the household: Competing rationalities as a constraint to reform?' *Development Southern Africa*, 26 (2): 301–315.

Charlton, S. & Kihato, C. 2006. 'Reaching the poor? An analysis of the influences on the evolution of South Africa's housing programme'. In: Pillay, U., Tomlinson, R. & Du Toit, J. (Eds.), *Democracy and Delivery: Urban Policy in South Africa*. Cape Town: HSRC Press.

Development Action Group. 2011. *Informal Settlement Upgrading: Design Considerations and the Importance of Community Participation: Lessons and Insights from DAG in Hout Bay*. Cape Town: Development Action Group. Available at: www.flowsa.com/hda_pdf/5-Freedom_Park_case_study_DAG.pdf, accessed 30 March 2011.

DH (Department of Housing). 1994. White Paper on Housing, Pretoria: Department of Housing.

DHS (Department of Human Settlements). 2004. *Breaking New Ground: A comprehensive Plan for the Development of Sustainable Human Settlements*. Available at: abahlali.org/files/Breaking%20new%20ground%20New_Housing_Plan_Cabinet_approved_version.pdf, accessed 4 May 2011.

DHS. 2009a. *The National Housing Code Part 3: Upgrading of Informal Settlements*. Pretoria: DHS.

DHS. 2009b. *Housing Project Process Guide*. Pretoria: DHS. Available at: www.dhs.gov.za/uploads/housing_project_process_guide.pdf, accessed 28 September 2013.

DHS. 2009c. *The National Housing Code Vol 3, Part 3: Accreditation of Municipalities*. Pretoria: DHS. Available at www.dhs.gov.za/sites/default/files/documents/national_housing_2009/3_Financial_Interventions/1%20Vol%203%20Part%203%20Accreditation%20of%20Municipalities.pdf, accessed 20 January, 2015.

DHS. 2010. *Delivery Agreement for Outcome 8: Sustainable Human Settlements and Improved Quality of Household Life*. Pretoria: DHS.

Gauteng Department of Housing. 2009. *Formalisation and Eradication of Informal Settlements.* Johannesburg: Gauteng Department of Housing.

Huchzermeyer, M. 2004. *Unlawful Occupation: Informal Settlements and Urban Policy in South Africa and Brazil*. Asmara: Africa World Press.

Huchzermeyer, M. 2011. *Cities With 'Slums': From Informal Settlement Eradication to a Right to the City in Africa*. Cape Town: UCT Press.

Huchzermeyer, M., Baumann, T. & Roux, T. 2004. *Main Report: Study into Supporting Informal Settlements.* Prepared for the Department of Housing. Johannesburg: University of the Witwatersrand.

Misselhorn, M. 2008. *Position Paper on Informal Settlements Upgrading.* Draft. Part of a strategy for the second economy for the office of the South African Presidency. Pretoria: Urban LandMark. Available at: www.pptrust.org.za/dmdocuments/Informal_Settlement_Paper.pdf, accessed 9 September 2013.

Pithouse, R. 2009. 'A progressive policy without progressive politics: Lessons from the failure to implement "Breaking New Ground"'. *Town and Regional Planning*, 54: 1–14.

Presidency. 2010. *Guide to the Outcomes Approach.* Pretoria: Department of Performance Monitoring and Evaluation, The Presidency.

Republic of South Africa. 1996. Constitution of the Republic of South Africa, Act 108 of 1996. Pretoria: Republic of South Africa.

Republic of South Africa. 1986. Town-Planning and Townships Ordinance No. 15 of 1986. Pretoria: Republic of South Africa.

Tissington, K. 2011. *Basic Sanitation in South Africa: A Guide to Legislation, Policy and Practice*. Johannesburg: Socio-Economic Rights Institute.

Urban LandMark. 2010. *Incrementally Securing Tenure: An Approach for Informal Settlement Upgrading in South Africa*. Pretoria: Urban LandMark.

Wilkinson, P. 1998. 'Housing policy in South Africa'. *Habitat International*, 22 (3): 215–229.

Chapter 7

'Public structure': A starting point for incremental upgrading

Cedric Daniels, Liezel Kruger-Fountain, Marco Geretto,
Berendine Irrgang and Ancunel Steyn

Pervasive informality is evident in South African cities (Parnell et al, 2009). Despite land, fiscal and policy reforms that seek its eradication, the practices of communities, markets and the state continue to reproduce conditions of informality with both negative and positive consequences. The focus on housing delivery in South Africa—the 'Reconstruction and Development Programme (RDP) approach'—is failing to respond quickly enough to the needs of communities and to bring about the sustainable human settlements envisaged in the Breaking New Ground (BNG) policy (DHS, 2004). This is evident in the growing housing backlog, the sterile living environments associated with state-built housing schemes and the fact that informality is finding ever more complex and fluid forms of expression (Mammon et al, 2008; Simone, 2010). In this context, what is abundantly clear is that discourses that focus on eradication and formalisation of informal settlements through housing provision are not effective (HSRC, 2013).

The government's focus on the upgrading of informal settlements has been on the delivery of individual houses, primarily through the housing subsidy scheme (Huchzermeyer, 2003). This has placed the responsibility for facilitating access to land, services and formalising housing with local authorities, in addition to the more traditional state mandate of creating, managing and maintaining the public infrastructure of cities and settlements. The slow and uncoordinated delivery of services—not only housing but also schools, sanitation, utility and public services—is linked to escalating unrest and increasingly violent protest across South Africa (Jürgens et al, 2013; Mammon et al, 2008).

While the City of Cape Town has historically conformed to this unrealistic 'RDP approach' to addressing informal settlements, the City has more recently attempted a range of other, more innovative projects. In particular, the City of Cape Town has attempted a range of projects and programmes that focus on public investments to improve the liveability of human settlements, what we will describe as the 'public structure approach'. The public structure approach was strongly promoted by a number of key professors of Planning and Urban Design at the

University of Cape Town between the late 1970s and the mid-2000s (Dewar & Ellis, 1979; Dewar & Todeschini, 2004; Dewar & Uytenbogaardt, 1991). This philosophical approach succeeded in influencing local professional practices (for example, a number of Cape Town-based planning and design firms) and consequently became embedded in some departments of the City of Cape Town, most notably the Spatial Planning and Urban Design Department.

This chapter is based on the experiences and reflections of the officials who have been involved in a number of these projects. Here we argue the need to redirect upgrading efforts towards promoting approaches that harness, utilise and enable the potential for transformation of informal settlements through design innovation and social organisation in the public realm. In doing so, the public structure approach must be translated into practical actions, expenditure, implementation and the subsequent need for management and maintenance if it is to be feasibly implemented at scale.

The public structure approach described in this chapter can be seen as a spatial tool for targeting state intervention. The purpose of such an approach is to provide a high order of spatial structure, which has the potential to achieve the greatest public benefit in the long term. This is particularly relevant in the context of scarce resources, mounting need and where strategic decisions about where and how public investment occurs have the potential to impact fundamentally on the quality of life of urban citizens. The chapter reflects on how the City of Cape Town has sought to implement this approach, with varying degrees of success, through a number of case studies, including the upgrading of Monwabisi Park informal settlement in Khayelitsha, the redevelopment of Joe Slovo informal settlement in Langa and the Dignified Places Programme. The case studies illustrate the benefits of the approach adopted by the City, and offer a 'reality check', highlighting the issues, challenges and complexity of practice.

An argument for public structure as the starting point for informal settlement upgrading

The public structure approach advocates the provision of public components that serve the collective needs of society. More importantly, it aims to provide a strategic spatial structure for dynamic and transformative urban development. The argument is based on three philosophical positions, which are discussed briefly below: dynamism, urban structure and incrementalism; the virtues of the public environment; and focusing the role of the government.

Dynamism, urban structure and incrementalism

The public structure argument is embedded in a body of theory that recognises that urban environments are dynamic and constantly changing. This stresses that people

and their relationship with space are central to the making of well-performing urban environments. This phenomenon of the dynamic city was studied by David Crane (1960), who observed that while the individual elements of a city change over time, the underlying public spatial structure tends to remain constant. In addition, these elements influence how a city grows and develops. This supports and is congruent with the incremental approach to informal settlement upgrading, which asks for more flexibility than is usually present in standard housing delivery models.

The virtues of the public environment

Central to the concept is an understanding that while individuals and families live and pursue their own interests in the private domain, they also seek and need to share that which is communal. Quality of life is not determined simply by the level of utility service or the quality of the dwelling. It is primarily a structural function of how space is organised to facilitate activities and functions. People share the use of public rights of way, access to collective utility services and the benefits of public institutions. Space that is publicly accessible also facilitates community interaction and contributes to the identity and character of a place or neighbourhood (Mammon et al, 2008).

When a settlement includes a well-structured public space and circulation network, social integration between residents of that settlement as well as integration between adjacent settlements is enabled (Fiori et al, 2009). The public environment, above all other elements of a settlement, should therefore be planned correctly from the outset to create human settlements where a level of dignity and citizenship is possible.

Focusing the role of the government

The final premise of the public structure argument is that public investment should be directed towards those elements of the settlement where the government has the greatest level of control and where its core responsibilities lie (FFC, 2012). This is in keeping with the fact that public authorities have historically shouldered the duty of care to promote, conserve and enhance the greater public good in respect of nature, heritage, public health, safety and well-being. In fact, the South African Constitution requires local authorities to attend to such things (Mammon et al, 2008).

Any process of formalisation involves the definition and clarification of roles, responsibilities, boundaries, rights and obligations. In development planning, one of the fundamental stages in the formalisation process is defining where the government intervention starts and stops. In the making of a settlement, essentially two types of assets are created: public assets, which are provided for the benefit of the broader public, and which the local authority and other organs of state have control over and are responsible for maintaining, and private assets, where individuals or groups of individuals are able to exercise their rights.

The public structure approach ultimately argues that the government's focus should move away from the delivery of individual housing units and focus more specifically on the elements of public structure that individuals are not able to deliver on their own (FFC, 2012; Fiori et al, 2009). Although already partially embodied in the site-and-service approach adopted by a number of local authorities across the country, a specific important feature of this approach is that it requires an emphasis on the public structure as a critical element of service delivery. This is precisely what Crane (1960) and others (Dewar & Todeschini, 2004; Dewar & Uytenbogaardt, 1991; Krier, 1984; Rowe, 1982) argue: because the public elements of the city provide long-term structure, this should be where public investment is focused. Crane (1960) called this concept the 'capital web'. This will enable the government to move beyond the simple provision of shelter and towards the creation of vibrant and sustainable human settlements.

Elements of public structure

As defined above, the elements of public structure are those components of settlements that are delivered by the public authority and serve the collective needs of society. Generally these are the elements that individuals are not able to deliver or maintain on their own. They comprise connections, public spaces, public facilities and public utilities (Lynch, 1981).

Connections

Streets, lanes and footpaths facilitate many forms of integration and enable people to access urban opportunities and amenities. Dewar and Uytenbogaardt (1991) argue that streets create the most basic level of urban order. This is due to the fact that levels of access within an urban environment are not uniform but respond to particular contextual realities, which consequently create a hierarchy of routes. This hierarchy allows for particular streets and movement spaces to perform different roles and functions. The high concentration of pedestrian movement along higher-order streets, non-motorised transport routes, around public transport facilities and through public spaces creates thresholds for other activities such as trade.

Public institutions and community facilities

Public institutions and community facilities are necessary for sustaining a healthy and vibrant civil society. The FFC (2012: 8) states that 'the infrastructure, services and facilities that build healthy, vibrant communities have larger public good characteristics'. They provide services that members of society value and are places where people congregate and interact. In addition to their civic functions, public facilities also act as focal points that make the public structure of a settlement 'legible' (ie understandable) and help people to orientate themselves in space. The

considered placement of public facilities within a settlement, through appropriate location and clustering, enhances the urban structure, enables convenient access and facilitates and contributes to integration and civic identity (Mammon et al, 2008).

Public open space

Public open space is a critical component of any urban environment and is essential for social and physical development (NPFA, 2000). Public open spaces are platforms for public interaction and should, by definition, be accessible to all (or most) people. They are also where people can gather for a variety of reasons, including recreation, trade, celebration and protest (Mammon et al, 2008). In large urban environments they also serve to contain and connect ecological systems and water systems (CSIR, 2000).

In low-income areas and in informal settlements where public space is limited, open spaces are more fluid, multifunctional and often contested, because they are valued and claimed by different people and groups with a range of interests and intents. When a settlement is formalised, the provision of public open space is a town planning requirement; these spaces may be configured as plazas, community gardens or parks. Given this range of possibilities, what becomes important is not the quantum of open space provided. Instead, attention must be given to the performance criteria of these open spaces and how they facilitate inclusiveness and multifunctionality, and encourage a sense of community ownership (Wakely & Riley, 2010). Decisions regarding the types, locations and sizes of public spaces must be made collectively, taking into account community needs and municipal capacity.

Public utility services

Electrical, water, storm water and sanitation-related infrastructures are essential for creating safe and healthy urban environments. The manner in which these are provided can have positive or negative consequences for spatial structure (Behrens & Watson, 1996). Given that the provision of utilities is usually the government's first step in formalising informal settlements, public utilities should be integrated more expressly as part of the public structure design in order to create a sustainable and efficient environment. More important than the individual elements of public structure is the relationship between them. It is this relationship that creates and reinforces the public structure. Public structure therefore constitutes the basic framework that other development agents can respond to and build upon. Their spatial arrangement should be employed to enable efficient, legible and pleasant environments.

Challenges and opportunities of implementation: learning from the experiences of Cape Town

A number of projects and programmes undertaken by the City of Cape Town reflect the approach. There are three notable large projects where we have applied the principles of this approach. These include:

- Monwabisi Park is an informal settlement located on the dunes at the southern end of Khayelitsha, Cape Town. In 2008 the City of Cape Town, through the Violence Prevention through Urban Upgrading (VPUU) programme, committed to upgrading and formalising the settlement through an *in situ* upgrading process. In 2008 it was estimated that Monwabisi Park consisted of 5 500 informal dwellings and was home to about 24 000 people. The upgrade focused on safety in the community and began with investments in the public spaces.
- Joe Slovo, a part of the greater Langa area, is a case of phased *in situ* upgrading of informal settlements. As such, housing was delivered in steps. After numerous difficult events (such as two major fires), engagement with the City about the detailed design for a portion of the settlement began in April 2010. The emergent settlement structure includes a series of interlinked pedestrian walkways that connect to public space and formal roadways. In addition, the formations of housing blocks enclose shared semi-private spaces.
- The Dignified Places Programme, run by the Urban Design Services Department, and the Quality Public Spaces Programme, rolled out by the City of Cape Town between 2000 and 2009, created 68 public space projects that were implemented across the city in predominantly underprivileged areas. An independent evaluation of the programme articulated a number of benefits and challenges of the programme that will be explored (NMA et al, 2010).

The following section reflects on these projects undertaken by the City of Cape Town and draws from them lessons on how such an approach can be taken forward as a citywide approach to upgrading living environments.

The importance (and challenges) of partnerships

Cape Town's experience in these three projects has demonstrated that partnerships are crucial for conceptualising and implementing public structure-orientated informal settlement upgrading. The partnership approach adopted by the VPUU unit and its implementing agents, Sustainable Urban Neighbourhoods, in Monwabisi Park is the clearest example of the importance of community participation in public sphere interventions. The project went above and beyond the more transitional spaces of 'consultation' to build a sustainable partnership.

The participation process resulted in the establishment of a project committee from the local community that became known as the Safe Node Area Committee

(SNAC). This body has since become the primary point of reference for the consultants and the community. Under the direction of the SNAC, a local area strategy or Community Action Plan (CAP) was produced. The CAP was structured around the following focus areas: cultural/social; economic; institutional; infrastructure, safety and security; and maintenance and engagement. In addition, the community audit undertaken in Monwabisi Park was carried out by local fieldworkers from the community. The outcome of the survey was presented to the community so as to capacitate them to appreciate the dynamics of their lives. This information served to inform choices the community made in terms of prioritising short-, medium- and long-term objectives in their own CAP. The dramatic reduction in crime in Harare, the settlement adjacent to Monwabisi Park, through the VPUU process can be partially attributed to the partnerships built between the implementing agents and the local community.

There were, however, many challenges that arose in the course of this process. Some of these challenges involved bringing the community members together, building trust, creating credible institutional vehicles for engagement, setting a shared agenda, clarifying the roles of the different stakeholders, and being clear about who the drivers of the process and the decision-makers were. Examples of these challenges are addressed in later sections of this chapter. The extensive experience of the City and VPUU in Monwabisi Park shows that challenges can be overcome over time through a high level of dedication on the part of the implementing agents. This requires more than just consultation, to the extent that implementers must become 'embedded' in the community and play an active role in capacitating communities to make informed decisions, articulate preferences and priorities, and ultimately own the process of knowledge production and the implementation of the project.

While the city alone cannot design socially relevant and economically viable public spatial structure that responds to local needs (Mammom et al, 2008) and, implementation of such approaches requires the participation of many different actors with different capacities and abilities over extended time periods, there is no standard partnership model that the City can follow. The specific meaning, role and composition of partnerships will vary depending on the context of a particular project and the stakeholders involved. This requires skilled and capacitated officials and consultants ready to actively partner with local communities to develop more tailored approaches.

Incremental upgrading is not a once-off event: ongoing objectives and roles must be clear from the outset

The public structure approach embraces the fact that urban, economic and social development processes are dynamic and unfold over extended time periods. This approach requires letting go of the quick-fix mentality regarding delivery, and sees the value of realising multilevel objectives in the long term. In Cape Town, this longer

and more complex process is often difficult for both sectoral line departments and beneficiary communities to accept, and can lead to frustrations and misunderstandings. This is, in part, because of the structure of the City (ie the separation of housing, infrastructure and planning functions). In addition, politicians and communities frequently seek immediate and tangible outcomes, as well as benefits such as an RDP house, which can be realised within a defined time span.

This challenge has again been clearly demonstrated in the Monwabisi Park upgrade project, where the community has become frustrated with the perceived inaction of the City of Cape Town, as the reconfiguration plan has taken longer than expected to approve. The resulting protest and demonstrations highlight the risk of getting a community to buy in to a proposal before the technical aspects of a project have been adequately resolved. It is therefore critical from the outset of any project to agree with all role players what the objectives of the development process are, and where the boundaries of the government intervention start and stop. From the public sector, it requires a clear and staged exit strategy, one that ensures that expectations are managed and support is provided at appropriate moments during the development process. It is important for any momentum that builds up through the process to be sustained through a continuity of engagement and regular delivery on commitments. This is often very challenging, as procedural processes such as budgeting and supply chain regulations are stubborn and inflexible and do not lend themselves readily to subtle changes and small processes.

This is not to say that the public structure approach is only about achieving long-term objectives. One of the recommendations of the review of the Quality Public Spaces and Dignified Places Programme projects emphasised that attention to 'quick wins' demonstrates a clear commitment to the programme and goes some way towards supporting the substantial investment that has already been made. The delivery of individual elements of public structure is essential to make an impact and to make the programme sustainable (NMA et al, 2010).

Achieving contextual fit through participative planning is resource-intensive and requires longer timeframes

The public structure approach is often perceived as a top-down process that is insensitive to the lived reality of communities living in informal environments. For example, Mammon et al (2008) argue that many of the Dignified Places Programme projects received political sanction but were not conceptualised or necessarily accepted by the communities on which they sought to have an impact. While well-intentioned, the lasting impact of such projects was limited due to their top-down nature. Some of the projects, such as the Philippi Lansdowne Public Space Project, were never occupied or used by the community.

While this is a risk, we argue that the sensitivity of the approach depends on the attitude of the implementing agent and how the process is carried out. It requires

recognition that, while informal settlements develop outside the formal planning and regulatory systems, they are nonetheless human settlements that have evolved over time and through the actions of individuals living together. The urban structure of an informal settlement can therefore be seen as a response to a particular set of social, spatial and environmental conditions. As a result, the communities that live within informal settlements have particular ways of using and structuring space and utilising materials that can be obtained for creating shelter and livelihood. The public structure approach is premised on understanding the way an informal settlement is used and structured, and seeks to design and implement public structures to respond appropriately and with the minimum disruption of communities. However, this analysis is not necessarily easy to undertake, and often requires additional skills and capacities of local authorities, such as participatory mapping or 'ground truthing'.

The Monwabisi Park project exemplifies this intention and illustrates how rigorous analysis and an understanding of the way the settlement worked were used. Concurrent with the CAP process outlined earlier, a detailed baseline survey was undertaken. This involved the mapping of special places, institutions, tracks and pathways using aerial photography. Much of this mapping and data collection was done by members of the local community who were trained for this purpose. A further, more detailed enumeration process was then undertaken to create a geo-referenced survey of the settlement, capturing information such as names of residents, household sizes, access to services, and so on. A detailed map identifying all structures was also produced and this formed the basis of a Spatial Reconfiguration Plan.

The intention of the Spatial Reconfiguration Plan was to guide public investment and infrastructure delivery within the settlement in an incremental and *in situ* manner. It consisted of a series of layers that could be implemented independently, with the intention of upgrading the entire settlement over time. One of the primary objectives was to minimise relocation and disruption of social and community networks. As a result the relocation of structures was only proposed when absolutely necessary. In all other instances the structures would remain intact, with minor modification. The resulting reconfigured public structure responds positively to the existing structure of the settlement. The primary streets formalise the existing informal routes, which run parallel to a dune system. The proposed locations of lower-order public facilities, for example crèches, serve to formalise existing uses. Storm water detention areas were introduced to manage flood risk.

The process followed reveals that significantly more resources and time are necessary to undertake a project in this manner. Often the political pressures and fiscal instruments driving informal settlement upgrading do not afford local authorities the luxury of time to undertake analysis at this level. This is a factor that will need to be addressed if the approach is to be taken forward meaningfully.

Another potential challenge with *in situ* upgrading is that, in some instances, informal settlements are located on land that is not ideally suitable for incremental upgrading. In Monwabisi Park there are some areas where the gradient of land is exceedingly steep, which makes it technically challenging to deliver gravity-related services (sewerage and stormwater infrastructure) in a cost-effective manner. In these cases, and in areas prone to flooding, rollover development involving the relocation of the community, the execution of more strategic engineering solutions and the creation of a new urban structure may be more practical.

Cross-sectoral planning is a challenge for local authorities

The implementation of the public structure-orientated approach requires a much more integrated development planning methodology. This is particularly difficult to achieve, as most local authorities are organised sectorally around service or line departments that are responsible for particular utility infrastructure. This is further complicated by fiscal mechanisms, such as the housing subsidy and development grants, that prescribe how public money is allocated and spent. Larger housing projects that include infrastructure and top structures are typically delivered by housing or human settlements departments, which hand over the public asset to line departments for management after implementation. As there is no single asset owner or line department for the public structure in its entirety, the creation of a more integrated institutional structure is required.

The Monwabisi Park informal settlement upgrade project overcame these silos as it was driven by the VPUU unit, a bespoke department within the City of Cape Town that sat (at the time of writing this) independently from other departments and within the mayor's office. The project was outsourced to a multidisciplinary team and driven by individuals who are committed to the public structure approach. Despite this, the process of formally approving the proposed spatial reconfiguration plan through the land use management process has met resistance, as service departments assessing and approving applications do not share the same objectives (for some of the reasons that will be analysed in later sections).

The City of Cape Town's approach to project planning, through the establishment of Project Management Teams (PMTs), has gone some way in ensuring cross-cutting sectoral coordination. PMTs are made up of representatives of different line departments who collectively make input into the design or layout of projects. While not without its challenges, the approach is bearing fruit in that greater buy-in and cooperation are achieved. An area-based approach, comprising interdepartmental teams, could offer further benefits, helping to overcome silo-based planning and facilitating the rollout of a public spatial structure. In addition, the City is promoting area-based planning through a series of Local Area Planning Initiatives as well as through involvement in PMTs of other line departments' projects.

Area-based planning could accelerate the delivery of a holistic package of public services, once institutional and personal relationships are formed among the role-players. This will hopefully shift the perspective of built environment professionals towards following more integrated processes in which the public structure guides place-making and public investment. In summary, the organisational structure within the City must be strong on networking and weak on boundaries if it wants to be successful in implementing these sorts of projects.

Post-implementation maintenance and management are critical

The creation of a qualitative public environment is a positive outcome of any development, but the creation of public assets results in obligations for line departments relating to maintenance and management. The creation of public structure therefore needs to be approached in a manner that is cognisant of the constraints and abilities of the public authority, particularly if they are under-resourced and under-capacitated. Failure to do so will set a project up for failure and create expectations within a community that cannot be realised or maintained in the long term.

This emphasises the fact that line departments need to be more actively involved in the design and planning of public structure. This is particularly important as certain design decisions have implications for post-implementation maintenance and management, and these only become evident after completion of the project. When more innovative, multipurpose public structure elements (such as public spaces) are conceived, it needs to be clear who is responsible for maintenance (ie which departments, spheres, community groups, etc), and the identified asset owner needs to be resourced in terms of both finances and skills to fulfil these obligations. Proposals that work broadly within these parameters are most likely to succeed in the long term.

The review of the Quality Public Spaces and Dignified Places Programme projects (NMA et al, 2010) concluded that post-implementation management is one of the key factors that determine the success of individual projects. The programmes need to be positively reinforced through an increased focus on cleanliness, maintenance, safety and security, and infrastructure, all of which imply a greater management responsibility for individual line departments. The review also shows that where no ownership is taken by the local community, there is rapid neglect of the public environment and a lack of respect of the public realm by local communities, which results in vandalism and the destruction of public property.

The critical issue of ownership and responsibility is also evident in the Joe Slovo informal settlement upgrade. Here, it was not clear which departments would need to take responsibility for ongoing care and maintenance of public structure components after the project was completed. There has been an ongoing debate among the spheres and departments. There are also concerns that the open spaces

intended for communal use might become contested by the local community, as ownership is ambiguous and the right to use these spaces for personal benefit has not been defined. This is likely to require ongoing negotiation that could become a further administrative burden for the City.

The City of Cape Town has now established a protocol whereby public spaces are only provided if a maintenance programme is signed off by the line department or asset owner. This in itself has some negative effects in that the establishment of new public spaces is held back until there is maintenance funding and agreements are in place; however, it also prevents the production of degraded public spaces.

Development norms and standards can prohibit change

From a legal perspective, accountability and consequently liability often revolve around compliance with norms and standards (many of which seek to formalise and eradicate informality). These standards can become rigid constraints on the delivery of utilities and elements of public structure. For example, in some instances grants and funding are linked to predetermined design standards. The challenge with prescriptive development standards is that they are inflexible, and standard utility-orientated development solutions create sterile environments that are not always sensitive to the needs of the community.

While norms and standards outline the minimum requirements for development, there are avenues for innovation and compliance through rational design. Rational design involves developing a creative response to a particular design challenge and then presenting this solution as a logical series of arguments. A departure from norms and standards, however, makes the designer professionally and personally accountable for design faults and unforeseen consequences, a situation that makes most designers and decision-makers working in and for the City reluctant to explore alternatives that deviate from the norm.

Not only is it challenging for the majority of officials to accept rational design and innovative technologies for implementation purposes, but also the long-term operational implications of nonconforming solutions often only become apparent sometime after implementation and consequently become a burden for line departments. This is particularly challenging when considering urban management at a more strategic level, where bespoke solutions are not easily extendable or replicable within the city or neighbourhood at large. This can have significant implications for service delivery. Ultimately the local authority shoulders the risk, which in many cases has financial implications that may further hamper its ability to deliver services effectively.

During the Monwabisi Park upgrading process, extensive engagement with line departments on the technical aspects of the reconfiguration plan took place. In a number of instances, the consultants experienced resistance to the Spatial Reconfiguration Plan, as the plan did not comply with formal regulations and

technical requirements for service delivery. At the time of writing, the team is working on resolving the technical issues with the intention of having a development plan formally approved. In the interim, the work undertaken by Sustainable Urban Neighbourhoods has facilitated the delivery of utility infrastructure and services, including electricity and water. At the same time, issues related to legal and administrative land tenure are being looked at in greater detail.

One means of addressing this challenge is to establish a register of nonconventional solutions that have been tried and tested, and to develop a unique protocol for public structure delivery in low-income housing development. This will help to disseminate knowledge within the organisation and provide a basis for the review of norms, standards and policies. It would also be prudent to test particular solutions so that, if they are not successful, more conventional strategies can be implemented subsequently.

The way forward

While the philosophical basis for the refocusing of public resources on the delivery of a public spatial system has been around for some time, there are few informal settlement upgrade projects, if any, that fully demonstrate the transformative power of such an approach. The reasons for this are complex, and include, among others, a lack of political will, a limited skills base, sectorally organised local government, entrenched and often legislated modes of practice, as well as prescriptive, inflexible funding instruments.

In the case of Cape Town, it is important that the public structure approach is not misinterpreted as a means by which the state is able to retreat from its obligations to facilitate access to dignified housing opportunities for low-income communities. In fact, it is actually a much more difficult and engaged approach, which calls for a focus on public intervention, in an integrated manner, into those elements of the city that offer the greatest impact, and where the state's core responsibilities are located.

While the tools and instruments required to facilitate the positive participation of community-based partners in the incremental agenda have not been refined, and the approach in Cape Town has tended to be undertaken on a case-by-case basis, there is hope that the approach taken by the City to incrementalism and partnerships can nonetheless be institutionalised in South Africa, starting with the establishment of public structure.

It is acknowledged that refocusing on public structure alone will not translate into the physical transformation of informal settlements overnight, but it could offer a valuable starting point. Coupled with institutional reform that breaks apart the silo nature of local government departments, area-based management practices, and with shifts in mindsets towards greater acceptance of informality (and its aesthetic),

the public structure approach offers cities new tools for grappling practically with informal settlement upgrading outside of the housing delivery paradigm.

References

Behrens, R. & Watson, V. 1996. *Making Urban Places*. Cape Town: UCT Press.

Crane, D. 1960. 'The dynamic city'. *Architectural Design*, 30 (4): 158–162.

CSIR (Council for Scientific and Industrial Research). 2000. *Guidelines for Human Settlement, Planning and Design*. Pretoria: CSIR.

Dewar, D. & Ellis, G. 1979. *Low Income Housing Policy in South Africa*. Cape Town: Citadel Press.

Dewar, D. & Todeschini, F. 2004. 'The street as pre-requisite open space: Current South African settlement practice and the need for a paradigm shift'. *Proceedings of the Open Space: People Space Conference*, Edinburgh, October.

Dewar, D. & Uytenbogaardt, R.S. 1991. *South African Cities: A Manifesto for Change*. Cape Town: Urban Problems Research Unit, University of Cape Town.

DHS (Department of Human Settlements). 2004. *Breaking New Ground. Comprehensive Plan for Housing Delivery*. Pretoria: DHS. Available at: www.westerncape.gov.za/Text/2007/10/bng.pdf, accessed 25 June 2013.

FFC (Financial and Fiscal Commission). 2012. *Building an Inclusionary Housing Market: Shifting the Paradigm for Housing Delivery in South Africa*. Pretoria: FFC. Available at: www.ffc.co.za/index.php/media-a-events-interactive/public-hearings/housing-finance, accessed 25 June 2013.

Fiori, J., Xeca, B., Hernandez, F., Kellet, P. & Allen, L.K. 2009. 'Spatial strategies and urban social policy: Urbanism and poverty reduction in the favelas of Rio de Janeiro'. In: Hernandez, F., Kellet, P. & Allen, L.K. (Eds.), *Rethinking the Informal City: Critical Perspectives from Latin America*. New York: Berghahn Books.

HSRC (Human Sciences Research Council). 2013. *Race, Class and Housing in Post-Apartheid Cape Town*. Cape Town: HSRC Press. Available at: www.hsrc.ac.za/en/review/november-/race-class-housing, accessed 24 June 2013.

Huchzermeyer, M. 2003. 'A legacy of control? The capital subsidy for housing, and informal settlement intervention in South Africa'. *International Journal of Urban and Regional Research*, 27 (3): 591–612.

Jürgens, U., Donaldson, R. & Bähr, J. 2013. 'Townships in South African cities: Literature review and research perspectives'. *Habitat International*, 39: 256–260.

Krier, L. 1984. 'Houses, palaces, cities'. *Architectural Design* 54 (7/8) (whole issue).

Lynch, K. 1981. *Good City Form*. Cambridge: MIT Press.

Mammon, N., Ewing, K. & Patterson, J. 2008. *Challenges of Inclusive Cities: Making Urban Spaces and Places for All*. Trade and Industrial Policy Strategies (TIPS) as part of the Second Economy series. Pretoria: Urban LandMark. Available at: www.tips.org.za/files/2E_Mammon_etal_inclusivecities_Nov08.pdf, accessed 10 September 2013.

NMA (NM and Associates), Tarna Klitzner Landscape Architects & Resources for African Innovations for City of Cape Town. 2010. *Quality Public Spaces: Programme Evaluation*. Report No. 004. Final Report prepared for the City of Cape Town.

NPFA (National Playing Fields Association). 2000. *Best Play: What Play Provision Should Do for Children*. London: National Playing Fields Association. Available at: www.playengland. org.uk/media/202623/best-play.pdf, accessed 26 June 2013.

Parnell, S, Pieterse, E. & Watson, V. 2009. 'Planning for cities in the global South: An African research agenda for sustainable human settlements'. *Progress in Planning*, 72 (4): 195–250.

Rowe, C. 1982. 'Program vs paradigm: Otherwise casual notes on the pragmatic, the typical, and the possible'. *Cornell Journal of Architecture*, 2: 8–19.

Simone, A. 2010. 'Infrastructure, real economies and social transformation: Assembling the components for regional urban development in Africa'. In: Pieterse, E. (Ed.), *Urbanisation Imperatives for Africa: Transcending Policy Inertia*. Cape Town: African Centre for Cities. Available at: africancentreforcities.net/publications/8/, accessed 10 September 2013.

Wakely, P. & Riley, E. 2010. *The Case for Incremental Housing. CIVIS Special Issue*. World Urban Forum 5. Available at: www.citiesalliance.org/sites/citiesalliance.org/files/CIVIS_3_ English.pdf, accessed 10 September 2013.

Chapter 8

An uneasy symbiosis: Mining and informal settlement in South Africa, with particular reference to the Platinum Belt in North West Province

Margot Rubin and Philip Harrison

The unequal symbiosis between mining and informal settlement in South Africa was revealed with an extreme intensity by the killing of 34 miners near the Lonmin platinum mine at Marikana in August 2012. In the aftermath there was finger-pointing, but also more serious attempts at comprehending the roots of the conflict.[41]

The growth of informal settlement along the mining belt, and the associated deprivation, was soon identified as an underlying cause. The Bench Marks Foundation, for example, stated that '[t]he benefits of mining are not reaching the workers or the surrounding communities. Lack of employment opportunities for local youth, squalid living conditions, unemployment and growing inequalities contribute to this mess' (*Business Report*, 2012).

The protesting miners had, in fact, come mainly from the Nkaneng informal settlement near Marikana, rather than from mining compounds, the traditional place of mine worker accommodation. The reason given for the growth of informal settlement was the living-out allowance provided to workers by mine companies, while the Mining Charter of 2002—which committed companies to upgrading compounds to family accommodation—was identified as the catalyst that had prompted employers to extend the use of this allowance (Bench Marks Foundation, 2007; Chaskalson, 2013; Creamer, 2013; Hargreaves, 2013; South African Government News Agency, 2013).[42]

---

41 The official investigation into the events at Marikana is the responsibility of the Marikana Commission of Inquiry appointed by President Zuma, but there have been numerous media and other commentaries on the roots of the conflict.

42 There are different slants to the story. Deputy President Kgalema Motlanthe, for example, slated the mining companies, arguing that they had caused the problem through the use of the living-out allowance, while veteran mining journalist Martin Creamer argued that it was state pressure on mines to move away from migrant labour that had compelled the companies to introduce the allowance in the first place (Creamer, 2013; South African Government News Agency, 2013).

This chapter acknowledges that the growth of informal settlements, along with the poor living conditions associated with these spaces, was central to the drama that led to Marikana, and that the living-out allowance has played a role in the process.[43] The chapter has three main lines of argument relevant to the issue of informal settlement upgrading in mining areas. The first is that there is a longer and more complex history of informality and mining than recent commentators have suggested, which makes dealing with informal settlement extremely difficult. The transition away from mining compounds began at least as far back as the 1980s, and other factors, including the use of subcontracted labour, the impact of forced relocations, farm worker resettlement and the ways in which the formal property market have operated, have played a role in the accommodation choices of miners and the origins of informal settlements. The second is to add nuance and texture to our understanding of the growth of informal settlements and their connection to mining and mineshafts and to show that responses, especially by the state, have historically been hampered by a lack of useful instruments and programmes. More recently, difficulties in negotiating with traditional authorities, on whose land many informal settlements lie, has also had consequences for the living conditions of poorer people on the mining belt. The third line of argument is to add a word of caution, which is to say that local conditions along the Platinum Belt or any mining area cannot be generalised to other mining areas in South Africa, as they are the product of a particular convergence of geographic and temporal factors.

The chapter starts with discussion of the international context in which the events in South Africa should be viewed, showing the strong association in many parts of the world—and in Africa especially—between mining and informality, but also the diversity of this association. The chapter then draws on data from the 1996, 2001 and 2011 census years to contextualise the development of informal settlement on the Platinum Belt in North West Province within processes of change in mining areas across South Africa.[44] As far as the authors are aware, this is the first time such mapping and the use of census data for the area has been used. Unfortunately, due

---

43 A living-out allowance is defined as 'a set amount paid to employees who prefer to provide their own accommodation rather than being accommodated in mine residences' (Gold Wage Negotiations, 2013).

44 South Africa's Platinum Belt contains most of the world's known platinum reserves. It extends in a circular form through the Bushveld Igneous Complex, along the Merensky and UG2 reefs. Platinum mines are concentrated in two segments of the reef. The most productive segment is the western limb of the reefs, contained mainly in North West Province, which includes the mines around Rustenburg, Marikana, Royal Bafokeng traditional authority areas, Northam and Crocodile River. The eastern limb extends through parts of Limpopo and Mpumalanga Provinces, and is more recently developed.

to the limitations of the data, which are only available at the sub-place level, the nuance has been difficult to gauge. This is followed by a more detailed examination of the Platinum Belt story and demonstrates the importance of locality-specific factors, including the association between informal settlement growth and the development of new shafts within particular mines. The chapter concludes by discussing existing and potential policy responses that could be used to assist in addressing the living conditions within informal settlements.

International context and South African comparisons

The association between informal settlement and mining is hardly new; many cities, including Kimberley and Johannesburg in South Africa, started out as shantytowns. The exploitation of finite resources is often associated with a sense of transience and with settlements that are temporary and informal in character. Mining towns in their boom phase generally have a shortage of formal accommodation, with high median prices for the limited supply, forcing the less-well-paid miners into informal or quasi-formal accommodation (Bradbury, 1985; Lawrie et al, 2011). In Canada and Australia, for example, many miners live in transitory work camps, often supported by a living-out allowance (Carrington & Hogg, 2011; Kemmick, 2008). The conditions in this same-sex, or male-majority, accommodation vary significantly but are generally typified by communal living spaces and basic service provisions, with frequent links to social and health pathologies (Carrington et al, 2010; Northern Health, 2012). There are obvious similarities here with the South African context— and it is important to note the commonalities across contexts—but clearly nothing in these countries compares with the scale and ruthlessness of South Africa's historical system of migrant labour, and the squalor of informal accommodation in the post-compound era.[45]

The nature of the mining–informal settlement link takes multiple forms across contexts internationally, and across the life cycle of the mining enterprise. This was revealed, for example, in a special edition of the *Journal of Contemporary African Studies* in 2012, which focused on urbanisation and mining in Africa. The editors distinguished between small-scale artisanal mining and large-scale corporate-driven mining. In countries such as Tanzania and Ghana, shantytowns have emerged as artisanal miners have flocked to newly discovered mineral fields, although these informal settlements often decline or vanish when large corporates move in and take control of the mining. In areas of civil conflict, including Angola and Sierra Leone, mining is frequently linked to illegal production and smuggling, and is also

---

45 For an account of the complicity of the migrant labour system in the circumstances surrounding the Marikana massacre, see Manuel, 2013.

associated with informal settlement (Bryceson et al, 2012; Gough & Yankson, 2012; Maconachie, 2012; Rodrigues & Tavares, 2012).

Where large companies have been dominant from the beginning, worker accommodation has often been provided as a strategy to maintain control of the workforce, and informal accommodation is the exception. However, over time the role of the mining company in worker accommodation may change, with the company withdrawing from direct provision (Bryceson & MacKinnon, 2012). This latter process is common in southern Africa, including Zambia, Zimbabwe, Botswana and South Africa. In Zambia, mining companies operating along the Copperbelt built new modern cities with formal accommodation and high-quality services, but withdrew from direct involvement in provision of accommodation and urban development from the 1970s. The Copperbelt cities now take on the appearance of sprawling informal villages (Mususa, 2012).

In Zimbabwe, from the 1980s onwards, mining companies—under pressure from a declining national economy and an indigenisation policy—either closed down or reduced their involvement in housing and worker welfare. The infrastructure of mining towns deteriorated, and was unable to cope with the influx of households who were dislodged from larger cities by state-driven clean-up campaigns such as Operation Murambatsvina (2005). Mining settlements took on the appearance of being 'one large informal cesspool of everything' (Moyo, 2010, cited in Kamete, 2012: 601). Even in better-governed Botswana, informal settlements sprouted around some of the mining towns, and state and company provision of housing did not keep pace with population influx (Gwebu, 2012).

The South African case has its own specificity, but has also involved the partial withdrawal of mining companies from direct provision of accommodation. The compound system, which developed first on the Kimberley diamond fields in the 1860s, allowed mining companies, in complicity with the colonial state, to sustain the system of migrant labour and maintain a tight level of control over the workforce. The system was replicated on the Witwatersrand goldfields and in other mining districts, and was successfully maintained until about the 1970s (Buhlungu & Bezuidenhout, 2010; Macmillan, 2012).

From about the mid-1970s the system was gradually eroded. The so-called faction fighting on the mines raised concerns within the mining companies about the effects of concentrating labour in large compounds.[46] During this time, a small number of mining companies began tentatively exploring alternatives to the compounds. Gradually mining companies permitted a percentage of their workforce

---

46 Faction fighting in South Africa was seen as violent conflict between groups holding different aims, ideologies and interests and was overlaid by issues of ethnic identities and political party loyalties (Ndabandaba, 1990).

to live in township houses, while draconian controls in the hostels were progressively relaxed (Macmillan, 2012). As the state lost the capacity to regulate influx control, miners were able to bring their families into the vicinity of the mines—often into newly emergent informal settlements. In 1986, influx control was abolished and this process accelerated (Buhlungu & Bezuidenhout, 2008).

In 1982, the National Union of Mineworkers (NUM) was formed and from the mid-1980s it adopted a successful strategy of 'capturing' control of the mine compounds. In the late 1980s there was a spate of (often violent) strikes, largely organised from within the compounds.

The situation from the mid-1980s onwards added a degree of urgency. As Crush (1992: 390) put it, 'by allowing a proportion of the workforce to live outside the compounds, the companies hoped to fragment workers and thus to limit union solidarity and organisational capacity'. In 1986, Anglo American Corporation experimented with home ownership but this proved to be of limited value in a context where ownership remained far beyond the reach of the overwhelming majority. Unable to afford formal housing, miners turned rather to informal settlement and other forms of accommodation, including backyard rental (Buhlungu & Bezuidenhout, 2010).

From the early 1990s, mining companies began trialling living-out allowances, a strategy that allowed them to withdraw further from direct housing provision without alienating the workforce and the unions (Crush, 1992).[47] The larger political environment, which included the unbanning of the African National Congress (ANC) and the beginning of multiparty negotiations, 'emboldened' the unions, and their increasing demands on the mining houses prompted further corporate strategising and a reorganisation of the workforce. Initially, non-core functions such as cleaning and security were outsourced, but from the mid-1990s onwards core mining activities were also outsourced, with many mines having a mix of directly employed and subcontracted miners. Subcontracted workers had less job security, were less likely to be unionised, and could be dismissed more easily. Importantly, their welfare and housing needs were not the legal responsibility of the mining companies, and subcontracted labour was thus more likely to live in non-compound accommodation, including informal settlements (Buhlungu & Bezuidenhout, 2010). By the mid-1990s almost all mining companies had in one way or another reduced their reliance on compounds, and this process continued into the 2000s (Hamman, 2004).

Crush and MacDonald (2000) also observed during this period the growth of informal settlements around the mines, pointing to the effect of subcontracting.

---

47 NUM's opposition to the living-out allowance at this time had to do with the amounts offered rather than with the principle of providing an allowance in lieu of compound accommodation.

Buhlungu and Bezuidenhout (2010) have taken the wider view, describing the ongoing shift 'from compounded to fragmented labour', which has progressively unravelled local geographies of apartheid. They refer not only to the growth of informal settlements, but also to the diversity of living arrangements that followed the decline of compounds, including township houses, Reconstruction and Development Programme (RDP) houses, rented flats, formal and informal backrooms, and so forth.

In the post-apartheid era there have been major changes to the regulatory regime for mines, with the Mineral and Petroleum Resources Development Act (MPRDA, No. 28 of 2002), transferring ownership of mineral rights to the state, and companies having to apply (or re-apply) for mining rights and renegotiate the terms of their lease agreements with the state. There has also been a process of social compacting between state, labour and mining firms, which led to the Mining Charter (Department of Minerals and Energy, 2002), and which committed companies to either abandoning single-sex compounds or upgrading them as family accommodation. Limited upgrading did, in fact, occur after the signing of the charter, but most companies avoided responsibility for miners and their families by extending the use of the living-out allowance. The charter was, arguably, a significant further development in a process that was well under way, rather than a major turning point.

The apparent link between informal settlement growth and the living-out allowance was 'discovered' before the Marikana massacre. Hamman (2004) reported on the rapid growth of informal settlement, from around the time of the Mining Charter, while the Department of Mineral Resources (2009: 13) indicated in a formal assessment of progress measured against the requirements of the charter that 'the unintended consequence of the living-out allowance was the proliferation of informal settlement'.

The Marikana massacre came, nevertheless, as a profound shock, and has prompted mining companies to reconsider the living-out allowance (see for example Lonmin, 2013) and focused the attention of many government departments on mining areas and especially the mining belt.[48] The Department of Human Settlements, for example, has introduced a Mining Towns in Distress Programme (Kota-Fredericks, 2013).[49]

The new attention given to mining areas must be welcomed, but there does need to be more than a knee-jerk reaction; what is required is a careful consideration of the general and specific trends in informal settlement growth in the mining areas of South Africa, and policies that respond appropriately to these processes.

---

48 As evident from discussions by the authors of the present chapter with officials from the Department of Human Settlements, the Department of Economic Development, the National Treasury and the National Planning Commission.

49 The focus of the programme is on informal settlements but details of its contents have yet to be provided.

Facts and figures

The 'facts and figures' do not substantiate a story of a generalised explosion in the number and size of informal settlements around mines since either the end of apartheid or the creation of the Mining Charter. They point instead to a very modest aggregate increase in the total number of households in mining districts living in shacks, and a decline in proportional terms. They do, however, point to large differentiation between mining districts, with a clear association between demand for accommodation, both formal and informal, and the growth of the platinum sector, which will be discussed in the following section.

To give a sense of the generalised patterns, the following regions in South Africa are examined as areas that are largely dependent on mining as a source of economic output and employment:[50]

- the goldfields of the far West Rand, extending to Klerksdorp in North West Province (the local municipalities of the City of Matlosana, Randfontein, Westonaria and Merafong)
- the goldfields of the northern Free State (the local municipalities of Masilonyana and Matjhabeng)
- the coal mining complex on the Mpumalanga highveld (the local municipalities of Lekwa, Govan Mbeki, Emalahleni and Steve Tshwete)
- the Platinum Belt of North West Province (the local municipalities of Madibeng, Rustenburg, Kgetlengrivier and Moses Kotane)
- mining districts of Limpopo Province, and the adjacent Mpumalanga lowveld, including Phalaborwa, Waterberg and Sekhukhuneland (the local municipalities of Ba-Phalaborwa, Thabazimbi, Lephalala, Fetakgomo and Greater Tubatse)
- mining towns of the Northern Cape (the local municipalities of Ga Sekonyana, Nama Khoi, Kamiesburg, Richtersveld, Khai Ma, Tsantsabane, Gamagara and Dikgatlong)
- the coalfields of northwestern KwaZulu-Natal (the local municipalities of Emadlangeni and Dannhauser).

---

50 These mining areas were identified on the basis that mining there generally contributes more than 20 per cent directly to Gross Value Added, with many multiplier effects in addition. There are other areas with mines, but the economy of these areas is not dependent on mining (for example the City of Ekurhuleni and Mogale City in Gauteng, which now have diversified economies). In these municipalities it is impossible to disaggregate the effects of mining on informal settlements vis-à-vis the effects of changes in other sectors.

Figures 8.1 and 8.2 indicate the absolute numbers of households in these regions living in informal residences for the census years 1996, 2001 and 2011, and the proportion of households living informally.
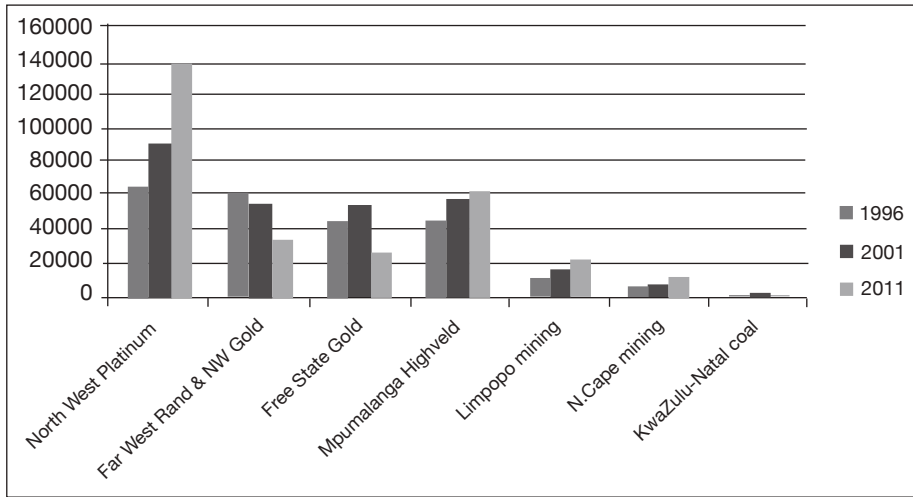
Figure 8.1: Number of households living in informal residences (backyard shacks and informal settlements) in the years 1996, 2001 and 2011
Source: Authors, based on census data from Quantec, 2013.
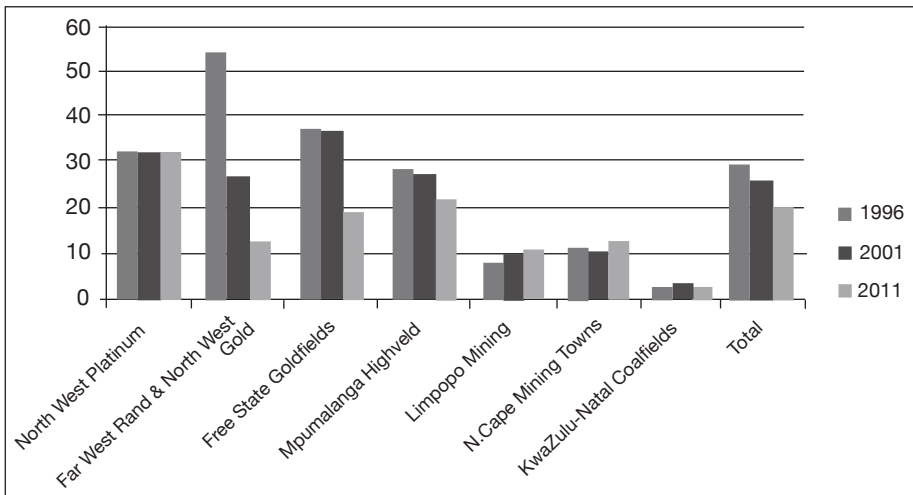
Figure 8.2: Proportion of households living in informal residences (backyard shacks and informal settlements) in the years 1996, 2001 and 2011
Source: Authors, based on census data from Quantec, 2013.

The census data challenge emergent conventional wisdom in a number of respects. First, it is clear that informal settlement around mines is not a product of post-apartheid processes, and certainly not of the Mining Charter. In 1996, at the dawn of the post-apartheid era, nearly 30 per cent of households in mining-dominated municipalities were informally housed. The proportions were especially high on the goldfields, on the Platinum Belt and around the coal mines of the Mpumalanga highveld. They were low only in the more isolated, and relatively minor, mining districts of Limpopo, Northern Cape and KwaZulu-Natal.

Second, in aggregate terms there has been a proportional *decline* in the numbers of households living informally in mining-dominated municipalities, which also follows national trends. Between 1996 and 2011, the percentage of informally housed households dropped from 29,2 per cent to 20,1 per cent, while the absolute numbers of informally housed households increased only marginally from 232 877 to 295 768. The major reason for this is that mining in South Africa performed poorly during this period, with Gross Value Added in this sector growing at a marginal 0,08 per cent per annum, and so mining areas have generally not attracted large numbers of new migrants. In some areas, also, there has been a large increase in formal, mainly RDP-type, housing, and this has significantly exceeded the growth in the number of shacks.

There is, however, enormous variation between regions. The gold mining regions of Gauteng, North West and Free State have experienced sharp proportional and absolute declines in the numbers of households living informally. The gold mining industry has contracted sharply in the post-apartheid era, with large numbers of mine closures and retrenchments. While the overall population of these areas has continued to increase, the numbers living informally have been reduced, as the poorest households have been disproportionately affected by mine closures and have had the opportunity to move into RDP houses.

The coalfields of the Mpumalanga highveld have seen continued, albeit slow, growth in informal residence but a gradual decline in proportional terms. Around the mines of Limpopo and Northern Cape there has been an absolute and proportional growth in informality, although off a low base. If not adequately managed in terms of accommodation and related services, an area such as the Waterberg may emerge as the site of the next wave of informal settlement growth.

The big story is the North West Platinum Belt. Here there has been a massive absolute growth in informal settlement, with acceleration in the rate of increase since the 2001 census. The number of enumerated households living informally in this region increased by 116 per cent between 1996 and 2011, which amounts to an increase of 75 785 informally housed households.

This scale of increase is significant, even in national terms, but in proportional terms the contribution of informal residence to total accommodation on the North West Platinum Belt has remained virtually unchanged since 1996, remaining at around

30 per cent of the total. In other words, the growth in the number of households in informal settlement has almost exactly tracked the growth in the total number of households. The accelerated growth in informal settlement since 2001 has to do with the accelerated growth in the population of the Platinum Belt overall, with no evidence that there has been a notable change in the composition of the growth in terms of accommodation type.

A further point relates to the growth of backyard shacks in relation to freestanding informal settlement. Overall, the growth of households living in backyard shacks in mining districts has been noticeably higher than the growth in the number of households living in freestanding informal settlements—a 39,4 per cent increase between 1996 and 2011 for backyard shacks compared with 21,4 per cent for informal settlements. However, the proportionate growth in backyard shacks has been driven by change in one municipality only—Rustenburg. Without this municipality, the growth in backyard shacks would have been only 20,6 per cent.

We turn now to a more detailed account of the processes that have shaped the development of informal settlement on the Platinum Belt in North West Province.

Informal settlement on the Platinum Belt

By 2009, platinum production had overtaken gold as the most valuable mining activity in South Africa. The locus of mining production had shifted from the Witwatersrand in Gauteng to the Rustenburg area in North West Province (Macmillan, 2012).

The development of the Platinum Belt happened rather differently from that of the Witwatersrand goldfields. While the platinum reef had been discovered in the 1920s, the development of the Platinum Belt happened mainly from the 1960s and almost entirely within the borders of the old Bantustan territory of Bophuthatswana, which affected how land, labour and law were handled. A submission by the Congress of South African Trade Unions (Cosatu) to the Truth and Reconciliation Commission noted that, within the Rustenburg platinum sector,

> Rusplats [one of the major mining companies] recognised NUM as representatives of workers employed on the South African side of the border, but refused to recognise it in respect of those workers employed in Bophuthatswana. The result was a lack of ability for the miners in the Bantustan to engage in collective bargaining and [they] had less power to negotiate around living conditions, housing and accommodation. (Cosatu, 1997)

Almost as soon as the platinum mines were established, the shift away from the historical compound system began. However, single-sex hostels were still built and operated by the mines well into the 1990s, with the majority of miners still housed

in these hostels, although families of mine workers often stayed in the surrounding informal settlements, which accounted for 30 per cent of the population by 1996 (Capps, 2010; Hamman, 2004; Macmillan, 2012; Mnwana, 2011)

A particular feature of the Platinum Belt that differentiates the area from other regions such as the Witwatersrand and the Free State, for example, is that the land is administered by a traditional authority, the Royal Bafokeng Nation (RBN), which receives annual royalties from mining companies, and which operates its own sovereign wealth fund.[51] Previously, this authority fell under the jurisdiction of the Bophuthatswana government, but it is now within the jurisdiction of the North West provincial government and various district and local municipalities. The RBN remains, however, a powerful entity and has a complex relationship with other authorities (see Capps, 2010, for a fuller discussion).

In spatial terms, informal settlement was initially shaped by the presence of land administered under traditional authority. Residents in the rural villages surrounding the mines were able to rent out portions of their homes and land to miners as a way of earning an income. A complex set of dynamics emerged between the original occupants and renters, which related to their different national, ethnic, occupational and political affiliations and profiles (Capps, 2012; Chinguno, 2013; Mnwana, 2011).

Changes prior to 1996

Tracking the full evolution of the Platinum Belt's fragmented development, pre-1996, is beyond the scope of this chapter and requires detailed investigation. As Figures 8.1 and 8.2 show, informal settlement did exist in significant proportional and absolute terms on the Platinum Belt before the 1996 census, but gaining a sense of these earlier trends is complicated by the division of the area into administration by the South African government and by a previous Bantustan government, the Republic of Bophuthatswana, which could not be described as diligent in its collection of demographic data.

The 1980 Bophuthatswana population census, a rare find, whose data on housing are shown in Figure 8.3, suggests that the vast majority of the population in the region lived in either a stand-alone house or a traditional hut, with small minorities in 'hostels' or 'other types of dwellings'. This may suggest that informal settlement emerged largely in the post-1980 era, but we cannot draw any definitive conclusion on this, as the Bantustan census raises questions about categorisation of dwelling types (for example, distinguishing between a traditional dwelling and an informal dwelling).

---

51 The RBN own some 1 200 km^2 of land in North West Province under which lies part of the Merensky Reef. More to the point is that the RBN has had some type of land and mineral rights since the early 1950s (Cook, 2011).
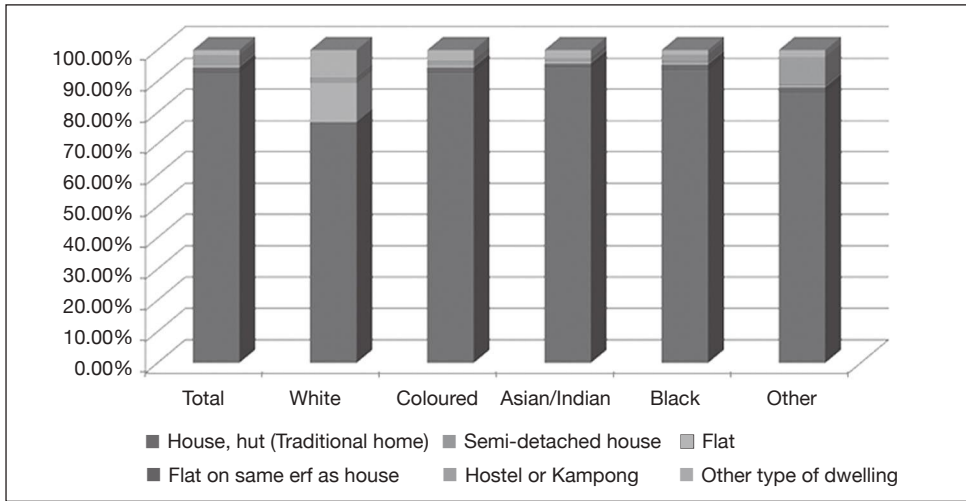
Figure 8.3: Dwelling type by race as a percentage, Bophuthatswana Census, 1980
Source: Authors, based on data from Stats SA, 2004.

The situation in the region by 1996, however, is indicated in Figures 8.4 and 8.5. The highest rate of residence in informal settlements (Figure 8.4) was along the Platinum Belt, and especially in areas of traditional authority around mines such as Marikana, Impala Platinum (Implats) and BRPM where informal residences accommodated over 50 per cent of households. The only other part of North West Province showing similar levels of informal settlement was in the south, in the goldfields around Klerksdorp and Potchefstroom.

Backyarding was also well established by 1996 (Figure 8.5) but the highest prevalence of backyarding (30 per cent and above) was in the nearby hinterland, slightly removed from the land under mine ownership. There was a mix of backyarding and traditional dwellings, indicating that residents in areas of traditional authority were renting shacks to miners and their families. Significantly, there was very little backyarding in the goldfields, which are distant from land under traditional authority (Mnwana, 2011).

The strong presence of informal residences by 1996 challenges the perception that this phenomenon had its origins in the 1990s, with the move away from compounds. There is a longer and more complex history to this process. A more detailed look at particular informal settlements confirms the argument that the phenomenon of informal settlement on the Platinum Belt prefigured the ending of apartheid and the introduction of the living-out allowance. The now (in)famous Nkaneng informal settlement at Marikana had its origins in the 1960s as the Wonderkop resettlement camp, as the apartheid government sought to consolidate African occupation within Bantustan boundaries. Although much of the subsequent growth of the settlement has been linked to mining, its origins were not mining-specific (see Akileswaran, 2005).

Figure 8.4: Percentage of informal dwellings in informal settlements per sub-place, 1996 Census

Source: Authors, based on census data from Quantec, 2013.

Figure 8.5: Percentage of backyard dwellings per sub-place, 1996

Source: Authors, based on census data from Quantec, 2013.

Freedom Park, a large informal settlement near the Implats mine, was established in the 1980s when women set up shacks to sell liquor to mine workers. The shacks were continually demolished by the police but always rebuilt and, when the raids ceased in 1994, the settlement was symbolically named Freedom Park by its relieved occupants. The settlement grew as a place of family accommodation, an alternative to single-sex hostels, and as a shelter for non-South African migrants coming from countries such as Mozambique, Lesotho and Swaziland. The Boitekong informal settlement in the vicinity of Rustenburg was established in 1992 shortly before the ending of apartheid, initially by households moving off the farms, although it, too, expanded as families of mine workers arrived (see Akileswaran, 2005).

These informal settlements had a very different character from the Bafokeng villages in the area, which were still largely traditional in appearance, but as the villagers rented out backyard accommodation to newcomers, distinctions blurred.

Although it is difficult to provide clear empirical evidence, it can be argued that the growth of the informal settlements around the mines, established before the mid-1990s, and also of the backyarding, was spurred on by the early attempts of mine owners to reduce their employees' reliance on hostel accommodation. Within a decade, Anglo Platinum had reduced employee residence in hostels by two-thirds, and Lonmin and Samancor had reduced it by half. The greatest reduction was in the case of Impala Platinum, where numbers of hostel residents declined from 80 000 to 10 000, but this was in the context of an overall reduction of direct employees to 24 000, partly through increased subcontracting (Hamman, 2004).

Changes 1996–2001

From the time of the 1996 census to the 2001 census, there was a sharp overall increase in the numbers of residents living within informal settlements and backyard shacks along the western limb of the Platinum Belt. However, as indicated above, the percentage of households within informal dwellings remained roughly the same. Rustenburg's total population was growing at an average of 5,9 per cent per annum, well above the national average of 1,8 per cent, and even significantly above the 3 per cent average for South Africa's large city regions (CSIR, 2013). The growth of informal settlements in Rustenburg local municipalities, and in some of the surrounding municipalities, was tracking (not exceeding) the overall population growth.

The overall figures do, however, obscure some of the variation in spatial trends internal to the Platinum Belt, and so the section below aims to provide more information about the spatial texture of this area (see Figures 8.6 and 8.7).

In the period 1996–2001 (Figure 8.6) there was a decline in the percentage of households living in informal settlement in parts of the region, including around the Marikana and Impala Platinum mines, with compensating growth happening closer to the town of Rustenburg and in other scattered locations. There was a strong

Legend

Subplace
Boundaries

Change in %
Informal 1996-2001

- 81 - 100%
- 61 - 80%
- 41 - 60%
- 21 - 40%
- 1 - 20%
- -9 - 0%
- -19 - -10%
- -39 - -20%
- -41 - -40%
- -42%

— National Roads
• 1980 Mines

Graniet Mine

Western Platinum Mine
Western Platinum Mine
Chrome Mine
Buffelsfontein Chrome Mine
Mamba Chrome Mine

Brakspruit Mine
Brakspruit Mine
Kroondal Chrome Mine
Rustenburg Chome Mine

Frank Platinum Mine
Waterval Mine

Wildebeesfontein Mine
Wildebeesfontein Mine
Wildebeesfontein Mine
Townlands Platinum Mine
Frank Platinum Mine

Impala Platinum Mine
Boekenhoutfontein
Impala Platinum Mine
Wildebeesfontein Mine
Wildebeesfontein Mine
Townlands Platinum Mine
Waterkloof Chrome Mine
Kroondal Chrome Mine

Impala Platinum Mine
Boekenhoutfontein Chrome Mine

Figure 8.6: Change in percentage of informal dwellings in informal settlements per sub-place between 1996 and 2001
Source: Authors, based on census data from Quantec, 2013.
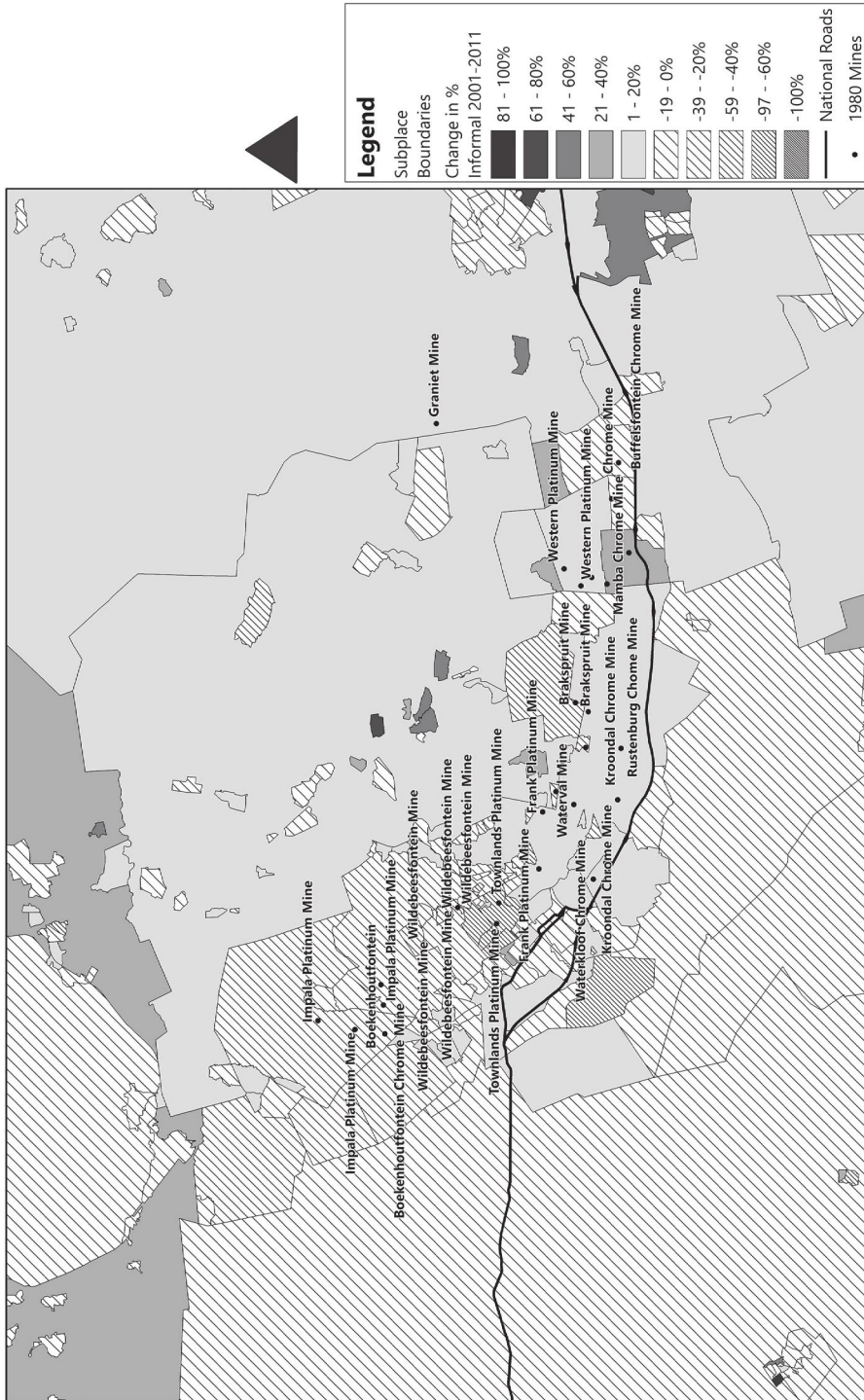
Figure 8.7: Percentage change in informal dwellings in informal settlements by sub-place, 2001–2011

Source: Authors, based on census data from Quantec, 2013.
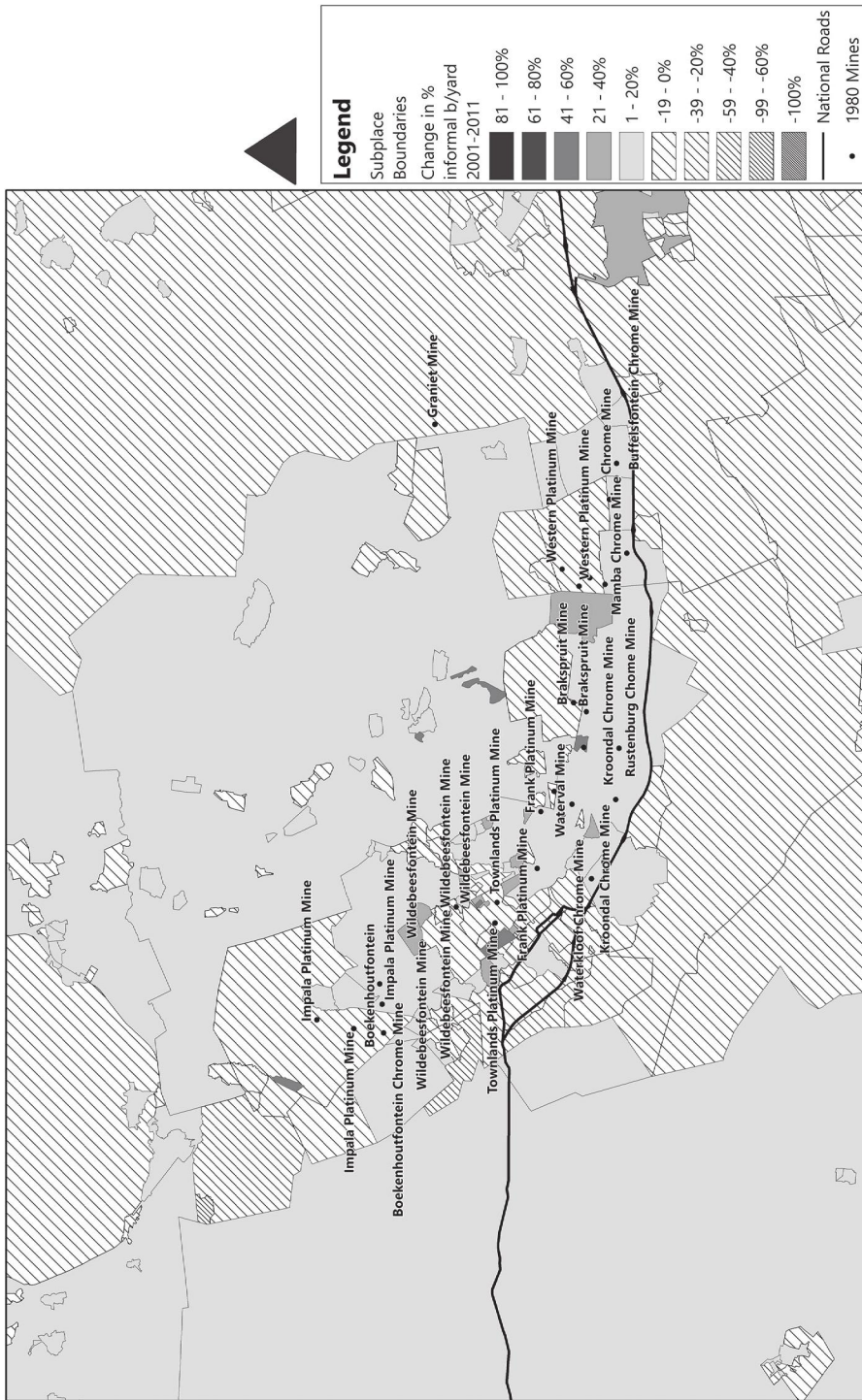
Figure 8.8: Percentage change in informal backyard dwellings by sub-place, 2001–2011

Source: Authors, based on census data from Quantec, 2013.

attraction of low-income migrants towards the core of the mining belt, with little associated increase in affordable formal housing. There was also a modest increase in backyard shacks around Rustenburg, with a decline in backyard shacks in the traditional villages (where backyarding had first arisen).

Until the time of the 2001 census, efforts to upgrade informal settlements were sparse. Macmillan (2012: 547) reported that

> schemes for upgrading and formalisation of some squatter settlements have been resisted by the Royal Bafokeng Authority, which is reluctant to allow the settlement of 'migrants' on its land, possibly fearing that such people might acquire a claim to a share in the income derived by the 'tribe' from the exploitation of platinum.

Hamman (2004: 285) refers to the historical unwillingness of mining companies to become involved in informal settlement upgrades, citing one company CEO who stated that 'We're in [the] business of mining, not housing'. Many RDP housing schemes were also not implemented.

Changes 2001–2011

In the period after 2001, spatial patterns within the mining belt changed (see Figures 8.7 and 8.8). In the core of the mining belt around Rustenburg there was a shift in trends. The informal settlements that had grown rapidly in the previous census period either declined proportionately or increased their share only very slowly. The growth that did occur happened mainly on the edges of the mining belt, in the far east and far west, although there were patches of growth closer to the core, around specific mine shafts.

There was a modest increase in the proportion of households living in backyard shacks in localities in and around Rustenburg, including the now infamous Marikana. There was, however, an overall decrease in backyard shacks in many other parts of the region, including in the land administered by the Royal Bafokeng.

Explaining patterns of informality in the Platinum Belt

The absolute increase in informal residence on the Platinum Belt has been explained as a combination of factors, including the living-out allowance, the use of subcontracted labour and the overall rapid growth of the migrant population in the area. What needs to be explained, however, are the relative consistency in the proportion of informal residence over time, the geographic shifts before and after 2001, and the rise in backyarding within and close to the town of Rustenburg.

We argue that these cannot be explained without consideration of trends in formal housing provision. Formal housing in the area is produced through the 'normal' market process, by mining companies, and through the state's subsidised

housing scheme (the so-called RDP houses). There is an apparent relationship of inverse proportion between the quantity of formal housing produced and the growth of informal settlement. The growth of informal backyard accommodation may be an exception, as the creation of more formal housing provides a greater opportunity for backyarding.

These relationships are illustrated by comparing trends in the centrally located Rustenburg local municipality between 2001 and 2011 with those in the more peripheral Madibeng local municipality for the same period (Table 8.1).

Table 8.1: Percentage increase in different forms of accommodation, 2001–2011

HOUSING TYPE	RUSTENBURG	MADIBENG
Formal housing (excl. backyard and room extensions)	+113,0	+50,8
Informal backyards	+94,6	+91,3
Informal settlements	−4,8	+89,0
Traditional	−52,8	−62,8
TOTAL	+70,6	+60,6

Source: Statistics South Africa

Both Rustenburg and Madibeng have seen a significant increase in housing stock. The difference, however, is that the increase in formal housing seems to have happened at twice the rate in Rustenburg as in Madibeng. This may explain the fact that informal settlement grew rapidly in Madibeng but declined in absolute terms in Rustenburg. In both cases there was a significant increase in backyard shacks, although off a low base in the case of Madibeng. Proportions of traditional dwellings declined in both cases, which is also in line with the national trend.

In terms of absolute numbers, the formal housing stock (excluding backyard accommodation and room additions) in Rustenburg over the decade increased by over 60 000, exceeding the rate of growth of accommodation overall. In Madibeng, the formal housing stock increased by about 36 000, at a rate significantly less than the expansion of accommodation stock overall.

Figure 8.9 also indicates the proportional growth of formal accommodation in and around Rustenburg between 2001 and 2011, and the decline in the more peripheral areas. The high proportional growth to the north of Rustenburg has to do with the decline in traditional dwellings and their replacement with formal structures.

What the census reports do not indicate is the proportion of the new formal housing stock produced through the 'normal' mechanisms of the private sector vis-
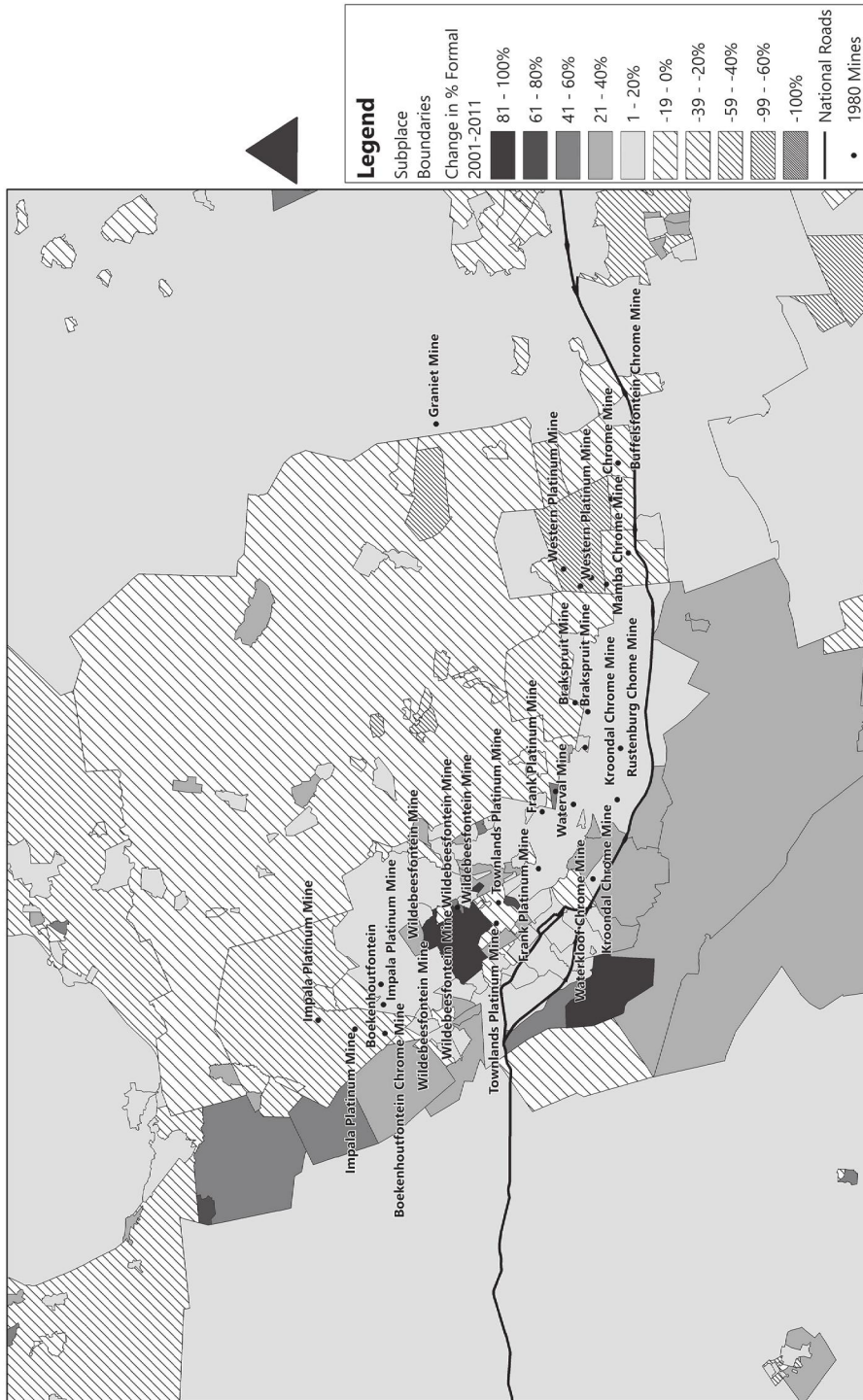
Figure 8.9: Percentage increase in formal housing by sub-place, 2001–2011

Source: Authors, based on census data from Quantec, 2013.

à-vis the subsidised housing schemes of the state or mining companies.[52] What we do know, however, is that in Rustenburg local municipality in 2011, 48 per cent of occupants of formal stand-alone houses had household incomes of less than R38 201 per year and qualified for RDP houses (in income terms at least).[53] A total of 44,4 per cent had household incomes between R38 201 and R307 601 and could be regarded as part of the 'gap market', and a mere 7,6 per cent had incomes greater than R307 601 and so may have been able to access bond financing. The vast majority of houses in Rustenburg are likely to have been provided through the state subsidy scheme or through other arrangements in which households had partial state subsidy, or subsidy or guarantees from mining companies. However, this remains supposition at this point, and is a clear area that needs further research and investigation.

The mining companies have reported some involvement in housing—apart from hostels and the living-out allowance—although at what scale is uncertain, but given the large numbers of people living in situations of informality it would seem that it is still small in proportion to the total accommodation requirements of their workforce.

The picture varies between companies. Lonmin, for example, reported in 2010 that 10 per cent of its workforce (2 342 of its 28 000 direct employees) were provided with formal accommodation, although a housing company had been set up to accelerate provision of housing units and assist staff in securing mortgages (Chinguno, 2013). Xstrata reported that, at the end of June 2010, approximately 22 per cent of employees resided in hostel accommodation and 59 per cent in private sector accommodation, with about 18 per cent selecting other options. Other companies have reported on programmes under way to increase formal housing supply. Angloplats, for example, has a scheme to construct 1 000 units, which will be sold to employees, with assistance provided in terms of bank guarantees for home loans. Implats reports on similar projects, including the 1 700-unit housing development around the Boitekong informal settlement in Rustenburg and the 2 400-unit project at Platinum Village, Rustenburg.

Thus what can be seen is that the total percentage of informality within the western limb has remained constant, even though numbers of people have climbed steadily, which seems to indicate the penetration of subsidised housing either through the state or the mines soaking up some of the demand. The persistence of informal

---

52 Repeated attempts were made to try and access provincial housing statistics around subsidised housing delivery but the researchers had no success and had to rely on annual reports and IDPs, which did not provide actual numbers.

53 The number of other formal houses—flats and townhouses included—is very small, and negligible in proportional terms, and so these houses are not included in these calculations.

backyard accommodation is also a clear indication of the demand for very low-income rental accommodation as well as alternative sources of income for poorer households (Gardner & Rubin, this volume).

Time, permanence and temporality

In the sections above we argue that informal settlement has a long history along the Platinum Belt and was well-entrenched before the ending of apartheid. We do show, however, that informal settlement has grown significantly in absolute terms since the ending of apartheid, although not in relative terms, and that there is considerable variation within the mining belt, with variant patterns of temporal and spatial growth and decline.

It is clearly incorrect to make simplistic assumptions about the relationship between the living-out allowance, subcontracting, the provision of formal housing and the growth of informal settlement. Relationships are complex. The living-out allowance and subcontracting may be contributing to the persistence of informal settlement, but the rapid in-migration into the area during the boom phase of the mining cycle has been a major contributor. It is not correct to conclude that the state and mining companies have failed to provide formal housing. What is clear however is that, overall, the provision of formal housing has not been of sufficient scale to significantly reduce the proportion of households living informally, except in particular places such as the town of Rustenburg. What is also clear is that the provision of rental accommodation has not been addressed by the public sector and so informal renting and backyarding persist as significant spatial forms within the district.

Adding this empirical complexity to the analysis should not detract from the post-Marikana awareness that the conditions in informal settlements have contributed to the conflicts and violence in the area. The Department of Mineral Resources (2009: 13) prefigured the crisis when it warned that informal settlements in the area were a 'conduit or cesspool of crime, substance and alcohol abuse, and the spread of diseases'. Capel (2012) and Chinguno (2013) have argued in more measured language that living conditions in informal settlements, together with the inadequate response to housing demand by the state and housing companies, have fomented local practices of violence.

It is clear that poor living conditions in informal settlements have increased levels of dissatisfaction in the area, and created an environment in which conflict spreads quickly. Informal settlements have also, however, provided the spatial context for the fragmentation of the labour movement. When miners were living mainly in compounds it was easier for NUM to retain its influence over the workforce.

It is too easy, however, to cast informal settlement as the evil element, and to blame the existence of informal settlements for the crisis. The spatial dilemma within

regions economically dependent on mining is the temporality of economic activity, and of human settlement. The key question for these areas is the extent to which the state should support investment in fixed assets such as formal housing, as opposed to focusing investment on improving conditions within transient settlements.

The persistence of oscillating migrancy on the Platinum Belt adds a further dimension of complexity. While some mine workers may want to remain in the area once mining employment has ended, many intend to 'return home', or move on to areas of more stable employment. This includes the 60 per cent of mine workers in South Africa who come from neighbouring countries, mainly from Lesotho, Mozambique and Swaziland, and who do not currently qualify for South Africa's housing subsidy (South Africa Trust, 2013). To add a further layer of complexity, many migrant workers are remitting income home, and have little to contribute to the costs of formal housing and services within their place of temporary residence. There is also the widespread phenomenon of 'dual households', with mine workers having to divide their small incomes between partners and families at home and those near their mine employment (Chinguno, 2013).

Within this context of employment and household ephemerality, a knee-jerk negative reaction to the presence of informal settlement may be counterproductive. What we should, arguably, be reacting to is the poor living conditions within most informal settlements. We clearly need a housing policy and programme that responds to the diverse requirements of individuals and households living permanently and transiently in areas economically dominated by mining. The current Upgrading Informal Settlement Programme (UISP), as contained in the National Housing Code, may offer some respite in the form of providing basic services and secure tenure to informal dwellers. So too might the R2.1 billion that has been set aside for distressed mining towns, including Rustenburg. However, institutional issues and concerns over land rights as well as the parochial protectionism of traditional authorities stand in the way of upgrading possibilities and possibly need intervention at higher levels in order to be addressed.

Conclusion

This chapter concurs with the view taken by commentators and key players that the growth of informal settlement within South Africa's mining sector has produced a living environment that contributes to social misery and conflict. It agrees also that the shift away from mine-provided accommodation—through the use of the living-out allowance, for example—has spurred the growth of these informal settlements. A key lesson from the Marikana killings is undoubtedly that serious and urgent attention must be given to the issue of securing decent accommodation for workers and their families.

However, the major contribution of this chapter is the addition of texture and detail to the analysis of the nexus between informality, mining and violence. It shows,

for example, that generalisations about settlement within mining areas internationally, or even in South Africa, should be avoided. The western parts of South Africa's Platinum Belt are unusual in the national context for a number of reasons, including the rapidity of growth at a time when the mining sector in South Africa was nearly stagnant overall, a previous history of Bantustan government, and the large tracts of land under traditional authority, all of which have constructed a peculiar set of circumstances.

The analysis also shows that informal settlements are not the product of the Mining Charter, even though this charter may have contributed to the persistence of these settlements. Informal residence emerged in an earlier period, as miners subverted apartheid law by bringing their families closer to the mines, and as other individuals were attracted to the mines to provide services to the miners. We have argued that, while there has been a rapid increase in the absolute number of households on the Platinum Belt in informal residences, there has not been a proportionate increase, and that the diversity of housing forms that are growing in these areas should be acknowledged.

Our analysis reveals a complex texture of related temporal and spatial patterns. Before 2001, for example, the growth in informality was happening in the core of the Platinum Belt as the RDP housing programme, and other forms of formal housing delivery, were not geared to accommodate the rapid population influx. After 2001, however, accelerated delivery of formal housing reduced the proportion of informal residence within the urban core, although informality has continued to expand in the more peripheral parts of the region.

It would be a mistake to conclude that there has been no progress in responding to the settlement challenges of the Platinum Belt. If this were so, informal settlement would be growing in proportional terms, and the new housing development around Rustenburg would not exist. However, the challenge remains considerable, and the interventions by the state (in its various forms) and mining companies are an inadequate response to the scale of the backlog and growing demand. Processes of delivery need to be upscaled within the core, and extended to the periphery. The focus should be on extending the diversity of housing options in order to meet the needs of all segments of the population.

In future, the rate of population and settlement expansion along the western limb of the Platinum Belt may decline. The boom years may be over, given both the current difficulties being experienced within the area relating to labour relations and the mining companies' push towards decreasing production. This offers the opportunity to consolidate the development of housing, services and bulk infrastructure. It may, however, create new challenges, including growing levels of unemployment among workers who are already in the region, and new responses may be required. Informal settlement will not vanish in the short to medium term, at least, although it may experience a proportionate, and even, absolute, decline. The

servicing and upgrading of informal settlements must remain on the agenda, even as a diversity of other accommodation types is developed.

Future planning by all spheres of the state and the relevant mining houses, however, must take account of the long run. The development of the Platinum Belt is based on the exploitation of a non-renewable resource, which may eventually be exhausted in physical terms but which, more likely, will cease to be mined at some future point as market conditions make continued extraction of reserves unviable. Will Rustenburg make the successful economic transition associated with Johannesburg, for example, or will it wind down in the way that the Free State goldfields or the West Rand are doing now, leaving only a remnant economy and depressed settlements? Over the past two decades or so, the Platinum Belt has boomed, and planning and settlement development have failed to properly accommodate the expansion. In the foreseeable future, the challenge is to consolidate the region spatially, and to deal with the pathologies that have emerged there. In doing so, however, we must be mindful of the economic, social, environmental and settlement implications of the mining life cycle, both for the mining region and for the often-distant regions where labour is sourced.

References

Akileswaran, C. 2005. *Bridging Migration, HIV/AIDS, and Violence Among Women in Rustenburg, South Africa*. Preliminary report. Available at: www.bafokeng.com/sites/default/files/reports/akileswaran.pdf, accessed 27 September 2013.

Bench Marks Foundation 2007. *The Policy Gap: A Review of the Corporate Social Responsibility Programmes of the Platinum Industry in the North West Province*. Available at: www.benchmarks.org.za/, accessed 21 August 2013.

Bradbury, J. 1985. 'Housing policy and home ownership in mining towns: Québec, Canada'. *International Journal of Urban and Regional Research*, 9: 1–14.

Bryceson, D. & MacKinnon, D. 2012. 'Eureka and beyond: Mining's impact on Africa's urbanisation'. *Journal of Contemporary African Studies*, 30 (4): 513–530.

Bryceson, D., Jonsson, J., Kinapo, C. & Shand, M. 2012. 'Unearthing treasure and trouble: Mining as an impetus to urbanisation in Tanzania'. *Journal of Contemporary African Studies*, 30 (4): 631–650.

Buhlungu, S. & Bezuidenhout, A. 2008. *From compounded to fragmented labour: Mineworkers and the demise of compounds in South Africa*. Paper presented at the University of Johannesburg Sociology and Anthropology Seminar, Johannesburg, 15 October. Available at: www.uj.ac.za/EN/Faculties/humanities/departments/sociology/seminar/Documents/Seminar%20papers/Buhlungu%20Bezuidenhout%202008%20Compounds.pdf, accessed 10 December 2014.

Buhlungu, S. & Bezuidenhout, A. 2010. 'From compounded to fragmented labour: Mineworkers and the demise of compounds in South Africa'. *Antipode*, 43 (2): 237–263.

Business Report. 2012. 'Lonmin an example of exploitation'. *Business Report*, 17 August. Available at: www.iol.co.za/business/companies/lonmin-an-example-of-exploitation-1.1365221#. UkVtnNImvW4, accessed 21 August 2013.

Capel, J. 2012. 'The view from below'. *Financial Mail*, 11 September. Available at: www. financialmail.co.za/fm/2012/09/10/the-view-from-below, accessed 24 September 2013.

Capps, G.J. 2010. *Tribal-landed property: The political economy of the BaFokeng Chieftaincy, South Africa, 1837–1994.* PhD thesis, Development Studies Institute of the London School of Economics and Political Science.

Capps, G. 2012. 'Victim of its own success? The platinum mining industry and the apartheid mineral property system in South Africa's political transition'. *Review of African Political Economy*, 39 (131): 63–84.

Carrington, K. & Hogg, R. 2011. 'Benefits and burdens of the mining boom for rural communities'. *The Human Rights Defender*. Australian Human Rights Centre, Faculty of Law, University of New South Wales. Available at: eprints.qut.edu.au/43595/1/Benefits_%26_ Burdens_final_version.pdf, accessed 27 September 2013.

Carrington, K., McIntosh, A. & Scott, J. 2010. 'Globalization, frontier masculinities and violence: Booze, blokes and brawls'. *British Journal of Criminology,* 50 (3): 393–413.

Chaskalson, R. 2013. 'Nkaneng: Sorry symbol of a century of neglect'. *Ground Up*, 17 July. Available online at groundup.org.za/content/nkaneng-sorry-symbol-century-neglect, accessed 26 August 2013.

Chinguno, C. 2013. *Marikana and the Post Apartheid Workplace Order*. SWOP Working Paper 1, University of the Witwatersrand, Johannesburg. Available at: www.wits.ac.za/ files/q3ct5_356612001366361136.pdf, accessed 21 April 2013.

Cook, S.E. 2011. 'The business of being Bafokeng: The corporatization of a tribal authority in South Africa'. *Current Anthropology*, 52 (S3): S151–S159.

Cosatu (Congress of South African Trade Unions). 1997. *Cosatu submission to the Truth and Reconciliation Commission, Hearings on Business and Apartheid*, Carlton Hotel, Johannesburg, 1–13 November. Available at: www.nelsonmandela.org/omalley/index. php/site/q/03lv02167/04lv02264/05lv02303/06lv02317/07lv02318.htm, accessed 22 August 2013.

Creamer, M. 2013. 'Steaming ahead with radical changes to vexing migrant labour system'. *Mining Weekly*, 5 July. Available at: www.miningweekly.com/article/steaming-ahead-with-radical-changes-to-vexing-migrant-labour-system-2013-07-05, accessed 27 September 2013.

Crush, J. 1992. 'The compound in post-apartheid South Africa'. *Geographical Review*, 84 (4): 388–400.

Crush, J. & MacDonald, D. 2000. 'Transnationalism and new migrant spaces'. *Canadian Journal of African Studies*, 34 (1): 1–19.

CSIR (Council for Scientific and Industrial Research). 2013. *The Realities of Increased Concentration*. StepSA Policy Brief. Available at: www.stepsa.org, accessed 22 November 2013.

Department of Minerals and Energy. 2002. *Broad-Based Socio-Economic Empowerment Charter for the South African Mining Industry, October 2002*. Available at: d2zmx6mlqh7g3a. cloudfront.net/cdn/farfuture/qNU4DphbGgt6knzrVfiVjLU_6dPs4EjQTLZinXpq71w/

mtime:1381177313/files/docs/091013miningcharter.pdf, accessed 18 November 2013.

Department of Mineral Resources 2009. *Mining Charter Impact Assessment Report.* Available at: www.info.gov.za/view/DownloadFileAction?id=148849, accessed 27 September 2013.

Gold Wage Negotiations. 2013. *Centralised Collective Bargaining in the South African Gold Industry, 26 June 2013.* Available at: www.goldwagenegotiations.co.za/assets/downloads/fact-sheets/2013/fact-sheet-bargaining-26june2013.pdf, accessed 24 September 2013.

