

A QUICK GUIDE TO DEALING WITH COMMON INFORMAL SETTLEMENT PROBLEMS

The tables in the following five pages provide an easy reference to how this handbook can help solve some common problems. They are not a short cut to reading the Handbook, however! They deal with the following issues:

- 1) AN INFORMAL SETTLEMENT HAS EXISTED ON PUBLICLY-OWNED LAND FOR SOME TIME, AND YOU ARE NOT SURE WHAT TO DO ABOUT IT
- 2) AN INFORMAL SETTLEMENT KEEPS ON GROWING, AND YOU WANT TO BE ABLE TO CONTAIN IT
- 3) THERE ARE A NUMBER OF SMALL INFORMAL SETTLEMENTS SCATTERED ABOUT YOUR AREA, AND YOU ARE NOT SURE WHAT TO DO ABOUT THEM
- 4) YOU ARE EXPECTING AN INFLUX OF HOMELESS PEOPLE (e.g. DISPLACED FROM FARMS) AND YOU ARE NOT SURE WHAT TO DO ABOUT IT
- 5) YOU ARE UNDER PRESSURE (e.g. FROM NEIGHBOURING RESIDENTS) TO SOMEHOW GET RID OF AN INFORMAL SETTLEMENT AND YOU ARE NOT SURE HOW TO RESPOND
- 6) THERE IS A DESIRE TO UPGRADE AN INFORMAL SETTLEMENT, BUT YOU ARE NOT SURE HOW TO START
- 7) YOU DO NOT HAVE THE RESOURCES TO DEAL WITH ALL YOUR INFORMAL SETTLEMENT PROBLEMS, AND ARE NOT SURE HOW TO PRIORITISE ACTIONS
- 8) YOU HAVE AN INFORMAL SETTLEMENT IN AN UNACCEPTABLE LOCATION, AND ARE NOT SURE HOW TO GO ABOUT RELOCATING IT
- 9) YOU WOULD LIKE TO EMPOWER THE COMMUNITY OF AN INFORMAL SETTLEMENT SO THAT THEY CAN ADDRESS SOCIO-ECONOMIC NEEDS, BUT YOU ARE NOT SURE WHAT STEPS TO TAKE
- 10) YOU DISCOVER THAT SHACKS ARE BEING ERECTED ON YOUR LAND, BUT THEY HAVE NOT YET BEEN OCCUPIED
- 11) YOU DISCOVER THAT SHACKS HAVE BEEN ERECTED ON YOUR LAND, AND THAT THEY ARE OCCUPIED
- 12) YOU DISCOVER THAT SHACKS ARE BEING ERECTED ON LAND THAT IS NOT OWNED BY THE LOCAL AUTHORITY, BUT WHICH IS WITHIN ITS AREA OF JURISDICTION

A QUICK GUIDE TO DEALING WITH COMMON INFORMAL SETTLEMENT PROBLEMS

1. AN INFORMAL SETTLEMENT HAS EXISTED ON PUBLICLY-OWNED LAND FOR SOME TIME, AND YOU ARE NOT SURE WHAT TO DO ABOUT IT

ACTION	HANDBOOK REFERENCE
Meet with the community leadership and create an advisory committee to investigate what to do.	Chapter 3
Agree on goals and guiding principles.	Chapter 2
Undertake a preliminary survey of the settlement.	4.3
Investigate as many aspects of the settlement and its community as possible.	Remainder of Chapter 4
Analyse the results.	Chapter 5
Define options for action.	6.2
Agree priorities.	6.3
Choose strategies.	6.4

Schedule strategies and arrange resources.	6.5
Implement strategies.	Chapters 7, 9 - 12

2. AN INFORMAL SETTLEMENT KEEPS ON GROWING, AND YOU WANT TO BE ABLE TO CONTAIN IT

ACTION	HANDBOOK REFERENCE
Take steps to learn why it keeps growing.	1.1 1.2 4.1 7.1
Meet with the community leadership to discuss issues related to the settlement and its future.	Chapter 3 7.4.1
Reach agreement on the need for a preliminary survey and implement it.	4.3
If agreed by all parties, use the results to control densities and to enable improvements to be made.	7.1.2.8
Monitor and control growth in partnership with the community.	7.4.1

3. THERE ARE A NUMBER OF SMALL INFORMAL SETTLEMENTS SCATTERED ABOUT YOUR AREA, AND YOU ARE NOT SURE WHAT TO DO ABOUT THEM

AREA	HANDBOOK REFERENCE
Establish what information is already known about each area and its community.	4.1 4.2 7.1
Establish within the local authority a preliminary perspective on options and preferences for action.	6.2 6.3
Meet separately with the leadership of each community to get their perspective on their informal settlement, and their	3.1

agreement on conducting a preliminary survey.	3.2
Conduct a preliminary survey of each settlement and discuss the findings separately with each leadership group.	4.3
Identify broad strategic options.	6.2
Meet with leadership of all informal settlements together, share the available information, and discuss possible options and priorities.	Chapter 3
Establish a project committee with representatives of all communities.	Chapter 3
Undertake more detailed socio-economic and physical research.	Remainder of Chapter 4
Analyse the results.	Chapter 5
Continue as for Table No.1 above.	6.2 >

4. YOU ARE EXPECTING AN INFLUX OF HOMELESS PEOPLE (e.g. DISPLACED FROM FARMS) AND YOU ARE NOT SURE WHAT TO DO ABOUT IT

ACTION	HANDBOOK REFERENCE
Obtain an assessment of the need for housing and when it will occur.	4.1 12.1 12.2

Decide how much land will be required.	10.2.3.3
Identify suitable land in terms of appropriate criteria.	12.3.1
Decide what kind of infrastructure provision should be made.	Chapter 9
Obtain Council agreement to acquire/ release land and install infrastructure; obtain finance.	7.2 10.10
Endeavour to at least level the land, peg sites and provide basic infrastructure before people arrive.	10.3
Direct the homeless to the new site and prevent occupation of any other land.	7.5 1.5.2

5. YOU ARE UNDER PRESSURE (e.g. FROM NEIGHBOURING RESIDENTS) TO SOMEHOW GET RID OF AN INFORMAL SETTLEMENT AND YOU ARE NOT SURE HOW TO RESPOND

ACTION	HANDBOOK REFERENCE
Meet with representatives of both areas separately to discuss the issues.	3.1 3.2 7.4
Prepare an analysis of the whole town / area, including problems and projections.	4.1 7.1 12.1
Invite representatives of both areas to a workshop to consider the whole area - and the future of the informal	

settlement in particular.	
Propose the creation of a joint committee to research further and to identify options.	3.3 - 3.5
Agree on goals and guiding principles. Undertake appropriate research	Chapter 4
Analyse the results.	Chapter 5
Continue as for Table No. 1 above.	6.2 >

6. THERE IS A DESIRE TO UPGRADE AN INFORMAL SETTLEMENT, BUT YOU ARE NOT SURE HOW TO START

ACTION	HANDBOOK REFERENCE
Meet with community leadership to discuss development possibilities, and create a Project Committee.	Chapter 3
Agree on goals and guiding principles.	Chapter 2
Agree on a process of participative research and planning - and put that into action.	Chapter 4 10.2
Formulate an upgrading strategy and present it to the community, Council and Housing Board for approval.	Chapters 9 & 10
Implement	Chapter 10

7. YOU DO NOT HAVE THE RESOURCES TO DEAL WITH ALL YOUR INFORMAL SETTLEMENT PROBLEMS, AND ARE NOT SURE HOW TO PRIORITISE ACTIONS

ACTION	REFERENCE
Involve other stakeholders - convene a meeting that includes representatives of informal settlement leadership.	Chapter 3
Agree on a process to identify and analyse the issues from a number of perspectives - and implement that.	Chapters 4 & 5
Agree on goals and guiding principles. Record constraints.	Chapter 2
Define options, agree priorities, choose strategies and arrange resources.	Chapter 6
Make recommendations to the Council and stakeholder groups.	
Implement on the basis of approvals.	

8. YOU HAVE AN INFORMAL SETTLEMENT IN AN UNACCEPTABLE LOCATION, AND ARE NOT SURE HOW TO GO ABOUT RELOCATING IT

ACTION	HANDBOOK REFERENCE
Invite the leadership of the informal settlement to nominate representatives to an Advisory Committee that will consider the future of the settlement.	Chapter 3
Agree on goals and guiding principles.	Chapter 2
The Advisory Committee then commissions an analysis of the suitability of the settlement.	7.1
Report conclusions to Advisory Committee and Council.	7.2
If it is agreed that the settlement is unsuitable, follow the process in 4. above to identify suitable land and establish an alternative settlement.	

9. YOU WOULD LIKE TO EMPOWER THE COMMUNITY OF AN INFORMAL SETTLEMENT SO THAT THEY CAN ADDRESS SOCIO-ECONOMIC NEEDS, BUT YOU ARE NOT SURE WHAT STEPS TO TAKE

ACTION	HANDBOOK REF.
Create a committee with informal settlement leadership to explore & address the community's socio-economic needs.	Chapter 3

Implement an agreed process to research & prioritise needs.	4.4
Identify opportunities that could meet the needs.	Chapter 11
Agree on options & strategies, then implement.	Chapters 5 & 6

10. YOU DISCOVER THAT SHACKS ARE BEING ERECTED ON YOUR LAND, BUT THEY HAVE NOT YET BEEN OCCUPIED

ACTION	HANDBOOK REF.
Inform those that are erecting shacks that their actions are unauthorized, ask them to immediately vacate the site with their material, and inform them of the steps that will be taken if they do not. Use a loud-hailer if necessary.	Chapter 8
Immediately remove structures that are partially complete or that are complete but not yet occupied.	Chapter 8
Seek an urgent court interdict against anyone involved in the process of erecting structures. Anyone in contempt of the order will be arrested.	Chapter 8
Secure the property against invasion with fences, patrols and warning signs.	Chapter 8

11. YOU DISCOVER THAT SHACKS HAVE BEEN ERECTED ON YOUR LAND, AND THAT THEY ARE OCCUPIED

ACTION	HANDBOOK REF.
Inform the squatters that their occupation is unauthorised.	

Request the squatters to leave the property, with their building material. However, you may not force them to leave.	Chapter 8
If they refuse, ask your lawyer what action to take.	Chapter 8
Obtain the squatters' names, ID numbers, and as much detail as possible of their personal circumstances and the history of their occupation of the site.	Chapter 8
If there will be undue hardship to the landowner or imminent danger of injury to persons or damage to property - apply for an urgent interdict for the removal of the squatters.	Chapter 8
Otherwise, give the squatters 14 days notice of your intention to apply to the court for an eviction notice.	Chapter 8
When a court order is issued, ensure that the sheriff is enabled to successfully evict the squatters and remove their material to a location some distance away.	Chapter 8
Secure the property with fences, patrols and warning signs.	Chapter 8

12. YOU DISCOVER THAT SHACKS ARE BEING ERECTED ON LAND THAT IS NOT OWNED BY THE LOCAL AUTHORITY, BUT WHICH IS WITHIN ITS AREA OF JURISDICTION

ACTION	HANDBOOK REF.
Trace the owner of the land.	
Agree that the owner will take action or that the owner authorises the local authority to take action on his behalf.	
Then follow 10 or 11 above, depending on the circumstances.	Chapter 8

INFORMAL SETTLEMENTS HANDBOOK

INTRODUCTION

- Informal Settlements
- Purpose of the Handbook
- How to use the Handbook
- The framework
- The Contributors

INFORMAL SETTLEMENTS

Informal settlements are residential areas that do not comply with local authority requirements for conventional (formal) townships. They are, typically, unauthorised and are invariably located upon land that has not been proclaimed for residential use. They exist because urbanisation has grown faster than the ability of government to provide land, infrastructure and homes.

Informal settlements tend to be characterised by:

- Infrastructure that is inadequate
- Environments that are unsuitable
- Population densities that are uncontrolled and unhealthily high
- Dwellings that are inadequate
- Poor access to health & education facilities and employment opportunities
- Lack of effective government and management.

They are consequently areas of increasingly high risk with regard to health, fire and crime.

However, informal settlements are also often characterized by :

- Significant personal investment in dwellings
- Strong social infrastructure
- Effective community leadership
- Strong linkages with the more formally-housed community

These factors, coupled with insufficient land and finance to “just solve the housing problem” dictate that informal settlements be regarded as places of vitality and opportunity—and not simply as places to be eradicated.

This handbook has been written to encourage the acknowledgement, acceptance and improvement of informal settlements and their communities—for there is no real alternative.

PURPOSE OF THE HANDBOOK

This handbook has been produced to help local authorities understand and address the issues presented by the growth and increasing density of informal settlements in the Western Cape Province. It has been published by the Provincial Department of Housing and compiled by a steering committee of members of the Department and the City of Cape Town's Housing Branch

It is a file of resources, written by people from many backgrounds but who have a particular interest in and experience of informal settlement issues. Many are involved in local government, some in provincial government, and others are in private sector or academic positions. It is believed that their shared perspectives are worth recording and making accessible to those who deal with informal settlements on a daily basis.

The Handbook is not intended to be the "last word" on informal settlements - it is more like the "first word". It has been presented in a file so that its contents can be added to and improved at any time. Not only will revisions of pages and sections be made available, but its structure enables the user to add notes and documents from other sources that may prove useful.

This is *your* handbook, to be used in whatever way is helpful to you. It is hoped that you will not only find it useful, but will be able to contribute your experience to future editions. We need feedback - please send us any interesting and relevant information that could be incorporated in the Handbook. Let us know if something is missing, incorrect or should be expanded. Let us know about *your* experience, and what others may learn from it. And let us have any of your questions that the Handbook might have left unanswered - we will search for some good possibilities for you and either answer you personally or publish them in the next revision.

This Handbook can also be accessed at www.westerncape.gov.za, at which comments and questions can be registered.

Communication may also be made with the
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Enjoy the Handbook - and please keep in touch!


HOW TO USE THE HANDBOOK

This Handbook has a number of different components:

- A quick guide to dealing with Informal Settlement problems. This suggests what procedure to follow and makes reference to the relevant part of the Handbook.
- This Introduction (Pink)
- The Contents (Green)
- The Index (Orange)
- The text is in 3 Parts, arranged in priority order.

 **Part A (Blue)** provides an understanding of the basic issues, responsibilities and legal framework associated with informal settlements. It goes on to describe the Province's goals with regard to informal settlements and the principles that must guide any action that is taken. **Part A is therefore essential reading - it is the foundation upon which our approach to informal settlements is built.**

 **Part B (Yellow)** provides the tools that can be used in a particular context for involving the appropriate people, defining problems, identifying and prioritising needs and for planning strategically. **This Preparation Part is vital because it enables us to understand an informal settlement before taking specific action.**

 **Part C (White)** is the largest part of the Handbook because it contains details of all the options available to us for making a difference in an informal settlement. It is divided into four components, which match the goals that are described in Part A.

PLEASE NOTE :-

Part A is for reading now - and for thinking about - so that when a crisis happens or an opportunity arises we respond in a manner that will obtain broad support and have a good chance of success.

Part B guides us in how to prepare strategically to address a particular informal settlement issue.

Part C is a description of how to implement a wide spectrum of strategies.

Resist the temptation to read Part C first! Ensure that your general approach is correct by first absorbing Parts A and B.

THE FRAMEWORK

	Quick Guide to dealing with common informal settlement problems	WHITE	
	Introduction	PINK	
	Contents	GREEN	
	Index	ORANGE	
	Part A: THE CONTEXT	BLUE	
	Frame of Reference		Ch.1
Ch.2	Goals & Guiding Principles		
	Part B: PREPARATION	YELLOW	
	Institutional Arrangements		Ch.3
	Audit		Ch.4
	Analysis		Ch.5
	Objective Setting		Ch.6
	Part C: IMPLEMENTATION	WHITE	
	Incorporation of informal settlements		Ch.7
Ch.8	Dealing with land invasions		
	Improvement projects		
	Types		Ch.9
Ch.10	Technical guidelines		
	Betterment programmes		Ch.11
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Spend time getting to know your Handbook and how it is structured. Study the Contents (Green) section and use the Index (Orange).

Wherever the authors believe that a section of the text relates to another section a cross-reference has been given. Users are encouraged to check these out.

THE CONTRIBUTORS

The compilation of this Handbook has been made possible by the enthusiastic participation of many people - each with experience in addressing issues related to informal settlements. Most of them have written and/or edited sections of the Handbook. The contribution of the following is therefore gratefully acknowledged:

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PART A : THE CONTEXT

CHAPTER 1 FRAME OF REFERENCE

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- 1.2 Urbanisation in perspective
- 1.3 Trends in the Cape metropole
- 1.4 Responsibilities for housing
- 1.5 Legislation that may have an impact upon informal settlements
- 1.6 An Informal Settlements Programme

1.1 AN ATTRACTIVE PROVINCE

The Western Cape Province is an attractive settlement area for people from all walks of life, including those who do not have access to housing due to factors such as unemployment, poverty and housing shortages.

1.1.1 An Economically Attractive Area

1.1.1.1 The nature of the economy

The Western Cape Province covers about 10,6% of the land area of South Africa, it houses $\pm 10\%$ of the country's population and contributes more than 14% to its total economic output. The Province displays a diversified economy in which the service sector is playing an increasingly important role: 63,6% of the Gross Regional Product. The Province produces almost 20% of the total national agricultural product, some 14% of the manufacturing product and 18% of commercial products and services.

1.1.1.2 The main attraction

The main attraction of the Province's economy lies in the fact that during the 5 years prior to 2001 its average annual growth rate was 3,8% compared with the national figure of about 2,1%. This is the result of increased opportunities created by South Africa's improved international status which helped to stimulate exports and tourism in particular. People therefore believe that there are relatively good prospects for employment in the Province.