Gough, K.V. & Yankson, P.W.K. 2012. 'Exploring the connections: Mining and urbanisation in Ghana'. *Journal of Contemporary African Studies,* 30 (4): 651–658.

Gwebu, T.D. 2012. 'Botswana's mining path to urbanisation and poverty alleviation'. *Journal of Contemporary African Studies,* 30 (4): 611–630.

Hamman, R. 2004. 'Corporate social responsibility, partnerships, and institutional change: The case of mining companies in South Africa'. *Natural Resources Forum,* 28: 278–290.

Hargreaves, S. 2013. 'More misery in Marikana'. *Third World Resurgence*, 271/2: 35–37. Available at: www.twnside.org.sg/title2/resurgence/2013/271-272/cover08.htm, accessed 22 November 2013.

Kamete, A. 2012. 'Of prosperity, ghost towns and havens: Mining and urbanisation in Zimbabwe'. *Journal of Contemporary African Studies*, 30 (4): 589–610.

Kemmick, E. 2008. 'Portrait of a boomtown'. *The Billings Gazette*, 23 September. Available at: billingsgazette.com/news/state-and-regional/montana/portrait-of-a-boomtown/article_61c0bf6f-2229-5678-9e75-d38bf75cc016.html, accessed 21 August 2013.

Kota-Fredericks, Z. 2013. *Keynote Address by Ms Zou Kota-Fredericks, Deputy Minister of Human Settlements at the National Informal Settlement Upgrading Summit, Cape Town.* Available at: www.dhs.gov.za/uploads/DM_Address_National_Upgrading_Summit.pdf, accessed 27 September 2013.

Lawrie, M., Tonts, M. & Plummer, P. 2011. 'Boomtowns, resource dependence and socio-economic well-being.' *Australian Geographer*, 42 (2): 139–164.

Lonmin. 2013. *Lonmin Initiatives: AGM Speech*, Lonmin Annual General Meeting, Grosvenor Place, London, 31 January. Available at: www.lonminmarikanainfo.com/pdfs/downloads/transcript_of_speech_31012013.pdf, accessed 27 September 2013.

Macmillan, H. 2012. 'Mining, housing and welfare in South Africa and Zambia: An historical perspective'. *Journal of Contemporary African Studies*, 30 (4): 539–550.

Maconachie, R. 2012. 'Diamond mining, urbanisation and social transformation in Sierra Leone'. *Journal of Contemporary African Studies,* 30 (4): 705–723.

Manuel, T. 2013. *The Ruth First Memorial Lecture: 12 months on: Marikana and Its Meaning for the NDP*, University of the Witwatersrand, 29 August. Available at: www.info.gov.za/speech/DynamicAction?pageid=461&sid=39296&tid=119438, accessed 21 September 2013.

Mnwana, S. 2011. *Participation and Paradoxes: Community Control of Mineral Wealth in South Africa's Royal Bafokeng and Bakgatla Ba Kgafela Communities.* PhD thesis, University of Fort Hare, East London.

Mususa, P. 2012. 'Mining, welfare and urbanisation: The wavering urban character of Zambia's Copperbelt'. *Journal of Contemporary African Studies,* 30 (4): 571–588.

Ndabandaba, L.B.G. 1990. 'Faction fights'. In: Ndabandaba, L. & Lotter, J.M. (Eds.), *Crime and Its Impact: A Study in a Black Metropolitan Area.* Available at: www.ncjrs.gov/App/publications/abstract.aspx?ID=129214, accessed 24 September 2013.

Northern Health. 2012. *Understanding the State of Industrial Camps in Northern BC: A Background Paper*. Version 1, 17 October. Available at: www.northernhealth.ca/Portals/0/About/NH_Reports/documents/2012%2010%2017_Ind_Camps_Backgrounder_P1V1Comb.pdf, accessed 21 August 2013.

Quantec Easydata, 2013. South African Census data for 1996, 2001 and 2011. Available at: www.quantecc.co.za/easydata, accessed 18 November 2013.

Rodrigues, C. & Tavares, A.P. 2012. 'Angola's planning and unplanned urban growth: Diamond mining towns in the Lunda Provinces'. *Journal of Contemporary African Studies*, 30 (4): 687–704.

South African Government News Agency. 2013. 'Mining industry framework to be signed on July 3'. SAnews.gov.za, 28 June 2013. Available at: www.sanews.gov.za/south-africa/mining-industry-framework-be-signed-july-3, accessed 18 November 2013.

South Africa Trust, 2013: *Portability of Social Security Benefits in Mining Sector: Challenges Experienced By Former Mineworkers in Accessing Social Security Benefits in Selected Southern African Countries.* Available at: www.southernafricatrust.org/docs/highlights_portability_of_social_security_benefits_in_mining_sector.pdf, accessed 11 December 2014

Stats SA (Statistics South Africa). 2004. *1980 Bophuthatswana Census*. Produced in 2004, Quantec Easydata. Available at: quanis1.easydata.co.za/TableViewer/document.aspx?ReportId=16472, accessed 18 November 2013.

SECTION II
Partnerships, Actors and Capabilities

Participation has become orthodoxy in development debates (Cooke & Kothari, 2001; Cornwall & Brock, 2005; Miraftab, 2003). This is particularly the case with regards to upgrading of informal settlements (Greene & Rojas, 2008; Osman & Sebake, 2004; Wakely & Riley, 2011). A number of reasons are offered to explain why participation in development more broadly, and in informal settlement upgrading in particular, needs to be pursued. On the one hand, there is an *intrinsic* rationale in that it allows citizens and communities to exercise influence in the public sphere, which strengthens democracy. On the other hand, there is an *instrumental* rationale, in that it informs and improves development outcomes. These rationales are sometimes pursued (implicitly or explicitly) independently or in tandem. The perspective that participation is an intrinsic 'good' is underpinned by the notion of recognition: people's experiences, knowledge, voice and agency are affirmed.

As highlighted throughout this publication, informal settlement upgrading is not a purely technical exercise. Instead, it is about a development process that has both social and technical (as well as financial and institutional) dimensions and outcomes. It is ultimately about building urban spaces, whereby people living in informal settlements are active informants (to guide state planning and investment) and actors (as agents and co-producers of change) to bring about sustainable improvements to their living environments and livelihoods. As such, the articulation of agency and the production of new spaces of citizenship in and through processes

of engagement, investment, decision-making and capacitating should be carefully understood.

Oldfield (2008) has argued that the political imperative of service delivery in South Africa has sidelined a concern for public participation. In many ways this has become a gesture rather than a commitment in such processes. It is not surprising, therefore, that increasing evidence points to deep levels of community dissatisfaction with existing governance processes rather than services per se in the increasing community-based protests and confrontation between state and community (van Donk, 2012). Individuals and communities want their voices to be heard and to have an influence and impact on processes of planning and decision-making.

This section is clear about the need for a paradigm shift from state-centric development, where the state determines the trajectory and controls (most of the) inputs into the development process, to one that is 'demand-driven, supply-negotiated', as Monty Narsoo has aptly put it. As this concept suggests, demand and supply are both important drivers of development and need to be connected through a process of deliberation and prioritization to achieve maximum outcomes. Where these two meet, co-creation (or co-production) can take place.

This is not necessarily a novel perspective internationally or in South Africa. Public policy in South Africa has long recognised the centrality of community participation and civic engagement. This is evident, among others, in Breaking New Ground (2004), the Housing Code (2009) and, more recently, Outcome 8. It is also central to policy dealing with public participation in local governance, such as the Municipal Structures Act, the Municipal Systems Act and the White Paper on Local Government. Notwithstanding the policy prescripts to enable communities to be actively involved in planning, decision-making and implementation of local development initiatives, including human settlements, the reality is rather different. Here state systems and processes pursue a different rationale, which in many respects stands in stark contrast to the 'demand-driven, supply-negotiated' approach.

A partnership approach to informal settlement upgrading goes beyond the recognition that local communities are important informants and actors in upgrading; it suggests a formalised relationship of collaboration, whereby roles, responsibilities, contributions, rules of engagement and decision-making procedures are clearly defined. This can involve a variety of stakeholders, beyond the state and organised structures representing local communities, such as NGOs, private sector organisations and academic institutions. It also involves a variety of disciplines. These networks of collaboration can be built into new impetus for action, new forms of knowledge, new networks of relationships and new ways of working together (Görgens & van Donk, 2012; Isandla Institute, 2013). The status quo, in which the state acts as the delivery agent while communities are reduced to passive recipients, is challenged by creative attempts at new partnerships and engagement platforms for upgrading projects. As some of the examples show, while partnerships are both necessary and valuable, they can also be challenging, contested and tenuous.

The first chapter in this section, by Walter Fieuw and Baraka Mwau, analyses the grassroots experiences in upgrading informal settlements in South Africa and Tanzania. Fieuw and Mwau consider the experiences of the Informal Settlement Network (ISN) in South Africa and community-led upgrading experiences in Tanzania, with a focus on the incremental upgrading of Hanna Nassif settlement, and the regularisation of Ubungo Darajani settlement. By drawing on practical experiences with these community groups, they discuss how the creation of 'urban commons' has been attained through joint planning between organised communities and local government agencies. The capacity to embark upon joint planning is critical for transformative partnerships, which become the building blocks for advancing poor people's right to the city.

Thabo Karabo Molaba and Zunaid Khan echo some of these arguments in Chapter 10. Using a case study that demonstrates a working collaboration between the City of Johannesburg and the community of Ruimsig informal settlement, Molaba and Khan look at the contribution and role of engagement and participation in driving incremental upgrading. As former city officials, the authors have first-hand experience of the demands, expectations and challenges of involving communities in local development. Reflecting their experiences in the chapter, they demonstrate that localised partnerships between various stakeholders (including the state and local community structures) can improve interaction and communication and simultaneously minimise altercations. The argument is made that participation and engagement cannot be limited to holding the government accountable or waiting for government handouts but must be a self-empowerment tool that enables the community to speak on their needs and become more self-sustaining.

Chapter 11, by Aditya Kumar and Johru Robyn, continues the section's emphasis on drawing on practitioners' own experiences of partnerships. Both authors have been directly involved in the everyday management of a partnership in Stellenbosch Municipality. Empirical evidence of a partnership-based model is presented whereby Stellenbosch Municipality has partnered with the NGO Community Organisation Resource Centre (CORC), supporting the Informal Settlement Network (ISN) and the Federation of the Urban and Rural Poor (FEDUP) and local community residents to upgrade informal settlements. Kumar and Robyn demonstrate that such approaches enable the state to look beyond its role as a quasi-'problem solver' and involve communities as part of the solution rather than just be the voice of the poor. They challenge the notion that partnerships require big institutional shifts as their experience reveals a combination of small and medium moves within each institution that results in stronger relationships between the state and communities living in informal settlements and backyards. A key finding of the chapter is that partnerships offer a qualitative and measurable positive impact on informal settlement upgrading.

In their chapter, Olumuyiwa Adegun and Steve Akoth draw on their own practice and academic engagement with informal settlements in Kenya and South Africa,

laying out an argument that slum upgrading experiences from Kenya provide useful lessons for South Africa, as it has a longer history of participation and partnerships coupled with an incremental approach. Adegun and Akoth identify key principles and lessons through a case of an *in situ* incremental slum upgrading project in Nairobi's Huruma informal settlement. Reflecting on this case, principles and lessons on finance, settlement form and housing construction, socio-economic empowerment, community involvement and partnerships are extrapolated to the existing and emerging context of informal settlement intervention and upgrading in South Africa.

Kirsten Thompson's chapter provides an in-depth case study of the Duncan Village Redevelopment Initiative (DVRI). The chapter makes use of a diagram-based methodological innovation that facilitates the identification of 'actors' and connects them with events that have had an impact on the delivery process of the DVRI project. Thompson's subsequent analysis of the process that has unfolded in East London over decades offers insight into the unfolding timeline of the project and highlights the complex and multi-dimensional power relationships that influence project outcomes. Thompson's first-hand observations are drawn together with a benchmark study and descriptions of some of the capabilities, processes and tools that are required for the different actors to be full and productive participants in such projects are identified. A major argument is that policies are only as strong as the actors that implement them.

Chapter 14 details several 'immersive relationship-building exercises' to co-produce three infrastructure interventions (waste, sanitation and energy) with residents of Enkanini informal settlement. The project was facilitated by a group of Stellenbosch University researchers based at the Sustainability Institute. Mark Swilling, Lauren Tavener-Smith, Andreas Keller, Vanessa von der Heyde and Berry Wessels argue that this approach allows replicable and scalable approaches that address what they term the 'Trust and Wait' problem. The chapter pivots on the question: what does *in situ* upgrading, as specified by the Upgrading of Informal Settlements Programme (UISP), mean in practice from the perspective of the average shack dweller in South Africa? The chapter describes the waste, energy and sanitation innovations that were co-produced in Enkanini as being significant, not simply because they represent technical innovations, but also because they have become the basis for social organisation and network formation. Co-produced social innovations have undermined the notion that Enkanini is a 'temporary community', and reinforced the notion that researchers have a role to play in redefined processes of co-produced problem-solving.

Tristan Görgens' chapter argues that there is an art to establishing the kind of interface between groups of people with differing sets of demands and distinct worldviews that enables genuine communication, enhances debate and produces results. The levels of trust between local government and communities are often very low, and intermediary organisations can facilitate such relationships until a sustainable

informal settlement upgrading agenda for the local area can be formulated. Görgens holds that a class of individuals and organisations interested in and capable of fulfilling a range of 'intermediary functions' is required in South Africa to establish and facilitate interfaces between the key role players. The chapter lays out seven specific intermediary functions that are required to establish productive state-community interfaces for the upgrading of informal settlements. Görgens does note, however, that weaknesses within the NGO sector and the state need to be recognised and addressed in order for such an approach to develop at scale.

The final chapter in this section is provided by Carin Combrinck and Jhono Bennett. It focuses on changes in training needed to prepare a new generation of built environment professionals for the complexity and challenge of upgrading. Combrinck and Bennett suggest ways in which the professional skills of architecture, planning, engineering and other spatial design disciplines can be made available to marginalised sectors of society to assist in bridging the gaps between informal survival strategies and formal urban systems. Through examples, an argument is made on the evident benefits to communities that have collaborated with young architectural professionals and students. Developing a shared understanding beyond apparent constraints, communities can be empowered in their spatial negotiations with urban authorities. Such processes of critical engagement have contributed in some instances to the development of collaborative design responses, where the convergence between participation and design disciplines have resulted in shared authorship and ownership.

A key thread running through these chapters is that given the delays in delivery of state-subsidised housing, community-based protests and confrontation between the state and communities, partnerships offer a new paradigm for addressing the upgrading of informal settlements. In particular, partnerships between local government, community organisations and NGOs at various scales seem to be essential for successful informal settlement upgrading. Essentially, they offer a vehicle for sustained multi-stakeholder decision-making and they offer the potential of more shared power relationships. Experience suggests that partnerships are about managing power dynamics and political conflict, and about building trust over time. This is essential because upgrading is envisaged as a long and open-ended process wherein roles and responsibilities may need continued negotiation.

References

Cooke, B. & Kothari, U. (Eds.). 2001. *Participation: The New Tyranny?* London: Zed Books.

Cornwall, A. 2011. *The Participation Reader*. London: Zed Books.

Cornwall, A. & Brock, K. 2005. 'What do buzzwords do for development policy? A critical look at "participation", "empowerment" and "poverty reduction"'. *Third World Quarterly*, 26 (7): 1043–1060.

Greene, M. & Rojas, E. 2008. 'Incremental construction: A strategy to facilitate access to housing'. *Environment and Urbanization*, 20 (1): 89–108.

Görgens, T. & van Donk, M. 2012. 'Exploring the potential for "networked spaces" to foster communities of practice during the participatory upgrading of informal settlements'. In: Department of Human Settlements, *Re-establishing the People's Contract: Meaningful Participation in Building Sustainable Human Settlements*. Pretoria: Department of Human Settlements.

Isandla Institute. 2013. *Planning for Informality: Exploring the Potential of Collaborative Planning Forums. A Propositional Framework*. Cape Town: Isandla Institute.

Miraftab, F. 2003. 'The perils of participatory discourse: Housing policy in postapartheid South Africa'. *Journal of Planning Education and Research*, 22 (3): 226–239.

Oldfield, S. 2008. 'Participatory mechanism and community politics: Building consensus and conflict'. In: van Donk, M., Swilling, M., Parnell, S. & Pieterse, E. (Eds.), *Consolidating Developmental Local Government: Lessons from the South African Experience*. Cape Town: UCT Press.

Osman, A. & Sebake, N. 2010. '"Time" as a key factor in design and technical decision-making: concepts of accessibility, affordability, participation, choice, variety and change in the South African sector'. *Human Settlements Review*, 1(1): 236–252.

Pieterse, E.A. 2008. *City Futures: Confronting the Crisis of Urban Development*. London: Zed Books.

van Donk, M. 2012. 'Tackling the "governance deficit" to reinvigorate participatory local governance'. In: Good Governance Learning Network (Ed.), *Putting Participation at the Heart of Development' Putting Development at the Heart of Participation*. Cape Town: Good Governance Network.

Wakely, P. & Riley, E. 2010. *The Case for Incremental Housing*. CIVIS Special Issue. World Urban Forum 5. New York: Cities Alliance.

Chapter 9

Creating 'urban commons': Towards a sustainable informal settlement upgrading paradigm in South Africa

Walter Fieuw and Baraka Mwau

The poor 'common' urban space out of necessity, and the formation of new settlements is quite often precarious in nature. Localised contexts and struggles for tenure, services and reforms in participatory local governance are augmented by survivalist and networking strategies of the urban poor. 'Urban commons', as theoretical construct but also as pragmatic governance arrangement, provides a perspective into a) poor people's organisations and practices, b) collaboration and co-production through partnerships, and c) policy impact in rendering cities more inclusive and pro-poor. These three dimensions of creating the 'urban commons'— practices, partnerships and policy impact (which are by no means exhaustive)— will be utilised in this chapter in analysing the grassroots experiences in upgrading informal settlements in South Africa and Tanzania. Urban commons gives insight into the ways in which urban space is produced, and we juxtapose this proposition with the 'right to the city' and 'spatial justice', concepts that have been explored in South African literature on informal settlement upgrading (see for example Huchzermeyer, 2012; Isandla Institute, 2011; Pieterse & Parnell, 2010).

We approach this chapter by considering the experiences of the Informal Settlement Network (ISN) in South Africa and also community-led upgrading experiences in Dar es Salaam, Tanzania, of which two cases are presented: the incremental upgrading of Hanna Nassif settlement, and the regularisation of Ubungo Darajani settlement. By drawing on our practical experiences with these community groups, we discuss how the creation of 'urban commons' has been attained through joint planning between organised communities and local government agencies.

We argue that such capacity is a critical ingredient for transformative partnerships, which become the building blocks and anchors of incremental upgrading. We argue that the experiences of South Africa and Tanzania can be understood as the creation of 'urban commons', a concept that is gaining traction in new ways of thinking about socio-spatial justice and place-making, and which has transformational potential for advancing poor people's right to the city through building partnerships for incremental and *in situ* upgrading.

Creating 'urban commons'

The search for more equitable and just cities is a major theme in policy deliberations, radical pragmatism and academic research (eg Helfrich & Haas, 2009; Harvey, 2012). A growing emphasis on the notions of spatial justice and the right to the city is at the heart of new citizen-led movements, interest groups, practices and academic journals and conferences.[54] Chatterton (2010) argues that the conceptions behind spatial justice and the right to the city can be 'sharpened and deepened further through the use of the "common" as both a political imaginary and vocabulary, and also as a material aspiration and organising tool' (2010: 626).

The 'common' is usually associated with bounded natural resource entities such as the fields, village greens, forests and fisheries that exist to nurture and sustain the users of such groups, who are known as commoners. The significance of this medieval concept and organising structure has been expounded more recently to point to the relationships, social and spatial, and forms of governance that underpin the production and reproduction of the 'commons' (Ostrom, 2000). These relationships are referred to as 'social practices of commoning' (Harvey 2009; Ostrom, 2000). Chatterton (2010) applies the organising principles of the 'common' to urban space, and argues that 'this productive moment of commoning, and the social relations that produce and maintain it, is a vital but under-articulated component in our understanding of spatial justice' (2010: 628).

For the purpose of this chapter, we develop the conceptual grounding of three main characteristics of 'urban commons', namely, practices, partnerships and policy impact, and give insight into the underpinning social practices. We frame the 'commons' through the perspective of agency on the part of informal settlement communities in South Africa and Tanzania, with which the authors are well acquainted as practitioners. These cases show how communities are advancing their claims for spatial justice and the right to the city, which starts with access to services, land and tenure, economic and social opportunities and amenities, and ultimately neighbourhood-scale integration and consolidation. Before delving into the case studies, we first show the impact of the 'urban commons' on spatial justice and the right to the city concerns in informal settlements across post-apartheid South Africa.

Social practices of creating 'urban commons'

The first characteristic of the urban commons is the interdependency of grassroots organisations who often establish horizontal networks around issue-based agendas.

---

54 See, for example, the International Meeting on the Right to the City held in November 2014 in São Paulo, Brazil, which brought together representatives from social movements, NGOs, academic institutions, local government and donors, among others (see www. righttothecityplatform.org.br).

Many conflicts around urban land and 'the right to the city' revolve around the erosion of the social uses of the city (Helfrich & Haas, 2009). David Harvey has observed that at the 'heart of the practice of "commoning" lies the principle that the relation between the social group and that aspect of the environment being treated as a common shall be both collective and non-commodified—off-limits to the logic of market exchange and market valuations' (Harvey, 2012: 75). The right to the city in the South African context will have an impact on a) active citizenship (for example, recognising and enabling the choices of the poor), b) urban planning and resource allocation (for example, effective integration of state functions, redress and redistribution, sustainability and environmental justice), and c) local governance (for example, commitment to participatory partnerships) (Isandla Institute, 2011: 11).

Second, with a renewed focus on state-civil society relationships—in many cases opening up new spaces for voicing demands and rights on the one hand, and creatively contributing to development planning on the other—organised communities become active participants in the production of services (Mitlin, 2008). The role of partnerships in co-production is essential in maintaining, managing and protecting public space, as is demonstrated in this chapter. Producing 'urban commons' is therefore about co-production of new governance spaces. Drawing on Ostrom, Harvey argues that 'the "rich mix of instrumentalities" [...]—not only public and private, but collective and associational, nested, hierarchical and horizontal, exclusionary and open—will all have a key role to play in finding ways to organise production, distribution, exchange and consumption in order to meet human wants and needs' (2009: 87).

Third, urban commons promotes spatial justice and associated policy reform. There is a need to create linkages and networks between the local neighbourhood and the city scale in order to leverage sustained change. Reflecting on the disjuncture between individual project level and galvanised advocacy at the metropolitan scale, Pieterse (2009) argues that 'despite this institutional construction of the urban democratic systems, civil society organisations across class and interest lines seem intent to restrict their activism to the neighbourhood level. As a result these formations seldom reflect the capacity or language to connect local problems to broader, citywide issues of resource allocation and structural inequality' (Pieterse 2009, cited in Isandla Institute 2013: 24). Hence, the capacity and institutional mechanisms as preconditions for realising a rights-based agenda in the urban context via the propositions of the 'right to the city' will require the deepening of democratic engagement ties to the realisation of socio-economic rights. This will have implications for the design of the governance structure of 'developmental local government' (Pieterse & Parnell, 2010), but also the activation of civil society in matters related to neighbourhood planning and spatial integration.

Before reviewing how community-based struggles for incremental upgrading of informal settlements in South Africa and Tanzania can be understood as creating

urban commons, the next section will define spatial justice as a potentially transformative paradigm for informal settlement upgrading.

Spatial justice and the 'right to the city'

Early post-apartheid housing and urban policy frameworks have enshrined the values of urban compaction, spatially rooted development corridors and the progressive integration of informal settlements into the city spatial form (see Harrison et al, 2003; Todes, 2006). These ideals were undergirded by the notion of 'spatial justice' (Harrison et al, 2003). However, the lack of transformation of apartheid spatial form points to another reality: the commodification and privatisation of urban space. The implementation of potentially transformative policy thrusts has been overshadowed by more conservative market forces. The housing delivery paradigm has been criticised for 'contributing to urban sprawl, perpetuating the marginalisation of the poor, and for failing to play a key role in the compaction, integration and restructuring of the apartheid city' (Charlton & Kihato, 2006: 255).

Edward Soja, a prominent urban theorist, has indicated that spatial justice concerns 'greater control over how the spaces in which we live are socially produced' (2010: 7). In his book *Seeking Spatial Justice,* Soja (2010) argues for a 'spatial turn' in social justice agendas since the understanding between space and society is essential in developmental and deliberately planned interventions. In this sense, the pursuit of spatial justice 'seeks to promote more progressive and participatory forms of democratic policies and social activism, and to provide new ideas about how to mobilise and maintain cohesive collations and regional confederations of grassroots social activists' (ibid).

Given the historical patterns of migration and subsequent land invasions, informal settlements are often in better-located areas than those which the state can supply in the form of well-located land (Robinson, 1996). South African literature on informal settlement upgrading has pointed to the need for a new paradigm, one that could start by considering the policy and programme proposals emerging from the 'right to the city' literature. Isandla Institute (2011) and Huchzermeyer (2012) have come to similar conclusions that advancing the poor's 'right to the city' in post-apartheid cities through the practice of upgrading informal settlements will fundamentally transpire in three ways: first, through the right to spatial centrality and long-term habitation of the city; second, through the right to have access to central decision-making processes; and third, through the right to the creative remaking of public spaces.

An emphasis on rights-based discourse, anchored in conceptualisations of 'spatial justice' and 'the right to the city', has been thoroughly investigated and supported in the South Africa policy and practice experience (eg Harrison et al, 2003; Isandla Institute, 2011, 2013; Pieterse & Parnell, 2010; Pithouse, 2009; Todes, 2006). The literature reviewed here presents a framework within which to position a paradigm

for informal settlement upgrading. Although the potentially transformative concept of spatial justice has been incorporated into major urban policy frameworks in the post-apartheid period, the dominant market-enabling housing paradigm has not contributed to the intended outcomes of spatial integration. There is a growing recognition that housing and urban policies need to account for greater adoption of the policy proposals of the 'right to the city'.

In the following sections, we introduce the experiences of the Informal Settlement Network (ISN) in South African cities and informal settlements, followed by the upgrading initiatives of two informal settlements in Dar es Salaam, Tanzania.

The ISN experience of 'commoning' urban space through informal settlement upgrading in South Africa

This section reviews the ISN—a national social movement mobilising and capacitating settlement-level community organisations around issue-based development agendas in major South African cities—in relation to its involvement in advancing the poor's right to the city. We investigate the three characteristics of the 'social process of commoning' we developed earlier, namely, the practices, partnerships and policy impact of community initiatives at the local and national scale. In this way, we argue, some of the experiences of the ISN can be regarded as creating 'urban commons'. These are significant innovations by communities and their networks, considering how local governments have been slow in implementing programmes aimed at upgrading informal settlements, even though these contain more responsive, participatory and flexible approaches than conventional housing programmes (Misselhorn, 2008). The National Development Plan (NDP) recognises the poor promotion of upgrading instruments when it argues that

> [there] is an ambivalence across government towards how to address the upgrading of informal settlements, and the mechanisms for the in situ upgrade of informal settlements have yet to be fully developed. (The Presidency, 2012: 271)

Space does not permit us to present a broader historical positioning of the ISN's emergence, which has been covered elsewhere (see Bradlow 2013; Fieuw, 2014; Isandla Institute, 2011). It is worth mentioning, though, that the ISN has close ties with another national social movement, the Federation of the Urban and Rural Poor (FEDUP), a national social movement consisting of women's savings schemes that mobilises around landlessness, homelessness and poverty. The symbiotic relationship between the ISN and FEDUP is understood in both horizontal (for example, community mobilisation, capacity building, knowledge production, conflict resolution, etc) and vertical (for example, political ideology, engagement with councillors, officials and politicians, policy engagement, etc) aspects of mobilisation.

Practices and agencies of community organisations affiliated to the ISN

The ISN advances a grassroots political strategy of 'co-production' in which communities secure political influence and access to resources (Mitlin, 2008). Contrary to often held beliefs, many informal settlements have a high degree of civic organisation, which can be attributed to the rich and innovative civic culture, spurred on by liberation movements such as the United Democratic Front, that played a critical role in dismantling the apartheid's state control over urban space (Seekings, 2000). Street committees, crisis committees, special task teams and other organisations of the urban poor are dotted across the informal landscape. By creating a bottom-up agglomeration of settlement-based organisations of the urban poor through the networking of communities, the ISN seeks to bring three main stakeholder groups into dialogue with each other: the broad community that comes together in forums such as general community meetings, leadership committees and councillors. Working closely with FEDUP, specific needs are addressed in the community through a number of information-gathering practices such as self-enumeration, and women-centred savings groups are established. Such community structures and self-generated knowledge have contributed greatly to building partnerships with government agencies. Community-based planning, aimed at enhancing communities' spatial analysis and their understanding and prioritising of development interventions in a 'community development plan', is facilitated. By combining detailed household-level enumeration data—usually centred on socio-economic and demographic information—with spatial data, detailed GIS maps are produced that further advance communities' ability to contribute significantly to planning services and development together with local government.

Mtshini Wam, a dense[55] informal settlement in the greater Joe Slovo Park township in Milnerton, Cape Town, is a telling example of how community processes coalesce and draw government into a negotiation process. Since 2007/2008, when the community invaded a vacant plot of land, the City of Cape Town has only delivered nine chemical toilets and three water standpipes to 250 households. In 2009, after completing the enumeration, the community developed an upgrading strategy, which started with 're-blocking', a community-driven process of rearranging shacks in accordance to a new layout plan which better utilises in-between spaces to create roads, safe, child-friendly courtyards, access to provide better water and sanitation services and amenities. Members of the community were the primary implementers of the project, supported by an Expanded Public Works Programme (EPWP) contract that provided 45 jobs. The self-organised community mobilised R160 000 in savings, which was contributed to the cost of the new structures. The

---

55 Mtshini Wam, located on Erf 24596, has a density of more than 500 dwelling units per hectare (262 households living on less than 0.5 hectare).

City expended more than R3,5 million in ground work and raising water and sanitation service standards from 1:200 to 1:1,5. The success of the re-blocking of Mtshini Wam, coupled with the sustained engagement with the City, resulted in policy innovation with implications for practice. In November 2013, the City of Cape Town adopted a 're-blocking' policy (CoCT, 2013a), which is aligned with the 'Human Settlements' chapter of the City's Integrated Development Plan. More re-blocking has been completed by communities associated to ISN since the drafting of the re-blocking policy, such as Kukutown (22 structures) and Flamingo Crescent (104 structures).

Re-blocking creates preconditions for longer term *in situ* development without any displacement of residents. Tenure regularisation is possible through incremental transfer of the new settlement layout. Budgets for further rollout of the programme will be allocated according to the policy, which will give meaning to the City's earlier commitment to install a new access road and increase services levels. In a City of Cape Town press release on 5 November 2013 (CoCT, 2013b), Councillor Thandeka Gqada, then-Mayoral Committee Member for Human Settlements, said, 'We view this as a turning point in our commitment to redress and a new model of shared responsibility that can change the face of our informal settlements.'

Enumerations and spatial mapping deepen community organisation because the settlement is often sectionalised to facilitate the structuring of data collection. Block committees meet and plan for short-, medium- and long-term block/cluster-level priorities. These priorities are tabled at general meetings, where a settlement development plan is drafted. Writing on the enumeration and mapping practices of the ISN, Musungu et al (n.d.) have observed, 'from a social perspective, [how] the application of GIS in this project empowered the community to actually engage in planning their settlement'. Nokhwezi Klaas, a community leader from Mtshini Wam informal settlement, expressed her agency through the re-blocking process when she remarked that

> I think we can change the city, because when they're [government officials] having a meeting, they have to contact the community. The purpose of the meeting is that the community needs to decide on the kinds of services people want. We can only challenge the City if we do it ourselves without only depending on them. (Klaas, interview, 2013)

Partnerships with government

Creating more inclusive governance regimes that have their roots in community organisation requires partnership formation. The ISN aims to build solidarity between communities at the citywide scale in order to engage government agencies in relation to improving settlement conditions. Strong city networks of the urban poor have entered into formal agreements with government departments, while other city networks have struggled to secure such partnerships.

In February 2012, two months before the ISN signed a Memorandum of Understanding with the City of Cape Town, Councillor Ernest Sonnenberg, then Mayoral Committee Member for Human Settlements, remarked:

> As a local authority, the City of Cape Town is looking at strengthening cross-sector partnership to help address responsibilities and address the challenges that confront us … [We] believe that the kind of partnership entered into between the Informal Settlement Network (ISN), the Community Organisation Resource Centre (CORC) and the City can help unblock delivery and ensure that the needs of the community are listened to. (CoCT, 2012)

The partnership between the ISN and the City of Cape Town and Stellenbosch Municipality is discussed in this book by Kumar and Robyn (Chapter 11). For the purpose of this chapter it is worth spotlighting the dual processes of contestation and collaboration through which 'cross-sector partnerships' are formed. The ISN had been mobilising and networking communities since 2009 in the four housing districts of Cape Town, but between 2009 and 2012 the City did not appear to show interest in a partnership. Similarly in Stellenbosch, the governance arrangement between the community of Langrug informal settlement, located 3 km outside Franschhoek, and the municipality was settled through intense negotiations. These negotiations were spurred by a court order compelling the municipality to construct an access road, which would involve the relocation of 14 families. A settlement-wide development strategy was devised, and the community took the opportunity to work alongside the municipality to initiate an Upgrading of Informal Settlements Programme project, which was at Phase 3 at the time of writing.

Policy impact

In an opinion piece published in the community newspaper *uTshani Buyakhuluma: The grassroots are talking*, Puti Mashamaite, a leader from Siphamandla informal settlement in Ekurhuleni, wrote:

> As informal settlement dwellers in South Africa, we need to understand that access to land, adequate housing, health care services, sufficient food and water, social service and social assistance are our socio-economic rights. Government must see to it that they deliver that to the people. We are not saying the government must provide service delivery immediately … but the State must implement a reasonable programme to provide services to the people. It must be a people-driven process, meaning Government and community work together towards achieving a common goal. (SA SDI Alliance, 2011: 7)

Participation has been inscribed in the litany of urban and housing policy frameworks since 1994, but the quality and nature of these formal participatory spaces (for

example, IDP forums, service delivery consultations, built environment performance plans, scorecards, etc) are often consultative, tokenistic and compliance-driven (GGLN, 2013; Oldfield, 2008). Public participation policy does not necessarily ensure conditions for inclusivity.

However, in the ISN's experience, partnerships with the state are not a foregone conclusion. For instance, in June 2012 a 'design studio' involving a shack settlement community of Johannesburg's Marlboro South industrial area, the urban sector NGO Community Organisation Resource Centre (CORC), the Architecture department of the University of Johannesburg and private architecture firm 26'10 South Architects was initiated with the task of drafting an appropriate urban design framework for the upgrading of this inner-city informal settlement in a derelict industrial area. The collaborative planning studio produced many innovative proposals for the redevelopment of the area, but this was brutally interrupted when the Johannesburg Metropolitan Police Department initiated illegal evictions in August 2012 (Patel, 2012). Although the community's legal representatives won a Constitutional Court ruling in favour of resettling the community (Lawyers for Human Rights, 2012), action from the City of Johannesburg has not been forthcoming. The redevelopment proposals developed in the 'design studio' have the potential to transform Marlboro South from a derelict industrial area to an infill development, but since a strong working partnership with the City of Johannesburg is absent, enforcement of the Court ruling remains a legal and political football.

From the Marlboro South example, we argue that creating urban commons requires a high degree of partnership and collaboration. But policy changes are also wrought through contestation and dissidence. As mentioned earlier, the right to the city is often framed in relation to emerging struggles of the urban marginalised when organising around the failure of the state (Mayer, 2009). Community organisations on all sides of the political and ideological spectrum have measures of autonomy from the state in common, and invite government into more democratic and inclusive decision-making processes.

The three characteristics of creating urban commons—practices, partnerships and policy impact—in the experience of the ISN discussed so far have called for greater attention to be paid to the facilitation and enhancement of civic structures in the planning and implementing of informal settlement upgrading. These three characteristics also emerge in the two Dar es Salaam cases discussed in the following section. We attempt to showcase the dissimilar experiences of communities in Dar es Salaam, where institutional, civic culture and informal settlement typologies are vastly different to those of South Africa. We spotlight these cases to illustrate lessons for practice, by considering how organisations of the urban poor work purposively with government agencies and engage government around responsive and innovative development.

Social and institutional change through community-led planning and upgrading in Tanzania

In Tanzania, informal settlements are primarily characterised by permanent and semi-permanent self-built housing with no regular land subdivisions. This is largely attributable to the customary land administration, which promotes perceived security of tenure (Lupala et al, 1997; Midheme, 2007). This has in turn produced a quasi-legal land ownership system and a permanent and semi-permanent built environment. However, urban zoning regulations, propelled by neoliberal urban planning and development in Tanzania, have been compelling residents to acquire titles and pay rates for their land. Increasingly, poor communities are in deadlocked negotiations with local governments over land use management and housing. Despite relatively higher-quality informal housing stock, the provision of infrastructure in informal settlements is highly deficient and existing infrastructure is crumbling.

However, it is important to note that with the availability of land, and with the exercise of de facto tenure rights, communities have gone ahead to undertake self-built housing, improve settlement infrastructure, and thus create 'flourishing' settlements where a characteristic sense of belonging is experienced. This is rather important to housing and upgrading debates in South Africa, where most informal settlements are established on government land but the potential for self-built housing and bottom-up upgrading is perhaps suppressed, owing to the limited appropriation of land rights ('restrictive regulation'), 'unrealistic' planning and building regulations (in relation to low-cost housing), and relatively high costs of construction. This is compounded by the socio-political impact of the 'promise of free housing'.

In Tanzania, the lack of government capacity to develop infrastructure and housing necessitates action by the urban poor when advancing their claims to the right to the city. This involves both collective action and partnering with government (Lupala et al, 1997; Midheme, 2007). To strengthen and advance this collective agenda, organisations of the urban poor have federated around common struggles. Some of these urban poor federations, such as the Tanzania Urban Poor Federation, associate with Shack/Slum Dwellers International. Collective action towards achieving tenure, housing and services, which is seen through the lens of creating 'urban commons', is the catalyst that fuels the work of these grassroots organisations. Their struggles are characteristic expressions of their claim to a right to the city, where security of tenure and tenure rights—the right to stay where they are—encapsulate the target outcomes of these initiatives. It is important to stress that to achieve this, the community-led initiatives are not decoupled from government activities but rather the two are mutually reinforcing forms of partnership. Importantly, the Tanzanian cases indicate how the creation of urban commons has the potential to inform a more responsive practice and redefine government-community relationships.

In Boxes 9.1 and 9.2 we outline two cases of such community-driven development in Dar es Salaam, in the settlements of Hanna Nassif and Ubungo Darajani, in order

to demonstrate in some detail the lessons they have to offer, and conclude by reflecting on their implications for South African practice.

| Box 9.1 | Incremental upgrading: The case of Hanna Nassif settlement |

Hanna Nassif informal settlement is located 4 km from the city centre of Dar es Salaam. By 1993—a time marked by failures of the site-and-service settlement upgrading programmes of the 1980s due to lack of funds, and residents' impatience with delays in qualifying for government upgrading programmes—the residents of Hanna Nassif were seeking to upgrade the settlement. Groups mobilised around local resources, which formed the bedrock from which to leverage additional funding (Lupala et al, 1997; Marten, n.d.). The most pressing agenda of containing storm water caused by seasonal flooding led to the formulation of the Hanna Nassif Community-Based Upgrading Project. The first phase of this project was undertaken between 1994 and 1997, with the planning and implementation being driven by the community through the Mtaa Development Committee (MDC, a decentralised structure that represents the community at ward level), locally referred to as 'Serikali ya Mtaa' (Lupala et al, 1997).

After pooling local resources, the community leveraged additional funding from donors (such as the Ford Foundation) and bilateral organisations such as the International Labour Organization (ILO), UN-Habitat and the United Nations Development Programme. Ngwegwe's (2007) analysis of the project refers to a credit scheme introduced to aid the households who were unable to meet the prescribed project costs. To improve the quality of the plan, technical support was provided by the government institution Ardhi Institute (now Ardhi University), the City Council and private consultants. The involvement of these institutions gave legitimacy to the process, and subsequently the policy-makers got first-hand experience in community-led development, which later proved critical in influencing policy. Through this initiative, 600 m of storm water drains, 1 500 m of roadside drains, and upgrading of 1 000 m of informal paths to *murram* (laterite/compacted dirt) quality roads were provided (Esch & Tournee, n.d.). In addition, the ILO introduced community work contracts to maximise the project impact through job creation. Following that, more than 430 work-days were created for 24 local labourers and training to undertake construction was done (Lupala et al, 1997). A construction committee was established to oversee the construction work of the project (Ngwegwe, 2007). This emphasises the capacity of locals to manage their projects, which in turn reduces project spending compared to outsourced project management.

Planning of this project was highly participatory, and through multi-stakeholder partnerships sound mechanisms for managing the project were put in place. Such mechanisms were vital, owing to the complex nature of the 'spatial order' that is intrinsic to informal settlements, where space contestation is deeply entrenched. Thus, internal negotiation and conflict resolution around space acquisition for infrastructure upgrading was instrumentally useful in executing this project (Lupala et al, 1997). It is especially notable that to cut down on project costs—and thereby ground a case for *replicability*—the existing customary land rights (communal land tenure) were relied on, and no compensation was given for land

Continued

acquired for infrastructure development (Lupala et al, 1997). This was made possible by the active participation of the community, as the sense of commonality was well established among the residents. The first phase (from 1994 to 1996) provided the impetus for incremental upgrading, and since then several projects have been activated in the settlement, including ongoing efforts to regularise the settlement (Marten, n.d.).

The policy impact of this project is considerable. The Tanzanian government adopted a community-based upgrading policy based on these experiences (Lupala et al, 1997). More flexible and responsive paradigms have subsequently emerged, contributing significantly to the upgrading approaches used in Tanzania.

Box 9.2   **Tenure regularisation and upgrading in Ubungo Darajani**

Ubungo Darajani settlement is located in close proximity to an industrial area, where formal employment is low and more than half of the community is engaged in informal entrepreneurship (Midheme, 2007). The settlement has relatively low density, and the housing typology is mostly that of permanent housing. The socio-political organisation of the settlement revolves around the MDC (ward committee), as is the case of most settlements in Dar es Salaam. The MDC's sub-committee, in this case the Land Development Committee, was instrumental in the regularisation process. This committee steered the formation of the Ubungo Darajani Development Fund, and a community structure, the Ubungo Darajani Development Organisation (UDASEDA), was formed. The latter organisation was tasked with the local coordination of the regularisation and upgrading process (Kessy, 2005; Midheme, 2007).

The state endorsed the regularisation, which can be traced back historically to a resident engaging the Mtaa leaders for formal land title. This individual act resonated deeply in the settlement and triggered a community mobilisation process in 1996. This was catalysed by the common reality that the settlement was under threat of eviction to pave the way for proposed industrial expansion—the Darajani Industrial Development Scheme proposed by the 1979 Master Plan (Magigi & Majani, 2006). The trigger effect of this act marshalled collective action that led to the formulation of a more elaborate upgrading project, which would entail infrastructure development (Magigi & Majani, 2006). Initially, the UDASEDA engaged the Kinondoni Municipal Council (KMC) to survey the settlement. Unable to meet this request, the KMC referred the community to the Ministry of Lands and Human Settlements Development, which in turn advised the community to work with the University College of Land and Architectural Studies (UCLAS) for technical assistance. The reluctance of the municipality to engage was linked to concerns over applicable planning standards, costs of the project and compensation stemming from possible relocations (Magigi & Majani, 2006).

The new partnership with the Ministry and the UCLAS resulted in a series of meetings in which the outputs of the process were agreed upon. These outputs included: an updated base map, a housing register, an infrastructure plan (focusing on roads and storm water drainage) and a detailed layout plan of the settlement (Midheme, 2007). The community

agreed to contribute towards the survey costs and each landholder paid Tshs 6 000 (US$3,70 at the time). A private surveyor was tasked with undertaking the exercise by the community. The approval of the KMC can be interpreted as the official sanctioning of the legitimacy of the project. Essentially, and a critical element that resonates with the policy impact of the process, the planning and regularisation employed exceptional planning regulations, rather than conventional municipal planning standards. Magigi and Majani (2006) observe that planning regulations were interpreted more loosely. For instance, instead of the conventional 6-m-wide roads, 2-m-wide roads were planned, and space contestations were resolved through negotiation. According to Magigi and Majani (2006), some of the key outcomes of this project include the following:

- Settlement land use management was based on the existing pattern of the settlement, which indicated plot layouts and transport networks.
- A drainage management plan was designed, and the construction of drains was managed by the community, saving on expensive contractor fees.
- After nine months (February to October 2003) of planning, the community saved and appointed a contractor to survey and produce a cadastral map. This enhanced community organisation and planning towards the regularisation process.
- The community's agency towards attaining title deeds and land ownership required collaboration with the government, and has contributed to longer-term development.

The main challenges facing the project were connected to government bureaucracies, which tended to slow down the process. Furthermore, the already existing socio-economic disparities among residents surfaced, which had a profound impact on the pooling of local resources (Magigi & Majani, 2006). This implies that external funding from government and other agencies is vital in upscaling initiatives by organised communities.

Emerging lessons from Tanzanian practice and its relevance to South African practice

The emerging issues in the above Tanzanian cases provide insights into the reframing of practice in the South African context. Notably, it is observed that some of the lessons drawn are similar to the experiences of the ISN in the Mtshini Wam upgrading process, discussed earlier in this chapter. The emerging lessons stress the importance of creating and sustaining the urban commons, particularly towards the realisation of urban inclusivity.

First, it emerges that through the collective action of the commons, the cases substantiate the fact that exceptional planning regulations, and the policy shift towards their adoption, have a greater potential for being realised through partnerships. And, critically, such partnerships should resonate with the urgencies of the 'urban commons'—in this case, prioritised development. The product of such practices is negotiated incremental development, in which a solid foundation for engagement

and upscaling is grounded. The Tanzanian examples allude to the fact that *in situ* upgrading and perhaps even incremental upgrading are almost always impractical if conventional planning and engineering standards remain intact. Likewise, such lessons emerge from the Mtshini Wam experience; hence a more sustainable approach to incremental slum upgrading in South African cities can perhaps be realised within this set-up. The community buy-in, as expressed in the Tanzanian cases, is fundamental to delivering socio-politically and economically sustainable upgrading projects.

Second, the Tanzanian experience, particularly in Ubungo Darajani, illustrates the struggles involved in producing 'urban commons'. This is seen especially in relation to tenure regularisation, which has emerged as a legitimate claim to the right to the city. This is made evident through the community's struggle for tenure regularisation; through such struggles urban poor communities assert and retain their rights to enjoy the benefits of spatial centrality. As observed in South African practice, the delivery of social housing violates such an ethos of extending the benefits of spatial centrality, by developing Reconstruction and Development Programme-type housing on the urban fringes.

However, the Tanzanian cases, particularly that of Ubungo Darajani, set the precondition of advancing this right to spatial centrality through a radical collective voice with set objectives. To a large extent, Mtshini Wam has a close resemblance to such struggles. Therefore, the creation of the 'urban commons' and the practices of *commoning* are conceptualised in this chapter as a vital impetus towards urban spatial restructuring in the contemporary South African city. The creation of such an urban commons will reconfigure traditional norms, which have conferred the right to the city on elites; most importantly, it has the potential to reshape urban politics to produce a positive impact—the creation of a just city.

The third lesson to be drawn from the Tanzanian cases is that the collaborative approach to development illustrates how communities can meaningfully engage the government and leverage public resources, be they financial, institutional, human capital and/or environmental, towards achieving accelerated development. Notably, this is an attestation that bureaucrats and the ruling class, if left alone, will not shape the just city, now or in the future. Rather, radical social mobilisation—creation of the urban commons—will play a decisive role in realising meaningful redistribution of the socio-economic benefits of South Africa's urbanisation.

Lastly, the two cases presented above demonstrate triumphs over the mis-conception that urban poor communities are 'too poor' to contribute financially towards development. The residents of Hanna Nassif settlement grew impatient with waiting, having missed out on several national upgrading programmes. Thus they began to take charge of their own development, while still holding the government accountable. This is a case of positive engagement, rather than mere confrontation. While recognising the cost implications of infrastructure and housing delivery in

terms of affordability and cost recovery, the lack of involvement of the affected people in decision-making is itself an impediment to the success of the programme. It is becoming clear that the contemporary practice of subsidised housing delivery will not address the challenge of informality in South African cities. Likewise, confinement of upgrading to a stringent list of qualifications, which ends up determining the sequence of upgrading, has the potential to miss out on the opportunities presented through creation of an urban commons. The Hanna Nassif case presents similar challenges, but, importantly, it proves that, notwithstanding limited resources, partnerships and community involvement in decision-making can help to negate these challenges. Indeed, the Mtshini Wam upgrading described in this chapter contradicts the perceived myth that most shack dwellers in South African cities are mere recipients of development. And most importantly, the lessons of these cases spell out that settlements with the potential for *in situ* upgrading should be approached in a way that acknowledges this potential, if spatial justice is to be enhanced in South African cities.

Conclusion

The occupation of land and formation of informal settlements are recurring phenomena in post-apartheid South Africa, and are discussed at length in this book. The contribution of this chapter has been focused on the 'social processes of commoning' urban land, which the poor do out of necessity. It was argued that 'urban commons' is useful as 'both a political imaginary and vocabulary, and also as a material aspiration and organising tool', to recall Chatterton's observation (2010: 626). When applied to the notions of spatial justice and the right to the city, which South African policy intentions have reflected since the first generations of housing and urban policy frameworks, a new set of practices, partnerships and policy imperatives emerge.

This chapter applied this theoretical framework to case studies of informal settlement upgrading and regularisation in South Africa and Tanzania. Drawing from these practical experiences in building capacity at settlement level, and policy impact at city scale, we have argued for the prioritisation of preconditions associated with settlement upgrading. Drawing inspiration from the 'urban commons' literature and its realisation of more equitable spatial justice and right to the city outcome, we have showcased a few examples of *in situ* and incremental informal settlement upgrading. Creating urban commons brings together both horizontal (for example, community mobilisation and collective action) and vertical (for example, systems of delivery) relationships and modalities.

The particular practices, agencies and organisational properties of the urban poor available to build partnerships with government in order to transform policy regimes are context-determined and path-dependent. Despite the daunting challenges

posed by the patterns of the 'urbanisation of poverty' seen in the global South, perspectives on the innovative and responsive interventions of the urban poor have the ability to recast state-civil society relationships. The hope of and aspiration towards realising more inclusive, integrated and pro-poor cities should centrally recognise the role of networks, organisations and agencies of the urban poor in bringing about social and political change.

References

Bradlow, B. 2013. *Quiet conflict: Social movements, institutional change, and upgrading informal settlements in South Africa.* Master's thesis, Department of Urban Studies and Planning, Massachusetts Institute of Technology.

Charlton, S. & Kihato, C. 2006. 'Reaching the poor? An analysis of the influences on the evolution of South Africa's housing programme'. In: Pillay, U., Tomlinson, R. & Du Toit, J. (Eds.), *Democracy and Delivery: Urban Policy in South Africa*. Cape Town: HSRC Press.

Chatterton, P. 2010. 'Seeking the urban commons: Furthering the debate on spatial justice'. *City*, 14 (6): 625–628.

CoCT (City of Cape Town). 2012. *Statement by Mayoral Committee Member for Human Settlements, Councillor Ernest Sonnenberg, at the Enumeration Launch in the Mtshini Wam and Siyahlala Settlements in Blaauwberg on 23 February 2012.*

CoCT. 2013b. *Draft Policy to Inform the Proactive Re-blocking of Informal Settlements.* Cape Town: CoCT.

CoCT. 2013b. *City's Plan to Overhaul Cape Town's Informal Settlements Gets the Go-ahead*. Press release, 5 November. Available at: www.capetown.gov.za/en/Pages/Cityplantooverhaul CTinformalsettlementsahead.aspx, accessed 3 December 2013.

Esch, W. & Tournee, J. n.d. *Community Contracts in Urban Infrastructure Works: Practical Lessons from Experience*. Geneva: International Labour Organization (ILO).

Fieuw, W. 2014. '*We Die Together: The Emergence and Evolution of the Poor People's Alliance*'. IIED Working Paper Series. London: International Institute for Environment and Development. Available at: pubs.iied.org/10714IIED.html, accessed 20 June 2016.

GGLN (Good Governance Learning Network). 2011. *State of Local Governance: Recognising Community Voice and Dissatisfaction: A Civil Society Perspective on Local Governance in South Africa*. Cape Town: GGLN.

Good Governance Learning Network. 2013. *State of Local Governance: Active Citizenship Matters*. Cape Town: GGLN.

Harrison, P., Huchzermeyer, M. & Mayekiso, M. (Eds.) 2003. *Confronting Fragmentation: Housing and Urban Development in a Democratising Society*. Cape Town: UCT Press.

Harvey, D. 2012. *Rebel Cities: From the Right to the City to Urban Revolution*. New York & London: Verso.

Helfrich, S. & Haas, J. 2009. *The Commons: A New Narrative for Our Times*. Washington, DC: North America Regional Office, Heinrich Böll Stiftung.

Huchzermeyer, M. 2012. *Cities with 'Slums': From Informal Settlement Eradication to a Right to the City in Africa*. Cape Town: UCT Press.

Isandla Institute. 2011. *The Right to the City in a South African Context: NGO Submission and National Roundtable Report.* Cape Town: Isandla Institute.

Isandla Institute, 2013. *Planning for Informality: Exploring the Potential of Collaborative Planning Forums, a Propositional Framework*. Cape Town: Isandla Institute

Kessy, J. 2005. *Land regularisation through participatory approach in Tanzania: The case of Ubungo Darajani-Dar es Salaam*. Master's thesis, Southern New Hampshire University at the Open University of Tanzania.

Lawyers for Human Rights. 2012. *Lawyers for Human Rights and City of Johannesburg Reach Settlement on Marlboro Gardens*. Available at: www.lhr.org.za/news/2012/lawyers-human-rights-and-city-johannesburg-reach-settlement-marlboro-gardens, accessed 3 December 2013.

Lupala, J. Malombe, J & Konye, A. 1997. *Evaluation of Hanna Nassif Community-Based Urban Upgrading Project Phase I*. Dar es Salaam: Government of Tanzania.

Magigi, W. & Majani, B. 2006. 'Community involvement in land regularisation for informal settlements in Tanzania: A strategy for enhancing security of tenure in residential neighbourhoods'. *Habitat International,* 30: 1066–1081.

Marten, L. n.d. *Slum Upgrading Case Study: Hanna Nassif*. Dar es Salaam: University of Pennsylvania.

Mayer, M. 2009. 'The 'right to the city' in the context of shifting mottos of urban social movements'. *City*, 13 (2–3): 362–374.

Midheme, E. 2007. *State- vs. Community-led land tenure regularisation in Tanzania: The case of Dar es Salaam City*. Master's thesis, International Institute for Geo-Information Science and Earth Observation.

Misselhorn, M. 2008. Position Paper on Informal Settlements Upgrading. Part of a Strategy for the Second Economy for the Office of the South African President. Complied for Urban LandMark.

Mitlin, D. 2008. 'With and beyond the state—co-production as a route to political influence, power and transformation for grassroots organizations'. *Environment and Urbanization*, 20 (2): 339–360.

Musungu, K., Motala, S. & Manchitsana, B. n.d. *Maps and Blocks: Using GIS to Enhance Community Participation in Planning Informal Settlements*. Working paper. Cape Town: Cape Peninsula University of Technology.

Ngwegwe, I. 2007. *Community participation in the implementation of urban infrastructure upgrading project: The case of Mnyamani Village, Buguruni Ward, Dar es Salaam*. Master's thesis, Southern New Hampshire University at the Open University of Tanzania.

Oldfield, S. 2008. 'Participatory mechanisms and community politics: Building consensus and conflict'. In: van Donk, M., Swilling, M., Pieterse, E. & Parnell, S. (Eds.), *Consolidating Developmental Local Government: Lessons from the South African Experience*. Cape Town: UCT Press.

Ostrom, E. 2000. 'Reformulating the commons'. *Swiss Political Science Review*, 6 (1): 29–52.

Patel, K. 2012. 'Marlboro evictions: The shortfalls of the housing policy'. Daily Maverick, 28 August. Available at: www.dailymaverick.co.za/article/2012-08-28-marlboro-evictions-the-shortfalls-of-the-housing-policy/, accessed July 2013.

Pieterse, E. & Parnell, S. 2010. 'The "right to the city": Institutional imperatives of a developmental state'. *International Journal of Urban and Regional Research,* 34 (1): 146–162.

Pithouse, R. 2009. 'A progressive policy without progressive politics: Lessons from the failure to implement "Breaking New Ground"'. *Town and Regional Planning*, 54: 1–14.

Robinson, J. 1996. *The Power of Apartheid: State, Power and Space in South African Cities*. Oxford: Butterworth-Heinemann.

Seekings, J. 2000. *The UDF: A History of the United Democratic Front in South Africa, 1983–1991*. Cape Town: David Philip.

Soja, E. 2010. *Seeking Spatial Justice*. Minneapolis: University of Minnesota Press.

SA SDI Alliance (South African Shack Dwellers International Alliance). 2011. *uTshani Buyakhuluma: The Grassroots are Talking*. 1 (2).

The Presidency, National Planning Commission. 2012. *National Development Plan 2030: Our Future—Make it Work*. Pretoria: The Presidency.

Todes, A. 2006. 'Urban spatial policy'. In: Pillay, U., Tomlinson, R. & Du Toit, J. (Eds.), *Democracy and Delivery: Urban Policy in South Africa*. Cape Town: HSRC Press.

Interview

Klaas, N. 2013. Community leader from Mtshini Wam informal settlement, Cape Town. Interviewed during the 'Urban Commons Cape Town' colloquium facilitated by CORC and the Royal Institute of Art (Sweden).

Chapter 10

'Development from within': Advancing a people-centred, partnership-based model for informal settlement development in the City of Johannesburg

Thabo Karabo Molaba and Zunaid Khan

The creation of space for communities to become involved in the planning, development and project implementation of their own neighbourhoods has become critical for building sustainable settlements. According to Görgens et al (2013: 34), '[more] effective planning and decision-making at a neighbourhood level is a key mechanism through which state interventions could be made in a more integrated and sustainable fashion'. The involvement of 'ordinary people', particularly in issues that affect them directly, has become pivotal for effective service delivery; as Pieterse (2013: 21) states, '[the] assumption is that the quality of the service is likely to be higher and more durable when the target constituency is involved in defining the approach to service delivery and possibly in the delivery systems and monitoring'. It serves as a cornerstone of democratising service provision, recognising the agency of people in selecting and overseeing the kinds of services they receive and the manner in which these are delivered to them. The involvement in and contribution of communities to governance issues has become the focal point of engagement, participation and fostering of active citizenry in South Africa.

Involving communities is not only a principled undertaking but also a legislated requirement that compels local authorities to act in a certain way in the planning and delivery of services. To be consistent with the Municipal Structures Act, No. 117 of 1998, local authorities are required to consider the involvement of community organisations in the affairs of the municipality and to have due regard for public views. Section 44 (3) (g) of the Act states: 'The executive committee in performing its duties must annually report on the involvement of communities and community organisations in the affairs of the municipality.' It is critical how this participation is framed or advanced by both the representatives of the community and the local authority, so that it does not become an exercise in semantics without meaningful results, where those participating are called on to endorse predetermined conclusions.

The participation and involvement of communities in local development has become synonymous with democratising participation and engagement. The Upgrading of Informal Settlements Programme (UISP) has positioned the involvement

of communities as one of the pivotal considerations for development (DHS, 2009a). This policy blueprint has played an important role in advocating for an integrated and inclusive approach to the development of informal settlements. In the context of participatory engagement, this approach rests on principles of respect, transparency and accountability. The role of township and informal settlement communities in local development has been influenced by how such communities are organised and mobilised.

The increasing number of community protests highlights the pressure that has been exerted on government in relation to service delivery (Municipal IQ, 2014). The concerns of communities are centred on the lack of consultation on the part of their elected public representatives, the slow pace of service delivery and the lack of active participation, as the Service Delivery Protests Barometer developed by the Community Law Centre shows (De Visser & Powell, 2012). In some cases, communities have opted to address this situation by approaching the courts. The legal claims brought against the government have mainly centred on socio-economic rights and access to basic services and housing.[56] Local government has been the recipient of the majority of these legal claims and, as a consequence, has been affected by the court rulings as the delivery arm of government responsible for basic services.

The majority of court judgments have not centred on the failure of the government to deliver services but rather on how it engages with its constituency in communicating with and involving them in issues that affect their livelihoods. The contentious issue arising from this is that development seems to be incongruent with the contextual reality of informal settlements and thereby prejudices the community in terms of access to social and economic opportunities provided by the government. The challenge to government, particularly at ward level, to engage with communities has created political opportunities for opposition parties and pressure groups. In some instances, leaders have turned against their own political parties because they feel that these have not delivered on the promises made to the electorate. For those who failed to make it onto party political lists during elections, this becomes an opportunity to demonstrate the inability of the system to deliver on the promises it made. It has come to represent the ability—or lack of ability—of the local authority to govern.

For the sake of keeping the politics of development relevant, the role of non-politically aligned social movements has become critical in looking after the interests

---

56 This is particularly the experience of the City of Johannesburg, which has seen numerous cases levelled against it dealing with inner-city evictions and access to alternative accommodation, informal settlement upgrading and municipal services. Many of these court cases, as well as others related to other municipalities or other spheres of government, are listed on the SERI website (www.seri-sa.org).

of the community. This is particularly important in light of the trend of party capture of both formal and alternative spaces of participation and social mobilisation (Piper, forthcoming). Moreover, in a municipality like the City of Johannesburg where relationships with informal settlement communities and their leadership have more often than not been adversarial (see, among others, Tselapedi & Dugard, 2013), non-political alignment by social movements offers the prospect of alternative, more cooperative relationships to be nurtured.

This chapter looks at the contribution and role of engagement and participation in informal settlements in driving the incremental upgrading of these settlements. It does this by looking at government-established processes of engagement and participation, particularly through a case study demonstrating a working collaboration between the City of Johannesburg and the community of Ruimsig informal settlement. As former city officials, the authors had first-hand experience of the demands, expectations and challenges related to involving communities in local development; we also have been directly involved in the case study narrated in this chapter.

Stakeholder engagement: An overview

The current rationale for stakeholder engagement is premised on the history of the participation of the 'masses' in political change in South Africa. Since the beginning of the current political dispensation, the politics of engagement and participation have shifted from those of a coercive state to those of a 'listening government' that recognises civil involvement in influencing its direction in relation to development and service provision. The effectiveness of this 'listening' remains a moot point, however. This section briefly summarises relevant policy and legislative requirements for community engagement, particularly in relation to local planning, and outlines the approach recently taken by the City of Johannesburg. While the progressive intent of these policy provisions is not in question, in practice it has proven challenging to facilitate inclusive and meaningful processes and structures for community engagement, resulting in tangible and locally appropriate outcomes on the ground.

The legislated engagement framework

Section 152 (1) of the Constitution calls on local authorities to involve communities and community organisations in matters of local government (RSA, 1996), and Chapter 4 of the Municipal Structures Act provides for the establishment of ward committees in certain categories of municipalities. The Municipal Systems Act, No. 32 of 2000, also makes note of community participation in municipal affairs and encourages municipalities to establish alternative forums where no municipal structures for community participation exist. Due to complex and sometimes

conflicting interests within communities, the ward committee is expected to cater for different interest groups representing different stakeholders relevant to the key performance areas of the municipality and as identified through the integrated development planning consultation and implementation process.

Ward committee representation

The ward committee system seeks to ensure that various sectors of a community living in a ward are represented. The intention is to decentralise local government and to bring governance closer to grassroots formations. What has emerged is that the structure intended to be representative of the various sectors in a ward is highly politicised by being dominated by members aligned to the political party of the ward councillor. This has made the ward committee politicised as opposed to serving the interests of the community in a ward. Moreover, sector representation on these committees does not count informal settlement residents as a sector that requires concentrated attention (Department of Provincial and Local Government, 2005: 11). There are notable exceptions to this rule; according to Tselapedi and Dugard (2013: 59), for example, 'the [Thembelihle Crisis Committee] is concerned with the high level of crime in the area and, to this end, participates in the ward committee and the Community Policing Forum'. The obvious outcome of this is that the aspirations of these residents are not well captured in the drawing up of the needs of a ward. In the experience of the City of Johannesburg, in many instances this has led to a hostile relationship between informal settlements and ward committees.

Housing planning through integrated development planning

The housing sector plan is the outcome of a consultation process undertaken in terms of the Integrated Development Plan (IDP) of the local authority. This is intended to assist the local authority to effectively make use of available and allocated financial and human resources for development initiatives. This exercise is intended to assist in coordinating multi-stakeholder participation and engagement. The engagement undertaken through these consultations should theoretically be able to help in the prioritising and allocation of resources for effective project implementation. Construed as a valuable tool for implementation, consultations should help the local authority to estimate the demand and type of services required by the community, and to respond to demands for improved quality of life. This therefore serves as a strategy for the involvement of different stakeholders and for mobilising a range of investments to optimise service delivery.

Subsection 152 (e) of the Constitution makes note of civil participation. This is not spelled out, however, and is left to the determination of local authorities. The City of Johannesburg is required to develop a housing sector plan, as part of the IDP's five-year plan in which the city's housing development future is presented

over the short, medium and long term. This is required by law (the National Housing Act, No. 107 of 1997) and in terms of the Guidelines provided in the National Housing Code (DHS, 2009b). This plan is reviewed annually in terms of the set targets of the housing business plan, as contemplated in the Municipal Systems Act. The review covers issues of planning, budgeting, development, management and decision-making in a municipality. It is intended to be an inclusive consultative process, with communities granted equal right and access to participate and influence the direction of the city.

Community-based planning and stakeholder participation

The City of Johannesburg has taken into consideration the importance of community consultations and engagement. In reviewing its engagement processes, the City has acknowledged that this engagement has not fostered effective participation in the City's planning processes and that a new approach is necessary. As a result, the 2013/2016 IDP (City of Johannesburg, 2013) included a dedicated section covering this issue, which culminated in a ward-based planning approach that specified the need to align the specific needs of a ward with the broader planning priorities of the city. The rationale was that by enabling a ward to identify at least five developmental needs, democratic planning processes would be deepened within communities.

Two interesting elements emerge from this process. The first is ward-based plans that confirm the services and facilities that are needed by the community in a specific place. These plans present an overview of what could be provided, with what resources and at what cost. Second, the process identified the need for strategic partnerships to drive social change. Communities are identified as strategic partners that can assist the city to meet its developmental goals by participating in its engagements. The process allows community members to share their experiences and to provide a critical analysis of service provision. The challenging issue that arises is whose voice is heard: existing power relations often define who has access to power and influence. Similarly, placing communities at the centre of development has its own challenges. The process often becomes contested in that those who hold leadership positions tend to use their power to influence, control and dominate community influence.

The changing face of engagement: Partnerships that work

From the perspective of the City, it is assumed that communities, through their elected public representatives and ward committees, have access to decision-makers in the city and thereby the planning processes that impact on their lives. This assumption rests on the notion that their elected representatives will engage on their behalf with local government. Another assumption is that the division of the City into seven regions, with the presence of departments in each region, will bring

government closer to the people, and that communities will engage with the City from the regional office perspective. The reality is that departments' involvement with communities remains uncoordinated, which results in interventions that are fragmented rather than strategically planned or coordinated. As a result, the participation or involvement of communities has not yielded the kinds of results that communities recognise, with important questions being raised about the nature and quality of the consultation process.

In our work, we have come to realise that the critical dimension of participation and consultation is to actively involve communities and to assist planners to appropriately address issues of service provision. The intention is to take into account the rights of citizens while equally advocating for the responsibilities of communities, to actively involve them in designing the neighbourhoods they would like to live in. Active community involvement plays a pivotal role in shaping the socio-economic outlook on the livelihood and settlement patterns of a community. As previously highlighted, the Housing Code takes cognisance of the role of communities in driving development and building responsible citizenry. As such, community engagement should be undertaken within the context of a structured agreement between the local government and the community itself. In order to instil a sense of ownership, community members are encouraged to lead development in their own areas, making their involvement from the onset very important. To facilitate this, a number of communities in informal settlements around Johannesburg have clustered themselves under the banner of an apolitical movement known as the Informal Settlement Network (ISN).

The ISN is a network of informal settlements communities that is constituted at the citywide level in large cities and small towns throughout South Africa. A key principle of this network is to develop substantive partnerships with local authorities to improve access to basic services, land and security of tenure. The ISN mobilises communities around critical issues affecting peoples' daily lives in informal settlements. Whenever any affiliated community in the network requires expertise and resources in order to participate in development, they are encouraged to call upon others within the network, who then transfer their knowledge, experience and skills. The ISN is supported by an NGO, the Community Organisation Resource Centre (CORC), which provides the network with technical, facilitation and logistical support and resources. The ISN and CORC follow the principles and approaches of Shack/Slum Dwellers International (SDI), which is an alliance of grassroots-based 'federations' of the urban poor from 33 countries in Africa, Asia and Latin America. The general practice of the SDI is based on a model of community-driven development where communities take leadership and ownership of community saving schemes, enumerations and exchange programmes. All of this enables and empowers communities to engage with local government to upgrade informal settlements and achieve pro-poor, inclusive cities in the global South.

ISN affiliates in Johannesburg have sought to engage the City in dialogue on how development might unfold in the areas in which they live. As opposed to taking to the streets, these communities, through their own elected representatives, are engaging the city through an established platform. This involves monthly meetings on initiatives happening in their localities. This has allowed for overtures to be made to city officials to partner with communities in improving the quality of livelihoods in their respective neighbourhoods and in addressing issues pertinent to each area. Where feasible, these issues are referred to regional offices and facilitated through the area manager responsible for the settlement. These monthly meetings have provided a platform to engage with and influence the city on how communities perceive incremental upgrading. Although this engagement has been facilitated by the Housing Department of the City of Johannesburg, the envisaged partnership is one that will be facilitated at citywide level, preferably through the City Manager's office. In its current form, the Housing Department is tasked with facilitating access to other services that the community would not be able to access if facilitated through interdepartmental engagement. This has provided a real challenge to the city, as it implies that communities in informal settlements see themselves first as a community and then as part of a larger ward community. These communities do not see their interests represented in the ward plans, yet these are the key localised development plans recognised by the City.

We firmly believe that this engagement has offset possible protest that could have arisen from a perception of non-engagement by the City. As an organisation, the ISN has been able to influence the direction or response of the City on matters relating to informal settlement through this medium of engagement, knowledge sharing and exchange, and a mutual respect and understanding have developed for the operational realities that exist in relation to informal settlements. Its contribution in influencing the City's Informal Settlement Transformation and Management Plan has helped avoid possible litigation and the bulldozing of homes. The Informal Settlement Transformation and Management Plan's focus is on informal settlements which are considered not to be ready for *in situ* upgrading in the City's plans. The Plan looks at how these settlements could be enhanced through provision of access to services such as water and ablution facilities in order to improve people's living conditions in the area they currently occupy.

The Ruimsig experience: Community-driven incremental upgrading

The Ruimsig informal settlement re-blocking project was initiated through the monthly meetings discussed above as a test model for community-led incremental upgrading initiatives. When this exercise was initiated, the community was uncomfortable about calling it a pilot because of the stigma attached to government pilot projects: these usually start and end as pilots without success being achieved in replication or upscaling. The term was therefore avoided from the start. The

project started in October 2011 after protracted consultations between City officials, the national government's National Upgrading Support Programme and community leadership, supported by the ISN and CORC; in the course of this consultation process Ruimsig was identified by community leaders representing various settlements as suitable for testing the project, taking into account critical factors such as number of residents, location, environmental impacts, the IDP reference and the stability of the settlement, including well-defined and capable community structures.

The settlement is located approximately 25 km to the west of the Johannesburg city centre and comprises 369 households, including smaller satellite settlements. It is nestled between a quarry and upmarket formal residential developments. A sprawling area of new development has mushroomed into a conglomeration of upmarket residential homes, townhouse complexes, cluster units, retail strips, outlets and centres, making this area an attraction for job seekers. There is a constant tension between the affluent residents of the Ruimsig Homeowners' Association and the residents of the informal settlement, because of the perception of uncontained and constant settlement growth. Despite the widespread growth and development in the area, and the location of the settlement, there is no state-run project here. In the explosion of development that has taken place, there has been no effective planning mechanism to identify land parcels for state housing projects and for well-managed, sustainable and serviced informal settlement development and growth. Further tensions have been created by the cross-border demarcation of the Ruimsig informal settlement. The settlement is situated across two wards controlled by two different political parties, namely, the African National Congress in Ward 23 in Mogale City Local Municipality and the Democratic Alliance in Ward 97 in the City of Johannesburg. The new approach therefore provided an opportunity to build a new relationship between these different actors in a process that valued all voices across the spectrum of stakeholders.

The process of incremental upgrading placed at its core the role of the community in co-defining the parameters of the development. The community undertook an enumeration exercise to determine the size, skills and needs of the community. This exercise documented every person in the area, including foreign nationals. Members of the community were trained as community architects and, together with architecture students from the University of Johannesburg, implemented a process of mapping the settlement in order to establish its layout. By playing an active role in the mapping, the community was enabled to develop a better understanding of its location and layout. This was followed by a blocking-out or de-densification exercise that created enough space between the shacks through a negotiated process of redesigning and reshaping the settlement. With the support of Ikhayalami, a Section 21 not-for-profit organisation that focuses on designing, developing and implementing technical innovations for rapid and incremental

informal settlement upgrading, the community initiated the first savings scheme of an informal settlement in Gauteng. This is known as the Community Upgrading Facility Fund (CUFF). Every household sponsored with a 1 metre by 1,5 metre corrugated iron structure is required to make at least a R500 contribution towards the fund. This has assisted in the purchase of four sides of corrugated sheets for each household to erect a better unit, particularly for those who previously stayed in plastic or makeshift dwellings.

As the project unfolded and challenges emanated from internal squabbles, the community elected to establish a project team and community leadership as separate formations. This was done in order to avoid a conflict of interest among the individuals playing leadership roles in the process. As the project has been implemented, monthly project steering committee meetings have been facilitated through the Policy and Research Unit of the City's Housing Department. The community leadership, project team, government representatives and CORC, as the supporting organisation, have overseen the deliverables of the project. Meetings are chaired on a rotating basis as part of the process of capacitation of the community.

A case for replication

Incremental upgrading has remained a theory rather than a practice, particularly on the part of the City. The Ruimsig case presents an opportunity for learning about how public participation can have a very positive outcome. While the community awaits the decision pertaining to the development of their settlement, they have in the interim worked to improve their living space by developing better structures which are, for example, fireproof. Community leaders have demonstrated exceptional capability in soliciting the buy-in of the regional office of the City authorities. This has resulted in Ruimsig becoming an 'exceptional project' of the City despite officials' initial scepticism about whether the community understood what they were doing, with the result that the settlement did not feature in the immediate plans of the City.

The Ruimsig project presents a case in which the City has found it strategic to relax some of the stringent policy provisions that would have made it impossible for this community to drive development in the manner in which they have done. This is not a perfect project, but it is a clear demonstration of how a community can be mobilised to co-design and implement their own development process, if afforded the space and granted an opportunity for incremental development that can be driven from within. It further demonstrates that the City of Johannesburg has recognised the need for a divergence in its current approach to allow for flexibility and enhanced engagement with community structures towards improving the quality of life in informal settlements. It therefore demonstrates a pragmatic and collaborative approach towards informal settlement upgrading. The approach has been defined as a 'slow process of development' for identifying and acknowledging the actors, partnerships and community capabilities. It reflects a slow uptake and

understanding on the part of City officials, and as such reveals the need for a better theorised understanding of community engagement in driving development.

Although the community is not represented on the ward committee of either of the two wards, they have been able to attract the attention and support of the representative ward councillors. While the affluent adjacent area remains concerned about an informal settlement neighbouring their homes, there have not been any incidents of removal or relocation of the community of informal settlements apart from the demolition of extended structures, which was negotiated with communities in a public meeting. The City of Johannesburg agreed to relax its stringent policy provisions that would otherwise have made working through this project difficult. Every extension or alteration that has to be made is expected to be presented to the project steering committee meeting before it is carried out.

There has been progressive involvement of other City departments in the project. This engagement has been framed by the will and aspirations of the community to drive and shape development in their locality. The Department of Social Development has initiated a Social Surge Programme, crafted as a type of indigent policy with a particular orientation towards informal settlements. Ruimsig has been identified as a case study for this department in its attempts to pull in other social cluster departments to assist the community to access social services. At the time of writing, the community had engaged the City's Emergency Medical Services to provide Basic Emergency Safety training.

Challenges experienced

The disadvantage experienced by communities in informal settlements when development bypasses them is sometimes a result of the superficial interests, opportunities and benefits of those at the helm of leadership in a community, and their ability to safeguard their interests. Communities living in informal settlements ultimately find themselves victims of underdevelopment because those who claim to represent their interests have done so with the ultimate goal of safeguarding their own interests.

The Ruimsig project has not been without its challenges. The community is aware that it receives all its services from the City of Johannesburg, while the community leadership in its meetings invites the Mogale City ward councillor to address this constituency. The two local authorities, through the Members of the Mayoral Committee responsible for human settlements, are in conversation about how the two municipalities can cooperate in this settlement. Another challenge is that during the enumeration exercise some of the community members were reluctant to share their personal information because of fear of misuse of their details. With xenophobic attacks a recent occurrence in a number of informal settlements around Johannesburg, foreign nationals have believed that this exercise was directed towards them in order to push them out of the community.

As re-blocking occurred and plastic makeshift structures were replaced by better corrugated-iron sheet structures, the neighbouring community in the more affluent area saw this as an encroachment on municipal by-laws. This was addressed after the local ward councillor from the City of Johannesburg convened a meeting between the Ruimsig Homeowners' Association, City officials and members of the Ruimsig informal settlement to discuss the value of their properties and mushrooming settlements. This provided an opportunity for wealthy and affluent neighbourhood residents to consider how they could live alongside a relatively poor community, and find solutions to the grievances and challenges to which this gave rise.

To conclude, the key emerging lesson is that the prerequisite for successful incremental upgrading is recognition of the needs, concerns and established processes of community structures, and commitment to working within a process that allows different perspectives and agendas to be reconciled and mediated. Engagement should not seek to decide on the project plan or proposal, or to allow one partner to isolate and define the problem and decide on the solutions or interventions. Rather, engagement should be intended to assist the actors to share their expectations and opportunities, and to enable all those involved to craft values and principles that will be upheld. The imperative is for the players to build relationships that enable expertise and skills to be brought together to co-define and co-design solutions to seemingly intractable challenges.

Conclusion

This chapter has argued that communities have a critical contribution to make in driving development and shaping their livelihoods. This is a major departure from seeing communities merely as voting objects suitable only to return political elites or the ruling party to power through the electoral system. Rather, the notion of development from within indicates the need for communities to mobilise for the purpose of challenging the status quo and taking control of the shape of development of their own neighbourhoods. For the City, the novelty of engaging directly with communities has emerged as a result of the challenges found in the current framework of public participation. Informal settlement communities have generally lost confidence in government processes, as they see the system to be corrupt and open to favouritism. Through the facilitation of structured engagement between the City and these communities on matters that affect them directly, new opportunities for development and inclusive governance can emerge. This chapter has demonstrated that localised partnerships between various stakeholders (including the state and local community structures) can improve interaction and communication and simultaneously minimise altercations.

The Ruimsig case thus presents a useful model for structured community engagement. In this example, community representatives have been at the forefront

of development and involved in all aspects of the process. A particularly positive feature of the current arrangement is that it is not limited to responsibilities held by the Housing Department, but facilitates provision of a basket of services by the City to ensure that all necessary services are delivered in a coordinated fashion through the Department. This reflects the principles on which the IDP process is based. The Ruimsig community-driven incremental upgrading project demonstrates that participation and engagement cannot be limited to holding the government accountable or waiting for government hand-outs; it also needs to be appreciated as a self-empowerment tool that enables the community to speak on their needs and to move towards a self-sustaining community. The facilitation of structured government-community engagement has enabled this community to demand action and responsiveness from the City of Johannesburg on the services it offers to its citizens.

The fundamental challenge for administrative procedures and processes is to enable local communities to advance their own development agenda. In other words, the perspectives of the 'end users' should be visible in driving development, as opposed to the views of the bureaucrats who often claim technical expertise or authority as the crux of development. Community involvement should be construed not as a way to inform communities, but primarily as a way to enable them to shape the discourse and process by learning and sharing their own experiences and expectations.

References

City of Johannesburg. 2013. *Integrated Development Plan 2013/2016.* Braamfontein: City of Johannesburg.

De Visser, J. & Powell, D. (2012). *Service Delivery Protest Barometer 2007-2012.* Cape Town: Multilevel Government Initiative, Community Law Centre. Available at: mlgi.org.za/barometers/service-delivery-protest-barometer, accessed 20 June 2016.

Department of Provincial and Local Government. 2005. *Guidelines for the Establishment and Operation of Municipal Ward Committees.* Johannesburg: Department of Provincial and Local Government.

DHS (Department of Human Settlements). 2009a. 'Part 3 Upgrading Informal Settlement'. In: *National Housing Code* Vol. 4. Pretoria: DHS.

DHS. 2009b. *National Housing Code.* Pretoria: DHS.

Görgens, T., Masiko-Kambala. P. & van Donk, M. 2013. 'Establishing citizenship academies to cultivate "cunning intelligence" and "practical wisdom" in local governance in South Africa'. In: Good Governance Learning Network (Ed.), *Active Citizenship Matters: Perspectives from Civil Society on Local Governance in South Africa.* Cape Town: Good Governance Learning Network.

Municipal IQ, 2014. '2014 protests surpass 2012 peak'. Press release, 7 November 2014. Available at: www.municipaliq.co.za, accessed 20 June 2016.

Pieterse, E. 2013. 'Rethinking the purpose and modalities of community development in South African cities.' In: Good Governance Learning Network (Ed.), *Active Citizenship*

Matters: Perspectives from Civil Society on Local Governance in South Africa. Cape Town: Good Governance Learning Network.

Piper, L. Forthcoming. 'From party-state to party-society in South Africa: SANCO and the informal politics of community representation in Imizamo Yethu, Hout Bay, Cape Town'. In Bénit-Gbaffou, C. (Ed.), *Popular Politics in SA Cities: Unpacking Community Participation*. Pretoria: HSRC Press.

RSA (Republic of South Africa). 1996. Constitution of the Republic of South Africa, Act No. 108 of 1996. Cape Town & Pretoria: Republic of South Africa.

Tselapedi, T. & Dugard, J. 2013. 'Reclaiming power: A case study of the Thembelihle Crisis Committee'. In: Good Governance Learning Network (Ed.), *Active Citizenship Matters: Perspectives from Civil Society on Local Governance in South Africa*. Cape Town: Good Governance Learning Network.

Chapter 11

Who needs partnerships? An informal settlement upgrading partnership framework

Aditya Kumar and Johru Robyn

Strong public, private, non-governmental organisation (NGO) and civil society partnerships are both essential and possible within the current South African policy environment. Given the lag in delivery of state-subsidised housing, recurring service delivery protests and confrontational relations between state and community, partnerships offer a new paradigm for addressing the upgrading of informal settlements. This chapter particularly focuses on secondary cities that are experiencing higher population growth than major metros (Stats SA, 2011), necessitating urgent interventions. Municipal-community-NGO partnerships offer means to embrace this growth and simultaneously manage broader issues of urban development.

In this chapter, we present empirical evidence of such a partnership-based model, where Stellenbosch Municipality is partnering with the NGO Community Organisation Resource Centre (CORC), supporting the Informal Settlement Network (ISN) and the Federation of the Urban and Rural Poor (FEDUP) and local community residents to upgrade informal settlements. In 2011 Stellenbosch Municipality and CORC entered into a Memorandum of Understanding (MoU) that further reinforced this collaborative relationship. The chapter has been co-authored through a unique collaboration between a senior municipal official and the project manager of CORC. Both authors are directly involved in the everyday management of this partnership, thus providing critical insight into the learnings from this initiative.

In the sections that follow we unpack several aspects of the Stellenbosch partnership, from governance to institutional arrangements, and emphasise the need for community-driven upgrading to achieve citywide-scale improvements in the lives of the urban poor. We demonstrate that partnerships enable the state to look beyond its role as a quasi-'problem solver' and involve communities as part of the solution rather than just the voice of the needy (Picken, 2002). Partnerships are viewed as an instrument for achieving participatory urban governance (Pieterse, 2000) and activating citizenship (van Donk, 2013). Appropriately structured municipal-community partnerships (MCPs) (Cranko & Khan, 1999) can enhance cost-effective service delivery, deepen democracy and supplement gaps in municipal delivery. Partnerships and multi-stakeholder initiatives are the new mantra for

intergovernmental dialogues, UN agencies and local NGOs (Martens, 2007). We use Robins's (2008) theoretical framework to explore the case study of Stellenbosch and the nuances of such hybridisation of partnerships. Our understanding of partnerships is hybrid in that it is moulded by key literature on MCPs, urban governance and active citizenship, and, more recently, by the objectives of the National Development Plan (NDP) 2030 (The Presidency, 2012).

We challenge the notion that partnerships require big institutional shifts (Cranko & Khan, 1999); in our experience they require a combination of small and medium moves within each institution that result in stronger relationships being forged between the state and communities living in informal settlements and backyards (Fieuw, 2011). Then, we build on the notion that neither 'state' nor 'communities' are homogeneous bodies (Newman, 2001: 11–12). Each entity has its own vertical structures and constraints. Within municipalities, these constraints relate to departments that operate in silos, without proper forms of coordination (ibid), poor capacity to work with communities and blurred boundaries between 'officials and politicians'. Similarly, community structures are rarely homogeneous by virtue of their political alliances, structures and the presence of other community-based organisations. Our experience in the Stellenbosch partnership departs from a consensus-building approach and tends rather towards models of building strong pro-poor platforms, constructive negotiations and needs-based development.

Finally, the partnership challenges the straitjacketed, static role of intermediary NGOs. In the instance of Stellenbosch, the fluid and ever-changing role of the intermediary NGO CORC was crucial to the success of the process. Initially CORC, through its support for the ISN and FEDUP, played a strong role in mobilising and organising communities, and in mediating the hostile relationship between the municipality and informal settlement communities. The NGO provided the necessary platform for a non-confrontational and non-judgemental relationship between the two entities. However, this role rapidly transformed from one purely of social facilitation and partnership building to providing technical facilitation for community-based planning, thereby bolstering the capacity that existed within the municipality.

Our argument is structured in five sections. The first section contextualises the current discourse and policy environment around informal settlement upgrading. It links existing literature on upgrading, partnerships and participation to lay a strong foundation for a partnership-based approach. The second, third and fourth sections provide insight into the Stellenbosch partnership in terms of realigning institutions, strengthening community networks through projects, and institutional/governance arrangements, respectively. The concluding section presents some of the lessons that emerged from this partnership.

Our expected outcome from this partnership was to scale up the delivery of basic services, foster a strong relationship between the municipality and the community and ultimately provide a sustainable model for upgrading informal

settlements. While our findings indicate that these outcomes have generally been achieved, we also realised that the empowerment process isn't a binary product—it has empowered communities to negotiate and implement better services, while simultaneously reinforcing the control of the state in determining the service delivery agenda. The outcome of the Stellenbosch project confirmed our assumption that partnerships are an alternative paradigm for planning and challenging the state's top-down process. But an inadvertent consequence of this partnership has been the strengthening of state control over informal settlements and the urbanisation of cities.

A key finding of this chapter is that partnerships offer a qualitative and measurable positive impact on informal settlement upgrading. However, the specificity of each informal settlement and backyarder community requires a deepening and widening of the scope of such future partnerships. The concluding section will draw out elements that are crucial for the replication of such partnership-based models, both for government and for intermediary NGOs. Finally, these learnings provide a platform not just for a stronger voice for the urban poor but for better means to govern our cities.

Who needs partnerships?

In 1994, one of the expectations was that the post-apartheid South African government would introduce a new paradigm of relationships between the state and civil society. However, freedom slogans such as '*Amandla awethu*' ('Power to the people') continued to find resonance in the post-apartheid era as a way to mobilise communities into becoming active citizens (van Donk, 2013). These mobilisation strategies underlined the state's role in empowering communities and that such collective action (involving the state and civil society) could redefine the urban landscape. Yet, even with the shift from the Reconstruction and Development Programme (RDP) to the Growth, Employment and Redistribution (GEAR) policy, the South African state manifested itself in many conflicting roles—as a neoliberal state vying for foreign direct investment, a welfare state that provides grants rather than employment, a production factory for housing for the poor and, finally, a service delivery agent.

Therefore, instead of challenging the apartheid spatial order through collective action, the past 20 years of democracy have deepened poverty, increased the number of informal settlements and demonstrated a poor record in giving people access to livelihoods or shelter, as is indicated in a 2001–2007 survey of the increase in informal settlements and their size undertaken by the Housing Development Agency (HDA, 2012). This prevalent spatial order has only reinforced the difficulty of providing services to communities living on poorly located land. The demands of ongoing urbanisation, lack of service delivery and failure to deliver state-subsidised housing at an acceptable rate have clearly strained the relationship between South African municipalities and informal settlements, as highlighted by the erstwhile Minister of Human Settlements, Tokyo Sexwale (Sexwale, 2010).

The NDP is the new and current road map for development in South Africa. Within the scope of its aims and objectives, it is an honest and accurate description of the challenges (highlighted above) faced nationally. Important to this chapter is the position that the NDP takes on partnerships, especially as it pertains to the community at large: 'To successfully implement this plan [the NDP], the country needs partnerships across society working together towards a common purpose' (The Presidency, 2012: 47).

The NDP emphasises that the traditional development model of South African municipalities, that is, identifying an area within its jurisdiction and doing 'what is necessary for the people of the identified area', must be revisited and overhauled to become a partnership-based collaboration (ibid). It acknowledges that convoluted and usually lengthy development cycles have led to predictable outcomes—slow implementation or increased lack of service delivery, service delivery riots, overpriced projects and zero contribution by the community. This process is legitimised by a prescribed, yet in our view cosmetic, public participation process as envisaged in Section 25 of the Municipal Systems Act, No. 32 of 2000.[57]

Thus while the NDP realises the importance of partnerships, it still continues to promote the notion that government has all the answers. It doesn't specifically acknowledge the importance of partnerships with intermediary NGOs and civil society groups. Any opportunity for partnerships is presented in a heavily regulated environment controlled by, among other legislation, the Municipal Management Finance Act, No. 56 of 2003. In fact, it clearly departs from any form of network governance, and rather centralises the power of the state within a much broader geopolitical climate.

The National Treasury encourages private-public partnerships at all levels of government (National Treasury, 2013). It provides a framework for different NGO and private institutions to forge partnerships with local, provincial and national government. However, in our view, this framework persists in framing the relationship between state and community as a parent-child relationship where the state provides

---

57 In a typical municipal budgeting process, a draft budgeting process commences around January and the budget is tabled in Council in May/June (30 days before the new financial year commences). A single public meeting with community residents will take place as part of the integrated development planning cycle, where various high-level municipal officials share key decisions in a matter of hours. The budgetary allocations are one of the items on the agenda, and it is unrealistic to expect communities to assimilate this complex information from a short presentation. Once a proper record of the meeting is generated, the budget goes through its own internal sign-off process. By June, the budget is finalised with an accurate documented record of a consultative meeting having taken place.

and people expect the state to provide. It offers partnerships with predetermined conditions, mostly alluding to its relationship to the private sector rather than to the NGO or civil society sector. It does not offer mechanisms for pooling resources and sharing risks and benefits that are key ingredients of a partnership (Warner & Sullivan, 2004).

Public participation

At a local municipal level, the Integrated Development Plan (IDP) meetings are another (unsuccessful) attempt at institutionalising public participation (Ngamlana & Mathoho, 2012). The primary reason for this is that there is an inherent lack of understanding by local communities of the public participation process and its purpose. Therefore almost all meetings are reduced to dealing with area-bound issues, most commonly housing-related issues in the poorer communities and property rates in the leafier suburbs. On the other hand, this process is regarded and treated as a compliance process as required by the Municipal Systems Act, and the outcomes have a very low impact on community involvement. Miraftab (2004) concurs that 'invited spaces' such as IDP meetings offer limited scope for dialogue and engagement. The communities rarely form part of the solution but rather are seen as rubber stamps on the process.

Through the case study of Stellenbosch partnership, we illustrate that community-based solutions enhance the quality and speed of service delivery, are more cost-effective, allow for greater ownership and simultaneously build trust within the institutions. In our view, such forms of partnerships make space for deeper collaboration and participation between municipalities and community residents. In Stellenbosch, this relationship between the partners also encourages new forms of communication that do not marginalise or disempower community members through the use of professional jargon (Lasker & Weiss, 2003) or invitation-only participation meetings. These new and innovative forms of communication rely equally on community-based knowledge, use of the local language, clearly explained governmental programmes and legislative frameworks that are informed by all partners.

Unlike most other partnerships, at its inception the outcomes and objectives of the Stellenbosch partnership were indeterminate. It was unclear what each institution could gain from such a partnership. It was considered a high-risk venture, where the outcomes were unpredictable. However, over the course of three years, the risks and benefits have become more clearly defined. In this regard, the work of Huxam and Vangen (2004) on collaborative advantage provides a strong theoretical base for this chapter. There is a sequential transition of the partnership from a high-risk venture with low trust to a low-risk venture with high trust. However, even in a situation of low risk and high trust, the power relations between community, NGO and local municipality continue to be uneven (Fisher et al, 2011).

In the concluding section of this chapter we examine whether this partnership offered a broad shift in municipal governance (Rhodes, 1997), strengthening the voice of the urban poor in decision-making. Building on recent debates on collaborative or network governance (Pieterse, 2000), we argue that partnerships can offer new forms of decision-making that are not simply top-down. As we will show below, in the instance of Stellenbosch we observed a significant shift in governance relating to informal settlements and decision-making around service delivery.

We recognise that the municipal system continues to exclude the urban poor, particularly when it comes to large-scale investments and urban development. Municipality-wide decision-making continues to be driven by politicised and neoliberal agendas. While such partnerships are a long way from offering alternative governance structures, they are stepping-stones to building more inclusive decision-making and active citizenship. This chapter presents an example of the starting points of such collaborations between local government and residents of informal settlements, ones that will hopefully lead to a more inclusive city.

Realigning processes

In this section, we unpack the driving forces and logistics that can introduce realignment of municipal directorates, NGO structures and community-based organisations. This realignment is a significant step in the streamlining of individual institutional capacity and accountability of each partner.

As Figure 11.1 shows, Stellenbosch Municipality delivers roughly 300 housing units per year while the housing backlog has 20 000 families on the waiting list (Stellenbosch Municipality, 2009). This suggests that the delivery of subsidised housing to address the backlog is a century away (Stellenbosch Municipality, 2009: 35). These figures do not account for all the families living in informal settlements and backyards, nor do they account for growth or in-migration over the next decades. This realisation led to serious rethinking within the municipality. Parallel to the failure to meet housing demands, attempts to deliver basic services were faced with upheavals and revolt by communities (interview, Davidson, 2011).

Figure 11.1 succinctly illustrates the widening gap between actual housing delivery and informal settlement growth. With the number of residents rising, particularly in secondary cities like Stellenbosch, the delivery of housing is seriously lagging behind. As the graph indicates, over the years the gap between housing delivery and residents in informal settlements is clearly going to reach unbridgeable dimensions. This trend is further corroborated by recent surveys (community-led enumerations) undertaken by the partnership. The data point not only to the rapid growth of resident numbers within informal settlements and
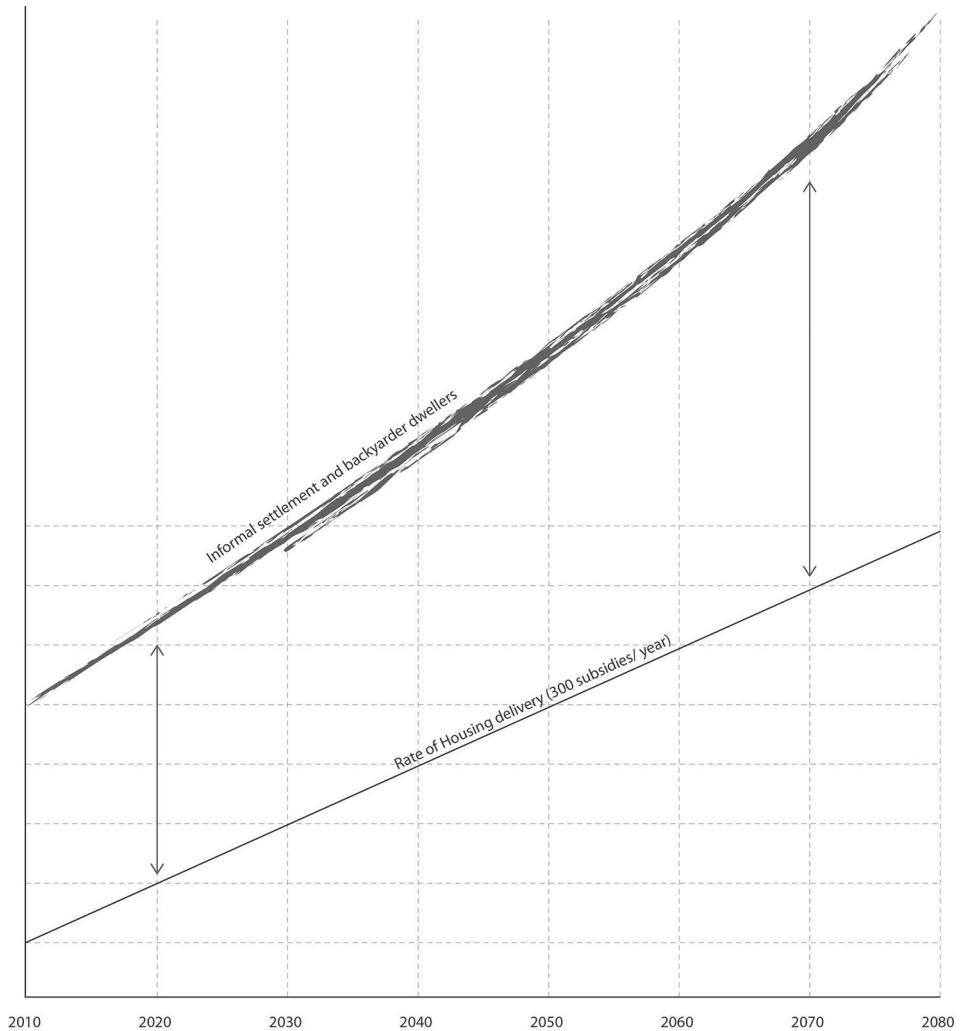
Figure 11.1: Housing delivery versus the housing backlog in Stellenbosch

Source: Authors, based on data in Stellenbosch Municipality, 2009.

backyards but also to the average age of the inhabitants. A number of these settlements are inhabited by younger residents, particularly people aged between 18 and 40 years of age (Pieterse, 2010), corroborating some of the findings from Census 2011 (Stats SA, 2011). These two factors became key instruments for organising and mobilising communities to partner with the state. The partnership between Stellenbosch Municipality and CORC particularly targeted this lag between housing delivery and the number of residents in informal settlements as a way to shift the mindset of these residents. Their choices were limited: either to wait for

housing for another 100 years (as highlighted above) or to work closely with the municipality to make short-, medium- and perhaps long-term changes to their built environment.

Prior to the formation of the partnership, informal settlements always remained a grey area for local government. There was never clear accountability or coordinated action from any directorate within the municipal structure. Three directorates—Housing, Planning and Engineering—kept shifting the responsibilities for these settlements between each other, without the proper participation of local residents. In this approach, the lack of coordination between directorates clearly inhibited consolidated service delivery or longer-term planning. In order to avoid another wave of service delivery riots, Stellenbosch Municipality embarked on a new course of action in 2010/2011, by instituting a new department called the Informal Settlement Management Department (ISMD). The creation of this department thus had a significant impact on the way service delivery in informal settlements would be managed in future.

First, by creating a dedicated department for informal settlement management, the municipality streamlined accountability to a single directorate. This is a clear departure from directorates that operate in silos, and are often unable to coordinate matters relating to informal settlements. The ISMD became a point of reference for the management of all aspects of informal settlements, from service delivery to maintenance.

Second, the relatively small department, consisting of five members, created a much stronger, more unified body, which allowed for better internal communication between staff regardless of hierarchy. Also, as a stronger entity, this department's communication with political structures was equally unified and decisive. The close working relationship of this administrative unit alongside political structures provided a strong backbone for the partnership. And the presence of strong champions within the department, who have extensive experience with governmental systems and policies, was a key factor enabling risks to be taken within the partnership.

The realignment process was not limited to the municipality, but also occurred within the NGO and social movements. In 2008, CORC started to imagine a parallel network of informal settlements. The impetus behind the creation of the ISN was the slow delivery of subsidised housing and disastrous conditions in informal settlements. The principles of the ISN were simply based on providing support to communities that desired better access to basic services or an improved built environment. The underlying belief was that a new developmental agenda could emerge through this community network, one that would focus on *in situ* incremental development. Based on the favourable buy-in to the ISN from various communities and clear demands for basic services, CORC established its first technical unit in 2010. This was a strong departure for the NGO, which had traditionally been dominated by community-based support staff or activists. The

establishment and strengthening of this technical unit fostered a stronger NGO that accounts to communities, but also helps to facilitate municipal-community relations (Robins, 2003).

In 2010, the manager of the ISMD approached the South African SDI alliance (SDI/CORC/ISN/FEDUP) to partner with the department. While the spontaneous reaction within the alliance was suspicion, the early discussions and meetings with the mayor and politicians clearly indicated a strong intent on the part of the municipality. Against the backdrop of a housing backlog as shown in Figure 11.1, it was agreed to initiate community mobilisation in Langrug, Franschhoek, and subsequently to engage with other informal settlements and backyarders.

The initial process of engaging the Langrug community involved a combination of both top-down and bottom-up activities. While as institutions, the SASDI alliance along with the ISMD continued to engage with senior members in the municipal council, they also strategically initiated community dialogues within the settlement. This introduction into Langrug began with in-depth briefing of the ward councillor of Langrug and its surrounding wards. This ward councillor engagement became a cornerstone practice of the partnership, as it rolled out to other settlements across the municipal area. Since November 2010, numerous meetings have been held with the local community-based organisations in Langrug.

In contrast to 'normal' public participation processes of the kind discussed earlier, the municipality meticulously explained to the Langrug community that housing delivery for some was decades away and a new way forward must be sought—the partnership route. Over the next four months, our discussions with community leaders covered concerns such as delivery of basic services, livelihood, food security, poverty, disempowerment, racism, apartheid policies, etc. Yet there was a relentless drive among the partners (the ISMD and SASDI) to ensure that the process did not lose momentum. Tools of documentation and attendance tracking registers gave indications of the presence of vocal and committed leaders who were willing and interested to partner with the municipality.

By March 2011, some loose form of community buy-in had started to become visible. Eventually, through an election process, a committee was chosen and endorsed by both officials and politicians. This process of 'truly meaningful engagements' involved much more than just mobilising the community; it was seen as a process of legitimising an independent representative structure that would parallel the structure of ward councillor and committees. A simultaneous process of representative structures was launched in other informal settlements in Klapmuts, Jamestown, Pniel, and so on, based on the strategies learned in Langrug.

In many ways, the process of realignment was a *shift in mindset*. It created the space for the partners to think and imagine their roles differently. The municipality clearly had to step out of its comfort zone to allow communities to take their own decisions relating to development. It also had to relinquish control over development

within the settlements, which made financial planning difficult and unpredictable. For the NGO and social movements, the process involved a delicate balance between activist-style independent community-based actions and respecting elected councillors. These elements necessitated strong coordination and communication between partners.

Finally, for the leadership structures, it *necessitated starting small projects*, to ensure the broadening of community networks by favouring community-wide projects over individual assets.

Starting small: Strengthening and broadening the community network

While partnerships are built on strong values, principles and visions, the process of building trust starts at a very small scale. Practical actions and joint projects allow partners to understand each organisation's capacity, but also its leadership. Taps, toilets and drains are part of such trust-building exercises. In our view, the solutions are often locked into answering simple questions like 'who, what, where, when and how' in a small project. The outcomes of these small initiatives reinforce responsibility and accountability on the part of all partners. They also take each partner out of its comfort zone and into a collaborative space, where risks and outputs have to be shared. Using small projects as instruments, partnerships can broaden community participation (Cranko & Khan, 1999). Collective initiatives are used as a tool to test and invite deeper participation from the community. In our view, this assists in building a wider consensus within the community.

Attempts at informal settlement upgrading within the municipal area have historically been uncoordinated and disjointed, as alluded to above. Communal services were primarily beneficial to a few community members who live in close proximity to the project, while others in the community continued to suffer. These measures deepened the contestation and conflict over services within the settlement. The lack of understanding of social and political dynamics within an informal settlement clearly reflects poorly on local government. The Stellenbosch partnership quickly realised that this approach was detrimental to building trust between the municipality and community, and that a new approach must be implemented. To build confidence among the local community and strengthen the leadership, the partnership consciously steered away from large capital projects, relying much more on smaller, community-based projects. From 2011 to 2013, the partnership created almost 400 temporary jobs in 10 different settlements, but also enabled several community-driven projects. Not only has this transformed the local community from purely reliance-based residents to citizens taking an active part in achieving desired outcomes; it has also built the confidence and capacity within the community to lead from the front. In addition, it has reduced the utilisation of middleman

contractors and reinforced the centrality of communities in undertaking their own improvements.

One of such agreed outcomes of the Stellenbosch partnership was to launch community-led enumerations in several informal settlements and backyards. Shack-by-shack enumerations were conducted and infrastructure maps were created in at least 10 of the 21 informal areas, completely led by community members. The data collection was the first step towards reaching a common understanding between the municipality and community members. For instance the Langrug settlement is home to 1 848 households (4 088 individuals), serviced by 83 toilets and 40 taps (CORC, 2012). The enumeration emphasised the under-provision of services but also opened up a dialogue process for community/local government interaction. Other critical findings related to the demographics of the settlement: roughly 65 per cent of community residents were under the age of 38, which had a significant impact on the potential development trajectory for the settlement. This trend also prevailed in enumerations conducted in Enkanini settlement in Khayamandi. Subsequent to enumerations, community members from various settlements presented their enumeration data to the mayoral committee and councillors. For the first time in the history of the municipality, informal settlement dwellers presented complex data about their settlements along with clear and specific development priorities. As a platform, this created a new paradigm where local capacities were harnessed, residents were capacitated and they presented their vision to senior politicians, rather than the opposite.

In addition, the enumerations deepened the recognition of informal settlement and backyard dwellers within the municipal area. The enumeration data are being vetted in terms of a council resolution, which offers greater security of tenure and legitimacy for residents. The risk of evictions is dramatically reduced.

Finally, the municipality is actively using these data as a reference for demographic statistics, which inform municipal registers such as the indigent register and the calculation of the Equitable Share. The data are deemed accurate enough to be used in funding proposals submitted to provincial and national government.

The community-based enumeration process had an even more wide-ranging impact at the local level. For instance in Langrug, a positive outcome of the enumerations was the emergence of different portfolios within the community working team. The focus areas of these portfolios were health, education, youth, safety, water and sanitation, and greywater. In particular, the health portfolio revealed several families that were experiencing serious hardship due to either chronic health issues or old age. This group launched a health drive that paved the way for a partnership between the community and the local hospice. A large-scale public event was held to disseminate information about HIV/Aids and antiretroviral therapy. Similarly, the process of building greywater channels and painting existing communal toilets in Langrug had unintended outcomes that improved the health and safety of

families in the settlement.[58] The construction of the channels allowed community residents to maintain the flow of grey and rainwater, thus mitigating flooding. There was a significant positive impact on health issues for children and families, particularly in regard to diarrhoea and stomach infections.

Not only did these projects gain significant traction within the community, they also allowed for more efficient use of municipal and NGO resources. For instance, rather than building shelters for which a contractor would typically charge R20 000, the community could build them at a cost of R8 000 while creating 100 per cent local employment. The degree of accountability was very high; the resources were not just part of a municipal budget or rollover assets, but something that needed to have the widest impact with the broader community. The community used this as an opportunity to produce innovative yet sustainable solutions for rainwater management and maintenance of toilet blocks, and even to build new toilet blocks. Sustainability comes with communities making their own decisions; that means deciding what materials to source, how to source them, and how to use and to prepare a budget. The first few projects set a precedent in community-led project design, preparation and implementation. These small and medium-size projects have had a ripple effect. Through the community's relationship with the municipality and its lobbying/negotiating processes, the municipality is planning to construct the main taxi roads and upgrade all the bulk services. This is a significant upscaling of activities within the settlement that truly demonstrates the 'incremental' nature of community-led upgrading.

Another key aspect that emerged from the small-scale projects was the rapidly shifting role of the intermediary NGO CORC. Initially, the partnership utilised CORC and its community networks in the ISN for social facilitation. However, as smaller projects started to emerge, CORC had to provide significant technical support, particularly in assisting the community with mapping, developing designs and costing of various initiatives. The Stellenbosch Municipality was constrained with regard to technical support, with only a single planner and engineer for the entire municipal area. This process led CORC to develop a much stronger technical arm with architects and planners who could support community-based planning. Through the partnership's links to sources of academic support at the Worcester Polytechnic Institute and the University of Cape Town, these institutions could

---

58 In the case of Langrug, it became clear that land currently occupied by the community would only yield enough serviced sites for about 80 per cent of the families. Even these families would have to settle and agree on high-density development models. Throughout 2012 these alternatives were discussed extensively with the Planning Department of the University of Cape Town. One of the key conclusions of this joint planning work was the critical need to look for additional land.

likewise assist in strengthening community capacity in areas such as analysis, design, planning and implementation.

The strengthening of community-NGO-municipal relationships clearly necessitated strong institutional arrangements that could sustain this partnership through the years, and allow for replication of the process across the municipality and perhaps even nationally.

Cementing the relationships: Revisiting rules and institutional arrangements

In our view, formal partnership agreements are important and must be situated within the relevant legislative framework, but must be flexible in order to allow for bending and stretching of standard procedures and for greater risk-taking. Such partnership arrangements should be underpinned by pooling financial resources and technical capacity, which enable stronger community action.

From a legal perspective, the Municipal Finance Management Act, No. 56 of 2003, provides a very narrow scope for partnerships. The only alternatives for civil society groups are either to endorse a service delivery agreement or attend IDP meetings to express their views. So while South African policies are quite progressive in recognising informality and countrywide inequalities, they fail to define a clear framework for partnerships.

In our community engagements in various informal settlements, the partnership agreements clearly raised expectations, and thus we needed clear modalities of delivery. Whereas in a greenfields housing project, slow and lengthy tendering processes allow for the municipality to secure land and funding, the same pace and modality of delivery do not encourage community-based relationships or projects. In addition, centralising decision-making purely for reasons of financial auditing at the end of a municipal financial year reduces the process to a matter of outsourcing to external consultants. These gaps became the underpinnings of the MoU that was drawn up as the basis of the community-municipality partnership. Our thinking was to create an agreement that departed from a service delivery agreement, and also presented innovative funding mechanisms to service settlements rapidly without too much red tape.

In particular, CORC/ISN/FEDUP wanted to steer clear of any agreement that co-opted their processes on the ground. Rather than be service providers to the state, the alliance wanted a clear delineation of their roles. For the partners, this meant pooling municipal and NGO resources (technical and financial) and reprioritising municipal budgets to be dedicated to a community-based decision-making process. The goal of achieving a community-driven developmental agenda that was not solely decided by the state, but was rather the fruit of shared decisions taken by all partners, underpinned this MoU. Tedious negotiations were held

between CORC, the ISN and the municipality to steer away from a conventional service delivery agreement and instead formulate a genuine partnership agreement where each party would contribute technically, politically and financially.

Seven broad outcomes were eventually chosen to be included in the partnership agreement that would create a framework for informal settlement upgrading. They were:

1. Building the urban poor platform through processes of community mobilisation, enumeration, profiling and savings.
2. Developing infrastructure and human capacity in informal settlements and informal backyards to manage partnership projects. This would allow the different clusters of settlements to manage their own mini-offices.
3. Engaging local government and other tiers of government to allow for sharing of knowledge through exchanges.
4. Bringing other interested parties into the platform, such as academic institutions and other NGOs.
5. Investigating and designing a financial facility that incentivises community participation in informal settlement upgrading: this includes looking at setting up a finance vehicle that can address the need for an even distribution of resources for urban development.
6. Partnership projects prioritising service delivery, small-scale and incremental upgrading initiatives in all informal settlements. The bulk of the MoU funding was allocated to this line item.
7. Documenting all of the above processes for the purpose of learning, monitoring and evaluation.

These outcomes were agreed on at the outset and the success of the partnership can be measured against them. To deliver on these outcomes, we imagined a more robust and agile financial management system. Our intention was to ensure that if a community wanted a bag of cement, it could be procured and delivered the next day. Over 10 months, several drafts and discussions were held with the municipal legal department and CORC/ISN/FEDUP to tweak the details of the agreement. As a consequence of this push-pull process, both the 'NGO jargon' and 'service delivery language' were panel-beaten to gear them more towards strengthening our partnership. This process not only outlined an operational relationship between local communities and the municipality, but also included financial contributions from all parties to formulate a joint budget involving Stellenbosch Municipality, CORC and the community. These institutional arrangements were highly reflexive—the project on the ground informed the resource flow and flexible funding encouraged innovative community-based projects.

Conclusions

Figure 11.2 presents a potential framework for up-scaling of a partnership-based approach to national and perhaps international levels. For us, the central theme that allows for a strong partnership-based approach is service delivery and maintenance. This delivery of basic services serves as a conduit to connect local government to various decentralised and networked clusters of settlements and backyarders in the form of an urban poor platform. This also allows for local government to have robust forms of knowledge management systems (Pieterse, 2000) that rely on grounded information from communities and governance mechanisms developed through partnership meetings. NGOs and, to some degree, academia play a strong intermediary role in providing necessary tools, mediation and technical skills to facilitate these forms of partnerships. The up-scaling of such models relies heavily on various local, provincial and national forums where municipalities, NGOs and civil society can share their experiences across various platforms. For instance, the Western Cape National Upgrading Support Programme forum has been a platform for the Stellenbosch partnership to share its experiences and learnings with various other Western Cape municipalities. Similarly, CORC, together with the ISN and FEDUP, has organised many national and international exchanges that link into networks of other NGOs, and communities. One clear theme that emerged from these learning exchanges, and that all local governments and NGOs articulated, is the dire need for a partnership-based approach to upgrading. Like Stellenbosch, many municipalities are struggling to cope with the pressures and delays in housing delivery and are faced with repeated service delivery protests.

Like other partnerships, there are unintended outcomes that could not be foreseen from the outset. The learnings and conclusions presented below are based on these outcomes as they emerged in the Stellenbosch partnership. First, it became clear that one significant gap in our investigations was the *debate around land*. For any significant partnership to exist between the community, the municipality and NGOs, the debate on well-located land has to be a central concern. Across the Stellenbosch partnership there was a clear focus on *in situ* development, not necessarily implying a commitment to well-located land. As other municipalities adapt this model of partnerships, adopting a clear position on land will be crucial to their long-term success.

Second, a positive yet unintended outcome was recognition of the *role of the youth* in the Stellenbosch process. As South Africa transitions into a demographic structure in which a large percentage of the population is below the age of 35, it is crucial to engage the youth in processes of settlement upgrading. For instance, the success of the Stellenbosch process can largely be attributed to the youth who are willing and able to contribute to improving their surroundings. The partnership allowed the youth to express their vision of development and invest in the built environment rather than solely pursuing the aspirations of state-subsidised housing.
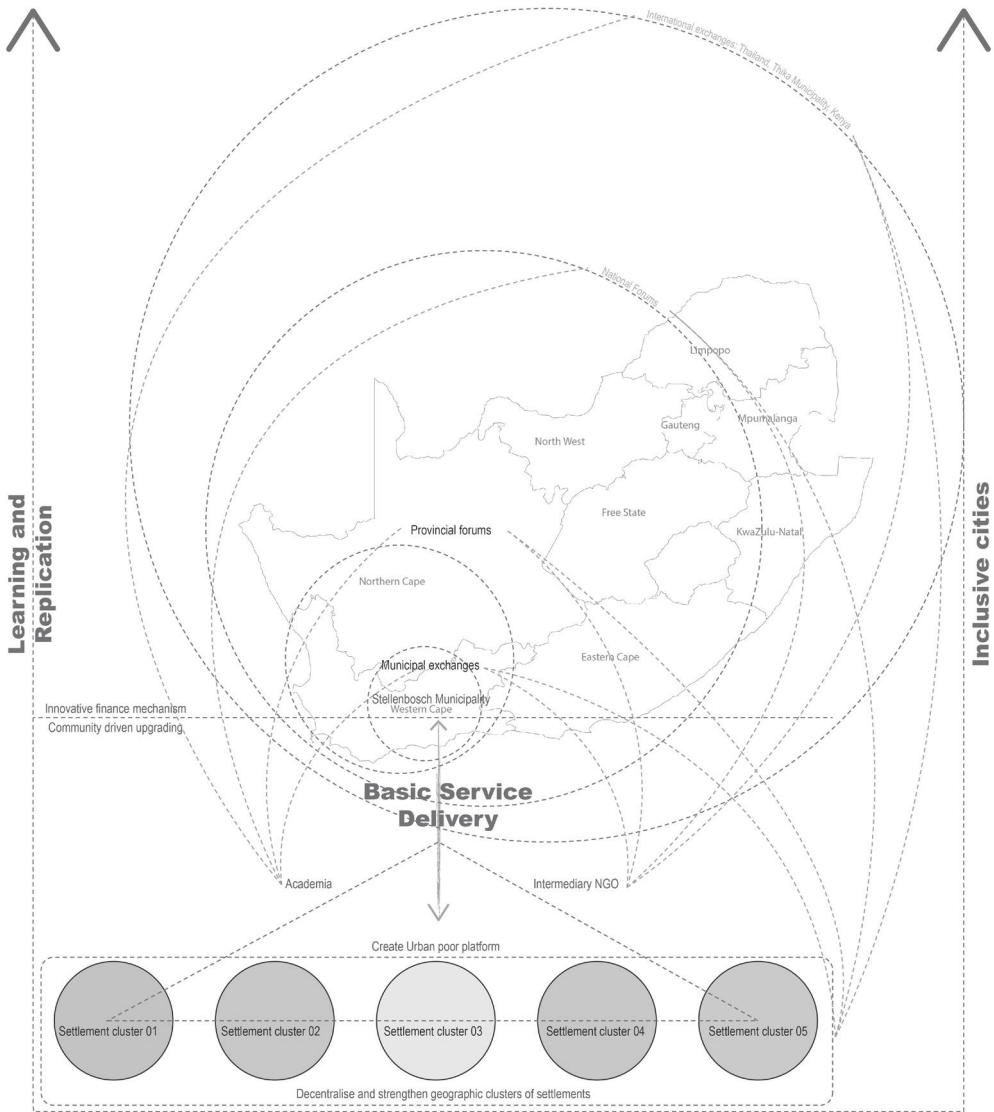
Figure 11.2: Framework for upscaling a partnership-based approach

Source: Authors.

Third, while the partnership fostered a strong relationship between the municipality and community networks, it also strengthened *the role of the state and elements of control*. It has reinforced the logic of 'no migration' to informal settlements. The community employed their own forms of surveillance and control that discouraged new migrants from erecting structures within the settlement, and accordingly assisted the Anti-Land Invasion Unit. This has strengthened state

control within the settlement, without necessarily employing a large army of law enforcement units.

Fourth, while the partnership made dramatic improvements in selected settlements, we question whether it truly strengthened a *citywide upgrading process.* The success of these settlements generated a lot of momentum, with international dignitaries and senior politicians visiting to learn from this process. It also created the scope for municipality-to-municipality exchanges to upscale the learning. Ironically, the upscaling of such partnerships, both to citywide level and to other municipalities, has weakened the solidarity of the urban poor. It has created an environment of territorialism and perhaps even divisions between communities that could not be avoided in such initiatives. Within the municipality, it has polarised the political structures, with other councillors demanding similar processes in their community. Although the processes were replicable, the measure of success achieved differed from community to community. This can be attributed to a highly complex intertwining of stakeholders, historical issues and political vested interests in certain communities that has restricted the emergence of a strong community voice.

The fifth learning has concerned *the role of intermediary NGOs* such as CORC that sit at the cusp of community facilitation and technical support. The Stellenbosch partnership makes a strong case for community-based organisation and support NGOs that can assist and capacitate local government. In many instances, the levels of trust between local government and communities are very low. Intermediary organisations can facilitate such relationships until a sustainable informal settlement upgrading policy for the local area can be formulated. In the case of the Stellenbosch partnership, the intermediary NGO and civil society groups have learnt significantly about the inner workings of local government, thus giving them a better insight into the roadblocks to settlement upgrading within the governmental system.

The sixth learning has related to the access to in-depth data and knowledge obtained through community-based enumeration data that can be submitted to the municipality. This process not only ensured that both the NGO and the community were held accountable for the data, but also gave community residents a significant degree of *security of tenure.* It ensured that community members were on a municipal database and would not be easily evicted from their premises.

Finally, in our observation, the importance of *partnership champions* always gets underestimated in such processes. It is assumed that both community structures and municipal departments operate democratically and horizontally. Instead, these forms of partnership rely on strong champions that support and manage the expectations of the different parties to the agreement in the face of uncertainty. Going forward, it is for the state to learn that within this uncertain urban environment predictable outcomes are rarely possible, and for communities to realise that housing is not the only desirable outcome. Instead, both parties need to realise that the future cannot be predicted, only imagined through recognition of the needs and priorities of all stakeholders.

References

CORC (Community Organisation Resource Centre). 2012. *'This is My Slum': The Upgrading of Langrug*. Cape Town: CORC.

Cranko, P. & Khan, F. 1999. *Municipal-Community Partnerships: A Strategic Agenda for the Promotion of Municipal-Community Partnerships in South Africa*. Cape Town: Isandla Institute. Available at: isandla.org.za/publications/100/, accessed June/July 2013.

Fieuw, W. 2011. *Informal settlement upgrading in Cape Town's Hangberg: Local government, urban governance and the 'right to the city'*, Master's dissertation, Stellenbosch University.

Fisher, R., Ury, W. & Patton, B. 2011. *Getting to Yes: Negotiating an Agreement without Giving In* (3rd edition). London: Penguin Books.

HDA (Housing Development Agency). 2012. *Western Cape Informal Settlement Status*. Johannesburg: HDA. Available at: www.thehda.co.za/, accessed July/August 2013.

Huxham, C. & Vangen, S. 2004. 'Doing things collaboratively: Realising the advantage of succumbing to inertia'. *Organisational Dynamics,* 33 (2): 190–201.

Lasker, R.D. & Weiss, E.S. 2003. 'Broadening participation in community problem solving: A multidisciplinary model to support collaborative practice and research'. *Journal of Urban Health,* 80 (1): 14–47.

Martens J, 2007. *Multistakeholder Partnerships—Future Models of Multilateralism?* Dialogue on globalisation, Occasional Paper, Berlin. Available at: www.globalpolicy.org/images/pdfs/0107multistake.pdf, accessed May/June 2013.

Miraftab, F. 2004. 'Invited and invented spaces of participation'. *Wagadu,* 11 (7): 1–7.

National Treasury (Republic of South Africa). 2013. *Public Private Partnership.* Available at: www.ppp.gov.za/Pages/default.aspx, accessed June/July 2013.

Newman, J. 2001. *Modernizing Governance: New Labour, Policy and Society*. London: Sage

Ngamlana, N. & Mathoho, M. 2012. 'Citizen-led spaces for participation in local governance: Lessons from the Good Governance Surveys'. In: Good Governance Learning Network (Ed.), *Putting Participation at the Heart of Development*. Available at: www.ggln.org.za/ggln-state-of-local-governance-publication-2012.pdf, accessed July 2013.

Picken, C., Popay, J., Staley, K., Bruce, N. & Jones, C. 2002. 'Developing a model to enhance the capacity of statutory organisations to engage with lay communities'. *Journal of Health Services Research and Policy*, 7 (1): 34–42.

Pieterse, E. 2000. *Participatory Urban Governance: Practical Approaches, Regional Trends and UMP experiences*. Nairobi: UN-Habitat.

Pieterse, E. 2010. *Cityness and African Urban Development*. Helsinki: UNU-WIDER.

Rhodes, R.A.W. 1997. *Understanding Governance: Policy Networks, Governance, Reflexivity and Accountability*. Maidenhead: Open University Press.

Robins S. 2003. 'Globalisation "from below": Global citizens in local spaces'. In: Chidester, D., Dexter, P. & James, W. (Eds.), *What Holds Us Together: Social Cohesion in South Africa*. Cape Town: HRSC Press.

Robins, S. 2008. *From Revolution to Rights in South Africa: Social Movements, NGOs and Popular Politics after Apartheid*. Martlesham, Suffolk & Pietermaritzburg: James Currey & University of KwaZulu-Natal Press.

Sexwale, T. 2010. *Address by the Minister of Human Settlements, Tokyo Sexwale MP, on the Occasion of the Human Settlements Budget Vote, National Council of Provinces*. Available at: govza.gcis.gov.za/node/460578, accessed June/July 2013.

Stats SA (Statistics South Africa). 2011. *Census 2011*. Pretoria: Statistics South Africa.

Stellenbosch Municipality. 2009. *Integrated Development Plan for 2007–2011 Term Chapter 05.* Available at: www.stellenbosch.gov.za/documents/idp-budget/2009/idp-1/143-integrated-development-plan-may-2009/file, accessed June/July 2013.

The Presidency. 2012. *National Development Plan: Vision 2030*. Pretoria: The Presidency.

van Donk, M. 2013. 'Citizenship as becoming'. In: Good Governance Learning Network (Ed.), *Community Resilience and Vulnerability in South Africa*. Cape Town: Good Governance Learning Network & Isandla Institute.

Warner, M. & Sullivan, R. 2004. *Partnerships in Development Practice: Evidence from Multi-stakeholder ICT4D Partnership Practice in Africa*. Available at: unesdoc.unesco.org/images/0014/001429/142982E.pdf, accessed May 2013.

Interview

Basil Davidson. 2011. Director: Planning and Development, Stellenbosch Municipality.

Chapter 12

Incremental slum upgrading in Nairobi, Kenya: What can South Africa learn?

Olumuyiwa B. Adegun and Steve Ouma Akoth

The opportunity presented by policy recognition and the shift towards informal settlement/slum[59] upgrading in South Africa must be optimally exploited. It is imperative to explore progressive and exemplary ways that can stimulate a speedy uptake of upgrading—especially through an engagement with international debates and contexts that unpack and exemplify incrementalism, participation and partnerships as key elements. It is noteworthy that slum upgrading experiences from Kenya potentially provide useful lessons for South Africa, as Kenya has a longer history of participation and partnerships coupled with an incremental approach. South Africa is coming out of the starting blocks late in this regard, and can learn from the successes and failures in this sister African country.

This chapter emanates from the authors' practice and academic engagements with informal settlements in Kenya and South Africa. It draws out key principles and presents lessons through the case of an *in situ* incremental slum upgrading project in Nairobi, Kenya. Based on literature and examples, we argue that all low-income urban housing in developing countries is in some way incremental, and underscore the role of partnerships in upgrading that utilises an incremental approach. A brief discussion on urban housing realities and interventions in Kenya provides a background for the narrative on Huruma informal settlement's *in situ* incremental upgrading. Reflecting on this case, principles and lessons on finance, settlement form and housing construction, socio-economic empowerment, community involvement and partnerships are extrapolated to the existing and emerging context of informal settlement intervention and upgrading in South Africa.

Incrementalism and partnerships in low-income urban housing

In this section, we elaborate on the position that all housing is in some way incremental. Land invasion, unlawful occupation, consolidation of shacks (dwellings) into informal

---

59 We used 'informal settlement' and 'slum' interchangeably, though aware of a nuanced difference between both terms, and across countries.

neighbourhoods and settlements happen incrementally, and are typical of low-income urban human settlements in developing countries. Making additions over time through self-help and informal financing is a natural mode for housing production in the informal sector (Bhatt & Rybczynski, 2003), such that it accounts for 50 to 90 per cent of residential development in most developing countries (Ferguson & Smets, 2009: 288). These vertical and horizontal incremental additions to dwellings are a popular strategy employed by households in areas that have benefited from 'formalisation' or 'upgrading' (depending on how it is called). As 'post-formalisation' additions (so to say), they are not usually supervised or monitored by relevant authorities. Prevailing standards (if any) are not usually enforced, or formal access to finance provided (Lizzarralde, 2011: 185). Such a typical scenario embodies a practical case of re-informalisation, that is, the re-manifestation of informality in the housing development process, which is set in the context of incrementalism.

Based on the above, the example of Diepsloot township in Johannesburg (shown in Figure 12.1) is fitting to a large extent. The pre-2000 vacant land (bottom right in the figure) was allocated as a transit camp for relocatees from Zevenfontein informal settlement. As soon as the relocatees settled in some of the formal houses, land invasion, unlawful occupation and various forms of informal development followed. This happened in an incremental manner. From 2009 up to the time of writing, the area has been characteristically informal due to these incremental additions and processes taking place there.

Interventions in informal settlements, depending on the context, may or may not take on an incremental approach.[60] When upgrading takes on an incremental approach, it is usually animated through institutionalised and formalised participation by NGOs, and by private sector and other non-state actors, in the form of collaborations or partnerships (Baruah, 2007; Imperato & Ruster, 2003; Mukhija, 2000). Cases from some Latin American countries, India and Kenya (which is to be considered below) show this. Institutional partnership arrangements entered into for this purpose shape, in crucial ways, the potential of upgrading projects to yield tangible outcomes and cost-efficiency (Das & Takahashi, 2009: 228).

Institutional partnerships and participatory arrangements should ideally foster empowerment, skill and risk sharing and transfer, and power distribution (Mitchell-Weaver & Manning, 1991). However, this can be hampered by disproportionate power sharing, disagreements about styles and ideas, and conflict among partners (Baruah, 2007; Chauhan & Lal, 1999; Miraftab, 2004). Reflecting on the Joe Slovo

---

60 Incremental upgrading entails the process of recognising, gradually improving and incorporating informal settlements/neighbourhoods into the city. In this context, physical and social infrastructure is provided, appropriate land tenure secured and houses developed incrementally over time.

Figure 12.1: Satellite image of Diepsloot West, Johannesburg
Source: City of Johannesburg, 2010.

Village case in the Eastern Cape, Huchzermeyer (2006) shows that partnerships can make or mar informal settlement upgrading. Partnership-based efforts to upgrade the settlement in an incremental manner, though exemplary, were deadlocked through a breakdown in relationships and conflict arising from contestation over the development route, allegations of corruption and strong political undercurrents.

Urban housing realities and interventions in Kenya

In Kenya, there is a high rate of urbanisation, urban inequality, skewed land distribution patterns and a history of racial segregation and influx control in cities—characteristics it shares with South Africa. Kenya's post-colonial transformation, though dissolving racial segregation, reinforced inequalities in cities. Dense low-income residential neighbourhoods and the emergence of informal settlements are some of the intractable corollaries of these phenomena (Omenya, 2006: 12). The proportion of city dwellers living in areas regarded as informal settlements and slums in Kenya is over 60 per cent (UN-Habitat, 2008: 10). For example, in Nairobi about half of the population live in over 100 slums.

The Kenyan government over the decades has intervened in informal settlements through slum clearance, subsidised housing and support-based programmes like

'slum-upgrading' and site-and-service, implemented mainly in collaboration with bilateral and multilateral donor agencies (Obudho & Aduwo, 1989; Syagga et al, 2001). Since the year 2000, state-led policies, programmes and projects on informal settlement intervention, such as the Kenya Informal Settlement Improvement Project (KISIP) and Kenya Slum Upgrading Programme (KENSUP), emerged. KISIP was developed by the government of Kenya in cooperation with the World Bank, Agence Française de Développement and the Swedish International Development Agency (SIDA) (Ministry of Housing, 2011). It focuses on slum improvements through tenure regularisation and investment in infrastructure. KENSUP, also a government programme, evolved out of an 'official partnership' with UN-Habitat in 2000, was launched in 2004 and is being piloted in the Soweto-East area of the famous Kibera informal settlement in Nairobi, as well as in slum areas in Mavoko and Kisumu municipalities (Huchzermeyer, 2011a).

At the policy level, these projects and programmes were meant to signify a deliberate shift towards support-based interventions, commitment to participatory decision-making through partnership with target groups and other stakeholders, and the implementation of *in situ* upgrading (Maina, 2013). While these sound interesting, their implementation has been hampered through complexities relating to problem-framing, perpetuated top-down planning, weak political will, poor inter-agency cooperation, competing interests of collaborating groups, and so on (MacPherson, 2013; Maina, 2013; Muraguri, 2011: 7).

Apart from state-led interventions, projects steered by non-state actors such as, but not limited to, NGOs, religious organisations, and community federations in collaboration with communities have also taken place, with varying levels of success. The upgrading in Mathare 4A is an example. It resulted from collaboration between a German funding partner, a religious organisation, community-based organisations and the private sector, while the state was carried along (Otiso, 2003). Notable among these non-state slum upgrading actors in the recent past is the individual and collaborative work of Muungano wa Wanavijiji and Pamoja Trust. Close collaboration between these two organisations has resulted in various interventions, of which the Huruma settlement incremental upgrading to be considered below is one.

The Huruma informal settlement upgrading

Huruma district is located northeast of Nairobi's central business district. It contains two forms of informal housing development—unregulated tenements[61] and shack

---

[61] Extensive discussion on Huruma's unregulated tenement housing can be found in Huchzermeyer (2011b).

neighbourhoods/settlements. The shack neighbourhoods are found within its six non-contiguous villages: Kambi Moto, Madoya, Mahira, Redeemed, Ghetto and Gitathuru. Altogether the villages contained over 6 500 residents, in about 2 300 households, with an estimated average monthly household income of 5 000 Kenya shilling in 2001[62] (Pamoja Trust, 2001). The residents lived in shacks, mainly rented from absentee slum structure owners (slumlords). As is typical of urban slums, water, sanitation, sewerage and waste collection were grossly inadequate. Flooding and fire were not unusual. A plethora of grim consequences follow from these precarious and dangerous living conditions. The story has changed, however, as Huruma is being upgraded. *In situ* incremental upgrading is presently taking place in five of the villages. The entire process began in 2001 through enumeration, mapping and negotiations. Kambi Moto village served as a flagship for the project, with the self-build house construction beginning in 2003. By December 2004 (one year after the construction phase had begun), the first set of 34 dwelling units had been completed. As at September 2012, 86 units were occupied, with an additional 130 units still under construction out of the total 250 targeted in Kambi Moto (Kambi Moto resident, personal communication, 15 September 2012).

Partnerships and collaboration in the Huruma upgrading

The Huruma settlement upgrade is a product of partnership between local, national and international agencies. Pamoja Trust and Muungano wa Wananavijiji were leading partners. They came together through the NGOs' outreach to the settlement in which community organisation already existed. Local and international institutional entities such as SIDA, the Community-led Infrastructure Finance Facility (CLIFF), Akiba Mashinani Trust (AMT), the City Council of Nairobi, Tecta Consultants and the Indian Slum Federation (ISF) were also involved.

Muungano wa Wanavijiji, a federation for slum dwellers, emerged in 1996 in response to evictions, demolition and land grabbing that occurred from the late 1990s to the early 2000s in Kenya. Presently, it federates over 500 slums with respect to daily savings and mobilisation to access resources, including decent urban housing. Pamoja Trust emerged in the year 2000 as an NGO supporting community organisations representing the urban poor in their efforts towards obtaining access to land, shelter and basic services (Pamoja Trust, 2012: 2; Weru, 2004: 50). Pamoja's incremental upgrading model enables communities to undertake *in situ* upgrading, while tenure is appropriately secured, especially through the community ownership model. The goal is to secure communal tenure, thereby retaining the community 'as an intact microcosm' without removing residents from their source of livelihood (Pamoja Trust, 2008: 20).

---

62 R580 at the June 2013 exchange rate. All rand amounts given in the text are based on this rate.

International organisations like SIDA and CLIFF provided financial support, administered as loans by AMT, which is the financial wing of the Pamoja-Muungano wa Wanavijiji partnership. The residents were represented through a leadership structure organised around a savings scheme, which had 90 per cent of residents as members (Pamoja Trust, 2008: 25). The City Council of Nairobi owns the land on which Huruma settlement sits. The council, apart from initial collaboration in the enumeration process, later declared the settlement a 'special planning area'. This supportive move overrules previous plans for the land and exempts the houses developed from Nairobi Council's mainstream planning and building regulations, while also allowing for adaptive building standards and infrastructure provision. Tecta Consultants, a Nairobi-based architectural firm, coordinated design and planning of the houses and the entire settlement. The ISF trained the community in relevant house-building skills at the project's initial stage.

Financing the upgrade

The upgrade happened through aided self-help. Daily saving groups, open to all residents, were formed. The amount saved over time provided start-up finance for the construction of a starter house. Each member household contributes 10 per cent as an initial payment for the top structure, while the household's saving group adds another 10 per cent. The 80 per cent remainder for the top structure comes through AMT as a loan. As earlier indicated, SIDA supported the project financially, and in 2008/2009 CLIFF provided capital grant support in the form of a loan for one of the phases (Homeless International, 2009). Repayment usually takes between six and eight years (Kambi Moto resident, personal communication, 15 September 2012), with a nine per cent or lower interest rate (Pamoja Trust, 2008: 23).

Cost reduction was a target in the choice of building materials and construction technology utilised. In about 2007, the cost per square metre of a Huruma dwelling unit was estimated at about half of the cost for conventional housing. A square metre in the Huruma house cost 7 000 Kenya shilling (R820) while a conventional house cost 15 000 Kenya shilling (R1 760) (Pamoja Trust, 2008: 25). Each household's sweat equity contribution, which Habitat Awards (2009) put at 80 hours per unit, also helped to reduce the overall cost. Despite these reductions, however, affordability remains a challenge for some of the residents as they find it difficult to pay back the loans in good time, let alone add another floor to the starter house. This situation slows down the amassing of the revolving loan fund before its rollover date. It also leads to increased construction costs as inflationary trends catch up with the slow process. This points to the role that government subsidies could have played in achieving affordability, had they been available. Economic instability and fiscal problems that followed the 2007 Kenyan post-election violence also affected the project's progress financially (Pamoja Trust, 2008).

The settlement's form and housing construction

Huruma's housing design evolved out of consultations between professionals (architects, planners, engineers, surveyors) and the community, facilitated by Pamoja Trust. A life-size house-modelling exercise followed initial consultations to garner inputs and consolidate the design. Each dwelling unit has a very small footprint of 4,5 by 4,5 metres (Figure 12.2), which is a little above what a typical shack occupies.

Development of each unit is incremental. Each household begins with a starter space, consisting of only the ground floor, which includes an en suite bedroom and kitchenette. This is later expanded vertically by adding up to two more floors, depending on availability of funds. For example, Petra Chengen,[63] one of the early beneficiaries, began with the ground floor starter house but presently has a three-storey house. The ground floor serves as living area, the first floor as master bedroom, and the second floor as the children's bedroom. His unit's roof space serves as a laundry, while some other households use theirs for mini-gardens or sun-drying. Additions to various units so far have largely followed the original design. However, the materials and their aesthetics have not been exactly the same.

Some problems relating to the settlement's layout and house design emerged as people took occupation in the upgraded area. One such problem is the social implication of the stairs. They do not foster excellent vertical circulation and an appreciable level of privacy in the home. There is also no consideration (or maybe an underestimation) of spaces needed for home-based (usually outdoor and livelihood-related) activities. Street functions and informal settlers' use of public space also do not seem to be adequately considered. However, the phases subsequent to the pilot project (such as Mahira village) are addressing some of these deficiencies. For example, some units were redesigned to cater for home-based activities.

A relatively cheap pre-cast concrete technology utilised in India, and known as *ladhi* in Kenya, was used for the floors, lintels, roof slabs and stairs. The community members were trained to produce and assemble the pre-cast elements and some metal components (Ettyang, 2011: 8; Pamoja Trust, 2008: 25). Each household made in-kind contributions (sweat equity) towards the construction of their new house. Construction skills acquired in this process are being utilised in other housing projects (beyond the upgrading exercise), which helps to boost household income (Toomey, 2010: 237).

---

63 Not his real name.
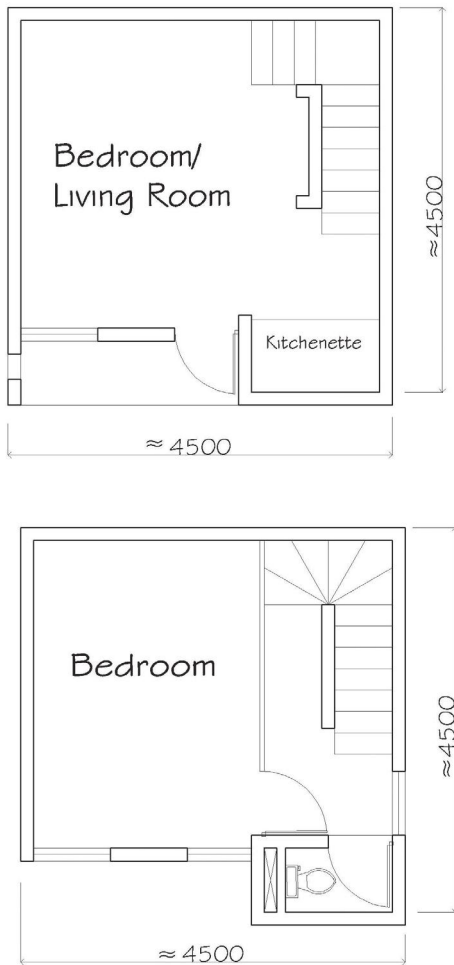
Figure 12.2: A typical unit of the Huruma Upgrade House.
Top: Ground floor.
Bottom: Typical first and second floor
Source: Author.

The community's involvement

Involvement and empowerment of the community is palpable and a key ingredient in the upgrading. Table 12.1 summarises the stages and components of community participation readily identifiable in the project. Mobilisation and negotiations were meaningfully participatory. Planning involved the community. The housing design and layout evolved out of consultations between professionals and the community, facilitated by the NGO. Finance came through a community-based and managed savings model. The houses' construction exemplifies community involvement and empowerment. Basic service delivery in the upgraded areas is community-based. For example, in Kambi Moto, a youth group handles waste collection and disposal within the upgraded area (Kambi Moto resident, personal communication, 15 September 2012).

Figure 12.3: Completed units in Kambi Moto
Source: Author.

Table 12.1. Community involvement in Huruma settlement upgrading

Stage	Description of involvement
Mobilisation	Formation of representative community governance structure, organised around communal saving groups Creation of awareness and consensus building Enumeration and mapping (community census) Strategising for land tenure securitisation (community ownership)
Planning/ budgeting	Developing financing strategies Developing incremental house typologies, settlement layout and infrastructure plans through participatory fora Negotiations
Implementa-tion	Exploring and developing skills within the community Sourcing affordable, local materials Community labour—sweat equity and hired skilled community labourers Community-based procurement system
Manage-ment/post-upgrading	Community-based management for the assets and service delivery, for example waste management Deploying acquired skills beyond the immediate upgrading project

Source: Expanded from University of Pennsylvania (2008), based on further research.

239

Lessons for incremental and partnership-based settlement upgrading in South Africa

In the Kenyan context, the Huruma upgrading is exemplary and also telling. It is naïve and even impossible to try to copy or transfer such a process wholesale. However, key principles and lessons can be crisply distilled and applied to the South African scenario within the emergent policy context and unfolding programme initiatives to support informal settlement upgrading. These lessons relate to the following themes: finance, settlement form, housing construction, empowerment, community involvement and partnerships.

Finance

The Huruma experience suggests that self-help finance is an important element of informal settlement upgrading. This resonates with the position of Shack/Slum Dwellers International, which is premised on the view that the poor can afford a modest contribution towards improving their environment and building their own houses. This, in turn, resonates with the South African context, where we believe not all informal settlement residents are so poor that they cannot afford a modest financial contribution.

Various data sources on income levels in South African informal settlements are not completely reliable. However, data included in a Housing Development Agency report show that 'the proportion of households living in shacks not in backyards declines as incomes increase', even within the R0–3500 band for product-linked capital subsidy (HDA, 2012: 37). Also, a 2008 survey shows that shack dwellers were paying up to R150 monthly as rent in informal settlements at that time (Smit, 2008). Weakley (2013) shows that around R223 was paid as rent in a Johannesburg informal settlement in 2011. The cost would definitely be higher now. Household contributions of about or above this amount, although they might sound like what we call 'nano-finance', are effective, as contributory finance from households helps to produce a shift from 'state socio-political control' to 'dweller control' in a participatory and partnership-based incremental upgrading process.

Settlement form

Participatory design and densification were two notable principles that shaped the new Huruma settlement form. The same can happen in the South Africa context. Bennett et al's (2012: 32) participatory design for *in situ* upgrading shows that 'patterns and meanings emerged that would otherwise not be identified from an objective point of view. Place … and all the meaning it entails was made tangible' through this approach. In addition to this, and as a critique of the state's extant paradigm, densification, not de-densification, should generally guide incremental upgrading. Patel (2009) shows one of the grim consequences of de-densifying in the upgrading process through the case of Cato Crest settlement in Durban. There, 20 shacks were

cleared in order to build five RDP houses on the same area of land. Fifteen households were therefore relocated farther away to areas not less than 45 km from the city centre. Densification is generally advantageous with respect to environmental sustainability, as less energy is needed in the production (for example, laying of infrastructure) and sustenance (transport and energy costs) of the compact settlement and city.

It is also germane that the layout and house design speak constructively and realistically to contextual realities relating to space in informal settlements. This is especially so in relation to the use of public spaces, and spatial support for home-based activities, as evident in the Huruma case. The evolutionary and phased approaches that characterise incrementalism might provide a means to attend to design challenges emerging in the project's continuum.

Housing construction

Locally derivable building materials and components, cost-saving, skills acquisition/ transfer, exemption from conventional building standards, and special municipal planning consideration characterised the Huruma house-building and upgrading process. These happened in Kenya because the state (municipal authority) was willing to pragmatically meet the poor residents' needs. There is an opportunity for South Africa to do the same and support the same principles. The norms, standards and regulations that have hitherto obtained for state-subsidised housing in informal settlement 'formalisation' would not be suitable for incremental upgrading. While the safety and health of residents are paramount, and some level of aesthetic uniformity is desirable, a reasonable compromise with the prevailing building standards and planning regulations for incremental upgrading is indispensable. Relevant government agencies, for example the National Home Builders Registration Council, which Akinboade and Mkowena (2012) regard as the most influential source and regulator of home-building technology, would need to collaborate with built-environment professionals to adjust standards and change laws that might technically prohibit or derail incremental upgrading.

Socio-economic empowerment

Incremental upgrading should go beyond bricks and mortar to facilitate or include aspects of socio-economic empowerment, as the Huruma case did. Upgrading approaches that emphasise physical development without addressing socio-economic needs have always lost credibility and failed (Abbott, 2002: 330). Building the 'lives' of residents must commence before, and continue while, infrastructure is installed and houses are built incrementally. For example, construction skill acquisition in the course of upgrading opened up a source of income for people known as 'community builders' in Kambi Moto. Paving a way out of the poverty conundrum in South Africa's informal settlements, coupled with the argument for contributory finance,

as evidenced in international practice, underscores the necessity for empowerment as a component of incremental upgrading.

Community involvement

Internationally, over the past few decades, shortcomings in slum upgrading projects and the failure to upscale them usually result from problems with community participation (Das & Takahashi, 2009; Desai, 1996). Successful slum upgrading schemes, on the other hand, usually positively and progressively include community involvement. The Huruma case attests to this through its pervasive component of community involvement. There is no reason to suggest that the case of South Africa would be different. Meaningful community involvement is essential if there is to be an end to the existing (and at times loathsome) 'clientelist relationship between [informal settlement] communities and the state' through the incremental upgrading programme (Huchzermeyer, 2006: 51).

Interestingly, the potential capacity and network for community involvement are not lacking in South Africa. A framework for participation is necessary for the emerging incremental and partnership-based context. This would provide the necessary structures, rules and components in the unfolding process. We acknowledge that complexities may emanate from participatory processes, but still affirm their inevitability.

Partnership and collaboration

Structured, sustained and continuously productive vertical as well as horizontal relationships between actors in the unfolding scenario of informal settlement upgrading are indispensable. The nature of these relationships affects project performance. The Huruma community did not initially warm to collaborative advances from the NGO (Pamoja Trust). They were wary that the proposed scheme might result in a barren relationship, as had happened in the Mathare 4A project. At another point, there was a relationship breakdown within one of the collaborating entities. Although it was later resolved, delays in delivery on the Kambi Moto project can be linked to this breakdown.

The lesson for South Africa is that institutions and actors, despite differences in their political agenda and mandate, must work together. The state and its agencies (for example, the National Upgrading Support Programme, municipalities and provincial and national departments), civil society and NGOs, the private sector and community-based organisations must share the same understanding, objectives and commitment regarding the upgrading of informal settlements. Intermediary functions between these actors are imperative for progressive utilisation of opportunities presented by the shift towards incremental settlement upgrading in South Africa (Görgens & van Donk, 2012).

Conclusion

We have demonstrated that the process and product of upgrading as undertaken in Huruma informal settlement in Nairobi, Kenya showcase an *in situ,* incremental, participatory, partnership-based approach. Through community-led and -based enumeration, organising, negotiation, savings and mutual leverage as well as partnerships, informal settlement residents are brought to the fore, taking a significant and contributory step towards obtaining better housing. The process of moving from semi-permanent shacks to permanent houses is therefore not just an event but also a space for dialogue towards broader urban citizenship. By remaining on the site that they have 'occupied' and by building incrementally, the life plans of the residents are reasserted through the methods initially deployed in gaining mastery of their location. That way, upgrading begins to deal not just with their houses but more importantly with their lives.

Success in the emerging practice of incremental informal settlement upgrading in South Africa is dependent on the presence of appropriate ingredients for meaningful participation and partnerships, as espoused in the Huruma case. The challenges involved notwithstanding, the Huruma case shows the role of household contributory finance alongside government subsidies, densification and participatory design in generating the settlement form, and special planning and regulatory considerations in achieving successful incremental upgrading. It also affirms the place of community skills development in the house-building process, in furthering socio-economic empowerment, and in ensuring profitably pervasive community involvement as well as structured and sustained partnerships in this regard.

References

Abbott, J. 2002. 'A method-based planning framework for informal settlement upgrading'. *Habitat International*, 26: 317–333.

Akinboade, O. & Mkowena, M. 2012. 'Drivers of housing technology adoption in South Africa'. *Journal of Geography and Regional Planning*, 5 (12): 328–338.

Baruah, B. 2007. 'Assessment of public-private-NGO partnerships: Water and sanitation services in slums'. *Natural Resources Forum,* 31 (3): 226–237.

Bennett, J., Casson, J., Filipe, C. & Van Wyk, I. 2012. *Slovo Park Project: A Process of Understanding*. Housing and Urban Environments Research Field Project Honours Group 2010. Pretoria: University of Pretoria.

Bhatt, V. & Rybczyncki, W. 2003. 'How the other half builds'. In: Watson, D. & Shibley, R. (Eds.), *Time-Saver Standards for Urban Design*. New York: McGraw-Hill Professional Publishing.

Chauhan, U. & Lal, N. 1999. 'Public-private partnerships for urban poor: A slum project in Ahmedabad'. *Environmental and Political Weekly,* 34: 10–11.

City of Johannesburg. 2010. *Region A Informal Settlements*. PowerPoint presentation of informal settlement database, May. Johannesburg: City of Johannesburg.

Das, A. & Takahashi, L. 2009. 'Evolving institutional arrangements, scaling up, and sustainability: Emerging issues in participatory slum upgrading in Ahmedabad, India'. *Journal of Planning Education and Research*, 29 (1): 213–232.

Desai, V. 1996. 'Access to power and participation'. *Third World Planning Review,* 18 (2): 217–242.

Ettyang, K. 2011. *Empowering the Urban Poor to Realise the Right to Housing.* Available at: halshs.archives-ouvertes.fr/docs, accessed 30 January 2013.

Ferguson, B. & Smets, P. 2009. 'Finance for incremental housing: Current status and prospects for expansion'. *Habitat International,* 34 (3): 288–298.

Görgens, T. & van Donk, M. 2012. *Connecting the dots between settlement functionality, integrated and incremental upgrading and the need for a capacitated network of intermediary organisations.* Paper presented at Sustainable Human(e) Settlements: The Urban Challenge Conference, Johannesburg, 17–21 September.

Habitat Awards. 2009. *Technical Team Planning for self-help housing in the Kambi Moto community.* Available at: www.worldhabitatawards.org/winners, accessed 30 January 2013.

Homeless International. 2009. *CLIFF Annual Review 2009.* London: Homeless International.

HDA (Housing Development Agency). 2012. *South Africa: Informal Settlements Status.* Johannesburg: Housing Development Agency.

Huchzermeyer, M. 2006. 'Challenges facing people-driven development in the context of a strong delivery-oriented state: Joe Slovo Village, Port Elizabeth'. *Urban Forum,* 17: 25–53.

Huchzermeyer, M. 2011a. *Cities with 'Slums': From Informal Settlement Eradication to a Right to the City in Africa.* Cape Town: UCT Press.

Huchzermeyer, M. 2011b. *Tenement Cities: From 19th Century Berlin to 21st Century Nairobi.* Trenton, NJ: Africa World Press.

Imperato, I. & Ruster, J. 2003. *Slum Upgrading and Participation: Lessons from Latin America.* Washington, DC: World Bank.

Lizarralde, G. 2011. 'Stakeholder participation and incremental housing in subsidized housing projects in Colombia and South Africa'. *Habitat International,* 35: 175–187.

MacPherson, L. 2013. 'Participatory approaches to slum upgrading and poverty reduction in African cities'. *Hydra—Interdisciplinary Journal of Social Sciences*, 1 (1): 85–95.

Maina, M. 2013. *Implementation challenges in policy transition: In-situ upgrading in Johannesburg and Nairobi.* Master's dissertation, University of the Witwatersrand, Johannesburg.

Muraguri, L. 2011. 'Kenyan government initiatives in slum upgrading'. In: *Slum Upgrading Programmes in Nairobi: Challenges in Implementation.* French Institute for Research in Africa (IFRA) Working Paper No. 44. Nairobi: IFRA.

Ministry of Housing. 2011. *Kenya Informal Settlement Improvement Programme Operations Manual.* Nairobi: Ministry of Housing.

Miraftab, F. 2004. 'Public-private partnerships: The Trojan horse of neoliberal development?' *Journal of Planning Education and Research*, 24 (1): 89–101.

Mitchell-Weaver, C. & Manning, B. 1991. 'Public-private partnerships in third world development: A conceptual overview'. *Studies in Comparative International Development,* 26 (4): 45–67.

Mukhija, V. 2000. *Squatters as Developers? Mumbai's Slum Dwellers as Equity Partners in Redevelopment.* PhD thesis, Massachusetts Institute of Technology, Cambridge.

Obudho, R.A. & Aduwo, G.O. 1989. 'Slum and squatter settlements in urban centers of Kenya: Towards a planning strategy'. *Netherlands Journal of Housing and Environmental Research*, 4 (1): 17–30.

Omenya, A. 2006. *Towards Effective Self-help Housing Delivery: Contributions Through Network Analysis in Nairobi, Kenya and Johannesburg, South Africa*. PhD thesis, University of the Witwatersrand, Johannesburg.

Otiso, K. 2003. 'State, voluntary and private sector partnerships for slum upgrading and basic service delivery in Nairobi City, Kenya'. *Cities*, 20 (4): 221–229.

Pamoja Trust. 2001. *Huruma Informal Settlement: Planning Survey Report*. Nairobi: Pamoja Trust.

Pamoja Trust. 2008. *Annual Report 2008*. Nairobi: Pamoja Trust.

Pamoja Trust. 2012. *Realising Rights through Practice*. Nairobi: Pamoja Trust & Muungano wa Wanavijiji Annual Campaign Booklet.

Patel, K. 2009. Land tenure and vulnerability: the social consequences of the *in situ* upgrade of informal settlements, a South African case study. *Proceeding of Universitas 21 International Graduate Research Conference: Sustainable Cities for the Future,* Melbourne & Brisbane, 29 November–5 December.

Smit, W. 2008. *Urban Land Markets and the Poor: New Findings*. Pretoria: Urban LandMark.

Syagga, P., Mitullah, W. & Karirah-Gitau, S. 2001. Nairobi Situation Analysis Consultative Report. Unpublished document, University of Nairobi.

Toomey, B. 2010. 'Slums of hope: Land tenure reforms, local economic development and environmental improvement in a Kenyan shanty town'. *Local Economy*, 25 (3): 234–239.

UN-Habitat. 2008. *UN-Habitat and the Kenya Slum Upgrading Programme*. Strategy document, United Nations Human Settlements Programme, Nairobi.

University of Pennsylvania. 2008. *Housing for 6 billion: UPenn Slum Upgrading*. Available at: www.design.upenn.edu/new/cplan/minisite/level3_hurumaoverview.php, accessed 10 May 2013.

Weakley, D. 2013. *Recognising Vulnerability and Resilience in Informal Settlements: The Case of Kya Sands, Johannesburg, South Africa*. Master's of Science in Town and Regional Planning dissertation, University of the Witwatersrand, Johannesburg.

Weru, J. 2004. 'Community federations and city upgrading: The work of Pamoja Trust and Muungano in Kenya'. *Environment and Urbanization*, 16 (1): 47–62.

Chapter 13

Visualising process and the actors of change: Settlement upgrading in Duncan Village, East London

Kirsten Jeske Thompson

Scenes of shack urbanity exist on the periphery of most cities in the developing world. There are varied views of African cities, ranging from the doomed demise of these pulsing patients of urbanisation (Davis, 2006; Saunders, 2010; Simone, 2004) to the unrivalled opportunities made available to arriving hopefuls by these dynamic platforms for change (Barac, 2011; Misselhorn, 2008). The continuous assessment by theorists and urban planners of how to heal the ills of the poor living conditions in slums (Saunders, 2010) is matched by extensive thought about acceptance of their existence and the economic opportunities that would not otherwise be made available. These diverse views extend beyond formalised boundaries and categories, to include the inhabitants of what Saunders calls 'arrival cities', and the hope of emancipation from the reality of dwelling in the poor conditions of this make-do urbanity paints the horizon of a better life aspired to by its inhabitants (Barac, 2011; Neuwirth, 2005).

Many pilot projects initiated under the Breaking New Ground (BNG) policy umbrella, which addresses the housing needs of South Africans, including those living in urban informal settlements, struggle to achieve their intended outcomes. Through an in-depth case study of the Duncan Village Redevelopment Initiative (DVRI), this chapter makes use of a diagram-based methodological innovation identifying casts of 'actors' and connecting them with events that have had an impact on the delivery process of the DVRI project. The analysis of this nuanced process is projected onto a purpose-designed chart that offers insight into the unfolding timeline of the project and highlights the complex and multi-dimensional power relationships that influence project outcomes. Finally, first-hand observations are drawn together from the comparison of the projected chart with a benchmark study, and descriptions of some of the capabilities, processes and tools that are required for the different actors to be full and productive participants in such projects are pinpointed.

Divide and contrast

Five kilometres from the central business district of the city of East London, the bustling community of Duncan Village in the Buffalo City Metropole grows.

Across this short stretch of undulating topography and swelling riverbanks, the differences in experience of city life are vast. Located in the Eastern Cape, the poorest of the nine provinces in South Africa, East London is cited by the UN *State of the World's Cities Report 2010/2011* (UN-Habitat 2010: 193) as having the highest inequality coefficient in the world based on monthly expenditure.

Approaching the city, the collage of make-do urbanity comprising some 18 400 shacks or nearly 100 000 people envelops almost 2 km² of the densely populated landscape of corrugated iron and timber (Shack and Population Survey 2005–2006, cited in BCM, 2009). Topographical, political and man-made boundaries define East London, with natural borders of rivers and hills and the concrete barriers of the apartheid planning regime in the form of the Douglas Smith Highway, which historically provided access to the city for use by black people.

Fire and flood are foiled daily on the steep banks of the Buffalo River, which provides a precarious place from which to play out daily routines and where inhabitants are constantly aware of the life-altering prospects that rain or a knocked-over paraffin stove may bring. These usually life-giving elements have caused many community members in this arrival 'village' to repeatedly rehearse losing their belongings and rebuilding their shacks. This rhetoric of setback and divide is well recorded in the 123-year history of Duncan Village.

Tumultuous scenes of political unrest and a legacy of removal and resettlement have plagued Duncan Village from the early 1900s. In the 1940s the inauguration of a large leased-tenure housing scheme by the Governor-General, the Right Honourable Sir Patrick Duncan, became the naming ceremony of the settlement, which was opened as a response to overcrowding and appalling conditions (*Daily Dispatch*, 1941) exacerbated by rural migration to the city in the 1950s and 1960s.

The apartheid model started to unravel in the 1980s as political and labour activism caused repeated unrest. Sir Patrick Duncan's ideals for the Union of South Africa, had they been adopted, could possibly have cured the ills of the 'village', as he continually implored that it was 'monstrous that employers should be able to use native labour in towns at a wage at which the worker cannot live in civilized conditions and leave to the community the burden of providing adequate housing or putting up with slum conditions' (UCT Archives, n.d). Unfortunately, Duncan's ideals—made known through his letters and writings on Greek philosophy—aspiring as they did to 'wholeness and unity', 'a love of beauty in a spirit of simplicity' and 'a sense of value of the individual' (*Cape Argus*, 1927), contrasted starkly with the realpolitik that still plagues Duncan Village. Dissatisfaction peaked with the Duncan Village massacre of 1985, seen as a symbol of a countrywide struggle for freedom and rights, intertwined in the fabric of this settlement—a freedom that President Thabo Mbeki declared 'is not free' at the unveiling of the massacre memorial in 2008 (Buffalo City Metro, 2008).

Recurrent episodes of non-delivery have only served to shift the dividing line from a racial orientation to a community versus service provider struggle. While the

past two decades have seen national policies, and specifically housing policies, reworked, journalists continue to capture images of the smouldering ashes of urban shacks, with *déjà vu* headlines about fire and fury in the settlement. The same front page of the *Daily Dispatch* that reports on such a shack fire tells of under-spending of R499 million by the Housing Department of the Buffalo City Municipality (BCM) (*Daily Dispatch*, 2013a).

'Freedom is coming tomorrow!' they sang in Mbongeni Ngema's award-winning play *Sarafina!* ('the burning ones'), set in Soweto and made famous on the Broadway stage at the time of the raising of the oppressive curtain of apartheid; the main character is based on Nelson Mandela.[64] A circumstantial meeting with Mr Ngema left me perplexed. I was surprised that in our conversation about how we came to be there on that day, he considered efforts to understand housing delivery and the communities of intervention 'very humane'.[65] I couldn't help but think that if the divide of opinion had gone the other way in Duncan's day, the agents of change would have the luxury of staging campaigns to meet aspirations rather than needs. The ideals of freedom and fairness for all envisaged by Duncan only made their way into the Constitution half a century after his passing.

Staged intervention: 'start small, start now'[66]

The post-1994 democratic government focused on housing delivery. Taking heed of President Mandela's primary concern, the Housing Generator competition sought to provide much-needed housing while drawing on international experience of high-volume delivery.[67] The Breaking New Ground policy of 2004 (DH, 2004) set out to right the wrongs of the decisions made in Duncan's day and was introduced into the Eastern Cape through pilot projects in 2005, prioritising Zanemvula under the Nelson Mandela Metropolitan Municipality and Duncan Village under the BCM. Both municipalities showed the highest number of households residing in informal dwellings in the Eastern Cape, at around 27 per cent (Stats SA, 2011).

---

64 *Sarafina!* is a musical by Mbongeni Ngema telling a story about students involved in the Soweto uprising of 1976 in opposition to apartheid in South Africa. First staged in 1988, it ran for 576 performances on the Cort Theatre stage on Broadway, and was made into a film in 1992 with Leleti Khumalo and Whoopi Goldberg.

65 Personal communication, Mbongani Ngema, 19 April 2013.

66 See BCM, 2009: 72.

67 The Housing Generator competition, entitled 'Fragmentation or Integration', was sponsored by the Swedish International Development Cooperation Agency (SIDA) and encompassed three projects across South Africa, namely, Cato Manor in Durban, Duncan Village in East London and Wattville in Johannesburg. See www.africaserver.nl/hg/front.htm.

The Upgrading of Informal Settlements Programme (UISP) seeks to flatten the graphs of inequality through the three pillars of basic services, tenure security and community empowerment. The task of implementation falls to the local governments, few of which have the capacity or capability to deliver on all three counts, with community empowerment suffering most. The National Upgrading Support Programme (NUSP) provides assistance through the Housing Development Agency (HDA), which acts as an implementation agent offering 'technical assistance for municipalities to undertake planning in conjunction with communities' (NUSP, 2013). The NUSP policy has been implemented retrospectively in the Zanemvula project but not in the DVRI, where riots caused by a frustrated community are rife.

Incremental or staged upgrading in Duncan Village has been proposed and developed, as per the BNG policy that put forward new development objectives aimed at quality not quantity, but with little new policy direction (Tissington, 2011: 21, 64) and, prior to the introduction of the NUSP, seeking to upgrade the quality of people's lives through the improvement of living conditions by staged delivery of services, infrastructure and houses. Incremental upgrading also describes a staged improvement at an individual level as funds become available—a staged self-help approach to improving one's home from corrugation to concrete.

The Local Spatial Development Framework (LSDF) for the Duncan Village Precinct is in line with the National Housing Code (DH, 2005), focusing on informal settlement upgrading, and incorporates the vision of the DVRI, aiming to intersect with and continue to develop existing initiatives in the city. The expanded project, the DVRI, seeks to deliver in excess of 20 000 houses by 2019. The Duncan Village case study discussed in this chapter refers to the three sites that make up the first phase, which together will deliver 323 homes. The LSDF identifies these sites as the pilot projects, which are being used to test key proposals and their feasibility for the rollout of the rest of the DVRI. These pilot projects comprise two greenfield sites, which broke ground in December 2010 and are still clambering towards final delivery, and a brownfield site involving relocation of existing shacks to a Temporary Relocation Area (TRA). This site is yet to be handed over to the appointed contractor.

Investigating intervention

The primary objective of the DVRI LSDF planning approach is to de-densify and relocate residents from areas prone to natural disaster, mainly fire and flood. This responds to national housing policy calling for a 'focus on settlements located in areas posing a threat to health and safety' (DH, 2005: 25). The high densities in Duncan Village of up to 200 dwelling units per hectare (du/ha) mean that relocation is required to de-densify to the aspired 85 du/ha, resulting in greenfield sites being identified as part of the upgrade project. The delivery of housing in East London has a history of delay, compared for example with project programmes in Cape

Town and Port Elizabeth (FHISER, 2004). This, combined with a recurring reality of unlawful occupation of state-delivered homes, whether caused by councillor intervention on agreed beneficiary allocation of housing or self-motivation, and the history of activism in Duncan Village, makes for a volatile setting for intervention.

In order to support this ideal and address the complexity and diversity of engagements in the process of development, I developed a diagram-based method of analysing and representing the housing project—not simply as a timeline but also to note 'scenes of change' that have effects on the path to delivery.

The nuanced events that could cause or inhibit effective change are documented from anecdotal and heuristic knowledge and seek to sound out the impact of 'small-scale, big-change' realities of 'on-the-ground' theory implementation, as well as the kinds of mismatches and disjunctures that undermine or disrupt these processes. In addition, the charting of these catalytic occurrences seeks to support the reflection on practice that, despite the logical order and noble aspirations of theory and policy, upgrading agendas fail to achieve in some critical respects. This infographic assists in reinforcing the point that a purely 'project management' approach fails to take into account specificity of place. The infographic is reproduced in full at www.inhabitas.com.

A disparity exists between the extensive claims of public participation in the LSDF and repeated comments by residents that 'people are tired of what is happening in Duncan Village. This place is neglected and no one really cares about us' (*Daily Dispatch*, 2013b). In the same article in which this statement was quoted, Keith Ngesi, a BCM spokesperson, stated that 'we have had successful IDP meetings in all Duncan Village Wards recently, with nothing raised during those legislated platforms that could have led to what the city woke up to today'. This reinforces the debate on different arenas for participation (Abbott, 2002), substantiating the argument that insufficient understanding was developed prior to intervention.

Building rapport with the community is key to successful intervention and provides the backdrop for acceptance and preventing 'resistance of place', by developing what Barac (2011) refers to as 'reciprocity with practice'. It is also recognised that 'cities are crucial sites of social, political and cultural interaction and fusion' (Turok & Parnell, 2009: 161). This diagram not only reinforces this well documented conclusion, but also provides a tool for recognising issues as they arise along the delivery process. While the graph will never be flat, the time taken to address and resolve any matters that arise in any of the charted categories should be greatly reduced in order to implement effective and reasonable timeframes for response aimed at achieving forecasted delivery.

The point where all dots align on the DVRI graph depicts a meeting of the delivery team to discuss the second project restart. By comparison, the point where all dots on the benchmark project align indicates a 'road show' with the goal of continued community liaising comprising council members, the implementation agent and the appointed urban designers. The aim of the tool is thus to address the

ills as they arise and ultimately reduce the dots. Contractor-related issues continue in the benchmark project; however, the approach of and the involvement of an implementation agent appear to be the key differences. An additional notable difference is the regular community liaising throughout the construction process on the benchmark project. Approximately 30 meetings specifically aimed at community correspondence are reported, and minutes from monthly site meetings are 'ready to hand' for any stage of the project.

Particularity of personalities involved in the delivery of an intervention project is key to its success. A personal relationship with beneficiaries was noted during visits to the implementation agent offices, where the project manager would greet a beneficiary by name, knowing precisely the reason for their appointment, setting the scene for a meaningful interaction.

Actors of change

Upgrading requires an interactive multi-actor process if interventions are to be successful (Misselhorn, 2008: 10; Pieterse, 2008; UN-Habitat, 2003). In South Africa BNG called for more ownership to be taken by local government in the upgrading process, and for it to play a facilitative role while allowing the full cast of actors from diverse backgrounds to participate meaningfully (Adebayo, 2011). As discussed, the reported reduced capacity of many municipalities adds challenges to this vision and the effects on a discourse of all actors contributing to the city's scenes of change. Pieterse explains that the UN-Habitat Millennium Development Goals don't take cognisance of a weak democratic backdrop when referring to themes of 'enablement, partnership, participation, civic engagement, solidarity, decentralization of authority and capacity building' (Pieterse, 2008: 65).

The 'plano global' (Abbott, 2002) approach to upgrading was adopted at Duncan Village as it is promoted in the objectives and principles of informal settlement upgrading set out in the National Housing Code (DH, 2005: 25). This holistic development approach seeks to engage with all 'sets of relationships' that comprise the physical, economic and social spheres in Duncan Village. The LSDF outlined and adopted a partnership approach to delivery, formalised by a four-party agreement between the three governmental tiers (B, C, D) and Intervolve (E).[68]

Beneficiaries (A) are the catalytic actors of intervention. These citizens often come from within the existing community, and understanding the **civic** context within which intervention takes place is to be prioritised.

Marx agrees, pointing out that a broader approach to upgrading informal settlements is required to incorporate 'wider economic and social processes' in order to ensure a holistic approach to the upgrade and be mindful that the impact is on

---

68 Intervolve, formerly the Van der Leij Foundation, is an NGO focusing on development in South Africa. See www.intervolve.com.

both the residents and the wider population of the city within which the intervention takes place (Marx, 2003: 310). The complex social dynamic and context of Duncan Village presents issues that are often greater than the logistical infrastructure installation considerations that the DVRI aimed to address. Consideration of relationships, particular personalities and individual objectives was key throughout the process when conducting formal meetings and ad hoc communication within the project team.

Adverse civic response to intervention projects where there is no 'buy-in' is a well-recorded rhetoric (Abbott, 2002; DH, 2005; HDA, 2012). Lizzaralde (2010: abstract), however, argues that although attention usually focuses on the participation of beneficiaries during project construction, the success of subsidised consolidation projects is strongly connected with 'appropriate coordination of formal and informal stakeholders after the occupation of units', which the wider research within which the material presented in this chapter is placed goes on to do. Public participation in Duncan Village made use of qualitative surveys conducted by the Fort Hare Institute of Social and Economic Research in 2004 (FHISER, 2005); however, workshops and public meetings were compromised by repeated scenes of unrest and instability and political indecision (BCM, 2009).

While the situation in Duncan Village may be endemic and not generalisable to all settlements, public participation was allegedly tainted by councillors' political propaganda in their addresses to the community about the DVRI project. In addition, momentum was lost during two 12-month periods when the project was stalled during the construction phase, and the design team was not always invited to the community meetings. One questions the effectiveness of the process when it becomes evident, through discussion with beneficiaries, that there is still no common understanding of the project within the community, which holds varied views on why the project stalled, why vandalism occurred and who was responsible for this, and who the rightful beneficiaries are despite official lists of approved names. Members of the community like Edmond and Margaret, who live in a self-built shack on the Competition Site, are still unaware of what is happening, saying, 'We don't know what project is going on here, but these fires are bad, I hope houses are coming soon.'[69] The list of approved beneficiaries has existed for some time, but the reality of unlawful occupation has not spared the DVRI as protests are staged by desperate citizens who have in their possession title deeds to their new homes, only to be met with threats by the new-style squatters—non-beneficiaries who have moved into these allocated houses—on arrival (*Daily Dispatch*, 2011a, 2013b).

Partly completed houses at Mekeni Road became victims and crime scenes

---

69 Personal communications recorded during fieldwork for PhD research.

during the second stalling of the project. Reports of murder, rape, a cat hanging from the rafters in one of the nearly completed houses at the Mekeni Road site and extreme vandalism left defeated shells of houses stripped of everything, leaving not a toilet, door handle or pane of glass (Personal observation & *Daily Dispatch*, 2012). The torn-down ceilings and fire damage were the starting point for the third attempt at completion, currently under way. Confusion about what triggered these 'reactions' raises doubts about the view that these homes should have a positive effect on the community. Whether such violent acts are gang-related, as some community members suggest, or whether community members from the east of Duncan Village are staging protests against the selected beneficiaries who will occupy the houses built in the western part of the settlement, as explained by residents in personal communications, cannot be determined. One wonders—are these houses really symbols of hope or are they a form of currency for freedom in a community rife with activism?

The **Local Authority (D)** is responsible for managing and jointly coordinating the project. This actor outsources a spectrum of professional resources required to meet the identified beneficiary needs, and in this capacity is acting as **Client**.

The use of the term 'client' for the local authority describes its role of taking receipt of services provided by private sector professionals to implement intervention projects. Once again the success of this relationship relies on the particular personalities employed by the municipality to take cognisance of and responsibility for the impact of their decisions. Lack of coordination between the internal municipal departments often affects timeous progress. In such situations, '[costs] and budgets are departmentalized, and accountability and performance are measured in terms of the individual performance of the department rather than their ability to co-ordinate their work with other departments' (Marx, 2003: 309) In the case of Duncan Village, fortnightly meetings saw little if any progress, as easily resolvable issues—such as electrification, and the funding-related issue of selecting either the cheaper overhead spider web of cables or the less intrusive underground installation—were often mulled over repeatedly. As Marx explains, 'There are few coordinated responses to supporting informal settlements between sectors (such as housing, land, transport and job creation) and budgeting process. A strategic capability needs to be developed within the state to improve the quality of life' (Marx, 2003: 308–309).

Apathy is often fuelled by marginalised capacity and capability. Key decision-makers in the municipality often appear reluctant to accept responsibility, seemingly 'ticking boxes' or avoiding consideration of the implications of their actions (personal observation). The National Housing Code does not allow for nuanced 'on-the-ground' circumstances, including the capacity and capability of the imple-mentation actors. Misselhorn (2008: 4) concurs, saying, 'Many of those in decision-making or policy-making positions have limited or no direct experience of ever

having worked at the coalface.' In the vast DVRI project, apathy negatively affected the rate of response and project progress. While this statement may be generalisable, it has to be said that it is not true for all actors within the municipality. The assistant project manager at the BCM and on the DVRI was always contactable on the phone. In the corner of his office, behind his desk, he had mounted a copy of his engineering certificate on the wall. He always had project information 'ready-to-hand'[70] and was willing and able to engage and assist in delivery of project objectives. The shift in momentum and ability to obtain information was noticeable when he left the BCM.

Corruption shifted from buzzword to reality in the Duncan Village project, and suspicions became allegations and public knowledge, as per 'scene of change' no. 23 in the diagram (*Daily Dispatch*, 2011b). The alleged taking of bribes during the tender stage is a cliché that was played out in the Duncan Village project, and it is widely understood that we are suggesting reform to a system rife with corruption.

Communication between the local authority and beneficiaries is forged through the housing provision application process, with the intention of being maintained by the Community Liaison Officer of the local authority and monthly meetings with the community (DHS, 2009). The implementation of this link is interlaced with **political** tensions. Ward councillors link the beneficiaries with the local authority in terms of expression and understanding of need, as intended by the policy shift of 2004, placing more ownership in the hands of local government (Tissington, 2011). There is growing awareness within communities that the food parcel handouts, door-to-door discussions and demagogic public address sessions tend to happen near election time (personal communication with Duncan Village and Vergenoeg residents). All too often, the career path of politicians appears to cloud their understanding of the needs of the families they profess to represent and poses a real conflict of interest.

The **Design Team** (**G**), comprising a Joint Venture between the Quantity Surveyor (QS), Civil Engineer, Structural Engineer and Architect, provided professional services called for in the National Housing Code. Key communication lines are with the contractor and the local authority.

The relationship between the contractor and the design team did not start well. During the first full team meeting in November 2010, which was also the day that the site was being handed over in contractual terms from the municipality to the contractor, a phone call was received from the director of the contracting company to say that he would not be able to meet that day. Some weeks later, a meeting between the QS and the contractor ended abruptly after the QS was allegedly accused by the contractor of racial bias for requesting a follow-up on the provision guarantees and surety from the contractor. The QS contacted the project manager

---

70 A term from Heidegger's *Being and Time* (1962 [1927]).

to inform him of his resignation, which was revoked in a meeting convened by the municipal project manager.

Policies are only as strong as the actors that implement them. The BNG policy acknowledged that the Reconstruction and Development Programme model did not develop 'valuable assets in the hands of the poor' (DH, 2004: 4, cited in Adebayo, 2011). Despite this, the DVRI faced continual challenges to the minimum-quality standards for construction and materials for low-cost housing, with attempts to value-engineer the scheme on the one hand, by removing fascias and internal plastering, and increase the specification on the other, by changing the corrugated roofing to tiled roofing. The Competition Site was surveyed incorrectly, and when a reduced erf size was reported alternative designs had to be drawn up to ensure no loss of units. In light of these continual changes, the advisory role of the design team was ongoing.

'Emerging **Contractors**' is a term synonymous with the past 20 years of change in South Africa, and is well known in housing delivery and also in Duncan Village.

The contractor or building professional that delivers the final built product has a contractual and direct relationship with the local authority, who once again performs the role of Client. Miscommunication between the contractor and his sub-contractors created ongoing issues onsite, causing some houses to be built according to superseded drawings. The contractor employed two highly experienced project managers, each of whom left a short time into their appointment. The tensions within the contractors' consortium played out in poor construction quality in parts of the project and extended to delayed progress by the contractor, with delayed payments by the local authority. The capability and workmanship of the contractor were questioned a few times when incorrect levels were taken at setting out, foundation trenches weren't prepared correctly or according to drawings, and organic material was not sifted from sand before preparing mortar. These seemingly minor points are quite specific to the consolidation phase of the upgrading project, but they give insight into the spectrum of on-the-ground issues that affect actor relationships and processes.

Lining the streets with hope

New homes are intended to be symbols of hope and freedom that line the streets, creating new social facets to neighbourhoods, having an effect on the existing community in which they are planned while supporting the aspiration of a claim to space. The houses at Duncan Village briefly became symbols of tension when extreme vandalism stripped the 'ready-for-occupation' houses bare. These defeated shells of latent materials, fire damage and graffiti created crime scenes in the community, while officials and contractors took more than 12 months to settle their differences, repeating the history of halted projects in this community.

As illustrated by the infographic tool, key areas for concern in the development of Duncan Village that may be generalisable to other incremental upgrade projects include lack of coordination between internal municipal departments, apathy and blame-shifting fuelled by limited capacity, capability of actors, ongoing engagement with the community, corruption of municipal officials and politicians, and policies that do little to take account of the specificity of place.

The multi-actor upgrade process and the complexity of multi-dimensional relationships and an informed understanding of specificity of place are widely understood to be where success or failure lies regarding incremental interventions. These 'actors' are the gatekeepers to change in a country that, more than 20 years into formal democracy, remains fraught with tensions that are often played out in the housing delivery process. A purely 'project management' approach undermines the delivery process while fuelling resistance of place where there is no early 'buy-in' by residents. A spotlight needs to be directed at this lead concept for progressive processes, at the capability and training of municipal actors, the control of information distribution to the community involved, and the level of involvement of specific actors effecting 'scenes of change'. Reciprocity with practice is sought after, and reflection on practice shows that, despite the logical order and noble aspirations on paper of theory or policy, these upgrading agendas fail on some critical points when the process is interrogated in terms of the nuanced 'on-the-ground' realities of implementation.

Policies are only as strong as the actors that implement them. Obtaining understanding of the fabric of specific communities is key, as are avoiding the 'one-size-fits-all' approach and embracing the specificity of place while taking into account particular personalities involved in the delivery process. The National Housing Code does not allow for this, affording narrow scenes of engagement that often reduce relationships, particular personalities and individual objectives to a 'box-ticking' exercise. As with all projects, progress on the DVRI relied heavily on the capability and attitude of the actor assigned the task.

An apprenticeship system that allows experienced professionals to be appointed to positions within the governmental tiers, while imparting valuable knowledge to younger trainees, should be adopted. This would allow for a response to apartheid's ills by providing job opportunities while ensuring progress and delivery for the beneficiaries that rely on responsibility being taken and the capability to deliver. Each actor should come to the table with the relevant knowledge to contribute to the project effectively, and be able to pre-empt possible problems arising and respond appropriately.

As discussed, compromised internal coordination affects the rate of progress; with the result that decision-making is slowed and often halted while conclusive outcomes remain undetermined. Ineffective meetings, or useful meetings that produce ways forward but are not acted upon, are common hurdles. In the DVRI case, the capability and workmanship of the contractor were questioned regularly

when usually mundane tasks required hands-on guidance and supervision from the design team. Non-performance is a reality for many BNG projects and the DVRI was no different. Blame-shifting at team and site meetings in relation to non-performance became rife, as questions were asked about lack of delivery and the imminent arrival of the Housing minister, who wanted to cut the ribbon on this priority BNG project.

Corruption was a reality in the DVRI project and suspicions were confirmed in newspaper reports. The theoretical role of each actor at Duncan Village was not always translated into a functioning line of communication in reality. While ward councillors taking a role in the project delivery sounds logical, too often alleged ulterior motives—which lead to the project being used for propaganda purposes—result in misguided representations of the project's status at best, and exaggerated storytelling at worst. Ongoing problems are reported regarding community dissatisfaction about beneficiary allocation, despite an application procedure and a list of qualified beneficiaries being adhered to. This was attributed to disagreement between ward councillors. The conflict this causes in communities should not be understated, and it is suggested that distance be created between politically driven representatives, such as ward councillors, and project implementers and beneficiaries, and that these actors be correctly briefed and monitored.

Actors come to the proverbial table with individual and polarised experiences that influence their situational views. Reciprocity of ideals can however be forged, and encouraging actors to keep sight of this will maintain lines of communication on the path to delivery. The infographic tool assists in both identifying these actors in a quick-view illustration that serves to both clarify lines of communication and highlight missing contributors in what Watson (2002) refers to as the task of 'keeping all actors around the table'. This checking was continual in the DVRI and is a necessary task, requiring skill and ability to respect and value the opinions of each represented group. While there have been a myriad setbacks in the DVRI, perhaps there is merit in the continual rebuilding of relationships that was done in order to achieve the desired project goal. By way of example, the building contract was in essence abandoned in pursuit of maintaining communications with the contractor, where a strained relationship was preventing the completion of the project. Non-performance and extensive contract delay days were overlooked and no penalties applied. What was a formal implementation upgrade project became an informal method of formalising the informal.

Communication between the municipality and beneficiaries needs to extend beyond the application process. 'Toyi-toyiing'[71] and burning of tyres in protest at the lack of response by the municipality to the unlawful occupation of houses

---

71 The toyi-toyi is a protest dance ritual, accompanied by loud and high-pitched vocal trills, used by African people to express dissatisfaction.

assigned to beneficiaries is not isolated to Duncan Village, and is routinely reported in the *Daily Dispatch*. Now, a decade into this pilot project, many beneficiaries remain in the wings awaiting their promised and approved homes. A follow-up site visit and personal communication with beneficiaries indicates neither a start to the brownfield pilot phase of the project nor knowledge of the details and timing.

Benchmarking against successful intervention projects as delivery progresses is key, allowing immediate response to events that can potentially alter forecast delivery processes as they occur. The diagrammatic infographic offers a quick visual reference tool aimed at replicating successful upgrade projects while keeping focused on the importance of specificity of place.

The infographic tool for the benchmark project shows fewer 'scenes of change' on a project where the implementation agent prioritised regular community liaison. By comparison, the actors involved in the development of the LSDF are not involved at the time of delivery for the DVRI, raising questions about scenes of change where blackouts exist from the planning to the delivery stages of the project. Perhaps the enthusiasm of theory is more easily recited without the blinding effects of the light shed on the situation on the ground. Two 12-month stalls in project implementation, extreme vandalism of partly completed homes, contractual issues that caused stand-offs between contractor and local authority, suspension of municipal employees on grounds of alleged corruption, and only seven beneficiaries occupying their homes after the initial contract was put on hold, resulted in a three-year delay. While this list of events may well happen in other *in situ* upgrading projects, the situation at Duncan Village is considered endemic, with cyclical reactions strongly related to the processes and their actors of change. Had these events been noted against a benchmark of successful intervention, even in what is considered a volatile setting, the delivery process could have more effectively addressed and possibly prevented continuous setbacks.

The backdrop of division and contrast in Duncan Village is apparent in the scenes of 'shack urbanity' on the periphery of the city of East London. The global perception of deceptive temporariness in 'informal' settlements is undermined by a repertoire of constants in daily routines and a permanent quest for change in the conditions of squalor that will provide a place to play out a chance of livelihood. Duncan Village, with its layering of social castes, and rituals of work and play, does not escape this generalisation. Staged interventions have sought to heal the ills produced by poor living conditions over the 123-year life of the 'village', and have attempted to implement urban theories of de-densification, pilot projects and incremental upgrading. While the endemic conditions of riot and rejection are rife and are part of the historic metabolism of this growing community, they are not by any means considered to be unique acts within this settlement, where a lethargic delivery process seems to cast a shadow on Duncan's aspirations and Ngema's 'freedom of tomorrow'.

References

Abbott, J., 2002. 'A method-based planning framework for informal settlement upgrading'. *Habitat International*, 26 (3): 317–333.

Adebayo, P.W. 2011. 'Post-apartheid housing policy and a somewhat altered state role: Does incremental housing still have a place in South Africa?' *Built and Human Environment Review*, 4 (Special Issue 2): 3–16.

Bank, L.J. 2011. *Home Spaces, Street Styles: Contesting Power and Identity in a South African City*. New York & Johannesburg: Pluto Press & Wits University Press.

Barac, M. 2011. 'Place resists: Ground African urban order in an age of global change'. *Social Dynamics*, 37 (1): 24–42.

Buffalo City Metro. 2008. *Duncan Village Massacre Memorial*. 31 March. Available at: www.buffalocity.gov.za/news2008/mar/mar31_memorial.stm, accessed June 2011.

BCM (Buffalo City Municipality). 2009. *Duncan Village Redevelopment Initiative Local Spatial Development Framework*. Final Report. East London: Directorate of Planning & Economic Development, Buffalo City Municipality.

Daily Dispatch. 1941. 'New £750,000 location inaugurated—East London scheme opened by Governor-General—large township named Duncan Village'. *Daily Dispatch*, 25 August.

Daily Dispatch. 2011a. 'Unhappy DV residents in fiery road protest'. *Daily Dispatch*, 18 March.

Daily Dispatch. 2011b. 'BCM housing project boss suspended—investigated for soliciting bribes'. *Daily Dispatch*, 8 November.

Daily Dispatch. 2012. 'Vandals trash empty Duncan Village Houses'. *Daily Dispatch*, 17 July.

Daily Dispatch. 2013a. 'BCM in a hurry to spend R499m'. *Daily Dispatch*, 6 March.

Daily Dispatch. 2013b. 'Duncan Village flames of fury'. *Daily Dispatch*, 30 April.

Davis, M. 2006. *Planet of Slums*. New York & London: Verso.

DH (Department of Housing). 2004. *'Breaking new ground'*: *A comprehensive plan for the development of sustainable human settlements* (as approved by Cabinet and presented to MINMEC on 2 September 2004). Pretoria: Department of Housing.

DH. 2005. *National Housing Programme: Upgrading of informal settlements, National Housing Code, Chapter 13*. Pretoria: Department of Housing.

DHS. 2009. *The National Housing Code Part 3: Upgrading of Informal Settlements*. Pretoria: Department of Human Settlements.

FHISER (Fort Hare Institute of Social and Economic Research). 2005. *Upgrading Backyard Shacks in Duncan Village: Policy Options and Planning Possibilities*. Final report prepared by FHISER for the Van der Leij Foundation.

Heidegger, M. 1962 [1927]. *Being and Time*, trans. J. McQuarrie & E. Robinson. Oxford: Basil Blackwell.

HDA (Housing Development Agency). 2012. *What is the National Upgrading Settlements Programme?* Available at: www.thehda.co.za/uploads/images/NUSP_newsletter_No_1.pdf, accessed June 2011.

Lizarralde, G. 2010. *Stakeholder participation and incremental housing in subsidized housing projects in Colombia and South Africa*. IF Research Group, École d'architecture, University of Montreal, Canada.

Marx, C., 2003. 'Supporting informal settlements in housing policy and practice in post-apartheid South Africa'. In: Khan, F. & Thring, P. (Eds.), *Housing Policy and Practice in Post-apartheid South Africa*. Sandown: Heinemann.

Misselhorn, M. 2008. Position paper on informal settlements upgrading. Part of a strategy for the second economy for the Office of the South African Presidency. Compiled for Urban LandMark.

Neuwirth, R. 2005. *Shadow Cities*. New York & London: Routledge.

NUSP (National Upgrading Support Programme). 2013. *Support.* Available at: www.upgradingsupport.org/content/page/support, accessed March 2013.

Pieterse, E. 2008. *City Futures: Confronting the Crisis of Urban Management*. Cape Town & London: UCT Press & Zed Books.

Saunders, D. 2010. *Arrival City: How the Largest Migration in History is Reshaping our World*. London: William Heinemann.

Simone, A. 2004. *For the City Yet to Come: Changing African Life in Four Cities*. Durham, NC: Duke University Press.