1.1.1.3 Employment characteristics

In 1999 the Province had a total labour force of 1,77 million - 66,4% of

which were formally employed, 14,9% informally and 18,7% unemployed. Although this is by no means a satisfactory employment situation, it compares favourably with the 36,2% unemployment rate of South Africa as whole. It is particularly significant that the Province's employment situation compares very favourably with that of the adjacent Northern and Eastern Cape Provinces.

1.1.2 An Area with Good Infrastructure

When the degree of access of households to water, sanitation, electricity, education, health etc. within the Province is compared with neighbouring provinces, it is also clear that the Western Cape Province is relatively better off.

1.1.3 Migration into the Province

Due to the factors referred to above, the Province attracts many migrants (*i.e.* people who move to find a better life). For example, it has been estimated that the net migration into the Province was about 48 000 during 1996. More than 60% of these migrants were estimated to have been African people, mostly originating from the Eastern Cape Province. More than 60% of the migrants settled in the Cape Town Metropolitan Area, but large numbers also went to secondary and smaller towns. It is probable that these trends are still applicable today.

1.1.4 The Province's Population

According to the latest available information (information from the 2001 census had not been released at the time of writing) the total population of the Province may presently be about 4,6 million. The composition of this population in terms of generalised population groups used by Statistics South Africa is as follows: 51,8% Coloured; 25,5% Black; 21,8% White and 0,9% Asian. The growth rate of the total population is estimated at about 1,8% per year. This rate is made up of varying rates for the different population groups: 2,3% for Blacks, 1,7% for Coloureds, 1,0% for Whites and 0,3% for Asians. Almost 90% of the people of the Province live in cities and towns. Apart from Gauteng, this is the highest level of urbanisation of all provinces in the country.

1.1.5 The Environment and Population Settlement

Environmentally the Province may be divided into three regions. The first of these regions, the Arid Areas, covers about 60% of the Province and houses less than 6% of its population. It is the other two regions, the Moist Grainlands and the Wet Mountain- and Valley-Lands, that are most attractive to human settlement, particularly the coastal portions of those regions. The Cape Town Metropolitan Area makes up only about 1% of the surface area of the Province, but accommodates 65% of its population. Apart from its scenic beauty, it is the availability of water that makes these parts of the Province so attractive to people. The broad

pattern of population settlement can therefore be described as an overwhelming concentration in and around Cape Town and secondary concentrations along the South Coast and the southern portion of the West Coast.

1.2 URBANISATION IN PERSPECTIVE

Urbanisation refers to the proportion of a country's population that lives in urban places whilst urban growth refers to the increase in the urban population. Both are processes and both are relevant to us here. Globally, the process of urbanisation remains a critical challenge.

This is the way the challenge was stated at a recent international conference on the issue:

"Just after the millennium, another great human milestone will be passed: for the first time in history, a majority of the world's six billion people will live in cities. Between 2000 and 2025, the world's population will double from 1.4 billion (in 1995) to 5 billion; city dwellers will rise from 47 % to over 61 % of the world's population. Most of this explosive growth will occur in the cities of the developing world.' (*Urban Future 21*, Berlin 2000)

URBAN POPULATION IN %	1980	2000	2020
WORLD	39	47	57
AFRICA	27	38	49
DEVELOPED COUNTRIES		71	76

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Source: Urban Future 21, Berlin 2000

Urbanisation in South Africa is a relatively recent development. The process is intimately related to economic, technological and political factors and to the growth of market-related economic development in particular. At the beginning of the 20th century, approximately 23 % of the South African population was urbanized - today the proportion is close to 60%. On an annual basis, the South African urban population is currently increasing by 2,5 % which is faster than the estimated overall annual population growth rate of just over 2 %. This is not unique to South Africa, but typical of the world-wide urbanisation process.

An important characteristic of urbanisation in South Africa is that it is ethnically uneven, with Africans displaying the largest increase in urban population since 1960. Urbanisation is also spatially unbalanced in its distribution and magnitude. The urban areas are mainly concentrated along coastal areas and in the northern and eastern parts of the country. On a provincial basis, the highest level of urbanisation currently occurs in Gauteng, followed by the Western Cape. The lowest rate of urbanisation is currently found in the Limpopo (Northern) Province.

1.2.1. Urbanisation in the Western Cape.

The population of the Western Cape makes up some ten percent of the

national population. Its level of urbanisation is high in comparison to other provinces. Nine out of ten residents of the province live in an urban place. Reasons for this high level of urbanization are related to:

Serious climatic and topographical constraints to settlement in much of the province whilst a few small well-endowed areas are capable of supporting dense populations and vigorous settlement, and

The discouragement historically, particularly during the *apartheid* years, of the settlement of Africans in the Western Cape, including by the application of a Coloured labour preference policy.

1.2.1.1 **The sources of in-migration**

The vast majority of Coloured and African residents of the Western Cape were born in one of the three provinces making up the Cape region: Eastern, Northern and Western Cape. The Northern Cape parent population is small and therefore the impact of migration flows (which are mainly Coloured) into the Western Cape is small. In contrast, the Eastern Cape is large and heavily populated. The great majority of the expanding African population comes from this source. About one half of White adults in the Western Cape were born in the province. The other half come from all other provinces of the country and from overseas. The tendency of Whites to migrate freely over large distances on an individual or family basis follows from their greater access to resources, and their lower reliance on family networks for support in new places. Moves in the Coloured and African communities tend to rely more on social resources, and travel is mainly over familiar routes to well-established destinations.

1.2.1.2 **The targets of in-migration**

The Western Cape is currently a net receiving province in South Africa. It is estimated that there is a net inflow to the province of some 48 000 people each year. This represents an annual increase due to in-migration of more than one per cent of the total population. The main reasons are the perceived better job opportunities, more accessible and effective infrastructure, and superior quality of life available in the Western Cape. These differences are particularly striking with regard to the two adjoining provinces of the Eastern and Northern Cape from where much migration originates. Simultaneously, the Western Cape continues to offer work, infrastructure and a quality of life perceived to be good enough to attract better-off individuals and families arriving from a much larger national and international region. Most of these families are White and Indian. There is no good reason to believe that these trends will change in the near future.

Of the approximately 4,6 million people living in the province, some 3 million live in the Cape Town Unicity. Accordingly, Cape Town as primary metropolitan area plays a dominant role in the province, in both an economic as well as demographic sense. However, Cape Town is not necessarily the preferred destination of migrants - many of whom seek smaller towns in which to seek a livelihood. The connection between Cape

Town and rural areas is also diminishing, with a reduction in the circular migration patterns that were a familiar part of our social history.

1.3 TRENDS IN THE CAPE METROPOLE

There is a lot of experience of informal settlements within greater Cape Town that can provide insights that might be applied elsewhere.

1.3.1 The need to understand growth trends

Cape Town, like all the major South African cities, is in the early phase of an exponential growth in rural-urban migration. The majority of those moving to the city will be without jobs, have a low skills profile and be financially poor. The only shelter option open to most of them will be a shack in an informal settlement. On the basis of international experience, this process will continue for at least the next two decades. Furthermore, recent studies for the City Council which have monitored this growth over the period 1993-2000 indicate that the growth in new shacks is taking place at a rate that exceeds the capacity of the Province to provide alternative formal accommodation.

Given this scenario, it becomes essential to have an understanding of what drives this growth, where it is happening, and what is the rate at which it is taking place. This provides an understanding of trends which can be used to plan both the informal settlement upgrading programme and alternative housing options, ensuring that housing resources are used optimally by being targeted appropriately

1.3.2 Distribution of settlements

The distribution of settlements in Cape Town has several different roots. The vast majority (around 75%) of settlements were formed in what used to be, before 1990, the Black Local Authority (BLA) areas of Ikapa, Crossroads and Khayelitsha. A second set of settlements follow the emerging industrial growth areas in the north-east. The small remainder are associated with more affluent residential areas (e.g. Hout Bay). Generally speaking the major reason for the choice of an informal settlement is, in the first instance, a family linkage with an area, followed by access to economic opportunities.

1.3.3 The nature of settlement formation in the Metropolitan Area

There is a long history of informal settlements in Cape Town related to the under-supply of housing. Many settlements grew after influx control had been repealed (1986) and during the transition to democracy between 1992-95. Thereafter there was only limited new settlement formation

between 1995 and 1998. However, there are indications that new settlement formation may again be on the increase. As mentioned previously, the majority of settlements are to be found in the previous BLA areas. One reason for this is the greater degree of security (i.e. security against removal, not personal security) that is perceived to exist in these areas

Settlements are formed in one of two ways, which appear to be linked to (short-term) security of tenure. Where there was little pressure on the land, shacks would develop at a convenient position. As more families moved in the most convenient area would densify, while areas further away were settled at lower initial densities. This process would continue until a settlement was “full” (see section 1.3.5).

The second formation pattern occurred where a response (in the form of attempted removal) was likely in the short-term. Here an entire area would be occupied at low density and then gradually densified over time. This is a classic ‘Latin American’ invasion pattern. It makes sense in that it is more difficult to move families quickly or to cordon off a large area.

In the future the first option described above is not likely to be available in Cape Town because land is in such short supply. Future settlement formation will therefore take one of three forms. The first is the planned invasion of reasonably sized pieces of land by large numbers of families. The second, which started to become noticeable between 1995 and 1998, is ‘creeping’ occupation, i.e. slow encroachment on new land on the boundary of an existing settlement. The third is a settlement by a small number of families in areas that are not easily seen, such as in dense bush.

4 Shack densities

The table below gives an indication of settlement densities (as well as typical settlement sizes) in September 2000. It covers approximately 87% of the settlements identified in 1998.

From this table it can be seen that settlement densities vary across the different Administration areas. The highest densities are to be found in the previous BLA areas, with Khayelitsha being by far the highest.

Settlement density is extremely important in the planning of upgrading. If the density is too high, then the provision of services or the formalising of housing is extremely difficult. If it is too low, then the settlement is prone to further settlement, particularly once it is known that upgrading is likely to take place.

1.3.5 Stability of the population

The stability of the population is the least well understood aspect of informal settlements in Cape Town. As mentioned in the introduction, Cape Town is in the early stages of settlement formation and growth, which means that movement is high and the settlements are relatively unstable. As well located land is used up, and settlements in these areas densify, there is likely to be less movement taking place. This is because the value of sites in this area will increase. Therefore, one good indicator of stability is a high density. A second is good location. The risk here is that the nature of ownership may change. There are already indications that this may be happening already in Joe Slovo, which is arguably the most desirable location in Cape Town from the perspective of access to employment opportunities. Densities here are very high, at 143 dwellings per hectare. In this situation there is a likelihood that multiple ownership of shacks might start to take place, with owners then renting out the shacks (which are very small) like rented rooms.

1.3.6 Future trends

This section has already given some indication of future trends in the different sections. The starting point is that informal settlements will continue to grow at a faster rate than the City's ability to deliver new housing for a number of years yet. Furthermore those in preferred locations will continue to densify. At this stage the majority of shacks appear to be owned by individual families who live in them, but this may change, particularly in well located areas, as mentioned in the previous section.

By mapping the growth trends of individual settlements across the city, and coupling this with focussed social analysis, it should be possible to begin to identify preferred locations and predict future growth patterns.

This will allow for alternative housing options, such as managed land settlement (see 11.5), to be located strategically and thereby pre-empt new settlement formation. This will then allow upgrading efforts to be concentrated on older, more established settlements, where the chances of achieving successful in-situ upgrading are higher.

1.4 RESPONSIBILITY FOR HOUSING BY SPHERES OF GOVERNMENT

It is imperative to identify and clarify roles and responsibilities to avoid duplication and confusion which eventually lead to delays, wastage of money and conflict.

The upgrading of informal settlements is invariably a phased process, the ultimate objective of which is to provide everyone with acceptable housing. Therefore responsibility for the upgrading of informal settlements lies with whoever is responsible for the provision of housing and the functions related to it.

1.4.1. Legislative Framework

The legislative framework governing the upgrading of informal settlements is discussed in more detail in 1.5, and will only briefly be noted in this section for its relevance.

1.4.1.1 The Constitution (Act 108 of 1996) (see 1.5.3.1)

Section 26 The state (meaning the National, Provincial and Local Governments) has the responsibility to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of the right to have access to adequate housing.

Schedule 4 Part A The National and Provincial Governments have concurrent legislative competence on housing.

Sections 152(1) lists the objects of local government to be, inter alia:

- (b) to ensure the provision of services to communities in a sustainable manner;
- (c) to promote social and economic development;
- (d) to promote a safe and healthy environment;

Section 153 states that a municipality must:

- (a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and
- (b) participate in national and provincial development programmes.

1.4.1.2 **The Housing Act (Act 107 of 1997) (see 1.5.2.14)**

Section 3 This section provides for the macro responsibilities of the National Government as far as housing is concerned, *inter alia*, the determination of policy, setting of housing delivery goals, monitoring of performance, strengthening of the provincial and municipal capacity, etc.

Section 7 This section instructs the Provincial Government to do everything in its power to promote and facilitate the provision of adequate housing in its province within the framework of national housing policy.

Section 9 This section instructs every municipality, as part of the municipality's process of integrated development planning, to take all reasonable and necessary steps within the framework of national and provincial legislation and policy, to ensure that its inhabitants have access to housing and related services.

1.4.1.3 **Local government: Municipal Systems Act (Act 32 of 2000)**

Section 23(1) A Municipality must undertake developmentally-orientated planning (popularly referred to as the IDP's) so as to ensure that it-

- (a) strives to achieve the objects of local government set out in section 152 of the constitution;
- (b) gives effect to its developmental duties as required by section 153 of the constitution; and
- (c) together with other organs of state contribute to the progressive realisation of the fundamental rights in respect of, among others, housing.

1.4.2 **Present Debate / Difference of Opinion**

The question is often asked whether Municipalities have the responsibility to provide housing. One opinion has it that Municipalities have no such responsibility and that the ultimate responsibility for housing rests with the National Government. There are also other strongly opposing arguments to this.

This question should be addressed, but the three spheres of government will be irresponsible to argue about this while doing nothing about the people who are in need of housing.

In following the directive given by the Constitutional Court in the Grootboom case, it should be accepted that all three spheres of government have some role to play in the provision of housing in all its facets. This handbook is an attempt to clarify the roles to be played in this exercise in a spirit of co-operative governance.

1.4.3. **A practical perspective on functions and roles**

The following is a list of the broader steps involved in the upgrading of informal settlements, and, in an attempt to be practical, to identify the sphere of government responsible for each.

1.4.3.1 Prioritisation of needs

According to the Constitutional Court in the Grootboom-case, the state (meaning the national, provincial and local government spheres) will only fulfil its obligations in terms of section 26 of the Constitution when it has programmes in place that are aimed at providing for the needs of the poorest of the poor, and those with the greatest need. It is therefore important that prioritisation is done at the “frontier”, where direct interaction with the community is taking place. Municipalities are, because of their situation and the nature of their responsibilities, in the best position to do this. (See Chapters 6 & 7).

Primary responsibility: Municipalities

1.4.3.2 Mobilisation of community participation

In the spirit of our democratic dispensation no development can take place without the effective participation of the communities it affects.

Section 29(1)(b) of the Local Government: Municipal Systems Act 32 of 2000 requires municipalities to follow certain procedures to consult with communities and procure their participation in the planning processes. As these structures have to be in place, they will be available and should be used to involve the relevant communities in the process of upgrading of informal settlements. (See Chapter 5 and 9.3)

Primary responsibility: Municipalities

1.4.3.4 Planning and identification of land

Section 23(1) of the Local Government: Municipal Systems Act 32 of 2000 instructs municipalities to undertake developmentally oriented planning for its area of jurisdiction.

In this process municipalities will also be required to identify areas suitable for settlement and the development of housing. (See 6.4, 11.2, 11.3)

Section 31 of the Local Government: Municipal Systems Act 32 of 2000 states that a MEC for local government may monitor the process, assist municipalities and facilitate the planning process.

Primary responsibility: Municipalities
Secondary responsibility: MEC for local government

1.4.3.5 Acquisition of land

In terms of housing legislation and policy, local government is the appropriate sphere of government to be at the forefront of housing

development, and should in most cases act as the developer of housing. Municipalities should therefore acquire suitable land for housing development. (See 11.14)

Although land should preferably be acquired in the name of municipalities, the national and provincial Departments of Housing should assist them in the process. Municipalities should get priority access to all land suitable for housing development belonging to the National and Provincial Governments, as well as the Provincial Housing Development Board and other parastatals.

The upgrading of informal settlements and the provision of housing is one of the means by which the state is delivering on its responsibility in terms of section 25 of the Constitution to promote land reform. The primary responsibility for land reform rests with the Department of Land Affairs. The Department of Land Affairs should therefore also play a role in the acquisition of land for housing for the previously disadvantaged communities.

Primary responsibility: Municipalities
Secondary responsibility: National and Provincial Departments of Housing
Department of Land Affairs

1.4.3.6 **Monitoring of land invasions**

Land invasions and unlawful occupation of land left unchallenged can negatively affect the planning process and the delivery of housing.

Municipalities, because of their situation (close to the community) and the nature of their functions, are in the best position to monitor land invasions and unlawful occupation of land. The Prevention of Illegal Evictions and Unlawful Occupation of Land Act 19 of 1998 also makes it possible for a municipality, as an organ of state, to take measures to deal with unlawful occupation on land other than that of the municipality. Other spheres of government, as major landowners and in most cases absent landlords, however, have the responsibility to assist municipalities in this task. (See Chapter 8)

Primary responsibility: Municipalities
Secondary responsibility: Provincial and National Government

1.4.3.7 **Co-ordination and integration**

There is a need for co-operation between all the role players involved in the upgrading of informal settlements, and to ensure that the upgrading of informal settlements is undertaken in an integrated fashion.

In terms of the instruction of section 7 of the Housing Act 107 of 1997, the Provincial Department of Housing is in the best position to fulfil this role.