Stats SA (Statistics South Africa). 2011. *Census 2011*. Pretoria: Statistics South Africa.

Turok, I. & Parnell, S. 2009. 'Reshaping cities, rebuilding nations: The role of national urban policies'. *Urban Forum*, 20: 157–174.

Tissington, K. 2011. *A Resource Guide to Housing in South Africa 1994–2010: Legislation, Policy, Programmes and Practice*. Johannesburg: Socio-Economic Rights Institute of South Africa.

UN-Habitat. 2003. *The Challenge of Slums: Global Report on Human Settlements*. London: Earthscan.

UN-Habitat. 2010. *State of the World's Cities 2010/2011: Bridging the Urban Divide*. London: Earthscan.

UCT (University of Cape Town) Archives. n.d. Special Collection Library at the J.W. Jagger Reading Room. Sir Patrick Duncan archives BC294, accessed March 2013.

Watson, V. 2002. *Change and Continuity in Spatial Planning: Metropolitan Planning in Cape Town under Political Transition*. London & New York: Routledge.

Chapter 14

Rethinking incremental urbanism: Co-production of incremental informal settlement upgrading strategies

Mark Swilling, Lauren Tavener-Smith, Andreas Keller,
Vanessa von der Heyde and Berry Wessels[72]

> Curiously, even progressive planners usually share with their conservative
> counterparts the assumption that the state is the sole urban planning agent.
> *(Marcelo Lopes de Souza, 2006, cited in Pithouse, 2009: 5)*

In early 2011, a group of Stellenbosch University postgraduate students based at the Sustainability Institute concerned themselves with the following question: what does *in situ* upgrading, as specified by the Upgrading of Informal Settlements Programme (UISP), mean in practice from the perspective of the average shack dweller in South Africa?

The researchers decided to focus their research on an illegal informal settlement of 2 400 households called Enkanini ('take by force'), located within walking distance of the centre of Stellenbosch. Enkanini is an unelectrified community that shares 70 toilets and 12 taps, has infrequent waste collection of the seven open waste skips, has no formal drainage, is situated on a steep topography, and has no effective leadership structure through which to engage with the municipality to address these infrastructure challenges. A transdisciplinary action research methodology was adopted, given the emphasis that this approach places on the co-production of new and transformational knowledge with the intended beneficiaries of the knowledge outcomes (Callon, 1999; Pohl & Hirsch Hadorn, 2007). This approach goes beyond multidisciplinary methods, which view participation merely as a cooperative tool (Max-Neef, 2005). Indeed, participation is understood to be an essential ingredient for the co-production of shared outcomes.

The National Research Foundation has, to date, funded the researchers with a R2,6 million community engagement research grant. The Bill and Melinda Gates

---

Foundation has contributed an additional R2,1 million to pilot initial infrastructure research outcomes in an attempt to derive a model for scaling up the impact; and the Green Fund has contributed an additional R17 million to actualise implementation at scale.

Following a period of problem identification (discussed in the next section), the researchers, through various immersive relationship-building exercises, co-produced three infrastructure interventions with Enkanini residents that were piloted in the settlement; these are discussed in the third section of this chapter. A tentative framework for initiating micro-scale actions towards larger-scale, longer-term upgrading objectives is discussed in the fourth section, through reflection on commonalities in an emergent participatory process between the three pilots.

Problematisation

Breaking New Ground (BNG) set the policy agenda of the South African government for the post-2004 housing approach, and paved the way for the formation of the UISP. As stated in the policy, BNG 'moves away from the current commoditised focus of housing delivery towards more responsive mechanisms' in order to encourage the formation of more 'integrated sustainable human settlements' (DH, 2004: 8). Upgrades should be undertaken as community projects (Pithouse, 2009) since community participation is seen to be essential to the success of any upgrade and to trigger flexible, demand-responsive developments (Tomlinson, 2006).

These progressive policy tenets, however, have either failed to inform practice or are restrained from doing so, due to the following factors. First, the heavily prescribed nature of the UISP may perpetuate a state-driven, top-down development approach, potentially eliminating the inclusionary and participatory intentions of the programme (Klug & Vawda, 2009; Pithouse, 2009). The immense creative energies of informal settlers, a key facet of their survival in the absence of formalised housing supply, are negated through a state-dominated approach (Bradlow et al, 2011). Indeed, while the funding stream available under the programme allows for creative responses to land rehabilitation, this creativity is to be limited to engineering know-how (Huchzermeyer, 2006). Second, the ever-increasing technical norms and standards, which are often too inflexible for *in situ* upgrading (DAG, 2007), create a tension between minimum standards prescribed by the policy for poor people and prescribed engineering norms. Although intended to provide an equitable and safe outcome, the heavily prescribed norms and standards (implemented by a large team of professionals) fail to reach a sensible trade-off between service level (safety, functionality, durability) and a reasonable standard adequate for a first-time homeowner. Lastly, there exists reluctance at the local government level in regard to the UISP, and significant re-skilling and capacity development are required in

order to commence with the programme (Huchzermeyer, 2009).[73]

How are these drawbacks and challenges experienced by the 'average' South African shack dweller? On average, it takes at least nine years from commencement of an *in situ* upgrading project to its completion (DE, 2011); in the Western Cape, those at the bottom of the housing database will wait 32 years before receiving a house.[74] Thus, the short answer to this question is: 'Trust and Wait for the infrastructure grids and housing to arrive.' Furthermore, the nature of urban development has come to mean that when informal settlement projects are eventually completed, little is left behind for communities to build onto what has been delivered. This is a recipe for a weak civil society. The fact that post-apartheid urban development has come to mean 'Trust and Wait' effectively demobilises civil society, since there is nothing to organise communities around that can result in tangible immediate improvements to daily life. Disorganised communities lack the solidarities and capacities needed to deal with social problems, intra-community violence and engagements with the state and private sector if and when upgrading does take place.

Given these conflating realities, there is a need for experimental action research to find new workable alternatives involving residents and municipalities that give rise to more expeditious service delivery and development outcomes. This approach echoes Mitlin's notion of 'co-production' (Mitlin, 2008), but goes beyond this argument by factoring market actors into the usual combination of state-community actors. Similarly, the approach reinforces the incrementalism of 'quiet encroachment' (Bayat, 2000), but breaks with most NGO strategies that emphasise the importance of organising first to secure land rights, followed by a struggle for conventionally defined engineering services. A set of co-produced incremental infrastructure responses may indeed reveal replicable and scalable approaches to addressing the problem of 'Trust and Wait'.

Profiles

The researchers commenced by forming new and direct relationships with 'ordinary' residents, given the lack of formalised leadership in Enkanini, which made the identification of relevant stakeholders challenging. Through deep immersion, informal discussions and participant observation, as well as visible public art

---

73 To respond to this, the Department of Human Settlements has set up the National Upgrading Support Programme (NUSP) which seeks to train officials, professionals and community members in the design and implementation of the programme.

74 This province had a housing backlog of 500 000 units in 2012, with only 15 567 top structures having been targeted in the Medium Term Expenditure Framework for delivery in 2012/2013 (Madikizela, 2012).

campaigns, the researchers met four interested Enkanini residents, who merged with the core group and were called the 'co-researchers'. An old abandoned church, built from corrugated-iron sheets, became the research centre—a meeting space for daily focused engagements. These engagements were instrumental in developing a neutral space and a shared language, determining critical service delivery problems, identifying potential community stakeholders and brainstorming creative responses. Below we describe the challenges, responses and outcomes of a development process composed of key infrastructure interventions that emerged out of the participatory process with the community co-researchers.

Waste

A waste characterisation study undertaken by Stellenbosch Municipality in 2012 found that over 50 per cent (in terms of mass) of waste generated in Enkanini is food waste. Following these findings, a small-scale 100-household waste intervention in Enkanini was actioned, which focused on a processing method for food waste as an alternative to landfilling.

Responding to the challenge

Enkanini's waste is collected from seven concrete waste skips, which are open to the elements and are a breeding place for rats and pests. To address the challenge, a 'low-tech' treatment method called Bokashi[75] (manufactured by Probio (Pty) Ltd) was proposed for use in a pilot study. Bokashi does not depend on heavy infrastructure for its implementation, and is convenient for users as it does not require the separation of household kitchen waste. Cooked or uncooked food, meat, fish and bones can all be processed effectively.

Through random house calls, a representative pilot participant base of 100 households was established. Participants attended numerous information sessions, facilitated by the co-researchers, which explained the intentions and practicalities of the pilot and the use of Bokashi. Households received a 25-litre bucket for in-house food disposal, which was sprinkled with Bokashi aggregate. Buckets were brought to a drop-off centre every Saturday morning and their contents were decanted into larger holding drums (Figure 14.1). Participants returned home with clean buckets and more Bokashi, if needed. Food waste fermented further in the drums and was subsequently composted using a lasagna layering method (Figure 14.2).

---

75 Bokashi is a wheat bran product inoculated with lactic acid bacteria, a type of effective micro-organism, which kick-starts an anaerobic fermentation process in food waste. This allows the waste to be stored for extended periods of time, eliminating pathogens, and resulting in a compostable product.

The co-researchers led much of the process within the community by helping in the design of the pilot project, holding information sessions, communicating with participants about any problems they were experiencing, and orchestrating and managing the collection days. They also administered surveys of participants, asking for feedback on their experience with Bokashi and the set-up of the pilot. This feedback is used to inform the next phase of the project by incorporating it into its evolving design.

Outcomes

In a nine-week period over 4,5 tonnes of food waste was collected. Food waste was correctly separated and very little non-food waste was found in the buckets. Participants reported a decrease in the rat population and valued the efficiency of the waste processing services. Stellenbosch Municipality was satisfied with the outcome, as this was the first time they had managed to implement a project in Enkanini without counterproductive and conflictual politicisation.[76]

Next steps

After the researchers' withdrawal from the project, 80 residents chose to continue with Bokashi, and this number continues to rise weekly. The three co-researchers are currently managing the Bokashi users on their own, without any external inputs save for the generous donation of Bokashi substrate from Rupert van der Merwe of Probio (Pty) Ltd. The feedback from the pilot participants will be incorporated into the design and execution of a second pilot phase. Subject to funding availability, the Bokashi waste processing activities will be expanded to further residents in Enkanini.

Sanitation

Enkanini's 2 400 households have access to seven toilet blocks, each with ten toilets. In addition to congestion, residents report lack of safety, inconvenience, lack of cleanliness and blockages as their main problems with the communal toilets. Raw sewage is present in the environment from open defecation and the emptying of sanitary buckets. These factors contrive to give rise to reports of high diarrhoea incidences.

---

76 For example, an initial proposal by Stellenbosch Municipality to initiate a solar home system programme in the community was met with violent protests. Community members felt that the acceptance of solar electricity would lessen their leveraging power in regard to receiving grid electricity.

Responding to the challenge

By linking resident co-researchers to sanitation technologists from Maluti Water, a research-orientated engineering consultancy, designs responding to local conditions and aspirations (as articulated by co-researchers) and technical constraints (identified with guidance from the engineer) were devised. This followed an 18-month period of participant observation, focus groups and household surveys in Enkanini, consultations with sanitation experts and municipal officials, and extensive literature reviews on practice, policy and theory relevant to improving urban sanitation.

Households living in close proximity to an anaerobic digester, installed by the partnership actors at the Research Centre, were invited to a meeting where the partnership actors presented the collaborative designs as starting points. It was communicated from the outset that the designs were tentative starting points that needed to be developed and improved during the experiment. The partnership actors emphasised that households' participation in the process would be critical in ensuring that the system worked effectively for users.

Key features of the technical systems proposed to householders include a) grey-water pour flush toilets connecting via b) small-bore shallow sewers to c) an anaerobic digester that produces biogas as it treats wastewater on site; all of this takes place without water supply infrastructure. Benefits of the toilets were emphasised, namely their proximity, lack of smell and convenience as a safe greywater disposal facility.

Householders who chose to participate were required to pay service charges structured to cover a portion of operations, maintenance and repair costs.[77] The standard offering, for which only service charges were levied, was for a toilet shared by five neighbours. Residents who preferred a toilet for their household's sole use were required to cover the cost of the toilet materials and sewer connection.

Outcomes

Twenty householders chose to participate and organised themselves into groups sharing four toilets. A process giving rise to a shared set of rules governing cleaning, security, payment collections and dealing with defaulters was facilitated by partnership actors, after interested neighbours had self-selected themselves into household groups.

Groups identified roles for themselves that responded directly to governance challenges that frequently undermine development programme performance. Groups formed around permanent sanitation assets are likely to endure; there is a need for them to endure if toilets are to continue functioning. Toilet groups may also have a

---

77 The partnership finances all shared capital costs and a portion of operating costs in amounts consistent with current capital and operating subsidies allocated to Stellenbosch Municipality.

tendency to federate if their roles expand beyond being users of improved technologies. Householder initiative to form groups has given micro-structure to sanitation operating systems. Could these groups be the building blocks of collective action in Enkanini?

Energy

As in many other informal settlements, Enkanini residents are precluded from, or will have to wait extended time periods before, receiving electricity connections. This leaves households no option but to use dangerous energy, giving rise to increasing levels of vulnerability and energy poverty.

Responding to the challenge

Through focus group discussions with the Enkanini co-researchers, the preliminary energy needs and affordability criteria of users were determined. This information was fed into a consultative process with a solar technology provider, which designed a bespoke solar home system consisting of two indoor lights, a cellphone charger, an outdoor security light and a flatscreen colour television. This innovative direct current (DC) solar multigrid system was chosen as the most feasible option for rapid and comprehensive electrification, given that no bulk infrastructure is required, most energy services can be met, the system is scalable as a core unit can be augmented with energy-efficient appliances over time, and the system can, in theory, be integrated into the electricity grid later, that is, investments do not become redundant.

Simultaneously, the co-researchers collaborated on the design of the operating system. This centred on the concept of an energy hub that governs a network of trained community solar entrepreneurs. These so-called solar agents market, install and maintain solar multigrid systems as well as collecting payments from customers. Customers are grouped (based on location and existing affiliations) into household groups of five in order to manage electricity payments on a weekly or monthly basis. The co-researchers, furthermore, assisted in determining an appropriate electricity tariff structure, a suitable payment method and the ways in which defaulters were handled.

Outcomes

The co-researchers identified 20 households to constitute an initial pilot. The purpose of the pilot was to assess system performance, affordability levels and an optimal prepayment system, which affect user behaviour and thus income variations. All customers regularly purchased electricity and paid monthly instalments towards their appliances. The system generation and consumption were monitored with an electrical logger in order to optimise the system specifications.

A pilot operator received intensive training in installations, maintenance and basic troubleshooting, as well as essential financial literacy and bookkeeping

skills. An increasing waiting list of interested Enkanini residents shows a nascent yet significant demand for solar electricity.

Next steps

An additional 80 households will receive solar systems in a second pilot phase, funded by the Gates Foundation. The Sustainability Institute has received further funding from the Green Fund for an additional 1 500 systems, which will see the training of an additional six solar agents to manage these systems, through a consolidated two-year 'earn-while-you-learn' training programme.

Through an affiliation with Shack/Slum Dwellers International (SDI), a savings component will be introduced into the household groups in order to build social cohesion and initiate further upgrading initiatives.

Discussion

In the following discussion, the theoretical dimensions of participation in the context of development and co-production of knowledge are explored. This builds a backdrop against which to tease out the commonalities and implications for developing a general framework for participatory co-production of new upgrading interventions.

Theory

Extensive literature suggests that organised communities have a critical role to play in solving governance issues endemic to the delivery of certain public services (see for example Bowles & Gintis, 2002; Chambers, 2005; Ostrom, 2000). Participatory approaches to development have become almost axiomatic in programme design (Agarwal, 2001; Jones, 2003) and, according to Dasgupta and Beard (2007: 244), 'community driven development has become the World Bank's fastest growing strategy for delivering development assistance'. The degree and objectives of participation in development assistance vary widely. In various typologies that have been developed (Agarwal, 2001; Arnstein, 1969; Jones, 2003; Pretty, 1995; White, 1996), participation is seen to surpass token levels when the poor are involved in making decisions about choices affecting them (Prokopy, 2005).

Gains from participation are usually expressed in terms of efficiency and sustainability of programme performance (Prokopy, 2005) and in this sense participation plays a functional role in achieving project outcomes (Pretty, 1995). In a more profound sense, however, participation is regarded as a route to equity if it leads to the poor lobbying for and influencing the way the state allocates and distributes resources (Prokopy, 2005). Agarwal (2001: 2623) suggests that 'effective participation requires people's involvement not just as individuals but as a collectivity'. A collectivity may be focused on a shared interest or challenge, and the identification

of an individual with a group may be sustained if members interact frequently to take action in response to the challenge (Bowles & Gintis, 2002).

Group formation primarily around the coordination of micro-actions to achieve shared benefits may give rise to outcomes of larger-scale significance, particularly collective bargaining capacities with external financiers, whether state or agency (Banerjee et al, 2007; Mitlin, 2008). In a cross-country analysis of informal settlement savings groups, Mitlin et al (2011: 18) describe the significance of the collective capacity of savings groups, in terms of both 'what it can do and what it can negotiate', stating that 'savings groups have importance far beyond amounts saved and loaned. They need to be understood in terms of the inter-relationships they stimulate between individual agency, group activity, economic growth and collective democratic political practices.'

Organisational capacity developed as individuals form groups to coordinate actions for mutual benefit is an important precursor to communities negotiating partnerships with governments and market actors to deliver services collaboratively. Ostrom (1996: 1073) states that '[co-production] implies that citizens can play an active role in producing public goods and services of consequence to them'. Mitlin (2008: 340) extends the significance of the concept of co-production, stating that '[co-production] has been primarily considered as a route to improve the delivery of services, and it has rarely been considered as a route through which the organized urban poor may choose to consolidate their local organizational base and augment their capacity to negotiate successfully with the state'. It is questionable, however, whether this can happen spontaneously. Like any other societal actor, the organisations of the urban poor need to be able to access knowledge networks that assist the complex processes of innovation. But researchers are often trained to extract knowledge for scientific endeavours rather than to co-produce knowledge that is socially useful for the urban poor. This is where transdisciplinary research has a role to play.

Transdisciplinary researchers describe the joint production of knowledge, or knowledge co-production (Nowotny et al, 2003; Pohl et al, 2007), as an appropriate form of knowledge production in response to complex socio-economic and environmental challenges. The stimulus of research questions from real-world challenges and the integration of academic and everyday knowledge in processes wherein mutual learning arises are defining features of transdisciplinary research (Scholz et al, 2006). Although these ideas emerged in quite egalitarian societies with well-developed knowledge capabilities (Switzerland and the Netherlands), when applied in a highly unequal society like South Africa co-production is less about building consensus and more about reinforcing the knowledge capabilities of active networks of the urban poor. In addition to being useful in the construction and testing of theories, intervention experiments as part of the participatory action research toolbox may provide valuable opportunities to stimulate mutual learning

that builds capabilities of actors to action social change processes (Argyris & Schon, 1989). Through reflexive knowledge co-production processes, actors expose their underlying theories of change to one another, and in doing so may be able to reconstruct shared mental infrastructures that are necessary to initiate change that perseveres (Argyris, 1994). In short, co-production of incremental urbanism among communities, state agencies and private sector players may well depend on researchers who are prepared to co-produce socially useful knowledge with the most marginalised and poorest sectors of society.

Reflections and preliminary outcomes

In this section, a tentative participatory framework (Figure 14.1) for community-led upgrading interventions is discussed. The framework is informed by the experiences of the three infrastructure interventions, as well as the theoretical foundations elucidated above.

In order to understand the challenges relating to improving infrastructure in informal settlements, it is necessary to problematise the challenges from multiple perspectives and at multiple levels. To this end the researchers employed diverse methods and engaged with a variety of people. Immersion, participant observation, household surveys and interviews, focus groups and mapping were used to gain an understanding of the micro-dynamics within Enkanini. Research actions served to develop knowledge of challenges from the perspective of householders, and at the same time represented opportunities for researchers to forge relationships with residents, some of whom have evolved into co-researchers and co-facilitators.

While exploring micro-realities in Enkanini, researchers were, in parallel processes, seeking knowledge regarding the meso-level and macro-level dynamics that affected the settlement. This meso-participation included engaging the municipality in discourses on upgrading, being part of infrastructure development committees, interviewing officials and conducting participant observations of SDI processes. Concurrently, technical systems knowledge was generated through engagements with technical experts and site visits to working exemplars. To gain a more macro perspective, literature on policy and practice responding to informal settlements in South Africa was blended with international case studies and theoretical literature.

Having developed a textured understanding of the challenge, researchers began developing target knowledge of workable infrastructure alternatives, through brainstorming exercises with focus group participants. Through these intensive participatory interactions, relationships between researchers and householders cohered to give rise to an emergent group of co-researchers. After some time, the researchers introduced the co-researchers to technical experts who had emerged as knowledgeable and committed during the consultation phases. Brainstorming

Figure 14.1. Framework for participatory process towards community-led upgrading intervention

Stage	Socio-technical explorations	Co-producing starting points	Preparing installations	Installations	Monitoring and redesign	Scale-up
Participatory actions (Actors)	Literature review	Brainstorming collaborative designs of technology and institutions	Facilitating user feedback to refine starting points	Executing technical installations	Facilitating user feedback to refine	Establishing / Registering Institutions
	Participant observations					
	Consultations with technical experts	Facilitating operator training	Facilitate operator training			Leveraging municipal resources to blend with local resources
	Focus group	Co-production of operating system	Learning by doing		Documenting	
	Household survey					
Evolving roles						
Researchers	Seekers of systems knowledge	Seekers of target knowledge		Facilitators		Facilitators
Residents	Objects of observation / Focus group participants / Survey respondents	Co-researchers	Local operators (technical and non-technical) / Co-facilitators / Household participants	Local operators (technical and non-technical)		Local operators (technical and non-technical) / Co-facilitators / Household participants
Technical experts	Holders of technical knowledge	Advisors	Technical partners			Technical partners
Municipality	Holders of socio-technical knowledge		Authorisation of experimental actions			Source of capital subsidies

Multiple recursions: learning and growth in capabilities

Time

continued, and was focused on devising a technical and institutional design and action plan to execute a small-scale experiment.

The design emerging from collaborative processes between researchers, co-researchers and technical experts was presented to potential intervention participants (Enkanini residents). The team presenting the proposed designs disarmed themselves by not having the answers, and users' feedback was encouraged. The researchers and co-researchers facilitated a process in order to design a functional operating system with the end users—essentially the 'rules of the game' that would determine installations, maintenance and repairs; affordability levels and payment structures; the collective handling of defaulters; and the assignment of roles and responsibilities between participants—in short, the overarching governance of operations. Concurrent with this process, municipal authorisation for the implementation of interventions was secured.

After numerous iterations of the participatory design phase, installations commenced under the supervision and guidance of the technical partners, namely, Rupert van der Merwe of Probio (Pty) Ltd for the waste pilot, Jonny Harris of Maluti GSM for the sanitation pilot and Jonathan Hodgson of Specialized Solar Systems (Pty) Ltd for the energy pilot. Numerous co-researchers who had shown interest and competency naturally assumed the roles of hub operators as well as co-facilitators, tasked with a range of activities from implementation and continued operation of the proposed interventions to managing the installation phase and any tensions that arose between residents.

The researchers documented the installation and post-installation periods in order to generate a deeper understanding of the merits of the process, and to insert these as critical inputs into future design iterations. The learning inherent in multiple recursive steps of the design and implementation phases built the capabilities of all actors, improved the technical designs and built a foundation upon which to scale up the intervention.

At the time of writing, the researchers are engaged in numerous design and process iterations in order to build replicable and scalable interventions.

The Enkanini Sanitation Cooperative (ESC) was established as a voluntary association, crafted on cooperative principles, and is composed of an organising committee (constituted wholly by local residents) and an advisory committee (composed of researchers and engineering consultants). Registration of a cooperative will be pursued incrementally, to allow for the complexity of the entity to evolve as constituents develop collective proficiencies in functions related to provision, operations and use of sanitation infrastructure and are able to participate effectively in upgrading partnerships with the local authorities (and other external funders). Residents thus occupy strategic, decision-making positions and manage resources (including internal revenue generated from service charges and research funds used to simulate subsidies) necessary to maintain and expand experimental operations.

Rules that govern individual users' behaviour and the interactions between individuals sharing the toilets are derived from users' experience during initial experimental installations.

To manage the scale-up of the solar pilot, the Sustainability Institute has incorporated the Sustainability Institute Innovation Lab (Pty) Ltd (SIIL), a special purpose vehicle that is managing the iShack Project (funded by the Gates Foundation and the Green Fund). The project is developing a micro-enterprise model that trains community-based entrepreneurs to market, install and conduct ongoing maintenance on a fleet of solar systems. A tailored 24-month training programme is under development, which will build the capacities of the solar agents to manage their businesses, ensuring long-term maintenance and servicing of the systems and excellent client relations. Clients pay for electricity on a regular basis and are able to purchase appliances such as televisions, radios and DVD players. SIIL is in discussions with local authorities to become the intermediary in receiving the monthly free basic electricity subsidy in order to reduce the electricity cost to consumers.

To scale up the impact, intermediate institutions are essential to manage the interface between government and the nascent community infrastructure collective. This intermediate stratum is necessary to manage the deployment of critical state subsidies to capitalise the dissemination of the interventions within communities; as well as to manage the nexus between state and community resources.

Community members have however already taken the lead in direct and constructive engagement with the municipality:

- Co-researcher Yondela Tyawa successfully tendered in 2013 to provide a waste removal service in Enkanini. His experience and knowledge are a direct offshoot of his participation in the Bokashi and Sanitation project. He identified six residents from Enkanini whom he employed to clean the settlement.
- Through the researcher-facilitated initial links, co-researchers are communicating directly with municipal departments on matters affecting the community, eg the efficient resolution of blocked sewers and the removal of branches that shade solar panels.

The degree to which co-researchers and emergent community networks take the lead on further issues and projects within their settlement will be revealed in time.

Reflections on co-production

Common to the energy, sanitation and waste experiments described above is the formation of groups in response to shared interests. In the waste case, group formation is loosely tied to the shared ritual of weekly waste drop-offs. Every Saturday morning the same people are likely to be in the same space for the same reason. In the case

of energy, the self-selection into groups is a prerequisite for participation, as deposits for solar systems are made as groups of households, not as individual households. In the case of sanitation, where payments are also made by groups, households' preferences for shared (as opposed to individual) toilets necessitated the formation of groups of households who share the same asset and therefore need to cooperate for mutual benefits.

Sanitation user groups may have given shape to the elements of an organisational model to effectively govern the operations and use of the infrastructure. Rules that guide the interactions between users and with operators were co-designed with users. These rules were distilled from intense debate between householders on how to deal with tricky issues. The rules are shared and binding among group members, yet are still amenable to change, subject to group consensus.

A similar logic underpins the structure of payment systems, where group liability for individual member defaults is meant to harness the benefits of peer monitoring and enforcement. Without external stimulus beyond the stipulation that payments must be made as a group, participants specified, as a role for groups, a means with which to deal with defaulters. The mechanism includes a mixture of tolerating non-payment arising from bona fide inabilities to pay and sanctioning non-payment arising from an unwillingness to pay. This mechanism leverages the capabilities of groups who interact frequently and thus reveal, at least through observable behaviours, information about one another's economic lives. For up to two consecutive defaults, other group members will cover the service charge of the individual household that cannot or will not pay. If a household fails to pay the group back or resume payments after two months, the other cooperating members revoke the key for the toilet from the defaulting household. The redistribution of operational risk related to non-payment from project operations to participating households may result in regressive designs and is a specific emphasis of monitoring efforts.

The earlier quotation from Mitlin et al (2011) regarding the significance of savings groups beyond the functional benefits of accruing savings has come to be a meaningful goalpost spurring us to embed our micro-actions in larger-scale, longer-term objectives. Just as savings groups have played a catalytic role in nurturing the collective capacity of shack dwellers to assert political and resource claims, en route to actualising development outcomes in partnership with local authorities, might organisation around upgrading intervention experiments stimulate similar trajectories?

It is difficult to evaluate our progress according to the number of toilets, solar systems or Bokashi bins we roll out. Instead of gauging the success of the Enkanini interventions in terms of rollout numbers and final development outcomes, we are developing process indicators to evaluate the effectiveness of the intervention experiments. These indicators will explicitly capture the degree to which the intervention experiments trigger demand and build local supply capacity (including

the capacity to plug into municipal subsidy allocations), both viewed as prerequisites to ensure that the intervention experiments seed larger impact.

Intervention experiments that set precedents for a) workable upgrading alternatives that b) trigger the formation of groups of households around c) practicalities of mutual concern are proposed as a means of using research to invest in the collective capacity of the community to organise and plan for larger actions en route to service co-production with the state. It will be necessary to describe, in detail, the mechanisms by which the capacity is developed through an action research approach. As households engage with each other in relation to practical activities that require coordination (activities as mundane as coordinating toilet cleaning), these processes can be applied to other, more complex activities which are required to extend the scale and maintain the functionality of infrastructure rollouts. Change, by definition, is incremental and the impacts of the intervention experiments will be revealed over time.

Conclusion

Research that addresses the challenge of incremental urbanism is not simply about technical solutions or appropriate policies that the state must adopt. Instead, what we mean by research needs to change. Following transdisciplinary research methodologies, the research question is no longer about a particular physical construction (services, houses), but rather it becomes 'how can active networks within a given community develop the knowledge capacity needed to generate solutions on their own terms?' The point of departure, therefore, is not poverty (as 'absence of something'), but rather meaningful engagements that lead to co-produced problem statements that then inspire ongoing processes of ever-expanding explorations of workable innovations. It is these innovations that can reinforce the assemblages that sustain the household and collective energies that relentlessly drive the dynamics of incrementalism. In this way, research gets connected to the social will of the powerless rather than to the political will of the powerful.

In practice, the waste, energy and sanitation innovations that have been co-produced in Enkanini are significant not simply because they represent technical innovations but also because they have become the basis for social organisation and network formation. Prior to securing land rights and formal permission to remain where they are, co-produced social innovations have undermined the notion that this is a 'temporary community', created a media profile that suggests active investments in community-constructed infrastructures, and reinforced the notion that researchers have a role to play in redefined processes of co-produced problem-solving.

References

Agarwal, B. 2001. 'Participatory exclusions, community forestry and gender: An analysis for South Asia and a conceptual framework'. *World Development*, 29 (10): 1623–1648.

Argyris, C. 1994. 'Initiating change that perseveres'. *Journal of Public Administration and Theory*, 4 (3): 343–356.

Argyris, C. & Schon, D.A. 1989. 'Participatory action research and action science compared: A commentary'. *American Behavioural Scientist*, 32 (5): 612–623.

Arnstein, S.R. 1969. 'A ladder of citizen participation'. *Journal of the American Institute of Planners*, 35 (4): 216–224.

Banerjee, A., Iyer, L. & Somanathan, R. 2007. 'Public action for public goods'. *Handbook of Development Economics*, 4: 3117–3154.

Bayat, A. 2000. 'From "dangerous classes" to "quiet rebels"'. *International Sociology*, 15 (3): 533–557.

Bowles, S. & Gintis, H. 2002. 'Social capital and community governance'. *The Economic Journal*, 112 (483): 419–436.

Bradlow, B. 2011. 'What is incrementalism, part 2: Community-managed utilities in an informal settlement in Nairobi'. *SDINet.org* blog, 23 May. Available at: www.sdinet.org/blog/2011/05/23/what-is-incrementalism-part-2-/, accessed 16 April 2012.

Callon, M. 1999. 'The role of lay people in the production and dissemination of scientific knowledge'. *Science, Technology & Society*, 4 (1): 81–94.

Chambers, R. 2005. *Ideas for Development*. London: Earthscan.

Dasgupta, A. & Beard, V.A. 2007. 'Community driven development, collective action and elite capture in Indonesia'. *Development and Change*, 38 (2): 229–249.

DE (Department of Energy). 2011. *Policy Guidelines for the Electrification of Unproclaimed Areas*. Pretoria: Department of Energy.

DH (Department of Housing). 2004. *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements*. Pretoria: Department of Housing.

DAG (Development Action Group). 2007. *Upgrading Informal Settlements: South African Policy and Praxis*. Cape Town: Development Action Group.

Huchzermeyer, M. 2006. 'The new instrument for upgrading informal settlements in South Africa: Contributions and constraints'. In: Huchzermeyer, M. & Karam, A. (Eds.), *Informal Settlements: A Perpetual Challenge?* Cape Town: UCT Press.

Huchzermeyer, M. 2009. 'The struggle for *in situ* upgrading of informal settlements: A reflection on cases in Gauteng'. *Development Southern Africa,* 26 (1): 59–73.

Jones, P.S. 2003. 'Urban regeneration's poisoned chalice: Is there an impasse in (community) participation-based policy?' *Urban Studies*, 40: 581–601.

Klug, N. & Vawda, S. 2009. 'Upgrading of informal settlements: An assessment with reference to the application of "Breaking New Ground" in Cape Town and Johannesburg'. *Town and Regional Planning*, 54: 37–49.

Madikizela, B. 2012. *Western Cape Department of Human Settlements budget speech 2012 by Mr Bonginkosi Madikizela, MEC of Human Settlements*. Available at: www.info.gov.za/speech/DynamicAction?pageid=461&sid=26386&tid=63146, accessed 13 August 2012.

Max-Neef, M. 2005. 'Foundations of transdisciplinarity'. *Ecological Economics,* 53 (1): 5–16.

Mitlin, D., Satterthwaite, D. & Bartlett, S. 2011. *Capital, Capacity and Collaboration: The Multiple Roles of Community Savings in Addressing Poverty*. IIED Human Settlements Working Paper Series. London: International Institute of Environment and Development.

Mitlin, D. 2008. 'With and beyond the state: Co-production as a route to political influence, power and transformation for grassroots organizations'. *Environment and Urbanization*, 20 (2): 339–360.

Nowotny, H., Scott, P. & Gibbons, M. 2003. 'Introduction: "Mode 2" revisited: The new production of knowledge'. *Minerva*, 41 (3): 179–194.

Ostrom, E. 2000. 'Collective action and the evolution of social norms'. *Journal of Economic Perspectives*, 14 (3): 137–158.

Ostrom, E. 1996. 'Crossing the great divide: Coproduction, synergy and development'. *World Development*, 24 (6): 1073–1087.

Pithouse, R. 2009. 'A progressive policy without progressive politics: Lessons from the failure to implement "Breaking New Ground"'. *Town and Regional Planning*, 54: 1–14.

Pohl, C. & Hirsch Hadorn, G. 2007. *Principles for Designing Transdisciplinary Research*. Munich: Oekom Verlag.

Pretty, J.N. 1995. 'Participatory learning for sustainable agriculture'. *World Development*, 23 (8): 1247–1263.

Prokopy, L.S. 2005. 'The relationship between participation and project outcomes: Evidence from rural water supply projects in India'. *World Development*, 33 (11): 1801–1819.

Scholz, R.W., Lang, D.J., Wiek, A., Walter, A.I. & Stauffacher. M. 2006. 'Transdisciplinary case studies as a means of sustainability learning: Historical framework and theory'. *International Journal of Sustainability in Higher Education*, 7 (3): 226–251.

Tomlinson, M. 2006. 'From "quantity" to "quality": Restructuring South Africa's housing policy ten years after'. *International Development Planning Review,* 28 (1): 85–102.

White, S.C. 1996. 'Depoliticising development: The uses and abuses of participation'. *Development in Practice,* 6 (1): 6–15.

Chapter 15

Facilitating state-community interfaces: The role of NGOs as intermediaries in participatory informal settlement upgrading processes in South Africa

Tristan Görgens

One of the significant development challenges facing South Africa is the eroding faith of ordinary citizens in formal processes of participation created by the state. While the causes of this are multifaceted and relatively complex, a key feature has been the lack of influence that these participatory processes have on processes of planning, resource allocation and implementation (see van Donk, 2012). The re-emergence of the informal settlement upgrading agenda represents a significant opportunity for the state, civil society and communities to transform the way in which they relate and work together. This chapter argues that purposeful intermediation[78] lies at the heart of such a shift. There is an art to establishing the kind of interface between different groups of people with differing sets of demands and distinct ways of making sense of the world that enables genuine communication, enhances debate and produces results.

The successful promotion of a participatory, incrementalist approach to informal settlement upgrading in South Africa, therefore, requires a class of individuals and organisations interested in and capable of fulfilling a range of 'intermediary functions' that establish and facilitate these interfaces between the key role players. The chapter begins by identifying the particular challenges presented by informal settlement upgrading that require the intervention of intermediaries and describes the features

---

78 A wide range of descriptive labels have been employed in the literature to describe these types of roles. Freire's (1973) work self-consciously referred to 'activators', 'catalysts' or 'facilitators' (Chambers, 1994a, 1994b) and other literature refers to them as 'mediators' (Piper & Von Lieres, 2014) or 'brokers' (Lewis & Mosse, 2006). I have decided to adopt the term 'intermediaries' both because it is employed by a number of authors writing about informal settlement upgrading and urban governance (for example Becher, 2010; Briggs, 2008; Imparato & Ruster, 2003; UN-Habitat, 2003) and because it seems to indicate the role that such practitioners can have in reconciling and/or traversing the binaries that often dog this work (conflict versus consensus, top-up versus bottom-up, procedure versus process) (Silver et al, 2010).

of such an approach, focusing on the complexity of facilitating processes of bargaining and learning. It then 'unpacks' seven specific intermediary functions that are required to establish productive state-community interfaces for the upgrading of informal settlements in South Africa. Finally, it advocates for the role of the non-governmental organisation (NGO) sector in addressing these intermediary functions and briefly considers the potential of such a shift in approach.

Why are intermediaries required for participatory upgrading?

The South African experience has been defined by the dominant role of the state in shaping the form and format of low-cost housing delivery, and the ambiguous and often problematic role of the private sector in the delivery process (see Charlton & Kihato, 2006; Landman & Napier, 2010). The structure of this relationship between these role players has accentuated the mechanistic aspects of the state bureaucracy and technical professionals. In order to develop the greatest quantity of houses, at the lowest cost, with the minimum amount of project interruptions, the delivery of 'housing opportunities' has focused on formulaic design and delivery elements and extremely limited notions of 'beneficiary management' (Cross, 2008; Harrison et al, 2008; Huchzermeyer, 2011; Pithouse, 2009).

A heavy reliance on technical processes facilitated by the private sector, often driven by weak skills within the state and a dominant culture of bureaucratic compliance (van Donk, 2012) and 'consultative' participation through formal structures (such as ward committees), has proven insufficient to deliver sustainable human settlements. To illustrate with a typical example, Tissington (2011: 57) traces the complex struggle for services and housing in Slovo Park in Johannesburg and shows that the existing political, technical and social processes lead to deep dissatisfaction, because the community

> … has not always understood or been able to follow the myriad complicated planning and technical processes, particularly the delineated roles and responsibilities of different consultants who are commissioned to undertake specific tasks, and yet who are the 'visible face and available ears' when the community wants to articulate its frustrations (at the slow progress, for example). The disjuncture between, and 'silo-nature' of, the different processes is evident, as is the frustration felt by the community when the 'historical background' of the area is not adequately addressed in reports and when consultants associate with certain local groups and not with others.

Reviewing the various strategies the community employed to interact with politicians and officials, she concludes that 'the Slovo Park case study highlights the often top-down, untransparent and unconsultative character of government's relationship with communities, and the alienating nature of official processes of

participation' (Tissington, 2011: 60). The international literature points to one key factor, largely missing in South Africa, that has had some success in addressing these problems:

> In the absence of a tradition of participation, what mechanisms need to be set up for local people to participate actively in a project? And how is it possible to reconcile the timing and rhythm of longer term community participation processes with the—often very different and shorter term—project objectives and time frame? The answers to these questions cannot be left to chance. They depend on the crucial function of intermediation, which is intrinsically linked to the relationship between the project and the social process [of participation] … Appropriate intermediaries between project promoters and beneficiaries are one of the critical components for the success of a project involving community participation. (Imparato & Ruster, 2003: 97–8)

The availability of technical skills and formal mechanisms for participation, therefore, need to be supplemented in order to facilitate the kinds of processes and interactions that can lead to meaningful engagement between the state and its citizens. The fostering of the kind of state-community collaboration required to pursue successful upgrading processes, particularly in the context of such a dearth of meaningful participation, requires the support of intermediaries.

There are at least two key features of informal settlement upgrading that compel projects to re-imagine the way in which communities, officials, other social partners and technical professionals work together (these are explained in more detail in Görgens and van Donk, 2012). First, the success of upgrading as a methodology is premised on its ability to understand, work with and mobilise social networks in order to support technical processes of service delivery and settlement improvement (UN-Habitat, 2003). The introduction of external funding, powerful role players and technical skills into the physical and social space of the community, with the intention of working within its established physical and social parameters, means that competing interests, priorities and 'modes of engagement'[79] need to be navigated (Pieterse, 2008). Furthermore, existing power relations within communities, and between communities and other key stakeholders, are likely to play a significant part in the way in which the participatory process unfolds (Magnusson, 2005; Miraftab, 2003).

---

79 This phrase is intended to describe the different normative expectations and methods of organising that characterise the ways in which different groups approach working relationships. For example, a key concern for the state is often the establishment of formal, legally recognised relationships with clearly defined organisations, while community groups may be far more willing to rely on a form of social credibility premised on a general perception that a partner is operating in good faith and is committed (and able) to deliver on promises.

The navigation of these dynamics requires a recognition of the politicised nature of such projects—they always require trade-offs and negotiation. While conflict can be extremely detrimental, processes can be designed to utilise it as generative—conflicting perspectives and disagreements spark creativity—while continuing to emphasise that they are shaped in important ways by the inequalities between participants (Mouffe, 1996). This perspective has been referred to as 'agonistic planning', as it adopts Chantal Mouffe's argument that a focus on 'consensus', typically sought by collaborative planners, will obscure the irresolvability of differing political meanings and actions. As Bäcklund and Mäntysalo (2010: 343) explain:

> … embracing agonism would require active search for such vehicles of expressing opinions that would allow one to present passionate views without being construed as an enemy … This view of democracy paves the way to a culture of planning more tolerant to the coexistence of and conflicts between different meaning systems. In agonistic planning the stakeholders may agree on certain issues, and respectfully agree to disagree on others. Even if the conflicts were to be found as irresolvable, the actors may still come to mutual agreement on the procedure—how the differences in opinion are to be dealt with.

Notwithstanding these complexities, a key feature of a successful participatory upgrading project, therefore, is its ability to facilitate processes in which problems and satisfying solutions are jointly identified by key stakeholders and establish collaborative relationships that can be carried forward into the implementation phase of the project.

Second, informal settlements are often located on poor-quality land or have other physical characteristics that make them very difficult to service using conventional technical solutions (Huchzermeyer, 2006). The search for technical solutions can also be made complex by the distinct, 'informal' social systems that provide the structuring elements of these settlements (Pieterse, 2008). Solutions to physical or technical issues—for example, annual flooding, dolomite, drainage systems or the positioning of standpipes—therefore need to combine technical knowledge with quite sophisticated processes that navigate the local context and negotiate communally acceptable options.[80] In short, they need to produce context-specific socio-technical knowledge that enables coordinated action.

---

80 For example, with regard to permanent engineering infrastructure, the Housing Code asserts that '[community] needs must be balanced with community preferences, affordability indicators and sound engineering practice … An appropriate and sustainable trade-off should be reached between up-front capital costs, long-term maintenance and operating costs, settlement affordability levels, the need for environmental sustainability, social acceptability, human dignity and safety' (DHS, 2009: 37).

Taken together, therefore, these represent two features of successful development work—the ability to reconcile differing imperatives to enable action and the need to effectively combine different forms of knowledge to produce socially satisfying solutions (Wilson, 2006). As the next section expands upon, these processes usually require an external facilitator with the right capacities to intermediate between disparate parties and knowledges in such a way as to establish productive, collaborative interfaces.

What does intermediation need to focus on to enable participatory informal settlement upgrading?

The role of an enlightened intermediary between the state and the community has a long and storied history in development. There are two primary traditions which relate to the motivation of the intermediary themselves: those allied with the state or development authority seeking to improve the relevance and efficacy of the intervention, positioned in an 'instrumentalist' role; and those allied with communities seeking to empower themselves and improve their ability to engage with the development authority, positioned in a 'populist' role (Lewis & Mosse, 2006). Anthropologists' concern with the impact of the social and cultural effects of the modern state on less developed communities meant that in the past their work and presence often provided an important governance tool for colonial authorities (Cooke, 2004: 45). This was extended with the rise of international development organisations after the Second World War (Escobar, 1991; Ferguson, 1996; Gardner & Lewis, 1996). In contrast, those inspired by Marxist analysis and liberation theology, exemplified by Paulo Freire's focus on 'conscientisation' in the 1970s, understood the role of the intermediary as a facilitator of the empowerment of communities by giving them the tools required to shape their own development (Blackburn, 2000). This tradition emphasises local agency and the validation of local knowledge systems but 'maintain[s] the centrality of external agents' (Vincent, 2004: 113) who have the task of controlling participatory processes: 'The outsiders are convenors and facilitators, the insiders actors and analysts' (Chambers, 1994b: 1263). Even where authors (for example Guijt & Shah, 1998) have drawn attention to the importance of understanding power during the participatory processes, they reassert the importance of the external facilitator to 'surface' and deal with these power imbalances (Vincent, 2004). A significant literature has catalogued the conceptual and methodological problems of a benevolent 'Other' that seeks either to aid the entry of the state (and market) into communities or to facilitate processes of endogenous development and empowerment (for example Cooke & Kothari, 2001; Corbridge et al, 2005; Kapoor, 2004; Mohan & Stokke, 2000; Williams, 2004). Any argument for intermediaries in informal settlement upgrading processes, therefore, needs to be grounded in a clear motivation for and definition of the roles of such

external actors and an awareness of the complex, often problematic, power dynamics that are inescapable in such a set of relationships (Piper & Von Lieres, 2014).

In the previous section, two central characteristics were identified as motivating factors in the involvement of external actors in informal settlement upgrading processes: the need to intermediate between interests and the need to combine technical and social knowledges to arrive at mutually satisfying solutions. These echo Briggs's (2008: 304) argument that 'building and using civic capacity in democratic societies that disperse power to get things done hinges on developing durable routines and institutions that combine learning and bargaining'. It is, however, important to recognise that the facilitation of learning, on the one hand, and bargaining, on the other, require quite different methodologies on the part of the intermediary.

In the 'bargaining' conception of participatory processes, the role of the intermediary is one of mediator and conflict resolver. Beyond this, it is the role of the intermediary to identify the multiplicity of ways in which power inequality within communities, and between communities and external agents, can shape the outcomes of deliberative processes and thereby ensure that participatory spaces are explicitly structured to ensure that the procedures highlighted above are put in place (Cornwall, 2004; Guijt & Shah, 1998). This may also require intermediaries to provide support to less powerful groups to enable them to effectively advocate for their interests (Fraser, 2008).

In contrast, learning requires a degree of collaboration and trust that demands that participants move beyond negotiated outcomes. As we have explored elsewhere (Görgens & van Donk, 2012; see also Wilson, 2006), this involves a conceptual and methodological shift from 'knowledge elites' (those who are in the know) and 'learning elites' (those who learn from/about) to the nurturing of 'communities of practice' in which communities and external experts work together to produce knowledge sets that capitalise both professional long-range knowledges as well as the social, tacit knowledges in communities. In this conception the role of the intermediary is to facilitate the kinds of deliberation that build trust between participants and, over time, enable exchanges through which the knowledge systems of the different participants are respected and combined into jointly held solutions. Collins and Ison (2006) describe this as a process of 'social learning' which should have the following aims: (1) increasing the convergence of goals, criteria and knowledge and the building of relational capital; (2) the facilitation of processes that lead to the co-creation of knowledge that provides deeper insight into an issue; (3) changes in behaviour and action that result from the new forms of knowledge.

Examining the literature related to these two seemingly contradictory sets of motivations for participation, Silver et al (2010: 454) argue that they may be understood as different 'moments' in the democratic process:

> At the policy initiation stage, politics, conflict and 'agonism' (Mouffe, 1996) may dominate, as local grassroots groups make demands, or elites propose policies for which they seek legitimacy and compliance. At the stage of decision making, when antagonistic contests move towards resolution, deliberation, consensus seeking or compromise may be more prominent. At the governance or implementation stage, when problem solving and practical results matter, participation in executing or monitoring a policy may be more-or-less inclusive and transparent.

A further demand, therefore, for successful intermediary organisations is their ability to identify the *strategic* demands of a particular moment in an upgrading process and to mobilise the capacity and/or facilitate the processes that are demanded for its continued evolution.

There are, then, three key elements that characterise the modus operandi of effective intermediating organisations: (1) bargaining and negotiation that lead to substantive outcomes, (2) processes of knowledge production or learning that lead to more appropriate solutions, and (3) strategic management or leadership to ensure that the first two sets of processes are actively pursued at the appropriate moment in the project's development.

How do these correspond with international practice? Reviewing a substantial range of experiences of informal settlement upgrading from across Latin America, Imparato and Ruster (2003: 98) show that in each case there was at least one organisation or institution 'that carried out the strategic function of articulating and mediating between the requirements of the project's promoters and those of the community'.[81] These organisations serve two key functions in supporting upgrading projects: social intermediation ('project software') and socio-technical support ('project hardware'). Social intermediation is vital because it offers a systematic way to introduce social concerns and cultural systems into processes of project planning and implementation, which are frequently highly technical and dominated by middle-class professionals with differing norms and knowledge systems from the communities in which they are working. The socio-technical support that such organisations can offer will then enable the systematic identification of technical solutions that are appropriate to the local context and will complement existing dynamics.

In practice these forms of support intermingle, because the focus of much of the work of these organisations is to provide:

---

81 These insights are supported by Minnery et al (2013) who review case studies across informal settlement upgrading in Southeast Asia and highlight the important role played by NGOs.

> … information and interfaces between the community and the authorities and between
> the community and the technical and administrative functions of the project. Such
> support ensures that information flows smoothly and creates a channel for discussion
> and negotiation of alternatives, organizing and clearly expressing demand … It plays a
> fundamental role in mediation and conflict resolution and constitutes a vehicle to
> facilitate the community's access to the different actors involved in the project.
> (Imparato & Ruster, 2003: 101)

In fact, because of their interdisciplinary nature and institutional positioning, such organisations often 'play a natural coordination role and end up serving as the interface among all the different actors involved, not just between the community and each actor' (Imparato & Ruster, 2003: 113). This notion of establishing and maintaining an interface between different role players, processes and knowledges is a key aspect of this description that offers the opportunity to combine the three elements identified above: bargaining, learning and leadership.

The intermediary's responsibility for nurturing and managing 'interfaces' is a useful entry point into our conceptualisation of the forms of intermediation required in a South African context.[82] Watson (2009) suggests that there are two 'deeply different', often conflicting, rationalities that underpin interactions between the state and the majority of 'informal' residents in the global South. She argues that rather than seeking to value one rationality over the other, which frequently results in an artificial 'consensus' that truly only reflects the dominant rationality of the state, the ethical response is to better understand what is happening at the interface between these two systems:

> The interface is a zone of encounter and contestation between these rationalities and
> is shaped by the exercise of power. For the [powerless], it is a zone of resistance, of
> evasion or of appropriation. It is the point at which state efforts at urban development
> and modernisation (provision of formal services, housing, tenure systems), urban
> administration or political control (tax and service fee collection, land use management,
> regulation of population health and education, etc) and market regulation and penetration,
> are met, or confronted, by their 'target populations' in various and complex ways, and
> these responses in turn shape the nature of interventions. (Watson, 2009: 2270)

Therefore, while intermediaries may be called upon to facilitate learning or mediate between conflicting parties at different moments, the common impulse is the commitment to establishing and sustaining interfaces between different parties so

---

82 Abbott (2002) also adopts the language of interfaces when describing informal settlement upgrading in Cape Town.

that they may better understand the rationalities underpinning the motivations, incentives and processes of other groups who are involved. In this conception, the creation of interfaces by intermediaries acts both as a space and as processes such as participatory planning (for more on this see Cornwall, 2004). At times the intermediary organisation may even physically act as the interface when mediation needs to be more forcefully managed.[83]

Imparato and Ruster (2003) echo this in their work. They argue that the progressiveness of the impact of an organisation in this role cannot be predetermined by the type of organisation or the sector in which it works. Drawing upon their array of case studies, they show that civil society organisations, independent consultants, for-profit businesses, municipal departments, statutory bodies, utility companies and units within universities have all proven themselves to be legitimate actors (Imparato & Ruster, 2003: 113). Indeed there is an array of options for the way in which the intermediation can be provided and the way in which the relationship between the state, community and other role players may be structured.[84] They argue that the potential of an organisation to be a progressive intermediary can be determined by paying attention to the following characteristics:

- the organisation's approach to urban poverty and track record of working in low-income communities
- its level of capacity, access to team members with a range of social and technical skills and culture of interdisciplinary teamwork
- the experience within the team, irrespective of professional background, of negotiation, conflict resolution and working in a dynamic way with changing needs and circumstances
- specific experience with participatory methodologies and tools
- the provision of adequate resources for the participatory and social aspects of the programme (Imparato & Ruster, 2003: 114).

An additional vital characteristic that should be added to this list, particularly in South Africa, is the commitment of the organisation to advancing a human rights

---

83 My thanks to the reviewer for suggesting this clarification of the multifaceted notion of an interface.

84 They have a complete chapter, supplemented by diagrams, illustrating the different ways in which the institutional relationships and flows of funding have been established between donors, different state entities, NGOs, service providers and local community groups. The details of these relationships, and their implementations for practice, are too complex to be unpacked in this chapter. Their conclusion, however, about the most influential characteristics is presented below.

agenda in their work and in partner organisations.[85] Whether the organisation is working with the state, civil society groups or communities, there are always likely to be conservative or reactionary elements and the role of the intermediary organisation is therefore also to ensure that the process and outcomes of the engagement draw upon and reinforce the promotion of human rights.

It is, however, important to acknowledge that, even where intermediaries fulfil these characteristics, important tensions and contradictions remain. The most profound of these is the source of the funding for the intermediary organisation/ actor. A continuum of funding sources may be found to subsidise such work but they typically cluster around two poles. At one end of the continuum are individuals and organisations that are employed by the state to act in this capacity. Such actors may find it challenging to act with independence and neutrality, and their ability to do so may be called into question by community members. On the other end of the continuum are organisations that are typically funded by independent donors. However, these streams of funding are often fickle, fad-driven and focused on 'innovation' rather than the maintenance of a constant presence in and relationship with a particular community. Further complexities are introduced where these organisations are explicit about representing the interests of communities or recruiting community-based membership.[86] The complexity of these factors makes it difficult to discuss the problems and opportunities associated with each of these institutional relationships here, but they have been considered, in some detail in the South African context, in work previously produced by Isandla Institute (Görgens & van Donk, 2011; see also Piper & Von Lieres, 2014: 9).

In addition, it is important to acknowledge that while there are significant 'best practice', technocratic reasons for the state to favour the involvement of intermediaries (for example, improved quality of outcomes and satisfaction), the 'political economy' of state processes may actively discourage the creation of a role for intermediaries. For technocrats the inclusion of intermediaries can be seen to introduce a further level of relationships to navigate, which may slow delivery and instigate fresh demands from communities. For local politicians and decision-makers the introduction of intermediaries may also disrupt patronage or clientistic relationships that underpin

---

85 My thanks again to the reviewer for suggesting that the progressiveness of an organisation is linked to this ideological commitment to the promotion of human rights culture.

86 This complexity is heightened when civil society groups are aligned (or are perceived to be aligned) with particular political parties. There is not sufficient room to unpack this issue here but it is important acknowledge that some of the contestation within civil society and between civil society and the state has been linked to the real or perceived use of civil society groups to advance party political interests (Piper & Bénit-Gbaffou, 2014). My thanks to the reviewer for raising this point.

the existing distribution of state resources. It is for these reasons that the following section includes 'intermediary functions' that seek to compel the state to include organisations that can facilitate intermediation.

The notions of learning, bargaining and interfaces, however, can seem highly theoretical. The next section will seek to indicate more specifically the kinds of intermediation that organisations can undertake in informal settlement upgrading, focusing on the South African context.

Defining 'intermediary functions' for incremental upgrading in South Africa

Isandla Institute, with the guidance of a national working group,[87] has sought to create a typology of the intermediary 'functions' that are required to advance a participatory and incremental approach to informal settlement upgrading in South Africa. In line with the trajectory of thinking outlined above, this chapter has chosen to describe these as intermediary *functions* rather than intermediary organisations, to acknowledge that, in the South African context, the different functions are likely be carried out by a range of role players and service providers rather than aggregated 'under the same roof'.[88] The kinds of facilitated decision-making and combination of technical and social expertise required by the approach outlined above have a very limited history in South Africa and therefore 'pockets' of the differing skills and capacities required are scattered across government, civil society organisations and the private sector. However, the shift in practice signalled by the National Upgrading Support Programme (NUSP) and the engagement of the larger metros with more participatory forms of informal settlement upgrading signal that there will be increased opportunities for a field of practice to emerge and become better defined.

The intermediary functions identified in our typology, then, are focused on three broad sets of concerns: (1) the establishment of interfaces that enable substantive

---

87 Organisations represented in this national working group included the Development Action Group, Afesis-Corplan, Built Environment Support Programme, Community Organisation Resource Centre, PlanAct, The Kuyasa Fund, Project Preparation Trust, African Centre for Cities, National Upgrading Support Programme and Department of Human Settlements.

88 Imparato and Ruster (2003: 114) acknowledge that this may need to be the case but warn of 'certain inherent risks in awarding separate contracts for tasks that are so intimately connected. Contracts with separate organizations may lead to coordination difficulties and finger pointing. Therefore, although separate organizations may very well team up to provide socio-technical support, separate contracts should be avoided.'

participation and the negotiation of outcomes, and encourage learning and knowledge production; (2) the provision of support to communities in order to strengthen their ability to organise, identify endogenous priorities and effectively advocate for their interests; and (3) supporting or compelling the state to develop and value approaches to informal settlement development that embrace the principles of participation and incrementalism. Taken as a whole, these intermediary functions are intended to create the conditions required for a productive and (relatively) equitable interface to be established between the state and communities (see Figure 15.1).
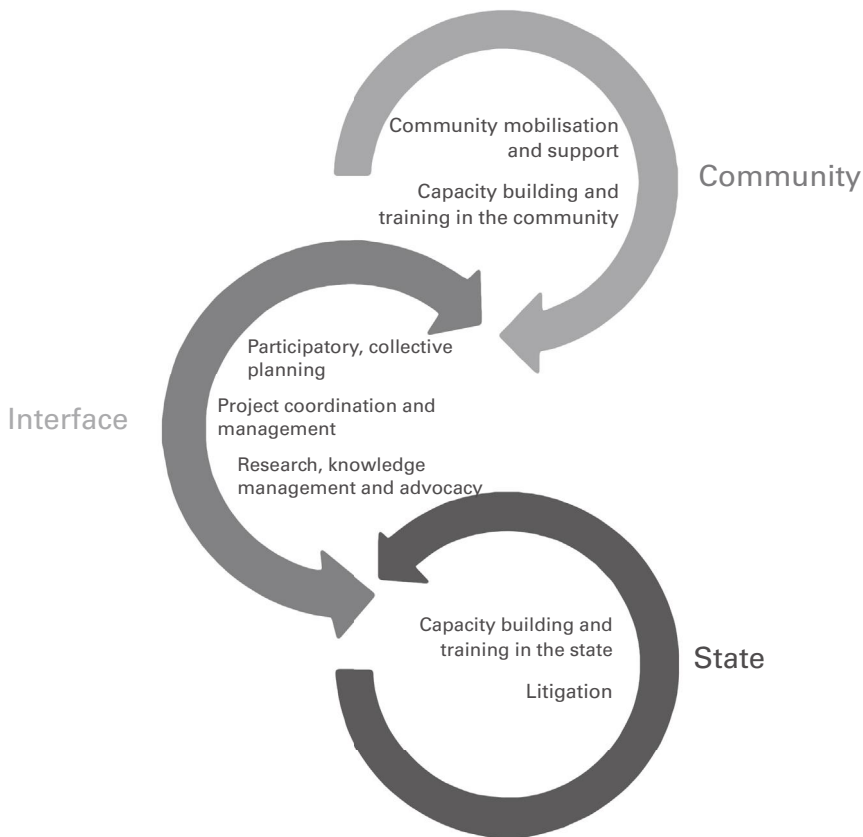
Figure 15.1: The role of intermediary functions in establishing and maintaining the state-community interface

Source: Isandla Institute, 2014.

As Figure 15.1 also indicates, the three sets of concerns can be further differentiated into seven distinct intermediary functions. These are defined in Table 15.1.

Table 15.1: Definitions of intermediary functions

Focus of the intervention	Intermediary function	Definition of intermediary function
Community	Community mobilisation and support	The intermediary provides the skills, infrastructure, strategic support or funding required for communities to elect accountable local leadership, hold meetings, identify priorities and formulate strategies.
	Capacity building and training in the community	The intermediary provides training or capacity-building opportunities for communities to develop the organisational, 'soft' technical skills required to effectively organise and interface with the state.
Interface	Participatory, collaborative planning	The intermediary can facilitate a process of participatory planning within the community in which it provides assistance to the community to collect information about itself, identify local opportunities for and threats to development, negotiate priorities and trade-offs and formulate locally derived solutions.
	Project coordination and management	The intermediary can either be assigned the responsibility to project manage the different aspects of the upgrading process or play a more specific part in coordinating the actions of stakeholders.
	Research, knowledge management and advocacy	The intermediary can alternatively support processes of community-driven knowledge production, conduct research as an independent role player in order to increase the knowledge base about effective approaches to upgrading, or possibly be employed by the state to investigate particular aspects of a community or an approach to upgrading.
State	Litigation	Legal action can be used to compel the state to act in accordance with the role envisaged in the Constitution and policy frameworks and defend the rights of vulnerable communities. Beyond this, as Chapter 20 in this book illustrates, legislation can be used strategically to draw attention to neglected priorities or clarify ambiguities in policy that hamper progressive settlement development.
	Capacity building and training in the state	While many local government authorities continue to struggle to appropriately train and retain the technical professionals they require to execute their statutory obligations, the dearth of and undervaluing of the 'soft skills' needed to assemble and negotiate the demands of social partners and conduct social facilitation in communities represents an urgent obstacle to the state transitioning into a facilitative agent. The intermediary can play an invaluable role in facilitating processes of learning and training that can embed participatory methodologies within the state.

For clarity of argument, this chapter will first unpack those intermediary functions related to the community and the state, both of which focus on contributions that the intermediary can make to preparing and capacitating these stakeholders for collaboration, before considering those intermediary functions that seek to establish and maintain the interface.

Supporting the organisation and capacities of communities

International experience provides ample evidence that capacitated and organised communities are better able to articulate their needs, identify strategic opportunities, act as predictable and reliable partners, and sustain or maintain improvements to the settlement once the state-driven project ends (Imparato & Ruster, 2003; Mitlin, 2008; Satterthwaite, 2001; UN-Habitat, 2003). However, it is worth acknowledging, although space does not allow further exploration of the issue, that the role of external intermediary organisations in facilitating the capacitation and organisation of communities in this regard is contested (see for example Greenstein, 2003; Hearn, 2007; Huchzermeyer, 2011; Mueller-Hirth, 2009; Pithouse, 2008; Robins, 2008). Certainly, as acknowledged in the previous section, organisations that adopt such a modality need to be 'hyper-self-reflexive' with regard to the degree to which they enable the community to set the agenda and approach, hold the organisation to account and represent themselves in interactions with the state and other role players (Kapoor, 2004).

Compelling and supporting the state

On the other end of the continuum is the transformation of the way in which the state approaches informal settlement upgrading and community participation. As noted below, this may take a supportive form, where the state is enabled and capacitated to bring about this transformation, or it may take a more punitive form, where the state is compelled by the courts. Breaking New Ground (BNG) sought to signal a 'paradigm shift' in which the state approached informal settlements through clear directives for the favouring of an *in situ* approach to upgrading where possible, the creation of flexible planning and financing instruments, an emphasis on the improvement of social facilities, neighbourhood-wide improvements and the social empowerment of the community (DH, 2004). Furthermore, the first draft of the National Housing Code introduced the goal of the Upgrading of Informal Settlements Programme in the following manner:

> The challenge of informal settlements upgrading must be approached from a pragmatic perspective in the face of changing realities and many uncertainties. Informal settlements should also not be viewed as merely a 'housing problem', requiring a 'housing solution' but rather as a manifestation of structural social change, the resolution of which requires [a] multi-sectoral partnership, long-term commitment and political endurance.

> At the outset therefore, a paradigm shift is necessary to refocus existing policy responses towards informal settlements from one of conflict or neglect, to one of integration and cooperation. (DH, 2004: 4–5)

Unfortunately, this vision of a pragmatic and flexible state seeking to build multi-sectoral partnerships remains an unrealised one (Huchzermeyer, 2011; Pithouse, 2008; Tissington, 2011).

As has been made clear throughout this book, the precise nature of informal settlement upgrading, particularly the degree to which it will be participatory and incremental, remains contested terrain. In a South African context, therefore, the strategic acumen required of intermediaries stretches beyond an attuned reading of project processes to the identification of opportunities to actively advocate for a progressive approach.

> Examples across the developing world show that some countries have progressed from repressive to transformative policies, while others have reverted back to repression. This indicates that informal settlement policy is an area of continuous political contestation, with civil society groups engaged in an ongoing struggle to oppose repressive policies, achieve progress towards transformative policies, or contest reversion back to repression. (Huchzermeyer & Karam, 2006: 7)

The goal of opposing repressive policies and exercising political pressure to ensure the transformation of the approach to upgrading is most effectively achieved through community organisation, in order to put pressure on politicians and the state. This methodology, therefore, has been effectively covered in the previous section (as one of many reasons to assist in community mobilisation and support). Perhaps the most assertive mechanism, however, is the use of strategic litigation to compel the state to deliver on its policy intention to develop multi-sectoral partnerships and defend the rights of communities.

While this contestation will continue to happen at the level of policy and institutional design, it is also likely to be mirrored at the local, project level for some time to come. As the NUSP (2011) has reported, the local state in South Africa remains poorly informed about the principles, approach and methodologies. The need to address this gap is made more urgent by the fact that BNG positions the local state (depending on whether it is accredited and capacitated) and/or provincial government in the role of the developer (DHS, 2009: 16). The expectation, then, is that the state will take the lead in forming and maintaining the multi-sectoral partnerships envisaged above. Intermediaries with experience of appropriate methodologies and with effective training techniques, therefore, have a vital role to play in improving the state's ability to assemble like-minded partner organisations and institute participatory processes of upgrading. Beyond this, the fusing of technical

skill and social knowledges requires skilled facilitators who understand both the perspectives of the professionals and the day-to-day realities facing residents in informal settlements.[89]

Establishing and managing the interfaces

The two previous sections describe activities that intermediaries can undertake to improve the ability of the community and the state to participate in collaborative upgrading. However, as the previous section of this chapter outlined, a great deal of the ultimate success achieved in forging collaborative upgrading initiatives lies in the quality of the interface established between key role players. The methodologies associated with these three intermediary functions (participatory planning, project coordination and management, and research, knowledge management and advocacy) are well established and a great deal of local and international literature describes best practice (see for example Fisher, 2001; Huchzermeyer & Karam, 2006; UN-Habitat, 2003, 2009, 2010) and maps out the areas of disagreement (Appadurai, 2001; Huchzermeyer, 2011; Mitlin, 2008; Pieterse, 2008; Pithouse, 2009; Satterthwaite, 2001) and so will not be covered here.

In the final section of the chapter we turn to examination of the capacity and interest of the NGO sector in South Africa to perform such intermediary functions and argue that it must play an integral part in the consolidation of this sector in the future.

The potential of the NGO sector in South Africa to perform intermediary functions

There is a body of evidence demonstrating that levels of trust in local government in South Africa continue to drop and frustration with a lack of accountability and

---

89 Reviewing the experience of informal settlement upgrading in Cape Town, Abbott (2002: 201) describes the three features of the approach taken by his team from UCT in partnership with city officials to informal settlement upgrading that allowed them to be 'able to confront and modify entrenched positions and attitudes of city officials'. First, the upgrading process had a clear methodology and long-term goal (as opposed to a collection of ad hoc interventions). Second, the informal settlement upgrading programme had fully competent technical members that were capable of understanding and addressing the anxieties and frustrations of officials, while ensuring that flexibility in standards was achieved. Finally, they were able to demonstrate added value to the local authority beyond the specific project by proposing a new set of servicing standards that could be applied across the city. Abbott is careful to acknowledge the potential danger of reintroducing rigidity into the system but argues that the search for defensible standards is an inescapable part of the modus operandi of the state and that partnering with officials enabled them to better understand the importance of flexibility.

transparency continues to grow (see van Donk, 2012; Von Holdt et al, 2011). As we have argued elsewhere, these conditions require a renewed societal investment in capacities and forums for engagement, dialogue and decision-making (Görgens et al, 2013; Isandla Institute, 2013). Indeed, the defining idea in the National Development Plan is a revised relationship between an active citizenry and a capable state (NPC, 2012). Briggs (2008: 303; emphasis in the original) argues that in such an environment a particular type of 'go-between' is required:

> Working to shore up the twin ingredients of legitimacy and productive capacity, often where capacity is outdated and trust is threadbare, the go-betweens are sometimes 'interested facilitators'. This is significantly different from, and no substitute for, the role of true neutrals recommended by advocates of formal, facilitated consensus building or dispute resolution … That is, some of these actors … have interest in specific *outcomes* (unlike professional mediators or other true neutrals), but they invest significant resources—time, money, talent, reputation, and more—in improving decision-making *process* (the classic role of the facilitator), too. That investment in processes is an investment in better governance, not just winning a particular outcome. This contributes to community life by bridging otherwise isolated 'pockets' of social capital to enable civic cooperation between them.

There is a compelling argument to be made, therefore, that while intermediary functions may be performed by other actors,[90] there is an urgent need to involve those committed to the empowerment of communities and transformation of society.

This, however, raises two sets of considerations that are worth exploring further here: the capacity and interest of the NGO sector in playing such a role, and the interest and opportunities being created by the state for multi-sectoral partnerships. Civil society must be able and willing to step into this space, and, importantly, the state needs to seek out and embrace such actors as well as offering a source of financial sustainability beyond the traditional donor base.

The capacity and interest of the NGO sector

Many contemporary progressive NGOs that are focused on housing issues in South Africa have their origins in responses to the apartheid state's attempts, from the mid-1970s onwards, to create an urbanised, skilled labour force managed by black local authorities while confining the majority to rural homelands (Harrison et al,

---

90 It is nonetheless dangerous to disregard the ability of other role players to play a transformative role in these processes. Adlard (2011) makes a compelling case that progressive consultants can act as 'interested facilitators' in the manner described by Briggs (2008).

2008). In the 1980s organisations such as the Built Environment Support Group (BESG), Development Action Group and PlanAct brought together progressive professionals and civic organisations to assist in 'community defence' against relocation and dispossession, the systematic improvements of settlements[91] and the provision of a range of other skills-related support (Harrison et al, 2008). Many of these NGOs then played a role in informal settlement upgrading projects (for example, BESG in Zilweleni in the 1990s). This approach to settlement development was later institutionalised in the Urban Sector Network, which was initially a loose platform and later consolidated into a formal Section 21 company (Houston, 2007). However, the loss of skilled practitioners who joined the state and the private sector, a general trend among international funders to shift their focus away from civil society organisations in South Africa, confusion about the role of the NGO sector in the democratic dispensation, a lack of a common strategic vision and the complexities and contradictions created by an institutionalised partnership resulted in the closure of the Urban Sector Network in 2004 (Carey, 2009; Harrison et al, 2008; Houston, 2007). The financial crisis of 2008 placed additional pressure on the NGOs in this sector and required it to identify opportunities to either raise additional revenue (for example by acting as a service provider) or leverage additional resources (for example through partnerships) (Görgens & van Donk, 2011). While it is difficult to point to specific metrics because of the lack of publicly accessible data that could help to characterise the number or capacity of these NGOs, the National Working Group acknowledged that these factors had left the urban sector smaller and weaker than it had been in the 1990s.

Nonetheless, there is a wide range of NGOs currently active that are fulfilling intermediary functions in informal settlement upgrading. These stretch from specialist organisations, such as the Socio-Economic Rights Institute (SERI), which focuses on a single function, to organisations involved in a number of functions, such as the Community Organisation Resource Centre (CORC). The scope of involvement in state-driven processes, however, remains nascent. A great number have had difficult experiences working with the state on state-driven projects (see the next section) and the significant shifts in the funding environment have required these organisations to be more risk-averse. Nonetheless, these organisations have long histories and extensive networks of skills and experience that can be mobilised for involvement

---

91 It is also worth acknowledging the influential role of the Urban Foundation (along with other non-profit utility companies) during this period. Their involvement in the first wave of informal upgrading projects in South Africa (for example Bester's Camp) had a significant influence on the process of negotiating the form of the housing programme in the early 1990s (Lalloo, 1999).

in future projects. There are a number of complexities associated with forming partnerships with or performing work on behalf of the state (see Görgens & van Donk, 2011). Nonetheless, if carefully managed, such processes offer an opportunity to advance a specific kind of advocacy and improve the financial sustainability of a sector that is under serious strain.

Four priorities for the development of the sector were identified during extended interactions by the National Working Group over a two-year period: strengthening the technical capacities within NGOs, improved coordination within the sector, the need for visionary leadership that recognises and responds to 'political moments', and the development of a more sophisticated understanding of state processes that regulate upgrading projects and processes (for example supply chain management). There are current examples where such opportunities for growth and collaboration are being explored. A number of organisations in the sector have been sharing information and collaborating through forums such as the Good Governance Learning Network. A by-product of these relationships has been the attraction of a significant tranche of funding for informal settlement upgrading in Cape Town from a single donor, which includes specific funding for cross-organisational collaboration and learning processes. A number of organisations have also been able to parlay relationships with the NUSP and specific municipalities into significant contracts to conduct substantial work for the state.

These institutional relationships with donors and the state can place NGOs in complex positions when seeking to play principled intermediary functions (Görgens & van Donk, 2011). The vision advanced in this publication, however, stretches beyond the role of civil society as a reactive service provider. In the spirit of the quotation from Briggs (2008) above, partnerships with NGOs should enable the reworking of power relations in society and the building of social capital that can strengthen other systems of governance (see also Piper & Von Lieres, 2014). This requires smart advocacy and community mobilisation on the part of the NGO sector to compel the state to seek such partnerships. Unfortunately, as the next section illustrates, the existing track record of NGO-state relationships does not inspire confidence. The state is currently loath to cede a degree of control over development partnerships and to enable voices 'from below' to shape the emergence of such working relationships. Nonetheless, there are emerging opportunities, explored in more detail in some of the other chapters in this publication, that suggest that a new paradigm could be cultivated.

The interest and opportunities created by the state

After the comprehensive defeat of the perspective of civil society during the processes of negotiation about post-apartheid housing policy, the NGO sector's most prominent success in influencing policy was the People's Housing Process (PHP; see Chapter 2 in this volume, also Lalloo, 1999). This was the result of innovation occurring in

the traditional NGOs that had occupied the urban sector (for example the BESG's Southern Pinetown housing consolidation project) as well as the formation of the Homeless People's Federation (HPF), strongly influenced by experiences in India and Latin America, which initiated a series of dialogues to build a grassroots organisation (Khan & Pieterse, 2004). These initiatives were based on 'bottom-up' approaches that focused on the mobilisation of communities through savings groups, horizontal exchanges and community-driven planning and construction projects (Khan & Pieterse, 2004; Millstein et al, 2003). This was combined with a savvy campaign of lobbying that resulted, in 1995, in the state creating a particular institutional vehicle, the People's Housing Partnership Trust, and a new policy instrument, the PHP (Carey, 2009; Huchzermeyer, 2001). However, the shoehorning of the PHP into the existing subsidy regime meant that, in practice, the programme became 'narrowly equated with "sweat equity", individualism and cost reduction rather than collective beneficiary planning, decision-making, and more productive housing delivery' (Khan & Pieterse, 2004: 18). Indeed, despite rhetorical political commitment to the programme, it has remained a very minor part of the overall delivery of housing opportunities,[92] and NGO-led lobbying for a revised approach to the PHP, that would allow it to better capture its original community-empowering intent, has been an arduous journey with mixed and limited results (Carey, 2009).[93]

While this is a policy case, it reflects a general trend for transformative practice promoted by NGOs to become routinised and depoliticised when implemented in partnership with the state. The anxiety expressed by civil society organisations is that there is a growing perception of NGOs as:

> … technical support *contractors* rather than development *partners* … The organisational culture emerging in government … does not show openness to these

---

92 These opportunities consisted of between 1 per cent (Napier, 2003) and 3 per cent (BRSC, 2003, cited in Khan & Pieterse, 2004) of state-provided houses, the result of PHP processes, by 2002. Despite a movement towards re-emphasising these processes with the advent of BNG, research recently conducted for the Integrated Planning, Development and Modelling Project of the Department of Science and Technology found that while 36 per cent of the sampled housing stock consisted of formal-quality, owner-built informal brick housing (as opposed to 10 per cent subsidy housing), less than 1 per cent of the sampled housing stock was the result of customised PHP projects (Cross, 2008, cited in Landman & Napier, 2010: 302). Nonetheless, it is worth noting that a number of provinces declared their housing projects to be PHP projects, without following any of the participatory aspects of the policy, in order to avoid the requirement for beneficiaries to make a financial contribution.

93 Although a revised Enhanced People's Housing Project Policy has been produced, there are very few examples of provinces interested in engaging with its participatory elements.

> types of prickly, messy engagements that are more likely to generate innovative win-win solutions. An institutional culture that displays ambiguity towards skills, promotes deference to authority at the expense of organisational effectiveness, and one that avoids conflict in an effort to save 'face' for superiors, is one that is unable to hear independent and critical voices without feeling threatened. This is a significant obstacle to meaningful state–civil society partnerships. (CCSRM, 2012: 46–47; emphasis in the original)

Indeed, the channels through which the state is promoting the informal settlement upgrading agenda remain relatively closed to civil society. Mechanisms such as the Urban Settlements Development Grant, which require municipalities to proactively plan for and fund the upgrading of informal settlements, are considered technical documents produced in 'closed spaces' (Gaventa, 2006) beyond the oversight or input of communities. National Upgrading Support Forums, established for learning and capacity building within the state, remain largely closed to civil society organisations. As Chapters 12 and 15 in this volume illustrate, at a project level there are a number of examples of successful partnerships or relationships being formed between the state, communities and intermediary organisations. However, these remain largely ad hoc, and are the result of mobilisation and advocacy on the part of communities and their representative organisations rather than of the institutionalised approach to upgrading. The only significant, standardised opportunity available to civil society actors is to tender for work from the state—to become service providers.

This does not allow NGOs the space to fully realise the opportunity created by employing intermediaries in processes. As noted above, processes of decision-making and learning require the rough and tumble of contestation and the uncertainty of experimentation in order to be successful. These tend to be anathema to the state. This is not to advocate for a standardised approach to civil society, in which it is painted as an inevitably progressive force, but rather for a normalised *expectation* that successful upgrading will require intermediary partners. In informal settlement upgrading each settlement and each process requires renewed and reinvented processes of engagement in the search for satisfying socio-technical solutions. The argument advanced in this chapter is that these partnerships should be managed by 'interested facilitators' that are committed to establishing the quality of interface between the state and the community that will produce outcomes that are mutually satisfying and sustainable.

This will require a significant shift in the mindset of officials tasked with overseeing such processes, and a committed search for alternatives to existing funding and management systems within the state. There are glimpses of what such an approach might look like in the future emerging from pockets of practice (see Section 2 of this volume) but the scaling up of such an approach remains a challenge.

This has been identified by the NUSP as an issue that requires sustained attention and we should watch their progress, as well as the success of networks emerging from NGO-led spaces, with some interest.

Conclusion

Informal settlement upgrading offers an opportunity for the state to reassess the relationships it cultivates with poor communities. In place of existing top-down, command-and-control models, a partnership-based model that champions negotiated outcomes and facilitated processes of learning could be cultivated. The success of such an approach, however, is highly dependent on a strong class of individuals and organisations committed to intermediation. This chapter has outlined in some detail the motivation for and the particular roles that need to be played by intermediaries in informal settlement upgrading processes. Informal settlement upgrading requires practitioners to recognise and acknowledge the role of contestation and the complexity of facilitating learning processes that can combine technical and social knowledges. This can best be achieved by the establishment and facilitation of the kinds of state-community interfaces that can produce partnerships and cultivate systems of governance that enable the reworking of power relations in society. Seven such specific intermediary functions have been identified as vital to the development of a participatory approach to upgrading in South Africa. The chapter concludes by arguing that there are persuasive reasons for the prioritisation of the NGO sector as a key player in facilitating such intermediary functions. However, there is a range of weaknesses within the NGO sector and within the attitude and processes of the state that need to be recognised and addressed in order for such an approach to develop at scale.

References

Abbott, J. 2002. 'A method-based planning framework for informal settlement upgrading'. *Habitat International*, 26 (3): 317–333.

Adlard, G. 2011. Challenges in applying community participation theory at scale in the increasingly contested space of an African city. Paper presented to the *South African City Studies Conference*, Cape Town, 7–9 September.

Appadurai, A. 2001. 'Deep democracy: Urban governmentality and the horizon of politics'. *Environment and Urbanization*, 13 (2): 23–43.

Bäcklund, P. & Mäntysalo, R. 2010. 'Agonism and institutional ambiguity: Ideas on democracy and the role of participation in the development of planning theory and practice—the case of Finland'. *Planning Theory*, 9 (4): 333–350.

Blackburn, J. 2000. 'Understanding Paolo Freire: Reflections on the origins, concepts and possible pitfalls of his educational approach'. *Community Development Journal*, 35 (1): 3–15.

Becher, D. 2010. 'The participant's dilemma: Bringing conflict and representation back in'. *International Journal of Urban and Regional Research*, 34 (3): 496–511.

Briggs, X. 2008. *Democracy as Problem-solving: Civic Capacity in Communities across the Globe*. Cambridge: MIT Press.

Carey, S. 2009. *Success at a Price: How NGO Advocacy led to Changes in South Africa's People's Housing Process*. Report prepared for PlanAct, the Good Governance Learning Network and Rooftops Canada.

Chambers, R. 1994a. 'The origins and practice of participatory rural appraisal'. *World Development*, 22 (7): 953–969.

Chambers, R. 1994b. 'Participatory rural appraisal (PRA): Analysis and experience'. *World Development*, 22 (9): 1253–1268.

Charlton, S. & Kihato, C. 2006. 'Reaching the poor? An analysis of the influences on the evolution of South Africa's housing programme'. In: Pillay, U., Tomlinson, R & Du Toit, J. (Eds.), *Democracy and Delivery: Urban Policy in South Africa*. Cape Town: HSRC Press.

CCSRM (Coalition on Civil Society Resource Mobilisation). 2012. *Critical Perspectives on Sustainability of the South African Civil Society Sector*. Auckland Park: Jacana Media.

Collins, K. & Ison, R.L. 2006. *Dare We Jump Off Arnstein's ladder? Social Learning as a New Policy Paradigm*. Proceedings of the PATH Conference, Edinburgh, 4–7 June 2006. Available at: oro.open.ac.uk/8589/01/Path_paper_Collins_Ison.pdf, accessed 19 August 2013.

Cooke, B. 2004. 'Rules of thumb for participatory change agents'. In: Hickey, S. & Mohan, G. (Eds.), *Participation: From Tyranny to Transformation?* London: Zed Books.

Cooke, B. & Kothari, U. (Eds.) (2001). *Participation: The New Tyranny?* London: Zed Books.

Corbridge, S., Williams, G., Srivastava, M. & Veron, R. 2005. *Seeing the State: Governance and Governmentality in India.* Cambridge: Cambridge University Press.

Cornwall, A. 2004. 'Spaces for transformation? Reflections on issues of power and difference in participation in development'. In Hickey, S. & Mohan, G. (Eds.), *Participation: From Tyranny to Transformation?* London: Zed Books.

Cross, C. 2008. 'Developing communities'—housing delivery as anti-poverty: Is South Africa on the right track? Paper presented at the *Southern African Housing Foundation, International Conference & Exhibition*, Cape Town, 12–15 October.

DH (Department of Housing). 2004. *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements.* Pretoria: Department of Housing. Available at abahlali.org/files/Annexure%20E.pdf, accessed 22 July 2013.

DHS (Department of Human Settlements). 2009. *Incremental Interventions: Upgrading Informal Settlements—Part 3 Vol. 4. The National Housing Code*. Pretoria: Department of Human Settlements.

Escobar, A. 1991. 'Anthropology and the development encounter: The making and marketing of development anthropology'. *American Ethnologist*, 18 (4): 16–40.

Fisher, F. 2001. *Building Bridges through Participatory Planning: Part One*. Somalia: UN-Habitat.

Fraser, N. 2008. *Scales of Justice. Reimagining Political Space in a Globalizing World*. Cambridge: Polity Press.

Freire, P. 1973. *Education for Critical Consciousness*. New York: Continuum.

Ferguson, J. 1996. 'Development'. In: Spencer, J. & Barnard, A. (Eds.), *Encyclopaedia of Social and Cultural Anthropology*. London: Routledge.

Gardner, K. & Lewis, D. 1996. *Anthropology, Development and the Post-Modern Challenge*. Chicago: Pluto Press.

Gaventa, J. 2006. 'Finding the spaces for change: A power analysis'. *IDS Bulletin*, 37 (5): 23–33.

Görgens, T. & van Donk, M. 2011. 'Taking stock at the crossroads: Reflecting on the role of the NGO sector in enabling and supporting participatory local governance in a time of "crisis"'. In: Good Governance Learning Network (Ed.), *Recognising Community Voice and Dissatisfaction: The State of Local Governance in South Africa*. Cape Town: Good Governance Learning Network.

Görgens, T. & van Donk, M. 2012. *Connecting the dots between settlement functionality, integrated and incremental upgrading, and the need for a capacitated network of intermediary organisations*. Paper presented at Sustainable Human(e) Settlements: The Urban Challenge Conference, Johannesburg, 17–21 September. Available at: shsconference. co.za/sites/default/files/pages/conference-proceedings/shsconferencefullpaper.pdf, accessed 20 September 2013.

Görgens, T., Masiko-Kambala, P. & van Donk, M. 2013. 'Establishing citizenship academies to cultivate "cunning intelligence" and "practical wisdom" in local governance in South Africa'. In: Good Governance Learning Network (Ed.), *Active Citizenship Matters: The State of Local Governance in South Africa*. Cape Town: Good Governance Learning Network & Isandla Institute.

Greenstein, R. 2003. *State, Civil Society and the Reconfiguration of Power in Post-Apartheid South Africa*. Research Report No. 8. Durban: Centre for Civil Society, University of KwaZulu-Natal.

Guijt, I. & Shah, M. 1998. 'Waking up to power, conflict and process'. In: Guijt, I. & Shah, M. (Eds.), *The Myth of Community: Gender Issues in Participatory Development*. London: Intermediate Technology Publications.

Harrison, P., Todes, A. & Watson, V. 2008. *Planning and Transformation: Learning from the Post-Apartheid Experience*. London: Routledge.

Hearn, J. 2007. 'African NGOs: The new compradors?' *Development and Change*, 38 (6): 1095–1110.

Houston, A. 2007. *Reflecting on the frayed edges of an unraveled network*. available at: www. ngopulse.org/article/reflecting-frayed-edges-unraveled-network-anthea-houston, accessed 1 July 2013.

Huchzermeyer, M. 2001. 'Housing for the poor? Negotiated housing policy in South Africa'. *Habitat International*, 25 (3): 303–331.

Huchzermeyer, M. 2006. 'The new instrument for upgrading informal settlements in South Africa: Contributions and constraints'. In: Huchzermeyer, M. & Karam, A. (Eds.), *Informal Settlements: A Perpetual Challenge?* Cape Town: UCT Press.

Huchzermeyer, M. 2011. *Cities* with *'Slums': From Informal Settlement Eradication to a Right to the City in Africa*. Cape Town: UCT Press.

Huchzermeyer, M. & Karam, A. 2006. The continuing challenge of informal settlements. In: Huchzermeyer, M. & Karam, A. (Eds.), *Informal Settlements: A Perpetual Challenge?* Cape Town: UCT Press.

Imparato, I. & Ruster, J. 2003. *Slum Upgrading and Participation: Lessons from Latin America*. World Bank Directions in Development Series. Washington, DC: World Bank.

Isandla Institute. 2013. *Planning for Informality: Exploring the Potential of Collaborative Planning Forums. A Propositional Framework*. Cape Town: Isandla Institute.

Isandla Institute. 2014. Managing the interface: Exploring the need for intermediation in informal settlement upgrading. Input paper for local *Community of Practice* meeting, May. Cape Town: Isandla Institute.

Kapoor, I. 2004. 'Hyper-self-reflexive development? Spivak on representing the Third World "Other"'. *Third World Quarterly*, 25 (4): 627–647.

Khan, F. & Pieterse, E. 2004. *The Homeless People's Alliance: Purposive Creation and Ambiguated Realities*. Research paper commissioned as part of project entitled *Globalisation, Marginalisation & New Social Movements in post-Apartheid South Africa*. Available at: www.ukzn.ac.za/ccs/files/Pieterse%20Khan%20HPA%20Research%20Report. pdf, accessed 12 April 2012.

Lalloo K. 1999. 'Arenas of contested citizenship: Housing policy in South Africa'. *Habitat International*, 23 (1): 35–47.

Landman, K. & Napier, M. 2010. 'Waiting for a house or building your own? Reconsidering state provision, aided and unaided self-help in South Africa'. *Habitat International*, 34: 299–305.

Lewis, D. & Mosse, D. 2006. *Development Brokers and Translators: The Ethnography of Aid Agencies*. Bloomfield: Kumarian Books.

Magnusson, W. 2005. 'Urbanism, cities, and local self-government'. *Canadian Public Administration*, 48 (1): 96–123.

Millstein, M., Oldfield, S. & Stokke, K. 2003. '"Utshani BuyaKhuluma"—The Grass Speaks: The political space and capacity of the South African Homeless People's Federation'. *Geoforum*, 34: 457–468.

Minnery, J., Argo, T., Winarso, H., Hau, D., Veneracion, C., Forbes, D. & Childs, I. 2013. 'Slum upgrading and urban governance'. *Habitat International*, 39: 162–169.

Miraftab, F. 2003. 'The perils of participatory discourse: Housing policy in post-apartheid South Africa'. *Journal of Planning Education and Research*, 22: 226–239.

Mitlin, D. 2008. 'With and beyond the state: Co-production as the route to political influence, power and transformation for grassroots organizations'. *Environment and Urbanization*, 20 (1): 339–360.

Mohan, G. & Stokke, K. 2000. 'Participatory development and empowerment: The dangers of localism'. *Third World Quarterly*, 21 (2): 247–268.

Mouffe, C. 1996. 'Democracy, power, and the "political"'. In: Benhabib, S. (Ed.), *Democracy and Difference: Contesting the Boundaries of the Political*. Princeton: Princeton University Press.

Mueller-Hirth, N. 2009. 'South African NGOs and the public sphere: Between popular movements and partnerships for development'. *Social Dynamics*, 35 (2): 423–435.

Napier, M. 2003. 'Supporting the People's Housing Process'. In: Khan, F. & Thring, P. (Eds.), *Housing Policy and Practice in Post-Apartheid South Africa*. Sandown: Heinemann.

NPC (National Planning Commission). 2012. *National Development Plan: Vision 2030*. Pretoria: The Presidency.

NUSP (National Upgrading Support Programme). 2011. Informal settlement upgrading and the National Upgrading Support Programme. Presentation to *Good Governance Learning Network Learning Event on Informal Settlement Upgrading*, Yeoville, 23 February.

Pieterse, E. 2008. *City Futures: Confronting the Crisis of Urban Development*. London: Zed Books.

Pithouse, R. 2008. 'A politics of the poor: Shack dwellers' struggles in Durban'. *Journal of Asian and African Studies*, 43 (1): 63–94.

Piper, L. & Bénit-Gbaffou, C. 2014. 'Mediation and the contradictions of representing the urban poor in South Africa: The case of SANCO leaders in Imizamo Yethu in Cape Town, South Africa'. In: Von Lieres, B & Piper, L. (Eds.), *Between Citizen and State: The Role of Intermediaries and Mediation in Popular Representation in the Global South*. London: Palgrave MacMillan.

Piper, L. & Von Lieres, B. 2014. 'Introduction: The crucial role of mediators in relations between states and citizens'. In: Von Lieres, B & Piper, L. (Eds.), *Between Citizen and State: The Role of Intermediaries and Mediation in Popular Representation in the Global South*. London: Palgrave MacMillan.

Pithouse, R. 2009. 'A progressive policy without progressive politics: Lessons from the failure to implement "Breaking New Ground"'. *Town Planning Journal,* 54: 1–14.

Robins, S. 2008. *From Revolution to Rights in South Africa: Social Movements, NGOs and Popular Politics after Apartheid*. London & Scottsville: James Currey & University of KwaZulu-Natal Press.

Satterthwaite, D. 2001. 'From professionally driven to people-driven poverty reduction: Reflections on the role of Shack/Slum Dwellers International'. *Environment and Urbanization*, 13 (2): 135–138.

Silver, H., Scott, A. & Kazepov, Y. 2010. 'Participation in urban contention and deliberation: Introduction to the symposium'. *International Journal of Urban and Regional Research*, 34 (3): 453–477.

Tissington, K. 2011. *Towards a Synthesis of the Political, Social and Technical in Informal Settlement Upgrading in South Africa: A Case Study of Slovo Park Informal Settlement, Johannesburg*. SERI Working Paper No. 1. Johannesburg: The Socio-Economic Rights Institute of South Africa.

UN-Habitat (United Nations Human Settlements Programme). 2003. *The Challenge of Slums: Global Report on Human Settlements 2003*. London: Earthscan.

UN-Habitat. 2009. *Planning Sustainable Cities: Global Report on Human Settlements 2009*. London: Earthscan

UN-Habitat. 2010. *Count Me In—Surveying for Tenure Security and Urban Land Management*. Nairobi: UN-Habitat.

van Donk, M. 2012. 'Tackling the "governance deficit" to reinvigorate participatory local governance'. In: Good Governance Learning Network (Ed.), *Putting Participation at the Heart of Development//Putting Development at the Heart of Participation*. Cape Town: Good Governance Learning Network.

Vincent, S. 2004. 'Participation, resistance and problems with the "local" in Peru: Towards a new political contract?' In: Hickey, S. & Mohan, G. (Eds.), *Participation: From Tyranny to Transformation?* London: Zed Books.

Von Holdt, K., Langa, M., Molapo, S., Mogapi, N., Ngubeni, K., Dlamini, J. & Kirsten, A. 2011. *The Smoke that Calls: Insurgent Citizenship, Collective Violence and the Struggle for a Place in the New South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation & Society, Work and Development Institute.

Watson, V. 2009. 'Seeing from the South: Refocusing urban planning on the globe's central urban issues'. *Urban Studies*, 46 (11): 2259–2275.

Williams, G. 2004. 'Evaluating participatory development: Tyranny, power and (re) politicization'. *Third World Quarterly*, 25 (3): 557–578.

Wilson, G. 2006. 'Beyond the technocrat? The professional expert in development practice'. *Development and Change*, 37 (3): 501–523.

Chapter 16

Navigating hostile territory? Where participation and design converge in the upgrade debate

Carin Combrinck and Jhono Bennett

The South African policy landscape regarding human settlement development reflects a progressive approach towards the *in situ* upgrading of informal settlements. With the assistance of the World Bank and the Cities Alliance, the National Upgrading Support Programme (NUSP) was established in 2008 to facilitate the implementation of the Upgrading of Informal Settlements Programme (UISP), which is further underpined by the 2009 *National Housing Code Part 3 Volume 4: Upgrading Informal Settlements* (DHS, 2009).