Primary responsibility: Provincial Department of Housing

1.4.3.8 **Financing**

National Government is the ultimate source of funding as far as housing is concerned. This resource is specifically earmarked to assist the homeless with subsidies to obtain adequate housing, but is by far inadequate to address the need in the short term. Unfortunately the annual housing budget allocation to the province can also be regarded as the maximum funds forthcoming from the National Government in this regard. The upgrading of informal settlements is an attempt to improve the standard of living of people until the beneficiary actually has acquired adequate housing.

The Provincial Government and Municipalities also have funds (Equitable share, CMIP, own income etc) which should be channeled to these projects and related functions. (See 10.13)

Primary responsibility: National Government

Secondary responsibility: Provincial Government and Municipalities

1.4.3.9 **Implementation**

Municipalities are the best positioned to act as developer, but should be assisted by National and Provincial Government if they lack capacity. (See Chapters 9 & 10).

Primary responsibility: Municipalities

Secondary responsibility: Provincial and National Government

1.4.3.10 **Maintenance**

Municipalities are the best positioned, but should be assisted by National and Provincial Government if they lack capacity.

Primary responsibility: Municipalities

Secondary responsibility: Provincial and National Government

1.5 **LEGISLATION THAT MAY HAVE AN IMPACT ON THE UPGRADING OF INFORMAL SETTLEMENTS**

1.5.1 Introduction

1.5.2 Legislation

1.5.2.1 The Constitution

1.5.2.2 National Building Standards and Building Regulation

1.5.2.3 Land Use Planning Ordinance 'LUPO'

1.5.2.4 Health Act

1.5.2.5 National Environmental Management Act

1.5.2.6 Prevention of Illegal Eviction from an Unlawful

Occupation of Land Act

1.5.2.7 Removal of Restrictions Act

1.5.2.8	Environmental Conservation Act
1.5.2.9	Less Formal Township Establishment Act
1.5.2.10	Provision of Land and Assistance
1.5.2.11	Restitution of Land Rights Act
1.5.2.12	Western Cape Land Administration Act
1.5.2.13	Western Cape Planning and
1.5.2.14	Housing Act
1.5.3	Other legislation which may be applicable
1.5.4	Schedule of Laws

1.5.1 Introduction

The principles of natural law, liberty, dignity, equality and the reciprocal acknowledgement of basic human rights of all persons must be entrenched in all efforts to address the symptoms, effects and challenges of urbanisation - such as the handling of issues pertaining to informal settlements.

Urbanisation and land release policies must be strategically designed and implemented. All spheres of government [National, Provincial and Local Government] as well as the private and public sector, have a role to play in this regard.

The identification and release of land must form an integral part of National and Provincial programmes, including those dealing with growth and development [e.g. population development, rural development, employment creation and urbanisation]. Whatever legislation is in place, it is of paramount importance to make land available for informal settlements. This highlights the critical importance of a properly co-ordinated land availability/release strategy for the Cape Town Metropole and all other areas that are likely to be the target of urbanisation. In its absence the current undesirable situation will continue and attempts to provide infrastructure, secure tenure and housing will be increasingly frustrated.

1.5.2 Legislation

1.5.2.1 **THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, NO 108 OF 1996**

The Constitution of the Republic of South Africa is the supreme law of the Republic and thus must always be taken into consideration.

In formalising informal settlements, the relevant provisions of the Constitution would be as follows: -

HOUSING:

Section 26(1)

Everyone has the right to have access to adequate housing.

Section 26(2)

The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.

Section 26(3)

No one may be evicted from their home, or have their home demolished, without an Order of Court made, after considering all the relevant circumstances. No legislation may permit arbitrary eviction.

HEALTH CARE, FOOD, WATER AND SOCIAL SERVICES:

Section 27

Everyone has the right to health care services, including sufficient water.

CHILDREN:

Section 28

Children have the right to basic nutrition, shelter, health care services and social services.

FUNCTIONAL AREAS OF CONCURRENT NATIONAL AND PROVINCIAL LEGISLATIVE COMPETENCE:

Schedule 4, Part A

Housing is one of these concurrent functions of National and Provincial Government.

1.5.2.2 NATIONAL BUILDING STANDARDS AND BUILDING REGULATIONS ACT, NO 13 OF 1977

This Act will have to be taken into consideration in the planning and implementation of the relocation or formalisation of informal settlements.

For example, Section 4 of the aforementioned Act provides that any persons wanting to erect any structure or building will have to submit plans to the local authority in a specific form and these plans will have to be approved by them prior to any building works commencing. (See 10.6.2.3)

This provision applies, unless the State can show that by virtue of economic considerations, necessity or expedience the state is exempt in a particular case.

Similarly a certificate of occupancy needs to be provided by the local authority to state that all the requirements of the Act have been met before the occupants may take up residence.

The Act also contains references to minimum fire and safety requirements, which will also have to be adhered to. Failure to comply with

any of these may lead to the Municipality being obliged to enforce the provisions thereof in terms of that particular Act.

1.5.2.3 THE LAND USE PLANNING ORDINANCE NO 15 OF 1985

In terms of the aforementioned Western Cape Ordinance, any rezoning, departure or like applications relating to land use planning and matters incidental thereto will have to be made to the relevant local authority and the provisions of this Ordinance complied with in respect of the planning, zoning and subdivision of the area. The zoning scheme of the area will have to be considered, as this will determine use rights of the land. A subdivision will have to take into consideration density requirement, setbacks, building lines, etc.

An alternative, and faster, legal route is indicated in 1.5.2.9.

1.5.2.4 THE HEALTH ACT, NO 63 OF 1977

The Health Act was enacted to provide measures for the promotion of the health of Republic of South Africa citizens. The Department of Health must take steps to promote a safe and healthy environment. The Health Act sets out certain minimum requirements, which must be adhered to to prevent overcrowding, dirty, unsanitary or verminous conditions in any dwelling or other buildings, and to see that diseases or sicknesses are not spread. Should there be a health risk the municipalities would serve notices on the landowners to provide minimum services or otherwise deal with the situation to ensure that the health risk is averted.

The Act also prohibits the building of structures without adequate sewerage, drainage, water, washing and sanitary conveniences, lighting and ventilation and refuse removal.

Clearly all the requirements of the Health Act will have to be met, both in the planning process and to ensure after the formalisation of the informal settlement or the provision of formal housing that unlawful persons do not occupy the property causing it to be either too densely populated, or overcrowded and giving rise to health and safety risks.

1.5.2.5 THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, NO 107 OF 1998

This Act has as its objective the endorsement of all citizens' rights to an environment, which is not harmful to their health and well being, it obliges the state to protect, promote and fulfil the social, economic and environmental rights of everyone.

The general environmental plan to be drawn up and implemented by all organs of state will have to be adhered to and taken into consideration in dealing with informal settlements.

1.5.2.6 PREVENTION OF ILLEGAL EVICTION FROM AN UNLAWFUL OCCUPATION OF LAND ACT, NO 19 OF 1998

The aforementioned Act sets out the constitutional Principle, that no one should be deprived of his or her home without a Court Order, after the Court has taken consideration of all relevant circumstances. It is in terms of this Act that Court orders will have to be sought for the eviction or removal of any unauthorised persons, their structures and possessions. (See Chapter 8)

This Act would be of application to informal settlements in the following circumstances: -

- 1.5.2.6.1 Where it was necessary to relocate the occupants of the informal settlement in conditions where the land on which they were residing was not suitable for housing or residential use and the occupants refused to vacate.
- 1.5.2.6.2 Where, on advising persons at the informal settlement that they would be formalised or provided with formal housing, other persons, not originally part of the informal settlement, settled there with a view to taking advantage of the services or housing to be provided to the members of that informal settlement and in effect jumping the queue.
- 1.5.2.6.3 Where certain persons who do not qualify for housing, should the occupants be formally housed, refuse to vacate the property on which the informal settlement is situated or the property to which they are relocated.
- 1.5.2.6.4 Where an informal settlement has been relocated temporarily or permanently and the land which they previously occupied (which is either to be left vacant, or to be developed for housing, or to be utilised for a different purpose) is now occupied by persons without the consent of the owner of the property or the person in charge thereof.

In this regard it should be noted that security measures would have to be taken to ensure that any land which is vacant or to be developed for housing of informal settlements be secured either by way of fencing or enclosing the property and the policing thereof by an informal housing unit to ensure that the resources are not later wasted in having to apply for a Court Order to have them and their structures and their possessions removed.

- 1.5.2.7 **REMOVAL OF RESTRICTIONS ACT, ACT 84/1967**
Restrictive title conditions on land are currently removed or amended in terms of this Act.

However, the Less Formal Township Establishment Act, [Act 113/1991] (see 1.5.1.9) also empowers the responsible Provincial Minister to remove or amend title conditions upon township establishment applications.

The legislation to be used to formalise an informal settlement [Less Formal Township Establishment Act, 1991, Provision of Certain Land for Settlement Act, 1993 or Upgrading of Property Rights Act, 1991] will accordingly determine whether it will be necessary to apply the provisions

of Act 84/1967.
(See 10.3).

1.5.2.8 ENVIRONMENT CONSERVATION ACT, ACT 73/1989

This Act provides for the proclamation and protection of natural environments and the identification of activities, which may have a detrimental effect on the environment.

In terms of the regulations promulgated in terms of the Act, permits and environmental impact assessment reports are required for certain developments. (See 4.5.3)

The legislation to be used to formalise an informal settlement will determine whether the provisions of Act 73/1989 are applicable.

1.5.2.9 LESS FORMAL TOWNSHIP ESTABLISHMENT ACT, ACT 113/1991

This Act *inter alia* provides for shortened procedures for the designation, provision and development of land, establishment of townships and for less formal forms of residential settlements. (See 10.3)

The Act further provides for the acquisition of additional land to accommodate settlement needs.

This Act is at present probably the most suited for the upgrading of informal settlements.

1.5.2.10 PROVISION OF LAND AND ASSISTANCE, ACT 126/1993

This Act provides for the designation of state or private land [made available by the owner thereof] by the Minister of Land Affairs for settlement purposes and regulates the subdivision of such designated land. **[N.B. This Act has not been assigned to the Provinces]**

Grants made available by the Department of Land Affairs in terms of its Land Reform Programmes can only be accessed once the land in question has been designated by the responsible Minister in terms of Act 126/1993.

1.5.2.11 RESTITUTION OF LAND RIGHTS ACT, ACT 22/1994

This Act governs the process for restitution claims to land on the basis of a right that had existed in the past and of which persons or communities were dispossessed under or for the purpose of furthering the objects of racially based laws.

The upgrading of existing informal settlements will accordingly be affected by any claims for restitution submitted in terms of this Act in respect of the land to be developed as part of the upgrading process.

1.5.2.12 **WESTERN CAPE LAND ADMINISTRATION ACT, ACT 6/1998**

This Act provides for the acquisition of immovable property and the disposal of land, which is vested in it by the Western cape Provincial Government.

The provisions of the Act will only be applied where informal settlements are located on provincial state land as defined by the Act.

1.5.2.13 **WESTERN CAPE PLANNING AND DEVELOPMENT ACT, ACT 7/1999**

This Act [**which will become operational at a future date**] can best be described as a consolidation of legislation in the Province of the Western Cape pertaining to urban and rural development, regional planning & development and provincial planning into one law. It will eventually, *inter alia*, repeal the Land Use Planning Ordinance, 1985, The Less Formal Township Establishment Act, 1991 and the Removal of Restictions Act, 1967 as far as the Western Cape is concerned.

1.5.2.14 **HOUSING ACT, 1997 [ACT 107/1997] : Expropriation Of Land Required For Housing Development By A Municipality (See 10.11.2.2)**

In terms of Section 9(3)(a) of Act 107/1997 a municipality may, by notice in the Provincial Gazette, expropriate any land required by it for the purpose of housing development in terms of any national housing programme, if: -

It is unable to purchase the land on reasonable terms through negotiation

It has obtained the permission of the MEC [Provincial Minister of Housing] to expropriate such land prior to the notice of expropriation being published in the Provincial Gazette - permission of MEC is only valid for six months

IMPORTANT

- (a) In terms of section 9(3)(b) of Act 107/1997 the provisions of Sections 1, 6-15 and 18-23 of the Expropriation Act, 1975 [**Act 63/1975**] shall apply to such expropriation.
- (b) The permission to expropriate must be granted by the Provincial Minister of Housing in terms of Section 9(3)(a) of Act 107/1997 and **not** the Expropriation Act, 1975. This Act, Act 63/1975, has not been assigned to the Provinces and the authority to expropriate in terms of this Act vests with the National Minister of Public Works.
- (c) As set out below, the relevant provisions of the **Expropriation Act, 1975 [Act 63/1975]** only deals with procedural issues: -

Section 1 - contains the definitions for the purpose of the relevant Act

Section 6 - provides for investigation of the land prior to expropriation

Section 7 - is prescriptive regarding the contents of the Notice of Expropriation

Section 8 - deals with the passing of ownership and possession of the expropriated land to the relevant authority

Section 9 - deals with the duties of the expropriated owner upon expropriation

Section 10 - deals with the manner in which the compensation aspects are to be handled

Section 11 - deals with the payment of the expropriation compensation

Section 12 - prescribes the basis on which the expropriation compensation is to be determined

Section 13 - provides for the payment of compensation for rights arising from unregistered lease agreements relating to the expropriated land

Section 14 - provides for the determination of compensation by way of arbitration or through the High Court

Section 15 - determines the basis for the awarding of costs by the High Court

Section 18 - deals with determination of compensation and appeals in this regard

Section 19 - payment of compensation to bondholders on basis of agreement between bondholder and expropriated owner

Section 20 - deduction from compensation and payment of rates and other monies to local authority

Section 21 - payment of compensation to Master of High Court in instances where owners cannot be traced

Section 22 - termination of unregistered rights in respect of land

Section 23 - procedure for the withdrawal of expropriation notices

1.5.3 Other Legislation which may be applicable to Informal Settlements in certain circumstances

1.5.3.1 LAND TITLES ADJUSTMENT ACT, 1993 [ACT 111/1993]

The main purpose of this Act is to help persons who own land, but are not in possession of title deeds - for example, due to the fact that persons who lived before them or from whom they inherited the land had not taken steps to have the land transferred into their name - to be able to secure their rights

1.5.3.2 DISTRIBUTION AND TRANSFER OF CERTAIN LAND ACT, 1993 [ACT 119/1993]

This Act promulgates the appointment of a Land Distribution Commissioner who has to verify the identity of people who have claims on land, to test the validity of such claims and to oversee the subdivision of such land under such people.

1.5.3.3 UPGRADING OF TENURE RIGHTS ACT, 1991 [ACT 112/1991]

This Act provides for the upgrading of certain lower order property rights to full property ownership, which includes the framing and approval of General Plans and the opening of township registers.

The provisions of this Act will most probably not be applicable to new developments, but there are however a number approved General Plans in respect of existing informal developments in the Province of the Western Cape, previously approved in terms of the Black Communities Development Act, 1984 [Act 4/1984] and regulations issued in terms thereof, that still have to be formally registered in terms of the provisions of Act 112/1991.

1.5.3.4 CAPE OUTSPANS ACT, 1937 [ACT 17/1937]

This Act provides for the issue of deeds of grant to municipal councils in respect of outspans consisting of Crown land in the Province of the Western Cape.

This Act will only be applicable where an informal settlement is located on a proclaimed outspan. The Sun City development in Sir Lowry's Pass is one such an example.

1.5.3.5 NATIONAL ROADS ACT, 1971 [ACT 17/1937]

The purpose of this Act is to provide for the construction and control of national roads.

This Act could pose considerable problems for physical development where a national road is involved. The development of Wallacedene and Bloemkombos was, for example, considerably delayed by the proclamation of the N7 near Kraaifontein.

The prescriptions in the Act relate to road reserves, building lines along national roads and other restrictions which may be relevant in specific circumstances.

1.5.3.6 COMMUNAL PROPERTY ASSOCIATIONS ACT, 1996 [Act 28/1996]

This Act enables communities to form juristic persons, to be known as communal property associations, to acquire, hold and manage property on a basis agreed to by the members of a community in terms of a written constitution.

The Act is administered by the Department of Land Affairs. It may be necessary to make use of this Act in a rural context where informal settlements of an agricultural nature are to be upgraded.

1.5.4 Schedule of Laws

The Constitution Of the Republic of South Africa, Act 108/1996

National Building Regulations and Standards Act, Act 103/1977

Land Use Planning Ordinance (LUPO), 15/1985

Health Act, Act 63/1977

National Environmental Management Act (NEMA), Act 107/1998

Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE), Act 19 of 1998

Removal of Restrictions Act, Act 84/1967

Environment Conservation Act (ECA), Act 73/1989 (Regulations)

The Less Formal Township Establishment Act (LFTE), Act 113/1991

Provision of Certain Land for Settlement Act, Act 126/1993

Restitution of Land Rights Act, Act 22 of 1994

Western Cape Land Administration Act, Act 6/1998

Housing Act, Act 107/1997 plus the Housing Amendment Act, Act 4/2001

Land Titles Adjustment Act, 1993 [Act 111/1993]

Distribution And Transfer Of Certain Land Act, 1993 [Act 119/1993]

Upgrading Of Tenure Rights Act, 1991 [Act 112/1991]

Cape Outspans Act, 1937 [Act 17/1937]

National Roads Act, 1971 [Act 17/1937]

Communal Property Associations Act, 1996 [Act 28/1996]

Interim Protection of Informal Land Rights Act, Act 31/1966

Extension of Security of Tenure Act, Act 62/1997 [ESTA] (see 11.13.1.4)

Housing Consumer Protection Measures Act, Act 95/1998 [NHBRC]

Western Cape Planning and Development Act, Act 7/1999

Land Use Bill [06 April 2002] National Legislation.

1.6 AN INFORMAL SETTLEMENTS PROGRAMME

1.6.1 Broad Strategy

Many local authorities are faced with a situation where the number of informal housing structures are increasing at a faster rate than the production of new housing. The consequences of this must be met with appropriate positive action.