The policy intent is aimed at a holistic integration of informal settlements into the urban and socio-economic fabric of the greater metropolitan area, with a strong focus on locally appropriate community participation (DHS, 2009: s 2(1)). Factors such as the careful maintenance of existing community survival networks as well as the harnessing of local knowledge and understanding of particular needs are given high priority in the development process (DHS, 2009: s 3(9)).

Consideration of these matters is directly translated into the approach to the proposed township layout of a settlement, which must be done with consideration of *community needs*, *current land use and densities* and *designing to minimise relocation* (DHS, 2009: s 3(10)). Even in terms of the stand sizes and layout, the Housing Code favours an understanding of the existing conditions: 'Due to the informal layout of informal settlements it is not desirable to determine uniform or minimum stand sizes. Locally appropriate stand sizes should emerge through a process of dialogue between local authorities and residents' (DHS, 2009: s 3(13)).

In terms of the implementation of this process, the Housing Code makes allowance for the primary role players to be the state in its various capacities. Resources are then included from the private sector by way of the professional services of engineers, town planners, land surveyors, geotechnical service providers, environmental impact assessment service providers and site supervisors (DHS, 2009: s 2(5.3)). Along with the general provision made for the housing process, the Housing Code also allows for the establishment of a mediating body (consisting of community resource organisations) that can offer a platform for technical assistance to the communities and financial accountability to the state. These can either be the

municipalities themselves, non-governmental organisations (NGOs) or community-based organisations (CBOs). The prerequisite is that they must be legal entities through which the community may then apply for this funding.

As can be seen from this short description of the policies relevant to the upgrading of informal settlements, a holistic and progressive context is established where the potential exists for a well-balanced involvement of state, civil society (private sector built environment professionals) and beneficiary communities in the development process. Yet rising dissatisfaction among the urban poor has resulted in an increased level of service delivery protests (Tissington, 2011), indicating an uncomfortable disjuncture between such policies and their implementation.

This chapter focuses on two questions emanating from these policies. First, given the apparently benign and progressive wording of these policies, wherein lies the disjuncture between the policies and their implementation? Second, do these policies describe a potential role for architecture in this discourse, and if so, how? In consideration of these two matters, the chapter will investigate the potential role of young architectural professionals in engaging with the context of *in situ* upgrading of informal settlements.

Interviews conducted with Professor Marie Huchzermeyer (a recognised author in the field of informal settlement upgrading and convener of the housing master's in the School of Architecture of Planning in the University of the Witwatersrand), Mr Steve Topham (the director of the NUSP), Professor Lone Poulsen (previously Assistant Dean for the Built Environment disciplines and Director of the Architecture Programme at the University of the Witwatersrand) and Dr Mark Napier (previously of Urban LandMark and currently head researcher in Human Settlements at the Council for Scientific and Industrial Research) serve to situate some of the discussion in current discourse. Personal reflection on experiences in particular informal settlements further informs and contextualises the conclusions drawn in the chapter.

Disjuncture between policy and implementation

Despite the progressive attitude assumed by the South African government with regard to housing, the current concern of the Department of Human Settlements is that the formalised provision of housing has not managed to contain the housing backlog and informal settlements have increased to well over 2 600, as compared to 300 in 1994 (NUSP, 2014).

This disjuncture between policy and implementation is viewed by NUSP director Steve Topham as emanating primarily from the shift required by the state from being a *machine that builds houses* to enabling *in situ* upgrading (interview, Topham, 2013). The *disproportionate amount of control* vested in provincial governments, which have the power to decide what they consider important to develop within their area, is often contradictory to the national policy. According to Topham, 'in

Gauteng … the incremental approach to informal settlement upgrading is not favoured even though it is a national imperative'.

The accreditation of municipalities to start taking over the functions of provinces in this regard is being encouraged by National Treasury by way of the Neighbourhood Development Partnership Programme. This, according to Topham, would bypass the provinces and assist in the alignment of policy intent and accountable implementation.

Although the Housing Code makes provision for the deployment of professionals (such as engineers and planners) from the private sector to provide services where the state is under-capacitated, the specific skills required for *in situ* upgrading are not addressed. In their individual interviews, both Topham (2013) and Huchzermeyer (2013) referred to the need for a transformation in the disciplines in order to make a positive contribution towards *in situ* upgrading; this transformation can be observed to a certain extent in larger engineering firms and in the planning profession overall. Generally speaking, however, the level of transformation is considered to fall short of that which is envisioned in the Housing Code, in terms of the participatory approach required. Professional authority remains top-down, whereas the Housing Code infers a collaborative, bottom-up decision-making process.

What, then, of architecture?

Simply stated, none of the housing policies developed in South Africa since 1994 have recognised the existence of the architectural profession or have tried in any way to harness its potential. Similarly, no attempt has been made by the South African Council for the Architectural Profession (SACAP) to institutionalise any contribution towards any of the human settlement programmes.

Individual involvement by South African architects in the sphere of informality or low-income housing projects has received international acclaim—for example, the work produced by Jo Noero, Heinrich Wolff and Carin Smuts in the Western Cape, Peter Rich in Gauteng and rural areas across the country, Rodney Harber especially in KwaZulu-Natal, and several others. However, such work remains marginal and has not achieved critical mass or entered mainstream consciousness.

The phenomenon of informal settlements is typically synonymous with *emerging* or *developing* countries and it is therefore interesting to note that, in some of these countries, architects are indeed contributing to the discussion on informal settlement upgrading. In places such as Thailand, through the Baan Mankong Programme, the Community Architects Network (CAN, 2012) has become a recognised partner in a slum upgrading approach spearheaded by the architect Somsook Boonyabancha (Archer et al, 2012). Boonyabancha insists that architects have a valuable contribution to make towards a people-centred approach to development: 'I think that architects,

unlike many other professionals, are especially well equipped with an impartial sense of constructivism—they want to see improvement, they like to be creative; it's their inherent nature. No matter how bad the existing conditions are, they want to make changes' (CODI, 2012).

The role that architects play in the process is in assisting people to imagine beyond the *messy, complicated and demanding* existing context in which they live. It is the synthesis of knowledge distilled from working with people and the creative bridge that comes into being through the design process that ultimately allows people to venture towards a paradigm shift (Boonyabancha, 2005).

Anarchist-architect P.K. Das is active in Mumbai, India, where he advocates for architecture for social change. He sees the issue of housing development as a politically charged arena where the opportunity exists to challenge ongoing marginalisation of the urban poor (Das, 2009). Das holds the view that discussion of proposed designs has the potential to bring development issues into the public arena. The critical discourse surrounding the proposed Dharavi Development Plan (Patel & Arputham, 2008) has become a widely inclusive process involving academics, practitioners, CBOs and politicians. This has influenced the direction of housing programmes in India, such as the Rajiv Awas Yojana, and is proof of the conscientisation that has occurred through the participation of architects and academics alongside CBOs in the upgrading debate.

Certain programmes in Latin America serve to prove the value that an individualised service-orientated approach can have. The Morar Carioca Programme in Rio de Janeiro (Brazil) institutionalises technical assistance to *favela* dwellers by way of Postos de Orientação Urbanística e Social (POUSOs), which are resource centres that focus on the expansion of social infrastructure (Gomez, 2013). The POUSOs have social workers, engineers and architects on site to help people in the neighbourhood towards urban consolidation. The other illustrative programme in this region emanates from Cuba. Valladares (2013) describes the Community Architect (or Architect-in-the-community) Programme that has been active in Cuba since the 1990s, developed by the architect Rodolfo Livingston. In this programme, architects have been deployed to enable residents' participation in the design of their houses, articulating their spatial needs and making informed decisions about their building processes.

Seen in a broad context, it may be argued that one of the features that ought to emanate from urban agglomeration is access to human resources. It is the ironic reality of informal settlements that their proximity to (and, most often, service of) prosperity and abundance does not ensure access to it. By making social resources such as architectural services available to these marginalised sectors of society, a bridging into the formalised urban concentration becomes possible.

The architectural profession in South Africa

Interestingly, despite the apparent omission, there is no explicit exclusion of the architectural profession from the Housing Code, nor, by the same token, is there any explicit omission of such engagement from the work description of the profession. According to the Board Notice 195 of 2011 (RSA, 2011: s 1(2)), which is the Framework for the Professional Fees Guidelines, standard and additional services to be rendered by architects are fully described. A person registered in terms of the Architectural Professions Act (No. 44 of 2000) is legally not only permitted to render the basic individualised design and construction services associated with buildings, but may also undertake town planning, urban design, master planning and landscape design services.

By implication, this puts the trained architect in a position to overlap significantly with other members of a team that is involved with the design and development of an *in situ* upgrade. The perception that architects are limited in their scope to work on the individual homes or buildings associated with upgrading is therefore fundamentally incorrect.

A professional irritation among town planners and policy writers is described by Huchzermeyer (interview, 2013) as the architect's proclivity for *defaulting into design* and by Topham (interview, 2013) as a lack of professional *humility*. The apparent inability of architects to view informal settlements in their complexity and their tendency to jump towards overly simplistic solutions, whether on the scale of urban design interventions or of individualised home improvements, leads to a general disdain for the potential inclusion of the profession into the discourse.

Added to this institutional distaste, strong CBOs, such as the Society for the Promotion of Area Resource Centres in India, have an inherent distrust of professional intervention (Mitlin, 2013; Patel et al, 2001) in the upgrading process. In the South African discourse, a similar position against professional intervention has been assumed by the Informal Settlement Network and Ikhayalami (Bolnick, 2010). Negative experiences of professional heavy-handedness and the imposition of inappropriate top-down proposals that result in negative consequences have led to an almost militant self-reliance, negation of professional resources and an insistence that people are able to produce better solutions for themselves: 'SDI believes that the monopoly over information and knowledge exercised by officials, technocrats and professionals needs to be broken and poor people themselves need to gain control over knowledge in order to deal more effectively with their situation' (Patel et al, 2001: 51).

Observations made by John F.C. Turner (1976) led to the same conclusions and gave rise to a radical shift in development thinking in organisations such as the World Bank and UN-Habitat.

The voice of the end user

In architectural debate, the 1970s saw a distinct shift in thinking that questioned the fundamental tenets of Modernism and ultimately, the professional direction of architectural service. People like Lucien Kroll, John Habraken, Rod Hackney, Giancarlo di Carlo and Christopher Alexander started questioning the absolute authority of the architect, opening the space for greater participation by the end user, for the voice of the common man to be heard. Expressions of individual or personal identity, as opposed to the ideals of the architect, were put on the table for discussion.

Why this had become relevant was largely due to the increased value attached to generalised principles embedded in the notion of the 'International Style'. Questions were being asked about the appropriateness of such eminent projects as Le Corbusier's designs at Chandigarh—the Masters of Modernism were being toppled from their pedestals—but only in some circles. In mainstream architectural discourse, individualised corporate imagery has reached epic proportions, as in the highly contentious and questionable 'Starchitecture' being produced by Zaha Hadid, Rem Koolhaas and Frank Gehry from Beijing to Rotterdam—wherever the flavour-of-the-month capital happens to be.

The alternative stream of architectural consciousness seems to have veered off on a tangent of self-effacement: from having introduced the possibility of including the voice of the end user in the late 1960s and early 1970s, the literature has diverged into the realms of advocacy, agency and undirected emergence, calling for an alternative architecture that avoids design altogether. Hamdi's *Placemaker's Guide to Building Community* (2010) offers tremendous insight into the engagement and response to vulnerable communities, but underplays and even negates the value that architects (specifically) can contribute. He points rather to the detriment and negative consequences of focusing on the design and construction of redundant community halls and inhumane housing typologies. Similarly, Awan et al (2011) proclaim in *Spatial Agency: Other Ways of Doing Architecture* that: 'Professions rely on [this] assertion of stable knowledge in order to give themselves authority over others, and so to accept acting otherwise is to recognize the limits of one's authority, and to relinquish the sole hold of fixed and certain knowledge' (Awan et al, 2011: 32).

The desire in this paradigm, then, is to aspire to the role of facilitator, where people are empowered (through the involvement of the profession) to give expression to their own identity, in this way building an authentic consciousness that manifests in a responsive built environment (Feireiss, 2011).

When the frustration that exists in the various disciplines with regard to implementation and the emergent discourse in architectural circles, namely, an understanding of participation, are taken together, a convergence of collective consciousness can be seen in the South African human settlement policy landscape.

Participation

According to Appadurai (2002), the CBOs that have developed in India over the past three decades are evidence of a *deep democracy* that is evolving. The danger of such grassroots participation is, of course, political instability. True participation as the expression of actual identity has the potential to unlock volatile dissonance with existing structures and threatens the authority of state bodies. Informal settlement upgrading, when viewed from this perspective, poses a significant challenge to the status quo in which notions of participation become politicised (Huchzermeyer, 2011). If a participatory process is enabled in a community, the needs and requirements expressed by the community may not be in line with government's desired outcomes or strategies, thereby creating potential conflicts of interest.

Taking a page out of planning literature emanating from the late 1990s, the consideration of collaborative planning serves as an example of how to bridge this intellectual divide. The inherent potential for meaningful social transformation through an equitable representation of all interested parties has largely become the core principle of the planning discipline. An augmentation of the democratic process is achieved through the forging of consensus, thereby lending legitimacy to decision-making and actions impacting on people's lives (Healey, 1997, 2003; Purcell, 2009).

As seen in certain South African and international examples, the most significant shifts in the upgrading debate have ensued where architectural practitioners have been able to migrate between the spheres of such collaborative thinking in emergent contexts and mainstream architecture, enriching both spheres. Their involvement in *in situ* upgrades has contributed to a meaningful development and organic growth of settlements such as Bester's Camp in KwaZulu-Natal, South Africa (Charlton, 2006), or the Baan Mankong programme in Thailand and the Architect-in-the-community programme in Cuba. At the same time, such endeavours have influenced a rich and invigorated reflection of meaning in current urban and architectural discourse.

Need for socio-technical skills

During the adjudication of tenders submitted for the *in situ* upgrade of informal settlements under the NUSP, frustration was experienced at the evident lack of professional understanding of the terms of reference and expected outcomes (interview, Topham, 2013). The term that seems to be the most pertinent to describe what is lacking is 'socio-technical' skills. Various teams, comprising civil engineering companies, urban designers, architects, business consultants, surveyors and planners, submitted tenders, many in conjunction with specific CBOs or community liaison officers. Within the terms of reference of the NUSP, the following knowledge and expertise were required:

- extensive and demonstrable experience in human settlements programme and project design, and in informal settlement upgrading
- extensive and demonstrable experience in working with communities in participatory processes in human settlement development projects
- knowledge of the South African legislative regulatory environment relating to human settlement upgrading and planning processes (DHS, 2013).

These requirements revolve around the ability of a professional discipline to embrace participatory processes towards a collaborative design or planning approach, where technical skill and service are augmented by the socially responsive ability to engage in a participatory environment. Much of the difference between academics, state officials, researchers, policy writers, community organisations and practitioners resides in how this can be achieved. Necessarily there are no singular or simple answers to this question, and a comprehensive, inclusive approach (rather than a desire for reductionism) is bound to move the discourse forward.

An educational mandate

An emerging question in this chapter, then, is how to prepare young architectural professionals to operate in this context. In terms of SACAP accreditation procedures, South African schools of architecture are commended for community engagement initiatives, but there is no particular criterion against which this is evaluated (SACAP, 2012).

Most schools of architecture in South Africa make a certain allowance for engagement in urban poor communities at some stage in the curriculum.[94] The content of these short modules seems to be fragmentary, voluntary, incoherent and lacking in direction or academic rigour. As important and inspiring as such endeavours are, they remain marginal and have not yet impacted on mainstream practice or human settlement policy.

According to Poulsen (interview, 2013), the (typical) syllabus exposes students to various aspects of architectural practice. Engagement in informal settlements is only one such optional choice, which currently does not account for any significant

---

94 This information was obtained through email correspondence in July 2013 with Bridget Horner of the University of KwaZulu-Natal, Rodney Harber of Durban University of Technology, Rudolph Perold, Hermie Delport and Mizan Rambhoro of Cape Peninsula University of Technology, Dr Janet Cherry of Nelson Mandela Metropolitan University and former University of the Witwatersrand lecturer Lone Poulsen. These educators were asked about the allocation of credit and course percentages dedicated to work in informal settlement areas in the course curricula.

portion of general professional practice. Increasing the time or resources allocated to community-centred practice can be argued against in terms of the lack of employment opportunities currently available in this sphere. On the other hand, there is a dire need for creative contribution to the implementation of upgrades. Turning such a competency into a mainstream skill and ability would aid in de-marginalising the practice of community-centred design, thereby creating the opportunity for a depth of field to evolve. Critical mass can be achieved from two directions: the *pull* factor emanating from state-driven tender processes and legislation, as well as the *push* factor emanating from the training and education of young professionals who are able to answer to the call.

In acknowledgement of this fact, the Department of Human Settlements (with the NUSP), in collaboration with the World Bank Institute, is in the process of establishing relationships with all the higher education institutions across the country to develop Human Settlement degrees. Capacitation of public officials as well as conscientisation of related professions is pursued in this endeavour (Inclusive Cities, 2013).

University of Pretoria Department of Architecture

At the University of Pretoria Department of Architecture, the groundwork that is making it possible to assimilate this critical issue into our curriculum was originally done by pioneering spirits such as Sheilagh Nation, and institutionally prepared by Professor Roger Fisher in his reconstruction of the core syllabus according to a philosophy of resource-efficient design (Fisher & Clarke, 2011). Professor Amira Osman established the Housing and Urban Environments research field in the department, in which she set the foundations for an incremental approach to housing, influenced by the Open Building Movement that emanates from the writings of John Habraken (1972, 1998) and has been popularised by Stephen Kendall (Kendall & Teicher, 2000). Since 2010, the focus of the research field has increasingly been on the *in situ* upgrading of informal settlements under the new nomenclature 'Human Settlements and Urbanism (HSU)'.

With the assistance of practitioner Marianne de Klerk, a Massachusetts Institute of Technology (MIT) master's graduate in urban design, the Honours HSU module has become the primary vehicle through which students are exposed to informal settlement upgrading. Through a multi-year programme interweaving practical experience with a theoretical foundation, a basis is created for an iterative approach that is translated into a holistic urban design resolution, all within the context of a participatory framework. The research sites are specific informal settlement communities with whom longstanding and continuous relationships are enabled through the consecutive involvement of different student groups. In this way, the research contributes to the real-world requirements of the community, while at the

same time infusing the student work with an ever-increasing complexity and depth of understanding.

The course content is loosely based on the community action planning method developed in the Special Interest Group in Urban Settlements at MIT's School of Architecture and Planning by Reinhard Goethert and Nabeel Hamdi (Goethert & Hamdi, 1997), which offers a very effective holistic and open-ended method of field research and participatory problem identification. In addition to the mapping exercises that aid in understanding the settlement in its broader urban context, transect walks, visual imagery and narrative enrich both the students' and the community's perception of the key issues affecting life in the settlement.

In terms of the requirements for socio-technical skills stipulated by the Department of Human Settlements (and by the NUSP in particular), it is argued that the course answers to the parameters set out in the *Housing Code Part 3 Volume 4: Upgrading Informal Settlements* (DHS, 2009) as well as the Enhanced People's Housing Process.

Ultimately, the educational intention is to develop a grounded approach to participatory processes that assist in giving architectural and urban voice to the marginalised sectors of society inhabiting informal settlements. The role of architecture in this space is not to be underestimated or undervalued in its contribution to an evolving heritage.

Slovo Park

An example of such a process of investigation is situated within the informal settlement of Slovo Park, to the south of Soweto, Johannesburg. In 2010, a group of honours architecture students engaged with the community for a six-week module. The outcomes were an urban design framework situating Slovo Park within the greater context of Kliptown and Eldorado Park, with various individual proposed interventions. Based on the strength of this first encounter, the students were then afforded the chance to implement the upgrading of the community hall. With no funding and minimal input from lecturers, the students and community together managed to complete the fundraising, planning and execution of the upgrade.

During the following year, Slovo Park became the site of further research as part of a PhD in architecture, as well as becoming the point of reference for a master's degree in documentary film in the drama department at the University of Pretoria. In 2012, a successful layering of different perspectives could take place. The honours module was led by one of the architects who had been involved in the construction of the first upgrade of the hall, thereby offering a continuous transfer of knowledge that benefited both the student body and the community, galvanising the trust relationship that is so important in participatory work.

The studio focused on the sustainable livelihood opportunities in Slovo Park, which led to the involvement of the Gauteng government's Department of Community

Development Works in an urban agriculture initiative. Collaboration between the University of Pretoria honours architecture students and second-year engineering students from the university, along with the Slovo Park Community Development Forum, resulted in a further upgrade of the community hall under the auspices of the student-based organisation 1to1 Student League. In addition, collaboration between students from the architecture and drama departments produced a documentary on the issue of sewerage upgrade in Slovo Park, which was screened in New York during 2013 (Melck et al, 2012).

During 2013, collaboration between second-year University of Johannesburg students and University of Pretoria honours students resulted in a number of urban design frameworks being developed that could illustrate the importance of strengthening the social capital nodal development and growth points within the settlement. In addition, PhD research was undertaken by a candidate from the Department of Geography at the University of Pretoria, an ongoing process that promises to further support the community's drive towards upgrading.

The community of Slovo Park are currently rearranging their stand layouts in response to the requirements of the South African National Standards issued by the South African Bureau of Standards relating to dolomite, the various proposals presented during the student engagements, and reconsideration of their position vis-à-vis the City of Johannesburg's development proposals and concerns. The process includes deeply democratic negotiations within the block committee structures of the settlement to ensure full participation and consent within the community. These new arrangements are being documented by University of Pretoria students in order to facilitate the municipality's upgrading processes.

The example of the University of Pretoria Department of Architecture's engagement with Slovo Park serves to underscore the potential role that architects can play in the context of *in situ* upgrading. With few resources and limited time, both the student body and the community of Slovo Park have been able to imagine beyond the immediate and understand beyond the apparent.

Young professionals

The impact of the educational approach on young professionals is an important aspect of this assessment. The challenge of potential marginality threatens the viability of participatory practice, and one must determine whether there is an opportunity for these skill sets to build a wider contingent of interested professionals by opening up an alternative or additional method of practising in the South African context.

Drawing on the experience of Jhono Bennett's work as technical advisor within the South African Shack Dwellers International (SASDI) alliance's NGO, the Community Organisation Resource Centre (CORC), the chapter now turns to investigating such a chosen career path in what can be considered hostile

professional territory. Bennett was part of the honours architecture student group active in Slovo Park in 2010. Understanding the role of a technical, spatial and policy advisor as opposed to an individual service provider is crucial in order to effectively support the programmes of impact-driven social development movements. These roles are multifaceted and do not only call upon one's problem-solving or design ability, but also on the management of relationships and project visioning across diverse cultural, educational and economic backgrounds.

The complexity of this role was experienced by Bennett during the 2012 (In) formal Studio project held in the industrial buffer strip of Marlboro South within Alexandra township, which has been informally occupied. These residents have taken occupation of various warehouses and open plots in the now mixed-use area. The intricacy of this role was compounded by the dual positions held by Bennett within CORC and the University of Johannesburg architecture department.

Over the past two years, the programme coordinators from the University of Johannesburg have collaborated with selected professionals and cultural institutions such as 26.10' South Architects and the Goethe-Institut with regard to engaging in informal settlements, to develop innovative student briefs that broaden the definitions of architecture and architectural engagement. In the case of Marlboro South, a studio exercise was established between the University of Johannesburg's architecture department and the inhabitants of the Marlboro South community, facilitated through the SASDI alliance.

The studio was arranged to include regular meetings at both the settlement site and the university studio on campus, in order to share the spatial realities of both participating groups. The studio was broken into sections of engagement on a weekly basis, from large-scale land use analysis and participatory site mapping to life-world analysis of individual residents of the warehouses. Mixed teams comprising students and Marlboro residents, under the guidance of the SASDI alliance, undertook the module together.

Students were asked to determine site-specific design intervention solutions at a framework level and present these to the community for feedback in the scheduled workshop meetings. The groups would then begin to propose possible solutions within each framework, from a small-scale level of intervention to possible larger ones.

Unfortunately an impromptu eviction of several community sites by the City of Johannesburg made the issues of capacity and focus very difficult to deal with, as well as putting the students at potential risk. The studio was altered and the majority of participatory work continued on the university campus. The project has been developed into a travelling exhibition in order to share the documented process across Africa (Goethe-Institut, 2013). In our assessment of the achievements of the studio the following points were made:

> From an academic standpoint the studio was highly successful in opening up student perspectives on the various forms of tangible and intangible support designers can offer. This proved invaluable in the ensuing lawsuit against the city, while creating a large volume of work from which further exercises can be held. This communicative and multi-layered ability of Architectural students was far more valuable to the community groups than the theoretical design ideas produced, although both proved mutually beneficial.[95]

The 2012 (In)formal Studio revealed the potential pitfalls of such projects in making a tangible impact on the daily lives of those it sets out to help, but depicts the potential opportunities that lie in such mutually beneficial relationships between academic bodies, CBOs, professionals and local governments for medium- and long-term developmental change. One of the outcomes of the studios involves discussions between the City and community members to look at alternative development practices for the area of Marlboro South.

The (In)formal studio is not isolated in practising additional ways of engagement, as seen by architecturally trained professionals such as Richard Dobson of Asiye eTafuleni, which provides both technical and social support to marginalised user groups in Durban, primarily around the Warwick Triangle (Asiye eTafuleni, 2013). The People's Environmental Planning organisation, headed by Shawn Cuff in the Western Cape, simultaneously ties social processes into its design work and has been working alongside the Shack/Slum Dwellers International group since its inception in the early 1990s (People's Environmental Planning, 2013).

UrbanWorks, headed by Johannesburg-based Thireshan Govender, practises an interdisciplinary approach through architecture, urban design and activism towards development that works across power scales (Urban Works, 2013). The studio acts as a creative advocate in addressing the urgent social and spatial conditions of South African cities.

Although these architectural practices embracing additional modes of engagement are few, they share a common origin in being conceived by architecturally trained individuals. Through critical engagement with real development projects, they have transformed their ways of practising into hybrid entities that work in interdisciplinary teams towards focused social and spatial development outcomes in their projects.

Through discussions with the originators of these initiatives it becomes clear that issues relating to an identity and recognition for this manner of work are constantly in question in relation to both formal professional and governmental entities, as they do not fit into any role player 'box' as recognised in current development practice. This issue of a recognised identity reaches its first hurdle

---

95 Information obtained through email correspondence; see note 1 above.

when such practices attempt to use current funding mechanisms. Labelled as either 'social' or 'technical', these additional modes of practice do not enjoy the recognition of professional bodies in spatial design, stuck as they are with traditional labels of 'charity' or 'NGO' to describe the nature of the work being presented. The second hurdle is that the beneficiaries of such services do not grasp the value being offered until the work is complete, implying that there is no willingness to engage professional service at the outset.

In the face of these challenges, Gauteng has seen new initiatives emerge that are attempting to fulfil these socio-technical needs. Examples include Architecture for a Change, made up of recently graduated students from the University of Johannesburg's new master's programme who have established a practice that, through architecture, aims to make a spatial difference in the daily lives of selected community groups (Architecture for a Change, 2014). They hope to achieve this not only through design, but also in tacit hands-on construction work that they undertake. Through the creation of 1to1—Agency of Engagement, a non-profit organisation, its founders intend to create a platform for spatial design students and grassroots community groups to connect with each other (1to1—Agency of Engagement, 2013). Apart from building on participatory processes to attend to the niche needs of certain vulnerable residential groups, methodologies to support such additional modes of practice are being developed.

What connects these initiatives is that the relevant education these individuals received in order to augment their prescribed training went beyond their formal education, and took place through critical engagement with real people dealing with on-the-ground spatial and social realities from non-traditional starting points.

Conclusion

This chapter has investigated the progressive human settlement policies of the South African government, some of the reasons underlying the difficulty of their implementation and whether the architectural profession has any role to play in this context.

The main concerns addressed in the policy documents pertain to the need for socio-technical skills that are applicable in the participatory field of practice. While technical skills and competencies are critical to the built environment profession, it is rather a lack of skill or desire to engage with the palimpsest of socio-cultural, economic and political complexities that needs to be addressed in the preparation of young professionals to engage in this field. This is not a technical problem that can be solved through better design, but a complex socio-political and cultural one.

It is proposed in this chapter that the profession of architecture, along with planning, engineering and other spatial design disciplines, should be seen as a social resource to be made available to marginalised sectors of society to assist in

bridging the gaps between informal survival strategies and formal urban systems. The omission of the profession from the South African policy landscape is seen as an issue that ought to be addressed.

Through some of the examples cited in this chapter, the evident benefits to communities that have collaborated with young architectural professionals and students have been illustrated. Creative methods of visually documenting existing conditions and issues of concern enabled a shared understanding beyond the apparent constraints, thereby empowering these communities in their spatial negotiations with urban authorities.

Such processes of critical engagement have contributed in some instances to the development of collaborative design responses, where the convergence between participation and design have resulted in shared authorship and ownership, from where the urban poor are supported in appropriating a seat at the table of spatial equity.

As much as it has been argued that this contribution by the architectural profession ought to be included in the human settlement policy landscape, it has been similarly argued that the skills base required for such socio-technical engagement ought to be rigorously seated in the pedagogy of the profession. Despite the examples cited, it remains a concern that there is no institutional coherence between the architectural sites of learning nor in the stated intentions of the governing professional body of SACAP to establish such a skills set as a professional requirement.

This chapter calls for the contribution of the architectural profession to the upgrade debate—to critically evaluate their stance on this crucial discourse, from an institutional perspective to the preparation of young professionals in the educational arena.

References

1to1—Agency of Engagement. 2013. *Home Page*. Available at: www.1to1.org.za, accessed 14 August 2014.

Appadurai, A. 2002. 'Deep democracy: Urban governmentality and the horizon of politics'. *Public Culture*, 14 (1): 21–47.

Archer, D., Luansang, C. & Boonmahathanakorn, S. 2012. 'Facilitating community mapping and planning for citywide upgrading: The role of community architects'. *Environment and Urbanization*, 24 (1): 115–129.

Architecture for a Change. 2014. *Home Page*. Available at: www.a4ac.net/, accessed 14 August 2014.

Asiye Etafuleni. 2013. *Asiye Etafuleni Home Page*. Available at: www.aet.org.za/, accessed 2 October 2013.

Awan, N., Schneider, T. & Till, J. 2011. *Spatial Agency: Other Ways of Doing Architecture*. New York: Routledge.

Bolnick, A. 2010. *Informal Settlement Upgrading: Towards an Incremental People Centred Approach*. Available at: www.landfirst.org.za/index.php?option=com_content&view=article&id=103:informal-settlement-upgrading&catid=19:articles&Itemid=63, accessed 30 March 2012.

Boonyabancha, S. 2005. 'Baan Mankong: going to scale with "slum" and squatter upgrading in Thailand'. *Environment and Urbanization*, 17 (1): 21–46.

Charlton, S. 2006. 'Learning from the local: Experiences of informal settlement upgrading in Kwazulu-Natal'. *South African Review of Sociology*, 37 (1): 48–64.

CAN (Community Architects Network). 2012. *CAN—Community Architects Network Newsletter*, 1. Available at: communityarchitectsnetwork.info/upload/opensources/public/file_14062013023310.pdf, accessed 2 August 2012.

CODI (Community Organisations Development Institute). 2012. *What is a 'Community Architect'?: Perception and Perspectives*. Available at: www.codi.or.th/housing/CommunityArchSomsook.html, accessed 2 August 2012.

Das, P.K. 2009. *Democracy, Housing Rights and Social Change.* Chennai: SRM University. Available at: www.pkdas.com/pdfs/Talk%20-%20SRM%20University%20-Chennai.pdf, accessed 9 September 2012.

DHS (Department of Human Settlements). 2009. *Housing Code 3 Volume 4: Upgrading Informal Settlements*. Pretoria: Department of Human Settlements.

DHS. 2013. Bid VA49/414: *Terms of Reference for the Appointment of a Service Provider to Provide Participatory Based Planning Support to Informal Settlements Upgrading Projects in the City of Tshwane.* Pretoria: DHS.

Feireiss, L. 2011. *Testify! The Consequences of Architecture*. Rotterdam: NAI Publishers.

Fisher, R.C. & Clarke, N.J. 2011. *RED in Architecture—an Ecotropic Approach*. Available at: repository.up.ac.za/bitstream/handle/2263/19602/Fisher_Red(2011).pdf?sequence=1, accessed 1 October 2013.

Goethe-Institut. 2013. *Travelling Exhibition Informal Studio: Marlboro South*. Available at: www.sacapsa.com/sacap/action/media/downloadFile?media_fileid=687, accessed 2 October 2013.

Goethert, R. & Hamdi, N. 1997. *Action Planning for Cities: A Guide to Community Practice.* Chichester: John Wiley and Sons.

Gomez, C. 2013. *Morar Carioca: Reducing Infrastructure Gaps in the Favelas*. Available at: urb.im/rj/120809mo, accessed 7 February 2013.

Habraken, J. 1972. *Supports: An Alternative to Mass Housing*. London: Architectural Press.

Habraken, J. 1998. *The Structure of the Ordinary: Form and Control in the Built Environment.* Cambridge: MIT Press.

Hamdi, N. 2010. *The Placemaker's Guide to Building Community*. London: Earthscan.

Healey, P. 1997. *Collaborative Planning: Shaping Places in Fragmented Societies*. Vancouver: UBC Press.

Healey, P. 2003. 'Collaborative planning in perspective'. *Planning Theory,* 2 (2): 101–123.

Huchzermeyer, M. 2011. *Cities with 'Slums': From Informal Settlement Eradication to a Right to the City in Africa*. Cape Town: UCT Press.

Inclusive Cities. 2013. *Home Page*. Available at: inclusivecities.ning.com/safrica-elearning, accessed 1 October 2013.

Kendall, S. & Teicher, J. 2000. *Residential Open Building*. New York: Taylor & Francis Group.

Melck, A., Bennett, J. & Buchner, I. 2012. *Waterborne*. Available at: vimeo.com/49875035, accessed 5 July 2013.

Mitlin, D. 2013. 'A Class Act: Experiences with providing professional support to people's organizations in towns and cities of the Global South'. *Environment and Urbanization*. doi:10.1177/0956247813488862. Available at: eau.sagepub.com/content/early/2013/06/27/ 0956247813488862, accessed 15 July 2013.

NUSP (National Upgrade Support Programme). 2014. *History*. www.upgradingsupport.org/ content/page/history, accessed 14 August 2014.

Patel, S., Burra, S. & D'Cruz, C. 2001. 'Slum/Shack Dwellers International (SDI)—foundations to treetops'. *Environment and Urbanization*, 13 (2): 45–59.

Patel, S. & Arputham, J. 2008. 'Plans for Dharavi: Negotiating a reconciliation between a state-driven market redevelopment and residents' aspiration'. *Environment and Urbanization*, 20 (1): 243–253.

People's Environmental Planning. 2013. *People's Environmental Planning Home Page*. Available at: www.pep.org.za, accessed 2 October 2013.

Purcell, M. 2009. 'Resisting neoliberalization: Communicative planning or counter-hegemonic movements?' *Planning Theory*, 8 (2): 140–165.

RSA (Republic of South Africa). 2011. Board Notice 195 of 2011, South African Council for the Architectural profession: Framework for the Professional Fees Guideline in Respect of services rendered by person(s) registered in terms of Section 34(2) of the Architectural Professions Act, No 44 of 2000. *Government Gazette* 34788.

SACAP (South African Council for the Architectural Profession). 2012. *Report of the SACAP visiting board to the Department of Architecture University of Pretoria (26–28 March)*. Johannesburg: South African Council for the Architectural Profession.

Tissington, K. 2011. *A Resource Guide to Housing in South Africa 1994–2010: Legislation, Policy, Programmes and Practice*. Johannesburg: Socio-Economic Rights Institute of South Africa.

Turner, J.F.C. 1976. *Housing by People*. London: Marion Boyars.

Urban Works. 2013. *Urban Works Home Page*. Available at: www.urbanworks.co.za, accessed 2 October 2013.

Valladares, A. 2013. 'The Community Architect Programme: Implementing participation-in-design to improve housing conditions in Cuba'. *Habitat International*, 38: 18–24.

Interview

Huchzermeyer, M. 2013. Professor, School of Architecture and Planning, University of the Witwatersrand, 2 July, Johannesburg.

Poulsen, L. 2013. Retired Professor and previous Head of the School of Architecture and Planning, University of the Witwatersrand, 4 September, Johannesburg.

Topham, S. 2013. National Programme Co-ordinator, National Upgrading Support Programme, Department of Human Settlements, South Africa, 25 July, Johannesburg.

SECTION III
Tools, Instruments and Methodologies

The 'RDP model' of housing delivery offers a well-defined 'toolbox' that officials, practitioners and civil societies have come to understand over the past 20 years of housing delivery. Both *what* the upgrading product should look like and *how* the upgrading process takes place form part of the routine implementation of the housing policy. However, the Upgrading of Informal Settlements Programme (UISP) offers new tools and instruments that arguably allow for greater degrees of flexibility, responsiveness and nuance. These tools also require implementers to modify their routines, accept non-traditional outcomes of upgrading projects and learn new skills. It is therefore not surprising the consensus among commentators is that the policy tools outlined in the UISP have not been taken up by implementers at scale and remain under-tested (Charlton & Kihato, 2006; Huchzermeyer, 2006, 2011; Misselhorn, 2008, 2010).

Instead of more innovative and progressive practice emerging from the upgrading policy, the policy intent has been narrowed and the tools blunted. Within the housing and upgrading sectors, the understanding of the multitude of practices enabled by UISP policy therefore remains relatively 'flat', especially when compared to international practice (Imparato & Ruster, 2003; UN-Habitat, 2003). It is also possible, however, to point out that the policy intent and related instruments created by the UISP have remained largely limited to housing policy. A progressive approach that engages with communities, seeks to secure and strengthen their space

within the city, and tries to transform the deeply unequal logic of the city system requires an expanded toolbox that stretches well beyond housing or even human settlements. It requires that informal upgrading is explicitly and rationally connected to processes of urban planning and infrastructure investment across the city. Two of the key areas outside of the traditional domain of housing where experimentation with new tools is desperately needed is, firstly, in municipal finance and financial accountability, and, secondly, in terms of planning frameworks, both of which are central themes in the following section and are briefly outlined below.

Informal settlement upgrading demands an unusually high degree of integration and flexibility in the financial tools that practitioners can draw upon. Responsiveness to the dynamics and priorities of communities means that a number of different sector-specific funding instruments may need to be bundled into a single intervention; this might include various grants in operation at the city, settlement and household scale. Beyond this, fiscal accountability mechanisms tend to disincentivise public investment outside of tried and tested routes, creating a bureaucratic culture that fears non-compliance and lacks the will to creatively deploy tools and instruments (Turok, 2013). The creation of new opportunities to consider flexible and cross-cutting investments at a settlement or city scale have only been available since creation of the Urban Settlements Development Grant, which has slowly begun to shift the opportunities for the larger metros.

Equally so, the national legislative environment governing the planning and land use management system remained unreformed and inappropriate from 1994 to 2013. This placed local officials and practitioners in the difficult position of using outdated and fractured legal instruments and institutions to try and advance an integrating and transformative agenda (Berrisford & Kihato, 2008; Görgens & Denoon-Stevens, 2013). The place of, and approach to, informality within the formal system has remained deeply ambiguous. The passage of the Spatial Planning and Land Use Management Act in 2013 has created an opportunity for officials to ground innovative approaches in a more systematic and supportive system.

This section assesses the current toolbox available to practitioners, traces emergent trends that offer opportunities to think differently about the available upgrading options, and points to novel instruments or methodologies that could be employed to pursue a more incremental approach to participatory informal settlement upgrading.

This section begins with a chapter from Robert Buckley that explores the important ways in which subsidy instruments can be arranged and targeted. Using 'principal-agent theory', and drawing upon traditional public finance measures of performance, he shows that the active involvement of community groups is vital to improve the effectiveness and sustainability of such interventions.

The next chapter, by Nick Graham and Ian Palmer, gives a comprehensive overview of the role of the fiscal framework and instruments in shaping the informal settlement upgrading agenda. They argue that the existing funding regime

has led to a severely fractured approach to urban development because of the emphasis placed on the provision of uniform and individual housing opportunities. Instead, they argue for an approach to the upgrading of informal settlements that makes clear the trade-offs related to the investments that are being made in different forms of public infrastructure in order to maximise the benefits and promote both settlement and city-scale sustainability.

This is followed by a chapter by Saskia Greyling and Stephen Berrisford, which focuses on identifying future opportunities for using planning tools to enable informal settlement upgrading in South African cities. They briefly review the role that planning has played in creating and perpetuating segregation in South Africa, but argue that planning can have a positive role in improving land access and land development for those who are living in informal settlements. They suggest that the state already has most of the planning tools it requires to play a progressive role. However, there is a need for improved capacity within the state and the planning profession more broadly, as well as genuine political will, if the existing tools are to be deployed in a progressive and innovative manner.

The next chapter, by Michael Clark and Kate Tissington, analyses the courts as a site of struggle and instrument of justice for informal settlement upgrading in South Africa. They offer a comprehensive review of the key Constitutional Court and High Court cases relating to key aspects of the rights of informal settlement residents. They contend that the courts have been forced to clarify and operationalise ambiguities in the policy regime. Overall, they argue that litigation has proved to be a key legal tool in asserting the right of residence in informal settlements and establishing the precedence that will enable inclusive and empowering approaches to upgrading.

Finally, Ronald Eglin and Mike Kenyon argue for the upscaling of the 'managed land settlement' method. This method allows for occupation of a site to take place before development, but in a more managed and secure manner than in an informal settlement. They argue that the state has been trapped in a reactive modality of responding to already established informal settlements. However, through using the managed land settlement approach it is possible for the state to proactively identify unoccupied land and put in place those supports that will enable residents to settle and incrementally improve their own settlement over time. They draw upon a case study to illustrate the strengths of this method of proactive planning and the lessons learnt while applying it.

The chapters begin to illustrate in clear terms the implications of a call for the state to move from developer to facilitator and some of the tools that can be developed to assist this process. That is, beyond the need for more participatory decision-making systems, professions and systems are required to become far more responsive and decisive. Greyling and Berrisford argue that planning will need to become more powerful, in order to speed up processes of urban transformation and land

redistribution, as well as more flexible, in order to recognise occupation and development rights within spaces that are still seen as 'illegally occupied'. Clark and Tissington argue that the courts, a well-established tool to address state inaction in informal settlements, should be considered as part of a range of participatory and consultative instruments. Eglin and Kenyon's emphasis on an incremental approach to land development equally requires planners to recognise and respond to different shades of formality and informality. Equally, engineers are called upon to be more creative and innovative in the search for solutions that will both satisfy standards of health and safety while responding to local contextual factors. Graham and Palmer also illustrate how financial and budgeting systems will need to become more accessible and responsive so that government systems are able to give effect to the decisions made between officials, professionals and communities in processes of planning and collaboration. This has implications both for the ways in which these professions are trained and governed and for the formal systems in the state that govern their practice. As a number of chapters in the previous section illustrated, existing systems render such professionals risk-averse and disincentivise innovation or genuine collaboration with communities.

There is also strong support in the chapters for the creation of spaces that support (rather than suppress) innovative tools and methods. At the city scale this is being encouraged through unique and flexible grants such as the Urban Development Support Grant and the Cities Support Programme. As Graham and Palmer indicate, these grant instruments are designed to enable the metropolitan municipalities to develop approaches to city transformation, informal settlement upgrading and infrastructural investment that are appropriate to specific contexts within cities. Similar innovation is required for land acquisition and preparation, tenure types, building regulations, self-build methods and other funding instruments. This will require a range of technical professionals and social facilitators who can support such innovation and implement these instruments. The National Upgrading Support Programme (NUSP) is one example; NUSP has created an institutional space that can support the emergence and testing of innovative tools for upgrading informal settlements.

A common thread about the importance of integration of systems across departments and between spheres of government is returned to time and again in the chapters. While increasing the sense of coherence is essential across all scales of governance, it is increasingly vital at the city scale and at the settlement scale. The chapters by Graham and Palmer and by Buckley effectively illustrate how imperative it is to have a coherent approach to informal settlement upgrading projects within a wider frame of state investment in infrastructure across a city. The state's investment in infrastructure needs to be effective both in terms of the needs of local communities and of the wider city system. Equally, at the settlement scale the state needs to act

in a coordinated and coherent manner, because an incremental approach, as advocated by Eglin and Kenyon, as well as a number of the other contributors, requires multiple departments to structure the interventions to support one another and, over time, to shift their approach in response to local dynamics. The existing dynamic of multiple interventions occurring in communities without any coordination frustrates communities and slows projects.

Finally, the importance of political will is something that emerges strongly from a number of chapters. Despite the large policy shift in 2004, informal settlement upgrading has received very ambiguous political attention. The chapters have revealed that there is a range of tools and methodologies that can enable a progressive approach to informal settlement upgrading that embraces partnerships with communities and a genuinely incremental approach. However, this will require genuine political interest and, in some cases, a willingness from politicians to challenge existing interest groups and to support officials looking to try new and innovative approaches.

The metaphor of a 'toolbox' being employed to describe this section implies a degree of eclecticism. The chapters will provide the reader with a good overview of some of the fiscal and financial, planning and legal instruments that form part of a more progressive upgrading agenda in South Africa. There are, however, many tools and methods that are not covered but which deserve attention.

In informal settlements, land and tenure is a subject of constant controversy. The chapter by Greyling and Berrisford does an excellent job of tracing the role of the planning system in enabling a progressive approach to informal settlement upgrading and briefly touches on the need for a more coherent approach to tenure security. However, this is a specialist area of work that requires detailed thought and piloting in a South African context. Such a coherent approach to systematically improving tenure security has been proposed in a piece of work by Urban LandMark (2011) and its effectiveness deserves to be tested.

Similarly, there are many innovations in building and servicing informal settlements that, while discussed in a number of papers, require substantially more work. Many innovations have been made in terms of the technologies and tools available for upgrading infrastructure, public services and housing in informal settlements. The plethora of creative innovations, from community policing methods to shack designs, requires further inquiry but lie beyond the scope of this chapter.

In addition, the section also lacks a chapter considering local economic development and sustainable livelihoods tools for upgrading informal settlements. Upgrading processes, particularly when they are dominated by technical and infrastructural concerns, can be very disruptive, undermining the livelihoods and coping strategies of residents. An integrated approach to informal settlement upgrading must therefore be accompanied by tools to support the economic choices of households in informal settlements (see HDA, 2014).

References

Berrisford, S., & Kihato, M. 2008. 'Local government planning legal frameworks and regulatory tools: Vital signs?'. In: van Donk, M., Swilling, M., Parnell, S. and Pieterse, E. (Eds.), *Consolidating Developmental Local Government: Lessons from the South African Experience*. Cape Town: UCT Press.

Charlton, S. & Kihato, C. 2006. 'Reaching the poor? An analysis of the influences on the evolution of South Africa's housing programme'. In: Pillay, U., Tomlinson, R. & Du Toit, J. (Eds.), *Democracy and Delivery: Urban Policy in South Africa*. Cape Town: HSRC Press.

DH (Department of Housing). 2004. *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements.* Pretoria: Department of Housing. Available at abahlali.org/files/Annexure%20E.pdf, accessed 22 July 2013.

Görgens, T. & Denoon-Stevens, S. 2013. 'Towards facilitative and pro-poor land-use management in South African urban areas: Learning from international experience'. *Urban Forum,* 24 (1): 85–103.

Harrison, P., Todes, A. & Watson, V. 2008. *Planning and Transformation: Learning from the Post-Apartheid Experience*. London & New York: Routledge.

HDA (Housing Development Agency). 2014. 'Informal settlement upgrading guidelines: how to incorporate responses and support for improved livelihoods, the informal economy and local job creation'. Pretoria: Housing Development Agency.

Huchzermeyer, M. 2006. 'The new instrument for upgrading informal settlements in South Africa: Contributions and constraints'. In: Huchzermeyer, M. & Karam, A. (Eds.), *Informal Settlements: A Perpetual Challenge?*. Cape Town: UCT Press.

Huchzermeyer, M. 2011. *Cities* with *'Slums': From Informal Settlement Eradication to a Right to the City in Africa*. Cape Town: UCT Press.

Imparato, I. & Ruster, J. 2003. *Slum Upgrading and Participation: Lessons from Latin America.* World Bank Directions in Development Series. Washington DC: World Bank.

Misselhorn, M. 2008. *Position Paper on Informal Settlement Upgrading. Part of a Strategy for the Second Economy for the Office of the South African Presidency.* Pretoria: Urban LandMark.

Misselhorn, M. 2010. 'A new response to informal settlements'. *The Transformer,* December/January: 16-20.

NPC (National Planning Commission). 2012. *National Development Plan: Vision 2030*. Johannesburg: The Presidency of South Africa.

Spatial Planning and Land Use Management Act, No. 16 of 2013, 2013. Government gazette. 578(36730). 5 August. Available online at www.sacplan.org.za/documents/SpatialPlanning andLandUseManagementAct2013Act16of2013.pdf, accessed 27 January 2015.

Turok, I. 2013. 'Transforming South Africa's divided cities: Can devolution help?' *International Planning Studies*, 18 (2): 168-187.

Urban LandMark. 2011. Incrementally securing tenure. An approach for informal settlement upgrading in South Africa. Available online at www.urbanlandmark.org.za/research/x31.php, accessed 9 September 2013.

UN-Habitat (United Nations Human Settlements Programme). 2003. *The Challenge of Slums: Global Report on Human Settlements 2003*. London: Earthscan.

Chapter 17

Slum upgrading: Community groups as principled agents[96]

Robert Buckley

The recent extraordinary and simultaneous expansion of slum upgrading and low-income housing programmes in many emerging economies, and all of the so-called BRICS countries—Brazil, Russia, India, China and South Africa—is a major shift in policy orientation. These new programmes call for billions of dollars in new assistance after years of minimal and decreasing resources for such programmes.[97] The scale and suddenness of this shift suggests that it may be helpful to examine how the design of these programmes affects how well they work, and how they address the needs of millions who live in slums.

This chapter argues that much of the behaviour of slum residents takes the form of strategic behaviour that violates traditional assumptions about what motivates behaviour. It argues that slum dwellers, like most poor people, are not selfishly maximising, predictable economic actors with unchanging tastes and perfect foresight. It also argues that in order to design housing assistance programmes effectively this more complicated context must be taken into consideration. Principal-agent theory (PAT) offers a useful framework for improving subsidy design on the basis of this complexity. As Besley (2006) shows, this type of approach has been used in many other settings—employment contracts, finance and energy consumption, to name a few—where information problems and uncertainly can affect the outcomes of agreements. It has been useful in understanding how when the parties involved in an agreement cannot know whether an agreement has been carried out try to

---

96 The title of this chapter refers to Timothy Besley's *Principled Agents? The Political Economy of Good Government.* His book brings together an emerging literature in economics that focuses on how the lack of information about what motivates behaviour can have extraordinary effects on the effectiveness of public programmes. As the text will hopefully show, it seems particularly suitable for analysing the complex and highly idiosyncratic behaviour in informal settlements (Besley, 2006).

97 Details of the new programmes and the earlier OECD programmes are described in an annex to this chapter.

create incentives so that the parties to an agreement act in accordance with their agreement.[98]

Drawing upon a range of case studies, I suggest: first, that PAT offers a useful starting point to consider the richer, more strategic behaviour of slum dwellers; and second, that once this perspective is used, it becomes clear that community groups often can play an important role as economic—or in Besley's terms, principled—agents who can significantly improve public expenditures for slum upgrading.

The plan of the chapter is as follows. The next section considers the factors involved in decision-making in slums. It reviews the implications of the economics of asymmetric information, which underlies PAT, for the kinds of choices made. It shows that relaxing the assumption that everyone involved in decisions has complete information, as does PAT, complicates the story. However, it also indicates that information asymmetries are not the only complication. There is also the matter of how the nature of the environment can affect decisions. That is, not only is it impossible for both slum dwellers and the government officials who would help to improve conditions to be fully informed about decisions, but, in addition, they also face costs that can vary enormously depending upon specific circumstances. As a result of this additional confounding factor, this section also discusses behavioural economics, a branch of analysis that brings a richer psychological perspective to considerations of how the nature of the environment can affect decision-making. The pioneers in the fields of asymmetric information and behavioural economics were both recipients of recent Nobel Prizes in Economics, and they have brought rich new perspectives to thinking about how decisions are made.[99] Those advances have yet to be considered in discussions or programme design for slum improvement programmes, and this section attempts to show some of the implications of these perspectives for policies that aim to improve slum conditions. The third section discusses the characteristics of aspects of housing conditions in slums that have a bearing on how decisions are made. It focuses on the qualities of the subsidised goods and the characteristics of both the beneficiaries and of the subsidies provided, as well as on the structure of the programmes that provide the subsidies. The objective is to use case studies to suggest how and why PAT can play an important role in programmes aimed at slum improvement, and the role community participation

---

98 This approach to examining behavior started with Ross's 1973 article on compensation incentives. This article has been cited nearly four thousand times but the concept has never, to my knowledge, been applied to subsidy programmes for lower-income households in urban areas.

99 Daniel Kahneman, a psychologist, won the prize in 2001 for behavioural economics; Joseph Stiglitz, Michael Spence and George Akerloff won it in 2000 for information economics.

can play in addressing principal-agent problems. A fourth section uses traditional public finance measures of performance to consider how programmes that rely on community participation compare with those that do not. A final section concludes the chapter.

The economics of slum upgrading: An evolving perspective

In evaluating public policies, traditional economic perspectives consider instances where either governments or markets fail.[100] For instance, with market failure, the basic idea is that public interventions are made into markets, which, for one reason or another, do not work. But intervention for its own sake, ie when markets have not failed, ignores the case where zero public expenditure is the most effective policy. That is, the most effective government option in such a case is to let the market work without intervention. It is also important to recognise that public intervention does not ensure that effectiveness has been achieved. Government action can also fail. The issue when a market fails is how government intervention can be designed so that it improves the situation and, as far as possible, ensures that the intervention does not fail as well.

Policy-makers should be cognisant of the possibility of inefficient and 'failed' intervention in housing markets for two reasons: first, because the number of potential beneficiaries—for example, the number of slum dwellers—is often very large; and second, because when the cost of assistance for housing is not carefully designed it can be very high. A new house, for example, often costs many times the annual income of the beneficiary. When these high per unit costs are combined with the large number of potential beneficiaries, the overall costs of programme design can be extremely high. As a result, if programmes are not well-targeted and also well-designed the gains in social welfare can easily fall below the costs of large-scale public expenditures. In short, the government intervention can make things worse.

Many, if not the majority, of analyses of slum upgrading programmes begin with the assumption that they represent market failure. That is, the housing situation in slums represents a housing market that is dysfunctional. But to suggest that housing-related transactions exclusively suffer from one market in slums not working is, as Duflo (2012) and Mamdani (2012) suggest, ridiculous. Most markets confronted by slum dwellers do not work from the perspective of a traditional economic view. Slum occupants are typically poor; often with incomes near subsistence level, they live in densely populated settlements, usually with ambiguous rights to their shelter.

100 Rosen (1985) provides a lucid presentation of this traditional perspective as it applies to housing policy.

They tend to have very limited and in some cases no access to basic services, such as sanitation and water. As a consequence, solving such basic concerns as how to get clean water, when and where to defecate, how to protect possessions in insecure housing, where to get cooking fuel and access to electricity or more primitive lighting sources, where and how to find the best informal sector employment opportunities, and how to get a loan in the case of an emergency all require significant ongoing efforts. Decision-making under such circumstances often means that some of the most basic decisions are unlike the ones that most people take for granted. For slum dwellers it is not a matter of simply turning on a tap, locking a door or flipping a switch. Their decisions are not the default choices that characterise those involved in most market-based transactions.

As Kahneman (2011) demonstrates, the behaviour of actors who have to make decisions under such circumstances is very different from that implied by traditional economic models. Moreover, Duflo's (2012) application of this perspective to the decision-making of the poor shows that when they have to spend so much time engaged in making the basic decisions that govern everyday behaviour they are more likely to make mistakes and engage in behaviour that is myopic. The behavioural economics perspective that underlies these arguments is increasingly replacing the perspective that decisions are always taken by selfish, rational economic actors who are assumed to have unchanging tastes and consistently discount the future. In this new perspective people make mistakes, interact strategically and may, depending upon their history, respond very differently to the same set of incentives.

The potential of principal-agent theory as an alternative

PAT, in principle at least, offers a perspective that helps to consider these incentives. For example, it provides a perspective on how the state, as the principal, interacts with the various agents—the ministries, local governments, builders, community groups and individuals—so that their actions are more likely to be consistent with the objective of the principal. It is increasingly being applied to analyses of public expenditure programmes (see, among others, Gupta et al, 2001 & Leruth & Paul, 2006).

The basic idea of this approach, as developed by Besley (2006), among others, is that the parties engaged in a transaction often have asymmetric information about the exchange. That is, one of the parties has more information than the other. For instance, a household may agree to pay a specific ongoing fee for water before it is connected; but then, after the water is connected, the household either does not or cannot pay. The result may be that the water supplier goes bankrupt or is a loss-making public utility. Similarly, a builder is given details as to what kind of housing unit he must provide in order to be eligible for a subsidy, but can only do this on land that is so inaccessible that a house costing US$10 000 to build is only worth half that amount after it is built, because it is built in an inaccessible location. The

principal, in these cases, has not fully understood or appreciated the likely behaviour of the agent—resulting in the wasting of resources.

The focus here is on how slum improvement policies can deal with the strategic behaviour that underlies much of the behaviour relating to government slum programmes. At the same time, it recognises the important role that idiosyncratic local conditions can play for the less than perfectly rational maximiser of traditional analyses of consumer choice. For example, it is well known that micro-enterprise finance has evolved methods to ensure that loans are repaid without having to rely on the high interest rates that informal lenders use to compensate for the failure of many borrowers to repay loans. These lenders have, in effect, solved one of the PAT problems—that of being able to discriminate between good and bad borrowers. In the case of micro-lending, the principal-agent problem is addressed through a variety of non-interest rate channels, which in many cases cure a market failure problem.[101]

As I will show throughout this chapter, community groups have a similar role to play in solving the information problem about who is likely to be a good or bad participant in an upgrading programme. As importantly, community groups can also resolve the other main problem posed by PAT—how to ensure that behaviour agreed to actually occurs. This monitoring problem is referred to as 'moral hazard', and it is the other central PAT problem. To get a sense of what is involved in this PAT problem, consider an agent performing a task on behalf of a principal where the principal cannot tell how much effort is expended. For example, what incentives do beneficiaries have to take care of a shared facility? Their behaviour can be important because if the beneficiaries maintain the facility, it can last for a long period of time. If, on the other hand, they do not, the service life can be very short. The principal— in this case the government that is attempting to improve conditions—cannot observe whether or not everyday maintenance will take place. So, the challenge is how to create incentives such that the agents do in fact maintain the facility. If such incentives are not in place, subsidy costs can increase dramatically while benefits quickly disappear.[102]

The challenge when applying PAT is to spell out these relationships in detail. It involves understanding the many relations that slum dwellers can have, both

---

101 Micro-finance often represents more than an alternative way to solve the adverse selection problem. In markets where the interest rate increases to compensate for default losses, the increase in default can be sufficiently high that the interest rate becomes so high that only those who know they will default are willing to borrow. In such cases, lenders are of course unwilling to lend at all and the market breaks down.

102 Expenditures on capital goods that quickly depreciate to zero value impose the costs of financing a subsidy, which provides very little benefit.

horizontally in their community as well as vertically with the various levels of government. As van Donk et al (2008) indicate, these linkages and relationships can be quite variable across communities, so a general application of the approach is not possible. Nevertheless, the perspective itself suggests a way to think about which 'agent' has the strongest incentive to carry out the principal's objective, so that the agency of that party leads to the greatest long-term improvement.

A final advantage of the PAT approach is that it allows the activities of community groups involved in carrying out slum upgrading to be viewed from an analytical rather than a political perspective. While the operation of community groups is often messy and cumbersome, and in some cases ineffective, so too is that the case with most local governments in these environments. Slum upgrading is difficult, or there would be no slums. But community organisations operating in these environments are often branded as subversive lefties, seeking income redistribution, rather than as instruments, or agents, that can help to develop a neighbourhood. Thus, the argument is that while political economy issues are indeed at the heart of slum upgrading efforts, and all policy arguments have an overwhelming normative cast to them, the rationale for community participation within PAT is an instrumental one. From this perspective, a strategy of working with community groups should be seen as a policy option that may be able to improve outcomes and not as a political reform agenda. Viewing these policies through a principal-agent perspective can help to make this distinction somewhat clearer.

Using principal-agent theory to understand the under-recognised potential of John Turner's work

The work of John Turner (1968) influenced early efforts at dealing with low-income housing and slums. What is perhaps less well known is how his work was implicitly consistent with and foreshadowed the PAT approach. Turner's work underpinned what is known as the 'sites-and-services' approach that the World Bank encouraged around the developing world. Its central features were: first, to focus on lowering housing standards so that they could be improved over time while requiring significant efforts at cost recovery; and second, to make sure that basic services, such as sanitation and water, were provided.

Turner's approach exemplifies the PAT method. Its first feature lowered the public expenditure per unit, ie the contribution of the principal, and correspondingly, as shown by Holmstrom (1979), can be seen as a way to lower the agent's (ie the household's) incentive to misuse the principal's contribution. Its second feature focused on services that were shared and which had the greatest impact on well-being. To do this effectively the approach should have focused on the community as the agent whose incentives were the most important.

Unfortunately, as shown by Baross and Van der Linden (1990), the focus on the community as agent was not realised. Instead of focusing on community organisations

that could take charge of the provision of neighbourhood services, this task remained in the public sector, usually at the central government level. The result was that while the longer-term effects of this approach were generally positive, as shown by Buckley and Kalarickal (2006), the approach rarely expanded beyond specific enclaves. Nor was any attention paid to the issue of how community participation itself might have affected such projects.

Nevertheless, Boonyabancha (2005) argues that the sites-and-services approach had a significant effect on the development of subsequent community upgrading efforts such as the Thai slum upgrading programme, the Community Organisations Development Institute (CODI). That programme provides small infrastructure subsidies and related financing. It is demand-focused and augmented by technical assistance, which provides an economically, if not administratively, efficient way to channel resources so that poor people become more engaged in addressing their circumstances. Their involvement as decision-makers gives them a strong role to play in ensuring the cost-effectiveness of the investments undertaken and creates communities that have successfully interacted with local government in ways that are likely to lead to deeper and more constructive engagement with their local officials. The US$100 million Thai government programme was designed by the director of a non-governmental organisation (NGO) called the Asian Coalition for Housing Rights (ACHR), Somsook Boonyabancha.

Not surprisingly, the CODI structure is quite similar to that of the NGO. In other words, the Thai experience grew out of an NGO movement and now provides similarly structured assistance to communities throughout Thailand. Like ACHR, CODI focuses on community engagement as the key strategy in ensuring that resources are used effectively and maintained. Evidence of the success of the CODI programme is provided by a recent rigorous statistical evaluation by the Thai Development Research Institute (2011), a well-regarded Bangkok based think tank. This work shows that communities assisted by the programme have experienced significantly improved conditions relative to similar communities that did not receive assistance. In many ways, according to the ACHR director, the CODI programme may be viewed as a second-generation sites-and-services approach. Buckley and Kallegeris (2014) argue that it represents what might be viewed as the best practice frontier for the public sector's engagement with the community in slum upgrading.

Transaction characteristics that matter for policy

The assumptions underlying simple models of the supply and demand of homogeneous, standardised goods do not address the complexities of slums. Policy approaches that attempt to augment demand or induce additional supply will rarely solve the sorts of principal-agent problems that are the standard conditions of slums. This section will show that the same idiosyncrasies that make the analysis

so complicated also make the simple approaches often adopted by governments—such as government production of new low-income housing or subsidies to individual households—less effective ways to address the problem than methods that engage community groups.

Characteristics of an approach to beneficiary selection that will improve policy effectiveness

Everywhere in the world, housing is expensive relative to current incomes. As a result, for it to be affordable even a basic unit can require larger per-unit subsidies than is the case with many other goods such as food or health care. The high cost of housing is compounded by the fact that in many countries there are also large numbers of people who live in slums and/or have significant housing needs. When the high per unit cost is combined with the large number of potential beneficiaries, the state's ability to act is constrained because providing assistance on such a large scale can be very expensive.

Consequently, when such large numbers of potential beneficiaries are involved it is not a matter of simply increasing the purchasing power of those beneficiaries who previously could not afford better housing, or of inducing a larger supply of affordable units. Attention also needs to be given to how many units can be assisted relative to the number of potential beneficiaries. This attention is needed because if the annual increase in the number of potential beneficiaries exceeds the annual number produced, overall conditions will not improve. In this connection, providing highly subsidised new housing units will rarely be able to serve the growth in the number of needy families. The new units are too expensive. In extreme cases, they are more likely to produce subsidies that do not lead to relative improvement in the share of the population served, even though large-scale expenditures are made. As such, for most upgrading programmes, trade-offs will have to be made that speak to the limits of the available resources.

There are two ways to address this limitation: through limiting the assistance given to those who appear to need it most, or through limiting the assistance to covering just part of the housing costs—eg the water or sanitation or building materials—rather than the entire housing unit. The first action will limit the number of beneficiaries helped per year, while the second limits the subsidy cost per unit. As is discussed in the next section, the efficacy of both of these approaches can be seen in the principal-agent perspective. The first measure attempts to use characteristics of the beneficiaries to 'signal' the intensity of their demand; the second focuses on the main concerns that the agent has about the substandard unit—its lack of flooring, for instance—rather than on the cost of the whole unit.

Community groups are vital to either approach. Such groups are generally able to help to identify the most needy households within communities. They can also help to determine the specific features of the housing that are most important to

the potential beneficiaries. In some instances, as shown by Cattaneo et al's (2007) analyses of the Piso Firme housing subsidy programme in Mexico, focusing on improving just one feature of substandard housing units can have an enormous beneficial effect while still maintaining relatively lower per unit subsidies.

An example of a community group initiative that implicitly used the PAT approach to signal that an agent-driven approach would be rewarded was the delivery of toilets to slum dwellers in Mumbai. In that case, a local NGO, the Society for Promotion of Area Resources (SPARC), worked with the government and the World Bank, which financed shared toilet blocks. Under the programme, communities were provided with toilet blocks as a capital grant as long as they were willing to organise payment for the upkeep of the blocks, as well as for the water and electricity costs involved. Communities unwilling to contribute or organise a payment scheme for maintenance and running costs were excluded from participation. From a principal-agent perspective, this selection method allowed communities to send a signal that they placed a high value on the assistance, or that they would develop the organisational skills needed to maintain the investment so that it would last longer.

Characteristics of programmes relevant for policy effectiveness: Are housing services public or private?

As noted above, many of the most important aspects of slum housing are related to various public services that are shared, such as sanitation and water, policing and education, as well as to basic standards and even ownership rights, which are usually regulated or provided by the public sector. But there can be ambiguity about ownership, which affects service provision because some of these goods, such as toilets, are viewed as private goods in wealthier economies, or by the Joint Monitoring Partnership (2011), which monitors the sanitation Millennium Development Goal (WHO/UNICEF, 2011).

This perspective is flawed because in many poorer economies these are shared public goods. They are shared by users who have less income, often lack clear ownership rights and generally behave differently than do actors in markets for the perfectly divisible, standardised, homogeneous goods.[103] These goods are exchanged, developed, maintained and financed differently than are the perfectly divisible goods of traditional market analyses, because their qualities are such that the actors

---

103 The WHO/UNICEF report cited above provides estimates of the amount of shared sanitation facilities in urban areas, showing they account for a large share in lower income countries. Leamer and Storper (2001) discuss how the sorts of transactions associated with maintaining such facilities create a very different set of incentives from those associated with more homogeneous goods.

need to establish rules to govern behaviour relating to the goods. The users are not simply using a toilet, they are in effect sharing a good in ways that ensure that service will not be degraded by the actions of other users. That is, their arrangements are designed to prevent other users from engaging in moral hazard. For example, if toilet or water services are shared, unless there are clear rules about how these are to be used, residents may attempt to shirk responsibilities for cleaning up, or to jump the queue for services. These actions can lead in some cases to rapid degradation or over-use of services. Thus, the rules of the sharing arrangements can be very important, and while, as Bowles and Gintis (2010) show, rules have long been developed to exclude miscreants or to ration services so that they mimic market solutions, they will not be developed by individual beneficiaries acting alone or by builder/developers. For these goods to be provided with a minimum amount of waste, the agents who make use of the good must make arrangements to maintain and share it effectively. That is, some agent must solve the moral hazard problem.

In contrast to community groups, neither architects nor designers will be well-placed to establish the sorts of informal contracting arrangements that are essential to such transactions. Local governments, if they function effectively, may serve as even more effective agents, particularly if the services are technologically advanced or of a citywide scale. But, in many cases, these well-functioning governments do not exist, and the services involve smaller numbers of beneficiaries than those who might be best served by larger local government expenditures—such as sanitation systems or transport networks. In sum, depending upon local conditions, the most effective agent will vary, but such agency is unlikely to be provided by technical professionals or central government officials.

Characteristics of residents relevant for policy effectiveness

The characteristics of the households who reside in the slums can have significant effects on how they behave in a number of ways. First is the issue of why they are in the slum. Did they relocate because of difficulties in the countryside—for example, climate conditions or conflict—as many African migrants appear to have done (see Annez et al, 2010)? Or did they come to the city because of the greater opportunities offered by the location? These differing resident qualities can have an enormous effect on behaviour. Both Kahneman (2011) and Duflo (2012) discuss how behaviour with respect to losses rather than opportunities can create very different preferences for risk-taking and effort. Kahneman's work, in particular, shows that the way people respond to incentives is fundamentally affected by their past experiences—'their reference point', in his words—and the magnitude and even the direction of those responses are often not those that would be assumed. An approach that is sensitive to these varied incentive structures, and their possible effects on the results of state investment, should therefore underpin a successful housing strategy. As illustrated above, engagement with community groups can be an effective means to build

a more nuanced understanding of incentives and prospects within a particular community.

In the SPARC example referred to in the previous section, the signal of willingness to organise payments provided a way to identify communities whose behaviour would allow the same public expenditure to increase the number of beneficiaries, relative to communities not willing to do so, because each subsidised unit would last so much longer. The commitment by community members to pay for services and to maintain the property also avoids the 'free rider' problem that arises with collectively provided goods. In the case of sanitation services, such free riding can accelerate asset depreciation by enormous amounts. Toilets provided by the public sector in Mumbai without such agreements became unusable in a short time, whereas toilet blocks that receive proper maintenance under this programme have lasted for more than a decade. As a result, determining which communities were willing to organise to provide the good, and an agreeable method to pay for it, were essential steps to make sure that the resource was used effectively. In this sense, in places with limited local governance capabilities and shared facilities, community group involvement will provide a more effective means of assistance.

Evaluating public expenditures for slum upgrading

Assuming that there are strong rationales for providing housing assistance, the following are traditional standards used to evaluate a given expenditure's effectiveness.

Targeting can be measured in at least five ways:

1. How much of the assistance actually gets to beneficiaries, as opposed to others? In other words, how much of the expenditure can be viewed as 'leakage' from its intended target? The higher the leakage of resources to, for instance, higher-income families, or to families consuming larger residences, the lower its effectiveness.
2. How much of the intended audience receives a transfer? That is, how much 'coverage' of the intended audience is allowable with the available resources?
3. For goods in which maintenance costs are important, how much of the assistance goes to those who will maintain the service level?
4. Can the assistance be used to mobilise resources of those who benefit? That is, can the expenditure be designed so that it makes use of contributions on the part of beneficiaries? If so, it may simultaneously help to identify those who value the service most while mobilising additional resources.
5. Is the appropriate level of government providing the subsidy? As shown by Mathur (2009), the theoretical ideal for housing and slum upgrading subsidies is for such expenditures to be paid for out of national taxes—rather than local taxes and expenditures—and when this is not the approach taken the indirect costs of the subsidy increase.

Hence, the first question with respect to targeting is: how are subsidies disbursed and to whom—ie to lower levels of government or local community groups? At the local government level, how are the beneficiaries within the city identified and how many of their needs are addressed by the programmes? Finally, at the community level which neighbourhoods in a city are most deserving of assistance given the large number of neighbourhoods that may need help? The answers to these questions are, of course, that 'it all depends'. Rationales can be provided for many different approaches. However, in many countries local government capacity is extremely limited and largely unresponsive to local demands. For example, while India's decentralisation under the 74th Constitutional Amendment has led to a new emphasis on improved urban governance, more than 20 years after its enactment local governments do not have the resources to carry out the functions given to them by the amendment (see Mohanty et al, 2008). India's situation is not unusual in this regard. In such places it may take many years before the local government is able to function effectively. In the meantime credible community organisations will often be better placed to serve as agents in delivering particularly neighbourhood-level services to beneficiaries

Efficiency of a subsidy or tax has to do with the effects the policy has on production or consumption decisions. Consumption efficiency measures whether the valuation the beneficiary places on the subsidy is equal to the cost of providing it. Production efficiency measures how the market value of the subsidy compares to the cost. As Mayo (1986) shows, subsidy design affects expenditure efficiency because of what is known as the deadweight loss created by government interventions in market processes, a notion that measures the loss in resources involved with the distribution of a subsidy or imposition of a tax. Under reasonable assumptions about the nature of the demand for housing, the loss is equal to about half the subsidy rate. For countries like South Africa and Colombia, which recently announced a 100 per cent per unit subsidy, the efficiency losses are not only clearly significant, they are much higher than they would be if the subsidy rate were cut in half and twice as many people were assisted.

When there is greater participation of the beneficiaries in the design and the implementation of a subsidy, it is much more likely that the consumption deadweight loss will be lower as the interests of the beneficiaries coincide with those of the donor. The beneficiary will value the subsidy closer to the real cost of providing it, thereby avoiding what is termed 'subsidy capitalisation', a process whereby the supplier of a service is able to capture some of the value of the subsidy, and which frequently occurs in subsidy programmes which rely on builders to serve as the delivery agents (see Rosen 1985). For instance, suppose a builder is paid US$10 000 to produce a house and it is given for free to a beneficiary. But also suppose that the market value of the house is only US$5 000. The beneficiary still wants the US$5 000 transfer, but the builder has been able to capture half of the US$10 000 subsidy.

Hence, from a strict efficiency perspective it is hard to imagine that community groups do not improve the allocation of public expenditures.

Transparency refers to the visibility of the costs of a subsidy. It can occur only if the actual costs of subsidies are known. In order to measure transparency, the real cost of a subsidy—as opposed to the accounting costs—must be determined, and these costs must be identified in the government's budget. The higher the share of the subsidy budgeted, the more transparent it is. Measures such as earmarks that are not on the budget have the opposite effect. When the costs are not directly budgeted they are difficult to appreciate. Improving the transparency should provide better understanding of the full cost of providing assistance, which in turn provides stronger accountability.

In one sense, community group involvement in provision of slum upgrading services would appear not to matter in relation to transparency concerns. However, when community organisations are looked at as entities that establish rules for maintaining and using shared goods, it is clear that their actions will determine whether a good is provided on a sustainable basis or not. The Mumbai toilets programme, discussed earlier, provides an extreme example of how to impose the costs as well as the benefits of a shared good.

Administrative simplicity infers that the subsidy design should minimise the administrative cost of allocating resources. For instance, if subsidies can be designed so that they limit the number of participants who opt into a programme, they can reduce the need for a complicated administrative rationing system.[104] In this kind of approach the subsidy level tends to be such that only those who need the assistance will opt to use it. The government of India, for example, is attempting to target specific slums by using satellite photos to identify locations where expenditures can be made. Similarly, incentives that align participants' and private sector partners' behaviour with policy objectives can reduce the need for monitoring and enforcement costs. For instance, when per unit subsidies are not as large, beneficiaries pay greater attention to the expenditure because more of their own resources are involved. As a result, there tends to be less corruption, such as making payoffs for those wishing to gain access to the programme. In addition, when beneficiaries are involved in the project design and execution, they can often play a role in the supervision and management of resources, as well as undertaking proper maintenance once the project is completed.

So while beneficiary involvement can, in some ways, make a subsidy programme more effective, it rarely makes it easier to administer. The benefits of community

---

104 This is the approach taken by India's Employment Guarantee Programme. The benefits are sufficiently low that only those most in need opt into the programme. As the most needy are the main targets, this feature leads to more of the expenditures going to the targeted group.

involvement—such as better maintenance and less corruption—are only realised over the longer term, and are not as obvious. In addition, many public officials quite reasonably do not think that poor community families are able to adequately address the architectural and engineering requirements that can be involved in slum upgrading. These sorts of costs are certainly significant and are probably the most important drawback from the point of view of public officials. However, the inability to carry out such functions does not imply that slum residents should have structural decisions taken for them. Like other 'clients' of architects or engineers, they have shown that they can be effective counterparts rather than passive beneficiaries.

Sustainability refers to whether government resources are sufficient to improve conditions when account is taken of how much is spent on each unit. The typical government slum upgrading or related low-income housing subsidy programme usually entails the production of units with very high per unit subsidies that are a multiple of the beneficiary's income level, so that fewer units are produced. In addition, the subsidies given are often motivated by other existing policies—for example, the implicit taxes imposed by regulations such as the height limitations on buildings in India—that make the housing much more expensive and induce less individual effort at improvement. As a result, these subsidies in many ways are expended to offset implicit taxes. It would be far less expensive to eliminate the regulatory tax.

Conclusion

It is surprising that in the emphasis given to informal settlement upgrading programmes so little heed has been taken of the preferences and behavioural strategies of those who are ill-housed. For whatever reasons, few governments focus on the preferences of the poor or the important and instrumental role that their organisations can play in terms of, for instance, determining which needs are the most important, how they can provide those goods most effectively given the community's concerns, and how to organise efforts to ensure that all the beneficiaries contribute in fair ways. Communities' organised efforts are often viewed as incompetent, or unknowledgeable, and difficult to work with. Some of these criticisms have validity. It is certainly not administratively simple to deal with community groups. But, in a fundamental sense, as summaries of the experience of CODI in Thailand, SPARC in India and ACHR in East Asia indicate, at the end of the day these groups often offer agency that can accomplish much more durable development.

As Briggs (2008) and Appadurai (2001) have shown, these organisations can develop the 'capacity to aspire', in the latter's salubrious phrase. To put his well-wrought prose into the jargon of economics: the increased, upfront administrative costs of dealing with community groups can be amortised over the long life of the

projects involved. That is, the outcomes are more likely to be durable successes, rather than the white elephants so often produced by large-scale supply-orientated production programmes.

So, besides directing the large-scale production programmes to pay much more attention to slum community groups, what else can governments do to improve slum conditions? Most importantly, much greater attention should be given first to the regulatory taxes—such as minimum plot sizes—which make so much development illegal, and second to subsidy form and targeting. The per unit subsidy rates in many programmes are not only very high, they are also frequently badly targeted. More attention given to targeting public resources at inducing beneficiaries and community groups to contribute to the effort would be very productive, as would efforts to lower the subsidy rate, as suggested by Mayo (1986). In addition, it should be taken as a first principle that large-scale production programmes are rarely developed for the sake of the poor. A major motivating factor for such programmes is often the benefits provided to builders and developers rather than to those with housing needs. Of course, in housing production the private sector almost always has an essential role to play, and providing encouragements for greater involvement can be very useful. However, subsidy capitalisation undoubtedly characterises much of this effort, which is often motivated by private sector interests seeking to benefit from public expenditures, rather than out of concern for the poor. Production programmes that provide large-scale subsidies are usually highly inefficient and are rarely sustainable or transparent. One reason why the potential of community groups to serve as an effective policy instrument is sometimes overlooked is because slums are often thought of as intractable problems that are not amenable to improvement.[105] Given the circumstances and poverty in such communities, it is no wonder that there is a lack of belief that community groups can provide the kind of 'voice' Hirshman and Lindblom (1962) emphasised as being instrumental in addressing the complex contracting problems involved. Instead many, unfortunately, are of the view that the activities of community groups are simply examples of political arm-twisting by poor, uninformed people. Of course community groups are not above criticism, but ultimately, given the nature of the problems and the weakness of the other instruments at hand, they are, in effect, often the only game worth playing. In many cases they have strong comparative advantages as instruments that can solve the principal-agent problems that so often characterise economic activity in densely populated, poor urban communities.

---

105 There is of course an extensive literature on exactly how these groups can be important vehicles in improving housing conditions., However, see Bradlow, Bolnick and Sheering (2011) for a discussion of how the South African government housing subsidy scheme did not make use of this capability.

Annex

New low income/slum improvement initiatives

Many countries are actively addressing slum challenges. For example, Brazil's investments in a *favela* improvement programme totalled US$11,5 billion in 2007–2010. This programme built one million new houses between 2009 and 2010, and it calls for investing an additional US$60 billion in housing and slum upgrading. Similarly, the government of India is embarking on a major national initiative to improve housing conditions. In 2009 it announced a new national flagship programme, 'Rajiv Awas Yojana' (RAY), which has begun to support states to improve slum conditions, and has expanded this programme, which calls for US$1 billion in expenditures in its initial stage. China plans to build 36 million lower-income housing units over the next five years. South Africa, after building on the order of two million highly subsidised units since 1994, has recently launched a US$3 billion investment programme to provide *in situ* basic services, tenure security and livelihood support for 400 000 families of shack dwellers. Russia recently announced a US$4 billon housing programme. Colombia has recently announced a US$1 billion housing subsidy programme. Finally, Ethiopia has been developing a very expansive housing assistance programme for hundreds of thousands new houses.

The legacy of production programmes in OECD countries

The Pruitt-Igoe housing project in St Louis, Missouri, is infamous in the USA as a striking example of a failed effort that started out as an award-winning, Le Corbusier-styled 'Tower in the Park' project. It involved 33 eleven-storey buildings designed in the 1950s as a solution to inner city slums. Within 20 years, after half the buildings had been abandoned and crime was rampant, it was destroyed by government after being viewed as a dystopian failure (see Jencks, 1984). While by no means as notorious as the Pruitt-Igoe case, France's *banlieues* are public housing projects that also followed Le Corbusier's approach; many of them were built to address the housing shortage after the Second World War, funded in some instances by the Marshall Plan and some of the first World Bank loans. They are widely viewed as exclusionary sites plagued by unemployment and poverty rates more than double the national averages.

There is an extensive literature and news reports on both the US and French cases. For the latter, see Laurence and Vaisse (2005), who indicate that many of the *banlieues* effectively 'ghettoised' the poor and are now being replaced at significant public cost. See the studies in Scanlon et al (2008) for a dating of the shift away from large-scale social housing production in Europe. They date this at the mid-1970s. Sweden pursued what was called 'The Million Houses Programme' from 1965 to 1974 in what was then, according to Jaffee (1994), the most heavily subsidised housing sector in Europe. Finally, in 1972, the World Bank started its sites-and-services assistance programme. For more details on this see Buckley and Kalarickal (2006).

References

Annez, P., Buckley, R. & Kalarickal, J. 2010. 'African urbanization as flight? Some policy implications of geography'. *Urban Forum*, 21 (3): 221–234.

Appadurai, A. 2001. 'Deep democracy: Urban governmentality and the horizon of politics'. *Environment and Urbanization*, 13 (2): 23–43.

Baróss, P. & Van der Linden, J. 1990. *The Transformation of Land Supply Systems in Third World Cities*. Brookfield: Avebury.

Besley, T. 2006. *Principled Agents? The Political Economy of Good Government.* Oxford: Oxford University Press.

Boonyabancha, S. 2005. Scaling up slums and squatter settlement upgrading in Thailand. Paper presented at Conference on *New Frontiers of Social Policy,* Arusha.

Bowles, S. & Gintis, H. 2010. *Democracy and Capitalism: Property, Community, and the Contradictions of Modern Social Thought.* London: Routledge.

Bradlow, B., Bolnick, J. & Shearing, C. 2011. 'Housing, institutions, money: The failures and promise of human settlements policy and practice in South Africa'. *Environment and Urbanization,* 23 (1): 267–275.

Briggs, X.D. 2008. *Democracy as Problem Solving: Civic Capacity in Communities Across the Globe.* Cambridge: MIT Press.

Buckley, R.M. & Kalarickal, J. 2006. *Thirty Years of World Bank Shelter Lending: What Have We Learned?* Washington, DC: World Bank.

Buckley, R.M. & Kallegeris, A. 2014. *A Review of The Asian Coalition for Community Action Approach to Slum Upgrading.* Washington, DC: World Bank.

Cattaneo, M.D., Galiani, S., Gertler, P.J., Martinez, S. & Titiunik, R. 2007. *Housing, Health and Happiness.* Impact Evaluation Series, Working Paper No. 4214. Washington, DC: World Bank.

Duflo, E. 2012. *Human Values and the Design of the Fight Against Poverty.* The Tanner Lectures on Human Value. Mahindra Humanities Center, Harvard. Available at: mahindrahumanities. fas.harvard.edu/content/lecture-1-esther-duflo-human-values-and-design-fight-against-poverty, accessed 19 July 2013.

Gupta, S., Verhoeven, M. & Tiongson, E. 2001. *Public Spending on Health Care and Poor.* Working Paper No. 01/127. Washington, DC: International Monetary Fund.

Hirschman, A.O. & Lindblom, C.E. 1962. 'Economic development, research and development, policy making: Some converging views'. *Behavioral Science* 7 (2): 211–222.

Holmstrom, B. 1979. 'Moral hazard and observability'. *The Bell Journal of Economics* 10 (1): 74–91.

Jaffee, D. 1994. *The Swedish Real Estate Crisis*. Stockholm: Studieförbundet Näringsliv och Samhälle Center for Business and Policy Studies.

Jencks, C. 1984. *The Language of Post-modern Architecture* (4th edition). New York: Rizzoli.

Kahneman, D. 2011. *Thinking, Fast and Slow*. New York: Farrar, Straus and Giroux.

Laurence, J. & Vaisse, J. 2005. *Understanding Urban Riots in France*. Washington, DC: The Brookings Institution. Available at: www.brookings.edu/research/articles/2005/12/01france-laurence, accessed 19 July 2013.

Leamer, E. & Stoper, M. 2001. 'The economic geography of the internet age'. *Journal of International Business Studies*, 32 (4): 641–655.

Leruth, L. & Paul, E. 2006. *A Principal-Agent Theory Approach to Public Expenditure Management Systems in Developing Countries.* Working Paper No. 06/204. Washington, DC: International Monetary Fund.

Mamdani, M. 2012. Mamdani response to Stiglitz presentation. *New Vision* 18 July. Available at: www.newvision.co.ug/news/633097-mamdani-response-to-stilglitz-presentation.html, accessed 22 September 2013.

Mathur, O.P. 2009. *National Urban Poverty Reduction Strategy 2010–2020 A.D.: Slum-free Cities, A New Deal for the Urban Poor.* New Delhi: National Institute of Public Finance and Policy.

Mayo, S.K. 1986. 'Sources of inefficiency in subsidized housing programs: A comparison of U.S. and German experience'. *Journal of Urban Economics,* 20 (2): 229–249.

Mohanty, P.K., Misra, B.M., Goyal, R. & Jeromi, P.D. 2008. *Municipal Finance in India—An Assessment.* Development Research Group Study No. 26. Available at: rbi.org.in/Scripts/PublicationsView.aspx?Id=10184, accessed 19 July 2013.

Rosen, H. 1985. 'Housing subsidies: Effects on housing decisions, efficiency, and equity'. In: Auerbach, A.J. & Feldstein, M. (Eds.), *Handbook of Public Economics Volume 1.* Amsterdam: Elsevier.

Ross, S.A. 1973. 'The economic theory of agency: The principal's problem'. *American Economic Review*, 62 (2): 134–139.

Scanlon, K.C., Whitehead, M. & Fernandez, A. (Eds.). 2008. *Social Housing in Europe.* London: Wiley-Blackwell.

Thai Development Research Institute. 2011. *An Assessment of the Monetary and Non-pecuniary Value of the Baan Mankong Projects.* Bangkok: Thai Development Research Institute.

Turner, J.C. 1968. 'Housing priorities, settlement patterns, and urban development in modernizing countries'. *Journal of the American Institute of Planners,* 34 (6): 354–363.

UN-Habitat (United Nations Human Settlements Programme). 2007. *The State of the World's Cities*, *2006/7.* Nairobi: UN-Habitat.

van Donk, M., Swilling, M., Pieterse, E. & Parnell, S. (Eds.). 2008. *Consolidating Developmental Local Government: Lessons from South Africa.* Cape Town: Juta.

WHO/UNICEF (World Health Organisation/United Nations Children's Fund). 2011. *Report of the first Consultation on Post-2015 Monitoring of Drinking-water and Sanitation.* Berlin: WHO/UNICEF Joint Monitoring Programme for Water Supply and Sanitation Millennium Development Goal.

Chapter 18

The role of the fiscal framework in shaping the informal settlement upgrading agenda

Nick Graham and Ian Palmer

The term 'informal settlement upgrading' applies to a wide range of circumstances, as noted in other chapters of this book. The emphasis in this chapter, which focuses on fiscal arrangements, is on '*in situ*' upgrading through which settlements are incrementally upgraded with minimal social disruption to those who are living there at the start of the upgrading process. Until 2004, however, the fiscal instruments available dictated that incremental upgrading needed to be treated as a housing intervention because of the shaping effect of the housing capital subsidy, with its various subsidiary funding mechanisms. This chapter argues that there has been a lack of effective delivery in terms of the existing upgrading initiatives, with the problem related substantially to the limitations imposed under housing subsidy policies and the associated conception of 'equity' implicit in the housing subsidy policy.

The concept of 'economic equity' is introduced as an alternative motivation for funding informal settlement upgrading. An analysis of all the fiscal instruments that impact on informal settlements within the built environment illustrates the historic sectoral fragmentation of the fiscal framework, but identifies some positive trends towards devolution and integration of built environment functions and funding streams. The shift towards a more integrated funding regime has the potential to allow cities and citizens to make decisions and trade-offs relating to the investments that get made, in order to maximise benefit and ensure settlement and city-scale sustainability.

Informal settlement upgrading as a housing intervention

Informal settlements have historically been seen as a housing problem, a symptom of the shortage of adequate low-income housing (Huchzermeyer, 2001; Marx, 2003). As such, the primary fiscal instrument through which informal settlements were meant to be addressed has been the housing capital subsidy. Expanding on the process initiated by the Independent Development Trust (IDT) in the 1980s and early 1990s, the White Paper on Housing (DH, 1994) dramatically increased the capital funding for housing provision. The national Housing Subsidy Scheme was

the mechanism through which the state could provide the mass rollout of serviced sites with freehold tenure and a basic top structure (Lalloo, 1999). Charlton and Kihato (2006) describe how the intention of the housing policy in 1994 was to fund a 'starter house' that households could improve over time. However, this shifted in the late 1990s to a minimum 30 m² unit of defined specification, with some expectation that this could be expanded, as a reflection of the notion of incrementalism. Tissington (2011) explains that the National Norms and Standards of 1999 placed an increasing focus on the size and quality of the top structure. Charlton and Kihato (2006) elaborate further on how the failure of the subsidy amount to keep up with the cost of the minimum standard resulted in a reduction in service standards and the forcing of housing projects to the urban periphery where land costs could be minimised.

The national Housing Subsidy Scheme was initially implemented with the mass rollout of standardised 'Reconstruction and Development Programme' (RDP) units through the Project Linked Subsidy. The 'Breaking New Ground' (BNG) policy of 2004 introduced a more flexible approach to housing interventions, including the Upgrading of Informal Settlements Programme (UISP). The introduction of this programme was important in that it provided, for the first time, a mechanism to channel the housing capital subsidy directly into informal settlement upgrading. While recent research by the authors has confirmed the assertion by National Treasury (2009: 96, cited in Tissington, 2011) that detailed records of spending by programme are not readily available on a national basis, an analysis by the authors of the provincial budget allocation to the various housing programmes in the Provincial Business Plans for 2013/2014 indicate that 16 per cent of provincial budgets were allocated to UISP. As Pithouse (2009: 54) notes, 'at all levels of government and in all parts of the country, there has been a systemic failure to implement the substantive content of BNG that recommends and makes financial provision for participatory and collective in-situ upgrades'.

The provision of a financial mechanism through which to upgrade informal settlements has therefore been in place since 2004, but this has failed to promote informal settlement upgrading as a mainstream alternative to mass housing (Huchzermeyer, 2010). There are multiple reasons for this failure, including the discourse around informal settlement eradication, the particularity of the physical and political conditions in individual settlements that makes it difficult to implement upgrading at scale, and the lack of technical expertise to undertake upgrading (Huchzermeyer, 2010). In addition, there has been a lack of complementary funding mechanisms that provide other critical investments (bulk infrastructure, public facilities) as part of the same upgrading process.

Informal settlement upgrading has not been adopted at significant scale, despite there being finance available to do so. Significant factors impacting on the inability to undertake upgrading at scale include political priorities, inadequate support and lack of technical expertise. However, this chapter argues that part of the problem of

a lack of a holistic response to informal settlements lies in the fact that the fiscal mechanism has been attempting to achieve a narrow conception of 'equity', and has not taken a broader view of settlement and city sustainability.

Equity in the context of funding human settlement interventions

The application of the housing capital subsidy has implicitly incorporated different conceptions of equity over time. Prior to 1994, when housing capital subsidies were first conceived of as part of the IDT projects, equity was considered from a financial point of view: every household should receive an equal amount of funding. The product could be varied, depending on the context and on priorities, and thus serviced sites could be provided if well-located land was expensive, or higher-quality products could be provided on cheaper land. Lalloo (1999) argues that the capital subsidy scheme was perpetuated into post-apartheid housing policy because of manipulation of the negotiations by business and the apartheid state to serve their short-term interests, while Charlton (2009) cites a national preoccupation with 'delivery' as the overriding objective.

This notion of equity shifted in the implementation of the RDP programme and then the BNG policy towards an understanding of equity from a 'product' point of view: every poor household should receive an equal product, thereby favouring the national objectives of contributing to economic performance and assisting with poverty alleviation at the city scale of spatial reconfiguration (Charlton, 2009). The standard for this product needed to be achieved regardless of cost, and required 'top-up' counterfunding from municipalities for land and services. However, as the funds available to municipalities to achieve this 'top-up' have been limited because of tight budgets, this has resulted in there being fewer housing beneficiaries, each receiving expensive housing packages in locations which are often sub-optimal from an economic point of view (PDG, 2012).

An alternative conception of equity is understood from an economic point of view: every household should have equal access to a 'package' of services that puts them in economically similar circumstances. This is broadly aligned to Lalloo's 'citizenship view' of housing policy (Lalloo, 1999). A 'housing' intervention is aimed at meeting the basic needs of households (shelter and services), but can have other consequences as well. The intervention may provide a house as a financial asset, and public facilities as social assets (Charlton, 2009). However, the intervention also locks the beneficiary into a particular spatial location that has its own space economy. The site will have its own transport access characteristics and location relative to employment opportunities. Thus the beneficiaries' economic context will have changed through the intervention, for better or worse. Typical greenfield housing projects on the urban periphery, which increase servicing and transport costs for beneficiaries, are good examples of this (Baumann, 2003). Beneficiaries receive shelter and an asset (the house) and (in most cases, free) services, but if the site has

no public facilities, public transport access or proximity to employment opportunities, the beneficiaries may be worse off economically than they were before. Therefore, it is argued that taking an economic view of equity in informal settlement interventions means considering the role of housing and settlements within the urban space-economy. As Görgens and van Donk (2012) note, 'a vital step in "surfacing" the priorities and trade-offs that will characterise the upgrading process is the collation and discussion of the place of the settlement within the existing city-system and the medium to long-term planning of the city'.

The concept of equity is being considered more broadly as a balance between housing and public transport access, with subsidisation of public transport in situations where housing locations are relatively poor being a key intervention aimed at promoting equity (PDG et al, 2012). This concept is raised again later in this chapter.