It is recommended that local authorities create a 5-year housing strategy which incorporates a phased programme to upgrade informal settlements. This would range from the introduction of basic services in some settlements, the provision of an incremental housing process in others, and the formal development of housing in others. As an integrated exercise by the local authority it would also incorporate non-housing elements.

Obviously, the programme would have to be based upon an understanding of the range of needs that exist within the area of jurisdiction of the local authority, and upon a set of principles that will guide the prioritisation of responses in accordance with available resources.

1.6.2 Detailed Components

It is the object of this Handbook to identify for a local authority all the components that would be required for creating an Informal Settlements Programme. Different settlements and communities will require different solutions and strategies.

The basic intent of a phased approach to upgrading is to use scarce resources in the most efficient way, to obtain maximum benefit from minimum outlay, and to have each phase build upon the previous one without having to duplicate effort and expenditure.

The essence of an incremental approach is that each upgrading exercise is clearly part of a greater project, and increasingly involves the community in decision-making about their neighbourhood. It is also the aim to so improve the circumstances in a settlement that its inhabitants are prepared to pay the charges that will be levied.

The first component of an upgrading will usually be the provision of essential services such as water, sanitation and electricity. Access-ways can be introduced in a phased manner and the provision of formal plots and starter houses can follow.

The following chapters of the Handbook provide resource material that can be used in the creation of strategies for addressing informal settlement issues in general and for addressing the challenges presented by a particular settlement or community.

PART A : THE CONTEXT

CHAPTER 2 GOALS AND GUIDING PRINCIPLES

2.1	Goals
2.1.1	Goal 1 - Incorporation
2.1.2	Goal 2 - Improvement
2.1.3	Goal 3 - Betterment
2.1.4	Goal 4 - Forward Planning
2.2	Guiding Principles
2.2.1	Introduction
2.2.2	Integration
2.2.3	Participation
2.2.4	Communication
2.2.5	Minimum relocation

2.1 GOALS

The Provincial Housing Plan incorporates 4 Goals to be achieved regarding Informal Settlements. All policies with regard to planning, financing and implementation must have the achievement of these goals in mind. They should therefore be integrated into all projects and programmes from the beginning.

The Goals are

INCORPORATION
IMPROVEMENT
BETTERMENT
FORWARD PLANNING

and are explained below.

2.1.1 Goal 1 - INCORPORATION

- 2.1.1.1 The achievement of this goal requires the recognition of some fundamental rights - of movement, of creating shelter, of organising, of access to water, etc., and accepts that one consequence of the exercise of those rights in a country such as ours will be the establishment of informal settlements.
- 2.1.1.2 The goal reflects the fact that informal settlements are not generally established out of a desire for destruction or anarchy, but are creative, sensible endeavours to address basic human needs in an environment that is typically somewhat uncharitable and hostile.
- 2.1.1.3 This goal requires that the inhabitants of an informal settlement be recognised as full citizens of the city, town or village with which they are associated. This implies recognising the informal settlement as a part of

the whole, and doing whatever may be necessary to legitimise and integrate the community.

- 2.1.1.4 It is also implied that if an informal settlement cannot be approved as an acceptable human settlement in its present form it must be made the subject of a project to re-establish the community in conditions that would be acceptable.

2.1.2 Goal 2 - IMPROVEMENT

- 2.1.2.1. The achievement of this goal requires an integrated approach to development, that seeks to meet the most important needs of the whole community. It also requires that those needs and priorities are determined by all the stakeholders. The choice of strategies also requires an inclusive process that takes into account all factors.
- 2.1.2.2 Implied in this goal is a creative approach to the resolving of issues - informal settlements should be viewed as creating opportunities rather than causing problems.

2.1.3 Goal 3 - BETTERMENT

- 2.1.3.1 This goal must be related to all residents, seeking real results in all sectors of the community.
- 2.1.3.2 Addressing this goal requires perspective that seeks more of a process than a product. The vital elements of this goal are the provision of **opportunities** and **encouragement**.
- 2.1.3.3 This goal therefore involves creating appropriate opportunities, encouraging participation and involvement, and then doing everything possible to ensure that the resources are applied to good effect. A major ingredient of success will be the creation of community -based initiatives.
- 2.1.3.4 This goal can be met by many means. Most people tend to think of conventional ways, such as formal education, skills training and capacity-building programmes. However, some of the most productive betterment results are achieved simply by involving community members in decision-making roles in real projects, programmes and business initiatives.

2.1.4 Goal 4 - FORWARD PLANNING

- 2.1.4.1 The future must be anticipated and all of the implications for informal settlements identified and addressed in a comprehensive manner.
- 2.1.4.2 The achievement of this goal requires a philosophy that regards future realities as current challenges . To anticipate the future we must understand the present - it is vital to keep well-informed about trends and

- initiatives.
- 2.1.4.3 Forward planning creates pro-active responses.
 - 2.1.4.4 A lack of forward planning necessitates reactive responses, which are invariably inadequate, too late and counter-productive.
 - 2.1.4.5 This goal is at least as important as any other. It is not optional.

2.2 GUIDING PRINCIPLES

2.2.1 INTRODUCTION

There are four guiding principles to be followed in order to address informal sector issues effectively.

You could think of them as the four sets of floodlights on a sports field - they must all operate together to avoid blind spots and a loss of perspective.

They can also be thought of as “the rules of the game”, which must be applied to all situations, whatever phase of the game you are in.

It would also be useful to think of them as tests that should be applied to every part of a process in order to assess whether that part is likely to be really effective. Each of them has some questions that must be asked.

The four Guiding Principles are:

INTEGRATION
PARTICIPATION
COMMUNICATION
MINIMUM RELOCATION

Each is explained below:

2.2.2 INTEGRATION

To “integrate” is to combine a number of parts into a whole. Useful key words to remember are: **inclusive, complete, whole**.

The test of **integration** can be applied by asking the following kinds of questions:

Of the urban community as a whole -

Is the informal settlement community excluded in any way?

Of representative structures -

Have any groups within the informal settlement been excluded?

Of the development plan -

Does it contain all the components that the community requires?

Project committees -

Has anyone who can help or hinder the project been left out?

The beneficiaries -

Has everyone had a fair chance of obtaining a benefit?

Communication strategies -

Is everyone kept informed?

2.2.3 PARTICIPATION

“Participants” are people and groups of people who are included in a process, in which they each play an essential role. The test of **participation** can be applied by asking the following kinds of questions:

Do **both** the community and the local authority participate effectively:

In the management of an informal settlement?

In the formulation of policies?

In the formulation of strategies?

In the planning of any project or programme?

In the implementation of any project or programme?

In monitoring and evaluating any project or programme?

In considering how to finance projects & programmes?

In ensuring local employment?

2.2.4 COMMUNICATION

“Communicators” do not only give clear messages, they really listen to others.

The test of **communication** can be applied by asking the following kinds of questions:

Is there a message to be heard or sent?

How is the content of the message decided upon?

Who should be listened to?

Who should be spoken to?

What is the most effective medium for listening?

What is the most effective medium for sending a message?

Who should communicate?

Should there be a communications programme and budget?

Is the community receiving the message?

2.2.5 MINIMUM RELOCATION

The clear intention of this approach to informal settlements is to provide people with opportunities to stay and settle, and not require them to move. Every move is disruptive and costly.

The test of **minimum relocation** can be applied by asking the following kinds of questions:

Is there a positive, reassuring attitude towards informal settlements?
Is there respect and appreciation for what people have invested and achieved in informal settlements?
Is every person and household in the urban community valued equally?
Who decides where infrastructure should be laid in the upgrading of an informal settlement?
Who decides whether any homes will have to be moved, and how would such a decision be communicated?
What are the technical possibilities and constraints?

Constantly remember these Guiding Principles:

Integration

Participation

Communication

Minimum Relocation

They are the keys to success.

PART B : PREPARATION

CHAPTER 3 INSTITUTIONAL ARRANGEMENTS

- 3.1 Getting the process right
- 3.2 Management structure
- 3.3 Participants
- 3.4 Roles & responsibilities
- 3.5 Structures
- 3.6 Terms of Reference
- 3.7 Example of a Terms of Reference

3.1 GETTING THE PROCESS RIGHT

Before taking any action regarding informal settlements it is essential to decide who is going to be involved, and on what basis.

The first task is to structure the local authority's management of informal settlement issues appropriately.

However, particularly regarding informal settlement issues unilateral decisions of any kind have real potential to be unproductive and destructive. For example, in this context it is wise to never think in terms of presenting a plan to a meeting for endorsement - rather invite the meeting to help prepare a plan. The shared ownership that results will be of far greater value than your brilliant plan!

We must therefore design ways of sharing in decision-making - this is called "making institutional arrangements".

Five aspects must be considered:

- How should management be structured?
- Who should be involved?
- What should be their function?
- In what kind of a structure?
- What should be its function?

3.2 MANAGEMENT STRUCTURE

The needs of an informal settlement cover a wide spectrum of municipal activities, and the structure of the community is often fragmented. It is therefore most important that the group of local authority officials who attempt to interact with the settlement are integrated and have the support of senior management.

The “leader” or “facilitator” who heads up the team of officials should be from the Housing Department. He / she should be responsible for drawing together representatives from the other relevant branches. Together they could form the “project team” for a particular settlement. The key branches would normally be: housing, engineering services (water, sanitation, roads, cleansing, stormwater), health and electricity. Social or community services and others (e.g. finance) would be added when their involvement is required.

The “project leader” would be responsible for making contact with the community structures and arranging meetings to suit the availability of all parties. The respective Councillors from the area would be drawn into the meetings as well.

Ideally the project leader would have an office close to the settlement, and be available several days a week. By developing a relationship with the key service branches of the local authority the project leader should be able to respond to issues raised by the community by telephone from his/her office. Being able to communicate that easily will be much appreciated by all parties, and will lead to the development of trust between the community and the local authority - which is all-important. However, unless the project leader and the project team are given support by the respective branch heads it will be impossible to generate that trust.

3.3 PARTICIPANTS

Who should be involved?

3.3.1 Do it right, first time

It is really important to ensure that the right people are part of the process, fulfilling the right role. This must be done correctly from the very beginning - people do not appreciate being brought late into a process. Do not choose people randomly, or because they work well together - choose participants according to the principles outlined below.

3.3.2 Maintain flexibility

Even though the principles must be clearly established and acted upon, a flexible process must be adopted which allows the mix of people to change if circumstances change. If people who represent others (e.g. councillors) lose the position that qualified them to be participants they should probably automatically be excluded, unless they have something else to offer that is of value. On the other hand if structures within a community change it would probably be appropriate to give the new structure participation - either in addition to, or instead of, the original structure.

3.3.3 Principles of Participation

In choosing participants it is helpful to examine categories of potential role-players:

3.3.3.1 **Those who must be involved** in decision-making because they represent the major parties in the exercise or have another important role to play. Remember the Guiding Principle of Participation (see 4.3). There may be opportunities for different levels of participation, but at this stage just list all the people or organisations that *must* be involved because of what they can contribute.

3.3.3.2 **Those who cannot be excluded** from decision-making processes - otherwise they could destroy the process by attacking it from outside. It is far easier to destroy a process from outside than inside. Rather include them and adapt the process to accommodate at least some of their needs. Make it more attractive for them to join than to stay out. Experience has proven that an inclusive approach is always more effective than an exclusive attitude. Remember the Guiding Principle of Integration (see 4.2).

3.3.3.3 **Those who would like to be involved** in decision-making, because they must live with the product. These participants may represent people or communities that are not going to benefit directly from the process, but could be affected indirectly. Examples are neighbouring communities, or representatives of the transport industry or suppliers of utilities, such as electricity.

This committee must speak on behalf of the community (at times with the Councillor, at times in spite of a Councillor). Every effort must be made to ensure that it is representative, has regular meetings and holds democratic elections for office-bearers - at least annually.

If there are repeated reports that the committee acts as a “gate-keeper” by withholding information from either the community or the local authority then steps must be taken to circumvent that by, for example, distributing / dropping leaflets or using a radio station.

When there is a need to address both development issues and daily

operational issues, it could be helpful if the committee separated into two, to each handle a function.

It is important to help the committee understand that the local authority cannot solve all the community's problems instantly. Some are the responsibility of Provincial or even National Departments. Increased interaction helps to build understanding and trust with officials.

- 3.3.3.4 Those who need not be decision-makers, but **who should be present** to play a supportive role by informing and serving the decision makers. A good product requires a good process, which requires good support in terms of information and action. Not only would the local authority expect to provide support personnel - remember that the community may also require support (e.g. from specialist NGOs), which can be in attendance as required through the process and play a very helpful role.

3.4 ROLES & RESPONSIBILITIES

What is expected of the participants? People must be informed about what is expected of them.

3.4.1 Representatives

Participants who are chosen as representatives must be effectively chosen by that constituency (perhaps by a show of hands at a community meeting), they must consult those whom they represent and obtain mandates to approve or reject issues as they arise. They must be monitored to ensure that they are not just acting on their own behalf.

3.4.2 Specialists and Technicians

Participants who are chosen because of their technical or other expertise must apply that resource as part of the process. Their role should be confined to the application of their expertise - and they should be given good opportunity to do that.

3.4.3 Those with particular authority

Invariably in this context there will be some participants who have considerably more authority than others - within formal structures. They should bear in mind that informal structures also have people in authority, and that successful participation requires that an approach be adopted of a level playing field. A partnership of equals is likely to be far more productive than an association of "haves" and "have nots". Mutual respect is likely to promote the building of relationships, and real friendships could develop. Under such conditions remarkable things can be achieved.

3.5 STRUCTURES

An appropriate structure is needed as a framework within which

participation can take place. Structures must be designed to meet their objectives. Here are some examples of types of structure:

3.5.1 Community Committee

This is perhaps the most essential committee of all - because it is the means by which a community is represented. It must include all parties within the community, and every effort must be made to exclude no constituency. Then it must be consulted consistently and as a whole. It would be suicidal to only consult one faction and ignore the others. This committee must be nurtured, if necessary, and helped to be as effective as possible - particularly in understanding issues and communicating effectively with the community and with any committee on which they are given representation.

3.5.2 Coordination Committee

Such a structure is established to keep a variety of actors in touch with each other and well-informed. It is a networking structure, not a decision-making body. A coordinating committee is essential in a complex project that involves participation by many agencies each with their own decision-making structure.

3.5.3 Advisory Committee

This formulates advice, which can be used by other structures. It only makes decisions about what advice or recommendations to give. It may be an appropriate structure to manage a preliminary research programme, which would feed its product and recommendations into a Town Council and an Informal Settlement Residents Committee - which might then decide to create a joint decision-making structure for the next phase of the exercise.

3.5.4 Steering Committee

This guides a process, and would normally be used to decide upon policy issues that are required by operational structures. A Steering Committee could provide a policy framework in which the work should proceed, and can monitor the application of policy. It would be an inclusive committee of high-ranking representatives.

3.5.5 Technical Committee

This would typically comprise only technicians and specialists, and it would act as a sub-committee of a higher structure. The technical committee would be asked to investigate or undertake something particular and to report back with its findings.

3.5.6 Project Committee

This would be created to manage a project or programme, and would have the authority to make decisions within the parameters of an approval that has been granted by a higher body for its implementation and financing. The focus of such a committee would be delivery, and the resolving of any problems that interfere with delivery.

3.5.7 Sub-committee and Task Team

These are small structures with specific and often short-term responsibilities. They can be very useful for getting a job done, and can be created and terminated at any time.

3.5.8 Linked Structures

Two or more structures are often inter-linked e.g. a Sub-Committee may make recommendations to an Advisory Committee, which makes recommendations to a Steering Committee. Operating in the opposite direction, authority can be delegated from, say, a Project Management Committee to a Task Team.

3.6 TERMS OF REFERENCE

Every structure must have Terms of Reference - it is like a constitution that describes the essential details of the structure. Terms of Reference must be understandable to all the proposed participants and must be recorded in writing.

Terms of Reference for a new structure must first be agreed upon by whichever persons or bodies authorise the establishment of the structure and thereafter by all of the members of the new structure.

Terms of Reference would contain:

- Some explanation of the background or context to the establishment of the structure. This is often called a "Preamble".
- A statement of the "Purpose" of the structure.
- A description of the "Composition" of the structure - details of how the membership of the structure is to be selected. This could include provisions for other people to attend meetings.
- Details of how the "Proceedings" must be managed - how often it will meet, who will be the chairperson, how will decisions be made and implemented and who will fulfill the secretarial functions.
- Details of when and how the committee will be terminated.

An example of a "Terms of Reference" is shown below.

3.7 EXAMPLE OF TERMS OF REFERENCE

TOWN COUNCIL OF **îNEW TOWNî IMPROVEMENT PROJECT STEERING COMMITTEE** **TERMS OF REFERENCE**

1. PREAMBLE

The Town Council has agreed to investigate the possibility of improving conditions and opportunities for the residents of the informal settlement of "New Town" and to work with representatives of that community, as well as other interested and affected parties, towards creating an appropriate

strategy.

2. PURPOSE

The purpose of the Steering Committee is to call for research and technical investigations into the possibilities of improving conditions and opportunities for the residents of “New Town”, to consider such reports and to propose strategies, projects and programmes for approval by the Town Council.

3. COMPOSITION

The Committee shall comprise:

- Three councillors nominated by the Town Council;
- Six representatives of the “New Town” community, chosen by the community on an inclusive basis;
- At least three officials of the Town, representing responsibilities for at least town planning, civil engineering, housing and community development functions.
- A facilitator, appointed by the Town Council with the support of community leadership.

4. PROCEEDINGS

The Committee shall comprise:

- The Committee shall meet monthly.
- The Committee shall appoint a chairperson, which appointment shall be reviewed every months.
- The Committee may appoint sub-committees for specific purposes.
- shall provide the secretarial service for the Committee, which shall include the preparation and distribution of notices, agendas and minutes.
- The Committee shall endeavour to make decisions by consensus.
- Decisions of the Committee shall be implemented by
- The Committee shall be terminated by agreement of a majority of members or on the instruction of the Town Council.

N.B. Establish your structure with thought and care - and don't set sail until everyone is on board!

PART B : PREPARATION

CHAPTER 4 AUDIT

- 4.1 Understanding your town's context and trends
- 4.2 Base maps and aerial photography
- 4.3 Preliminary survey
- 4.4 Settlement profile
- 4.5 Settlement parameters
- 4.6 Needs
- 4.7 Perceptions
- 4.8 Obligations
- 4.9 Opportunities
- 4.10 Constraints
- 4.11 Resources
- 4.12 A socio-economic survey

4.1 UNDERSTANDING YOUR TOWN'S CONTEXT AND TRENDS

An understanding of the regional context and the growth and change dynamics within the area is essential for good strategic planning.

4.1.1 The Town in Regional Context

Any effort at managing or directing the growth of informal settlement at a town-wide level, requires an appreciation of the prospects for further growth in the informal part(s) of town. In other words, will the informal parts increase, decrease or remain the same as a percentage of the town's overall makeup? Four factors strongly influence the prospect for more/less growth. The first two relate to the "attracting" potential of the town and the last two to its "absorption" potential. In analyzing these factors precision is not needed, only a rough appreciation.

4.1.1.1 **Attractive Force 1: Location of the town in the Urban Hierarchy**

A country's urban hierarchy is the ranking of urban areas from largest (metropolitan areas) to smallest (e.g. rural villages). The larger the town, or higher up on the hierarchy, the more likely it is to draw people from further afield, *and* the more in-migrants it can expect. Such migrants are also bound to be very diverse (both urban and rural, South Africa and other-nationals). The lower on the ranking it appears the smaller the number of people attracted, and those will be from the immediate vicinity. Intermediate towns (sometimes called secondary cities) make up the majority of South Africa's urban places. Such towns tend to:

- experience a moderate but steady influx of families seeking work;
- attract families from the wider region and its immediate rural areas;
- have in-migrants with substantially similar backgrounds (occupation, culture, incomes, wealth).

The larger the town and the more diverse its economy, the stronger will be its attraction for potential urbanisers.

4.1.1.2 Attractive Force 2: Economic product to "population-share" contribution

The extent to which migrants are attracted to your town is very strongly, yet not exclusively, determined by the difference between the town's annual contribution to the national economy and its share of national population - or the town's "wealth". For instance, if a town's contribution to national gross domestic Product (GDP) is 4% while it only contains 1% of the national population, the local economy is performing very well. The signals will in time filter through and, in an effort to regain equilibrium, will result in an increase in the in-migration rate. Conversely, if the town is "poor", in-migration will be retarded, yet never stopped.

4.1.1.3 Receiving Capacity 1: employment opportunities

High levels of unemployment obviously discourage further urbanization. But employment opportunities that are not suited to a job seeker's background (low skills base, illiterate and agricultural) has the same effect. Failure of the local economy to adjust or respond to this need never halts influx - it merely delays it. Simultaneously, the rise of a strong informal market economy (petty trade and services) can be anticipated in and around informal areas, eventually extending along major formal movement routes and intersections.

4.1.1.4 Receiving Capacity 2: utility infrastructure / space

A shortage of land/space available for settlement can also retard further in-migration. Very few towns indeed in SA can claim this as a reality, so it is not a major factor. Tardiness in planning and regulating the release of available land for informal settlement also does not halt the process - it merely means the settlement pattern is not ideal. A similar logic applies for urban services. A delay in extending them merely means existing services are loaded more, and may in time succumb to overload.

4.1.2 Predicting settlement

The greatest contributor to new informal settlement formation is usually in-migration. The nature of in-migration, particularly whether the source is singular or multiple, strongly influences the pattern final settlement takes. This pattern has a micro dimension (on-site shack distribution and placement) and a macro (where in town new settlements are more likely

to appear). Both can be estimated and predicted fairly well by understanding the settlement process described below.

- 4.1.2.1 Urbanization studies across the world have shown that the principal motive people have for coming to town is the search for employment. But this does not mean that they locate where employment is to be found. Instead, new arrivals find temporary residence with, or near, acquaintances, following word-of-mouth advice. They mostly also seek formal permission from local leaders. Their "first settlement" thus turns out to be in locations where there are few external threats and some minimal form of protection. This tends to be close to existing, especially the larger, informal areas, or to the "townships". Once some form of employment has been found a relocation, or "second-settlement", may follow, closer to work - to the major employment centres.
- 4.1.2.2 Informal settlements, especially in their formative periods, depend heavily on existing neighbouring townships for access to potable-water, refuse collection, maybe even food and some transport. Vacant, unprotected spaces adjoining the poorest parts of the formal city are thus the most susceptible to new shack erection. These would include marginal land such as riverbanks, servitudes or low-lands and areas reserved for public open space, schools or clinics. At this point the settlement remains "dependent" or "parasitic" on the neighbouring township. This has implications for how their upgrading is treated since social links are bound to be strong.
- 4.1.2.3 Some informal settlements will, however, be "independent". Of these there are two types: those that have grown (in density and extent) to a size where they generate a dynamic of their own, and can no longer be regarded as dependent on any one formal township; and those that have emerged suddenly in pockets of land which are visually concealed, or have been unprotected and ignored for extended periods of time. The latter kinds tend to be located at some distance from the city's network of infrastructure. Again it has implications for how their upgrading is treated.

GIS systems have been used to great effect in recording the features of an informal settlement, and provide the facility to record a great deal of data regarding each property/household

4.2 BASE MAPS AND AERIAL PHOTOGRAPHY

Base maps and aerial photography are valuable tools for assessing the status of an informal settlement.

Most municipalities should have topo-cadastral sheets showing 1 metre

contours and existing buildings and engineering services. In some cases land uses and vegetation present at the time the map was made may also be shown. These maps can be reduced or enlarged to various scales to assist with the survey and design process.

However, in most cases the layouts of informal settlements will be missing from these map sheets, usually because they developed only after the maps were made, or because surveying each dwelling is an extremely complex task and they are often considered to be temporary.

Even if all the information is available on a map sheet this method of depicting the layout of the buildings and the contours is often difficult to use in public participation as people are often not familiar with the conventions used to draw maps.

For this reason large scale aerial photographs are an important planning tool, particularly for functionally illiterate participants who usually find a photograph much easier to understand than a map. Aerial photographs are available in "Raster" technology which allows them to be used with "Vector" CAD programs. Thus, the aerial photograph itself can be used as a base map for engineering services allowing people to see on one document where all the various development components will be located. The aerial photograph base plans can even be used as contract documents for labour based upgrading programs by illiterate contractors and labourers.

If aerial photographs suitable for use as base maps are not available they can be relatively easily made by an aerial photography company.

GIS systems have been used to great effect to record the features of informal settlements, and provide the facility to incorporate a great deal of data regarding each property/household.

4.3 PRELIMINARY SURVEY

Without an accurate picture of the number of structures and the number of people residing in an informal settlement, at a point in time, it is not possible to recognise growth, and where necessary, to stop it.

The marking of numbers on the structures (in a way that precludes easy duplication or modification) should be done at the same time that the occupants are surveyed and recorded.

In the event of an upgrading project the product of this survey may well prove to be the basis for beneficiary identification (see section 10.12). It is therefore essential that it is carried out thoroughly, accurately and

transparently and that all documentation is kept in a safe place.

This information should be checked at least once every 6 months, while the settlement should be visited at least a few times a week to monitor growth. It should be included in the duties of all officials who visit the settlement that they must monitor changes in the settlement as they go about their duties, and report these to the relevant official.

4.4 SETTLEMENT PROFILE

Once the parameters of the settlement have been established more detailed research of the community can be undertaken. It is essential to obtain an understanding of the human content of a settlement. There are, however, degrees to which this can be attempted. Surveys may range from superficial to comprehensive. The following factors should be used to help determine what kind of survey should be undertaken at any point of time:

- What information is indispensable, what would be essential for strategic planning, and what would be just helpful and interesting
- How much time is available
- What resources are available in terms of expertise for preparing a survey, interviewers and the funds to pay them
- How much community support and participation can be harnessed
- To what extent a survey could raise unrealistic expectations within the community that would then be difficult to manage

The priority is usually simply to record the names and ID numbers of all residents, on a *per dwelling* basis. This should be done without any delay - in order to define the target population. Any surveys can then be linked to that base data. Information on this process is given in the "Incorporation" section of the handbook - Chapter 7.

A socio-economic survey can provide a broad range of qualitative data that can be very useful in planning at different stages in the process.

Section 4.12 of this chapter provides ideas of what can be included in such a survey. Remember that a survey can be tailor-made to the circumstances. There could, for example, be an initial pilot survey that obtains basic indicators, followed by one or more surveys that yield more depth and breadth of information. The resultant data base could be used as a resource for planning, allocation of resources, prioritising, fund-raising and a variety of other functions.

The conducting of a survey can also provide a valuable relationship building opportunity between the community and the project team.

4.5 SETTLEMENT PARAMETERS

The audit is largely concerned with information on the community itself and qualitative aspects of the settlement. Settlement parameters refer to the physical and quantitative aspects of the settlement that must be evaluated before deciding on the actual development path to be followed.

4.5.1. Land Ownership

The basic question is whether the land on which the settlement stands is in private or public ownership.

Although land ownership does not affect the physical constraints facing the upgrade of an informal settlement it does have a legal impact. If land is in public ownership and it is decided that from all other aspects the settlement should remain in its current position then the land does not have to be purchased on the open market. However, there may be a complex process of inter-departmental transfers that have to be undertaken if the land is not registered in the name of the department that will be facilitating the upgrade program. It may also be necessary to give communal or individual title to residents to enable them to use the land as collateral to raise development finance or stimulate buying and selling in a secondary housing market. This will require transferring the land into a trust or other vehicle which can assume fiduciary rights and responsibilities.

If an informal settlement is located on privately-owned land it is the responsibility of the owner to provide basic infrastructure. Should the owner fail to do so, and if the settlement is declared a health risk, the local authority has authority in terms of the Health Act (see 1.5.2.4) to install services at the landlord's expense. The local authority would also have the option to expropriate the land. Another option is for the local authority to make some services available on the closest publicly-owned land.

In circumstances where there are many informal settlements requiring attention those that are on private land tend to be given the lowest priority.

4.5.2. Natural Environment

The impact on the natural environment of upgrading the settlement is a key concern. In some ways informal settlement have less impact on the natural environment than conventional townships. For example, there is very little impact on the topography because there are no earthworks to speak of. This can have positive spin-offs in that micro-climate situations such as sheltered areas in dune slacks are preserved. On the other hand lack of sanitation and energy sources can negatively impact on water

quality and surrounding vegetation.

4.5.2.1 **Geology and soils**

In-situ upgrading of informal settlements implies their remaining in their current location in the long term. This can only occur on ground that is able to support the installation of services and the construction of permanent buildings. Therefore, the founding conditions and bearing capacities of the ground need to be assessed. It should be noted that single-storey light-weight buildings can be supported on relatively unstable ground such as capping of tip sites or poorly consolidated fill. There are also non-conventional building technologies that allow permanent buildings to be constructed in areas where conventional foundations may not be sufficient. It is, however, important that the ground is sufficiently stable to prevent breakages in pipe networks.

The agricultural potential of the ground should also be considered. In thinking ahead, it may not be wise to establish a settlement on ground that could be better used for growing crops and vegetables, or it may be possible to leave open spaces for use by the community for food production.

4.5.2.2 **Climate**

The local micro-climate has a great impact on the quality of life in a housing settlement. The direction of the rain and prevailing wind and the impact of the sun can be managed if these aspects are taken into account. It is notable in informal settlements that, over time, residents may make adjustments to buildings and streets and, where possible, plant trees to minimise the impacts of the climate.

The directions of rain, wind and sun should be shown on plans so that, where appropriate, streets can be orientated perpendicular rather than parallel to the prevailing wind direction. Space for tree planting can be left on the north side of streets and open spaces. Public transport shelters and community buildings can be orientated and designed so as to minimize the impact of the climate.

4.5.2.3 **Hydrology**

Ground water tables and surface flow patterns often have considerable impact on an informal settlement. Informal settlements are often constructed in marginal areas such as flood plains, and those parts of an urban area prone to flooding during rainy months. These areas were previously not developed for formal townships and thus left vacant, thus making them targets for informal settlements, particularly in the dry season.

1:50 and 1: 100 year flood plains should be mapped. Dwellings within 1: 50 year flood lines should not be consolidated but rather encouraged to

move. This land can be used for playing fields, food gardening and other open space needs of the community. Because of excessive flooding in recent years there are moves to extend the development setback line to the 1:100 year flood line. It should be noted that this does not necessarily imply a doubling of the area under the flood-line. This depends on the steepness of the river banks and the volume of water held within them. If river banks are steep the 1:100 year flood line may only be a few metres further from the centre line of the river than the 1:50 year flood line.

Even if the informal settlement is far from a river flood line stormwater implications should be carefully understood. Informal settlements may be subject to localized flooding. If it is not possible to create platforms to keep dwelling unit floor levels out of the water then the settlement should not be consolidated. Road and path ways may be required to act as overland stormwater channels depending on how they are aligned with the fall of the land. Informal dwellings blocking such overland stormwater channels should be relocated.

4.5.2.4 **Topography**

The topography of an informal settlement should be mapped using 1 meter contour intervals. These will indicate the hills and valleys within the settlement and where there might be drainage problems.

An advantage of informal settlements is that they are generally better able to incorporate the existing topography in their upgrading. Although this pattern may be more complex than, for example, the reshaping of the contours that tends to be done with new development projects (greenfields projects) on the Cape Flats, it often holds many micro-climate advantages. For example, the sheltered areas in the slack areas between dunes are usually much warmer in winter and cooler in summer than the exposed crests. These areas are destroyed when the dunes are removed. The incremental nature of service installation in informal settlements is far better able to cope with the greater variation of the landscape than a single phase “greenfields” project.

4.5.2.5 **Vegetation**

All municipalities in South Africa now subscribe to Agenda 21 principles, some of which include the need to preserve bio-diversity. This has also been adopted as a policy by the City of Cape Town. This requires that important areas of vegetation are mapped and where possible retained for open space and environmental education purposes.

There may also be mature trees which can provide shade and a sense of quality to what might otherwise be a rather bleak and inhospitable environment. If these opportunities are identified in advance it may be possible to plan around them and so ensure that they are retained. Obviously, safety aspects must be considered. Old or diseased trees that

could prove a danger to property or life should be identified and removed.

4.5.3 Environmental Impact Assessment

In most instances an environmental impact assessment will be necessary in terms of Section 22 of the Regulations pertaining to the Environmental Conservation Act (see 1.5.2.8). This will require a broad range of ecological and social criteria to be assessed.

The social criteria will mainly relate to ensuring that there has been adequate public participation in the process.

The ecological criteria will be concerned with ensuring that the impact of the settlement on the natural environment is minimized in both the planning and design and the ensuing operational stages. Particular attention must be paid to:

- Enhancing bio-diversity (preservation of indigenous vegetation where possible)
- Minimizing impact on water quality and supplies through river set back lines and appropriate sanitation
- Reducing air pollution through the use of renewable or non-polluting energy resources

Previously it was possible to be exempted from this process if an application was deemed to have negligible impact. However, this policy is currently being reviewed.

The Record of Decision issued by the authority competent to act in terms of the legislation completes the environmental impact assessment process. This must be in place before planning decisions can be finalized.

4.5.4 Planning

This section relates to the human settlement and urban management aspects of an informal settlement upgrading project. Most of the information should be depicted on maps. Where this is not appropriate it can be described in text.

4.5.4.1 Description of settlement

A brief description of the nature and size of the settlement is required. This will mention its history and who comprises the community as well as its setting and regional context. The economic basis of the settlement's

residents should also be mentioned. This description should serve as a brief introduction to the nature of the settlement that can be used in press releases and council reports.

4.5.4.2 Surrounding land usage and zoning

Activities in and around the informal settlement should be described including nearby industrial, commercial and residential development. The socio-economic characteristics of the surrounding residential development must be understood so that potential conflicts can be identified. Informal settlements often raise issues of socio-economic interface, particularly in South Africa's context where different groups have been separated for so long by apartheid and such important store is set on the character of the surrounding neighbourhood when valuing properties.

The surrounding zoning as well as that of the site of the informal settlement should also be identified (see 7.2). Zoning is the primary tool for development control in South Africa. It also the only level of land use control that determines real rights of property, in other words, what the property may actually be used for.

4.5.4.3 Transportation Access

Access points, (intersections, bus stops, drop off zones and rail stations), to the surrounding road and rail infrastructure should be identified. This is crucial as most residents in informal settlements are dependent on some kind of transport to gain access to the local informal or formal economy.

4.5.4.4 Location of community facilities and employment

The nearest community facilities (schools, creches, clinics, hospitals, halls) and employment areas should be located and their distances in time and kilometers should be mapped.

This exercise should include informal and formal opportunities and facilities.

4.5.4.5 Planning and development policy

The local authority's planning and development policy for the land on which the informal settlement is situated should be assessed. If the settlement occupies a piece of land vital to achieving some overarching city development goal or is the site of an important link in the public open space, transportation or services system then it may need to be relocated.

However, there should also be flexibility in applying structure plan or zoning criteria. For example, if the settlement occupies land designated for industrial or commercial use it may be acceptable to rezone this land to accommodate the settlement. Older structure plans, and particularly

zoning schemes, were designed and implemented in an era that was governed, firstly, by apartheid and the separation of race groups and, secondly, by modernist town planning which promoted the separation of different urban activities. These ideas are currently being revised as they do not promote the integration and efficient operation of towns and cities. Informal settlements may represent a more rational response to the opportunities offered by a town or city because they locate, not according to the designations of a zoning scheme, but according to the functional needs of the residents. (See also 7.2)

4.5.4.6 **Densities**

Densities are calculated by dividing the number of units/population/number of dwelling units/building area, by the area of the site under consideration. Quantitatively derived densities can be used as qualitative indicators.