Funding mechanisms available for informal settlement interventions

Until very recently, the fiscal framework for urban development was divided vertically, with sector departments having dedicated funding flows (usually conditional grants), narrow mandates and specific performance measurements (eg number of top structures delivered, number of households provided with access to free basic water, etc) (National Treasury, 2012a). In addition to this vertical division, the fiscal framework involves horizontal division of funding by sphere of government, determined by the allocation of powers and functions and the principle of 'funding follows function' (DCOG, 2013). An analysis of the main funding sources that are available for built environment interventions (land, housing, infrastructure and transport) and that affect informal settlements shows how these have shaped, or could shape, the urban upgrading agenda.

Capital funding

The most obvious and influential instrument is the Human Settlements Development Grant (HSDG), which flows from national to provincial government for any of the programmes described in the Housing Code.[106] It may be used to fund internal

---

106 The HSDG can be used in approximately 40 different ways, depending on the product or output (Coovadia, 2013). The Housing Code prescribes the numerous programmes that govern the use of the HSDG, the most relevant of which are the Individual Subsidy Programme, the Integrated Residential Development Programme, the Upgrading of Informal Settlements Programme, the Enhanced People's Housing Process, the Emergency Housing Programme and the Finance-Linked Individual Subsidy Programme.

infrastructure services, top structures and basic economic and social amenities.[107] The allocation in the 2013/2014 financial year was approximately R17 billion (RSA, 2013), and was the largest of the national grants spent on the municipal built environment for this year, as indicated in Figure 18.1, which shows all national grants to municipalities for the period 2008/2009–2013/2014. Descriptions of these different grants are given below.
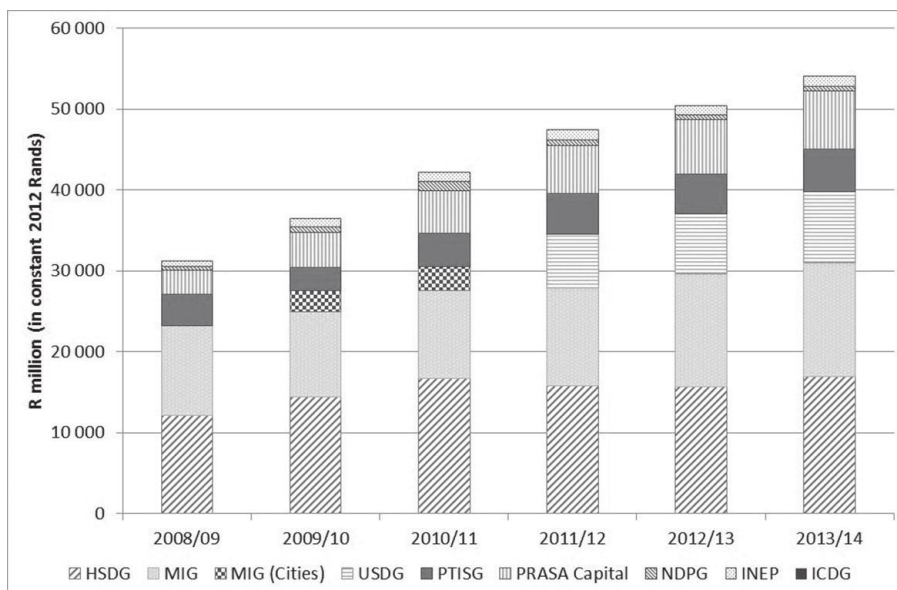
Figure 18.1: Value of national built environment grant funding spent in all South African municipalities, 2008/2009–2013/2014

Sources: Authors' own calculations, based on RSA (2010, 2011, 2012, 2013); National Treasury (2012b).

Note: HSDG = Human Settlements Development Grant; MIG = Municipal Infrastructure Grant; USDG = Urban Settlements Development Grant; PTISG = Public Transport Infrastructure Grant; PRASA = Passenger Rail Agency of South Africa; NDPG = Neighbourhood Development Partnership Grant; INEP = Integrated National Electrification Programme; ICDG = Integrated City Development Grant.

---

107 However, the Housing Code does note that: 'The cost for the provision of internal municipal engineering services must be financed from alternative sources. The use of the housing subsidy allocation for the financing of such internal services may only be approved as an option of last resort' (DHS, 2009: Part 3 (4): 6)

The focus and historical impact of this subsidy has been described above. The UISP, as a 'priority programme', is the most relevant programme for informal settlements. The subsidy for this programme funds the land purchase and basic services, with housing top structure intended to be funded subsequently through one of the other housing programmes. The UISP also draws funding from the Social and Economic Amenities Programme to provide the amenities in informal settlements and from the Emergency Housing Programme if relocation is required (DHS, 2009). Both of these programmes are funded out of the overall quantum of the HSDG. In addition, the Housing Code requires that municipalities make a minimum capital contribution of 10 per cent to UISP projects.

While Huchzermeyer (2010) has reservations about the appropriateness of the UISP mechanism within the HSDG subsidy, in principle it provides funding specifically for informal settlement upgrading. The announcement of Government Outcome 8 in 2010 included a target of 400 000 households in well-located informal settlements to receive basic services and secure tenure by 2014, and established the National Upgrading Support Programme (NUSP) specifically to support incremental upgrading, providing substantial impetus to this programme (The Presidency, 2010).

An important transition in relation to this grant is the process to accredit municipalities to manage the housing programmes themselves, as envisaged in the BNG policy. Through accreditation, municipalities can progress from Level 1 (budget planning and beneficiary administration only) to Level 3 (full financial administration) (DHS, 2006).[108] It was envisaged that the housing function would be assigned (Level 3) to six metropolitan municipalities in 2014, with the result that the HSDG funds would get transferred directly to the municipalities (RSA, 2013). Accreditation therefore has a potentially important impact on housing interventions in cities. There is a realisation that land, project and beneficiary identification is most effectively done at a local level and that, where the municipality has the capacity to manage large projects and finance, it should act as the developer. Cities that are granted Level 3 accreditation will have the flexibility to match the HSDG to their specific housing needs, and will not be forced to select certain types of projects to comply with provincial housing plans. These municipalities are then free to determine the allocation of the funding to the respective programme, and hence the strategic focus of the HSDG in their cities. However, there is a strong reluctance on the part of provincial departments of Human Settlements to accredit municipalities and assign the housing function, citing a lack of capacity that they believe will stall the upgrading agenda (PDG, 2014). However, Coovadia (2013: 83) also notes that 'the enthusiasm of municipalities for accreditation is driven more by the need for

---

108 Level 3 was replaced in mid-2013 with the term 'assignment', as it involves assignation of the housing function from the provincial to the local level by the MEC for Human Settlements.

funding certainty and full administration and management of national housing programmes, than how accreditation can contribute to more integrated planning and land-use management'.

The second-most influential instrument is the Municipal Infrastructure Grant (MIG), which is used to fund municipal infrastructure serving low-income households. Although it is a conditional grant, the ambit of the MIG is wide and allows municipalities to use this grant for a range of infrastructure investments, including the provision of internal, connector and bulk infrastructure serving informal settlements. The funding allocation for the MIG in 2013/2014 was R15 billion and formed the largest share, if not the total, of the capital funding source in many municipalities (RSA, 2013). In 2009/2010 the MIG for metropolitan municipalities was converted into a new grant named the MIG-Cities grant, which replaced the strict annual project-based reporting associated with MIGs with multi-year performance targets. The intention of this split was to provide the cities with more freedom to define their capital projects within their overall capital programme. In theory, this could allow them to fund land and infrastructure in informal settlements separately from the housing programme. This grant only lasted for two years before being transformed into the Urban Settlements Development Grant (USDG).

One of the main motivations for the introduction of the USDG was to provide an instrument that would allow municipalities to purchase land and provide the bulk infrastructure that was stalling housing delivery, including informal settlement upgrading (PDG, 2014). The USDG resulted from the combination of the MIG-Cities grant and the internal infrastructure portion of the HSDG allocated to metropolitan municipalities. The grant essentially separates the funding for land and services from that of top structures, which will continue to be provided through the HSDG. The grant was introduced in the 2011/2012 financial year, ostensibly to upgrade informal settlements and improve basic services to low-income households (RSA, 2012).

The USDG enabled municipalities to upscale informal settlement upgrading (which has historically been done by municipalities) without the need for this process to be part of a housing programme, and thus eliminating the need for housing accreditation to fund this type of human settlement intervention. The USDG has deliberately provided funds for the purchase and servicing of vacant land, or for the upgrading of existing settlements, and hence is intended to assist with the achievement of the Outcome 8 target for informal settlement upgrading. An analysis of the historic trajectory of the HSDG (broken down into top structure and infrastructure portions), MIG and USDG being transferred to metropolitan municipalities (Figure 18.2) shows how the overall quantum of money has consistently increased (by an average of 10 per cent in real terms per annum); the introduction of the USDG did not result in a step-change in funding allocation, but merely shifted the funds away from the housing programme and towards the infrastructure programme.
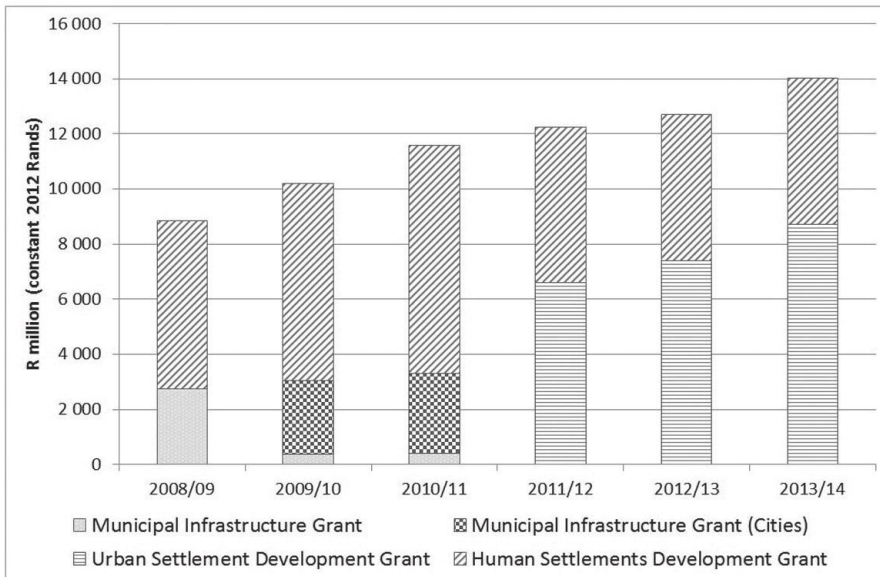
Figure 18.2: Value of MIG, MIG-Cities, USDG and HSDG funding allocated within metropolitan areas, 2008/2009–2013/2014

Sources: Authors' own calculations, based on RSA (2010, 2011, 2012, 2013).

Note: Buffalo City and Mangaung were only added as metropolitan municipalities in 2011, but have been included in all years for consistency. The value of the HSDG spent in metropolitan municipalities is not readily available but has been approximated for 2008/2009–2010/2011 using the proportion of urban households in the province, and for 2011/2012–2013/2014, the value provided in RSA (2013: 155) is assumed by the authors to be the approximate allocation for these years.

The stated objective of the USDG to facilitate the upgrading of informal settlements has led to an interpretation that the grant is for this purpose only (PDG, 2014). However, because a large part of the funding was derived from the MIG-Cities grant, it is still required to fund the wide range of bulk and connector infrastructure that was covered by this grant. Although it will facilitate more spending on the upgrading of informal settlements, it is notable that the USDG is intended for a full range of settlement development. While this may include the 'unlocking' of infrastructure to serve informal settlement upgrading, the proportion allocated to actual upgrading may remain small, depending on municipal priorities. The grant is conditional, but builds on the intentions of the MIG-Cities in that outcomes are measured according to Built Environment Performance Plans (BEPPs). In essence the USDG allows metropolitan municipalities to define their own built environment capital projects with a larger pool of money, and hence is an important step towards a holistic approach to urban settlement interventions. However, it falls

short of a truly integrated 'urban settlement' grant in that it excludes public transport infrastructure investments.

Transport infrastructure has generally not been considered a human settlements intervention, but it has great potential to alter both urban form and household expenditure, particularly for low-income households (PDG et al, 2011). The major capital funding sources for public transport infrastructure are the Public Transport Infrastructure Grant (PTIG—previously the Public Transport Infrastructure and Systems Grant) and the capital subsidy to the Passenger Rail Agency of South Africa (PRASA) for commuter rail infrastructure. The PTIG (R4.6 billion in 2013/2014) is administered by the Department of Transport and is transferred to larger municipalities (RSA, 2013). It has funded the implementation of the Rea Vaya bus service in Johannesburg and the MyCiti service in Cape Town. The PRASA subsidy is often not considered in city-level analyses because it is provided to a parastatal, but is the mechanism through which commuter rail services are extended and therefore is an important grant in terms of the built environment in metropolitan areas.

Road infrastructure (which facilitates both road-based public transport and private transport) is funded by combinations of national, provincial and local government funds depending on the ownership of the roads. Lower-order roads that have the largest impact on informal settlements are funded by municipalities through the MIG or through funds raised directly by municipalities (loans or capital reserves). The main points to note about transport funding are: a) that it is highly fragmented by mode and by institution, and b) that it is not considered to be a 'human settlement' intervention.

The Neighbourhood Development Partnership Grant (NDPG) is a conditional grant to 'support and facilitate the planning and development of neighbourhood development programmes and projects that provide catalytic infrastructure to leverage third party public and private sector development towards improving the quality of life of residents in targeted underserved neighbourhoods (generally townships)' (RSA, 2013: 47). In theory the grant could be used to provide essential social and economic public amenities in informal settlements—a focus that moves away from personal services and housing to consider the quality of public spaces. However, the list of projects supported by the grant between 2006 and 2010 (National Treasury, 2010) shows that NDPG funds have tended to flow into existing formal township areas.

The final national transfer that is of direct relevance to informal settlement upgrading is the Integrated National Electrification Programme (INEP) grant, provided both to municipalities that are licensed electricity providers and to the national electricity utility, Eskom, to reduce the backlogs of unelectrified households and to fund bulk infrastructure to ensure a constant supply of electricity (RSA, 2013). The grant allocation is large (R2.1 billion in 2013/14); there is a strong rural focus, but it is also used for electrification of informal settlements.

Although insignificant in scale compared to the grants mentioned above, the new Integrated City Development Grant (ICDG) is noteworthy in that it indicates a shift away from sector-based grants towards an emphasis on urban efficiency and integration. The grant was introduced in the 2013/2014 financial year to provide spatial planning support for metropolitan municipalities. In subsequent years it is intended to convert into an incentive grant to enhance the performance of the urban built environment. The grant is not directly relevant for informal settlement upgrading, but does support the type of city-scale investment planning that is essential to achieve economic equity for informal settlement residents. The grant was introduced at R40 million (2013/2014) and increased to R150 million (2014/2015) to include an incentive for built environment integration (RSA, 2013).

In addition to the national transfers described above, municipalities, particularly larger ones, place a large degree of reliance on municipal own funding from debt finance, capital reserves and developer charges. For example, metros raise about 60 per cent of capital funding from 'own sources' while for rural municipalities this is of the order of 25 per cent. They have control over how to use these funds and whether or not to allocate them to informal settlements. Municipalities applying for the HSDG usually need to provide 'top-up' funding for internal infrastructure land or for community engagement, to supplement the national grant (PDG, 2012).[109]

Private sector funding in formal low-income housing is limited due to a range of perceived risks (DH, 2000, cited in Charlton, 2009). As informal settlements represent an even greater risk, the only private sector investment in these areas is likely to be on a charitable basis, or in the form of unsecured lending to households for property improvements.

Operating revenue

Municipalities have three main sources of operating revenue: property rates, service charges and operating grants. Informal settlements or upgraded settlements are almost certain to fall below the property rates exemption threshold and are eligible for free basic services, in which case these sources of revenue are negligible from these settlements. The largest operating grant to municipalities is the Equitable Share transfer, which is unconditional but is intended to ensure that all households have access to basic municipal services (RSA, 2013).

The remainder of the operating grants are small or conditional, and municipalities tend to fund services provided in informal settlements either through the Equitable

---

109 Although the Housing Development Agency was established to facilitate the release and servicing of land for housing, it does not have its own budget for the purchase of land and relies on the budgets of other state entities (Stephen Berrisford, independent consultant, personal communication, 17 September 2013).

Share transfer or through cross-subsidisation from other municipal customers. This is not to exclude the possibility of informal settlement residents paying for services provided in excess of the free basic provision, but in practice this is largely confined to electricity, where prepaid meters enable municipalities to allocate free basic units and fully recover additional usage from consumers. For water provision, prepaid water meters have been applied, but to a limited extent and with less success (see Bond & Dugard, 2008).

Integration of funding sources to achieve economic equity

The fiscal framework described above has failed to facilitate informal settlement upgrading at sufficient scale and is too fragmented to provide effective integrated investment in the range of built environment functions that affect these settlements. It is clear that funding either needs to be coordinated under a single programme, or should be consolidated into larger grants with wider mandates. The consolidation of funding allows for decentralised decision-making around how the money should be spent to achieve economic equity. This perspective is confirmed by the recent review of local government infrastructure grants (National Treasury et al, 2014), which proposes a long-term plan to consolidate all infrastructure grants in metropolitan municipalities and secondary cities. Through consolidation of grants, the funding could be fungible between land, housing, services infrastructure and public transport, and could also take into account the functionality of the settlement within the urban fabric (Cross, 2010; Görgens & van Donk, 2012).

There has been considerable progress in this regard, through the USDG and the devolution of the housing and transport function to the metropolitan municipalities. The last remaining grants that still fall outside of municipal control are the INEP electricity grant and the passenger rail-related grants. The MIG, and subsequently the USDG, are steps in the right direction, in that they provide a funding source for land and infrastructure independent of housing projects, and thereby facilitate the more rapid release of serviced land. However, for the fiscal arrangements to be fully aligned to achieve economic equity, greater flexibility regarding the application of public transport grants will be important.

It is not only the funding that needs to be coordinated or consolidated, but the planning function as well, in order to achieve the wider objective of an efficient urban form (NPC, 2011). The planned devolution of the housing and public transport functions to metropolitan municipalities should, in theory, allow municipalities to exercise financial and executive control over spatial investment decisions, and is supported by the National Development Plan (NPC, 2011). As Cross (2010: 8) notes, '[m]igration, human settlements and transport need to be spatially planned together so as to deliver access to the metro economy'. While free basic service subsidies and property rates exemptions are spatially neutral,

low-income households are prejudiced financially by their lack of spatial proximity to a subsidised mode of transport, or by their proximity to employment or other social amenities. As noted earlier in the chapter, the issue of transport subsidisation is critical to the notion of economic equity, as it has the greatest direct impact on household expenditure (PDG et al, 2012). In this regard, Cross (2010) argues that low-cost public transport to peripheral settlements can preserve the settlements' functionality, and dramatically increase access to livelihoods. She also asserts that public transport investment offers the best planning lever for controlling where new informal settlements develop because access to employment opportunities is a strong determinant of whether land is considered 'well-located' and thus where informal settlements may develop or grow. This is an important factor to take into account when considering alternative incremental approaches, such as managed land settlement.

The broadening of the focus of interventions in urban form beyond purely 'housing' projects or sector-specific investment is precisely what the National Treasury's Cities Support Programme (CSP) aims to achieve, through supporting the devolution of the housing and public transport functions and the restructuring of the fiscal framework to support this transition (National Treasury, 2012a). The CSP, and subsequently the local government grant review (National Treasury et al, 2014) represents an important shift in the way the fiscal framework is being thought about in order to achieve broader city-scale objectives. This is a positive development for the type of support that can be provided to informal settlement upgrading.

Action required to maximise opportunities for upgrading through shifts in fiscal arrangements

The structure of the fiscal framework in post-apartheid South African has been defined by a national agenda that is being effected through conditional grants managed by sector departments. The positive trends in grant consolidation and devolution of built environment functions to cities represent a shift in this structure. Current grant levels are set nationally and based on delivery targets that may not reflect the relative needs in particular municipalities to best address their human settlement challenges. Yet cities have a large incentive to apply grants and subsidies in a way that promotes city efficiency and long-term sustainability. And the concept of 'economic equity' applies to households and their experience of living in a city. This provides a strong motivation for decision-making for the type of intervention funded through capital grants to be made at the local level, through a negotiation between municipalities and households, rather than these decisions being made at the national level through policy.

What does this mean for informal settlement upgrading? Primarily it indicates a shift away from tightly controlled, sector-specific fiscal instruments. Cities may

soon have more flexible instruments through which they may intervene in a number of different ways. For example, more money could be allocated per housing unit in settlements in good locations than the current subsidy provisions and for transport to those in poor locations. Alternatively, public services, land and infrastructure could be prioritised over housing top structure.

These new types of trade-offs necessitate a different approach to planning and decision-making that requires two types of action. The first is a better understanding of the urban space economy, in particular the costs associated with the nexus between spatial form, housing typology, transport access and service provision. This can be undertaken through city-scale modelling to quantify economic costs and benefits of various investment strategies in the medium to long term. This analysis would quantify the impact of subsidies on household budgets, as well as on municipal financial sustainability.

The second is the resolution of the chronic problem of involving communities in the determination of spatial investment priorities at a settlement and city scale. Participation ostensibly takes place through the integrated development planning (IDP) process, but these IDPs have been weak at directing investments or integrating multiple development agendas. Görgens and van Donk (2013) have developed a framework for a structured way in which community voices can be systematically introduced into these processes.

Far better planning processes, taking both the city-scale economic analysis and the redefined structure for community engagement into consideration, will benefit the trade-offs that are being made and the financial implications of these, and will speak directly to the fiscal allocations. One critical output of these processes would be the Built Environment Performance Plans (BEPPs), which define the objectives of the built environment interventions and link these back to the national agenda.

Conclusion

Informal settlement upgrading was provided with a specific financial mechanism through the introduction of the UISP in 2004, but has failed to be implemented at scale because, among other reasons, it was seen as an intervention to provide housing and associated services only. The fragmentation of the fiscal framework has prevented a broader type of intervention that could satisfy immediate priorities and maximise benefits with limited resources. A number of recent developments have shifted the fiscal framework to facilitate a different approach to informal settlement upgrading.

First, the delinking of infrastructure from top structures through the creation of the USDG has provided metropolitan municipalities with funding flexibility to allow for land acquisition and the provision of services in informal settlements, independently of the housing programme. Second, the planned devolution of

the housing and public transport functions will have the effect that all of the major built environment funding will flow directly to metropolitan municipalities, which may make it easier for cities to maximise investment through trading off one service for another. Third, the CSP has provided a more strategic framework for infrastructure investment that prioritises performance and efficiency instead of narrow delivery targets.

These positive developments may facilitate the more rapid and effective upgrading of urban informal settlements in a way that balances investment in transport, infrastructure, public services and housing. However, they also require a different approach to planning, including a better understanding of city-scale economics and a more robust planning framework that integrates city- and household-scale priorities.

References

Baumann, T. 2003. 'Housing policy and poverty in South Africa'. In: Khan, F. & Thring, P. (Eds.), *Housing Policy and Practice in Post-apartheid South Africa*. Sandown: Heinemann.

Bond, P. & Dugard, J. 2008. 'The case of Johannesburg water: What really happened at the pre-paid "Parish pump"'. *Law, Democracy and Development*, 12 (1): 1–28. Available at: www.saflii.org/za/journals/LDD/2008/2.pdf, accessed 9 July 2013.

Charlton, S. 2009. 'Housing for the nation, the city and the household: Competing rationalities as a constraint to reform?' *Development Southern Africa*, 26 (2): 301–315.

Charlton, S. & Kihato, C. 2006. 'Reaching the poor: An analysis of the influences on the evolution of South Africa's housing programme'. In: Pillay, U., Tomlinson, R. & Du Toit, J. (Eds.), *Democracy and Delivery: Urban Policy in South Africa*. Cape Town: HSRC Press.

Coovadia, Y. 2013. 'Assignment of the housing function'. In: South African Cities Network, *2013 State of City Finances: Towards Sustainable Municipal Finances*. Johannesburg: South African Cities Network.

Cross, C. 2010. Reaching further toward sustainable development. Presentation to Development Bank of Southern Africa *Spatial Planning Conference*, Midrand, 20 October 2010.

DCOG (Department of Cooperative Governance). 2013. *Proposed National Framework for Managing Powers and Functions of Sub-national Government.* Draft framework report. Pretoria: DCOG.

DH (Department of Housing). 1994. *White Paper: A New Housing Policy and Strategy for South Africa*. Pretoria: Department of Housing.

DH. 2000. *The User Friendly Guide to the National Housing Code*. Pretoria: Department of Housing.

DHS (Department of Human Settlements). 2006. *Accreditation Framework for Municipalities to Administer National Housing Programmes, Managing the Incremental Delegation of Housing Functions to Local Government*. Pretoria: DHS. Available at: www.dhs.gov.za/Content/Upcoming%20Events/Framework%20for%20Accreditation.pdf, accessed 23 June 2013.

DHS. 2009. *National Housing Code*. Pretoria: DHS. Available at: www.dhs.gov.za/?q=content/national-housing-code-2009, accessed 23 June 2013.

Görgens, T. & van Donk, M. 2012. Connecting the dots between settlement functionality, integrated and incremental upgrading and the need for a capacitated network of intermediary organisations. Paper presented at conference on *Sustainable Human(e) Settlements: The Urban Challenge*, University of Johannesburg, Braamfontein, 17–21 September.

Huchzermeyer, M. 2001. 'Consent and contradiction: Scholarly responses to the capital subsidy model for informal settlement intervention in South Africa'. *Urban Forum*, 12 (1): 71–106.

Huchzermeyer, M. 2010. 'Pounding at the tip of the iceberg: The dominant politics of informal settlement eradication in South Africa'. *Politikon: South African Journal of Political Studies*, 37 (1): 129–148.

Lalloo, K. 1999. 'Arenas of contested citizenship: Housing policy in South Africa'. *Habitat International*, 23 (1): 35–47.

Marx, C. 2003. 'Supporting informal settlements'. In: Khan, F. & Thring, P. (Eds.), *Housing Policy and Practice in Post-apartheid South Africa*. Sandown: Heinemann.

National Treasury. 2009. *Provincial Budgets and Expenditure Review 2005/06–2011/12*. Pretoria: National Treasury.

National Treasury. 2010. *Neighbourhood Development Partnership Grant Quick Facts: 2006–2010*. Neighbourhood Development Partnership Unit, National Treasury. Available at: ndp.treasury.gov.za/NDPG%20Quick%20Facts/NDP%20Documents/NDPG_Quick_Facts.pdf, accessed 23 June 2013.

National Treasury. 2012a. *Cities Support Programme Framework Document.* Final draft. Pretoria: National Treasury.

National Treasury. 2012b. *National Budget: Vote 37 Transport.* Available at: www.treasury. gov.za/documents/national%20budget/2012/enebooklets/Vote%2037%20Transport.pdf, accessed 27 September 2013.

National Treasury, Department of Cooperative Governance, Financial and Fiscal Commission, South African Local Government Association and Department of Performance Monitoring and Evaluation. 2014. *Review of Local Government Infrastructure Grants: Recommendations for Reform.* Draft Report to Budget Forum. Available at: mfma.treasury.gov.za/Media_Releases/ReviewOfLGInfrastructureGrants/Documents/Review%20of%20LG%20Infrastructure%20Grants%20-%20Recommendations%20Working%20Paper.pdf, accessed 8 December 2014.

NPC (National Planning Commission). 2011. *National Development Plan: Vision 2030*. Pretoria: The Presidency.

PDG (Palmer Development Group). 2012. *Spatial Analysis of Investment in eThekwini Metro.* Unpublished report produced for the eThekwini Municipality as part of the Municipal Infrastructure Investment Framework.

PDG. 2014. *Draft Report on the Design and Implementation Evaluation of the Urban Settlements Development Grant.* Report prepared for the Department of Human Settlements and the Department of Performance Monitoring and Evaluation.

PDG, Stephen Berrisford Consulting & African Centre for Cities. 2011. 'Economic and fiscal costs of inefficient land use patterns'. Chapter 10 of the *Financial and Fiscal Commission Submission for the 2012/13 Division of Revenue Report*: *Technical Report 2012/13*. Available

at: www.ffc.co.za/index.php/component/content/article/90-uncategorised/152-technical-reports-chapters, accessed 9 July 2013.

Pithouse, R. 2009. 'A progressive policy without progressive politics: Lessons from the failure to implement "Breaking New Ground"'. *Town and Regional Planning*, 54: 1–14.

RSA (Republic of South Africa). 2010. Division of Revenue Bill. *Government Gazette* No. 32882, 22 January.

RSA. 2011. Division of Revenue Bill. *Government Gazette* No. 33959, 24 January.

RSA. 2012. Division of Revenue Bill. *Government Gazette* No. 35022, 7 February.

RSA. 2013. Division of Revenue Bill. *Government Gazette* No. 36180, 22 February.

The Presidency. 2010. *Guide to the Outcomes Approach*. Pretoria: The Presidency.

Tissington, K. 2011. *A Resource Guide to Housing in South Africa 1994–2010: Legislation, Policy, Programmes and Practice*. Johannesburg: Socio-Economic Rights Institute of South Africa.

Chapter 19

Using planning tools to enable informal settlement upgrading: identifying future opportunities for South African cities

Saskia Greyling and Stephen Berrisford

There is widespread acknowledgment of the need for urban legal reform in sub-Saharan Africa. Many global urban players, including the United Nations, Cities Alliance and the World Bank, agree that the outdated and often colonial legislation requires radical reconstruction. However, this legal reform process is complex. Experience shows that the 'cut and paste' application of so-called best practice approaches, where legal codes from abroad are directly inserted into African legislation, has failed to bring about the type of reform envisaged. Instead legal reform must seek to be both context-specific, responding to the realities and challenges of African contexts, and reasonable, given the challenges of capacity and coordination faced by the state, private sector and civil society.

Perhaps most importantly, urban legal reform must be seen as a political, rather than a technical or objective, process. The interests in legal planning and urban reform differ starkly among actors. The state wants to manage the growth of cities and impose order. Poorer citizens and their supporters (NGOs, CBOs, etc) want to use such reforms to secure access to land, infrastructure and voice. Conversely, wealthier urban dwellers wish to constrain access to land, ensuring the retention of value of their existing fixed assets and the status quo. Developers want lower transaction costs. Traditional leaders want to protect their political authority and continue their role in land supply. All in all, issues relating to law and cities are complex and often contested.

While Africa is relatively young in its urban reform process (unlike, for example, Latin America), the most essential changes in legislation relate to the issue of informality and informal settlements. In most African cities, informal settlements are a reality that cannot be wished, eradicated or planned away in the foreseeable future.

Informal settlements are as much a reality of South African cities as they are of all cities in the region. South Africa must also develop a legal framework that can address informal settlement upgrading, taking into consideration the capabilities, legal possibilities and political options. Despite the best intentions of the state to reimagine post-apartheid South African cities, large-scale housing programmes

(among other drivers) have effectively, if inadvertently, perpetuated the apartheid spatial legacy. The urban poor are forced to seek accommodation in tenuous and inadequate conditions. The continued prevalence of informal settlements, a trend established well before 1994, indicates the ongoing lack of low-cost housing opportunities for the urban poor, as well as the failures of the state to take more radical and pro-poor approaches to planning post-apartheid cities.

Planning as a discipline and profession has long struggled with the idea of informality. A core raison d'être underpinning the emergence of modern planning was the interest in reducing the social and environmental costs of sprawling cities created by the chaos of unregulated development in the First World. This impulse remains a prominent part of the make-up of professional planners and government officials (UN-Habitat, 2009; Watson, 2009). However, there is a growing recognition that the conventional instruments and processes of planning are inappropriate for complex, post-colonial societies, especially when these societies are characterised by a history of dispossession, high rates of urbanisation and high levels of poverty (Berrisford, 2011a; Roy, 2005; UN-Habitat, 2009). This is not to say that planning should be excluded or exempted from the conversation about how to respond to urban informality in South Africa. As Parnell et al (2009) point out, the tools of planning have a great deal to offer the discussion, particularly where they can clarify the relationship between the formal and informal aspects of South African cities and use 'hard' regulation and 'soft' people-centred processes to compel their transformation.

This chapter asks the question: does the state have the legal tools necessary to realise an incremental upgrading approach? In the first section of this chapter, a brief overview of spatial planning and how this contributed towards the country's policies of segregation is provided. It explores two Acts that could fast-track development processes, yet were found to be unlawful. As a result, slow planning processes, coupled with uncoordinated large-scale housing projects, have continued to place the poor on peripheral land on cities' outskirts. The second section explores issues of land access. Since informal settlement dwellers are usually poor, access to well-located land requires state intervention. Land can be acquired by the state in order for incremental upgrading to occur, but requires political will and a more radical land access strategy. Following this, the third section explores issues of land development. This includes how tenure can be granted to those living in informal settlements in order to encourage incremental upgrading and more appropriate norms and standards for building.

Within a discussion on upgrading informal settlements, the third section of this chapter suggests that the South African state has the planning tools it needs to address the upgrading challenge. These tools, such as mechanisms for releasing land, differentiated systems of tenure, incremental building standards and sensitive regulations, are the focus of the last section of this chapter. Here it is argued that these

tools can contribute towards creating more equitable land access and development patterns. However, they require additional capacity and political will to implement.

Spatiality, informality and the planning profession: An apartheid legacy

It is beyond the scope of this chapter to give a full history of apartheid and the many laws and regulations that enforced the segregation of people according to race (see, for example, Harrison, et al, 2008; Lemon, 2001; Mackay, 1999; Wilkinson, 1998; Williams, 2000). It is, however, important to note that the spatial layout of most cities in South Africa largely persists from the apartheid era and its ideal of separate development. Prime land, situated in close proximity to the city centre, with convenient transport links and well-located for access to the natural environment, was reserved for the white population,[110] while peripheral land with few of these attributes was used to accommodate black residents who were permitted to live in the urban areas. Berrisford (2011b: 249) observes that there was a battery of planning laws to tightly regulate development in designated white areas, safeguarding property values and the high levels of infrastructure (see also Harrison, Todes & Watson, 2008: 30). Simultaneously, significant burdens were placed on the black population, limiting the development of land in urban areas in particular.

At the advent of the new democratic state, these cities of contrasts became a challenge for planning professionals, providing the context in which the reputation of planning could be reimagined (Harrison et al, 2008). In the 1990s, tools provided in legislation such as the Less Formal Township Establishment Act (LFTEA) of 1991 and the Development Facilitation Act (DFA) of 1995 were intended to facilitate new housing development projects by speeding up the process of land development and land use decision-making. In effect, they allowed developers, particularly those providing public housing, to circumvent local government decision-making. They were considered to be quite radical but necessary tools for effecting change.

The DFA was intended as an interim law in the immediate post-apartheid period and '[was] characteristic of the priorities of the times, which were largely geared towards rapid delivery and integration. This was achieved by among others, the removal of strict rules and regulations for land development, and instead a move towards more flexible decision-making determined by substantive principles and norms' (Urban LandMark, 2007: 7). The DFA allowed for secure land rights—known

---

110 Use of the racial terms 'white' and 'black' in this chapter reflects apartheid-era classifications that were used legally to segregate neighbourhoods and other spaces. Use of these terms here reflect the practices of the past, and are in no way intended to be pejorative.

as 'initial ownership'—to be allocated in the case of informal settlement upgrading without strict compliance with all the requirements for issuing a title deed. It also provided the same fast track to projects that led to the issuing of a title deed, a longer and more expensive process than the issuing of a certificate of initial ownership. Interestingly, in the nearly 20 years in which the DFA operated, no single application was made for initial ownership. Although it came with limitations imposed by a provincially appointed Development Tribunal, the more conventional DFA route to land use approval made possible speedier and cheaper processing of redistributive land development projects for low-income housing.

The Less Formal Township Establishment Act (1991) was established to accelerate the provision of land for urban growth in the years preceding the end of apartheid, after the influx laws were removed (Urban Landmark, 2007: 10). This Act allowed various laws and regulations relating to planning and building standards to be 'designated inapplicable if their effect is seen to be dilatory to the designation and development of land' (Urban LandMark, 2007: 11). Both the DFA and LFTEA permitted certain planning regulations to be circumvented, which in effect speeded up the process of planning and approval, usually by bypassing local government planning mechanisms and relying on provincial-level decision-making. However, in more recent years, these Acts have been found to be unconstitutional, precisely because of the provincial, rather than local, government decision-making.

Despite the promise that the planning profession proffered in the mid-1990s, bolstered by more enabling legalisation, urban spaces continued to be divided and to develop along spatial lines not unlike those that arose under apartheid. While the legal apparatus that segregated groups by race no longer applies, the social and economic systems effectively continue to entrench race- and class-based disintegration. The reasoning for this persistence is now linked to land markets and value of property, as well as the focus on the provision of housing as a key goal of the post-apartheid government. As noted by Berrisford, 'in the case of planning law reform, the South African case rather shows how difficult it is to realize an idealistic and progressive vision of planning in practice' (Berrisford, 2011b: 248).

With restricted access to land during the apartheid and post-apartheid era, informal settlements have become vital housing providers in South African cities. They are, to paraphrase Marie Huchzermeyer (2010), benign responses to intolerable conditions and an unavoidable aspect of growing urban areas, yet they are considered to be 'eyesores', inadequate in terms of shelter, and in recent history there have been widespread calls for the elimination of these settlements through either clearance or upgrading. The Department of Housing notes that informal settlements stem from the complicated combination of 'failed policies, ineffective governance, corruption, inappropriate regulation, exclusionary urban (economic) development/growth paths, poor urban management strategies, dysfunctional and inequitable land markets, discriminatory financial systems and a profound democratic

deficit' (Department of Housing, 2004, in Huchzermeyer & Karam, 2006: 43). The growing realisation of the important role of informal settlements, coupled with the developments in law that prevent eviction if it is likely to result in homelessness (Wilson, 2011) have led to a widespread appreciation in South Africa of the need for informal settlement upgrading.[111]

Before continuing, it is important to recognise that much of what is discussed here requires a capacitated state. It is useful to note too that states are not 'monolithic entities' (Corbridge et al, 2005); agents rarely have a single view on how informal settlement upgrading should be achieved. Zack and Silverman (2007: 5) remark that 'Government itself is ambivalent and does different things at different times. It is likely that municipalities' own attitudes to regulation are ambivalent. Pro-poor elements within local government may lobby for a laissez-faire approach with the view that the absence of intense urban management create gaps that the poor would appreciate. Other parties in the same local government tend to argue for the re-instatement of tighter, more modernist urban controls'. Walker (2007: 134) suggests that 'Limited "state capacity" … is not a temporary aberration, but an institutional reality knitted into the fabric of state operations, which will persist into the foreseeable future. If this is acknowledged, then its impact on state development programmes must be factored into the way in which these programmes are conceptualised, implementation planned, and alternatives posed'. Acknowledging the country's limits in matters of capacity is essential to improving the way legislation is enacted.

Accessing land for the urban poor

Since the 1990s South Africa has implemented extensive reforms to address inequalities in access to land, primarily through three major programmes of land restitution, land tenure reform and land redistribution (Urban LandMark, 2013).[112] These programmes have, however, operated almost exclusively in relation to rural land. With the exception of the restitution programme, they have effectively left urban land untouched and certainly have not been widely used in the case of

---

111 It should be noted, however, that while informal settlement upgrading is a viable and important way to improve the living conditions of many people who live in dire and tenuous living conditions, it is important to recognise the limitations of such a programme—only in rare cases will having security of tenure lift people out of poverty.

112 Berrisford (2011b: 256) outlines the 'three pillars of the country's land reform programme: redistribution of land held by white farmers to black ownership; restitution of land that had been taken from black owners to them or their descendants either by restoration of the land itself or through compensation by cash or alternative land; and tenure reform in the areas under customary ownership'.

informal settlements. However, if upgrading informal settlements is to be effective at scale, the land question has to be tackled.

Land access is twofold. First, it concerns securing tenure for those who have occupied land outside of the formal system and who thus enjoy few rights and securities. In order to enable informal settlement upgrading, land on which informal settlements have been established has to be considered for acquisition by the state. Second, it includes the increased provision of land for the urban poor, thus increasing the overall supply of land access opportunities through the formal land delivery system. Ideally, this land should be well-located in terms of access to amenities and services, as poorly located land has very little real value (although the provision of good infrastructure, especially good public transport linkages, can essentially change a poorly located land parcel to a well-located one).

Both these dimensions of urban land access are difficult, both politically and administratively. Although it has been argued in popular media that well-located urban state-owned land should be released for such purposes, Hall (2009: 67) argues that the 'common perception that there is an abundance of state land that could be redistributed is fallacious'. McGaffin (2011) agrees: 'if the state has not used this apparently easy-to-obtain land in 15 years, there must be real constraints preventing it from doing so'.

In the case of publicly or parastatal-owned land, it is not necessarily a given that the land can be handed over to the government for housing purposes. As with any business enterprise, land is an asset on the parastatal's balance sheet. It cannot easily be sold for less than market value. Parastatals are also legally obligated to their shareholders. Directors have a duty to pursue sound business practices; selling land for below market value is difficult to motivate. However, where land has already been illegally occupied, the fact of its occupation inevitably lowers its market value. There is often a large number of occupiers and finding alternative accommodation would be costly and time-consuming. Additionally, the negative political fallout would be substantial. In this scenario business acumen would suggest that transferring the land to the government is the best decision, as not doing so results in the land becoming a liability, rather than an asset. In these cases, selling the land to the state at a low or even negligible price is potentially the most sensible outcome. Be it a parastatal or a private owner, the potential for mutually beneficial partnership takes place wherein the value of the land to the occupiers is equal to the value of the land to the land owner. As land becomes more heavily occupied, the land value decreases for the owner, while at the same time the value of it increases for the informal settlement dwellers. This makes possible an upgrading process; however, it also requires complex negotiation.

Counterintuitively, private land purchases can be easier to negotiate than public land acquisitions. Hall suggests that 'various means exist, beyond WBWS [Willing Buyer, Willing Seller], by which the state can use the market and negotiate with

particular landowners to address land needs' (2009: 75). Where private land has been occupied and becomes an informal settlement, if expropriation is viable, the owner can negotiate with the state for a price for the land. Section 25 (2) of the Constitution (1996) details property rights, and states that

- property may be expropriated only in terms of law of general application
- for a public purpose or in the public interest
- subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.

Section 25 (3) goes on to identify the five criteria that have to be taken into account in establishing 'just and equitable' compensation. Only one of these is the market value of the land. Land expropriation is always contentious and, although it is provided for within the law, it is rarely used, despite the recognition that market forces alone are unlikely to change land ownership patterns (McGaffin, 2011). It is perhaps for this reason that there has been a degree of timidity on the part of the state to utilise this legislation and negotiate fair prices for land that has already been occupied. Part of the timidity lies in the state's residual belief, supported by the now outdated Expropriation Act of 1975, that market value is the sole determinant of the compensation to be paid, rather than simply one of five factors to be taken into account in making that calculation.

Although land expropriation is considered to be a radical option for urban land redistribution in South Africa, it is a viable option for the effective upgrading of informal settlements and increasing land access for the urban poor. There are at least two reasons why it is an underutilised tool for this purpose.

First, there is a lack of political will to use expropriation. Expropriation is unpopular; it is authoritative and 'top-down', requiring the state to exercise its power unilaterally. If the state could demonstrate, through practice, that it is serious about expropriation (which it could achieve more successfully if it enacted new legislation to bring the nearly 40-year-old Expropriation Act in line with the provisions of the Constitution); it could make future negotiations cheaper and quicker. In forming a partnership of sorts between the state and the land owner, cooperation helps to ease the process and sets realistic expectations for others in similar situations. Overcoming the lack of political will could make expropriation cheaper in the future, as it could result in different kinds of partnerships, partnerships in which the state is more legally secure and the private partners equally reassured by a degree of certainty that they currently lack.

Second, the state lacks a guiding policy framework through which to understand the impetus to expropriate and redistribute urban land. Such a framework ought to include a clear policy with regards to when the state would use existing tools,

which rationales and trade-offs should inform decision-making by officials and what avenues citizens will have to cooperate (or partner) with the state once the determination is made. A framework like this could ensure that land redistribution happens fairly and within the law.

Speeding up spatial planning: Formal development tools for pursuing access to land

Since the demise of the DFA and LFTEA, the Spatial Planning and Land Use Management Act (SPLUMA) was the first spatial planning law to be developed. This law does not make provision for short-cuts in terms of land release and development, such as those offered by the DFA and LFTEA, although other provisions for decision-making are provided for (such as municipal tribunals). One of the most significant principles shaping the SPLUMA is the assertion by the Constitutional Court in 2010, in the case of *City of Johannesburg* v *Gauteng Development Tribunal*, that all decisions around land use and land use planning must be taken by municipalities and cannot be taken by other spheres of government. The enactment of SPLUMA thus occurs in a context where the planning of informal settlements and the upgrading thereof must happen by and large at the municipal level. This is with the exception of the mandatory environmental approval that is facilitated at a provincial level. Municipalities are therefore granted further responsibilities in land development and able to take on more than a service delivery role. Despite the greater role of the municipality in cases of informal settlement upgrading, in order to be upgraded through formal channels, approval has to be sought for both planning and environmental processes. These occur at different levels of government (municipal and provincial, respectively) and are two distinct processes, responding to and engaging with two authorities. The two distinct processes of approval for proposed developments are an ongoing misalignment in planning legislation, one that is time-consuming and could lead to bottlenecks in the system.

A further initiative of national government was the establishment of the Housing Development Agency (HDA) in 2008, which 'promotes sustainable communities by making well-located land and buildings available for the development of housing and human settlements' (HDA, 2013). The HDA is tasked with identifying, acquiring, holding, developing and releasing well-located land and buildings, as well as providing project management support and housing development services (HDA, 2013). The HDA does not, however, have the power to expropriate land, but rather has to consult with the owner and can only purchase the land should the owner be willing to do so (although it can request the Minister of Human Settlements to expropriate on its behalf). Thus, while this agency plays an important role in assisting the Department of Human Settlements to locate land, it has limited ability to acquire the land and fast-track the process of transferring title deeds and planning what the land is to be used for.

To sum up, the tension with informal settlements is first about the state acquiring the land on which they are located. Although this is not simple, the state has the tools to enable this acquisition, although questions of capacity and political will arise. The second step is to plan these areas so that informal settlement upgrading can happen through formal channels. While in the past legislation existed that accelerated the process of planning and approval, these fast-track routes have been deemed unconstitutional. The new SPLUMA seeks to 'provide for the inclusive, developmental, equitable and efficient spatial planning at the different spheres of government' (*Government Gazette*, 2013). Nevertheless, whether or not this Act can accelerate the processes for informal settlement upgrading remains to be seen.

Land development issues

There are many planning tools that can be used for land redistribution purposes. These need to be utilised more effectively and interpreted more innovatively in order to secure land for informal settlement upgrading processes. However, this argument often flies in the face of the countervailing logic that suggests that everything can be planned. Berrisford explains that this stems from the past, where 'one of the hallmarks of much colonial-era legislation was that it was heavy on procedural detail attempting to provide for any eventuality, no matter how improbable' (2011b: 262). Thus the legal framework reflects an approach that assumes that all 'disorder' can be rendered 'orderly' through the imposition and enforcement of law. This is not an approach that will assist in tackling a challenge of the scale of South Africa's informal settlements; it is merely wishful thinking.

Tackling tenuous tenure

In order to enable informal settlement upgrading, there has to be an acceptance that informal settlements cannot be fully 'formalised' through one process. Formalisation is costly and takes time (SERI, 2011), and can even have negative consequences for the poor (for example, being moved away from their social networks—see Smit in Huchzermeyer & Karam, 2006). Tenure security is important for residents of informal settlements, though the handover of title deeds takes time and does not always happen (see Urban LandMark, 2011). Rather, tenure needs to occur in incremental ways. Different tenure types, such as those documented in other chapters of this volume (see Maina in this volume), as well as Urban LandMark (2011, 2013), ought to be considered as a way of security that avoids beleaguering already stretched government officials with the need to process title deeds. A differentiated tenure system provides an opportunity to ensure that the urban poor can claim their right to space within cities and enables the state to recognise the existence and legitimacy of a settlement. Statute law also provides tenure security of sorts, such as anti-eviction laws, which in effect provide security in the sense

that residents cannot be evicted from the space they are occupying. However, in situations such as these, the tenure security could be seen to be defensive, rather than wholly realised. Potentially, this means that residents will be reluctant to invest in these properties when security of tenure is only in terms of technicality. To compound this, there is also the sense that many residents are waiting to access stand-alone houses from the state and that these spaces that are occupied in the meantime are temporary. There is a need to shift from this mindset. One important way of doing this is by demonstrating that informal settlement upgrading is a viable option and one that could take less time to access than the more typical waiting process associated with accessing RDP-style houses.

Working on building regulations: enabling an upgrading logic

In any context, building regulations are important. They detail safety requirements needed to ensure the protection and health of residents. Currently, informal settlements, as the name suggests, have no building regulations in place, having been built without planning permission. Changing this is vital when implementing informal settlement upgrading; however, the difficulty that arises is that compliance with building regulations is expensive. As a result, households choose not to comply. Although there are some advocates who call for building standards to be discarded, this is not an option for the state. Rather, in situations such as informal settlement upgrading. where there is a need for fast turnaround times, costs of compliance and implementation of building regulations need to be taken into account in order to maximise the application of these standards. This has implications for both the household and the state: households need to be able to afford the standards and there is thus potentially a demand for incremental standards to be applied at each stage of an upgrade. For the state, this means that mechanisms will need to be implemented for more frequent inspection and monitoring of these buildings. In addition, there has to be a reasonable balance between the requirements for compliance and the monitoring and inspecting, in order to prevent vulnerability by non-compliance. There will also be a need for minimum requirements so that households can afford to comply, and then cleverly sequenced subsequent steps for compliance that enable the upgrading logic and empower the poor to develop at stages and speeds that suit their budgets. Here, there has to be compromise between competing values and interests. We would imagine that for this incremental approach to be attractive to the state, at a minimum level, health and safety standards would be essential for any informal settlement dwelling to be acknowledged by the state.

Conclusion

Given the relatively recent realisation in South Africa that the rollout of low-cost housing is not sustainable and will not be able to accommodate the numbers of

people who are in need of housing, informal settlements provide accommodation for those living in uncertain circumstances. There is a need to legally acknowledge informal settlement accommodation. Upgrading informal settlements is a viable option for this. This chapter questions whether the state has the tools to realise an incremental upgrading approach.

First, this chapter examines how planning professionals in the 1990s were spurred on to address the spatial inequalities that apartheid legislation brought about, and in fact had tools provided in legislation such as the Less Formal Township Establishment Act and the Development Facilitation Act, which accelerated land use development and decision-making, facilitating new housing development projects. However, because these Acts allowed for local government level decision-making to be circumvented, they were found to be unconstitutional. Without these tools to fast-track development, housing delivery has been a slow process and many poor urban citizens live in informal settlements.

Second, this chapter explores how land occupied by the urban poor can be acquired by the state as a necessary precursor to effective informal settlement upgrading at scale. Security of tenure is a necessary requirement for those who occupy land suitable for upgrading. Furthermore, land acquisition is also necessary in order to increase the overall supply of (preferably) well-located land that can be accessed through formal channels. This section deals with how the state can expropriate land, either by acquiring public land or by purchasing private land in order to address the needs of the urban poor. However, in order to utilise this admittedly radical tool, there has to be the political will and a guiding policy framework in place that outlines how to expropriate and redistribute land.

The third section of this chapter suggests that there are planning tools that can be used for land redistribution purposes, but that these need to be utilised more effectively and innovatively. Security of tenure is necessary in order to encourage informal settlement upgrading as a viable option. However, in order to achieve tenure security, incremental tenure types ought to be introduced.

Finally, this chapter considers building regulations and the need to find a middle ground between the dearth of regulations in informal settlements and the high levels of these that are required for full compliance. Again, incremental building standards could be a solution to this issue.

Informal settlement upgrading is an achievable tool for improving uneven patterns of land ownership, helping to desegregate spaces, creating a meaningful asset for the poor and, perhaps most importantly, providing an accommodation solution that is 'adequate', and that can be adapted to the changing needs of South Africa's urban citizens. There is broad support for this approach, but the difficulties experienced in accessing suitable land make its achievement very difficult. Empowering the state to tackle the urban land question is the *sine qua non* of informal settlement upgrading in South Africa.

References

Berrisford, S. 2011a. 'Why it is difficult to change urban planning laws in African countries'. *Urban Forum*, 22: 209–228.

Berrisford, S. 2011b. 'Unravelling apartheid spatial planning legislation in South Africa'. *Urban Forum*, 22: 247–263.

City of Johannesburg Metropolitan Municipality v *Gauteng Development Tribunal and Others* (CCT89/09) [2010] ZACC 11; 2010 (6) SA 182 (CC); 2010 (9) BCLR 859 (CC) (18 June 2010).

Corbridge, S., Williams, G., Srivastava, M. & Veron, R. 2005. *Seeing the State: Governance and Governmentability in India*. Cambridge: Cambridge University Press.

Department of Housing. 2004. *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements.* Pretoria: Department of Housing.

Hall, R. (Ed.) 2009. *Another Countryside? Policy Options for Land and Agrarian Reform in South Africa*. Cape Town: Institute for Poverty, Land and Agrarian Studies, School of Government, University of the Western Cape.

Harrison, P., Todes, A. & Watson, V. 2008. *Planning and Transformation. Learning from the Post–Apartheid Experience*. Oxford: Routledge.

Housing Development Agency. 2013. Available online at www.thehda.co.za/, accessed 9 September 2013.

Huchzermeyer, M. 2010. 'Pounding at the tip of the iceberg: The dominant politics of informal settlement eradication in South Africa'. *Politikon*, 37 (1): 129–148.

Huchzermeyer, M. & Karam, A. 2006. *Informal Settlements. A Perpetual Challenge*? Cape Town: UCT Press.

Lemon, A. 1991. *Homes Apart: South Africa's Segregated Cities.* London, Bloomington and Cape Town: Paul Chapman, Indiana University Press and David Philip.

Mackay, C.J. 1999. 'Housing policy in South Africa: The challenge of delivery'. *Housing Studies*, 14 (3): 387–399.

McGaffin, R. 2011. *Expropriation: Key to More Equitable Land Distribution, or Expensive Folly?* Available at: www.afesis.org.za/Sustainable–Settlements–Articles/expropriation–key–to–more–equitable–land–distribution–or–expensive–folly, accessed 9 September 2013.

Parnell, S., Pieterse, E. & Watson, V. 2009. 'Planning for cities in the global South: An African research agenda for sustainable human settlements'. *Progress in Planning*, 72 (4): 233–241.

Republic of South Africa. 1997. Chapter 2 of the Constitution—Bill of Rights. Available at: www.info.gov.za/documents/constitution/1996/96cons2.htm, accessed 9 September 2013.

Republic of South Africa. 2013. Spatial Planning and Land Use Management Act, No. 16 of 2013. *Government Gazette*. 578(36730). 5 August. Available at: www.sacplan.org.za/documents/SpatialPlanningandLandUseManagementAct2013Act16of2013.pdf, accessed 27 January 2015.

Roy, A. 2005. 'Urban informality: Towards an epistemology of planning'. *Journal of the American Planning Association,* 71 (2): 147–158.

SERI (Socio–Economic Rights Institute of South Africa). 2011. *A Resource Guide to Housing in South Africa 1994–2010. Legislation, Policy, Programmes and Practice.* Johannesburg: SERI. Available at: www.seri–sa.org/images/stories/SERI_Housing_Resource_Guide_Feb11.pdf, accessed 9 September 2013.

Smit, W. 2006. 'Understanding the complexities of informal settlements: Insights from Cape Town'. In: Huchzermeyer, M. & Karam, A. (Eds.), *Informal Settlements. A Perpetual Challenge?* Cape Town: UCT Press.

Urban LandMark. 2007. *Do Informal Land Markets Work for Poor People? An Assessment of Three Metropolitan Cities in South Africa. Analysis of Legislation.* Available at: www.urbanlandmark.org.za/downloads/Operation_of_the_market_Legislative_Review.pdf, accessed 9 September 2013.

Urban LandMark. 2011. *Incrementally Securing Tenure. An Approach for Informal Settlement Upgrading in South Africa.* Available at: www.urbanlandmark.org.za/research/x31.php, accessed 9 September 2013.

Urban LandMark. 2013. *Land Governance in South Africa. Implementing the Land Governance Assessment Framework.* Available at: www.urbanlandmark.org.za/downloads/lgaf_booklet.pdf, accessed 9 September 2013.

UN-Habitat (United Nations Human Settlements Programme). 2009. *Planning Sustainable Cities. Global Report on Human Settlements 2009.* Nairobi: UN-Habitat. Available at: mirror.unhabitat.org/pmss/listItemDetails.aspx?publicationID=2831&AspxAutoDetectCookieSupport=1, accessed 27 January 2015.

Walker, C. 2007. 'Redistributive land reform: For what and for whom?' In: Ntsebenza, L. and Hall, R. (Eds.), *The Land Question in South Africa.* Cape Town: HSRC Press.

Watson, V. 2009. 'Seeing from the South: Refocusing urban planning on the globe's central urban issues'. *Urban Studies*, 46 (11): 2259–2275.

Wilkinson, P. 1998. 'Housing Policy in South Africa'. *Habitat International*, 22 (3): 215–229.

Williams, J. 2000. 'South Africa: Urban transformation'. *Cities*, 17 (3): 167–183.

Wilson, S. 2011. 'Planning for inclusion in South Africa: The state's duty to prevent homelessness and the potential of "meaningful engagement"'. *Urban Forum*, 22: 265–282.

Zack, T. & Silverman, M. 2007. *Using Regulation as a Tool for Better Urban Management.* Available at: ndp.treasury.gov.za/Courses%20Library/2007,%2029%20Oct–2%20Nov%20–%20TTRI%20Overview%20Course,%20Midrand/Day%204%20–%201%20Nov%202007/Regulations%20Silverman%20and%20Zack%20–%20Presentation.pdf, accessed 9 September 2013.

Chapter 20

Courts as a site of struggle for informal settlement upgrading in South Africa

Michael Clark and Kate Tissington

Since 2004, South Africa has had a progressive national housing policy prioritising the *in situ* upgrading of informal settlements—Breaking New Ground (BNG)—as well as an Upgrading of Informal Settlements Programme (UISP) contained in the National Housing Code (referred to below as the Code).[113] However, despite this progressive policy framework, very little has been tangibly achieved in terms of inclusive, participatory and incremental upgrading in the country in the last ten years (Huchzermeyer, 2011: 170–171; Pithouse, 2009: 1–2; Tissington, 2011a: 89).

There are a number of interconnected reasons for this lack of implementation. First, the institutional and bureaucratic framework for housing is geared towards building state-subsidised houses in greenfield projects (Tissington, 2011a: 31). *In situ* informal settlement upgrading is viewed as a challenge, characterised by competing local interests and agendas, and is wrongly assumed to be anathema to what communities want from government. Furthermore, government officials do not want to engage with informal settlement communities directly, and lack the institutional capacity even if they did. This links to the political reasons for lack of implementation.

Politicians want *houses* to be delivered, as this forms a large part of their election promises and manifestos. Moreover, the upgrading framework places public participation obligations firmly in the terrain of ward councillors, who are generally not interested in upgrading projects or are otherwise ill-suited to facilitate these processes. In essence, then, it seems the South African bureaucracy is simply not geared towards the polycentrism that characterises informal settlement upgrading,

---

[113] See Chapter 13 in the 2004 *National Housing Code* (DH, 2004) and Part 3 in the updated 2009 Code (DHS, 2009). The UISP states that it is designed to facilitate the *in situ* upgrading of informal settlements in a structured way, and that it is applicable to all informal settlements that demonstrate one or more of the following characteristics: illegality and informality; inappropriate locations; restricted public and private sector investment; poverty and vulnerability; and social stress.

and political will is largely absent to change the status quo. While there have been a number of recent high-level national interventions aimed at assisting municipalities and provinces to implement *in situ* upgrading projects—including the Outcome 8 human settlements delivery agreement (DHS, 2010) and the work of the National Upgrading Support Programme (NUSP)—these have not yet resulted in large-scale upgrading taking place.

The de facto approach to informal settlements has been one of relocation, eviction and demolition (Chenwi, 2012: 549). The state has focused predominantly on fully formalised state-subsidised housing as the preferred model for housing provision to the poor, often coercively implementing this model at the expense of informal settlement residents (Chenwi, 2012: 549). This has led to resistance and protest, as well as communities approaching lawyers for assistance, which has led to the increased use of courts and defensive litigation to challenge state action (SERI, 2014). A number of high-profile cases—namely, *Grootboom* (2001), *Joe Slovo* (2010), *Abahlali* (2010), *Nokotyana* (2010) and *Beja* (2011)—have come before the South African courts, and have led to the development of jurisprudence (case law) around informal settlement evictions, relocation and upgrading. These cases, discussed later in this chapter, also provide strategic insights into when and why communities take the state to court, the response of the state to the demands of communities, and the role of legal non-governmental organisations (NGOs). In terms of the latter, there have been a number of instances where interdisciplinary teams have been formed after lawyers sought collaboration with socio-technical practitioners (see the *Joe Slovo* and *Nokotyana* cases discussed below).

As a discussion of the case law will illustrate, arguably the biggest success of litigation in relation to informal settlement upgrading has been to catalyse communities into action and to challenge the pervasive 'feeling of invisibility' that often characterises informal settlement residents (Kornienko, 2014: 6). Litigation has provided the opportunity for the most marginalised groups in society to assert their rights and demand accountability, and has compelled collaboration between communities and other stakeholders. Further, litigation has served to 'activate' the UISP where it has been deliberately or unintentionally ignored.

Viewed in this way, litigation is a legitimate form of democratic participation, one of many ways to exert the political pressure required to get policy implemented (Brand, 2011; Kornienko, 2014; Dawson, 2014). In reality policy implementation is not a technical, neutral exercise that occurs in a vacuum, independent of society. Power dynamics, class interests and conflict, lack of political will, financial constraints and institutional deficits, among other factors, all affect the implementation of policies, even (and perhaps more so) the most progressive ones like informal settlement upgrading. Conflict and contestation are bound to occur, and litigation is one way to give expression to these, to manage trade-offs, and to find resolutions. Litigation is thus a tool, with both instrumental and political dimensions.

This is not to say that courts or judges have all the answers. Socio-economic rights litigation has been criticised for various reasons. These criticisms include the view that judges have limited institutional legitimacy to guide the implementation of government policy (see *Joe Slovo* case below), and in any event lack the requisite expertise to fully understand the complexity of policy implementation (Brand, 2011).[114] Over the years, courts have tried to address these criticisms and have developed ways to adjudicate socio-economic rights cases in a manner that recognises the limitations of state bureaucracy and provides government with sufficient leeway to develop policies to realise its obligations while upholding essential constitutional protections. This has been done primarily by relying on value-laden concepts like procedural fairness, the 'reasonableness test', meaningful engagement, etc. Notwithstanding the criticisms, litigation remains a potent and potentially progressive tool for communities in respect of informal settlement upgrading.

This chapter briefly sets out some of the most important features of the legal and policy framework governing informal settlement upgrading. In doing so, we consider some of the issues that seem to hinder the implementation of the UISP. The chapter also explores the various court cases that deal with informal settlement upgrading and draws a number of important legal conclusions in doing so. We argue that these cases lay the foundation for an inclusive, participatory and rights-based approach to informal settlement upgrading. The chapter concludes with a consideration of the role of litigation in the upgrading agenda going forward.

The legislative and policy framework

The South African legislative and policy arrangement relating to housing is unusual in that the substance of housing policy—the main principles, policy choices and implementation rules—is not set out in primary legislation but in the National Housing Code (DHS, 2009). This arrangement has been criticised in that key components of housing development are not deliberated upon in Parliament or legislated in statute (McLean, 2006). Despite this, there is some clarity about the applicability and enforceability of the national housing programmes contained in the Code, which emanate from the Housing Act, No. 107 of 1997, the Code itself, and court judgments.

According to the Housing Act, the Code is delegated legislation that is binding on provincial and local government. Courts have consistently recognised that both the Housing Act and the Code have been enacted to give effect to the right of access

---

114 In the case of informal settlement upgrading, for example, this could refer to issues around feasibility for upgrading, land rehabilitation, community participation, installation of services, available financial resources, etc.

to adequate housing in section 26 of the Constitution (*Abahlali*; *Beja*; *Nokotyana*: paras 48–49). This enforces the notion that these documents constitute concrete, legally enforceable legislative instruments. It is clear that when government departments implement projects undertaken in terms of a specific housing programme contained in the Code, implementation must be consistent with policy prescripts and rules contained in the programme, and that these are legally enforceable. In addition, there are two housing programmes in terms of which communities or groups in specific housing situations can make claims, specifically those living in informal settlements and those in desperate need of emergency housing.

The UISP and Emergency Housing Programme (EHP), affirmed by Constitutional Court jurisprudence (*Abahlali*; *Joe Slovo*), make it clear that municipalities have the responsibility to 'initiate, plan and formulate applications for projects' relating to emergency housing situations (in the case of the EHP) or to the *in situ* upgrading of informal settlements in terms of the UISP (DHS, 2009: 20). In both these circumstances, groups can legally compel a municipality to apply the relevant programme. In terms of the UISP, the onus is on municipalities to conduct rapid assessments of informal settlements and to apply to the MEC for funding to implement upgrading projects. It is only *after* a decision is taken to implement the UISP that feasibility and other studies are conducted, and when issues of rehabilitation of land and how best to secure tenure and provide services are dealt with. While the UISP creates an extremely strong preference for *in situ* upgrading and the minimisation of disruption/relocation, the latter is an option under the programme but only as a 'last resort' once other alternatives have been exhausted (DHS, 2009: 32).

However, the legal and policy framework regulating informal settlement upgrading also contains various ambiguities (Tissington, 2011a: 89–93). One relates to the expenditure of public funds in terms of the UISP. The programme expressly empowers the state to purchase or expropriate land, rehabilitate land that may be considered unsuitable for conventional low-income housing development, and install interim services pending the decision to upgrade an informal settlement. However, municipalities and provinces often feel constrained by fiscal frameworks prohibiting 'wasteful and inefficient expenditure', in that the provision of a lower standard of services as an interim step toward the installation of permanent services is viewed as an unnecessary or inefficient use of resources. Municipalities therefore struggle with what they see as a contradiction between many of the provisions in the UISP, and an overarching duty to spend resources wisely (Huchzermeyer, personal communication, 21 May 2013). Municipalities often appear to think that initiating and implementing the UISP (thereby accepting an obligation to provide improved tenure rights and interim services) *before* the geotechnical and other studies outlined in Phase 1 have taken place, is problematic and could amount to wasteful and

inefficient expenditure. Municipalities and provinces therefore generally refrain from incremental upgrades, preferring instead to leap straight from 'pure' informality (with no tenure rights, no services and no formal structures) to 'pure' formality (with full ownership rights, formal bulk infrastructure and services, and formal top structures). In adopting this approach, municipalities are reluctant to depart from tried and trusted standard layouts, tenure models and modes of delivery of basic services. In the process little regard is paid to the actual needs and aspirations of informal settlement communities.

Another ambiguity is found in the wording of the Outcome 8 human settlements delivery agreement (DHS, 2010), which set a target to 'upgrade 400 000 households in well-located informal settlements' by 2014. The phrase 'well-located' has given rise to controversy, as it is uncertain whether the informal settlements targeted under this delivery agreement should be 'well-located' for the residents of the informal settlements or for the state. The phrase also seems to act as a qualification criterion for implementation of the UISP and therefore raises questions about what happens to informal settlements that do not form part of a provincial or municipal upgrading programme.

What is clear, however, is that the UISP is characterised by a delicate balance of prescriptive and flexible provisions, which are meant to create a responsive framework capable of providing tailor-made solutions to the different needs of informal settlements.

Informal settlement cases in the courts

Over the years, the South African courts have played an important role in fleshing out the obligations of the state in relation to informal settlement upgrading, and elaborating on guiding principles relating to implementation. Most informal settlement cases are defensive in nature, initially brought as challenges to eviction or relocation (*Abahlali*; *Joe Slovo*; *Nokotyana*), and not dealing directly with the UISP (except *Beja*). This is unsurprising given the almost non-existent implementation of the UISP over the years. Nonetheless, the jurisprudence has highlighted a number of fault-lines in the way government approaches informal settlements, and has laid the foundation for a rights-based approach to upgrading.

Importantly, it was the landmark *Grootboom* judgment in 2000 that precipitated the adoption of a new housing policy direction in 2004 (*Grootboom*, 2001). In *Grootboom*, the Constitutional Court held that the core requirement for the fulfilment of the right to housing is that the state develops a 'reasonable' housing policy or programme. According to the court, a reasonable housing policy must be comprehensive, coherent, flexible and effective; have due regard for the socio-economic context of poverty and deprivation; take into account the availability of resources; take a phased approach, including making provision for short-,

medium- and long-term needs; allocate responsibilities clearly to all three spheres of government; respond with care and concern to the needs of the most desperate; and be free of bureaucratic inefficiency or onerous regulations (*Grootboom* 2011: paras 39, 42, 43, 44, 45 and 99; Wilson, 2009: 270–290). In particular, a reasonable state housing policy should assist the most desperately in need. In response to the *Grootboom* judgment, the state published a revised Code in 2004, which included two crucial components, namely, the EHP in Chapter 12 and the UISP in Chapter 13.

This section of the chapter examines four additional cases—*Joe Slovo*, *Abahlali*, *Nokotyana* and *Beja*—that outline the current jurisprudence relating to informal settlements and upgrading. These cases also provide insight into what precipitated the communities concerned to turn to litigation, and what happened as a result of taking the cases to court.

Joe Slovo

The *Joe Slovo* case involved the attempted large-scale relocation of residents of Joe Slovo informal settlement in Cape Town to the peripheral town of Delft to make way for the N2 Gateway housing project, one of the flagship pilot projects commissioned in terms of the BNG plan. The residents resisted the relocation on multiple grounds, arguing that their relocation was not a reasonable state response to progressively realise the constitutional right of access to adequate housing (*Joe Slovo*, 2010: para 15). The residents argued that the relocation would have been contrary to the inclusive, phased approach advocated for in the housing policy and would result in a community being moved away from livelihood opportunities, social networks and amenities (*Joe Slovo*, 2010: para 183; Chenwi, 2012: 554; Tissington, 2011a: 48–51).

The Constitutional Court confirmed that the state's housing policy was predominantly focused on 'eradicat[ing] informal settlements over time, through *in-situ* upgrading of informal settlements and the relocation of households where development is not possible or desirable' (*Joe Slovo*, 2010: para 228). They affirmed that the UISP gives effect to the national policy objective to facilitate the upgrading of informal settlements with minimal relocation (paras 201 and 258).

However despite this nod to *in situ* informal settlement upgrading, the court authorised the residents' eviction, arguing that courts should be deferential to the range of reasonable housing options the state may choose to implement (paras 115, 250, 253 and 295). The court stated that although it may be difficult to conclude that an eviction that relegates poor residents to the periphery of the city could be just and equitable, the courts should not overstep their institutional role by telling the state how it should upgrade an area. In ordering the eviction, the court adopted an approach that is starkly at odds with its previous jurisprudence in the *Olivia Road* (*Olivia Road*, 2008) case, where it stated that it would be reluctant to authorise an eviction in instances where no meaningful engagement had taken place (Tissington, 2011a: 48).

Indeed, the *Joe Slovo* judgment underscores the importance of meaningful engagement, especially when relocation or eviction is pursued to facilitate a housing project. The majority of the court criticised the insufficient state engagement with the community (*Joe Slovo*, 2010: paras 302–303 and 378). In particular, Sachs J denounced the top-down approach to engagement adopted by the state, in terms of which state officials would unilaterally make decisions without consultation or inclusion of the community (*Joe Slovo*, 2010: para 378; Chenwi, 2012: 557). However the court ultimately found that these deficiencies did not mean that the relocation could not go ahead, and it appears that the desirable end goal of a flagship housing development overshadowed the lack of meaningful engagement. According to Yacoob J, while 'it would have been ideal for the state to have engaged individually and carefully with each of the thousands of families involved' the court also accepted that reasonableness involves 'realism and practicality' (*Joe Slovo*, 2010: para 117).

What the court did do was to make the relocation to the temporary residential units in Delft subject to a set of strict requirements, including setting out the specifications and nature of the temporary accommodation (size, construction materials, provision of basic services, etc) as well as a detailed timetable for the relocation (*Joe Slovo*, 2010: paras 5 and 7). The court further ordered that the state had to meaningfully engage on a range of issues related to the relocation, stipulating that consultations should be held in relation to individual relocations of households, having due regard to their personal circumstances; the time, manner and conditions of the relocation; the provision of transport; and information about the current position of individual residents on the housing waiting list (para 7).[115]

The *Joe Slovo* judgment, however, was never implemented. In 2009, the Constitutional Court issued another order suspending the eviction. This occurred after the newly elected Western Cape Member of the Executive Council (MEC) for Housing approached the court with 'grave concerns' that the 'massive relocation' might end up costing more than it would cost to upgrade the settlement (Tissington, 2011a: 51). This sea change raises a number of questions about the motivations behind the state's vehement denial that *in situ* upgrading was possible at the Joe Slovo settlement and the court's deferential attitude toward the state (Chenwi, 2012: 557). It further highlights the true cost of relocating people to far-flung areas where their livelihoods and access to social amenities and transport are compromised.

Since the suspension of the eviction, a process of upgrading the informal settlement in a less invasive and more inclusive manner has taken place (Chenwi,

---

115 The *Blue Moonlight* judgment (*Blue Moonlight*, 2012) confirmed that local government must provide alternative temporary accommodation in cases where private owners seek evictions that may lead to homelessness, and that there is an obligation on local government to proactively plan to provide this emergency housing.

2012: 557–558). This is not to say that there have been no challenges with this process. However, without the legal challenge by the Joe Slovo residents, a mass eviction would most likely have taken place and the important partnerships that have formed relating to informal settlement upgrading would not have occurred.

Abahlali

Another important case to come before the Constitutional Court was the *Abahlali* case (*Abahlali*, 2010). This case concerned a legal challenge to the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act, No. 6 of 2007 (the Slums Act). Abahlali baseMjondolo (Abahlali), a shack dwellers' social movement based in Durban, was concerned about the potentially severe consequences this provincial legislation would hold for those living in informal settlements without security of tenure. These fears were based on the mass slum clearances undertaken in Durban over the years, all without a court order (COHRE, 2008). The proposed legislation clearly had the potential to lead to mass homelessness. As a result of these reservations, Abahlali opposed the legislation before it was enacted, raising a number of fundamental concerns at the public hearings (Huchzermeyer, 2011: 205–211). Despite these genuine attempts at participation, the provincial legislature consistently refused to alter its position or even acknowledge the issues raised by Abahlali (Huchzermeyer, 2011: 209–210).

The Slums Act was brought into force and, left with no other form of recourse, Abahlali approached the courts in an attempt to have section 16 of the Act declared unconstitutional. This section empowered the KwaZulu-Natal MEC for Housing to direct private owners of unlawfully occupied land to institute eviction proceedings within a certain period on notice in the provincial gazette. If owners were unwilling to do so, the municipality would be compelled to bring eviction proceedings on its own accord. There were also fines attached to a failure to institute eviction proceedings.

The Constitutional Court found section 16 of the Act to be inconsistent with the right of access to adequate housing on three grounds. First, the provision precluded meaningful engagement, which is an essential component of the housing process and has been read into section 26 of the Constitution (*Abahlali*, 2010: paras 113–115; Chenwi, 2012: 560–561). The court determined that if engagement took place *after* a decision to evict or relocate had already been taken, such engagement would not be genuine (*Abahlali*, 2010: paras 69 and 120). Moreover, the court found that proper engagement includes a comprehensive assessment of the needs of the affected community (paras 114 and 126). This means that the requirement to meaningfully engage is crucial in determining whether an eviction is just and equitable (Chenwi, 2012: 561). Second, the court found that the provision violated the principle that evictions or relocations should only be considered a measure of last resort. Effectively, this means that the possibility of *in situ* upgrading of an

informal settlement must be considered before the state can resort to evictions or relocation (*Abahlali*, 2010: paras 114 and 126; Chenwi, 2012: 560). The third ground on which section 16 was found to be constitutionally invalid was that it undermined security of tenure by allowing eviction proceedings to be instituted without the safeguards contained in the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, No. 19 of 1998 (*Abahlali*, 2010: paras 102, 113, 114, 115 and 118; Chenwi, 2012: 560).

Importantly, the judgment affirmed Abahlali's interpretation of the Slums Act and meant that a repressive and constitutionally inconsistent piece of legislation is inoperable and would not be replicated in other provinces (*Abahlali*, 2010: para 126; Chenwi, 2012: 561–562).

Nokotyana

In the *Nokotyana* case (*Nokotyana*, 2010), the Ekurhuleni Metropolitan Municipality sought to relocate a community living in the Harry Gwala informal settlement. The community mobilised in an attempt to resist the relocation, demanding instead that the settlement be upgraded *in situ*. The municipality persistently refused to consider upgrading the settlement by raising numerous frivolous excuses, each of which was rebutted by the community and their legal representatives (Huchzermeyer, 2011: 227–228). The municipality also refused to provide the community with information relating to the land ownership and boundaries. After exhausting all excuses and maintaining a prolonged exclusion of residents from municipal decision-making processes, the municipality stated that it would consider the feasibility of *in situ* upgrading. However, it later appeared that the Gauteng province and the municipality sought rather to formalise the existing land by building a few hundred houses, which would accommodate only a small portion of the residents, displacing the majority (Huchzermeyer, 2011: 229–230). The municipality thus had no intention of upgrading the informal settlement in accordance with the needs of the community.

As a result of this clear disregard for their needs, and without clarity on how long the province would take to make a determination on the feasibility of *in situ* upgrading, the occupiers decided to approach the court for interim relief. They applied for the provision of interim services pending the province's decision. This application was based on the right of access to housing, the Water Services Act No. 108 of 1997, the EHP and the UISP. Presumably due to the pressure of litigation, the municipality revisited its budget and offered to provide one chemical toilet for every ten informal settlement households (1:10) across its jurisdiction. The national and provincial governments also offered more funding to enable the municipality to provide one chemical toilet for every four informal settlement households (1:4), stating that this was motivated by the long delay in reaching a decision on the feasibility of upgrading (*Nokotyana*, 2010: para 53). This offer was made on the condition that the circumstances of the occupiers were unique and that analogous

offers could not be made to similarly situated communities (para 53). The municipality rejected this offer, claiming that it would amount to unfair discrimination against other communities within its jurisdiction (para 53). The Harry Gwala occupiers argued that both these offers infringed their dignity and that one chemical toilet for every household (or at least every second household) was more appropriate.

The Constitutional Court agreed with the municipality, finding in November 2009 that the circumstances of the occupiers were not 'exceptional and unique' (para 54). Consequently, the court considered it inappropriate to distinguish the occupiers from other similarly situated communities, effectively barring the occupiers from benefiting from the provincial offer. This decision has been subject to considerable criticism (Bilchitz, 2010; Kapindu, 2010). Kapindu (2010: 219) argues that when it comes to the realisation of the right to adequate housing, the constitutional structure does not prohibit 'differential provision for different communities'. He argues (2010: 219) that this is inherent in the objective of progressive realisation, which 'will entail that, in some circumstances, different categories of people, or communities, would move towards the full realisation of the rights at different rates'. These arguments are particularly relevant in the face of the context-sensitive approach to upgrading advocated in the UISP, and questions of equity in relation to the upgrading of informal settlements.

The court further declined to order the provision of interim services on the basis that neither the EHP nor the UISP were applicable to the settlement, since no decision to upgrade the settlement had been taken and the community was not in an emergency situation (*Nokotyana*, 2010: paras 37–45). The community was effectively in basic services 'limbo' until such time as upgrading was officially authorised (*Nokotyana*, 2010: para 58). The court, however, lambasted the province's three-year delay in conducting a feasibility study to determine whether the settlement could be upgraded, declaring the delay unreasonable and unconstitutional, and ordering the province to make a decision within 14 months of the order (paras 55–57). The court's failure to definitively address the plight of the community in this period of 'limbo' was, however, a missed opportunity.

According to Moray Hathorn, the attorney for the residents, while the court ordered that the feasibility of *in situ* upgrading be explored, the municipality only investigated the feasibility of a formal low-income housing development on a portion of the land occupied by the settlement (Hathorn, personal communication, 29 May 2013). In 2006 a plan for 389 stands had been designed by consultants appointed by the provincial government (the plan acknowledged that there were over 2 000 households in the settlement at the time). The new study produced by the state after the court order effectively provided the same layout for 389 Reconstruction and Development Programme (RDP) houses or for a larger number of flats based on the same design (Huchzermeyer, 2011: 240–242).

According to Hathorn, these designs take no cognisance of the existing layout at the settlement, which is 'quite orderly and imminently upgradeable *in situ*', and show the unwillingness of the municipality to depart from the initial plan for formalisation of the settlement (personal communication, 29 May 2013). According to Huchzermeyer (2011: 241), this is despite

> a national upgrading target, a National Upgrading Support Programme, conditions within Harry Gwala that are favourable to *in situ* upgrading, a statement in the *Abahlali* ruling that relocation of any informal settlement be treated as a last resort, and an order from the Constitutional Court that a decision be reached on the feasibility for upgrading in terms of Chapter 13 of the Housing Code.

According to Hathorn, 'this sustained lack of will' to consider upgrading 'has considerably undermined the community's belief in the option of *in situ* upgrading, even after they have gone through a participatory exercise of coming up with an *in situ* plan for their community' (personal communication, 29 May 2013). Since the judgment, the community, together with urban planning practitioners and academics, has developed an alternative upgrading plan for the settlement and has attempted to engage with the government over its implementation (Kornienko, 2014: 13–14).

The *Nokotyana* case is illustrative of the number of intersecting problems facing communities seeking upgrading of their informal settlements. The case shows how communities are excluded from decision-making processes, and demonstrates the state's persistent avoidance of informal settlement upgrading (Chenwi, 2012: 541; Kornienko, 2014: 14–15). It further shows how the demands and actions of informal settlement communities are often more in line with national housing policy than are those of municipal or provincial government.

Beja

One of the only judgments to deal directly with the implementation of the UISP is the *Beja* case (*Beja*, 2011), handed down in the Western Cape High Court in 2011. This case focused on the importance of consultation with communities during decision-making in relation to upgrading, and highlighted the delicate, yet clear, balance of prescriptive and flexible provisions in the UISP. In 2010 an official complaint was lodged with the South African Human Rights Commission (SAHRC) by the African National Congress Youth League (ANCYL) in relation to 51 unenclosed waterborne toilets that were built at Makhaza in Khayelitsha under the auspices of the 2004 UISP. The SAHRC investigated the complaint and published a report finding that the City of Cape Town had violated the residents' right to human dignity. The municipality attempted to appeal the decision internally; however the appeal was dismissed (Tissington, 2011b: 46).

In light of the findings of the SAHRC, an application was filed by the residents in the Western Cape High Court requesting an order that declared that the unenclosed

toilets violated their rights to dignity, privacy and various other human rights. In response, the municipality argued that the decision to provide unenclosed toilets emanated from an agreement reached with the community in terms of which the municipality would provide a toilet for each household (1:1), while the residents would be responsible for enclosing the toilets.

After an *in loco* inspection of the site, the judge made an interim order for the municipality to enclose the open toilets (Tissington, 2011b: 46). In early 2011, a judgment was handed down placing considerable emphasis on the importance of community participation in decision-making in informal settlement upgrading projects. According to the court, the Housing Act and the UISP envisage an inclusive and participatory relationship between communities and municipalities (*Beja*, 2011: paras 53–67). The court underscored the importance of meaningful engagement as an essential component of the right to housing. This aspect of the court's reasoning was prevalent in its analysis of the enforceability of the alleged agreement between the municipality and the community. In this regard, the court stated that, supposing such agreement could be proven, there were significant substantive and procedural impediments to enforcing the agreement. At a procedural level, the short notice of the meeting (four days), the low percentage of residents in attendance at the meeting (significantly less than 1 per cent of the community), the fact that sanitation had not even been on the agenda for the meeting and that no minutes were recorded, as well as the fact that the toilets were installed two years after this meeting, meant that the agreement failed to give adequate expression to the participative spirit of the UISP (*Beja*, 2011: paras 80–83). According to the court, in order for a similar agreement to be legally enforceable it would have to meet certain requirements:

- it would have to be concluded with a duly authorised representatives of the community
- it would have to be concluded at a properly minuted and publicised meeting with sufficient notice to enable representatives to obtain a mandate from the community
- there should be a process of information sharing and technical support
- the agreement may not circumscribe the rights of minorities in the community (*Beja*, 2011: paras 98–99).

At a substantive level, the court determined that the agreement failed to adhere to the reasonableness standard posed by the constitutional right to housing, in that it did not consider the impact on vulnerable members of the community, particularly in relation to safety and security concerns and implications for those with disabilities (*Beja*, 2011: para 102). The *Beja* judgment therefore encourages co-production as a mechanism for informal settlement upgrading, while highlighting that any such measures would be subject to various procedural and substantive requirements

that may be satisfied through an inclusive and participatory engagement process with the community.

The *Beja* judgment also has a number of important policy implications. With regard to the adequacy of sanitation provided at the settlement, the municipality defended its actions by arguing that it had provided the unenclosed toilets in addition to pre-existing enclosed communal toilets. It reasoned that by providing one communal toilet for every five households (1:5), it had provided the minimum sanitation identified in the EHP, and had fulfilled its obligations towards the residents (*Beja*, 2011: para 107). The court strongly disagreed with this argument, stating that the emergency housing standards were substantially lower than those applicable to permanent or long-term projects that could be implemented after the benefit of planning (para 114). This meant that the national norms in terms of the EHP did not apply to the UISP, but that these norms could serve as guidelines (para 115). The court found that the municipality's attempt to 'cross-pollinate' from the EHP was 'entirely inconsistent' with the UISP, which had vastly different objectives and sought to provide permanent services to informal settlements (para 115).

The court declared that the unenclosed toilets infringed a number of fundamental rights, including the right to human dignity, the right to freedom and security of the person, the right to privacy and the right to housing (*Beja*, 2011: paras 149–150). The *Beja* case therefore unequivocally affirms that the upgrading of informal settlements has to be viewed through a rights-based lens and that non-compliance with fundamental rights or procedural requirements to meaningfully consult communities could lead to the invalidation of a project as a whole.

Implications for informal settlement upgrading

Some important implications for informal settlement upgrading can be drawn from the cases outlined above. The case law is clear that community participation in decision-making and 'meaningful engagement' should form the cornerstone of any informal settlement upgrading project. Any engagement should be based on a detailed needs assessment of the occupiers after both collective and individual consultation, and should take place at every stage of development (*Abahlali*; *Beja*; *Joe Slovo*). Moreover, engagement should be genuine, which means that a top-down approach, in terms of which the state would unilaterally make decisions and inform the community thereof, would be insufficient (*Abahlali*; *Joe Slovo*).

Courts have unequivocally affirmed the principle laid down in state policy that eviction or relocation from informal settlements should only be considered as a last resort, in circumstances where upgrading would be impossible or highly undesirable (*Abahlali*; *Joe Slovo*). In instances where a court considers an eviction or relocation just and equitable, the state would be compelled to provide temporary alternative accommodation and engage meaningfully on an individual basis about the consequences and timing of the relocation (*Joe Slovo*). The *Joe Slovo* case has

shown that when the actual socio-economic costs of relocation are factored in, *in situ* upgrading potentially turns out to be a more feasible option.

The cases also highlight the importance of adopting a context-sensitive approach to both upgrading, as advocated in the UISP, and questions of equity in relation to the upgrading of informal settlements (*Nokotyana*). The alienation of communities who want informal settlement upgrading is a worrying development that needs to be addressed. Finally, as the court indicated in the *Beja* case, the conceptualisation and implementation of informal settlement upgrading projects must be considered from a rights-based perspective. This means that all upgrading projects should affirm and further the rights contained in the Constitution, not only those concerning access to basic services and housing but also the rights to human dignity, freedom and security of the person, and privacy.

Conclusion: Litigation as a tool

The analysis above shows how litigation as a tool has been employed to resist state relocations and evictions, and has catalysed communities to push for implementation of the UISP. It has also played an important role in advancing the upgrading agenda. Informal settlement communities have engaged in important partnerships with lawyers and legal NGOs over the years, which have led to some fruitful collaborations and outcomes (*Joe Slovo*; *Nokotyana*). The formation of these partnerships does not necessarily preclude the involvement of other stakeholders, including government (there are a number of examples of these kinds of collaborations); however, the effective absence of government, and the dearth of spaces where residents of informal settlements can influence decision-making that affects their lives, has meant that litigation is often the only option available to informal settlement residents. In fact, litigation has, on occasion, created the space for the contested interests involved in informal settlement upgrading to be exposed and, in certain instances, resolved.

Partnerships formed around litigation have strengthened the ability of communities to negotiate practical solutions that better suit their needs and, if strategically composed, also offer an opportunity to influence decision-makers more broadly. This is what the Joe Slovo community did when it resisted relocation to Delft, what Abahlali did when they challenged the Slums Act, and what Harry Gwala residents did when they pushed for upgrading.

National initiatives that have precipitated the development of provincial and municipal upgrading programmes are encouraging. However lack of political will at the local and provincial level could result in a lack of implementation. There is currently litigation challenging attempts to relocate informal settlement communities (for example, Slovo Park in Johannesburg) without a proper consideration of *in situ* upgrading. There is also the possibility of future litigation in relation to irresolvable disputes raised during the implementation of specific projects, and the need for courts to clarify any legal or policy ambiguities on a case by case basis.

However, if the state and its agents adhere to the important principles and lessons emanating from past litigation experiences and court judgments—which emphasise meaningful engagement, relocation as a last resort and incremental development—these legal interventions will hopefully be kept to a minimum.

References

Abahlali (*Abahlali baseMjondolo Movement SA and Another* v *Premier of KwaZulu-Natal and Others*) 2010 (2) BCLR 99 (CC).

Beja (*Beja and Others* v *Premier of the Western Cape and Others*) 2011 (10) BCLR 1077 (WCC).

Bilchitz, D. 2010. 'What is reasonable to the court is unfair to the poor'. *Business Day*, 16 March. Available at: www.businessday.co.za/articles/Content.aspx?id=103707, accessed 16 March 2010.

Blue Moonlight (*City of Johannesburg Metropolitan Municipality* v *Blue Moonlight Properties 39 (Pty) Ltd and Another*) 2012 (2) SA 104 (CC).

Brand, D. 2011. 'Judicial deference and democracy in socio-economic rights cases'. *Stellenbosch Law Review*, 22 (3): 614–638.

Chenwi, L. 2012. 'Legislative and judicial responses to informal settlements in South Africa: A silver bullet?' *Stellenbosch Law Review*, 23 (3): 540–563.

COHRE (Centre on Housing Rights and Evictions). 2008. *Business as Usual? Housing Rights and 'Slum Eradication' in Durban, South Africa*. Durban: Centre on Housing Rights and Evictions.

Dawson. H. 2014. 'Patronage from below: Political unrest in an informal settlement in South Africa'. *African Affairs*, 113 (453): 518–539.

DH (Department of Housing). 2004. Chapter 13: Upgrading of Informal Settlements. Part 3: National Housing Programmes. National Housing Code. Pretoria: Department of Housing.

DHS (Department of Human Settlements). 2009. *National Housing Code: Volume 4: Part 3: Upgrading of Informal Settlements Programme*. Pretoria: Department of Human Settlements.

DHS. 2010. Annexure A—For Outcome 8 Delivery Agreements: Sustainable Human Settlements and Improved Quality of Household Life. Pretoria: Department of Human Settlements.

Grootboom (*Government of the Republic of South Africa and Others* v *Grootboom and Others*) 2001 (1) SA 36 (CC).

Huchzermeyer, M. 2011. *Cities with 'Slums': From Informal Settlement Eradication to a Right to the City in Africa*. Cape Town: UCT Press.

Joe Slovo (*Residents of Joe Slovo Community, Western Cape* v *Thubelisha Homes and Others*) 2010 (3) SA 454 (CC).

Kapindu, R.E. 2010. 'The desperate left in desperation: A court in retreat—*Nokotyana* v *Ekurhuleni Metropolitan Municipality* revisited'. *Constitutional Court Review*, 3: 201–222.

Kornienko, K. 2014. 'Waiting, hope, democracy, and space: How expectations and socio-economic rights shape two South African urban informal communities'. *Journal of Asian and African Studies.* doi: 10.1177/0021909614560243.

McLean, K. 2006. 'Housing'. In: Woolman, S., Roux, T., Klaaren, J., Stein, A., Chaskalson, M. & Bishop, M. (Eds.), *Constitutional Law of South Africa* (2nd edition). Cape Town: Juta.

Nokotyana (*Nokotyana and Others* v *Ekurhuleni Metropolitan Municipality and Others*) 2010 (4) BCLR 312 (CC).

Olivia Road (*Occupiers of 51 Olivia Road, Berea Township and 197 Main Street, Johannesburg* v *City of Johannesburg and Others*) 2008 (3) SA 208 (CC).

Pithouse, R. 2009. 'A progressive policy without progressive politics: Lessons from the failure to implement "Breaking New Ground"'. *Town Planning Journal*, 54: 1–14.

SERI (Socio-Economic Rights Institute of South Africa). 2014. *Community Practice Notes: Informal Settlement Series*. Johannesburg: SERI.

Tissington, K. 2011a. *A Resource Guide to Housing in South Africa 1994–2010: Legislation, Policy, Programmes and Practice*. Johannesburg: Socio-Economic Rights Institute of South Africa.

Tissington, K. 2011b. *Basic Sanitation in South Africa: A Guide to Legislation, Policy and Practice*. Johannesburg: Socio-Economic Rights Institute of South Africa.

Wilson, S. 2009. 'Breaking the tie: Evictions from private land, homelessness and the new normality'. *South African Law Journal*, 126 (2): 270–290.

Chapter 21

Between a shack and an RDP house: Managed land settlement

Ronald Eglin and Mike Kenyon

Low-income households in need of housing have two options to obtain a house: they can wait for the state to build them one—which can take years—or they can take matters into their own hands and invade land, build their own house and hope to stay there for as long as possible.

Between 1994 and 2014 the South African state provided 3.7 million housing opportunities, but, despite this impressive achievement, the housing backlog still managed to increase from 2.1 million houses in 1994 to 2.3 million in 2014 (Sisulu, 2014).

The National Upgrading Support Programme (NUSP) estimated that to provide 1.2 million households (the estimated number of households living in informal settlements based on the 2007 statistics) with the standard Reconstruction and Development Programme (RDP) housing package (a 40 m² top structure on a 250 m² serviced site plus 30 per cent for roads and amenities) would require a budget of R92,4 billion, equivalent to over 70 per cent of the total national housing or human settlement budget between 2009 and 2015 (National Upgrading Support Programme, n.d.).

More options need to be made available for the supply of land and housing between the two extremes of land invasion and a fully packaged RDP house. The incremental settlement (IS) approach is one such option; it involves a process whereby settlements are not created all at once but are rather developed step by step over time. This contrasts with the conventional RDP housing approach in which the state installs the services, provides title deeds and builds a house all at once, and then beneficiaries move into a completed house.

We suggest that there are two broad approaches to IS. The first approach starts from a situation where people have already occupied land and then this settlement is incrementally upgraded over time. This is called *in situ* informal settlement upgrading (ISU) and is a widespread and accepted approach. The second approach to IS starts with an open or 'greenfield' piece of land on which people move onto a (perhaps only minimally) prepared site, and incrementally develop this land over time. This we call managed land settlement (MLS).

The state, through its Informal Settlement Upgrading Programme (DHS, 2009) is giving significant attention to the ISU approach to IS. We suggest here that not enough attention is being given to the greenfield or MLS approach to IS. Greenfield development is generally assumed to be of the complete packaged RDP housing type.

This chapter starts by explaining what IS, and MLS in particular, is all about and in which situations it is suitable. It then looks at previous examples where MLS-like approaches have been used, to show that this approach is in fact nothing new. The iCwili Phase 2 pilot project implemented by Afesis-Corplan is used as a case study to identify some of the issues that emerge when implementing an MLS approach.

Broad lessons for future practice are analysed, concerning how MLS relates to an incremental approach, to participation and partnerships, as well as to active citizenship, a capable state and good leadership. Some implications of the MLS approach's potential to inform possible future housing policy, with respect to accessing land, accommodating informality and supporting self-build options, are explored.

An overview of the managed land settlement approach

MLS occurs where rudimentary services are provided on a greenfield portion of land, and when households are allowed to settle on this land as a first step towards future upgrading and improvement. MLS needs to be understood as a process that continues into the future—it is not a once-off event (Incremental settlement, n.d.).

The MLS process can be broken down into a number of phases, as outlined in Figure 21.1(a–e). This MLS approach, with slight adaptations in the ordering of steps, can also be used in ISU. The main difference is that, in the ISU approach, people would have moved onto the land before the basic products are planned and provided (see Figure 21.2(a–e)).

An advantage of the existing ISU approach to incremental settlement is that it addresses the housing needs of people where they are, on land that they themselves have identified and occupied. This is often well-located land close to perceived employment, education and other opportunities. However, people in existing informal settlements are not the only people in need of land and housing. There are many contexts where the MLS approach would be appropriate, including, for example:

- the relocation of some people from informal settlements that are being upgraded where they cannot all be accommodated on the land they already occupy for environmental and other reasons, and where de-densification is needed to make the settlement more liveable
- where people are living in backyard shacks and overcrowded rooms in existing houses
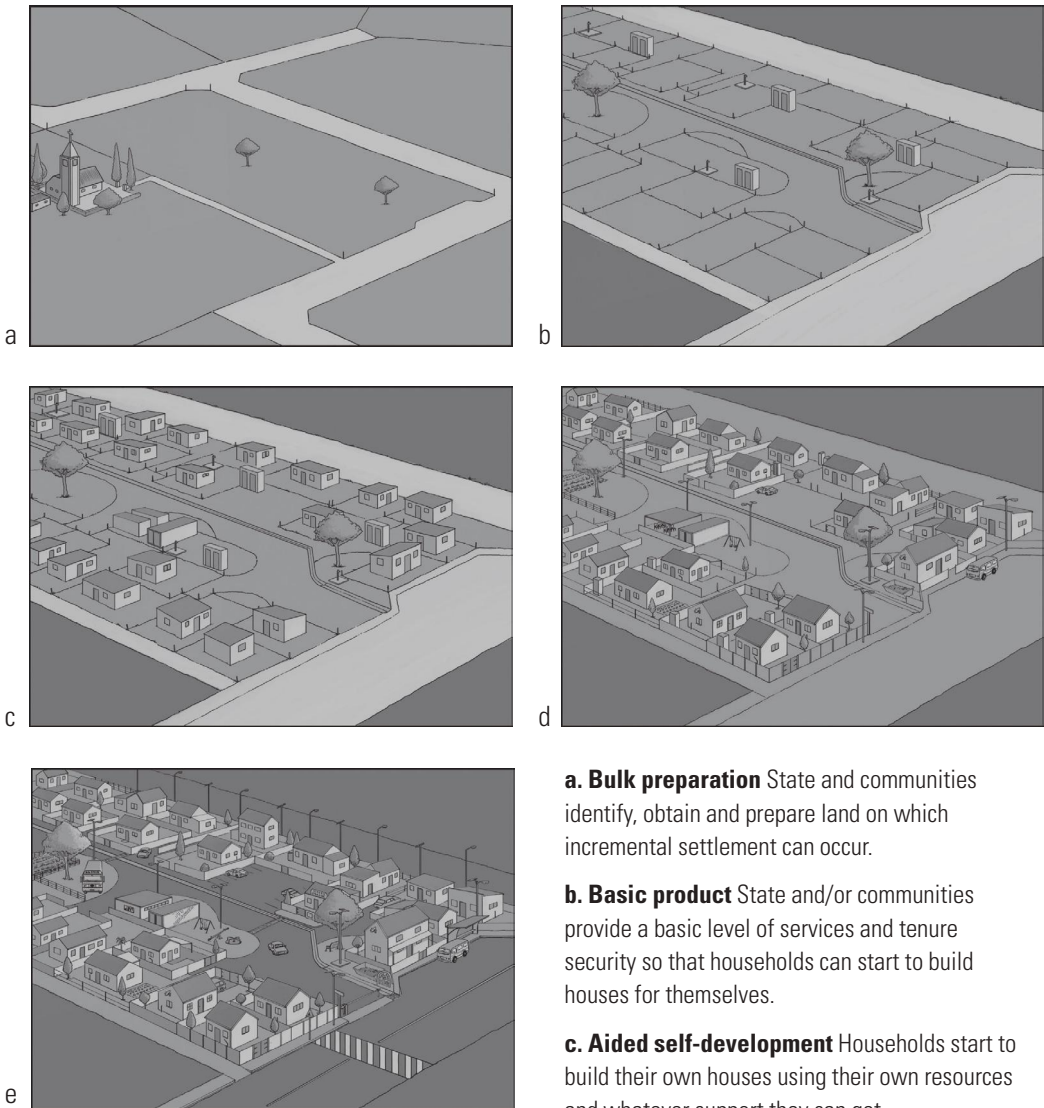
a. Bulk preparation State and communities identify, obtain and prepare land on which incremental settlement can occur.

b. Basic product State and/or communities provide a basic level of services and tenure security so that households can start to build houses for themselves.

c. Aided self-development Households start to build their own houses using their own resources and whatever support they can get.

d. **Incremental upgrade** State and others help households to upgrade their tenure security, level of services and houses.

e. Maintenance and improvement Households, communities and state continue to maintain and improve their houses and neighbourhoods.

Figure 21.1: 'Greenfield' managed land settlement
Source: Afesis-Corplan; graphics by David Edwards, artcore.co.za.
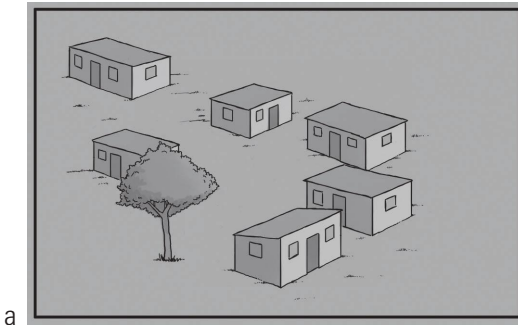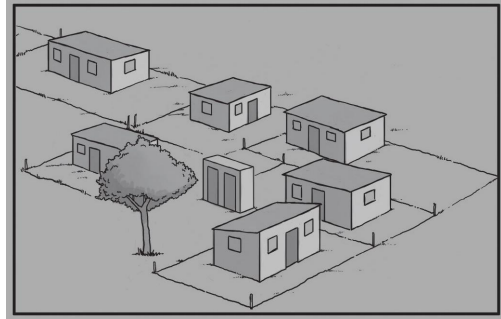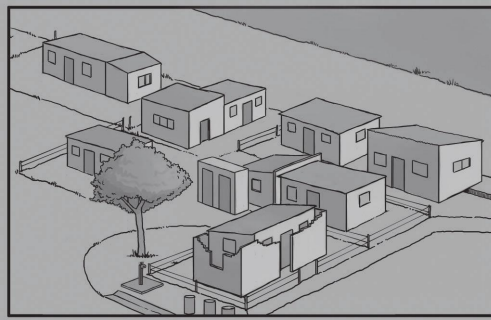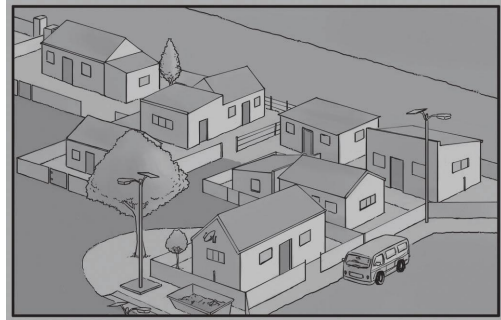
a. Existing shacks State and communities identify and negotiate where informal settlements will be upgraded.

b. Basic product State and/or communities provide a basic level of services and tenure security so that households can start to improve the houses they have already built for themselves.

c. Aided self-development Households continue to improve their own houses using their own resources, with whatever support they can get.

d. Incremental upgrade State and others help households to upgrade their tenure security, level of services and houses.

e. Maintenance and improvement Households, communities and state continue to maintain and improve their houses and neighbourhoods.

Figure 21.2: *In situ* informal settlement upgrading
Source: Afesis-Corplan; graphics by David Edwards, artcore.co.za.

- where extended families are being split up and where youngsters grow up and need their own housing[116]
- where people move from rural areas to urban or other areas of greater perceived opportunity
- for people immigrating from other countries where the provision of a basic product, including a basic occupational right, does not require the state to engage with the issue of providing foreigners with title deeds and a housing subsidy for a top structure.

Furthermore, some communities and commentators have complained that a focus on ISU incentivises and supports people who have illegally occupied land, while those people who have followed the law and not invaded land are ignored (interview with Councillor Gomba, Buffalo City Metropolitan Municipality, 24 May 2013; Mteteleli Pobana, FEDUP, personal communication, 5 October 2012). For this reason, and to address the needs of households described in the list of examples above, far more attention needs to be given to accommodating people in greenfield situations.

Previous managed land settlement experiences

The MLS approach is not new. Research commissioned by Afesis-Corplan (a non-governmental organisation based in East London) and Urban LandMark (NPM Geomatics 2010) looked at five examples where MLS-like approaches had been conducted in the past:

- The Incremental Housing Cluster, implemented by the Gauteng Department of Housing from 1994 to 2003, involved three programmes: 'the Mayibuye Programme, which aimed to release serviced sites for settlement purposes; the Essential Services Programme, which provided upgraded services to Mayibuye sites, and in some instances also provided top structures; and the People's Housing Process which was intended as the programme through which top structures would be provided to beneficiaries of the Mayibuye Programme' (NPM Geomatics, 2010: 4).
- The 4-Peg Policy was implemented by the Port Elizabeth Municipality, also over a period of approximately nine years from the early 1990s. As part of the 4-Peg policy, people were quickly settled onto sites with very rudimentary services while waiting for the full township establishment and servicing processes to be finalised (NPM Geomatics, 2010: 20).

---

116 The average size of households decreased from 4,4 persons in 1996 to 3,2 persons in 2006 (Van Zyl et al, 2008: ii).

- The Accelerated Managed Land Settlement Programme was implemented by the Cape Town Metropolitan Municipality from 1999 to 2005. According to NPM Geomatics, '[t]his programme was a response to Emergency Housing needs within the Cape Metro area. The programme used Regional Services Council levies as bridging finance for the provision of land and basic services, that were repaid once housing subsidies were obtained from the provincial Department of Housing' (2010: 34).
- The Bardale Housing Project was started by the City of Cape Town in 2007 and is still ongoing. NPM Geomatics notes that '[a]lthough this project is a one-off project, and not a programme like the other four case studies … it uses the existing financial mechanisms of the Emergency Housing Programme and the Upgrading of Informal Settlements Programme to implement an incremental solution to emergency housing and informal settlement upgrades in Cape Town' (2010: 70).
- The Rural Housing Policy, as it was being implemented in the Eastern Cape in 2010, provided a wide range of options for the use of the subsidy, although the implementation thereof was often very similar to that of any other housing subsidy (2010: 49).

While not subject to any formal review or assessment, the then Department of Land Affairs (DLA) assisted a number of municipalities in the Eastern Cape with IS, as these municipalities battled to forge innovative ways to address the settlement backlog within the constraints of housing policy in the late 1990s and early 2000s. In most of these cases, the DLA provided funds for basic planning, services and in some cases also land acquisition, on the condition that costs per erf and beneficiary funded by the DLA were registered on the national housing database.[117]

The site-and-service approach adopted by the Independent Development Trust (IDT) in the early 1990s can also be seen to be in line with this incremental approach.[118] The recent interest of the government of the Western Cape province in site-and-service approaches shows that other institutions are also looking at using incremental approaches (WC, 2013: 16).

In the site-and-service approach, as implemented by the IDT (and others), the provision of the serviced site has often been viewed as the beginning and end of the

---

117 Co-author Mike Kenyon was a senior manager in the DLA at the time and was personally involved in this approach.

118 Co-author Ronald Eglin was a projects coordinator at Afesis-Corplan at the time and was personally involved in IDT projects such as Scenery Park in East London.

project.[119] IS approaches, on the other hand, see the provision of the basic product—ie a (basic) serviced site—as just the start of a longer-term incremental upgrading and development approach. Another difference between site-and-service-type approaches and MLS is that in MLS people are assisted to build their own houses through aided self-build. State departments can also later upgrade services, tenure and dwellings.

The iCwili case study

The NGO Afesis-Corplan supported the Great Kei Local Municipality (GKLM) and the iCwili township community from 2010 to 2012 to develop an MLS pilot project on municipal land in the coastal village of Kei Mouth, 70 km northeast of East London.

The Eastern Cape Provincial Department of Human Settlements (PDHS) and the municipality had completed 70 per cent of a 268-site iCwili Phase 1 project by 2009, at which stage the contractor for the construction of these houses absconded.[120] Phase 2 of this project was intended to provide a further 117 sites, which had been pegged in the early 2000s when the area was first planned.

The PDHS would not entertain a project funding application for the Phase 2 development until Phase 1 had been completed. The local municipality faced the real threat of a land invasion by the intended beneficiaries of Phase 2. In late 2009 Afesis-Corplan intervened and their offer of assistance to break the deadlock by adopting an IS approach was welcomed by the GKLM and the community.

There was already an accepted beneficiary list for Phase 2 sites. The Amathole District Municipality (ADM) agreed in 2011 to provide bulk infrastructure in the form of standpipes and two sets of communal toilets. It would then be the responsibility of the local municipality, with the beneficiaries of Phase 2, to apply for housing subsidies for the building of formal top structures, servicing of individual sites and tenure reform.

The main issues that Afesis-Corplan, GKLM, ADM and the community had to address to get the Phase 2 project ready for people to move onto the land included: obtaining environmental approval for the project (as new environmental legislation had been introduced subsequent to the original layout plan being prepared); arranging for basic services to be installed by the district municipality; confirming the list of beneficiaries who would move onto the land; agreeing with the community and the

---

119 The IDT, to its credit, did try to introduce a consolidation phase for post-occupancy support.

120 The builder absconded after allegations that some of the building materials had gone missing, some of the houses were not built to standard and cheap and inferior materials had been used.

local municipality on a land tenure system for the project; and re-pegging the sites (as vegetation had covered the original pegs inserted during the land survey conducted almost a decade previously).

Findings from an independent evaluation of the iCwili Phase 2 project conducted in late 2012 suggested that most people seemed to appreciate the benefits of the MLS approach. If it were not for this approach, beneficiaries for Phase 2 would still be waiting for Phase 1 to be completed and then for the municipality to apply for funding for Phase 2 to begin (Kenyon, 2012).

According to Councillor Nosipho Ngabayana, the ward councillor for the area where the iCwili project is located, 'the [MLS] approach is the way to go for the whole ward from here to Kei Mouth including the two Mooiplaas villages, Bolo and Stungu, in my ward' (interview, 2 November 2012). The housing official in the local municipality who had dealt with the project believed that the resistance encountered previously to MLS from provincial government and the district municipality would not be repeated in any future MLS approaches to projects (interview, 20 November 2012).

However, it needs to be cautioned that some beneficiaries still did not fully understand the intricacies of the incremental approach. They reluctantly accepted the approach, but expectations of getting a state-subsidised house were still very strong. Failing the provision of a top structure, people were keen at least to get a piece of land they could call their own, and would have accepted most approaches presented to them that appeared to be advancing their interests (Kenyon, 2012).

As of June 2013 there had been a delay in people moving onto the land. One of the reasons for this, as explained by one key community member, was that there had been a delay by the ADM in installing the communal services because the contractor had been replaced (interview, 10 June 2013). It is the opinion of the authors that this delay in taking occupation of the allocated sites could also indicate that once people know that they have access to land (after signing occupation certificates with the local municipality), they already start to feel that their tenure is secured and are willing to wait for the right moment to physically move onto the land.

The municipality tried to sort out the problems it was experiencing with the Phase 1 project, but failure to make sufficient progress in this regard made it difficult for the municipality to turn its attention to upgrading the Phase 2 project.

Issues emerging from the iCwili case study

A number of issues and concerns were raised by state officials and other development practitioners who viewed the iCwili Phase 2 project from a conventional RDP housing delivery perspective. As authors, we argue that these concerns are typical of the type of concerns raised by people who can be described as RDP housing conventionalists. Some of the issues and concerns raised by these RDP housing conventionalists and the authors' responses are outlined below.

First, MLS is criticised by RDP housing conventionalists as simply moving a person from one shack to another shack. From an outsider's perspective, MLS may be seen as moving someone from a shack to another shack, but for those involved there is a big difference—they are getting their own formally allocated and publicly agreed-upon piece of land, a major step in itself towards tenure security. Beneficiaries can start to invest their own money on land from which they know they will not be evicted. The land is also laid out properly, making it easier for services to be installed at a later date.

Second, MLS is also criticised for promoting urban sprawl, as it emphasises one house on one plot and it may be difficult to implement in higher-density situations. This is a valid concern, but MLS should not be seen as the sole solution to our housing challenges and the only tool for the restructuring of our urban areas. Medium-density housing solutions like social housing and community residential units are also needed. With smaller plot sizes, the MLS approach can also be used in higher-density contexts. Suitability also depends on how one defines the basic product: shared firewalls, for example, could be seen as a basic product, against which people then build their own shelters.

Third, RDP housing conventionalists argue that beneficiaries who do not qualify for housing subsidies should not be allowed to move onto land that is earmarked for the poor.

In the iCwili case it was anticipated that fewer than 10 per cent of the 117 beneficiaries would not qualify for a housing subsidy as they owned a house elsewhere, or earned a household income of more than R3 500 (the cut-off for receiving the full subsidy amount). These families were on the original allocation list and it was decided by the community that they still needed housing. During the basic product phase of any MLS approach, housing (top structure) subsidies are not being used, so people do not have to be approved for inclusion in the national housing beneficiary database. When it comes to upgrading these areas, only those who qualify will be able to use housing subsidies to upgrade to individual tenure and improve top structures. Non-qualifying households will have to buy the land and build top structures using their own resources. This is in line with the ISU programme, which recognises that non-qualifying beneficiaries need to be accommodated in informal settlements that are being upgraded (DHS, 2009:14).

Having a mix of qualifying and non-qualifying beneficiaries, we propose, is more likely to contribute towards creating more inclusive and mixed neighbourhoods, in that economically poorer, housing-subsidy-qualifying households are able to live side by side with those higher-income non-housing-subsidy-qualifying households. It is also anticipated that neighbourhoods that start off from a basic product base are not likely to attract a high percentage of non-qualifying beneficiaries.

Fourth, RDP housing conventionalists also suggest that because an area is zoned for residential use, people should not be permitted to build interim structures—they should only build formal houses.

The GKLM is a small municipality that does not have a proper town planning scheme for Kei Mouth. The Phase 2 land is shown as a residential zone in the Local Spatial Development Framework, but without a proper zoning scheme, the municipality does not 'police' this zoning. In future, when the municipality gets around to upgrading and using its zoning scheme for the area, they will need to create a special incremental settlement zoning category that allows people to build temporary houses. Similar approaches have been and are being considered in areas such as Johannesburg and Cape Town (NPM Geomatics, 2010: sections 2 and 4; Urban LandMark, 2010a: 15; City of Cape Town, n.d.: 30).

In the meantime, the occupation certificates that households and the municipality sign cover some of the issues that would normally be covered in the zoning scheme, such as building lines and land use, as well as other issues such as the procedure to be followed for the approval of building plans.

Fifth, RDP housing conventionalists argue that households should not use housing subsidies to add to an existing unapproved structure as the new house could fall down if the original structure is not built properly. The occupation certificate used in the iCwili Phase 2 case makes it clear that any future subsidy for improvements to the property will be for approved structures. Failing this, the upgraded, subsidy-funded house can be built adjacent to or as a replacement for the existing house. The concept of core housing, roof-on-pole houses, façade-wall houses, wet-core housing and other incremental housing types can also be considered as a way to link formal approved housing with self-help or informal, temporary housing (Napier, 2002).

Sixth, RDP housing conventionalists claim that land transfers have to be done twice, first in providing an interim tenure certificate, and then again by converting this interim tenure certificate to full ownership, with consequent cost implications. If interim basic tenure is not provided, people are left with insecure tenure. At least with MLS approaches people obtain tenure security more quickly. The occupation certificate, which is tied to the layout plan, is the outcome of the beneficiary list development process. This is a necessary step towards any later tenure modification, including possible ownership. It is also an administrative process that does not require conveyancing and is thus hardly an additional cost. Furthermore, in many instances full ownership may not be appropriate and in the best interests of the end user. Full ownership comes with the levying of rates; it also leads to the temptation for households to use property as collateral, and households could lose their property if they fall behind on bond repayments (UN-Habitat, 2003). It would also appear, from the authors' observations, that ownership has not stopped informal sales of RDP housing at ridiculously low prices, such as for instance to pay off short-term debts or to raise cash for current expenses. Full ownership means that beneficiaries' names appear in the deeds registry, meaning that they cannot access a housing subsidy in future. Interim tenure avoids these challenges.

Finally RDP housing conventionalists claim that people want title deeds and that anything less is therefore second rate. In the interests of making progress with the iCwili Phase 2 project, it was agreed by all role players that a basic occupation certificate would be provided and that this could be modified and adapted over time. However, this issue leads into a much wider debate. It is now recognised that many extensive urban and rural land titling programmes across the developing world have been expensive and ineffective. There is also evidence that land titling can have disastrous consequences for the most vulnerable members of beneficiary communities (Adams et al, 1999: 11; Augustinus, 2003: 25).

In the Eastern Cape, where iCwili is located, there is extensive evidence of people ignoring the formal requirements of the deeds registry system, transacting informally or consciously deciding not to pass transfer by succession but to retain formal title in the name of a common ancestor. There is evidence that people do with title what makes most sense to them, and not to satisfy the requirements of the Deeds Registries Act, No. 47 of 1937. In fact since the 1920s, legislation has provided for repeated intervention by the state to 'adjust' titles to accurately reflect current and no longer past ownership. An area such as Fingo Village in Grahamstown, granted full ownership in the mid-19th century, has undergone numerous such title adjustment processes, including one in the 21st century (Kingwill, 2011).

Policy statements from the national Department of Human Settlements appear to encourage a range of tenure options. The Delivery Agreement for Outcome 8, for example, seems to recognise the need for a range of tenure options. It states: 'Tenure involves the provision of alternative forms of tenure (including permission to occupy, recognition through town planning scheme or by-law) through to formal freehold tenure of a stand in a formally established township' (The Presidency, 2010: 41).

However, in practice, once a housing subsidy kicks in, there are very few alternatives to full ownership and the costly provisions of the Deeds Registries Act. This is an area where MLS and ISU approaches are starting, and can continue, to make an impact in promoting alternatives.

Broad lessons to be learnt

Experiences with implementation of the MLS approach offer lessons in how this approach relates to ISU more generally.

An advantage of adopting an *incremental* approach is that those involved in the process are able to pause, reflect and learn from the experience of implementing previous steps. Planning leads to action that leads to reflection, leading back to planning for the next step, with this cycle repeating over time. In this way those involved can *participate* and influence decisions at multiple stages of the process. In RDP housing approaches there is only one period for participation and that is

at the start: once this has happened it is full steam ahead to install the services, provide tenure, and build houses. There is little time to stop the process and make adjustments. As a result, environments developed through RDP and similar approaches generally do not have the finer-grained uniqueness found in more organic incremental developments. The environments created do not always adequately match the needs of communities (Alexander et al, 1985; Marshall, 2009).

It is conceivable that one entity (ie the state or the community) can implement an incremental settlement project by themselves, but the incremental approach lends itself to *partnerships*. These partnerships can be modified and adapted throughout the stages of the incremental process. Following in broad terms the stages of the MLS approach, the municipality, for example, can take the lead in undertaking the bulk preparation phase, and in doing the planning to get the necessary approvals for the land to be developed. The community in partnership with the municipality can drive the basic product development stage. The community then drives the self-build stage, with, for example, a community-private partnership driving the upgrading phase and some form of combination of the above used in the ongoing maintenance and improvement phase. Partners take the lead at those stages of the process for which they have the skills and expertise.

The IS approach also fits well within the development framework created by the National Development Plan (NDP). In particular it aligns with the description offered in the foreword written by Minister Manuel, which states that 'the approach to the plan revolves around citizens being active in development, a capable and developmental state able to intervene to correct our historical inequities, and strong leadership throughout society working together to solve our problems' (National Planning Commission, 2012: 1).

In the MLS approach, communities do not passively wait for government to give them a house. As *active citizens*, they work towards developing (in partnership with others) their own houses and settlements. With a basic start (that is part of a planned and ongoing process) people are able to begin doing things for themselves. This builds on the Asset Based Community (or Citizen-led) Development (ABCD) approach, which sees development as being about people building on their assets and resources, gearing and leveraging additional, complementary resources from the state and others (Asset Based Community Development Institute, n.d.; Coady International Institute, n.d.). This contrasts with the needs-based approach, which sees development as being about outsiders coming in and filling a gap or a need, as is the case in the RDP housing delivery approach. However, the state does not have the resources to fill every gap by itself; it will require, as the NDP states, the involvement of all citizens working in a partnership with all sectors of society.

As regards a *capable state*, the MLS approach does not require state institutions (for example, a municipality acting as a developer) to have a large set of skills to develop a complete RDP packaged house with all its 'bells and whistles'. An

incremental approach begins with whatever capabilities municipalities and other role players have, and incrementally builds on this over time. The basic stage of the MLS process should be within the capability of all municipalities to develop.

In line with the aim of encouraging community participation and partnership as outlined above, *good leadership* is required from all stakeholders and role players involved in any MLS approach.[121] The leadership style required is one where leaders recognise that they do not have all the solutions and resources to implement the whole MLS approach by themselves. They need to facilitate and allow others also to contribute, and to bring their views and skills to bear in all phases of the MLS process, from collecting and analysing data on which to base decisions, to informing and influencing the decision-makers in the process, implementing plans and monitoring and evaluating experiences to learn lessons that can be applied to future MLS initiatives.

Implications

So what implications does the adoption of an MLS approach have for the way in which housing policy is conceptualised? There are three key areas that government needs to prioritise if they are to support more MLS-type approaches.

Focus on finding and preparing the land

MLS cannot occur if there is no land on which it can take place. It is important that this is appropriate and well-located land, and not just any tract of peripheral land that potentially contributes to urban sprawl. Well-located land, however, tends to be more expensive than peripheral land. Attention will therefore need to be given to identifying small infill portions of land, linking land identification to longer-term public transport planning, and exploring land value capture methods (see for example Urban LandMark, 2010b) as a means of resourcing the purchase of this more expensive land. The work of organisations like the Housing Development Agency (HDA) needs to be supported by government and others in facilitating access to land.

Prioritise the provision of a basic product first

There is a temptation, once the land is obtained, for the state, communities and others to resort to a focus on 'full package' RDP-type approaches. However, with limited and fixed government resources, such approaches will not help to address and balance the constitutional mandate of providing everyone with housing on a progressive basis, with its related mandate to address equality and dignity (RSA,

---

121 The NDP uses the term 'strong leadership', but this could be interpreted to mean a leadership style that imposes the leader's will in a top-down manner.

2006: sections 9 and 10 of chapter 2). The bulk of limited state resources should instead be utilised to provide everyone in need with a basic product, and then over time to progressively improve people's lives through incremental upgrading.

Support self-build

The MLS process implies a shift away from a project-focused housing development approach towards more of an area-based and a process-orientated approach. Housing (or multi-purpose) support centres could play a significant role in any MLS (and ISU) approach. Public servants, at for example the provincial level, instead of being allocated to projects, could in an MLS-type approach be allocated to housing support centres to support upgrading in IS areas. The MLS approach also makes it easier for small, medium and micro enterprises, linked to the construction and building material manufacturing sectors, to get work from households who are arranging the construction of their own houses. MLS requires the state and others to accept an element of 'informality' in the way that houses are developed. Some state funding could be reprioritised away from funding top structures to developing, resourcing and staffing these housing support centres, facilitating bulk buying systems and supporting savings and loans programmes. Top-structure funding would then only be provided to the very poor and the destitute.

Conclusion

Drawing on theory and practice, this chapter has shown that as important as the *in situ* ISU programme is, it is not comprehensive enough to address current informal housing needs. There is a need to look at both sides of the IS coin. It is not just about catching up with the housing backlog; it is also about removing, over time, the need for reactive *in situ* informal settlement upgrading in the first place. We should be aiming for a future in which IS is only being undertaken in contexts where people have settled on land in an organised manner, and land invasion is a thing of the past. MLS will get us there.

The MLS approach advocated here is also an attempt to shift emphasis away from the provision of housing per se, and especially uniform RDP-type housing, to neighbourhood development. This appears to be in line with the official shift of policy emphasis from housing to human settlements.

Politicians now need to throw their weight behind such policy shifts, as suggested in this chapter, so that public trust can be built to a level where communities appreciate that government and the state are committed to all phases of the MLS approach, and that communities will not be abandoned after being provided with a basic product.

References

Adams, M., Cousins, B. & Manona, S. 1999. *Land Tenure and Economic Development in Rural South Africa*. ODI Working Paper 125. London: Overseas Development Institute.

Alexander, C. et al. 1985. *The Production of Houses*. Oxford: Oxford University Press.

Asset Based Community Development Institute. n d. *Welcome to ABCD*. Available at: www.abcdinstitute.org/abcd09/, accessed 26 June 2013.

Augustinus, C. 2003. *Handbook on Best Practices: Security of Tenure and Access to Land*. Nairobi: UN-Habitat.

City of Cape Town. 2009. *Five Year Integrated Housing Plan 2009/10–2013/14*. Available at: www.capetown.gov.za/en/Housing/Documents/Publications/HOUSING%20FIVE%20YEAR%20PLAN%202009%202010.pdf, accessed 27 June 2013.

Coady International Institute. n.d. *About ABCD*. Available at: www.coady.stfx.ca/themes/abcd/, accessed 27 June 2013.

DHS (Department of Human Settlements). 2009. *Housing Code: Part 3, Volume 4*. Available at: www.dhs.gov.za/content.php?pagename=National-Housing-Code, accessed 5 September 2013.

Incremental settlement. n.d. *What is incremental settlement?* Available at: www.incremental settlement.org.za/incremental-settlement, accessed 20 January 2014.

Kenyon, M. 2012. *Managed Land Settlement Programme Evaluation Report 2012*. East London: Afesis-Corplan.

Kingwill, R. 2011. 'Family title: Title deeds, ownership and "'law'"'. *The Transformer*, July–September. Available at: www.afesis.org.za/Sustainable-Settlements-Articles/family-title-title-deeds-ownership-and-law-by-rosalie-kingwill, accessed 28 June 2013.

Marshall, S. 2009. *Cities, Design and Evolution*. Abingdon: Routledge.

Napier, M. 2002. *The Origins and Spread of Core Housing*. Available at: web.mit.edu/incrementalhousing/articlesPhotographs/pdfs/3-Napier.pdf, accessed 28 June 2013.

National Planning Commission. 2012. *National Development Plan 2030: Our Future—Make It Work*. Available at: www.npconline.co.za/pebble.asp?relid=25, accessed 27 June 2013.

NPM Geomatics. 2010. *Towards Managed Land Settlement: A Review of 5 South African Case Studies*. Available at: www.urbanlandmark.org.za/research/x47.php, accessed 26 June 2013.

NUSP (National Upgrading Support Programme). n.d. *History*. Available at: www.upgrading support.org/content/page/history, accessed 27 June 2013.

RSA (Republic of South Africa). 2006. The Constitution of the Republic of South Africa. Available at: www.info.gov.za/documents/constitution/, accessed 28 June 2013.

Sisulu L, 2014, *Speech by Minister of Human Settlements LN Sisulu on the occasion of the Budget Vote of the Ministry of Human Settlements*, 15 July 2014. National Assembly Chamber, Parliament.

The Presidency. 2010. *Annexure A: For Outcome 8 Delivery Agreements: Sustainable Human Settlements and Improved Quality of Household Life*. Available at: www.thepresidency.gov.za/pebble.asp?relid=2542, accessed 30 June 2013.

UN-Habitat (United Nations Human Settlements Programme). 2003. *Handbook on Best Practices, Security of Tenure and Access to Land: Implementation of the Habitat Agenda*. Nairobi: UN-Habitat.

Urban LandMark. 2010a. *Incrementally Securing Tenure: An Approach for Informal Settlement Upgrading in South Africa.* Available at: www.urbanlandmark.org.za/downloads/inc_securing_tenure.pdf, accessed 27 June 2013.

Urban LandMark. 2012b. *Creating and Capturing Value Around Transport Nodes.* Available at: www.urbanlandmark.org/downloads/tm2013_05.pdf, accessed 26 June 2013.

Van Zyl, J., Cross, C. & O'Donovan, M. 2008. *Overview of the Extent and Nature of the Unbundling of South African Households and the Implications Thereof.* Available at: www.npconline.co.za/MediaLib/Downloads/Home/Tabs/Diagnostic/Economy2/Overview%20of%20the%20extent%20and%20nature%20of%20the%20unbuilding.pdf, accessed 27 June 2013.

WC (Western Cape Provincial Department of Human Settlements). 2013. *Annual Performance Plans 2013/14.* Available at: www.westerncape.gov.za/assets/departments/human-settlements/human-settlements-app-2013-2014.pdf, accessed 27 June 2013.

SECTION IV
Implications for Urban Transformation
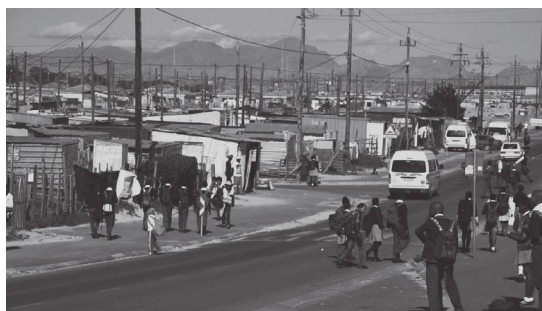
In this concluding section, we discuss how informal settlement upgrading can relate to broader urban transformation agendas, as informal settlement upgrading cannot be an isolated strategy; it always needs to be seen in its broader context as part of policies and strategies aimed at social and economic development. In the long term, informal settlement upgrading should also be seen as a way of making our cities and towns more equitable and just.

The need for a more strategic approach to informal settlement upgrading has long been recognised. As discussed in Chapter 2, there is consensus among scholars that informal settlement upgrading needs to be more than 'a piecemeal approach that benefits a lucky few, but does little to address the dynamics underlying squatter settlement development such as inequitable land distribution, dysfunctional institutional frameworks, and structural poverty' (Gulyani & Bassett, 2007: 504). It is therefore important that informal settlement upgrading is part of a broader agenda that attempts to address the underlying factors behind the formation and persistence of informal settlements, such as exclusionary laws, policies, regulations and governance processes (Fox, 2014; Minnery et al, 2013; Stephens, 2011).

Informal settlement upgrading also needs to connect with national urban policies. In South Africa, there have been a number of attempts at developing national urban policies to guide the transformation of cities and towns and make them better-functioning and more equitable and just. The latest examples include the National

Development Plan (NDP) and Integrated Urban Development Framework (IUDF). It is important that policies and strategies for upgrading informal settlements are guided by, and contribute to, this emerging national urban policy agenda.

The chapters in this section discuss how informal settlement upgrading interventions can intersect with these broader urban agendas. In the first chapter of the section, Ivan Turok examines how the concepts of resilience and transformation can provide helpful ideas to guide more strategic approaches to informal settlement upgrading. A framework for conceptualising interventions is suggested. Turok suggests that, in the short term, upgrading should focus on 'resilience', to meet the needs of communities by improving their robustness and resourcefulness to help them deal with crises and pressures. In the long term, however, informal settlement upgrading needs to be focused on 'transformation', ie fundamentally improving local social, economic and physical conditions. Both in the short term and long term, there need to be investments both in people and in place.

In the next chapter, Alexandre Apsan Frediani, Barbara Lipietz and Stephanie Butcher examine the ways in which informal settlement upgrading can be strategic in the sense of helping change 'cultural conceptions, systems of understanding and systems of meaning' (Healey, 1997: 244). They discuss various tactics by residents of informal settlements that can be used to bring about strategic change at the settlement and city scale. The first tactic they discuss is how collective intent can be built in diverse communities that are internally fragmented along lines of age, income, tenure status, ability, gender, ethnicity and religion. The Muungano wa Wanavijiji movement in Kenya, which is an affiliate of SDI, is used as an example. The second tactic they examine is how collective responses, such as communal land tenure and management, can help resist land market pressures that could otherwise result in the displacement of informal settlement residents from well-located sites. The Baan Mankong programme in Thailand is used as a case study. The third tactic they discuss is how to challenge existing visions for urban transformation, using the Sem Teto occupation of abandoned inner-city buildings in São Paulo, Brazil, as an example.

In the final chapter of the section, Edgar Pieterse and Liza Rose Cirolia discuss South Africa's new Integrated Urban Development Framework (IUDF), which can be seen as the backdrop for future strategies for informal settlement upgrading in South Africa. They argue that the main implications of the IUDF for upgrading informal settlements are: prioritising investment in public transport, communal spaces and facilities and the capacity development of civil society, rather than the current approach of prioritising investment in individual houses; a shift towards experimentation with alternative models of provision and management of infrastructure so as to ensure universal access to basic services and resource-efficient urban metabolic dynamics; and ensuring that state investments should serve multiple and reinforcing objectives (in contrast to linear line function mandates).

A number of common strands run through these chapters. First, there is a need for upgrading interventions to go beyond merely physical interventions and also include social, economic and political interventions. Second, there is a need to shift from ad hoc reactive informal settlement upgrading interventions to strategic interventions that contribute to fundamentally transforming cities and towns. As the second chapter in this section suggests, moving towards a more strategic approach often requires civil society to play an active role in shifting paradigms, but, as the last chapter reminds us, the state will ultimately need to put a suitable policy framework in place.

All of the chapters are optimistic about the role that informal settlement upgrading can play in broader urban transformation agendas, but they also articulate its limitations. Finally, it should be noted that this section has a few gaps, for example the implications of global environmental change, the growing urban health challenge and increasing 'translocal' linkages for the policies and practices of informal settlement upgrading (for example, see Parnell et al, 2007; Smit et al, 2011; Zoomers & Van Westen, 2011).

References

Fox, S. 2014. 'The political economy of slums: Theory and evidence from sub-Saharan Africa'. *World Development,* 54: 191–203.

Gulyani, S. & Bassett, E.M. 2007. 'Retrieving the baby from the bathwater: Slum upgrading in Sub-Saharan Africa'. *Environment and Planning C: Government and Policy,* 25 (4): 486–515.

Minnery, J., Argo, T., Winarso, H., Hau, D., Veneracion, C.C., Forbes, D. & Childs, I. 2013. 'Slum upgrading and urban governance: Case studies in three South East Asian cities'. *Habitat International,* 39: 162–169.

Parnell, S., Simon, D. & Vogel, C. 2007. 'Global environmental change: Conceptualising the growing challenge for cities in poor countries'. *Area,* 39 (3): 357–369.

Smit, W., Hancock, T., Kumaresen, J., Santos-Burgoa, C., Sánchez-Kobashi Meneses, R. & Friel, S. 2011. 'Toward a research and action agenda on urban planning/design and health equity in cities in low and middle-income countries'. *Journal of Urban Health,* 88 (5): 875–885.

Stephens, C. 2011. 'Revisiting urban health and social inequalities: The devil is in the detail and the solution is in all of us'. *Environment and Urbanization,* 23 (1): 29–40.

Zoomers, A. & Van Westen, G. 2011. 'Introduction: Translocal development, development corridors and development chains'. *International Development Planning Review,* 33 (4): 377–388.

Chapter 22

From resilience to transformation: Towards a strategic approach to upgrading informal settlements

Ivan Turok

Swelling shack settlements are among the greatest challenges facing the African continent. At least 200 million people and rising are exposed to squalor, hardship, insecurity and physical hazards from living in rudimentary conditions on unauthorised and unserviced land. Governments are often ambivalent about these places (resulting in a lack of institutional support, which forces communities into self-help) or press for their removal so as to discourage urbanisation and the growth of 'slums' (Fox, 2014; Huchzermeyer, 2011; UN-Habitat, 2003, 2010, 2012; Watson, 2009). The situation in South Africa is similar in some respects, although the phenomenon should be more manageable because the country is relatively wealthy, state institutions are relatively strong and the proportion of people living in shacks is smaller than in most other African countries (UN-Habitat, 2014). Nevertheless, the numbers involved are not trivial and the pressures on well-located urban land are probably just as intense. The 2011 census found almost 2 million people living in informal dwellings (not settlements), 1,1 million of whom (57 per cent) were in the eight metropolitan areas (StatsSA, 2012; Turok & Borel-Saladin, 2014a). This is almost one in five (18 per cent) of the total population of the metropolitan areas, and the absolute numbers are growing. Shack dwellings are a source of continuing frustration, anger and violent protest, they deny fundamental rights, and they undermine the prospects for shared prosperity and social stability in the country (Huchzermeyer, 2011; Pithouse, 2009; Presidency, 2014; Turok & Borel-Saladin, 2014b).

The government's response to the growth of shacks has been ambivalent and contradictory to date, as indicated in Chapter 1 (see also Bundy, 2014; Groenewald, 2011; Huchzermeyer, 2011; NUSP, 2009;). This is partly because the overarching goal has been to give everyone in need of better accommodation a fully serviced house. This approach has assumed that informality is purely a housing problem and that *in situ* upgrading of shack areas is inferior and unpalatable (Bradlow et al, 2011; Misselhorn, 2008; NUSP, 2009). Breaking New Ground (DH, 2004), Outcome 8 (The Presidency, 2010) and the National Development Plan (NPC, 2012) made the case for a shift in policy towards upgrading because providing free housing for a

growing population has proved to be unattainable and moving people to dormitory settlements on the urban periphery has many detrimental consequences (Harrison et al, 2008; SACN, 2011). However, this change has been very slow to come about and it remains far from assured (Bradlow et al, 2011; COHRE, 2008; Huchzermeyer, 2010; NPC, 2012; Turok, 2013). Upgrading was not mentioned at all in the Housing minister's initial policy statement for her five-year term in office (Sisulu, 2014).

With uncertain national political and financial support, most provinces and municipalities have been lukewarm or even hostile about reorienting their approach towards upgrading (Bundy, 2014; Pithouse, 2009). They lack the range of professional skill sets and experience required to engage in complex upgrading processes instead of more straightforward greenfield development (Huchzermeyer, 2009; NUSP, 2009). Some of them have resorted to creating 'temporary relocation areas' to 'decant' shack dwellers while they begin to formalise layouts and service the former sites, but this has proved controversial because of the large-scale clearances involved, the social disruption and physical dislocation caused, the absence of community participation, the long timescales for people to live in 'transit camps', and the absence of guarantees that they can move back to their original locations (Huchzermeyer, 2010; NUSP, 2009). Some shack settlements have been provided with 'interim' services, such as electricity, mast lighting and shared toilets (see eg Seeliger & Turok, 2014). Otherwise, the most conspicuous actions in these areas have been stopgaps that react to crises as they emerge and compensate the victims of shack fires, flooding and xenophobic attacks for some of their immediate material losses. It has often been left to NGOs and community-based organisations to undertake more sustained initiatives to improve conditions on the ground (Bradlow et al, 2011; Tavener-Smith, 2012).

A boost in government funding for the National Upgrading Support Programme (NUSP) in 2013 suggested renewed commitment to *in situ* upgrading, matched by a somewhat implausible target to provide at least 400 000 households in 1 774 informal settlements (about one third of all households living in such areas) with tenure, basic services and access to amenities. One of the main questions facing this and other upgrading initiatives is whether sufficient investment can be mobilised to transform shack areas into environments that are more liveable but also more productive. This also means recognising the strong demand from poor people to live in these relatively accessible places, and therefore making much more efficient use of the land by building upwards and improving the internal organisation and efficiency of each settlement. Huge pressure on land coupled with underinvestment—in housing, infrastructure, institutions, business enterprises and people themselves—are fundamental problems for informal settlements, as I argue below.

Deficient investment underlies the issues of poverty, unemployment, human vulnerability, lack of services and inadequate shelter. Therefore, one of the principal objects of policy should be injecting resources into developing local assets of all

kinds that will—directly or indirectly—help to generate income and improve people's livelihoods into the future (thereby ensuring a sustainable reduction in poverty).[122] Success depends on building a compelling case, a robust institutional framework and technical capabilities to steer investment into these areas. A higher rate of investment is required from households, NGOs, the private sector and, of course, government itself. The principles of partnership and incrementalism discussed elsewhere in this book are useful pragmatic ideas to inform day-to-day upgrading practices. They can also help to coordinate the actions of different agencies to achieve a better outcome. However, greater clarity about the ultimate objective(s) of *in situ* upgrading is necessary to galvanise a larger and more sustained effort. In short, the different stakeholders need to have a more cogent and convincing sense of where they are going if there is to be a step change in the current commitment to informal settlements.

The purpose of this chapter is to explore some of the drawbacks of current upgrading approaches and to suggest some elements of a more purposeful policy. The basic proposition is that the concepts of resilience and transformation provide helpful ideas to guide the process. They offer clues to a potential framework for thinking about the fundamental objectives, rather than a detailed blueprint for specific policy actions. Resilience is essentially a short- to medium-term goal aimed at building on the hopes and efforts of poor communities and bolstering their capacity to cope with tough conditions. Transformation is a longer-term goal aimed at significant improvements in community well-being, recognising the need for profound changes in socio-economic circumstances and the nature of built form in shack areas. The detailed composition of local upgrading programmes will vary depending on the specific location, socio-economic functions and potential of different places. Therefore, another important message concerns the need to understand the objective role performed by shack areas within the wider urban system of which they form a part.

The next section provides a brief assessment of the current predicament. This is followed by a discussion of the preconditions and elements of an alternative approach, and then some high-level ideas about what this might include.

Limitations of current practice

At the risk of over-simplification, there appear to be ten weaknesses in current upgrading practices, many of which are interrelated. The evidence for this is drawn from the academic and policy literature, personal observation and selected interviews

---

122 There are parallels between this idea and the sustainable livelihoods approach to analysing and addressing rural poverty (eg Scoones, 1998).

and conversations with municipal officials in the main cities.[123] It is therefore difficult to fully reference the sources of some of this information. A detailed national assessment of progress in settlement upgrading undertaken for the (then) Department of Housing in 2009 was also useful (NUSP, 2009).

Indifference and ambivalence

In many cities and towns there is a surprising sense of indifference towards informal settlements among senior decision-makers (COHRE, 2008; Desai & Pithouse, 2004; Huchzermeyer, 2009, 2010; Kornienko, 2014; Pithouse, 2009). There is 'a dominant official mind set at provincial and municipal level of "new-build good, upgrade bad"' (NUSP, 2009: 4). It is possible this has some historic roots, linked to the stringent controls on urbanisation pursued under apartheid that resulted in a hostile policy of evictions and forced removals. In current circumstances, municipalities are more concerned about the financial costs and procedural complexities of upgrading informal settlements (NUSP, 2009). If this encourages further in-migration it will compound all the problems and risks associated with overcrowding and overloaded local services (Massey, 2014). There are also reservations about sanctioning a process that began with unauthorised land invasions ('criminal acts'), especially if it is driven by opportunistic attempts to move up the housing waiting list ('queue jumping') (Tissington et al, 2013). In the minds of some decision-makers, shack settlements are associated with antisocial and illegal activities, which discourage positive support (Groenewald, 2011). Some become stigmatised as 'no-go areas' with negligible state involvement beyond police surveillance, as described graphically by Anton Harber (2011) in Diepsloot. It is unsurprising if such places experience disproportionate social problems, since they contain the highest concentrations of poverty in the country and are vulnerable to multiple stresses and strains, from domestic violence and family breakdown to public health risks, crime and disorder. Yet they also harbour many people with keen hopes and aspirations who battle against the odds to better their lives. It is vital to recognise these areas as destinations of choice for poor people determined to gain access to economic opportunities in the cities because of the collapse in employment in the rural areas and towns (Mahajan, 2014).

Some municipalities put considerable effort into stopping shack settlements emerging and expanding, often aggressively and violently (COHRE, 2008; Desai & Pithouse, 2004; Kramer & Booi, 2014; Tissington et al, 2013). Some national and

---

123 Many of these interviews were undertaken during 2012 as part of a study for the South African Cities Network. The main messages that emerged have been confirmed and reinforced in subsequent conversations and discussions with senior officials in most of the metropolitan municipalities.

local politicians continue to talk about eliminating or 'eradicating' slums (Bradlow et al, 2011; Huchzermeyer, 2011; NUSP, 2009). The eviction of 800 people in June 2014 from Lwandle, near the Strand on the outskirts of Cape Town, was the latest in a series of episodes around the country, many of which were subsequently declared unlawful by the courts (Clark, 2013, 2014; Desai & Pithouse, 2004; Kornienko, 2014; Pithouse, 2009; Shandu, 2014). A positive approach to upgrading seems to contradict the desire of many politicians to halt further land invasions. On the face of it there are significant disincentives to municipalities diverting their resources towards upgrading. The process may be technically difficult if the site is hazardous, subject to legal impediments or the landowner is uncooperative. It is also complicated to negotiate with the affected communities, who are typically poorly organised and divided, and it requires novel skill sets within government (Huchzermeyer, 2009; NUSP, 2009). Improved conditions could well attract more population, unless communities manage to develop social control systems themselves and can discourage others from settling in their areas. Either way, it is essential to engage constructively with the prevailing views of decision-makers if a more positive approach to upgrading is to take root.

Undeveloped rationale

The argument for investing public funds in upgrading shack areas has not been convincingly articulated. The moral case that residents are suffering and vulnerable to disasters invites a charitable response or compensation involving poverty relief and emergency support, such as handouts of food, clothing, blankets and replacement building materials. Although there is growing recognition of the need to be proactive in reducing disaster risk, in practice the prevailing approach is still overwhelmingly reactive and short-term. Palliatives do nothing to remove the underlying sources of the suffering and vulnerability in poverty, low income and unemployment. The Department of Housing assessment found that municipalities and provinces do not appreciate how upgrading can reduce the exposure of poor communities to shocks and strengthen their survival strategies (NUSP, 2009). In fact, they generally lack sensitivity to people's needs and are excessively focused on a physical (housing) solution to the problems of shack settlements (see also Massey, 2014).

Another argument relates to the constitutional right of all citizens to human dignity and equitable provision of basic services (Clark, 2013). This is a vital principle and an important safeguard, but it can invite a grudging or hesitant response to comply with the legal minimum standards that can be afforded. It does not amount to a positive vision that settlement upgrading is valid and worthwhile investing in. The same applies to the political pressure to reduce escalating protests in shack areas (Desai & Pithouse, 2004). Threats and coercion from angry communities are likely to engender a reluctant response, rather than a belief that it is the right thing to do. Some municipalities seem to have been more open to the

financial rewards that can be achieved by evicting shack dwellers and redeveloping well-located areas for commercial purposes, such as shopping centres, high-income housing and visitor attractions (Huchzermeyer, 2011).

The economic case for investing in informal settlements has been missing to date (Mahajan, 2014). A plausible argument could be that many of them offer affordable environments that are reasonably accessible to jobs and livelihood opportunities. This could be why migrant populations occupy these areas in the first place, despite the risks and hazards to which they are often exposed. Preliminary analysis of Labour Force Survey data (Stats SA, 2013) by the author suggests that average employment rates in informal urban areas are much higher than in rural areas and only slightly lower than in formal urban areas. It appears that many of these areas do operate as gateways into the urban jobs market. Policies should build upon this important foundation and reinforce household strategies for gaining a livelihood (Cross, 2013; Görgens & van Donk, 2012; UN-Habitat, 2003). In occupying well-located and apparently under-utilised land, shack areas may also unblock historic bureaucratic restrictions, recalcitrant landowners and unwarranted legal complications that otherwise inhibit property development in these areas. Again, it would be worthwhile to document and articulate this socially useful function of promoting infilling and densification of the urban form more systematically.

In addition, one could make a case that there are sizeable benefits from proactive efforts to prevent problems emerging, and from realising the potential of stronger communities. Spending on prevention (of social problems, crime, violent protests, flooding and other environmental disasters) could be highly cost-effective in achieving better outcomes for households, and in reducing the pressure on public health, welfare, criminal justice and emergency services down the line. Upgrading shack areas could also stimulate a cumulative process of improvement in peoples' lives that will create more stable and prosperous communities. This could apply to the areas themselves (through the dynamic effects of improved human capabilities and well-being, higher incomes and stronger social networks) and to the wider urban economy and society through progressive improvements in the quality and reliability of labour supply, higher levels of entrepreneurial dynamism, elevated property values and household assets, and more economic activity within the city. Put simply, 'unleashing the energy latent in the aspirations (of informal settlements and townships) may hold the key to the nation's objective of a faster, more inclusive growth path' (Mahajan, 2014: 10).

Limited resources

In the absence of strong political support or a powerful and persuasive rationale, it is perhaps not surprising that financial support for upgrading shack areas has been circumscribed (Huchzermeyer, 2011; NUSP, 2009; Pithouse, 2009). Given the restricted time-horizons of government budgets, some authorities see them as a

drain on their resources, with little prospect of recovering their costs through property rates or service charges. A related problem is the shortage of experienced project managers in municipalities and provinces capable of delivering complex projects (NUSP, 2009). Many community-based initiatives have been forced to rely on international donor assistance, national and local charities, and other ad hoc sponsors. However, such funding sources are inherently insecure, and projects are always susceptible to the shifting preferences and priorities of the sponsors. Consequently, these initiatives tend to remain small-scale and isolated, resulting in many shortfalls and gaps in the landscape of service provision. With higher levels of municipal buy-in, the NUSP will hopefully change the financial context considerably, given its R300 million budget over three years. It has been officially described as 'the first large-scale programmatic response to incremental upgrading of informal settlements in the country' (The Presidency, 2010: 14).

Piecemeal initiatives

In the absence of a strategic framework to guide and coordinate local initiatives, upgrading efforts on the ground have been piecemeal and project-based (Charlton, 2006; COHRE, 2008; Huchzermeyer, 2011; NUSP, 2009). The case for decentralised, bottom-up projects is that they allow for practical experimentation and are more deeply rooted in local needs. Progress over time comes from trial and error: successful projects get imitated, while others are discontinued. Discrete entities are also popular because of their visibility and convenience for organisational and monitoring purposes. This may be useful for transparency and accountability, but difficult for subsequent consolidation, replication and expansion. Municipalities have tended to follow different approaches depending on subjective attitudes and inclinations. They do not appear to have made extensive use of evidence drawn from hard-earned practical experience—what works in which circumstances (Charlton, 2006; NUSP, 2009). Civil society and community-based organisations have their own agendas, influenced by the priorities of particular personalities or funders. A review of upgrading projects in 2009 found little sharing of knowledge and expertise between areas: 'many practitioners were unaware of the main approaches to incremental upgrading, and generally operated in isolation from up-to-date information and best practice' (The Presidency, 2010: 48). The widespread tendency to react to problems as they emerge often means treating the symptoms rather than tackling the root causes, and therefore never resolving the situation in a way that can be sustained. Partial responses can have unintended consequences. For example, improving the public facilities in a small area within a larger settlement can suddenly make that area much more desirable as a place to live in, but this can cause more powerful groups to physically displace existing households unless safeguards are put in place to secure their position.

Limited community engagement

'Service delivery' is the dominant narrative across government, implying the rollout of separate sectoral programmes organised by different state entities. Municipalities are more-or-less competent at identifying possible projects and then commissioning private contractors to install water pipes, sanitation systems, electricity grids and internal roads (Bradlow et al, 2011). Few have developed the know-how to consult and involve communities, despite this being a constitutional expectation, and despite the National Housing Code requiring a social compact with communities as an integral part of upgrading projects (Groenewald, 2011; The Presidency, 2010). The provinces and some municipalities objected to the Housing Code requirement on the grounds that it made projects unworkable or at least cumbersome, which slowed down the drive to hit ambitious numerical targets (NUSP, 2009). The idea of working in partnership with communities is contrary to the traditions of municipal engineers, planners and other professionals. Even the Presidency recently acknowledged that there is a long way to go to change the institutional culture to facilitate effective community engagement (NUSP, 2009; The Presidency, 2014). Listening to and learning from poor citizens is vital to improve municipal credibility and trust. Strengthening community organisation is also essential to give voice to powerless groups and ensure that policies are relevant to their needs. It is also the foundation for harnessing the energy and knowledge of local people in joint initiatives. There are many examples around the country of public investments in buildings and facilities that proved unsuccessful because local communities were not closely involved in the upgrading process, became cynical as a result, and did not take ownership of the end products (Presidency, 2014).

An indiscriminate approach

Municipalities sometimes pay insufficient attention to differences between informal settlements in terms of location, topography, biodiversity, population density and relationships to existing infrastructure (NUSP, 2009). Many are on unproclaimed land or land occupied without permission. Some are on mine dumps, road or rail reserves, or within water, gas or electricity servitudes. Since some are more suitable for permanent settlement than others, a differentiated approach is essential. Some pose such risks to public health and safety from flooding, subsidence or landslides that relocation is necessary. Many are so overcrowded that reducing household densities is necessary to reduce health hazards and free up public space. It is wrong to assume that all shack settlements are temporary and therefore cannot justify fixed capital investment.

The distinct locational attributes of informal areas influence how they function in the local housing system and how they relate to the strategies pursued by households to improve their lives. Some serve as temporary entry points to the city's economic opportunities for new arrivals, while others are more permanent places of residence

for established families with low incomes. The roles performed by different places are reflected in the social composition and age structure of their resident populations. Understanding these settlement patterns and how they change over time is vital to ensure that local policy interventions are relevant to the distinctive needs and priorities of local residents. Despite the political pressures and temptations to do so, it is clearly inappropriate to roll out a standard package of public services to every area.

Inward-looking

Upgrading projects tend to focus on the internal needs and problems of the settlement, which is what motivates their formation. This can result in the neglect of the wider opportunities of the city or town in which they are located. It is important not to treat shack areas in isolation, but to strengthen their connections with the surrounding area, especially their transport and communication links, but also social networks, community support systems and business trading and supplier relationships. Informal settlements need to be more firmly connected—physically, socially and economically—to their cities (Mahajan, 2014). The most successful settlements are likely to be those that link residents to external jobs and livelihoods, attract investment in buildings, infrastructure and equipment, retain local spending power by developing internal amenities that can compete with external facilities, and retain at least some of their upwardly mobile households when their personal circumstances improve. This may require altering the negative perceptions of the wider urban community, and promoting the ingenuity, tenacity, vibrancy and cultural diversity of local people. There are many ways of building bridges between different communities to reduce insularity and marginalisation, and to promote greater cohesion across the city, including through partnerships of various kinds between schools, sports clubs, NGOs, neighbourhood associations, political parties and church groups.

The economic dimension

Upgrading schemes, and housing programmes more generally, often neglect the fundamental importance of improving livelihoods and economic conditions generally (eg Lall et al, 2012; Massey, 2014). Yet unemployment and low/precarious incomes are at the heart of social exclusion, insecurity and instability, and need to be tackled to lift people out of poverty. People's inability to afford formal housing is of course the main reason why they occupy shack areas. The focus of the NUSP is on 'improving living conditions', along with tenure security (The Presidency, 2010). This is arguably aimed more at addressing the symptoms and consequences of poverty and vulnerability than at removing the underlying causes. The NUSP devotes relatively little attention to creating jobs and enhancing livelihoods, along with the skills, capabilities and information networks needed to improve people's access to such opportunities.

With higher and more reliable incomes, residents could invest more in their properties and surroundings, and thus stimulate upgrading themselves. They could pay more towards the cost of providing local services, which would encourage additional services to be supplied. Employment is fundamental for human dignity and well-being, and to give daily structure to residents' lives. Having more people in work would reduce social marginalisation, disaffection, crime and other antisocial activities. A job creation and livelihoods agenda that creates possibilities for people to contribute actively to society is also more likely than welfare to mobilise the tangible support of better-off communities and promote social integration. Government programmes could start by building on what people are already doing, improving their skills, diversifying their activities and making them more productive. These programmes could include food gardens, small-scale construction, recycling waste and providing local services. This requires moving away from trying to restrict and regulate the informal sector by means of inappropriate and unreasonable standards to a more supportive approach offering basic business advice, training, simple infrastructure and assistance with investment in equipment and premises (Mahajan, 2014).

Environmental considerations

Environmental issues are frequently overlooked in upgrading programmes—they are regarded either as tangential or as a luxury (Seeliger & Turok, 2014). Yet there is growing recognition that urban sustainability ultimately depends upon well-functioning biophysical systems that supply fresh water, clean air, uncontaminated food and other natural resources (Pieterse, 2011). Viable natural ecosystems are also essential for human health and well-being in the short term (Sala et al, 2009). Many shack areas occupy or are adjacent to sensitive ecosystems precisely because the land is undeveloped and unoccupied. Human behaviour and waste streams can therefore cause serious damage without proper sewage systems, storm-water drainage and refuse disposal. The communities themselves are highly vulnerable to public health risks associated with high-density living in polluted environments, inadequate water supply and sanitation, and the flooding of low-lying areas (Sverdlik, 2011). Upgrading schemes need to ensure that the use of resources (such as land and water) is optimised and the negative impacts on air, soil and underground aquifers are minimised. It is also worth bearing in mind that the natural environment can play a role in household livelihoods, as many shack dwellers live off the land and harvest the natural resources around them. They grow vegetables and keep livestock to supplement their food, burn wood for heat and cooking, and scavenge garbage from the suburbs and landfill sites for saleable items.

The broad environmental agenda could become an opportunity in all sorts of ways that can be summed up under the 'green economy' umbrella (Borel-Saladin & Turok, 2013; UNEP, 2011;). It could help to provide improved household services

(such as renewable energy where electricity is lacking), reduce the cost of living (by rainwater harvesting or insulation of low-cost homes) and create livelihoods (such as jobs involving waste recycling, tourism, conservation and maintaining ecosystem services by planting trees, clearing alien vegetation and cleaning up watercourses). The environmental agenda can also strengthen the overall cohesion of the city because of the clear interdependence between informal and formal settlements in terms of vulnerable biodiversity, reducing pollution, improving public health, waste recycling, energy efficiency and piloting renewable energy initiatives to reduce demands on the grid. There is clearly scope for building a shared vision and common purpose around these themes.

A vicious cycle of low investment

The uncertain status and insecure legal tenure of shack areas discourage investment by households, businesses and government itself. There is obviously little point in any of these actors making sizeable fixed capital investments if a settlement does not have a long-term future. This is reinforced by the low disposable incomes of residents and their inability to pay rates and taxes. The generally precarious economic position of rural or foreign migrants in the city also discourages them from making long-term obligations. It may be more rational for them to remit any surplus funds they have to their place of origin if they have little prospect of a secure existence in the city (Turok, 2014). Most private investors see little prospect of a viable market, although there are exceptions, such as low-end retailers, food and drink producers, and cellphone companies. Community tensions, factionalism, opportunism and conflicts over scarce resources are sometimes cited as reasons for the reluctance of government bodies to invest—negotiations cause delays and agreements may be readily undone (NUSP, 2009). However, the cumulative effect of these factors is a general dearth of investment, which in turn means deficient infrastructure, inadequate public facilities, limited formal business activity, poor living conditions, public health problems, community disillusionment and cynicism, a contested and challenging environment, and so the cycle goes on. It would seem that some kind of bold, concerted action is required to address these negative externalities and turn the situation around. Only the government can lead this. It could usefully start by building on the efforts and aspirations of the many residents determined to improve their lives by striving for a better future.

Preconditions for a more strategic approach

Many of the ingredients for a more strategic approach to informal settlement upgrading follow from the preceding analysis and need little elaboration. This section starts by identifying some of the prerequisites of effective policy and practice. There is little prospect of sustained progress without these conditions being in place.

First, upgrading needs *a more persuasive rationale* to justify the public investment and to encourage a more positive and forward-looking approach. The case needs to go beyond poverty alleviation and crisis response. Government budgets are under increasing strain, there is pressure on well-located land in most cities, and the costs and benefits of *in situ* upgrading need to be carefully weighed up in relation to other solutions. The argument for upgrading needs to incorporate economic considerations and development potential alongside social and environmental concerns. Above all, informal settlements need to be viewed as integral and productive parts of the city, occupied by active citizens harbouring hopes and desires, not isolated squatter camps full of desperate and antagonistic miscreants. It needs a longer-term horizon, factoring in the benefits of a proactive, preventative approach in reducing the risks of problems emerging and offsetting future demands on public services. An improved evidence base on informal settlements is vital, including studies of their labour market functionality and the cost-effectiveness of different interventions. Organisations such as Shack/Slum Dwellers International have shown the value of involving communities themselves in collecting information on changing household circumstances, entrepreneurial activity, skill sets and environmental concerns (Bradlow et al, 2011). This could usefully be extended to monitor the condition of shared public facilities and to help evaluate the effectiveness of policy actions.

Second, informal settlement upgrading needs *greater political support* at all levels, along with a more consultative and participatory style of governance. Clear commitment is required to ensure that the needs of informal settlements feature in the formal planning procedures of all spheres of government, especially the Integrated Development Plans, Housing Development Plans and Spatial Development Frameworks of municipalities. High-level political endorsement and authority are necessary to provide direction, facilitate coordination and enlist support for processes that can be difficult to negotiate among diverse stakeholders in particular places, such as finding additional land. Vested interests in fractured communities need to be actively engaged to resolve disputes and move gridlocked renewal processes forward. Stronger community organisation with effective leadership will help to articulate local needs more clearly and hold other partners to account. In a context of apprehension and insecurity, extensive communication is vital to allay unwarranted fears and provide assurances that upgrading processes are on track and moving in the right direction. Greater flexibility is also frequently needed in regulatory norms and standards for buildings and infrastructure to meet affordability requirements.

Third, informal settlement upgrading needs *enhanced and coordinated resources* to move beyond isolated small-scale projects, based on a commitment to investing in citywide infrastructure and improved service standards. Larger-scale delivery of integrated development programmes requires people on the ground with diverse technical and procedural skills. It needs: experts in land management, surveying and planning; civil engineers to assist with the provision of infrastructure; designers,

developers and builders to help with property schemes; and project managers to prepare and oversee physical investments. Above all, upgrading requires people who are creative and flexible, able to work across institutional divides and professional boundaries, skilled at working with local communities and negotiating among different stakeholders to achieve shared solutions and mutually beneficial outcomes. Co-production and teamwork responsive to local conditions are critical, rather than experts inclined to impose their own technical solutions.

Elements of a more strategic approach

First, piecemeal initiatives need to be brought together carefully and expanded into a *multi-dimensional, integrated approach*. Effective upgrading requires attention to be paid to developing the people as well as the place and property, to economic as well as social conditions, and to the natural environment as well as the built environment. This implies adopting a holistic perspective towards settlements, one that actively pursues ways of combining efforts to improve the physical environment and social conditions along with job and livelihood creation. This, in turn, requires breaking out of municipal silos and creating multidisciplinary teams involving a variety of partners. Policy actions need to go beyond treating the various manifestations of informality and poverty, in order to tackle the fundamental drivers. They need to be outward-looking and opportunity-orientated, not just internally-focused and problem-centred. Above all they need to align and connect different forms of investment and support so as to avoid duplication, inconsistencies and shortfalls in provision, and to maximise the positive externalities and synergies between them.

Second, the short-termism of current initiatives needs to be replaced by a carefully *phased approach*. This requires thinking ahead, and more fundamentally, about how to resolve difficult challenges, while recognising that everything cannot be addressed and implemented at once. There is an underlying dynamic of progressive upgrading that needs to be nurtured and reinforced, partly by distinguishing between more and less important initiatives. The key is to find successive interventions that will trigger more generalised development and revitalisation, as progress in one sphere supports improvements in others and multiplies the beneficial effects. Careful sequencing of actions should help to build confidence and credibility, and spur a cumulative process of all-round improvement. Analysis of upgrading experiences from other places could help to foster understanding of the key processes and mechanisms at work, and to assemble a body of evidence from which logical principles of good practice can be distilled. Gathering information about community needs and priorities is an essential ingredient in decisions about the appropriate phasing of actions so as to achieve steady advancement over time. And a cadre of capable and experienced practitioners needs to be built within government, with

the skills and competences identified above to negotiate and deliver multifaceted projects (not just housing or particular services) at settlement level.

Third, the indiscriminate model whereby every settlement is treated in broadly the same way needs to be superseded by a more sophisticated, *differentiated framework*. A contextualised approach recognises the particularities of each place, and the varied development dynamics and functions performed by different settlements in the urban system. Some shack areas are best treated as having a temporary existence because of the excessive costs or environmental risks of permanent occupation. Policies need to be tailored to the circumstances of the area, the opportunities and amenities nearby, and the social composition and support needs of local residents. For example, inner-city precincts occupied by young adults seeking a toehold in the urban economy have quite different needs from outlying areas occupied by families with children. They require small low-cost rental housing units rather than homes with several rooms for ownership, and assistance with job searching rather than nurseries and schools. Transient areas may always appear to be somewhat run-down and neglected, as people avoid spending on visible home improvements in order to save their modest incomes for other purposes and other places. Public investment in such areas needs to avoid unintentionally escalating the cost of living beyond what people wanting to live there can afford. This means recognising a distinction between the fortunes of people and place, and not intervening in places in ways that misjudge and undermine the prospects for their people.

Fourth, the single institution model should become more of a *collaborative, partnership approach*. Municipalities, especially their individual departments, lack the capabilities to deliver this complex agenda on their own. They need the knowledge, trust, legitimacy and general buy-in of the local community—whose voice must be strengthened by providing a seat at the table where decisions are made, if not a full social compact. This also requires municipal officials to go well beyond just commissioning contractors to deliver particular items of hard infrastructure, by increasing their everyday presence within informal settlements and engaging more directly with residents to listen, look and learn from their problems and survival practices. Ways of strengthening community-based organisations need to be devised to enable joint problem-solving and planning for the future. Improved relationships can build on the unique resources of the state—to sort out the legal issues, acquire land, confer development rights, negotiate land swaps, and so on. Different stakeholders can achieve much more by working together and combining their resources, not dissipating their energy through rivalry and conflict.

Experience shows that sustained cooperation on practical projects with clear timelines and accountable leadership can build trust and confidence in government, and restore stability to fragile communities. Working in partnership requires flexibility, risk-taking, patience, compromise and a willingness to share the credit

for any successes achieved. It implies a different style of governance from the traditional provincial or municipal model, with some of the power to make decisions and spend resources devolved to the neighbourhood level in order to achieve more responsive outcomes. Some communities may need to be encouraged to share responsibility for the upgrading process, shifting from protest actions and a mind-set of entitlement to constructive engagement based on reasonable expectations. There are clearly all kinds of arrangements that can be negotiated to secure advantageous outcomes all round. Partnership is about developing a shared agenda and giving appropriate weight to the concerns of different stakeholders, which takes time and effort if it is to produce meaningful effects. It is far from straightforward in situations where municipalities are bureaucratic and cash-strapped, and communities are deeply suspicious and fearful of authorities that are believed to have made their lives wretched in the past.

Towards a conceptual framework

We can draw these insights together in a simple schema that illustrates some of the main tensions and choices facing upgrading programmes (see Figure 22.1). The vertical axis distinguishes between 'people' and 'place' attributes. The former covers the human and social dimensions, while the latter covers the physical, environmental and economic dimensions. The horizontal axis distinguishes between what might crudely be characterised as the first and second phases of upgrading in order to convey a sense of differentiation and sequencing of priorities. The initial phase can be summed up as pursuing resilience as the broad goal. This may also be an appropriate objective for temporary settlements occupying unsuitable sites that are unlikely to become permanent. The subsequent phase is concerned more with a deeper process of transformation and is appropriate for settlements that will gain permanent status.[124] In reality, of course, the phasing would be more detailed, with a sequence of smaller steps influenced by local and citywide circumstances, and insights from broader experience of what works best.

   Resilience, in its social sense, can be defined as 'the ability of groups or communities to cope with external stresses and disturbances as a result of social, political and environmental change' (Adger, 2000: 347; see also Miller et al, 2010; Jha et al, 2013; Seeliger & Turok, 2013; Revi et al, 2014). As such, resilience is a valuable attribute in itself, and an appropriate initial goal for incremental upgrading (Seeliger & Turok, 2014). It provides a relatively tangible, overarching objective for improvement, as well as a staging post on the road to regeneration and transformation. Resilience recognises the vulnerabilities, insecurities and stresses

---

124 For examples of the academic literature distinguishing between resilience and transformation, see De Weijer (2013), Pelling (2011) and Revi et al (2014).

facing the country's poorest communities, but also their hopes and agency in participating in development schemes and increasing their economic prospects. Better-organised communities will have a stronger voice and more influence over events and decisions affecting their areas. There is an emphasis on improving the position of the people themselves, rather than their physical circumstances. It implies assisting poor communities by strengthening their robustness and resourcefulness:

- to recover from periodic shocks and crises (such as shack fires, flooding or the loss of livelihoods) by having some reserves to fall back on
- to overcome hurdles and resist threats (such as eviction, minor crime, intimidation, or risks to public health from the spread of communicable diseases)
- to adapt to ongoing pressures and hardships (such as rising food and fuel prices, or the lack of electricity, clean water or sanitation)
- to stand a better chance of improving their economic situation through information and expertise.

Resilience may involve families, groups and civic movements pulling together and taking direct action to be more self-sufficient, and explicitly advocating their rights by exerting pressure on the state to prevent unlawful evictions, improve basic services and avert problems indirectly. A collaborative and constructive approach may be more effective than adversarial protest activity. It means exploring mutually beneficial outcomes and building networks among different actors and interests. Community mapping, savings clubs and exchanges of experience between settlements may strengthen their information base, organisational strength and financial resources (Tavener-Smith, 2012). State-sponsored community work programmes may help to transfer skills, work experience and income to people in the course of providing socially useful local facilities and services that are of environmental value. Greater security of tenure is a plausible demand to give residents more stability and collateral to raise credit for livelihood activities or exceptional purchases or costs, such as funerals. Some form of legal title would also reduce the burden on households of ensuring that there is always someone present to physically defend their property, thereby preventing or disrupting work or study. Simplified administrative systems and regulations governing land, buildings and infrastructure may be required to ensure flexibility and affordability. It is probably unrealistic for such settlements to withstand more severe shocks (such as extreme weather events or serious epidemics) without more substantial protective mechanisms in place in the form of welfare safety nets and well-resourced public institutions capable of large-scale responses. Informal settlements that are highly vulnerable to predictable disasters that cannot be averted—such as regular flooding—should probably be relocated.

Transformation refers to the longer-term goal of profound improvements in local social, economic and physical conditions (Pelling, 2011; Revi et al, 2014). It recognises the systemic and structural character of the problems faced, and the

need for radical change if progress is to be sustained. Transformation is about more than incremental upgrading and improved mechanisms to cope with pressures and problems. It implies a step change in the capabilities of the residents to fend for themselves and secure their future well-being, and in the physical attributes and liveability of the place. The level of social organisation shifts to anticipate potential threats and other future events, enable far-sighted decision-making and higher levels of coordination all round. There is an increase in local productive capacity and employment through the provision of local services and workshops, greater use of new technologies, and a reduction in the impact of the community on the natural environment through enhanced, 'green' infrastructure. With better schools and training facilities, people are likely to have more advanced skills and competences, enabling them to obtain better jobs and livelihoods. A fundamental objective is to make more efficient use of the land by building upwards rather than outwards and improving the internal spatial organisation of each settlement.

These changes are substantial and qualitative in character. Places will become more stable and secure, and function more effectively to improve people's life chances. Average incomes will be higher and the quality of local facilities and amenities will improve. People will start using more robust building materials and techniques, which will also afford better protection from the elements. Major investments will be made in public infrastructure networks to transform the living and working environment. Higher levels of trust and organisation within the community will enable physical restructuring to take place through the consolidation of land parcels, readjustment of inconsistent land uses, rearrangement of haphazard dwellings and creation of new street layouts and public spaces (UN-Habitat, 2013). This will release value from the land for local reinvestment and transform circulation patterns throughout the settlement. Coordinated redevelopment will permit four- or five-storey buildings, with the ground floor reserved for service providers, business workshops and other enterprising activities. Multi-storey apartments will raise residential densities, give households more private space and reduce the health and social problems linked with overcrowded homes. Higher economic densities, more spending power and improved infrastructure will improve productivity, business activity and jobs. These neighbourhoods will be better integrated into the wider urban labour market, education system and public amenities through an efficient transport network. The government will recover more of the cost of providing infrastructure and services through taxes and user charges, or via rent through owning the land.

Conclusion

Efforts to upgrade informal settlements have been hampered to date by the policy emphasis on trying to give everyone a fully serviced house, which ends up leaving many shack dwellers in squalor. The focus on new housing has proved physically

and financially problematic, so there is growing support in some quarters for *in situ* upgrading, along with other policies such as rental housing and serviced sites. There is a great deal to be done to consolidate the support for upgrading and to accelerate implementation, recognising the strong demand for people to live on well-located urban land, the urgency to improve their living conditions and the continuing perception among many gatekeepers that upgrading is just too complicated.

To secure stronger political, legal and technical backing, a more positive and persuasive rationale for upgrading is required. Current short-term and under-resourced initiatives need to be absorbed into a more deliberate approach, with more emphasis on investing in land and other assets to enhance livelihoods and economic mobility. Improved coordination at national and local levels is fundamental to deal with the multi-dimensional nature of the challenge. Priorities should vary between localities depending on their unique functions and potential. Areas that afford migrants a toehold in the urban economy should be reinforced with relevant support services and security. Community involvement is vital to ensure that the needs and priorities of poor people are taken seriously, and to unleash their energies and resources.

A simple framework (see Figure 22.1) has been suggested to help identify some of the basic choices faced in upgrading strategies. Policies should address both 'people' as well as 'place' dimensions, albeit in different ways. Resilience is a useful interim goal, especially for temporary settlements with uncertain futures. Transformation is important for places whose long-term future is assured, and which need comprehensive improvement through bold measures. A compelling vision of a better future should go beyond the pragmatism of 'just managing' shack settlements to realise the potential of these communities and integrate them into the urban system more effectively.

People

Resilience	Transformation
Personal safety	Improved education outcomes
Social protection	Enhanced skills and capabilities
Temporary employment	More jobs and higher incomes
More healthy lives	Increased well-being
Stronger social organisation	More powerful communities
Incremental tenure	Full tenure security
Interim basic services	Full services and roads
Mobile amenities	Land readjustment
Quality public spaces	Multi-storey development
Improved shelter	Mass transit connections
	More productive economic base

Place

Figure 22.1: Upgrading informal settlements: a conceptual framework
Source: Author.

References

Adger, W.N. 2000. 'Social and ecological resilience: Are they related?'. *Progress in Human Geography*, 24 (3): 347–364.

Borel-Saladin, J. & Turok, I. 2013. 'The green economy: incremental change or transformation?' *Environmental Policy and Governance*, 23: 209–220.

Bradlow, B., Bolnick, J. & Shearing, C. 2011. 'Housing, institutions, money: The failures and promise of human settlements policy and practice in South Africa'. *Environment and Urbanization*, 23 (1): 267–275.

Bundy, C. 2014. *Short-Changed? South Africa Since Apartheid.* Auckland Park: Jacana.

Charlton, S. 2006. 'Learning from the local: Experiences of informal settlement upgrading in KwaZulu-Natal'. *South African Review of Sociology,* 37 (1): 48–64.

Clark, M. 2013. *'Evictions and Alternative Accommodation in South Africa'*. Johannesburg: Socio-Economic Rights Institute of South Africa.

Clark, M. 2014. 'Housing and evictions: Know the law, know your rights'. *The People's Law Journal,* 2: 16–21.

COHRE (Centre on Housing Rights and Evictions). 2008. *Business as Usual? Housing Rights and 'Slum Eradication' in Durban, South Africa.* Geneva: COHRE.

Cross, C. 2013. 'Delivering human settlements as an anti-poverty strategy: Spatial paradigms'. In: Pillay, U., Hagg, G., Nyamnjoh, F. & Jansen, J.D. (Eds.), *State of the Nation: South Africa 2012–13*. Cape Town: HSRC Press.

De Weijer, F. 2013. *Resilience: A Trojan Horse for a New Way of Thinking?* Discussion Paper 139. Maastricht: European Centre for Development Policy Management. Available at: www.ecdpm.org/dp139, accessed 10 May 2013.

Desai, A. & Pithouse, R. 2004. '"But we were thousands": Dispossession, resistance, repossession and repression in Mandela Park'. *Journal of Asian and African Studies,* 39 (4): 239–269.

DH (Department of Housing). 2004. *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements*. Pretoria: Department of Housing.

Fox, S. 2014. 'The political economy of slums: Theory and evidence from sub-Saharan Africa'. *World Development,* 54: 191–203.

Görgens, T. & van Donk, M. 2012. Connecting the dots between settlement functionality, integrated and incremental upgrading and the need for a capacitated network of intermediary organisations. Paper presented at conference on Sustainable Human(e) Settlements: The Urban Challenge, University of Johannesburg, Braamfontein, 17–21 September.

Groenewald, L. 2011. 'Progress towards Millennium Development Goals? Strategies for housing and informal settlement in Gauteng, South Africa'. *Development Southern Africa*, 28 (5): 641–651.

Harber, A. 2011. *Diepsloot*. Johannesburg: Jonathan Ball.

Harrison, P., Todes, A. & Watson, V. 2008. *Planning and Transformation: Learning from the Post-Apartheid Experience*. Abingdon: Routledge.

Huchzermeyer, M. 2009. 'The struggle for in situ upgrading of informal settlements: A reflection on cases in Gauteng'. *Development Southern Africa*, 26 (1): 59–73.

Huchzermeyer, M. 2010. 'Pounding at the tip of the iceberg: The dominant politics of informal settlement eradication in South Africa'. *Politikon,* 37 (1): 129–148.

Huchzermeyer, M. 2011. *Cities with 'Slums': From Informal Settlement Eradication to a Right to the City in Africa*. Cape Town: UCT Press.

Jha, A.K., Miner, T.W. & Stanton-Geddes, Z. 2013. *Building Urban Resilience: Principles, Tools and Practice,* Washington, DC: The World Bank.

Kornienko, K. 2014. 'Waiting, hope, democracy and space: How expectations and socio-economic rights shape two South African urban informal communities'. *Journal of Asian and African Studies.* doi: 10.1177/0021909614560243.

Kramer, D. & Booi, Z. 2014. 'Keep off the land: The Cape Town anti land invasion units'. *The People's Law Journal,* 2: 12–15.

Lall, S., Brink, R., Dasgupta, B. & Leresche, K. 2012. *Shelter from the Storm —But Disconnected from Jobs.* Policy Research Working Paper 6173. Washington, DC: The World Bank.

Mahajan, S. (Ed.). 2014. *Economics of South African Townships,* Washington, DC: The World Bank.

Massey, R. 2014. 'Exploring counter-conduct in upgraded informal settlements: The case of women residents in Makhaza and New Rest (Cape Town), South Africa'. *Habitat International,* 44: 290–296.

Miller, F., Osbahr, H., Boyd, E. et al. 2010. 'Resilience and vulnerability: Complementary or conflicting concepts?' *Ecology and Society,* 15 (3): 11. Available at: www.ecologyandsociety. org/vol15/iss3/art11/, accessed 19 July 2016.

Misselhorn, M. 2008. *Position Paper on Informal Settlements Upgrading.* Pretoria: Urban LandMark.

NPC (National Planning Commission). 2012. *National Development Plan.* Pretoria: National Planning Commission.

NUSP (National Upgrading Support Programme). 2009. *Assessment Report for National Department of Housing and Cities Alliance.* Pretoria: Department of Housing.

Pelling, M. 2011. *Adaptation to Climate Change: From Resilience to Transformation.* London: Routledge.

Pieterse, E. 2011. 'Recasting urban sustainability in the South'. *Development*, 54 (3): 309–316.

Pithouse, R. 2009. 'A progressive policy without progressive politics: Lessons from the failure to implement "Breaking New Ground"'. *Town and Regional Planning,* 54: 1–14

The Presidency. 2010. *Outcome 8 Delivery Agreement: Sustainable Human Settlements Annexure A.* Pretoria: The Presidency.

The Presidency. 2014. *Twenty Year Review.* Pretoria: The Presidency.

Revi, A., Satterthwaite, D., Aragón-Durand, F. et al. 2014. 'Towards transformative adaptation in cities: the IPCC's Fifth Assessment'. *Environment and Urbanisation,* 26 (1): 11–28.

SACN (South African Cities Network). 2011. *2011 State of SA Cities Report.* Johannesburg: SACN.

Sala, O.E., Meyerson, L.A. & Parmesan, C. 2009. 'Changes in biodiversity and their consequences for human health'. In: Sala, O.E., Meyerson, L.A. & Parmesan, C. (Eds.), *Biodiversity Change and Human Health: From Ecosystem Services to Spread of Disease.* Washington, DC: Island Press.

Scoones, I. 1998. Sustainable rural livelihoods: A framework for analysis. *IDS Working Paper 72.* University of Sussex.

Seeliger, L. & Turok, I. 2013. 'Towards sustainable cities: Extending resilience with insights from vulnerability and transition theory'. *Sustainability,* 5 (5): 2108–2128.

Seeliger, L. & Turok, I. 2014. 'Averting a downward spiral: Building resilience in informal urban settlements through adaptive governance'. *Environment and Urbanization,* 26 (1): 184–199.

Shandu, M. 2014. 'Why Lwandle matters: The eviction that shocked South Africa'. *The People's Law Journal,* 2: 4–7.

Sisulu, L. 2014. Budget speech by the Minister of Human Settlements, 15 July, www.gov.za/speeches/view.php?sid=46729, accessed 29 July 2014.

StatsSA (Statistics South Africa). 2012. *Census 2011 Municipal Reports*. Available at: www.statssa.gov.za/Census2011/Products.asp, accessed 12 May 2013.

StatsSA. 2013. *Quarterly Labour Force Survey*. Available at: beta2.statssa.gov.za/, accessed 15 September 2013.

Sverdlik, A. 2011. 'Ill-health and poverty: A literature review on health in informal settlements'. *Environment and Urbanization*, 23 (1): 123–155.

Tavener-Smith, L. 2012. 'Housing: The challenge of informal settlements'. In: Swilling, M., Sebitosi, B. & Loots, R. (Eds.), *Sustainable Stellenbosch*. Stellenbosch: Sun Press.

Tissington, K., Munshi, N., Mirugi-Mukundi, G. & Durojaye, E. 2013. *'Jumping the Queue', Waiting Lists and other Myths: Perceptions and Practice around Housing Demand and Allocation in South Africa*. Cape Town: Community Law Centre, University of the Western Cape.

Turok, I. 2013. 'Transforming South Africa's divided cities: Can devolution help?'. *International Planning Studies,* 18 (2): 168–187.

Turok, I. 2014. 'The resilience of South African cities a decade after local democracy'. *Environment and Planning A,* 46: 749–769.

Turok, I. & Borel-Saladin, J. 2014a. 'Is urbanisation in South Africa on a sustainable trajectory? *Development Southern Africa,* 31 (5): 675–691.

Turok & Borel-Saladin, 2014b. 'Continuity, change and conflict in South African cities'. In Meyiwa, T., Nkondo, M., Chitiga-Mabugu, M., Sithole, M. & Nyamnjoh, F. (Eds.), *State of the Nation 2014: South Africa 1994–2014: a twenty-year review*. Cape Town: HSRC Press.

UNEP (United Nations Environment Programme). 2011. *Towards a Green Economy: Pathways to Sustainable Development and Poverty Eradication*. Nairobi: UNEP.

UN-Habitat (United Nations Human Settlements Programme). 2003. *The Challenge of Slums: Global Report on Human Settlements*. Nairobi: UN-Habitat.

UN-Habitat. 2010. *State of the World's Cities 2010/11: Bridging the Urban Divide*. Nairobi: UN-Habitat.

UN-Habitat. 2012. *State of the World's Cities 2012/13: Prosperity of Cities*. Nairobi: UN-Habitat.

UN-Habitat. 2013. *Urban Planning for City Leaders*. Nairobi: UN-Habitat.

UN-Habitat. 2014. *State of African Cities 2014,* Nairobi: UN-Habitat.

Watson, V. 2009. '"The planned city sweeps the poor away … ": Urban planning and 21st century urbanisation'. *Progress in Planning,* 72: 151–193.

Chapter 23

Strategic upgrading: Lessons from international critical practices

Alexandre Apsan Frediani, Barbara Lipietz and Stephanie Butcher

At the end of the 1970s, an important debate between John Turner and Rod Burgess emerged in the field of urban development, questioning the foundational principles of informal settlement upgrading discourses. After long periods studying informal settlements in Peru, Turner documented the abilities and capacities of informal dwellers to build and improve their own environment. While contesting relocation, Turner (1972) claimed that informal dwellers are better able to judge their housing needs than hierarchical, bureaucratic, centralised, large-scale, government-led residential programmes. Along with other contributors to the debate at the time,[125] Turner argued that the role of external agencies should be that of supporting local residents' 'freedom to build', enhancing their autonomy and removing impediments to self-help. These writings on self-help housing soon became fundamental reference points in the discourses and practices of informal settlement upgrading.

However, Turner's work (and, more specifically, the way it was taken up by the World Bank) was met with strong criticism. Burgess (1982), in particular, argued that Turner's writings were being utilised to justify localised palliative practices, while sustaining unjust processes of urbanisation. Burgess argued that Turner's work did not challenge the ways in which the market operated in cities and that following his recommended route would inevitably generate the further unequal accumulation of capital and social segregation; the poor would be economically evicted from upgraded localities and pushed to live in even more peripheral and marginalised areas, often leading to further overcrowding and deteriorated living conditions.

Thirty years on, the debate remains pertinent when analysing the role of informal settlement upgrading in the production of more just cities. Indeed, it is arguably all the more relevant, given the growth of market enablement strategies in urban governance, conditioning the implementation and effects of informal settlement upgrading practices over the last decades. These strategies have consolidated the

---

125 For more on the origins and role of Turner's contribution to international debates on self-help housing, see Harris (2003).

role of the state as stimulator/facilitator of property development in a bid to stimulate economic growth. The result has been increasing demand and contestation over well-located land, often leading to evictions and urban sprawl. Scholars have shown how such trends, combined with the privatisation of public services and the deregulation of urban planning, have intensified social-physical segregation in cities of the South and North (eg Brenner et al, 2011; Parnell & Oldfield, 2014).

Within such a context, the spatially targeted welfare approach to improving living conditions in informal settlements through physical and social interventions—ie informal settlement upgrading—can replicate a series of problematics: (1) informal settlement upgrading may in some cases reinforce those spatial arrangements that have generated social-spatial segregation in cities; (2) in many cases it treats settlements as homogeneous spaces, failing to address internal differentiations and inequalities; and (3) it focuses on the manifestations of injustice in the city rather than on its causes, specifically the relations of power that underpin the city's (re)production. These critiques take on particular resonance in South Africa, where informal settlements in the post-apartheid era have generally tended to replicate and entrench apartheid's fragmented and exclusionary urban spatiality. Such concerns notwithstanding, incremental upgrading still represents a key strategy to avoid the further socio-spatial differentiation represented by relocation schemes, which risk relegating informal settlement dwellers to (ever more) peripheral land in the city.

Parallel to the debates on the socio-spatial effects of informal settlement upgrading, we have also seen over the last 30 years an increasing and progressive articulation of the relationship between social justice and the city. Authors such as Harvey (2008), Fainstein (2010) and Marcuse (2009) have elaborated in their writings a series of visions of transformation and mechanisms to overcome injustices and inequalities in urban areas. Such writings have deepened the debate on 'rights to the city', elaborating on the rights to appropriation, participation, public space and a pro-poor welfare state (Boniburini, 2013). Apart from bringing together various critics of urban injustices and developing visions of more just alternatives, publications have also called for an open and reflexive debate on the normative and procedural aspects of transformation (Connolly & Steil, 2009). In addition, Connolly and Steil (2009) have emphasised the need to move 'beyond individualized responses to specific injustices' in the search of the Just City, as well as the requirement to engage with the underlying conditions and relations governing the distribution of resources, recognition of social diversity and participation in cities.

However, such writings have had limited influence so far on the thinking and practice of incremental upgrading. It is with the motivation to start addressing the gap between literature on informal settlement upgrading and critical urban theory that this chapter calls for strategic upgrading practices. After presenting some key notions of what we define as strategic upgrading, the chapter explores three *tactics*

that have been employed to different strategic ends, drawing on case studies from Nairobi, Bangkok and São Paulo. In the concluding section, we reflect on the institutional challenges to making strategic upgrading work.

Strategic informal settlement upgrading: Towards actualising rights to the city

Being 'strategic' in the field of planning has had different connotations and purposes. On the one hand, the discourse of strategic planning has been applied to the introduction of management principles and practices into the field of planning; in many instances this has facilitated the adoption of market enablement policies and programmes. This chapter is concerned with another meaning of 'strategic'—that which has pushed planning towards more critical debates on transformative change. As defined by Healey (1997), being strategic is a 'process of deliberative paradigm change. It aims to change cultural conceptions, systems of understanding and systems of meaning. It is more than just producing collective decisions. It is about shifting and re-shaping *convictions*' (1997: 244–245).

In the field of informal settlement upgrading, Levy (2007) has applied Healey's notions of collaborative and strategic planning to the examination of an incremental upgrading initiative in India called Community-led Infrastructure Finance Facility (CLIFF). Levy proposes a 'Strategic Action Planning' framework, which emphasises the need to 'read the cracks'—conflicts, contradictions, a disjunction or an opening—in order to do things differently. Cracks might represent, for example, positive changes in the form of newfound opportunities for collaboration among different actors, changes in legislative code or sympathetic agents working within local authorities. Equally, they could take the shape of pressures from an increasing population and/or mobility, social, political or economic crisis, or untenable socio-economic arrangements. Such cracks are explored to *reframe the diagnosis* of a certain situation, moving debates from practical needs (ie the lack of access to housing or sanitation) towards strategic needs related to the set of relations governing the production and appropriation of the built environment. In other words, strategic action planning proposes a diagnosis that takes into account the wider urban processes that impact upon and exacerbate socio-spatial exclusion leading to, and existing within, informal settlements—such as rising land values, insecure tenure or the privatisation of basic services.

Levy (2007) also emphasises the need for *collective intent*, a shared vision to bring about change. This entails leveraging opportunities or pressures to build alliances or uncover mutual priorities among different actors, including civil society organisations—and particularly poorer communities in informal settlements—as well as local authorities, the private sector or service delivery institutions. Importantly, for Levy this takes the form of a 'periodic consensus', indicating the need for

continual 'renegotiation and reconstruction' between actors as planned interventions proceed. While partnerships do not automatically represent a tool for social justice in the city, a collective vision in support of the reframing diagnosis can facilitate the expansion of 'cracks' towards more transformative change—especially if it is primarily shaped by the lived realities and needs of poorer communities. Levy's work elaborates a clear and comprehensive framework, articulating the elements of strategic upgrading in a manner that enhances the *room for manoeuvre* (Safier, 2002) for socially just actions led by civil society organisations, in synergy with other actors in the city.