Densities are an important indicator of a number of factors within the settlement such as:

- efficient use of land
- convenient access within the settlement
- ability to support small businesses, public transport and community facilities.

The main density indicators are defined as follows:

Net dwelling units per hectare - density of a settlement taking into account area dedicated to dwellings only, e.g the plots on which they stand. Net densities will usually be higher than gross densities;

Gross dwelling units per hectare - number of dwellings taking into account total area of settlement including roads, schools, business areas, parks, etc but not the area of metropolitan wide facilities such as larger river corridors, metropolitan sports complexes and other external facilities. Usually an area greater than 1 km² (1000m x 1000m) should be used when calculating gross densities.

4.5.5 **Engineering**

There are two main aspects to assessing engineering services in the audit phase.

4.5.5.1 **Existing services**

The first relates to existing services. An informal settlement may already have some services installed, particularly water and sanitation, although the latter may only be temporary, e.g. portable chemical toilets. There may also be electrical services and certain roads may have been improved.

Where possible existing infrastructure should be incorporated into new proposals so as to save repeating the investment.

4.5.5.2 **Availability of bulk services**

The second is the availability of bulk services. These refer to water, sewerage, stormwater, electricity and telephone supplies to the edge of the settlement in a form suitable for domestic use. For example, high tension power lines adjacent to a site are no use unless there is a step-down transformer reducing the power to usable levels.

4.6 **NEEDS**

The opportunity should be taken to incorporate a needs analysis in the socio-economic survey. It may be useful to have this in the beginning of the survey with the socio-economic questions at the end. People are usually more open about their needs than their personal details. Structuring the survey in this sequence can help to ensure better answers to the socio-economic questions, especially those on income.

Always recognize the danger that a survey may raise expectations within the community.

A simple question within a survey can ask people to list and prioritise their needs. Care should be taken to ensure that people distinguish between household needs and community needs. Separate questions should be asked for each.

It should be noted that the community is not the only determinant of needs. There are two other important parties:

Officials should participate as they are often aware of the underlying causes giving rise to problems experienced by the public. For example, there may be problems with low water pressures at certain times of the day, which might not seem much of a problem. However, the officials may know that this is shortly to become a major problem and a large piece of infrastructure such as a new pipe-line or water reservoir is required. The community will not necessarily identify the need for a new piece of bulk infrastructure.

Secondly, the requirements of legislation should also be taken into account. There are a number of basic requirements, for example, minimum standards of access to water and sanitation, safety protection of

electricity supplies, that must be complied with. These will be known to the officials taking part in upgrading projects.

4.7 PERCEPTIONS

It is important to realize that the various stakeholders in an upgrading project come from many different starting points. An effort must be made to understand the perceptions and perspectives of the community, officials, neighbouring communities and any other stakeholders.

The existence of these different positions could form the basis of much conflict around informal settlement upgrading.

The first step to resolving potential conflict is to ensure that all stakeholder groups are involved in the process (see Ch. 3).

The second is to invest time in understanding the positions, objectives and constraints of the different parties. It is always worth making the effort to understand each other. If this becomes difficult it may be advisable to involve an independent facilitator to help establish a common platform, upon which progress can be made (see 5.3.4, 7.3 and 7.4).

4.8 OBLIGATIONS

As people (in urban areas) live closer to each other, so their behaviour impinges more on their neighbours. As a result obligations are created which express what role residents and local government must each play towards each other. These obligations imply commitments that need to be explicit. They will have consequences such as matters that need to be addressed in “resident educational brochures”, in budgeting for operating costs by local government, or in the need for by -laws to address excessive noise.

It is advisable to reflect upon these obligations and their implications in the “audit” process presented in this chapter.

4.8.1 Residents’ Obligations

4.8.1.1 To other residents

- to use their property for residential purposes, unless there is neighbourhood agreement for another use (eg a burial parlour)
- to limit their coverage of the plot, and leave space between house and boundary as directed by the local authority (to prevent fires)

- spreading)
- to limit the number of stories they build (so that neighbours can also get light, and direct sunlight)
- to limit number and kind of domestic pets and (farm) animals to that allowed by the local authority

4.8.1.2 **To the local authority**

- to accept the rules and regulations from the local government, as being in the best interest of the greater good
- to find out what rules and regulations apply in the area where they live
- to pay for services received at the municipality's offices
- to follow proper procedures before building on their residential plot
- to use the wastewater system (toilet and manholes) only for wastewater (e.g. not for dead animals)
- to use refuse containers (plastic bags, bins, skips) for specified items of refuse (not for hardened concrete)
- to report local problems (eg leaking water pipe, hydrant) to the nearest municipal office
- to use electricity supplied to each dwelling for that dwelling only.

4.8.2 **Local Authority Obligations**

4.8.2.1 **Regarding the residents' plots**

- to ensure that each plot is used/developed for the purpose and in the manner, that have been agreed upon with the community
- to ensure that each plot has access to those services (water, electricity, wastewater removal, refuse removal) that are available to the broader community.

4.8.2.2 **Regarding public access**

- to ensure that reasonable public access is available to each plot
- to ensure that emergency vehicles are able to proceed to within a specified distance from each plot
- to ensure that proper maintenance is provided to the access route and the pipes, overheads and poles located in the access reserve

4.8.2.3 **Regarding vacant land**

- to ensure that sufficient land has been provided for non-residential purposes (ie schools, public open spaces, shop, church etc.)
- to ensure that land reserved for other uses is kept in good order until finally developed
- to ensure that non-residential sites are allocated in a manner that combines community support and the requirements of the developer.

4.8.2.4 **Regarding social services**

- to ensure that the community has reasonable access to social services such as libraries, community centres, clinics
- to ensure that the fire department and other emergency vehicles (ambulance) have access to within a reasonable distance of each plot.

4.8.2.5 **Regarding trading services**

- to ensure that each plot has access to water and electricity
- to ensure that each plot has a unique address so that mail can be sent to and received by each family
- to ensure that each community has access to an office where accounts can be paid/queried.

4.8.2.6 **Regarding training**

- to ensure that each community can be linked with areas of economic activity, and with institutions which provide training and empowerment programmes.

4.9 **OPPORTUNITIES**

Within an urban area or town opportunities are greater than within a rural area because of the greater range of resources available in close proximity and the creativity that flows from social interaction.

Conversely, opportunities are limited by the fact that each person/family should not exercise their “opportunities” in a way that impinges on the “opportunities” of another. (For example : one person cannot choose to build on vacant land, when that land is owned by another).

It can therefore be helpful to consider opportunities within the context of the “audit” process because it can stimulate perspectives that can assist in strategic planning.

4.9.1 **Opportunities for Residents on Their Own Plots**

- to build a house suited to their needs (within the limits of the approved plan).
- to create a “home industry” to raise income, subject to the guidelines set by the local authority.
- to sell their plot with house on it, should they wish to move to another plot or suburb (a plot may only be sold by its owner).

4.9.2 **Opportunities for Residents on Public Land**

- to beautify and maintain the verge outside their plot (between their boundary and the edge of the road surface).
- to apply to lease land that is available for community purposes (eg for parking vehicles, for growing vegetables). This will require the approval of the relevant authority.

4.9.3 Opportunities for Local Authority on Public Land

- to resolve that capital projects should be constructed on public land (eg transport interchange, playground, parking area, library, civic hall, sports field, detention pond), after discussion with the community.
- to resolve how the operating costs and the management of the project will be handled, after discussion with the community (the management and maintenance could be undertaken solely by the local authority, or it could be shared with an NGO or Civic group).

4.9.4 Opportunities for the Local Authority on Private Land

- to enable/facilitate the owner to achieve the best development and use possible within the zoning and building regulations for that site.
- to assist the owner in changing the zoning and regulations for the site, where this is not injurious to the neighbours.

4.9.5 Opportunities for the Local Authority on Land that is Zoned / Available for Other Uses

- to advertise the land for development.
- to ensure that the land is actually developed, within stipulated time periods.
- to ensure that land is re-advertised if not developed through the first process.
- to have the land re-zoned to a more practical use.

4.9.6 Opportunities for Entrepreneurs on Private Land

- to assess what development could bring the greatest benefits and services to the local community.
- to approach the local authority to consider re-zoning.
- to invest in private developments (or on partnership basis) to bring benefits to the community and returns to the investor.

4.9.7 Opportunities for entrepreneurs on land owned by the local authority

- to assess what development could bring benefits and services to the local community.
- to approach the local authority to enter a public private partnership for the development.
- to obtain approval to undertake the project.

4.10 CONSTRAINTS

4.10.1 Competition Between Areas for Attention

There are generally a range of areas or suburbs that need attention: perhaps several informal settlements within the local authority need upgrading. Each settlement may be at a different level of development.

One settlement may require basic services, another may need more toilet facilities; another is demanding a community centre or a sportsfield. For another, a clinic is their priority. A particular community may have been promised new serviced plots on another site, but there have been delays in the acquisition of the land by the local authority. Two settlements may have similar needs, but the representatives of one make louder protestations than the other.

Normally all problems cannot be dealt with at the same time. A way must be found to prioritise each project, or each part of the project. It is also important to inform each community what is being done, and where they are on the programme of intended actions. Because circumstances change, the informing is an ongoing activity.

4.10.2 Limited funds

In the light of the great needs in informal settlements, there is always likely to be an inadequate supply of funds.

Steps should be taken to obtain from wherever possible additional funds, especially in the form of grants - which are not repayable. Attempts to leverage additional funds and investments from private sources have had little success.

The aims must be to maximise the availability of funds and to focus upon those projects or parts of projects which are most critical to address. The establishment of principles within each local authority will assist in identifying the most critical projects to prioritise.

In a dynamic environment, this balancing of limited funds with priority projects is an ongoing exercise.

4.10.3 Limited Staff Resources

In many local authorities, the problem may be that there are just not enough personnel.

In such a case, appeals for assistance could possibly be made to neighbouring local authorities or, in the last resort, even to the Provincial Housing Department. Where the lack of resources is in a wider sense, there are different options.

There are consultants who are experienced in the area of informal settlement analysis, and upgrading. There are also university departments and technical college departments who may be able to make an extremely positive input into this area of urban development. You could contact the Provincial Housing Department in this regard - see details in Chapter 1.

The possibility also exists that local residents and students can be used to do specific units of work to contribute to the overall project. Surveys of existing residents and their socio-economic details have been done using this procedure. A standard form used for survey is attached, as an example.

However, it may be that there are sufficient personnel within the local authority, but not enough of them are being deployed in informal settlements. If there is a "staff champion" for informal settlement upgrading, it should be possible to overcome the problem of limited staff resources by that person appealing for an allocation of personnel that matches the local authority's commitment to address informal settlement issues.

4.10.4 Difficulties in Reaching Agreement (see also 7.4)

Consultation is a constitutional requirement, but agreement can sometimes be difficult to achieve. It is thus essential to address the problems of informal settlements with stated goals, clear guidelines, but with a flexibility in finding a compromised implementation strategy and process that can be "bought-into" by the residents.

The aim is to try and reach agreement between Council (staff predominantly) and the community (leadership primarily). Agreement has to be within Housing Policy (National and Provincial) and Council policy as well. It is also relevant that agreement about the housing development or upgrading proposals needs to be reached within an agreed time period.

Where there are difficulties in reaching agreement, certain approaches

(individually and/or collectively) can be attempted.

- Focus on principles for the development, not differences between individuals/groups.
- Clarify and seek agreement on the parameters, working down to the details.
- Use a facilitator of the same culture as the community.
- Identify whether there are causes of local frustration that can be positively resolved (e.g. better waste removal services).
- Where helpful, form a joint working group to address specific needs (eg resolve conflict between who should be beneficiaries of phase one of proposed development).
- If needed, arrange a leaflet to go to the whole community to inform them of the situation (or the blockage to progress).
- If there is a small minority who continue to block progress, then strategize to proceed without them (and inform the community about this).

Eventfully it may be necessary to set deadlines for agreement or compromise to be reached, and if this is not possible, to put the project in abeyance for a period.

The local politicians should be involved in the process from the start, so that they share ownership and are then able to help resolve the areas of dispute.

4.10.5 Land Ownership and Servitudes

A local authority may be constrained because an informal settlement has grown or exists on privately-owned land, or within a servitude. This may not be upgraded by the local authority without first acquiring the land or the rights to develop the land.

Whether or not the land is eventually acquired, the local authority should recognise that the residents are part of the town/city population.

Where servitudes exist to protect an existing service (underground or overground), provision must be made for the community within the servitude to move. These residents should be informed as soon as possible that they will have to move, even if the date of moving may not yet have been established. The more hazardous the services (eg powerlines), the more urgently should moving be planned.

Informal settlements on private land, which are often a result of a 'land invasion', can be a major problem. In the first instance, only the landowner has the right to take action (see Ch. 8). The local authority can

assume responsibility by buying or expropriating the land. Or the local authority can require the owner to provide essential services by serving a Section 27 Notice in terms of the Health Act (see 1.5.2.4). Whatever strategy is adopted the local authority is going to be far more able to address the issues than a landowner, and should accept responsibility sooner rather than later, by which time the problems may be extremely difficult to solve.

4.10.6 Limited Additional Land

There are only two usual options where there is limited additional land. Move outwards on a horizontal basis, or build upward at greater densities. An alternative is to decrease plot size (down to say 80m²), which in many areas (of Cape Town) has already been done.

The larger the local authority, the more important it is to ensure what environmental or agricultural areas (or mineral-bearing ground) should be preserved. Then decisions can be taken (with the community) whether they have preference for “spread or high-rise”.

At present the Housing Subsidy is inadequate to finance high-rise, high density housing, so the acquisition of additional land is likely to be essential. This should be planned and strategised before it is occupied illegally. It is preferred to plan the direction of growth for the town/city, rather than let it happen by illegal activities. (see 12.1-3)

4.10.7 Lack of Political Will

This can occur at any time, but is more likely when elections are imminent. The officials should recognise this, and take appropriate steps in time.

The consequence of political inaction should be reported to the Council. This will include the difficulties staff face when trying to serve the community with their hands tied by lack of decision-making at political level.

Where there are direct or indirect costs associated with this lack of will, this needs to be spelt out so that the “costs of inaction” can be clear for all to see.

4.11 RESOURCES

4.11.1 Resources of the Residents

Residents of informal settlements have many resources to offer. An agreement should be reached at an early stage that all parties will contribute in whatever way they can to improve the quality of life, and that each party will respect the functions and responsibilities of the others.

With appropriate motivation, residents would be able to contribute their savings, their materials, their creativity, initiative and energy towards the upgrading of their settlements. One of the keys would seem to be ownership. When families have secure tenure and a street address, their attitude towards contributing their resources invariably changes.

4.11.2 Resources of the Local Authority

A critical question to ask is : what resources can the local authority contribute to informal settlements so that the residents start to feel that they are an integral part of the town city?

This could include :

- planning for permanence
- planning for upgrading in phases
- structuring proper access ways and addresses
- planning access to social services
- facilitating interaction between the community and the local authority
- keeping communities informed of the plans made and steps to be taken

What is needed for this to happen?

- allocation of the required technical and financial resources
- appointment of facilitators to provide linkage with the community
- production of pamphlets or leaflets
- budgeting and spending 'phase one' funds for essential services

4.11.3 Resources of the Province

The Province provides finance for the creation of housing in terms of the Housing Code published by the National Department of Housing.

4.12 A SOCIO-ECONOMIC SURVEY

A socio-economic survey would normally be administered via

questionnaires for each and every household which are presented verbally by a trained interviewer, who records the responses in a standard format. If a sample or indicator survey is required the target population would be reduced, and might even be interviewed through group discussions.

Relevant components of a survey are presented below:

4.12.1 Demographic Context

4.12.1.1 Age and gender

These questions will reveal the age/sex ratios of households and provide information on numbers of single woman head of households.

4.12.1.2 Household composition

The age/sex information will also assist with calculating dependency ratios (number of children and retirees compared to economically active), presence of men, etc.

It is also important to establish the exact number of households and the presence of lodgers within a dwelling. It should not be assumed that one dwelling equals one household or one family. There are many examples of projects where lodgers were not accounted for at the beginning of a project and then appeared, as if from nowhere, with demands for housing in the closing stages. It should also be recognised that it is not unusual for lodging to increase as outsiders seek to be included in the beneficiary list for a project.

One of the advantages of the in-situ approach is that the problem of accommodating lodgers is avoided to some extent because fewer people have to move. The existing accommodation arrangements can continue largely uninterrupted by the development process.

4.12.1.3 Place and Year of Origin

The survey is a good opportunity to investigate migration trends and to understand to what extent residents consider themselves as permanent migrants or temporary sojourners. This has a bearing on the nature of housing they are seeking. People who intend to only be in the city for a few years to earn as much money as possible tend to have considerably reduced needs in terms of tenure, building materials and infrastructure service levels (and funds that they are prepared to invest), compared to those who see themselves staying permanently in the city.

4.12.2 Economic and Spatial Linkages

Type of employment
Place of employment
Income
Expenditure
Shopping patterns

Answers to these questions will reveal the economic fundamentals of the community, particularly with reference to affordability. Aggregating income levels and expenditure patterns will reveal the level of effective demand in the community as a whole and the extent to which rates, rents and service payments will be affordable.

It is extremely important to accurately tailor housing and service standards to the actual levels that can be afforded if the accumulation of arrears in payments for service charges are to be avoided. Again, in-situ upgrading offers considerable advantages as much of the expenditure on shelter will have already been completed. Providing communal rather than individual services in the early stages of a project will also lower costs.

Comparison between income and expenditure responses will allow the accuracy of responses to be checked.