Other authors have highlighted the limitations of collaborative planning practices focused on consensus building, arguing that a focus on consensus runs the risk of hiding diversity and underplaying the relations of power that shape the production of collective intent (eg Miessen, 2006; Tewdwr-Jones & Allmendinger, 1998). Without undermining the role of strategic actions, these critiques emphasise instead the need to engage with conflict as a productive 'site' that can unleash alternative practices and visions of urban change. Adopting these critiques in reference to strategic informal settlement upgrading, 'consensus' is imagined as temporal alliances, emerging through deliberations over and through conflict, revealing relations of power and producing multiple scenarios (Butcher & Frediani, 2014).

Drawing on Healey's and Levy's work, critiques of collaborative planning, as well as discussions on the 'rights to the city' described above, this chapter aims to elaborate on the notion of *tactics* applied by different upgrading practices internationally, to bring about strategic change. 'Tactic' here refers to a component of a settlement upgrading practice that promotes strategic change. Tactics, as elaborated by de Certeau (1984), are operations that emerge out of intelligence that is inseparable from everyday struggles. They make use of cracks in the system and turn them into alternative and unanticipated purposes. Tactics open up the opportunity to think about the unexpected and unruly operations that destabilise positions and preconceptions of what is possible. De Certeau defines tactics as a 'maneuver within the enemy's field of vision', 'taking an order by surprise' and 'seizing opportunities afforded by a particular occasion' (1984: 37). In this sense, we understand tactics to be contextually rooted and historically contingent, reflecting possibilities emergent from the landscape of everyday realities grounded in idiosyncratic time-space processes.

In the following sections of this chapter, we explore three tactics that have responded to urban trends emergent in their localised contexts, but which also hold resonance for urban challenges internationally. While these tactics are multifaceted and emerge from specific trajectories of urban contestations, we choose to emphasise here three different strategic points of engagement. The first tactic leverages *social tensions* in Nairobi (Kenya), and experiments with mechanisms to build collective intent within informal settlements that avoids homogenisation and is cognisant of

conflicting interests. The second tactic, deployed by the Baan Mankong programme in Thailand, responds to *economic tensions* and engages with market forces that are pushing the urban poor to the periphery of Thai cities. The third tactic examined is motivated by *political tensions* and is based on the occupation of abandoned buildings in the city centre of São Paulo by organised social movements.

Our intention is not to suggest that these tactics are 'faultless'—indeed we briefly highlight some of their challenges in what follows. However, all have the merit of framing informal settlement upgrading within a strategic and long(er)-term view, challenging the place and role of poorer communities within their particular, localised urban contexts. By reviewing such tactics for strategic change we hope to contribute to the debates on informal settlement upgrading in South Africa, leveraging the possibilities offered by the national government's altered policy stance in relation to the housing question. We argue that informal settlement upgrading, done strategically, can be a powerful tool for reviewing and reshaping the processes of urbanisation and the contribution of poorer communities to the production of South African cities.

Tactic 1: Building collective intent through diversity in Nairobi, Kenya—the Muungano experience

Strategic informal settlement upgrading involves the construction of a certain level of collective intent, mobilising communities (whether based upon geographical boundaries, group affiliation or a sense of common disenfranchisement or history) towards a shared vision. For community-led processes, this necessitates a process of internal negotiation to generate moments of consensus and sustain collective action. For government or non-government supporting organisations, this requires methodological approaches to facilitate the expression and implementation of housing aspirations. However, if informal settlement upgrading initiatives are to fulfil strategic aims, they must equally address the multiple and complex sets of *internal* socio-spatial relationships that produce and reproduce inequalities, avoiding a homogenised view of informal neighbourhoods. This aim takes on a heightened complexity in urban settlements characterised by a vast diversity of identities related to age, income, tenure status, ability, gender, ethnicity or religion—differences that may serve to fragment rather than strengthen urban movements. Moreover, it is also increasingly recognised that social identities cannot be understood as singular, but are rather multiple and intersectional (McCall, 2005; Shields, 2008). In other words, experiences of marginalisation at the individual or institutional level may occur simultaneously along several axes, which create 'different opportunities for social engagement' (Walker et al, 2013: 118).

Engaging with an intersectional understanding of identity undoubtedly entails a greater level of complexity, and requires an understanding of how inequities manifest across different social relations and subjectivities. As highlighted by critics

of consensus-building projects (eg Miessen, 2010; Mouffe, 1999), this can present a particular challenge for the construction of a collective intent, which may seek to minimise differences or prioritise broad practical aims related to the achievement of housing or service upgrades. However, if upgrading initiatives are to be strategic—leading to transformational change—they will have to engage in this complex task of negotiating differences, addressing the existence of multiple and diverse needs, aspirations and priorities of community members in shaping the production of the city.

In Nairobi, the process of urban development in informal settlements is characterised by rising densities and the commercialisation of basic services, underpinned by a (largely neoliberal) model of market enablement for private actors. Within this environment, spatial inequalities have manifested in the city not only in the striking differences between wealthy areas and the vast tracts of unplanned and unserviced land in the city, but also *within* such neighbourhoods, where informal and often exploitative markets based on housing, water, sanitation or other services have thrived (COHRE, 2006). With particular reference to housing, quasi-legal 'structure owners' have presided over a flourishing rental tenant market, in some cases obtaining control over properties through illegal 'land grabbing' practices, and with little incentive to maintain a high level of quality for their tenants. As argued by Huchzermeyer (2008), these housing market distortions have undermined processes to actualise housing rights in practice, and she demonstrates how upgrading initiatives within this context—such as the high-profile Kibera-Soweto pilot project of the wider Kenyan Slum Upgrading Programme (KENSUP)—may risk reproducing processes of gentrification and displacement of poorer residents.

The case of Muungano wa Wanavijiji ('unity of villagers') in Nairobi, Kenya, is illustrative of a process that has leveraged on a *social strategic point of engagement* to address these pervasive challenges, by working with practices that embrace diversity, build on strategies of place-making and foster recognition at the city scale. Formed in the 1990s to resist forced evictions, the Muungano movement consists of a series of networked savings groups, and forms a part of the umbrella organisation Shack/Slum Dwellers International (SDI), a transnational federation of informal settlement dwellers. SDI has developed a set of methodologies and tools that have been applied in many countries. In Kenya, with the support of the local NGO Pamoja Trust, and more recently, the Muungano Support Trust (MuST), the Muungano movement has been active throughout the country, forming more than 137 savings groups in 9 different cities, completing 60 enumerations and undertaking 9 upgrading schemes.

One of the most visible achievements of the Muungano network is in the neighbourhood of Kambi Moto in Nairobi, a high-density community of 270 households. Forming one of five neighbourhoods in the larger Huruma settlement,

prior to upgrading Kambi Moto consisted of shacks constructed of wood and scrap materials, with inadequate or non-existent access to basic services such as water, sewerage, access roads or sanitation. In 2001, Muungano and Pamoja Trust opened negotiations to upgrade 34 households located on the government-owned land as part of a pilot upgrading scheme.

The Kambi Moto project, aside from achieving a set of practical aims related to the provision of improved houses and infrastructure, is also notable for its efforts to engage with diversity in the planning process. This was particularly evident in its ability to bridge tensions pertaining to a key axis of 'difference' in most informal settlements—that of structure owners and tenants. The project opened with comprehensive and community-driven mapping and enumeration activities, both to understand the boundaries of the settlement and to stimulate the exchange of information and identify linkages between community members and other stakeholders. Women's savings groups were developed, with the function of contributing to upgrading costs, introducing spaces for resident collaboration, and ensuring the participation of women in the upgrading process. These groups were networked and upscaled with selected representatives from each group, forming a basic organisational structure to support the upgrading process. In 2003, aided by the existence of the neighbourhood map and demonstrated fiscal ability, Muungano successfully negotiated the designation of a 'special planning zone' with the Nairobi City Council, loosening construction and tenure regulations in a Memorandum of Understanding (MoU). This arrangement leveraged on the Physical Planning Act (1997) passed in the city of Nairobi, allowing for more flexible planning regulations in designated zones. Following this, Muungano, with the support of the Pamoja Trust, began experimenting with the innovative strategy of 'house dreaming', facilitating a dialogue between technically qualified architects and local residents to collaboratively design key features of the upgraded community. To date, more than 80 households have been upgraded in Kambi Moto, with the pilot model informing similar initiatives in other neighbourhoods throughout Huruma (Alam et al, 2005; Bradlow, 2011).

Critically, the Muungano movement used the tactic of mobilisation around practical needs—related to the immediacy of neighbourhood upgrading—as an entry point to work towards more strategic aims of contesting wider exclusionary urban pressures related to land speculation, gentrification and tenure security. Like many informal settlements in Nairobi, the Kambi Moto community was ordered by a complex system of informal structure owners (landlords) and tenants. This division proved particularly problematic for the community during the 'house dreaming' phase, which was initially impeded by the insistence of structure owners on maintaining their hold (however tenuous) over multiple properties in the newly upgraded community (Weru, 2004). Tenants expressed concerns that such allocation, focused simply on managing the practical need for improved shelters, would not

address their longstanding concerns about tenure security, the risk of 'land grabs' by powerful elites, or the exploitative rental system. This experience was illustrative of how different identities and aspirations shape upgrading priorities, with important ramifications for how tenants will experience the upgraded neighbourhood.

However, in a context where access to basic services and shelter has become highly commercialised through decades of government non-provision, the continued exploitative nature of the housing and land market presents a significant barrier to the achievement of housing rights for tenants and structure owners alike (Huchzermeyer, 2008). Through a lengthy deliberative process, alliances between structure owners and tenants were forged, based upon this common source of disenfranchisement, namely, the risk of eviction, lack of services, a competitive urban land market and persistent lack of recognition faced equally by all residents of the settlement. The building of these 'interlinked agendas' (Levy, 2009) occurred at a number of critical moments in the process, and across multiple scales. The daily collection of savings was a key point for the dissemination of information and news within individual women's groups, supporting a sense of community cohesion. Individual savings groups federated to create a nested hierarchical system with linkages both horizontally and vertically, with representative guarantees for different identities, including youth, women, tenants and structure owners. Public forums with to-scale 'cloth models' of housing upgrades—initiated by residents with the support of Pamoja Trust—attracted the attention of city officials during the dreaming phase, and allowed for the refinement of upgrading plans in a space designed for critique and transparency. This organisational strategy recalls Fraser's (1990) 'multiple contesting public spheres'—creating several arenas for participation, the expression of divergent interests, and negotiation.

The tension was eventually resolved with the equal partition of upgraded plots—granting the same ownership rights to all residents—and founded upon the recognition of the mutual importance of collective tenure security and recognition from city officials. The 'crack' in this case was the shared need for tenure security, a collective goal that was used to redefine the relationships between landlords and tenants. This reframing was further consolidated through the organisation of households into cooperatives—a management strategy whereby, as upgraded properties were sold, ownership returned to the community rather than re-entering the market with an increased financial value. As such, the initiative simultaneously worked to contest wider trends related to land speculation and gentrification, maintaining the upgraded community as a place for low-income residents. Notably, here meeting material needs related to shelter also played a strategic role in seeking institutional change in response to the pressurised housing market.

The Kambi Moto process demonstrated the ability to bridge a key intra-communal divide, allowing for the development of agreement on key points of tension that had otherwise hindered the possibilities of physical upgrading. Simultaneously, this solidarity and evidence of community organisation was fundamental in

facilitating partnerships with local authorities, for instance in the adoption of the MoU. This case also offers room for further reflection upon the role of intersectionality. In 2012, in collaboration with Architecture Sans Frontières-UK (ASF-UK), the Muungano movement further explored working at different scales to identify diverse aspirations within a communal space in neighbouring settlements. Here, the dreaming exercises were undertaken at the household, community and wider institutional levels, with the aim of discussing trade-offs between personal interests and the collective needs of the neighbourhood. Through a series of community workshops, this project explored the functions of different housing typologies, different placements of access roads, public space and community facilities, and tenure and finance options, in an attempt to stimulate discussions on how different groups experience these options (Frediani et al, 2011). Such an approach seeks to bring specific needs to the fore, as for instance the particular challenges faced by women-headed households in a context with limited legal tenure rights for widows. The aim of this process was the development of several different neighbourhood configurations, which sought to document and reveal multiple experiences within the community. This integrative methodological approach has begun to experiment with bringing priorities expressed at different scales and across diverse identities into dialogue with each other.

The experience of the Nairobi Muungano movement demonstrates the possibilities of engaging with points of difference as an entry point to address longer-term strategic needs, in this case developing alternative approaches to tenure security. In particular, an innovative approach to partnership with local authorities, loosening of building regulations and commitment to a cooperative form of ownership was adopted to ease some of the most pressing systemic housing pressures experienced by both structure owners and tenants. Such an approach was made possible through the strong show of community organisation and internal dialogue of residents, facilitated by the Muungano movement and supporting civil society organisations. Critically, in this case, *collective intent was built not upon the elimination of conflicting priorities or the assumed homogeneity of interest, but rather on a commitment to addressing this particular shared and root cause of inequality*. While there still remain challenges for fully addressing intersectional patterns of inequality both within the neighbourhood and in the wider city, this case offers lessons in the possibilities for forming alliances across difference, and working to generate alternatives for a more equitable process of urban change.

Tactic 2: Fostering collective responses to market pressures in Thailand—the Baan Mankong programme

One unintended consequence of Turner's recognition of self-help housing in informal settlements has been its particular (market) appropriation by influential authors

and agencies such as the World Bank. Accordingly, many informal settlement upgrading programmes have relied on (formal) market inclusion as a means to unleash the potential of the informal economy. Spurred on by the writings of Hernando de Soto (1989), these programmes have tended to support *individual* land tenure regularisation as a tactic of informal settlement upgrading. Yet, as many commentators have underlined (see Gilbert, 2007, and Varley, 2002), such practices have often resulted in 'unfavourable inclusion', allowing market forces to entrench spatial exclusion. In response to these processes, a number of tactics have emerged to resist the exclusionary effects of market forces without, however, fundamentally challenging the market logic at the heart of the production of cities. An example of such tactics is that of collective land tenure, as taken forward by the Baan Mankong programme in Thailand.

As a result of Thailand's economic take-off during the 1980s and 1990s, large Thai cities—especially Bangkok—have witnessed a sharp increase in demand for well-situated land. In the process, the historical tolerance of Thai landowners for urban poor residence in inner-city areas has started to tear at the seams. Land price increases are putting pressure on an intricate system of give-and-take whereby the organised urban poor have traditionally held a temporary 'right' to build informal housing on vacant land—on condition that they willingly vacate the land in favour of new (profit-motivated) use when landowners signal the need for change. This particularly Thai 'agreement' between informal settlers and landowners, informed by cultural norms of societal harmony, has facilitated the development of scattered informal settlements across urban centres, including Bangkok (Yap & De Wandeler, 2010). With the rapid upturn in the property market, this fragile equilibrium has come under threat and informal settlements are increasingly confronted with the menace of evictions. In this context, the Baan Mankong programme demonstrates an interesting attempt to assert a place for the urban poor in the centre of Thai cities—or at least on well-located land—while engaging with issues of affordability. Arguably, this complex and multifaceted programme demonstrates how upgrading practices can leverage an *economic strategic entry point*, in this case land markets, to pursue more sustained forms of urban transformation.

The Baan Mankong ('secure housing') programme was launched in 2003 with the objective of channelling government funds to buttress the *collective* acquisition (or long-term lease) of land, as well as the construction of housing and infrastructure, for low-income communities in Thai cities. It is one of the key programmes developed by the Community Organisations Development Institute (CODI), a public organisation that falls under the Ministry of Social Development and Human Security, whose broad objective is the transformation of urban poor women's and men's living conditions (Boonyabancha, 2005). Key to this process of transformation is the expansion of informal settlement dwellers' sense of agency in city-making

processes. Premised on the idea of 'build[ing] a strong societal base using the collective power of civil groups and community organisations',[126] CODI's work has facilitated the coordination and partnerships between communities and a series of actors, including NGOs, local governments, professionals and universities.[127] A national programme, Baan Mankong has so far engaged with 2 000 communities located in 220 towns and cities, involving 300 000 households.

Instead of resisting or adapting to market forces, the underlying motivation of the Baan Mankong tactic has been to enhance the collective negotiating capacity of the urban poor to overcome the 'unfavourable' effects of inclusion in market systems. Towards this goal, the programme has focused specifically on enabling 'poor people in communities around the country to search for, negotiate for and acquire public or private land under a variety of purchase and leasehold arrangements, often in collaboration with their local authorities' (Boonyabancha, 2009: 310). The programme has therefore generated a palette of practices to enhance the ability of the urban poor to access *and retain* well-located land. Central to all these practices has been the adoption of a collective land tenure approach.

The focus on collective land tenure and management stems from an appreciation that poor women and men cannot, individually, withstand the tide of the land market; as soon as informal settlement regularisation or upgrading has taken place, poorer dwellers are often compelled to sell or relocate as a result of land valuation increases. The Baan Mankong programme therefore sees collective land tenure (leasehold or ownership) as the main strategy to 'ensure that poor people keep the land, secure their housing and sustain themselves as a community' (Boonyabancha, 2009: 311). Accordingly, the programme has implemented a series of mechanisms to support low-income communities in acquiring land collectively: strengthening savings groups; facilitating the set-up of flexible financial structures; forming community cooperatives; and consolidating community management systems. The programme has also fostered new urban alliances to support communities in locating and negotiating for land. Crucially, the programme's collective land ownership requirement has enhanced communities' abilities to retain land, acting as a 'protective buffer against' market forces and easing the 'vulnerable transition period from being informal squatters to being formal land and housing owners (Boonyabancha, 2009: 323).

Yet the strategic component of collective land tenure and management in the Baan Mankong programme goes beyond material benefits for the communities involved. Indeed, for the programme initiator and long-term director, Somsook

---

126 See www.codi.or.th/housing/aboutCODI.html.

127 For more information on the Baan Mankong programme, see www.codi.or.th/housing/ aboutBaanmankong.html.

Boonyabancha, tenure security and housing are only one—albeit key—component of poverty reduction and community development. Crucial here is the *process* whereby poorer citizens acquire a foothold in the land market: collective mobilisation and management of land and land security are seen as fostering the collective strength, confidence and recognition necessary for long-term community development. By promoting *collective* engagement in ongoing market processes, the programme seeks to overcome the powerlessness of individual poor women and men in informal settlements and boost their ability to negotiate with public and private actors as fully-fledged inhabitants of the city—including the recognition of poor communities' presence in increasingly competitive urban environments (Boonyabancha, 2009).

The collective tactics implemented by the Baan Mankong have generated some impressive achievements: many urban poor communities have managed to remain in city centres or on high-value land; and the programme has demonstrated its ability to use physical upgrading as a stepping stone in building the collective capacity of low-income communities to claim recognition in the city. However, the collective nature of the programme has also faced difficulties and limitations: for those who have managed to secure land through the programme, the temptation to eventually move towards individual ownership and reap the benefit of increased land prices has loomed large—especially in the heart of Bangkok, where the land market has rocketed. Moreover, recent low-income migrants to the city have struggled at times to participate in the Baan Mankong programme, prompting questions about the programme's ability to go beyond reactive solutions in the face of exclusionary urban trends (MSc Urban Development Planning, 2012, 2013; Yap & De Wandeler, 2010).

Ongoing land market pressures therefore represent persistent threats to the successes of the Baan Mankong programme. Yet the programme continues to evolve in response to such concerns, elaborating ever more sophisticated informal social package systems to buttress collective intent (developing welfare mechanisms, initiating an engagement with the demand for rental housing, and fostering entrepreneurship), as well as developing 'citywide' responses to informal settlement upgrading. The latter, in particular, are seen as key to the ongoing success of the programme (Boonyabancha, 2005). An extension of the notion underpinning collective land tenure and management within Baan Mankong communities, its objective is to tap into the strength of the collective *at the scale of the city* and buttress poorer communities' bargaining power. This trend is particularly impressive in provincial cities, where some community-based organisations have been able to leverage 'cracks' for increased community participation to exert influence and pressures beyond informal settlement upgrading. In Chantaburi, for instance, communities involved in the Baan Mankong programme are now engaging the municipality over broader planning policies and practices affecting land markets, trying to create a more enabling and sustained system for the poor to acquire and remain on well-located land. In Nakon Sawan, community groups from upgraded

informal settlement are partnering with the municipality and regional governance structures in relation to flood mitigation strategies, effectively prompting city-region governance from the ground up in response to the effects of climate change (MSc Urban Development Planning, 2013). Such lessons help to elaborate how a particular 'entry point' can enable a transition towards broader change, setting precedents for new ways of claiming urban space.

Tactic 3: Reclaiming the inner city in São Paulo—the Sem Teto practices

While the previous two tactics have leveraged opportunities, or cracks, within the existing system of entitlements, the third tactic seeks rather to interrogate such distinctions of legitimacy and legality in order to advocate for alternative forms of spatial production. Rather than adapting to or appropriating market forces, the Sem Teto (Roofless) movement in São Paulo, Brazil, has adopted a more critical approach to housing rights, using the occupation of unused buildings in the inner city to draw attention to the exclusionary pressures of market forces. Here the use of extra-legal measures is employed to demonstrate the contradictions between market-led processes and the ability to actualise wide-ranging housing and land rights upheld in the Constitution and City Statute. In highlighting these inconsistencies, this case provides an example of taking a *political strategic entry point* to challenge existing visions for city centres and urban change.

The access to and control over spaces in the city centre of São Paulo has become increasingly contested. Since the 1980s, São Paulo has experienced an intense process of peripheralisation of the urban poor, as the population within inner-city areas has decreased and the population in informal settlements and dormitory municipalities has experienced rapid growth. According to Kohara (2013), this process has resulted from a set of policy and institutional practices that prioritised the demands of the property market and construction industry over the need to address inequalities in the city. While the city encouraged the formation of new economic centres in non-central locations in the city, property prices in the inner-city area decreased. However, even if depreciating, properties still retained relatively high economic value based upon the assumption of future regeneration. As a result of speculation practices, and also a series of legal bottlenecks (wrangles over ownership, irregular documentation and unpaid property taxes), nearly 300 000 buildings were reported to be empty in 2010 (Earle, 2012). Meanwhile, for the urban poor already settled in the city centre, there are important advantages in terms of access to public transport, informal and formal livelihood opportunities, cultural activities and public health and education facilities (Kohara, 2013).

This scenario provided the crack that local urban social movements decided to exploit in the late 1990s. Drawing on experiences from the Sem Terra (Landless)

movement in Brazil, the Sem Teto occupations reclaimed inner-city buildings as a means both to draw attention to and to question the logic of commodification of the city, and to reclaim the right of the urban poor to remain in well-located areas of the city. While such social movements in the city centre of São Paulo show heterogeneous characteristics, emerging studies do show some common practices and discourses. Occupations seek to set precedents to reclaim the inner city, demonstrating an alternative appropriation of buildings based on the collective production of urban spaces. They are often carefully studied tactics that take into account the physical and legal condition of the building, and that identify the moment and places that are most conducive for occupations. Once the building has been occupied, collectives are set up to manage its maintenance, as well as to establish a means of discussing emerging challenges. Furthermore, occupations are not isolated and fragmented actions, but are assisted by a series of institutes, NGOs and collectives providing legal, architectural and social support for social movements in their struggles to re-appropriate the centre. While there have been interesting examples of participatory planning initiatives outlining mechanisms and procedures for rehabilitating occupied buildings—drawing on partnerships between residents, social movements and technical support groups (see Dos Santos et al, 2002)—few have been implemented in practice.

One of the major bottlenecks for rehabilitating buildings through the consolidation of occupations has been the unwillingness of government to actually support the substantive provision of housing for low-income groups in the centre of São Paulo. Instead, municipal authorities have indicated a preference for large-scale regeneration projects, such as the highly contested 'Nova Luz' initiative. According to municipal plans, Nova Luz aims, over the next 15 years, to improve the physical condition of a city centre area corresponding to 500 000 m². The motivation is to involve private investors in inner-city regeneration through 'public concessions'. To ensure a desirable environment for investors, the São Paulo municipal authority has committed to investing 355 million reals (US$109 million) in this initiative. However, in the meantime there is very little transparency about plans and procedures, and local residents have not been offered legal assurance about their rights (and real opportunity) to remain in the city centre.[128] As a result, a growing number of evictions have taken place, rendering occupations increasingly vulnerable and transient. Within such a scenario of increasing contestations, Earle (2012) and Tatagiba et al (2012) argue that social movements articulate the tactics of occupations not only as a mechanism for gaining material benefits (ie better housing), but more critically still, as a way of claiming citizenship and recognition in the city. Specifically, discussions within the União de Movimentos de Moradia São Paulo (UMM) (one of the most important networks with which the Sem Teto collectives collaborate in

---

128 For further information, see www.brasildefato.com.br/novaluz.

São Paulo[129]) often converge around the theme of 'dignified living' for the urban poor. Both cited studies show how the concept of 'dignity' encapsulates members' concern for being respected as human beings—an important component of which entails gaining access to spaces of participatory governance in the city. Earle explains in more detail the nature of occupations in São Paulo as the tactical pursuit of rights in the city:

> Occupations … are a tactic that can cause significant embarrassment and logistical difficulties for the government. They fulfil a number of functions: they highlight the city's housing deficit and the humiliating living conditions of so many of its poorer residents, they draw public attention to the fact that thousands of buildings have been left abandoned in the city centre, and they emphasise that the state is failing to uphold the right to housing. They also challenge the spatial segregation of the city by calling for centrally located social housing and opposing the practice of building social housing on the extreme peripheries, contributing to the city's sprawl. In this way, they can be understood as standard acts of civil disobedience—the breaking of the law to highlight an injustice. (Earle, 2012: 119)

While there are still many challenges faced by social movements in improving the physical conditions of occupied buildings, such tactics question the logic of production of the city, and facilitate the articulation of new visions for how the city centre should be used and appropriated.

Importantly, the specific practice of *occupations* to question the logic of market processes is rooted in the Brazilian context, and is emergent especially against the backdrop of the City Statute and Constitution—institutional regulations outlining the 'social function' of land. This recognition creates space for movements such as Sem Teto to claim a legitimacy in occupying areas where they may not hold legal ownership. More broadly, however, this case demonstrates how a range of tactics operating within a 'grey zone' of legality can be used to make explicit those wider urban trends, such as marketisation and privatisation, that can limit strategic outcomes associated with urban justice and equity. Similar tactics have been employed by South African urban social movement Abahlali baseMjondolo in KwaZulu-Natal. As elaborated by Zikode, Abahlali engages in the 'politics of disruption' as a mechanism for claiming constitutionally recognised rights, for example through the practice of street blockades.[130]

---

129 For further information on UMM, see www.sp.unmp.org.br.
130 Explained by S'bu Zikode, founder of Abahlali baseMojondolo in KwaZulu-Natal, at public lecture on 11 November 2013, at the Development Planning Unit of University College London.

Such trajectories of contestation and imagination, as articulated by Earle (2012), may sometimes use illegal tactics, but with the intention to advocate for a more equitable application of policy and planning frameworks. They acknowledge that policy and regulations must work within a wider enabling environment if citizenship rights are to be actualised—and seek to actively address these underlying conditions. For this reason, they are tactics that enlarge the room for manoeuvre of the urban poor in bringing about strategic change. This holds resonance in the case of South Africa, which—like Brazil—has a wide-ranging set of socio-economic rights enshrined in the Constitution. However, to move to *strategic* processes of upgrading, it is also worth reflecting on those wider conditions shaping the production of space and access to substantive rights for informal settlement residents in South Africa.

A final lesson of note emerging from this case is the shift in the discussion from land to *space*. For members of Sem Teto, questions of urban justice are less a product of an unequal allocation of land, than of the spatial distribution of property. While this is linked to the particularities of the Brazilian case and competing claims on vacant buildings on centrally located land, it is also evident that as cities go through a process of increasing densification and verticalisation, such questions are likely to continue arising. Therefore, this case also represents a call for academics and practitioners exploring housing rights and urban planning to examine the implications of such a shift in the construction of new spatial imaginations, and in the contestation of different trajectories of 'regeneration'.

Conclusion: Making strategic upgrading work

The tactics for strategic upgrading discussed in this chapter explore social, economic and political entry points for identifying and expanding cracks in order to reshape processes that reproduce injustices in cities. These cases highlight the importance of strategic action to address such entry points in an integrated manner. In other words, if upgrading is to be strategic, it must address social, economic and political contestations simultaneously, and not in a separated and fragmented fashion. Nonetheless, the tactics discussed have positioned themselves in different ways in relation to localised processes shaping cities in unjust ways. On the one hand, the first two case studies examine different ways of *working with* the existing system of urban development by focusing on supporting relationships within collectives (tactic 1), and reshaping relationships with state and private actors on the basis of collective mobilisation (tactic 2). On the other hand, the third case study reveals strategies of *challenging* urban trends by engaging in acts of civil disobedience to reveal injustices and claim rights.

While the chapter identifies successes in each of these cases, it has also highlighted a range of weaknesses and difficulties. In their diversity, the three tactics

point to the crucial role of institutional mechanisms that hinder or facilitate the work of strategic upgrading. As we close this chapter, we turn to a number of key points that must be addressed in order to make strategic upgrading work. Given the current change in South Africa's policy towards informal settlements, we focus our attention specifically on the ways in which public institutions can support more transformative upgrading practices.

First, and as a prerequisite, the cases above highlight the need for a commitment from local government actors to the view that the city can and should be produced for the benefit of all, prioritising equity over growth. This commitment is recognised in different ways and to different extents in the case studies discussed. In Kenya, there has been recent progress in developing new national land and housing policies, with drafts reflecting demands from various civil society groups networked through the Civil Society Housing Coalition. In Thailand, there is recognition of the need to work with low-income communities, exemplified by the creation of CODI (of which Baan Mankong is a programme). In Brazil, the establishment of the Ministry of Cities and the elaboration of a City Statute have been of fundamental importance to the recognition of the social function of land and property, opening up possibilities for urban planning mechanisms that prioritise equity and justice over economic growth. Interestingly, the South African Constitution has been used successfully by low-income groups claiming their rights to housing and services through the courts. Nevertheless, the three cases also emphasise that while pro-poor frameworks, policies and programmes are important preconditions, they are frequently not enough on their own to actualise rights to the city. In all three cases, there is still a long way to go in order to put institutional commitments into practice, given the permanence of established power relations manifested in the cities concerned. For those commitments to have substantive redistributive outcomes, governments need to be ready to challenge existing power imbalances by: (1) enhancing community access to resources; (2) establishing procedures that actualise pro-poor commitments; and (3) ensuring institutional coherence around the objectives of equitable governance.

Second, the case studies presented have demonstrated the importance of partnering with community groups and organisations in the implementation of upgrading practices. While there is a greater acceptance that governments need to work with multiple actors in the production of housing programmes, this often takes the form of partnerships with institutions that have the human, institutional and financial capacity to deliver housing or upgrade informal settlements at scale. Accordingly, many alliances are made with large-scale developers, resulting in a reproduction of market exclusionary logic. In contrast, the cases presented above highlight interesting initiatives of partnerships that work directly with grassroots organisations. Rather than merely devolving responsibilities, in each case there is evidence of the importance of governments playing a proactive role in the distribution of resources and strengthening the capacity of such organisations to deliver. This

indicates the need for greater awareness to be placed on assessing the quality of partnerships, as well as on generating more support for grassroots collaboration.

Finally, for upgrading to become strategic it must move beyond a project-planning approach to address injustices in the city. Upgrading must therefore be embedded within wider structures of democratisation of urban governance, opening up avenues for new forms of participatory planning where community groups have the opportunity to affect citywide decisions. One such example of this process is in the experience of participatory budgeting in Brazil, which has led to the creation of new, more sustained and productive forms of engagement between civil society organisations and municipal authorities. Such practices are useful for exploring the linkages between the material impacts of upgrading and broader concerns with rights and citizenship.

While there are many challenges to upgrading practices, we argue that these approaches, in their diversity, offer clear pointers for informal settlement upgrading to move beyond addressing the symptoms of poverty and to start tackling the underlying drivers of injustices in the city. In their diversity, they highlight an ability to 'read the cracks' within a given locality, drawing on different entry points and working towards more strategic aims related to urban justice and equity in the city.

References

Alam, A., Baliga N., Deji. G., Lenton, A., Sugeno, F. & Witriol, J. 2005. *Enabling a Community-led Process: Pamoja Trust's Work in Nairobi, Kenya*. School of International and Public Affairs, Columbia University, New York.

Boniburini, I. 2013. 'As a way of introduction. The "right to the city": Practices and imaginaries for rethinking the city'. In: Boniburini, I., Le Maire, J., Moretto, L. & Smith, H. (Eds.), *The City as a Common Ground: Urban Planning and the Right to the City*. Brussels: Faculté d'architecture La Cambre-Horta de l'Université libre de Bruxelles.

Boonyabancha, S. 2005. 'Baan Mankong: Going to scale with "slum" and squatter upgrading in Thailand'. *Environment and Urbanization*, 17 (1): 21–46.

Boonyabancha, S. 2009. 'Land for housing the poor—by the poor: Experiences from the Baan Mankong nationwide slum upgrading programme in Thailand'. *Environment and Urbanization*, 21 (12): 309–329.

Bradlow, B. 2011. 'What is incrementalism, part 2: Community-managed utilities in an informal settlement in Nairobi'. *SDI Blog*, 23 May. Available at: www.sdinet.org/blog/2011/05/23/what-is-incrementalism-part-2-/, accessed 20 July 2013.

Brenner, N., Marcuse, P. & Mayer, M. (Eds.). 2011. *Cities for People, Not for Profit: Critical Urban Theory and the Right to the City*. Abingdon: Routledge.

Burgess, R. 1982. 'Self-help housing advocacy: A curious form of radicalism. A critique of the work of John F.C. Turner'. In: Ward, P.M. (Ed.), *Self-Help Housing*. London: Mansell.

Butcher, S. & Frediani, A.A. 2014, 'Insurgent citizenship practices: The case of Muungano wa Wanavijiji in Nairobi, Kenya', *City*, 18 (2): 119–133.

Connolly, J. & Steil, J. 2009. 'Introduction: Finding justice in the city'. In: Marcuse, P., Connolly, J., Novy, J., Olivo, I., Potter, C. & Steil, J. (Eds.). *Searching for the Just City: Debates in Urban Theory and Practice*. Abingdon: Routledge.

COHRE (Centre on Housing Rights and Evictions). 2006. *Listening to the Poor: Housing Rights in Nairobi, Kenya*. Consultation Report, Fact-Funding Mission to Nairobi, Kenya. Geneva: COHRE.

De Certeau, M. 1984. *The Practice of Everyday Life*. Berkeley: University of California Press.

De Soto, H. 1989. *The Other Path*. New York: Harper and Row.

Dos Santos, A.L.T., Piccini, A., Yuhasz, D., Comaru, F.A., Vitale, L., Sampaio, M.R.A., Salinas, R. & Freitas Junior, R.G.E. (Eds.). 2002. *Laboratório de Projeto Integrado e Participativo para Requalificação de Cortiço*. São Paulo: Faculty of Architecture and Urbanism, University of São Paulo.

Earle, L. 2012. 'From insurgent to transgressive citizenship: Housing, social movements and the politics of rights in São Paulo'. *Journal of Latin American Studies*, 44 (1): 97–126.

Fainstein, S. 2010. *The Just City*. London: Cornell University Press.

Fraser, N. 1990. 'Rethinking the public sphere: A contribution to a critique of actually existing democracy'. *Social Text*, 25–26: 56–80.

Frediani, A.A., French, M. & Nunez Ferrera, I. 2011. *Change by Design: Building Communities through Participatory Design*. ASF-UK Workshop Report. New Zealand: Urban Culture Press.

Gilbert, A. 2007. 'The return of the slum: Does language matter?' *International Journal of Urban and Regional Research*, 31 (4): 697–713.

Harris, R. 2003. 'A double irony: The originality and influence of John F.C. Turner'. *Habitat International*, 27 (2): 245–269.

Harvey, D. 2008. 'The right to the city'. *New Left Review*, 53: 23–40.

Healey, P. 1997. *Collaborative Planning: Shaping Places in Fragmented Societies*. New York: Palgrave.

Huchzermeyer, M. 2008. 'Slum upgrading in Nairobi within the housing and basic services market: A housing rights concern'. *Journal of Asian and African Studies,* 43 (1): 19-39.

Kohara, L.T. 2013. *As contribuições dos movimentos de moradia do centro para as políticas habitacionais e do desenvolvimento urbano do centro da Cidade de São Paulo*. Post-doctoral thesis, Faculty of Architecture and Urbanism, University of São Paulo.

Levy, C. 2007. Defining strategic action planning led by civil society organisations: The case of CLIFF, India. Paper presented at *N-AERUS Conference*, UCL Development Planning Unit, London, 6–8 September.

Levy, C. 2009. 'Viewpoint: Gender justice in a diversity approach to development? The challenges for development planning'. *International Development Planning Review*, 31 (4): i–xi.

Marcuse, P. 2009. 'From critical urban theory to the right to the city'. *City*, 13 (2–3): 185–196.

McCall, L. 2005. 'The complexity of intersectionality'. *Signs*, 30(3): 1771–1800.

Miessen, M. 2010. *The Nightmare of Participation*. Berlin: Sternberg.

Mouffe, C. 1999. 'Deliberative democracy or agonistic pluralism?' *Social Research,* 66 (3): 745–758.

MSc Urban Development Planning. 2012. *Co-Production of Housing at Scale: Collaborative People-Centred Partnerships for Slum Upgrading in Bangkok, Thailand*. Field trip report, The Bartlett Development Planning Unit, University College London.

MSc Urban Development Planning. 2013. *Transformation at the Citywide Scale*. Field trip report, The Bartlett Development Planning Unit, University College London.

Parnell, S. & Oldfield, S. (Eds.). 2014. *The Routledge Handbook on Cities of the Global South*. Abingdon: Routledge.

Safier, M. 2002, 'On estimating 'room for manoeuvre''. *City*, 6 (1): 117–132.

Shields, S.A. 2008. 'Gender: An intersectionality perspective'. *Sex Roles*, 59 (5–6): 301–311.

Tatagiba, L., Paterniani, S.Z. & Trindade, T.A. 2012. 'Ocupar, reinvidicar, participar: sobre o repertorio de acao do movimento de moradia de São Paulo'. *Opinião Publica*, 18 (2): 399–426.

Tewdwr-Jones, M. & Allmendinger, P. 1998, 'Deconstructing communicative rationality: a critique of Habermasian collaborative planning. *Environment and Planning A*, 30 (11): 1975–1989

Turner, J.F.C. 1972. 'Housing as a verb'. In: Turner, J.F.C. & Fichter, R. (Eds.), *Freedom to Build*. New York: Macmillan.

Varley, A. 2002. 'Private to public: Debating the meaning of tenure legalization'. *International Journal of Urban and Regional Research*, 26 (3): 449–461.

Walker, J., Frediani, A.A. & Trani, J.F. 2013. 'Gender, difference and urban change: Implications for the promotion of well-being?' *Environment and Urbanization*, 25 (1): 111–124.

Weru, J. 2004. 'Community federations and city upgrading: The work of Pamoja Trust and Muungano in Kenya'. *Environment and Urbanization*, 16: 47–62.

Yap, K.S. & De Wandeler, K. 2010. 'Self-help housing in Bangkok'. *Habitat International*, 34 (3): 332–341.

Chapter 24

South Africa's emerging national urban policy and upgrading agenda

Edgar Pieterse and Liza Rose Cirolia

In response to apartheid's relentless underinvestment in rural areas, and the emotional attachments of nationalist ideology, the post-apartheid state has tended to prioritise rural development, at least rhetorically. Whether the state should explicitly support cities and urban development has been entangled in deeply political and racialised discourses. However, while apartheid cities may have represented wealth and privilege, the rapid 'urbanisation of poverty' concentrated in townships and informal settlements, is shifting this map. Rapid urbanisation, peaking in the 1980s and early 1990s, has resulted in 63 per cent of South Africa's population residing in urban areas (Turok, 2012). This proportion is projected to grow to 80 per cent by 2050; the majority of this growth will take place in the larger metropolitan city-regions (Harrison & Todes, 2013).

Past attempts to prepare for this challenge have gained little traction. In 1997 (three years after the advent of democracy), an Urban Development Framework was approved by the Cabinet; however, without clear political leadership or intent to implement, it was largely ignored (Pieterse, 2004). In 2009, there was the culmination of a series of attempts since 2005 (see Cooperative Governance and Traditional Affairs, 2009), but this attempt ran aground when the then president, Thabo Mbeki, was unceremoniously recalled due to ideological disagreements within the African National Congress. It would take another three years before the pendulum swung back and another urban policy boat was pushed out of the port.

In 2013, a new national framework process was announced. In 2014, a draft policy entitled *Integrated Urban Development Framework: Draft for discussion* (from here forward referred to as the IUDF) was made public. This document and the underlying process is the subject of this chapter. It includes the current thinking on national urban policies and frameworks, an overview of the IUDF process, and the implications of the IUDF arguments for the current human settlements and informal settlement upgrading debates. Most importantly, the chapter shows that the IUDF is in support of incremental upgrading and backyarding, seeking to reinforce the shift towards more just and democratic housing processes and outcomes. In conclusion, it argues that the IUDF offers a useful framework for situating the

human settlements challenge within a broader and potentially more radical urban agenda. However, the IUDF will only be useful if the urban-sector civil society groups engage critically with the proposals in the document and claim their voice and role in the formation and implementation of South Africa's urban agenda. This necessitates effective mechanisms of exchange and learning between civil society organisations, the private sector and the state.

International discourse on national urban strategies

As cities increasingly become the focal points of development, many organisations call for national urban policies or strategies that can cope with the environmental, social and economic challenges associated with urbanisation and urban growth (AMCHUD, 2012; Rasoolimanesh et al, 2013; UN-Habitat, 2009). Turok and Parnell (2009) argue that national governments are best placed to map and support long-term trends in relationship to cities, towns and rural areas. In addition, national governments have powerful policy tools, not the least of which is the ability to invest in large-scale infrastructure and devise relevant urban legislation. National urban policies should thus be seen as a complement to local strategies, focusing on national patterns and processes and creating enabling frameworks for local authorities (Turok & Parnell, 2009).

In many African cities, the first explicit national urban strategies followed independence and focused on the development of new capital cities under the popular planning paradigm of 'growth poles' (Abubakar & Doan, 2010; Bekker & Therborn, 2011; UN-Habitat, 2014). The rationale for these new cities was both symbolic, representing departures from colonial dominance, and technical, seeking to curb migration to major cities. Many countries, including Nigeria, Tanzania, Botswana and Malawi, sought to build new, planned, and ordered capital cities (Abubakar & Doan, 2010). These new cities were often funded by Western interests, intent on securing the allegiance of Third World countries during the Cold War period.

Further efforts to deter migration from what economist Mark Jefferson in 1939 referred to as 'primate cities', such as rural development programmes, draconian measures to stem migration or intentional degeneration of capital cities (known as the Havana Strategy), have constituted the dominant urban development approach on the continent (Richardson, 1978). African governments (and those that advise them) have been incredibly concerned about urbanisation for decades, with 54 per cent having policies to reduce migration to cities in 1996 and 77 per cent in 2009 (United Nations, 2010). Structural adjustment programmes (SAPs) implemented across the continent under the say-so of the International Monetary Fund and the World Bank further encouraged the stemming of migration to cities through concerted focus on rural exporting regions of African countries (Riddell, 1997).

However, there is substantial evidence that urban growth mitigation efforts are ineffective and not necessarily desirable (Richardson, 1981; Rogerson, 1989). Over the past 20 years, cities have been increasingly embraced as 'engines of growth' among global urban policy experts; Richardson, for example, writes that 'the efficiency merits of slowing down primacy are dubious. The statistical association between increasing primacy and faster economic growth is well known' (1991: 276). Therefore, rather than stopping urban growth, strategies should also seek to prepare for and support the urban transition evident on the African and Asian continents.

More recently, a number of African countries, including Kenya, Mali, Nigeria, Uganda, Rwanda and South Africa, have made moves to formulate national urban policies or frameworks that seek to embrace urban growth and transformation (UN-Habitat, 2014). While this represents an important shift of the urban agenda, the difficulty of implementing these plans has not gone unnoticed. In the case of Rwanda, Nigeria, Mali and Mozambique, limited technical capacity hinders effective implementation (UN-Habitat, 2014). Often strategies are never implemented at all. In Nigeria, the federal system, which limits the powers of national government, is a further stumbling block. In Kenya and Uganda, capital cities have been sites of political controversy and opposition support; this has led to inter- and intra-party tensions, undermining the intent of the national policy processes (Resnick, 2012).

The IUDF: An overview

The IUDF is a national policy document that aims to guide the development of urban areas, and the institutions involved in these processes, in South Africa. In order to draft the IUDF, a number of structures were established. There was a political committee led by the Department of Cooperative Governance and Traditional Affairs (with six departments and the South African Local Government Association). In parallel there was a team of officials, also led by Cooperative Governance and Traditional Affairs. The South African Cities Network provided the secretariat function. They established a Panel of Experts (POE) to feed into the process. The role of the POE was to offer inputs into, and help shape, the IUDF process.[131]

The impetus for the most recent process to draft the IUDF came from three quarters. First, the Presidency's National Development Plan 2030 (NDP), one of South Africa's most ambitious and forward-looking policy documents, made a strong case for clearer policy direction on urbanisation (National Planning Commission, 2012). Second, the results of the 2011 census underscored the dramatic movement of people to core metropolitan centres, especially Gauteng. This finding turned the

---

131 It should be noted that one of the authors, Edgar Pieterse, served as chairperson of the Panel of Experts.

Premier of Gauteng into a strong advocate for a coherent national policy on urbanisation. Last, after the World Urban Forum in Naples, Italy, in 2012, the then Deputy Minister of Cooperative Governance and Traditional Affairs, Yunus Carriem, reported back to Cabinet that South Africa was one of the few leading developing countries that did not have a National Urban Policy as advocated for by UN-Habitat. The confluence of these dynamics resulted in Cabinet establishing an inter-ministerial committee, led by Cooperative Governance and Traditional Affairs, to develop an IUDF for South Africa in January 2013.

In October 2013, Cooperative Governance and Traditional Affairs published a discussion document entitled *Towards an Integrated Urban Development Framework*. Framing the core dysfunctions of South Africa's urban systems and advocating strongly for the paramount importance of South Africa reaping the benefits that cities have to offer, the document spells out the 'South African reality' including a catalogue of well-documented challenges, such as population growth in cities, segregated urban areas, interdependent rural and urban areas, dysfunctional local governments and the development of sustainable human settlements. With urban centres dominating South Africa's economy, the document makes a strong argument for why concern with these dysfunctionalities should be of national importance.

There was hope that this document would encourage civil society and progressive voices to join the debate. In terms of the policy development process, the discussion document was a mechanism to stimulate external civil society advocacy so that the further technical work to be done though the IUDF process could be pulled towards radical and transformative positions. However, the discussion document went down like a lead balloon; there was almost no feedback given on the document, despite it being launched at a major national conference convened by the then Minister of Cooperative Governance. The reasons for this are unclear, but it meant that the technical drafting process remained insulated from civil society scrutiny and engagement.

While the discussion document was circulating in the public sphere, the POE worked on 11 in-depth research reports. The feedback on the discussion document combined with insights of the research reports and regular IUDF technical meetings was synthesised into the Technical Draft, concluded in May 2014, just before the national elections. Due to the number of constituent departments involved in the IUDF process and the size of the POE, the drafting processes were inevitably belaboured and iterative, but this was essential in order to arrive at reasonable consensus and acceptance. After the Technical Draft was submitted, a governmental team reworked and refined it, the culminating in the IUDF (Cooperative Governance and Traditional Affairs, 2014).

The IUDF is distinct in that it deliberately eschews the national urban policy templates propagated by international organisations like United Cities and Local Government (UCLG), the Organisation for Economic Co-operation and Development

(OECD), and UN-Habitat. Instead, the POE sought to respond directly to the South African context, drawing principles and material from the realities and the deeply embedded urban logics that have driven and reinforced dysfunctional urban development. This is done while insisting that urban and rural situations should be seen as co-dependent. Seeking to build on the National Development Plan (NDP) (particularly chapter 8, *Transforming human settlements and the national space economy*), the IUDF outlines four strategic goals: access, growth, governance and spatial transformation. The bulk of the IUDF is spent outlining a number of policy levers which are meant to work in concert to realise these goals, with an insistence that the sequencing of the levers is of utmost importance.

A striking feature of the IUDF is that it does not claim to have all the answers. Signalling the limitations of policy thinking and action with regard to the enormity of the urban development challenges, the IUDF offers a novel framework for differentiating between surface and substrata dimensions of urban reproduction. Thus, distinctions are drawn between urban patterns, urban dynamics and deep urban logics:

- 'Urban patterns' denote policy considerations such as: sprawl-based land-use; car-biased road-based transport planning; unsafe public transport; functional separation between land uses with marginal increases in mixed use; bifurcation between rich and poor; and so on.
- 'Urban dynamics' delve below the skin of these patterns and explore issues such as: ageing and resource-intensive infrastructure networks that drain limited fiscal resources; fragmented infrastructure networks and institutions that militate against synergistic gains that can be had from optimising resource flows and connecting outputs and inputs across infrastructural networks; highly regulated land use that militates against informal practices and the livelihood strategies of the poor; and so on.
- 'Deep urban logics' denote the drivers of path-dependencies that in a sense create the breeding ground for dominant urban dynamics. Five deep urban logics are identified in the IUDF: (1) land and property markets that shape the current divided and highly inefficient form of settlements; (2) infrastructure networks that (unsustainably) conduct the flows of people, resources, goods and data through urban systems, with negative consequences for household and municipal budgets, ecosystem services and local and global environmental change; (3) the cumulative impacts of long-term efforts to effect racial and class segregation and oppression continue to structure settlements, reinforced by uneven patterns of land value and access to resource flows; (4) poorer households and individuals tend to settle in locations that maximise access to urban opportunities, even if this means living in a well-located informal settlement rather than a badly located subsidised formal settlement; and (5) the inherent institutional need for political

and fiscal stability limits the scope for structural reforms that radically alter land ownership and access to resources.

Importantly, the IUDF acknowledges that it is not possible to solve these deep logics through a policy framework, especially if the data are sparse and if these issues have not been given suitable political treatment across a broad political front. The IUDF policy team resolved that it was important to flag these distinctions but focus the policy agenda on the first and second categories of problematisation: urban patterns and dynamics. The idea is that the birth of the policy will open up spaces for agonistic deliberation about the deeper logics that will need a multiplicity of forms of engagement, including direct action and agitation and not just formal policy activism (elaborated in Pieterse & van Donk, 2013). Moreover, it puts a challenge to the scholarly community to produce the evidence and argumentation about how one could address these profound obstacles to urban freedom.

Within this context, a major move in the IUDF argument is to underscore the importance of confronting the Frankensteinian legacy of apartheid social-spatial engineering in South African cities. This demands a frank acknowledgement that while great strides have been made in reducing material poverty (through the housing delivery programme, free basic services, etc), spatial and income inequalities have worsened. Put differently, the government's redistributive agenda since 1994, focused on addressing basic needs, especially housing, has also deepened the spatial disadvantage that most poor and working-class households, confined to townships and informal settlements, face. The discussion document calls this South Africa's 'spatial paradox' (Cooperative Governance and Traditional Affairs, 2013). Building on this analysis, the policy agenda put forward in the IUDF includes maintaining the redistributive imperatives and attending to the question of urban form, particularly density and social integration. This can be facilitated by an intensified focus on public infrastructure investments, linked to public transport and economic trading spaces for the poor.

Within the IUDF it is argued that the two macro policy mandates of the government and society at large, the National Development Plan (NDP) and the New Growth Path (NGP) (which sets a target of 5 million new jobs to be created by 2020), create the platform for addressing this spatial paradox and the need for both resilient and inclusive economic growth (National Planning Commission, 2011; Republic of South Africa, 2010). To support these, the IUDF can then offer the spatial articulation for how a new generation of urban management and investments can connect the imperatives of spatial transformation to the larger goals of resource-efficient and inclusive urbanism. This invocation of the legitimating power of the NDP and NGP is effectively the political insurance for governmental, private sector and some civil society interest groups. However, it is noteworthy that the South African Communist Party (SACP), labour movements and allied social

movements are not persuaded by either the NDP (especially Chapter 3 on the economy) or the NGP, seeing both as indebted to neoliberal precepts (Cronin, 2013). From this point on, it was imperative to shift attention to what could be done differently to address the spatial paradox, but also to reorient the long-term trajectory of South African cities onto a more resource-efficient and inclusive path.

Thus, the core of the IUDF emerges as a focus on understanding and rethinking the return on investment of numerous routine actions of various levels of government. The argument follows that every rand spent on whatever investment into the social and economic reproduction of the city must have a broader impact than just achieving the narrow aims of the sector doing the expenditure. Higher-order urban impacts need to be defined and progressively realised through new institutional goals, instruments and functioning. Since institutional integration would be central to this, macro institutional reforms in the overall intergovernmental system and functioning of urban governments will be essential. Therefore, one of the main arguments put forth in the IUDF is that the synergy of urban opportunities, conceptualised as the urban dividend, can be best unlocked by explicitly articulating investments in three areas: people, place and the economy. Investment in 'people' relates to the capabilities of individuals, families and communities in terms of education, health and other social services. Investment in 'place' refers to grounded investments that build more inclusive and safer areas. Investment in 'economies' speaks to the need to reinforce the infrastructure that supports exchange and transactions in the urban system, as well as inclusive economic growth.

Building on these elements, the IUDF proposes a series of interrelated policy levers to effect urban transformation over the medium to long-term. These levers are premised on an understanding that urban integration will most likely stem from a specific sequencing of urban policy actions. Together these can trigger processes that foster economic diversification and inclusion as well as social transformation.[132] The final eight levers included in the IUDF are: (1) integrated spatial planning; (2) integrated transport and mobility; (3) integrated sustainable human settlements; (4) integrated urban infrastructure; (5) efficient land governance and management; (6) inclusive economic development; (7) empowered active communities; and (8) effective urban governance.

---

132 There was a shift in detail in the Technical Draft of the IUDF. A new Minister of Cooperative Governance and Traditional Affairs, Pravin Gordhan, took charge of the Cabinet submission with the support of the primary political head of the IUDF process, Deputy Minister Andries Nel. Under their direction, it was agreed to shorten the original Technical Draft and add spatial planning as a stand-alone lever. A final list of eight levers is reflected in the draft IUDF published in September 2014.

Human settlements in the IUDF

The IUDF (2014: 87) states that 'by 2030 another 7.8 million people will be living in South African cities and by 2050 a further 6 million, adding enormous pressures to housing, services and infrastructure'. The importance of creating sustainable human settlements, and the challenges to do so, are not underplayed.

In a number of ways, the direction for human settlements policy is covered explicitly in the IUDF. The IUDF drafting team were acutely aware that a number of important (and stalled) human settlement reform policy processes are currently under way at the national level and sought to give impetus to what are consistent with the IUDF. Rather than try to articulate a new direction for human settlements, the IUDF clearly seeks to give (renewed) impetus to the existing directions, including the Human Settlements White Paper, which can articulate a new policy direction for human settlements, the Housing Development Agency's land assembly mandate that focuses on addressing the lack of suitable land for housing, the National Upgrading Support Programme and the Municipal Accreditation process (these last two are discussed elsewhere in this book).

Within the IUDF, Policy Lever 3: Integrated and Sustainable Human Settlements, informal settlements, inner city regeneration, densification, backyarding, inclusionary housing and the devolution of powers and functions are noted as central policy priorities. It is noteworthy that informal housing typologies are seen as positive contributions to city-making. However, other levers also have direct connections to human settlements. For example, Lever 4 calls for universal access to services. Lever 5 gestures towards the possibility of land expropriation (or sale at under market value) for social causes and the need to simplify tenure systems. Lever 7 states that community organisations will need to tool up and learn how to balance the operation of social enterprises with the maintaining of accountability (as part of the larger local governance institutional system).

A key thread running through the IUDF is the importance of building a more coherent understanding of the underpinning and reinforcing urban system in order to address the human settlements question appropriately. The two questions are essential: (a) how do people in cities access economic (and other) opportunities?; and (b) what are the economics/models of service delivery? At its core, what do these services (housing being one of the components) do for the social reproduction costs and benefits of households?

Implications for upgrading informal settlements

In addition to the explicit support for the upgrading of informal settlements and the National Upgrading Support Programme (NUSP) in the IUDF, there are additional implications for upgrading that can be teased out. The following are a number of broader implications for the upgrading of informal settlements drawn from the main assertions of the IUDF.

The commons and community

Regarding human settlements and addressing the issue of informal housing, the IUDF argues forcefully that it has been an error to prioritise the provision of housing for poor households on an individual basis instead of common spaces and social development. In particular, public transport, investment in collective spaces in poor areas (which are deployed in multiple ways for economic, cultural, social and other purposes) and the building of a more capacitated civil society should be prioritised. More balanced and holistic investment is essential to building sustainable and resilient cities. This policy direction resonates with a number of the chapters in this volume that offer more specific insights on how to invest in the public infrastructures of informal settlements.

In terms of social development in the human settlement space, the IUDF sets forth a community empowerment agenda that includes training, capacitation, decision-making (at an even smaller scale than the ward) and economic mobilisation. CBOs and NGOs working in informal settlements are central to this programme. Given the challenges faced by organisations such as ISN and SDI, which have sought to mobilise communities (see chapters 9 and 11), it is clear that this process, while being primarily concerned with 'soft skills', will be one of the most ambitious. As the upgrading agenda gains traction and speed, it will take concerted attention on the part of NGOs and CBOs to identify the appropriate forums for participation and craft relevant curricula.

Universal access

The IUDF makes a strong case for connecting the fiscal imperative to guarantee universal access to basic services and the broader public policy commitment to infrastructure-led economic development strategy, a common feature of so-called countercyclical fiscal policies across emerging economy geographies. Thus, the argument is made that the state must consider the long-term architecture, systemic functioning and technological underpinnings of all network infrastructures (water, energy, waste) in terms of two overarching goals: universal access to basic services and resource-efficient urban metabolic dynamics.

These co-imperatives require a shift in register from the focus on a one-size-fits-all model of service delivery towards experimentation with alternative models of provision and management. The acknowledgement that existing models of delivery are both fiscally and ecologically unsustainable means that newly developed areas (informal settlements as well as middle- and high-income settlements) can become test-beds of innovation in terms of both delivery and operation. Newly developed settlements are not locked into existing infrastructure systems (like backyards and hijacked buildings are) and therefore allow for experimentation with unconventional delivery approaches for services such as water, sanitation, electricity and roads. Many informal settlements and new development projects also cover large enough

areas to address the questions of 'economies of scale' with alternative or 'off the grid' infrastructure, nullifying the common argument made by officials in the human settlements sector that bulk capacity constraints are prohibitive for *in situ* upgrading.[133]

Multiplying the benefits of investment

Urban efficiency is an important thrust of the IUDF, particularly where it is argued that investments should serve multiple and reinforcing objectives (in contrast to linear line function mandates). This argument offers two contributions. The first is towards a more technocratic discussion of efficient use of subsidies, public-private partnerships and the like. This is useful given the resource constraints faced by departments tasked with the monumental task of addressing upgrading and the housing backlog. However, for activists and advocates it opens up a more substantive and qualitative discussion on how to measure returns on investment. This is particularly compelling in the context of informal settlements, wherein the state continues to measure success in very traditional metrics: the number of sites and the numbers of top structures that have been delivered (the most recent review of Outcome 8, discussed in the introduction to this book, is the most recent example of a policy that was progressive in intent, but constricted in quantitative metrics). This forces even the most benign and well-informed bureaucrats to chase delivery targets at the expensive of fulfilling the equally necessary task of building sustainable settlements and communities (Charlton & Kihato, 2006; Harrison et al, 2008).

Conclusions

In the 2015 Budget Vote Speech, Cooperative Governance and Traditional Affairs minister Pravin Gordhan announced that the IUDF policy would be adopted by Cabinet by the end of year. The Implementation Framework, as well as the development of instruments to support densification and mixed-use development, are already in the pipeline. However, as is always the case, once policy documents are written, they gain a life of their own. In some ways, the IUDF has been given life at a moment of intense conflict. On the one hand, the need for infill development, urban regeneration and improvements in the hard and soft infrastructures in existing settlement areas is increasingly prioritised by metropolitan governments and the

---

133 In the recent Density Syndicate, a design-tank held by the African Centre for Cities and the New Towns Institute, the potential of using alternative waste water treatment and sanitation technologies were explored. This work showed that some of these technologies are more viable for larger settlements where an economy of scale can be reached (Provoost, 2015).

fiscal agenda. As the costs of sprawl, inefficiency and urban unrest increasingly fall on the local budget, tooling up cities to address the spatial paradox has never been more important.

On the other hand, the national Department of Human Settlements, intent on meeting the ambitious delivery target of 1.5 million houses in the current five-year political term of office, is pushing local governments to build mega- or catalytic projects. These projects are mostly peripheral greenfield developments where large tracts of land are available (Gauteng City-Region Observatory, 2015). The hard work of incremental upgrading of informal settlements appears to be getting pushed off of this agenda in favour of rapid supply-side projects. Under the auspices of the 'spatial targeting' articulated in the IUDF and the NDP, a Master Spatial Plan (MSP) has recently been developed by the Housing Development Agency (HDA), with which housing and infrastructure budgets will be pressured to align (PMG, 2015).

Battle lines have been drawn between departments and spheres, both using interpretations of the IUDF as ammunition. The architecture of the state is being challenged from within and the implications of important policy documents (like the IUDF) are being negotiated. However, civil society has been excluded from this insular power struggle. New policies, like the IUDF are (again) not being influenced by the voices of civil society groups.

In the absence of a powerful and organised movement of the urban poor in South Africa, the currently fragmented assemblage of civil society actors will need to step up to the plate, overcoming institutional cleavages and personal rivalries, as well as relinquishing tactics and discourses that no longer serve their constituencies. Civil society must prepare itself to contest the terms of engagement, within which they have been increasingly marginalised from policy-making processes, and contribute constructively to an urban agenda. With regard to the ideas and suggestions put forward in the IUDF, these may be rejected or embraced. However, it is important that civil society be prepared to be radically propositional and ready to give concrete meaning to what has been stuck in high-level debate and policy discourse for over a decade.

References

Abubakar, I.R. & Doan, P.L. 2010. New Towns in Africa: Modernity and/or decentralization. Paper presented at the 53rd African Studies Association Annual Meetings, San Francisco, 18–21 November.

AMCHUD. 2012. *Territorial Planning and Basic Services in Africa: Optimising the Urban Advantage*. Session of the African Ministerial Conference on Housing and Urban Development. Nairobi.

Bekker, S. & Therborn, G. 2011. *Capital Cities in Africa: Power and Powerlessness*. Cape Town: HSRC Press.

Charlton, S. & Kihato, C. 2006. 'Reaching the poor? An analysis of the influences on the evolution of South Africa's housing programme'. In: Pillay, U., Tomlinson, R. & Du Toit, J. (Eds.), *Democracy and Delivery: Urban Policy in South Africa*. Cape Town: HSRC Press.

Cooperative Governance and Traditional Affairs, the Presidency, and South African Cities Network. 2009. *National Urban Development Framework Harnessing a Common Vision for Growth and Development of South Africa's Towns, Cities and City-Regions.* Working Draft.

Cooperative Governance and Traditional Affairs. 2013. *Towards an Integrated Urban Development Framework: a discussion document.* Pretoria: Department of Cooperative Governance and Traditional Affairs.

Cooperative Governance and Traditional Affairs. 2014. *Integrated Urban Development Framework: draft for discussion*. Pretoria: Department of Cooperative Governance and Traditional Affairs.

Cronin, J. 2013. Let's not monumentalise the NDP. Presentation to the Chris Hani Institute.

Gauteng City-Region Observatory. 2015. *The Location of Planned Mega Housing Projects in Context.* Available at: www.gcro.ac.za/maps-gis/map-of-the-month, accessed 19 July 2016.

Harrison, P., Todes, A. & Watson, V. 2007. *Planning and Transformation: Learning from the Post-apartheid Experience*. London: Routledge.

Harrison, P. & Todes, A. 2013. *Spatial Considerations in the Development of Urban Policy in South Africa.* A research paper as input into the IUDF process.

National Planning Commission. 2012. *National Development Plan 2030: Our Future—make it work.* Pretoria: The Presidency.

PMG (Parliamentary Monitoring Group). 2015. *Housing Development Agency, Estate Agency Affairs Board, Community Scheme Ombud Services & Social Housing Regulatory Authority: Strategic & Performance Plans 2015*. Available at: pmg.org.za/committee-meeting/20607/, accessed 19 July 2016.

Pieterse, E. & van Donk. 2013. 'Local government and poverty reduction'. In: Pillay, U., Hagg, G., Jansen, J. & Nyamnjoh, F. (Eds.), *State of the Nation 2012–13. Addressing Inequality and Poverty*. Cape Town: HSRC Press.

Pieterse, E. 2004. 'Untangling "integration" in urban development policy'. *Urban Forum*, 15 (1): 1–35.

Provoost, M. (Ed.) 2015. *Cape Town: Densification as a Cure for a Segregated City*. Rotterdam: International New Town Institute.

Rasoolimanesh, S.M., Badarulzaman, N. & Jaafar, M. 2013. 'A review of city development strategies success factors'. *Urban Management*, 8 (3): 62–78.

Republic of South Africa. 2010. *Framework of the New Economic Growth Path*, 23 November 2010. Pretoria: Department of Economic Development.

Resnick, D. 2012. 'Opposition parties and the urban poor in African democracies'. *Comparative Political Studies*, 45 (11): 1351–1378.

Richardson, H.W. 1978. 'Growth centers, rural development and national urban policy: A defense'. *International Regional Science Review*, 3 (2): 133–152.

Richardson, H.W. 1981. 'National urban development strategies in developing countries'. *Urban Studies*, 18 (3): 267–283.

Riddell, B. 1997. 'Structural adjustment programmes and the city in tropical Africa'. *Urban Studies*, 34 (8): 1297–1307.

Rogerson, C.M. 1989. 'Rethinking national urban policies: lessons for South Africa'. *South African Geographical Journal*, 71 (3): 134–141.

Turok, I., & Parnell, S. 2009. 'Reshaping cities, rebuilding nations: the role of national urban policies'. *Urban Forum*, 20 (2): 157–174.

Turok, I. 2012. *Urbanisation and Development in South Africa: Economic Imperatives, Spatial Distortions and Strategic Responses*. Urbanization and Emerging Population Issues Working Paper Series, International Institute for Environment and Development and United Nations Population Fund.

UN-Habitat. 2009. *Planning Sustainable Cities: Global Report on Human Settlements.* London: Earthscan.

UN-Habitat. 2014. *The Evolution of National Urban Policies: A Global Overview*. Nairobi: UN-Habitat.

United Nations. 2010. *World Population Policies 2009.* New York: Department of Economic and Social Affairs.

Chapter 25

Conclusion: Reflecting on informal settlement upgrading experiences in South Africa

Warren Smit, Liza Rose Cirolia, Tristan Görgens,
Mirjam van Donk and Scott Drimie

This book documents and reflects upon the diversity of informal settlement upgrading experiences in South Africa. It shows that changing the way in which South Africa approaches informality and upgrading, while difficult, is possible and necessary. While the chapters may raise more questions than they answer, their nuanced 'groundedness' helps shed light on the challenges and opportunities ahead. An overarching theme emerging from the book is that of contestation and complexity around definitions, interpretations, visions and approaches. The contextual detail offered by the variety of chapters begins to reveal what is at stake when applying different definitions, visions and approaches in upgrading practice. This is probably not surprising for a volume deliberately produced through a process of 'knowledge co-production', through which differently situated researchers and stakeholders have been brought into conversation to grapple with theory and practice. This reflects one of the underpinning tenets of the book, that partnerships between different stakeholders are crucial for addressing complex issues such as the upgrading of informal settlements.

Given the delays in delivery of state-subsidised housing, recurring service delivery protests and confrontational relations between state and community, partnerships offer a new paradigm for addressing the upgrading of informal settlements in South Africa. As such, the perspectives of 'activism', particularly from local NGOs, permeate many of the discussions in the book and deserve particular emphasis in the conclusion. Indeed, incremental and participatory upgrading is essentially about a transformation agenda—transforming lives, communities, neighbourhoods and cities, but also transforming relations within/between communities and the state. To be successful, it must engage complexity and embrace difference and contestation.

We have identified a number of key issues that have emerged from the chapters, relating to the conceptualisation and practice of informal settlement upgrading. First, although informal settlements can vary considerably, they have common descriptive characteristics (including lack of documented security of tenure, planning permission,

or permanent state-provided infrastructure) and particular socio-spatial features. Second, informal settlement upgrading should be multi-dimensional and include the sequencing of interventions and, as much as possible, take place *in situ*. Third, there is a need for a wider range of options and instruments (for example, in terms of tenure, housing, infrastructure and facilities) that cater for a wider range of needs than is currently the norm. This diversification should look not only at new models for delivery, but also for operations and management. Fourth, upgrading requires the capacitation of, and partnerships between, multiple actors, including local government, residents and intermediaries. Finally, approaches to informal settlement upgrading need to traverse scale, from settlement scale, through neighbourhood and city scale, up to national scale.

Defining informal settlements

All the authors in the book use the term 'informal settlements' and many quote statistics relating to numbers of informal settlements in specific places at specific times. However, the term has not always been used in the same way, and the statistics referred to are not necessarily measuring the same thing. For example, although the South African census category 'shacks not in backyards' is often used as a proxy for numbers of households in informal settlements, these figures actually include a proportion of households in site-and-service settlements where people have formal tenure and permanent state-provided infrastructure. In addition, in popular usage, informal settlements are often conflated with 'squatter settlements', which are the result of 'illegal' land occupations, whereas the state draws an often arbitrary distinction between the two. The lack of clarity about what an informal settlement is can have profound implications for how the state responds or ought to respond. The result is an arbitrary separation between what agencies of the state recognise as an 'illegal invasion/occupation'—requiring immediate and often aggressive demolition and eradication—and an 'informal settlement'—requiring upgrading, improvement and citizen engagement. This poses both practical and conceptual challenges, particularly for state departments unresolved in their approach to informality and informal settlements. As noted by Greyling and Berrisford, the impulse to control, rather than work with the messiness of informality, remains deeply entrenched in planning as a profession and among government officials, and the responses and actions of the state have a deep impact on the lives of people living in such places. In moving forward, more conceptual clarity is required about what informal settlements are or are not, helping define what falls inside or outside the scope of informal settlement upgrading programmes, and what other types of interventions are needed to address other cases of informal housing.

Broadly speaking, we would suggest that informal settlements are areas where residents do not have documented security of tenure, planning permission or

permanent state-provided infrastructure. This definition excludes groups of informal dwellings on formally subdivided plots with permanent state-provided infrastructure. This definition allows us to make clear the difference between informal settlements and other forms of informal housing (such as backyards, discussed by Gardner and Rubin, and the 'bad buildings', discussed by Kitchin) that require different sorts of interventions. It also allows us to bring to the fore what Susan Parnell, in her keynote address at the national workshop where the draft content of this book was presented, referred to as the more 'substantive issues' with informal settlements, or what could be referred to as 'the human factor' (as opposed to the legal or physical factors usually reflected in definitions). Although the chapters use the term 'informal settlement' more loosely than the definition above, many of the authors highlight the key descriptive and substantive features of such settlements. As Frediani et al suggest, the common challenges faced by informal settlement residents include the risk of eviction, lack of services, competitive urban land markets and persistent lack of recognition by the state. Informal settlements should not be seen solely in a negative light. Focusing on the substantive issues, both positive and negative, allows for a conceptual and practical shift. Instead of assuming that the 'problem' with informal settlements is their informality, the result of which has been an obsession with 'formalisation' in South Africa, the focus is shifted to the substance and conditions of informal settlements. By focusing on substance, it is possible to acknowledge some of the positive characteristics of informal settlements as places of action and innovation, as the chapters by Rubin and Harrison and by Fieuw and Mwau highlight. As such, innovation in response, as described by Kumar and Robyn and by Swilling et al, enable sustained solutions to the common challenges experienced by people living in informal settlements to emerge.

Although informal settlements may share common characteristics, it is also important to recognise that informal settlements can vary widely, both between and within settlements. As Turok highlights, different settlements can play different functions. For example, some may serve as a temporary entry point for rural migrants to access the urban labour market, while others may serve as a more permanent place of residence for more established households. The chapters firmly foreground this in a diversity of ways. Maina's chapter shows how the underlying land ownership impacts on the nature of the settlement and possibilities for upgrading, and Daniels et al show how the levels of investment in the public sphere may differ enormously between settlements. Rubin and Harrison's chapter highlights the specificity of the informal settlements of the platinum mining towns. Without engaging the important roles that informal settlements play in the lives of their residents and the linkages between the location of a settlement and its potential function, interventions may be resisted in practice. Graham and Palmer highlight that the state needs to be more effective at understanding the space economy and the ways in which the state's investment can influence these patterns, but that this needs to be combined with

an improved public participation system that enables communities to genuinely influence decision-making. This presents a particular planning challenge, as systems will need to be developed to enable meaningful conversations about the specificities of the demands of residents of a settlement with the demands and opportunities being created by the wider shifting dynamics within cities.

Another important area of difference, particularly when it comes to participatory upgrading, is the nature and extent of local social organisation, cohesion and management. The strength of the street committees and local social movement branches such as Informal Settlement Network (ISN) (discussed by Fieuw and Mwau and by Kumar and Robyn) or Abahlali baseMjondolo (discussed by Kitchin), differ from settlement to settlement. Such cohesion also changes over time, as demonstrated by Kumar and Robyn. Even within settlements, particular areas might be aligned to particular political parties or factions, impacting on cohesion, demand-stating and decision-making. In situations where factions compete for state resources, such differences have important implications for lives and livelihoods. Within settlements, there may be other dynamics, such as between owners and tenants (as noted by Gardner and Rubin) and with regards to nationality, which also impact on cohesion and organisation. The net result of these various differences is that there may be different groups of residents with very different agendas, for example ISN affiliates may be interested in undertaking the sort of community mapping and re-blocking discussed in various chapters, while other groupings may be more interested in demanding that the state fulfil its promises of housing delivery.

Therefore, both local government officials and NGO intermediaries, such as CORC or SERI, are acutely aware of and must grapple with much more complex notions of 'community' than national policy documents afford.

Although it is important that there is a programme that focuses specifically on upgrading informal settlements of the nature and complexity described above, it is also important to recognise the existence of other types of informal housing, which are neglected by national policy in South Africa. Gardner and Rubin's chapter highlights the extent and complexity of backyard shack accommodation, and how it plays an important role in providing affordable rental housing. Similarly, Kitchin's chapter shows how informally occupied 'bad buildings' can provide affordable well-located accommodation, albeit often under problematic and highly insecure conditions. Although the interventions to address these other forms of informal housing need to be different, there potentially are principles and lessons that can be learned from informal settlement upgrading. These include the importance of allowing for flexibility and responsive design, ensuring inclusive processes that expand (rather than contract) the supply of affordable housing options, and the value placed on the perspectives of residents themselves. Greyling and Berrisford call for building regulations that embrace and enable the upgrading logic, while still asserting a minimum level of health and safety standards. Finally, it is also

important to acknowledge that interventions in informal settlements will shift the dynamics in these other forms of informal housing, and vice versa. It is therefore prudent to think about them as intrinsically connected as part of a system seeking to cater for the needs of those that cannot access formal housing.

It is important to note that people are not statically located in specific housing, and that there is frequent movement between and among different types of informal housing (and overcrowded formal housing). This implies that national housing policies and strategies need to look at various types of informal housing and overcrowded formal housing as an interrelated set of housing submarkets, recognising that intervention in one submarket can have a knock-on effect on other submarkets. The dynamic linkages between housing submarkets defies the static nature of many policies. Moreover, the perpetuation and growth of informal settlements and other forms of informal housing cannot be simply attributed to urbanisation pressures, as is common of policy texts and official discourses. As Adegun and Ouma remind us, informal settlements are the result of multiple factors, such as rapid urbanisation, the constrained choices of urban inhabitants, urban inequality, skewed land distribution patterns and a history of racial segregation and influx control. This is echoed by Rubin's and Harrison's detailed historical analysis of the mining regions, which articulates both local and international contributing factors. These analyses reinforce the importance of taking a multipronged and radical approach to informal settlements and the intertwined questions of justice, equality and urban rights.

Upgrading as multi-dimensional, incremental and *in situ*

In the same way that there are many conceptualisations of what informal settlements are, there are many conceptualisations of what informal settlement upgrading is (or should be). Broadly, we would suggest that incremental informal settlement upgrading is where a settlement is gradually upgraded over time in order to improve the living conditions of residents, in a multi-dimensional and intersectoral way, with all or most residents continuing to live on the site (*in situ*) wherever possible.

The three key points in the definition above are: phased interventions over time, a multi-dimensional approach, and avoiding disrupting the lives of residents through relocation. The first point is essentially about the recognition that incremental upgrading should always be a process. This means that it takes time, requires sequencing of often messy and overlapping activities, and needs to allow spaces and platforms for ongoing negotiation among the actors involved. Turok's chapter highlights the need for a continual sequence of interventions, focusing on achieving social resilience in the short term, and achieving socio-economic transformation in the long term. As a short-term intervention, improving security of tenure is a precondition for many other interventions and therefore is often one of the first

interventions. Greyling and Berrisford argue that improving tenure security for those that have already accessed land is a key intervention in upgrading processes, but must occur through a differentiated process that prioritises local conditions rather than formalisation per se. The managed land settlement approach promoted by Eglin and Kenyon is also premised on a phased approach to incremental settlement upgrading, where the pace and nature of each phase is determined in partnership with the community. However, they suggest that there need to be clear starting points that can mobilise the community and direct the actions and investment of the state.

While the government's stated urgency to improve living conditions in informal settlements is not misplaced, the longer timeframes for upgrading, particularly in comparison to traditional delivery approaches, offer some distinct benefits that the authors in this volume highlight. Eglin and Kenyon, for example, argue that incremental approaches have the advantage of being able to 'pause, reflect and learn from the experience of implementing previous steps' (p. 402). These moments of reflection and assessment, and the opportunity for flexibility and change, should be built into upgrading processes if they are to truly embrace and benefit from the principles of incrementality. Swilling et al echo this in considering the potential role of researchers, arguing that experimental action research with residents and local government may lead to new workable alternatives that expedite more effective service delivery and development outcomes.

South African state agencies, in particular human settlements departments, have largely seen upgrading as a once-off housing investment in informal settlements. This stands in contrast to the protracted and ongoing relationship that various state agencies have with middle- and high-income areas through, for example, ongoing land rights transaction tracking, infrastructure improvements and facilities upgrades. As many of the chapters argue, all effective interventions in improving informal settlements need to be continuous and sustained, building on each other over time. This requires a mind-shift for those involved in upgrading processes, particularly those who believe that handing over a finished house and title deed is the end of the upgrading process. This change in mindset was evident in the Stellenbosch example considered by Kumar and Robyn. Turok suggests a useful framework for thinking about interventions over the long term, with short-term interventions to improve resilience of the community (such as providing basic services and greater security of tenure) gradually giving way in the longer-term to interventions aimed at transforming the settlement and integrating it into the city (for example, through education and economic development). Similarly, Daniels et al argue for a need for quick wins (often very local) to be balanced with longer-term, more radical, goals that seek not only to improve but also to integrate, transform and ultimately make the post-apartheid city more just and equitable. This is important, as pursuing a phased approach without keeping the broader vision and

transformative goals in mind will more likely than not foreclose development possibilities in future.

The second point is about the importance of a multi-dimensional approach to upgrading. Turok's chapter highlights the need for a multi-dimensional integrated approach that includes interventions in the social environment, economic environment, built environment and natural environment. Graham and Palmer note that although transport is generally not considered to be a human settlements intervention, transport is a particularly important integrating infrastructure that needs to be included in upgrading interventions. A multi-dimensional approach essentially means that upgrading must look beyond the fixation with housing or shelter provision, and towards the integration of a range of interventions. Görgens illustrates how important, yet complex, such an approach is, and indicates that there are a range of intermediary functions that need to be fulfilled to facilitate this form of integrated practice. Additionally, it means the integration of informal settlements into the fabric of towns and cities. Many chapters in this book, particularly Daniels et al and Kumar and Robyn, reinforce an emerging consensus that area-based and holistic interventions in informal settlements are imperative. The broader neighbourhood, rather than solely the settlement/project, thus comes firmly into focus. This view sits in contrast to current upgrading practice in South Africa, which generally continue to focus on the number of serviced sites and top structures that are delivered at the project scale.

The third key point is the importance of an *in situ* upgrading approach. Without being prescriptive, Graham and Palmer suggest that '*in situ* upgrading' as 'minimal social disruption to those who are living there at the start of the upgrading process' (p. 347), which means that generally few (or no) households require to be relocated in the upgrading process. Many of the chapters (most notably Clark and Tissington, Charlton and Klug, and Adegun and Ouma) highlight how *in situ* upgrading is usually preferable to relocation, in order to maintain social and economic links and networks. The residents of informal settlements usually resist relocation, reflecting that place-specific livelihood strategies have evolved in many settlements. Clark and Tissington suggest that 'when the actual socio-economic costs of relocation are factored in, *in situ* upgrading potentially turns out to be a more feasible option' (p. 389). If relocation is absolutely necessary (for example, if the settlement is in a hazardous location), people should be relocated to well-located and, if possible, nearby land. In the case of rollover upgrading, some relocation may also be necessary, but the negative impacts of temporary or permanent relocation should be minimised, and ongoing consultation with residents regarding the process is vital. Without an intimate understanding of existing livelihood strategies and their underpinning asset structure, confrontation will be in the offing. In addition, Kitchin suggests that relocation requires extensive negotiation with both the sending and receiving communities in order to avoid violent clashes and miscommunications.

Although many South African upgrading projects have involved the relocation of large numbers of informal settlement residents, the chapters by Smit and by Charlton and Klug show that there have been a few examples of *in situ* upgrading in South Africa in which only a small proportion of the population (less than 1 per cent of households in the case of Bester's Camp) were required to be relocated.

It is clear that the upgrading of informal settlements needs to be based on a rigorous understanding of the contextual specificities of each settlement. For example, as Turok suggests, settlements that are primarily an entry point for job-seekers may need rental housing rather than ownership housing and may need job search support rather than schools. Reliable up-to-date information about the settlement, and ongoing participation by residents, is therefore important, as the needs, aspirations and capabilities of residents should inform this process. Buckley also argues that working with community groups enables an approach that is sensitive to 'varied incentive structures' that will have a direct impact on the appropriateness and sustainability of state investment in communities (p. 338). An understanding of broader conditions and trends is also important: Rubin and Harrison argue that interventions need to take the broader political economy (growth, decline, mobilisation, temporality) of the city or town into account before decisions are made about appropriate investments.

Exploring a wider range of upgrading options

In order to achieve the objective of improving the lives of residents through the upgrading of informal settlements, many of the chapters highlight the need to get away from the current narrow range of standardised upgrading options that the traditional 'RDP-style' housing approach has solidified and to explore more appropriate alternatives in terms of tenure, infrastructure, layout and shelter. In addition, what 'sustainability' and 'incrementalism' mean for these different types of options is important. In this sense, implementers and communities should not be confined to 'RDP-style' developments, which have generally been low-density, single-storey, freehold-titled, with peripheral and often unsafe public spaces and far from social amenities. Eglin's and Kenyon's chapter on managed land settlement shows how an incremental approach can encourage local innovation with systematic state support.

Alternative tenure options are particularly important. Greyling and Berrisford argue that the anti-eviction law provides a form of 'defensive' security of tenure in the sense that residents cannot be evicted from the land they have occupied, but the tenuous nature of these rights is still insufficient to stimulate investment in these properties. Therefore, more secure forms of tenure, such as communal tenure, incremental tenure and rental, require exploration. Eglin and Kenyon discuss an interim tenure option, through occupation certificates that are linked to the beneficiary list and the layout plan. This approach to tenure security is similarly

used by VPUU, as discussed by Daniels et al. In cases where initial full ownership may not be appropriate, occupation certificates can be a way of providing an interim form of tenure that can later be upgraded to full ownership if so desired. Although communal tenure does not seem to have yet been used in any upgrading initiatives in South Africa, a few of the chapters mention the use of communal tenure by the Baan Mankong programme and Pamoja Trust to mitigate against the negative impacts of commodification.

There is also a need to explore innovative infrastructure options. The chapter by Daniels et al highlights the importance of communal infrastructure, such as public spaces, movement networks and public facilities. The chapter by Swilling et al discusses various relationship-building exercises that co-produced three infrastructure interventions (waste, sanitation and energy) with residents that were piloted in a settlement. The authors argue that the approach allows replicable and scalable approaches to emerge. Buckley argues that the communal nature of these services requires clear rules for sharing arrangements to ensure their sustainable use, and that these need to developed in partnership with local community groups, as they are best placed to understand what will be appropriate to the local context. Many chapters highlight that flexible standards and regulations need to be developed for upgrading, as well as approaches that enable interventions to emerge through co-production. Road widths and space standards for facilities are particularly important, in order to be able to minimise the need for relocation of households.

With regard to shelter options, there is a need to move away from freestanding, contractor-built, single-storey housing and explore alternative, incremental self-build housing options, including multi-storey row housing and blocks of flats (see Adegun and Ouma). Although none of the chapters explore the issue of residential density in detail, many of the chapters mention the need for denser housing options in order to minimise the displacement of households in upgrading processes. Additionally, Charlton and Klug argue that current building norms and standards, particularly as they relate to the housing subsidy, curtail *in situ* approaches, and that there is a need to explore innovative alternatives; they use past experience in Durban to articulate the possibilities. Construction technology is also important. The Huruma case, discussed by Adegun and Ouma, shows that use of alternative building materials and construction technology can potentially bring down the cost compared to conventional contractor-built housing. In Huruma, housing design was incremental, with each household starting with a starter unit that could be expanded vertically. While there are few cases in South Africa that confront the challenge of multi-storey incremental housing typologies, with the very high densities faced in many informal settlements, it is undoubtedly an important area for future research and experimentation.

A number of chapters highlight the importance of planning tools that can accommodate and support informality and informal processes, such as the City of Johannesburg's zoning scheme, which includes a zone for informal settlements and

incremental housing. Greyling and Berrisford suggest that building regulations also need to be amended to recognise informality while ensuring minimum standards to protect the health and safety of occupants. Fieuw's and Mwau's case study of Ubungo Darajani in Dar es Salaam and Adegun's and Ouma's case study of Huruma in Nairobi show how adaptive and flexible planning and building regulations can help facilitate upgrading processes, offering clear lessons for the South African context. The experiences of Stellenbosch, documented by Kumar and Robyn and Swilling et al, give substance to this argument.

Capacitating actors and building partnerships

Policies and processes are only as strong as the actors that implement them. The two most important role players in informal settlement upgrading are local government, which increasingly has a mandate to provide housing and infrastructure and to stimulate economic and social development, and the residents of the relevant informal settlement. However, local institutions struggle to create platforms for meaningful engagement between state and residents. The specific arrangements of these role players and their intermediation is thus of consequence to the upgrading process.

Some of the chapters emphasise that informal settlement upgrading is more than just housing, thus requiring contributions from a wide range of actors. Within the state, other departments (such as planning) can play an important role in the upgrading process, despite the challenge of overcoming internal politics and issues of institutional 'territory'. Kumar and Robyn argue that the creation of a dedicated department for informal settlements management can help overcome the silo structure of local government. Beyond the state, Görgens's chapter argues that intermediary organisations such as NGOs can play a valuable role in mediating between local government departments and communities. In terms of the professions, Combrinck and Bennett's chapter focuses specifically on changes in training needed to prepare a new generation of built environment professionals for the complexity and challenge of upgrading. The chapters in the book reveal the wide variety of actors involved in informal settlement upgrading processes. In the case of Ruimsig, participants in the upgrading processes included City officials, NUSP, community representatives, community leadership supported by ISN, CORC, Ikhayalami (technical/intermediary organisations), University of Johannesburg and ward councillors. The training and capacitation of all actors—from professionals to community groups—requires critical attention if upgrading is to be integrated, innovative and in touch with the needs and complexities of informal settlements communities.

Some case studies in the book, for example Kitchin and Daniels et al, highlight that participation by committees representing residents is essential in all key stages of the upgrading process, and there needs to be sufficient time and resources

available for this. Active decision-making on the part of affected communities in the 'nuts and bolts' of the project is particularly important. This includes decision-making power in allocation processes, layout design and plot/house design. Over and above participation in decision-making, there should be community involvement in the actual implementation of the ongoing development processes as a way of contributing towards social and economic development, for example in the management and maintenance of community facilities and public spaces, and the construction process. Capacity building of all stakeholders, particularly local communities, both on leadership skills and technical knowledge, is a prerequisite for successful citizen engagement in upgrading processes. This suggests that upfront efforts must be made to ensure that some capacity building and organisation takes place before upgrading interventions.

The chapters by Molaba and Khan and by Kitchin note that existing forums, such as ward committees, do not adequately represent the interests of informal settlement residents, leading at times to a hostile relationship. Therefore, direct participation by residents or the establishment of a parallel upgrading committee in upgrading processes may be necessary. Thompson captures the complex and multi-dimensional power relationships that played out in such processes in East London. Other chapters describe the lack of trust, and ensuing conflict, that result from a lack of community participation in upgrading processes.

Many chapters go beyond just participation by communities to also explore partnerships between communities, local government and intermediaries. Partnerships seem to be essential for successful informal settlement upgrading, especially partnerships between local government, community organisations and NGOs at various scales. This is for two reasons. First, partnerships offer a vehicle for sustained multi-stakeholder decision-making. This is essential because upgrading is envisaged as a long and open-ended process wherein roles and responsibilities may need continued negotiation. Secondly, partnerships offer the potential of more shared power relationships. Experience suggests that partnerships are about managing power dynamics and political conflict, and about building trust over time. In terms of balancing responsibilities within partnerships, Eglin and Kenyon argue that the partners need to take the lead at those stages of the process for which they have the skills and expertise.

Skills and capacity building are also necessary in the professional sectors. This includes intermediaries, as Görgens notes that organisations engaged in (or seeking to position themselves for) intermediation need to strengthen their technical competencies, their understanding of state processes, coordination and visionary leadership. There is a need for developing new cohorts of built environment professionals who are able to engage in participatory, incremental, context-specific processes in a flexible way, and have both hard and soft skills. Combrinck and Bennett's chapter suggests ways in which the profession of architecture, along with

planning, engineering and other spatial design disciplines, should be seen as a social resource to be made available to marginalised sectors of society to assist in bridging the gaps between informal survival strategies and formal urban systems.

In the process of building local democratic platforms and partnerships that can guide the upgrading process, marginalised and vulnerable groups may be overlooked or underrepresented. There is therefore a need to ensure that the upgrading process is inclusionary. This suggests that a range of participation tools and approaches may need to be used in order to get a range of perspectives— particularly from those which may not be included in more traditional participation channels (for example, informal settlement tenants and non-South Africans). Many tools designed for community involvement are discussed in this book, such as SDI's participatory enumerations (as well as community mapping, blocking-out and community saving), VPUU's and PPT's Community Action Planning and Planact's Ward Key Performance Indicators Matrix. However, the chapters also point to the challenges of these tools, some of which explain why they have not been taken up at scale. These challenges include the time-consuming nature of the tools and the high level of skill required to exercise them.

Achieving an incremental and participatory upgrading process is not a silver bullet and there are many challenges. In terms of participation, Buckley notes that local government officials often 'do not think that poor community families are able to adequately address the architectural and engineering requirements that can be involved in slum upgrading' (p. 342). Similarly, Clark and Tissington argue that 'government officials do not want to engage with informal settlement communities directly, and lack the institutional capacity even if they did' (p. 376). On the other side of the coin, state officials contributing to the process of producing this book argued that community organisations lack an appreciation of the processes, protocols, strengths and weaknesses of government organisations. Over and above these (mis)perceptions, Charlton and Klug argue that financial imperatives, political pressures and narrow objectives hinder more progressive approaches. Echoing this, a number of chapters highlight that the fiscal tools and timeframes do not allow for real participation, and although intermediary organisations are often crucial to participatory processes, the sector has been weakened over the years, with few organisations able to work simultaneously with communities and the state.

Addressing informal settlement upgrading at multiple scales

The majority of upgrading experiences in South Africa has been focused on project- or settlement-scale interventions. The settlement scale is obviously important since it is generally the scale where many issues (such as community dynamics, land, services, etc) are most tangible. However, the upgrading of informal settlements has different implications at different scales, and there need to be interventions and

policy changes at multiple scales. For example, at the settlement scale, planning layout, infrastructure housing and citizen engagement are particularly important. At the neighbourhood (or local area) scale, social and economic infrastructure and facilities are important, and this is where the integration of the settlement into the surrounding areas needs to be prioritised.

At the city scale, it is crucial that informal settlement upgrading is part of integrated city strategies that recognise the different roles played by different informal settlements and the movements between different types of informal housing, and that provide a range of delivery/upgrading options to meet different housing needs and have clear resource allocations and timeframes. Public transport is particularly important at the city scale. Graham and Palmer argue that public transport offers one of the most effective levers in influencing the formation of new informal settlements and that the subsidisation of transport is one of the most influential interventions in the lives of poor residents. Despite the growing role of municipalities and local governments in addressing informal settlement upgrading, there are many challenges to upgrading at the city scale. Graham and Palmer argue for citywide processes in which upgrading is fully integrated into planning and funding allocation choices. While tools such as the Built Environment Performance Plans (BEPPs) resemble initial attempts at this, the integration of electricity and transport planning remain outside of the BEPPs.

An integrated city strategy also needs a more radical land agenda, which includes a managed land settlement strategy in which people can get rapid access to land with basic services, in order to pre-empt the formation of new informal settlements in areas unsuitable for future development. Eglin and Kenyon highlight that managed land settlement, where greenfield land is incrementally developed over time, should be an essential complement to informal settlement upgrading strategies. Local governments should proactively plan for growth as well as take bold steps to develop more sustainable, efficient, and socially just urban forms. Greyling and Berrisford argue that private land purchases and expropriation may be easier to negotiate than public land acquisitions but that this requires political will and a clear guiding policy framework for the state. Linked to these integrated citywide strategies, there is a need for changes in urban governance to ensure that residents of informal settlements are adequately included in broader urban decision-making processes at the city scale.

At the national scale, there is the need to situate informal settlement upgrading within broader strategies of social and economic development and the restructuring of South African cities to be more equitable, efficient, sustainable and resilient, for example through links with the National Development Plan and the Integrated Urban Development Framework (IUDF), as highlighted by Pieterse and Cirolia. A much clearer and more accurate understanding of migration patterns and projections is necessary in this regard. At the national and provincial scales, the issue of

urbanisation is particularly important. Decisions regarding how scarce resources are divided between areas and sectors often take place at the national and provincial level, and it is therefore important that there is national appreciation for the development of cities and for taking pro-poor policy action within cities.

Concluding thoughts

The process of producing this book has demonstrated that, although extremely challenging to implement in practice, the co-production of knowledge by bringing together sectors, disciplines and types of knowledges (theoretical, technical, practical, local) is important in order have a more holistic understanding of problems and potential solutions. As anticipated, disagreements as to the appropriate framing of the upgrading agenda have surfaced in the chapters. In any transformation process or agenda, the discussion of issues needs to surface contested framings in order to clarify what is at stake, and for whom. The varying perspectives on this agenda is possibly the greatest strength of this book.

The chapters of the book add to the existing body of knowledge on informal settlement upgrading in many ways. In many cases, they confirm the lessons from international experience discussed in Chapter 2, such as the importance of incremental *in situ* processes, the importance of an intersectoral approach to upgrading, the importance of citizen engagement, the need for local government involvement, and the need for integrated citywide strategies that go beyond the project scale. In particular, most chapters highlight the specificity, complexity and messiness of informal settlement upgrading, which often gets lost in writings on specific projects or programmes. Although informal settlement upgrading should always be about improving the living conditions of residents and creating cities that are more equitable and just, there are many ways to achieve these objectives. We hope that this book has helped shed light on the possibilities.

Index

Page numbers in *italics* indicate figures and tables; a page number followed by the letter 'n' designates a footnote.