Knowledge of where most people work and shop provides insight into the long term viability of the settlement and the extent to which employment and shopping facilities are required.

4.12.3 Education and Life Skills

Literacy levels
Level of school attendance
Level of education attained
Occupation/skills

The survey provides an opportunity to obtain information on levels of education and life skills. While information on education may not be of immediate use to the development process this information is important for community economic and social development projects, particularly in the long term consolidation phase that will follow initial upgrading projects.

This information will also help to assess the need for schools and adult education and training facilities and what spatial provision should be made to accommodate these activities.

Numbers of children in school can also be cross-checked against the number of children of school going age from the age/sex data to see to what extent children are actually in school.

4.12.4 Housing and Urban Environment

This section analyses the physical conditions of both the settlement itself and its surrounding urban environment. Much of this analysis can be done from maps and aerial photographs

4.12.4.1 Area and rooms per dwelling

When related to data on the numbers of people per household this information will reveal levels of overcrowding and space allocations per person. Generally informal dwellings tend to have lower levels of overcrowding as they are so much easier to extend and adapt than formal dwellings.

4.12.4.2 Tenure and any rents or other informal payments

The desired form of tenure should be identified, i.e. rental or freehold. This is likely to vary according to levels of affordability and the extent to which people see themselves as long term residents in the area. If possible, efforts should also be made to establish current conditions of tenure. For example, some members of the household may be lodgers paying rent to the head of household. The head of household may, in turn, be paying some kind of rent to a local organizing committee.

4.12.4.3 Cost and type of building construction

Although informal dwellings are often made of “temporary” materials these, nevertheless, have had money spent on them. The cost of dwellings in an informal settlement represents a considerable investment when added together. These figures will give an indication of the level of effective economic demand and affordability within the settlement. They also give an idea of the opportunity cost of demolishing and rebuilding dwellings elsewhere.

Assessing the type of building materials gives an idea of what materials are available in the region. This may vary from timber off-cuts near sawmills to wood frame and corrugated iron construction in the cities. The degree of fire hazard can also be assessed.

4.12.4.4 Area of formal/informal plots around dwellings

Assessing the area of space demarcated for a household’s personal use around a dwelling indicates a *de facto* plot size. Although these are often found to be much lower than in formal low income housing areas, where the plot size is usually determined by policy, they can be used as an indication of a minimum below which no dwellings should be permitted. Surveys in different countries, including South Africa, have found this minimum to average approximately 50m². Such a figure, derived in consultation with the community, can be used as one of the bases for assessing which dwelling units should remain and which should be

moved.

4.12.4.5 Higher order employment and shopping opportunities within a settlement

These activities are extremely important to the viability of the community, but are usually also very vulnerable to the disruptions that often accompany upgrading programs. Their locations should be mapped so that they can be accommodated wherever possible

4.12.4.6 Available open space within settlement

Healthy communities require open space for recreation. However, such space is often at a premium particularly during short term emergencies and so they tend to be occupied. While experience has shown that communities can often make do with less space than is required in terms of many town planning schemes and land use guidelines, a minimum of land should still be set aside. This could range from between 10% and 20% of the total land area and should include land for recreational and sport purposes. More space may be required for ecological requirements, e.g. river corridors, important indigenous vegetation concentrations, steep slopes, etc. If the audit reveals less space available than outlined above then dwellings may have to be relocated.

4.12.4.7 Distance in time and kilometers from work, shopping and recreational facilities

When combined with information on place of work and shopping, information on distances and time shows how the settlement fits in with the surrounding area and how the settlement should be planned to optimize external access. For example, public transport interchanges combined with business opportunities may be required on the fringe or within the settlement to maximize external access. These interchanges may also require the relocation of dwellings or may provide an opportunity for the conversion of those dwellings to take advantage of increased economic potential.

4.12.4.8 Degree of urban integration

It is worth assessing to what extent the settlement is or can be self-contained. The degree to which a settlement can contain a full range of facilities depends upon the size of its population and the amount of space available to create such projects. For example, the Department of Education will usually only consider building a primary school if there are 1 000 - 1 500 households - and if the necessary land is available. Secondary schools are usually only justified when there is about twice that number of households. In reality, therefore, it is seldom possible to create a fully integrated self-contained informal settlement - it makes more sense to consider how the settlement integrates with surrounding areas, and how the benefit of that can be optimised.

PART B PREPARATION

CHAPTER 5 ANALYSIS

- 5.1 Urbanisation monitor
- 5.2 Sanitation status
- 5.3 Public facilities availability
- 5.4 Essential resources
- 5.5 Wish list
- 5.6 SWOT analysis
- 5.7 Scenarios
- 5.8 Political will
- 5.9 Community skills
- 5.10 Forward planning

The various audits conducted in terms of Chapter 4 should produce a lot of information. In this chapter we consider how this information can be combined, sorted and presented in a way that can help in the making of choices and decisions. The process of decision-making is covered in the next chapter, Chapter 6.

This chapter simply offers a range of “tools” that can be used. Each of them highlights different aspects of informal settlement issues, or offers different perspectives, which can be of value. They are presented as aids in the understanding of issues and options. Some may be of more use than others. They are not presented in order of importance or relevance. There may well be other useful ways of sorting and presenting the information - readers are encouraged to develop their own analytical tools and to test their usefulness by applying them, in discussion with colleagues, to practical examples.

5.1 Urbanisation monitor

Answer the following questions in respect of your town or a particular area:

- 1) Why do poor people come here?
- 2) Where do they come from?
- 3) What do they bring with them (positives & negatives)?
- 4) How are they accommodated?
- 5) What do they do when they get here?
- 6) Do they stay or move on?
- 7) Do they invite / encourage others to come?
- 8) What can we expect in the years ahead?
- 9) What can we learn from the experience of other areas?

5.2 Sanitation Status

Create a table or a graph that shows, for a particular informal settlement on a year-by year basis, the number of households living there, the number who have access to potable water and the number who have access to effective and healthy sanitation. The table or graph could be extended to indicate what the situation is likely to be in years ahead.

This information can then be compared with the standards of water and sanitation provision given in 10.4.5 & 10.4.6.

Informal Settlements Sanitation Status

Year	00	01	02	03	04	05	06	07
No. of households								
Estimated population								
Number of water points/taps								
Number of sanitary toilets								

5.3 Public Facilities Availability

This analysis considers the public facilities that are available to an informal settlements community - either within the informal settlement or within neighbouring areas.

	secondary school (places)	primary school (places)	clinic	hall	sportsfield	playground	library
Informal settlement							
Neighbouring area A							
Neighbouring area B							
Neighbouring area C							
Neighbouring area D							

5.4 Essential Resources

The table overleaf indicates those resources that are absolutely essential for implementing the 4 goals represented in this Handbook : Establishment, Improvement, Betterment and Forward Planning.

Use this as a checklist, and to record what resources you have and do not have in your circumstances.

Essential Resources The availability of those resources marked with a tick

5.5 Informal Settlements Wish List

It is not at all unusual for different stakeholders to have different desires for an informal settlement. At one extreme some people might want an informal settlement to be eliminated, as though its inhabitants could just be “wished away”; whereas at the other extreme some people might want to turn it into a formal suburb; and there will be all kinds of other wishes in between.

We tend to be aware of these wishes, but there can be value in writing them down and thinking about what is possible and what is not. It also makes us think about the perspectives and agendas of the various people with whom we must work - and it can help us to plan how to approach certain matters with them. Try using a table like this, replacing “Group A” etc with the names of different groups or individuals:

Informal Settlement Wish List

The Wish of	The Wish	What is possible	What is impossible
Residents Group A			
Group B			
Group C			
Neighbours Group A			
Group B			
Group C			
Other suburbs Group A			
Group B			
Group C			
Politicians Group A			
Group B			
Group C			
Officials Group A			
Group B			
Group C			
Others Group A			
Group B			
Group C			

5.6 SWOT Analysis

This is a standard form of analysis that is based upon an assessment of

Strengths
Weaknesses
Opportunities
Threats

Begin by listing these as you understand them at present, under the appropriate headings within the following framework:

STRENGTHS	WEAKNESSES
OPPORTUNITIES	THREATS

The next step is to think more adventurously:

Do the strengths provide possibilities for additional opportunities?

Do the weaknesses create additional threats?

How can the weaknesses be reduced or eliminated?

How can the threats be reduced or eliminated?

How can the strengths be increased?

Talk to other people to see if they can add to these lists.

Prioritise each list - i.e. what are our greatest strengths, greatest weaknesses?

As you do this, plans and strategies will come to mind for dealing with the negatives and maximising the positives. Make a note of them all and use them in the strategic planning process in Chapter 6.

5.7 Scenarios

A vital part of analysis is to make up stories of what might happen in the future, based upon the information that you have learned. It is so important to use the imagination as part of a thorough thinking process. These stories are called "scenarios" - they describe a scene.

To apply this process you could take an informal settlement or your town as the subject. Then create a story that can really be possible of what might happen over the next 10 years - that produces a happy or satisfactory ending. That will be

your “A” scenario.

Then create a story, that can also really be possible, that produces an unhappy or unsatisfactory ending. That will be your “C” scenario.

Then create a story that is not as good as “A”, but not as bad as “B”.

In creating them write down the situation as it will be in 1, 3, 5, 7 and 10 years time. You should indicate what factors cause the changes along the way, so that you and others can see what assumptions were used to create the scenario.

When they have all been written out, try to answer these questions:

What can make the good things happen?

What can prevent the bad things from happening?

What other scenarios might there be?

Who needs to know about these possibilities?

Which scenario do you personally support?

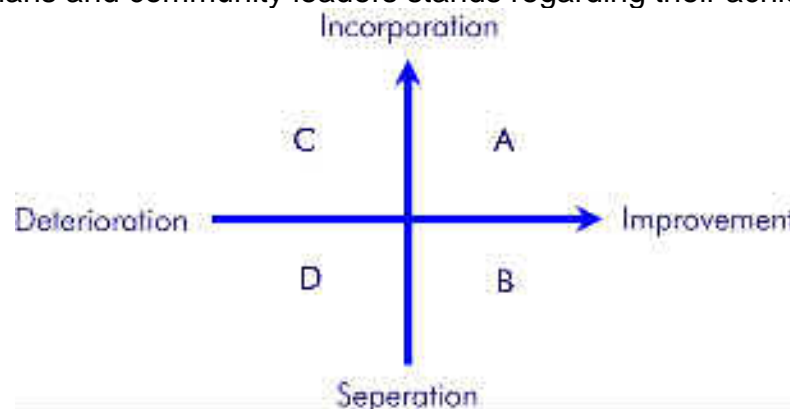
How does that affect your thinking and commitment to improving the situation?

5.8 Political Will

Policy decisions are made by politicians and by community leaders who may or may not have a role in party political structures. Politicians have a critical role to play in approving policies, strategies and expenditure - and also in resolving problems affecting the application of policy. “Political will” is a phrase that expresses the extent to which politicians are willing to be committed to a particular concept.

This is an important component of analysis, because there is often a need for strong political “champions” in dealing with informal settlement issues. It is worth taking the time to consider where the political will lies on various issues, and on which issues political will must be established.

A suggestion is to take each of the two major goals expressed in this Handbook - “Incorporation” and “Improvement” (see Ch.2), and note where each of the politicians and community leaders stands regarding their achievement.



In the above chart, plot where each politician / leader stands on the issues of Incorporation and Improvement. The ideal situation would presumably be for most of them to be in the quadrant marked “A”, indicating that they are in support of an improvement in both Incorporation and Improvement - but there may be many in other quadrants. Note who is where, and begin to consider what can be done to obtain the political will that is required to effectively address informal settlement issues.

5.9 Community Skills

This exercise can be based on audits of the skills possessed by the community, of the skills that they would like to acquire, and of the kinds of strategies and resources required to help them.

Community skills

Existing skills	Desired skills	Possible strategies	Required resources	Sources of resources

5.10 Forward Planning

Begin to tease out what needs to be done to address the future by writing down responses to these questions:

What is the projected demand for housing, year-by-year, for the next 10 years?

What minimum provision must be made, year-by-year?

What land can be earmarked for this?

What other resources will be required?

Pro-active strategies required (what must be done in anticipation of the demand)?

Re-active strategies required (what must be done to respond to surprises along the way)?

PART B : PREPARATION

CHAPTER 6 SETTING OBJECTIVES

- 6.1 Introduction
- 6.2 Define options
- 6.3 Agree priorities
- 6.4 Choose and schedule strategies
- 6.5 Arrange resources
- 6.6 Create a Business Plan

6.1 INTRODUCTION

This Chapter is the fourth and last in Part B of this handbook. Part B deals with the process of analysing situations and exploring options before deciding to commence implementation of any projects and programmes. This Preparation phases thus comprises:

- Institutional Arrangements (Ch. 3)
- Audit (Ch. 4)
- Analysis (Ch. 5), and now
- Setting Objectives (Ch. 6)

There are 5 logical steps in setting objectives:

- 1) Define the options (6.2 below)
- Agree the priorities (6.3 below)
- Choose strategies (6.4 below)
- Schedule strategies (6.4 below)
- Arrange resources (6.5 below)
- Create a Business Plan (6.6 below)

2 DEFINE OPTIONS

The process involved in Chapters 3 - 5 should have thrown up a wide range of possible actions. However, there may be many others that will only become apparent in the investigation that is outlined here.

Any actions to be taken on informal settlement issues should conform to one or more of the 4 Goals presented in Ch. 2:

- Incorporation**
- Improvement**
- Betterment**
- Forward Planning**

It is recommended that in each situation options be identified that could address

every one of these goals. This would lay the foundation for an integrated response.

This step does not involve the *selection* of options - only the defining of possible actions to be taken.

6.3 AGREE PRIORITIES

6.3.1 Decide on prioritising criteria

Now the sorting process begins. The first step is to decide what criteria to use in order to rank the options in priority order. Criteria might include aspects, areas or groups that require particular attention; time and cost constraints and targets; political, social & health imperatives; etc. It is essential that there be consensus on this point by all the parties, as it is key to agreeing what is most important.

2 List the possibilities, with budgets and time scales

Estimate budgets and time scales for each option defined in 6.2.

6.3.3 Apply the criteria to the possibilities

Sort the options that have been listed within each Goal into a priority order, by applying the prioritising criteria to each option. This list of priorities should then be thoroughly workshopped with and by all stakeholders until a real consensus has been established.

6.4 CHOOSE AND SCHEDULE STRATEGIES

Strategies describe how things should be done. There is usually more than one useful way to address a problem. Care should be taken to ensure that the most appropriate strategies are adopted. A way of achieving that is described below:

6.4.1 Brainstorm possible strategies for each prioritised option

Try to look at the situation from as many perspectives as possible.

6.4.2 Test strategies against Goals and Guiding Principles

This process helps to ensure that strategies achieve the desired result both in terms of the product and the process that is to be involved. (see Ch. 2)

6.4.3 Choose the best strategies and consider their combined impact

Identify the most promising strategies, and assess whether their combined impact will produce the desired result. Try different combinations of strategies to get the best fit. Obtain agreement from all stakeholders.

4 Prepare a time chart

Make a detailed analysis of the proposed strategies, identifying every step in the process. If possible chart each programme so that everyone can see and understand what is required and how long it will all take.

6.5 ARRANGE RESOURCES

Identify the resources required for every step in the process - including personnel, finance, land, buildings, expertise, equipment. Prepare a budget and cash flow. Verify the availability of the required resources.

6.6 CREATE A BUSINESS PLAN

Produce a combined Business Plan that incorporates all projects and programmes. This will not only be the guide for the implementation, but a strategic master plan which shows how these projects and programmes fit into overall policy objectives. Such a document could also be used to help raise the required finance.

PART C : IMPLEMENTATION

READERS ARE STRONGLY ADVISED TO READ PART B (YELLOW) OF THIS HANDBOOK, WHICH DEALS WITH “PREPARATION” BEFORE ATTEMPTING TO IMPLEMENT ANY OF THE CONTENTS OF PART C.

Part C comprises:

Ch 7: The Incorporation of Informal Settlements

Ch 8: Dealing with Land Invasions

Ch 9: Types of Improvements Projects

Ch 10: Improvement Projects: Technical

Guidelines

C 11: Betterment Programmes

Ch 12: Forward Planning Process

This part of the Handbook provides details on the many and important actions that may be appropriate with regard to informal settlements. Many of these are inter-related so take your time to read all of this

CHAPTER 7 THE INCORPORATION OF INFORMAL SETTLEMENTS

- 7.1 Definition and identification
- 7.2 Approval of the settlement
- 7.3 Decision-making structures
- 7.4 Dispute resolution
- 7.5 Settlement management
- 7.6 Payment for services

7.1 DEFINITION AND IDENTIFICATION

This section suggests a process that should be applied to each informal settlement (with more than 10 structures) that is within the local authority's jurisdiction. The process checks the nature of the area where the settlement is located and identifies the scope and characteristics of the settlement. The intention of the process is to find the answer to the question of whether the settlement should be legitimised, and then upgraded in phases.

7.1.1 Assessment

The assessment should be applied to each informal settlement (over 10 structures) : this will assist in obtaining the first sense of where the greatest priorities are for action.

7.1.1.1 Boundary

For the settlement under consideration, show on a plan (or aerial photos) the existing boundary around the settlement (as determined by a site survey or a recent photo, confirmed by site visit). Show the relevant property boundaries which will clarify the erven that are occupied, and indicate their ownership. Record the date when this information was obtained.

7.1.1.2 Survey and numbering

Without an accurate picture of the number of structures and the number of people residing in an informal settlement it is not possible to recognise growth and, where necessary, to stop it.

The marking of numbers on dwellings (in a way that precludes easy duplication or modification) should be done at the same time that the occupants are surveyed and recorded.

This information should be checked at least once every 6 months, while the settlement should be visited at least a few times a week to monitor growth. It should be included in the duties of all officials who visit the settlement that they must monitor changes in the settlement as they go about their duties, and report these to the relevant official.

GIS/GPS systems have been used to great effect in recording the features of informal settlements, and provide the facility to record a great deal of data regarding each property/household.

7.1.1.3 Engineering Characteristics

This assessment for each settlement needs to be approached in a consistent way, across the local authority, so that comparisons become easy to observe.

- **nature of the ground** - contours and slope, type of soil, rock outcrops and wet areas or flood plains, tree belts and other vegetation can be observed on site and recorded on a plan.

- **created features** - the presence of detention ponds, overhead power lines and formally built structures (old farmhouses) should also be noted on the plan.
- **other features** - establish the position of any servitude, underground services in proximity to the site (including water, sewers & telephone) and indicate them clearly on the plan.

7.1.1.4 **Land Usage/Zoning and other planning documents**

Obtain the zoning of the area, and perhaps the zoning of adjacent properties, which will provide the context for the settlement. Ensure that the zoning has not lapsed, and if it will do so in the near future. Check whether any Guide Plans, Structure Plans, *etc.* exist and obtain them.

7.1.1.5 **Environmental Characteristics**

Flowing from the assessment made in 7.1.1.2 above, and the density of the settlement, it will be apparent whether a special study is required to investigate the existence of special fauna, flora, heritage sites, *etc.*

Where this is required, it should be done through consultation with the local community leadership.

7.1.1.6 **Impact on Surroundings**

The plan of the settlement should also show the existence of neighbours/other suburbs and their proximity to the settlement. By observation the approximate value of the surrounding properties can be shown on the plan (eg houses in range R80 000 - R150 000, or R160 000 - R300 000). There could be 3 neighbouring properties, or 300.

The impact of the settlement upon the neighbours could be checked by informal surveys. This will require sensitivity, otherwise the fact of the survey could stir up opposition to the initiative

7.1.2 **Clarify Key Factors** (see also 4.5)

7.1.2.1 **Size of Settlement**

Because of the need to control and contain growth, the date of this information is important to record.

The perimeter and area of the settlement must be recorded, as well

as the details (e.g. numbers, area, owners) of the underlying even.

7.1.2.2 **Approximate Number of Structures and Population**

Without the assistance of recent aerial photos, the assessment of numbers can be very difficult depending on the size of the settlement. Once an approximation of the number of structures has been obtained, the approximate total population can be obtained by doing a random survey (say 10%) of the people per shack.

7.1.2.3 **Approximate Density**

The approximate density can be obtained by dividing the area of the settlement by the approximate number of shacks. The comparison of densities gives a picture of relative overcrowding (For example, Kosovo in Cape Town has a density of approximately 127 shacks per ha).

7.1.2.4 **Non-residential Land Uses**

The aerial photo will show, and a site visit will confirm, whether there are major land uses other than residential. These could be structures used as churches, shops or shebeens, or spaces used as sportsfields, or initiation sites. These should be recorded as such.

7.1.2.5 **Description of Surrounding Areas**

Probably the best way to provide the context of the settlement is to put notes on the plan (or aerial photos) which describe the nature and character of the surrounds. This description should provide an answer to the question: are there directions in which the settlement is likely to grow? The context should also show obvious access routes to the area.

The key issues to indicate would be: vacant land, developed land (what with), access routes, environmental problems.

7.1.2.6 **Negative Factors**

Any negative factors that inhibit permanence should be identified. These could be in various categories:

natural factors - ground conditions, environmental factors, slope, national park.

Man-made factors - power lines, detention ponds, tip site, airport noise zone

planning factors - zoning, planned road, canal

surrounding objectors - developed suburb with strong objections

7.1.2.7 Positive Factors

Factors that will support permanence :-

- length of existence
- ownership of land (already owned by govt).
- relative ease of making site suitable
- major de-densifying is not needed
- community relatively stable and unified
- broad acceptance by nearby communities

7.1.2.8 Requirement for Relocations to Reduce Density

While the matter of relocation is extremely sensitive, but often absolutely necessary, it is important that a process be followed on a consistent basis within each local authority. The process may not find acceptance by settlement residents, but at the end of the day it must be shown that there was a transparent and fair process applied to each settlement.

The following is a possible process :-

- 1) Reach agreement that upgrading (provision of access routes and services) cannot take place without a certain number of shacks having to move.
- 2) Reach agreement that some land must be allowed for non-residential purposes (eg sports field, 3 church sites and a community centre).
- 3) Reach agreement that the shacks which must be moved to enable the installation of services or to provide land for non-residential purposes must be relocated to land outside of the informal settlement (N.B. The agreement must be for the number of shacks, not which families - the objective is to get the shacks moved.).
- 4) Establish some options as to where alternative land is to be offered to the families who have to move.
- 5) Reach agreement about which families must move (this could be the families whose shacks have to move, or it could be the latest families who moved into the area).

7.1.3 Conclusion - Should the Settlement be Legitimised

The analysis above will identify the 'for' and the 'against' factors. Broadly the conclusion could then fall into one of three categories: "yes", "no", or "more consideration is required".

The next step should probably be to convene a meeting with the relevant councillors and the settlement leadership to canvas views and attempt to reach a consensus way forward. This would be reported to the Council for approval.

7.2 APPROVAL OF THE SETTLEMENT

This section poses a series of steps to follow to incorporate the informal settlement into the developed urban area. This means not only legally but also socially and economically, with clear linkages to the essential services and facilities available to the rest of the community.

7.2.1 The Statutory Process

7.2.1.1 The land usage approval process

This is the mechanism whereby limitations to development are identified and brought into consideration for planning. Often this has to do with existing claims to the land by other authorities or individuals as part of their long term planning vision. Road, military, educational and other service providing organizations must be given an opportunity to comment on the suitability of land for low income development in order to avoid costly planning mistakes. As Local Municipalities are granted greater authority within their areas of jurisdiction, it can be expected that the regularisation process will become simplified.

Problems emerge when there is a tension between the perceived suitability of a portion of land and the legal unsuitability thereof for housing development as determined by land ownership or land use limitations as defined in zoning schemes relevant to the area. It should be the responsibility of the project manager/planner to identify these possible mismatches as early on in the development as possible.

Within the Western Cape Province, the existing land regularization legislation provides a suitable framework for low cost developments which are of the "greenfields" type (see 11.6). Both the Land Use Planning Ordinance, (Ord.15 of 1985) (see 2.5.2.3) and the Less Formal Township Establishment Act (Act 113 of 1991) (see 2.5.2.9) have been used successfully as legislative vehicles.

If the project is to be within an already proclaimed township it is important to establish which legislation was originally used for land use approval, and then continue acting in terms of that legislation.

All town planning schemes in the Province have been adapted to make provision for an "Informal Residential Zone" and this is the recommended zoning for the housing component of any proposed infill or greenfields development (see 10.3.3). It is important to be concerned with all aspects of township development in "informal settlements" which would include the non-residential land uses such as clinics and schools. It is recommended that existing zoning scheme regulations pertaining to such land uses be adhered to as far as possible for these land uses. However, factors such as the dimensions of the erven should be the subject of healthy debate, including with community representatives, in the planning and regularisation process.

7.2.1.2 Inform Community Leadership of Implications

As these planning decisions have to be taken by the public authorities it is essential that the local leadership is kept informed and invited to contribute to the process. Without their full support the project could well grind to a halt down the road.

Where there are physical modifications required to the position of shacks and the creation of routes for services, the community needs to be informed on an ongoing basis. Clearly the proposals need to be developed on an interactive basis.

Particularly where there are low levels of literacy, it is likely that advertising any proposal to re-zone land will have to be workshopped with the settlement community to allow some understanding of the process. Adverts in papers will probably not be appropriate.

7.2.2 Political Process

Housing (and informal settlements are a sub-set of housing) is probably one of the most critical areas for local government. The local authority's chief political spokesperson for housing (eg the Executive Councillor for Housing) should be kept informed, and involved, on an ongoing basis with the assessment of informal settlements - particularly in respect of their proposed permanence and upgrading.

7.2.2.1 Place Proposals before Relevant Council/ Community for

Consideration and Support

Before proposals are formalised and submitted to committees, it is essential that points of (potential) conflict are discussed in a forum with relevant councillors, settlement leadership and officials. At times it may take several meetings of this nature before a clear proposal can be formulated.

When there is agreement, a report can be submitted for consideration and support, so that actions can be taken towards implementation.

7.2.2.2 Strategise Best Ways of Obtaining Support from Surrounding Communities

The obvious way of approaching surrounding communities is through their leadership structures - this could be via the councillor, civic structures, ratepayers or tenants associations

Generally the worst way is via public meetings, where it is frequently difficult to keep to the agenda and stop personal differences arising

At times it may be helpful for a senior official to chair the meeting (to rule 'party politics' out of order), or even consultants have proved successful in certain areas.

The best strategy is the one that works for the situation being addressed. In one case it may be the councillor, in another it may be an external facilitator.

The challenge is to find out what the real concerns are on all sides and can these be addressed in a reasonable way. If so, then progress can be made, even on a phased basis.

7.2.3 If the Settlement is not Approved / Legitimised ...

Then the matter must be reported to the Council, and the onus placed on the Councillors to find a political solution to the impasse.

7.3 DECISION-MAKING STRUCTURES

Communities within informal settlements must be encouraged to

establish representative, consultative and effective leadership structures. There has been a significant shift from the trend where civic and political structures used to autocratically assume leadership responsibility within informal settlements to a system where local leadership is elected at public meetings. This system produces local leadership that is drawn from across the political, gender, age and interest group spectrum. Residents should elect individuals on the strength of their leadership capacity and experience. It is recommended that an elected committee serve for 12 months, after which another election should take place.

These structures and combinations of them are likely to be in operation both before a settlement is legitimised and afterwards. It is vital that they be appropriately organised. (See Chapter 3.)

7.4 DISPUTE RESOLUTION

Disputes are common in informal settlement communities. It is commonly believed that they are a result of the over crowding and the sharing of scarce resources that characterise informal settlements. They are often caused by struggles for power and the control of land and resources. The elected local leadership structure is the only meaningful vehicle through which disputes should be settled. Such a committee should first understand the nature of the dispute, its origin and the parties involved. This should happen at an early stage to avoid more people getting involved as that could threaten the stability of the entire community.

7.4.1 Understanding disputes

Before setting out to resolve a dispute, it is imperative to understand the nature of the dispute, its causes, and the possible consequences. Rushing in unprepared may worsen the dispute and most likely lead to its rapid spread.

7.4.2 Identifying role players

The elected committee of an informal settlement should take time to study the unfolding dispute and identify the role players. It would be advisable for the committee to attempt to get the parties involved together to discuss the problem. If the committee / mediator is viewed by all the parties to be neutral, then intense

dialogue should start without delay. If the committee's neutrality is questionable in the eyes of some of the parties, an outsider should be brought in to mediate. This would be a person without the "proverbial baggage", whose involvement would commit the parties towards an immediate solution to the dispute.

(See also Ch. 3)

7.5 SETTLEMENT MANAGEMENT

The local authority management of an informal settlement can broadly be done in one of two ways. A local office within or on the edge of the settlement is preferable where the size of the population warrants this service. Alternatively a mobile vehicle must be used to facilitate interaction with the residents.

7.5.1 Managing Expansion

It is imperative to undertake a baseline study - to number the structures and to record the residents per structure. Aerial photo's would be a great help, and where agreed, photos of the families have also been taken as a record. Without these facts, growth is difficult to observe and impossible to measure.

Growth in size of structure and growth in number of structures are both cause for concern. In terms of the PIE Act (Act 19/1998) (see 1.5.2.6 and Chapter 8), it is possible to demolish an unauthorised structure which is still unoccupied.

The object therefore of regular site visits is to spot shacks (or extensions) in the course of erection (thus unoccupied) and demolish them.

Experience has shown that the local community committees will verbally declare they are against new shacks, but often do not take practical steps to stop the growth.

7.5.2 Tenure Management and the Sale of Structures

The aim is for the land to be sub-divided and the erf transferred to the accepted beneficiary. This means that the beneficiary is located on an (owned) erf, and able to erect his/her own top

structure.

Unfortunately the buying and selling of top structures frequently proceeds with no reference to the ownership of the land. This process may suit the residents, but causes undue confusion for the authority's records. It will also cause distress at the National Housing Department's Data Bank, which may record the names of intended beneficiaries who may have sold "their plot", without receiving any Housing Subsidies. (It is beyond the scope of this Handbook to address this problem).

A solution is to ensure improved education for residents in the whole arena of land ownership, homeownership, the receipt of subsidies, and the maintenance of urban services.

An interim practical proposal, when there is a local office, is for an effective record system to be kept of house and/or plot sales. This could be encouraged on a voluntary low-key basis.

7.5.3 Eligibility for Benefits

Informal settlements are by definition unauthorised, yet families (at least 100 000 in Cape Town) live in them. The existence of these families must be accepted and that they need essential services (see chapter 9 for a description of these).

Thus in the first instance people should be considered eligible for access to essential services (which will probably have to be provided on a phased basis).

Assuming that the goal is to upgrade settlements on a phased basis, the next proposal would be to "structure" the settlement so that each family could be granted secure tenure, with services at an upgraded level.

Thus the second level of eligibility would be for the right to secure tenure.

The third level of eligibility would be for gaining access to finance to provide a formal top structure.

7.5.4 Information and Education Programmes re: Housing and Development

It is surmised that part of the friction between informal communities

and local authorities is caused by a lack of understanding about what local authorities can and should do. (See 2.2.4, 10.13 and 10.14)

There is a critical need to address this gap - on an ongoing basis.

- This communication should start where people are today (eg the status of the settlement, and the desires of the authority).
- It should explain what the desire for the future is (eg upgrade in phases, with each phase explained).
- It should explain how we hope to get to the future, and what the roles and responsibilities of each party are.
- It should describe what agreements need to be reached between the two parties, and the proposed programme of meetings to achieve this.
- It will explain the local authority requirements re: internal committee processes and budgeting provisions.
- It should explain how physical improvements will be made, and whether that will provide jobs for community members.
- It should give guidelines for any actions that must be taken immediately.
- It should propose steps to minimise start of fires, and spread of fires.
- It should propose the naming of thoroughfares and/or blocks, and numbering of houses for postal deliveries.
- When started, this programme will generate its own momentum.

7.5.5 Building Control

Many local authorities have inadequate resources to fully guide/control ongoing growth of structures in informal settlements in circumstances where growth is permitted as part of upgrading a

legitimised settlement).

It is recommended that local authorities use the information and education process (see 7.5.4), by means of which residents visit the local housing office for guidance. This guidance is meant to encourage safety and improve the quality/functionality of the structure.

A simple leaflet giving a few simple guidelines could provide a great improvement to the end product.

7.5.6 Rules of the Settlement

Although rules and penalties are important the imposition of socially acceptable behaviour in many settlements has proved nearly impossible.

It is considered that the creation of communally-held rules, as well as penalties for contravention, should be discussed with the community committee. Only if they accept the notion can there be any possibility of any broader support.

7.5.7 Arrangements for an address

An address gives dignity to households. Every dwelling should be provided with an address.

A proposal to split the settlement into "blocks", separated by access ways, and with structure numbers could be discussed. The implementation could be done (and preferably led by) community representatives, with assistance from the local authority.

7.6 PAYMENT FOR SERVICES

7.6.1 Determination of service charges

7.6.1.1 Free basic services

In terms of National legislation Local Authorities are, where possible, obliged to provide 6kl of water and 20 KW of electricity on a monthly basis free to every household. The aim of this legislation is

to ensure that every South African has access to life line services.

The State, according to a set of objective formulae that embody the principles of equity, efficiency and democracy, allocates to Local Authorities an equitable share of nationally raised revenue. This equitable share is aimed at allowing Local Authorities to sustainably provide an essential minimum package of services to all indigent households.

The responsibility to determine mechanisms for passing this subsidy on to the poor and to establish appropriate targeting mechanisms for this purpose is left to Local Authorities.

7.6.1.2 "User pays" principle

Every effort must be made to ensure that payment is made for services delivered over and above for the free services as described in paragraph 7.5.1 above.

A service levy duly structured to cover the costs of services provided should be calculated by each Local Authority and accounts prepared and delivered to each dwelling within the settlement. As postal services are generally not operational in informal settlements Local Authorities will need to make their own arrangements for delivery of accounts in these areas.

Close liaison needs to be kept with Community Leaders and it be made clear that non payment of services will result in the termination of the service.

7.6.1.3 Real cost of services

Cost of service delivery varies from place to place but every Local Authority is encouraged on an ongoing basis to keep track of the actual cost of services delivered and to make these costs known to the public. Where cross subsidisation is found to be necessary this must be brought to the fore.

7.6.2 Arrangements for payments for services

The following steps must be taken:

1. Discussion within local authority regarding level of payment for services.
2. The tariffs must be uniform across the local authority area (equity). Draw in Informal settlement leadership and put the

- proposals on the table. Attempt to reach consensus.
3. Local Authority takes the proposals to the settlements, and has meetings, explaining why people have to pay for services, how much is proposed, and where payments can be made (maybe modify proposals).
 4. Set up a process for delivering accounts/charges. Ensure that each family has an address.
 5. Set up payment points so that residents can pay without difficulty.

7.6.3 Dealing with payment problems

7.6.3.1 Unemployment

The experience in formal rental dwellings is that a special policy to deal with people who are unemployed shows a fairness on the part of the local authority. The onus should be on the person who is unemployed to visit the offices and describe the circumstances, and reschedule their payments.

7.6.3.2 Boycotts

It is appropriate to put pressure on those who choose not to pay for services received. It can be a sensible approach to limit or cut off services where consumers choose not to pay. A local authority must establish strategies for dealing with this - if possible, by negotiating an agreement with the community leadership.

7.6.3.3 Multiple dwellings / occupancy

Properties within informal settlements, even after they have been upgraded, often house more than one family or household. If possible, one household per erf should be regarded as the primary household, which has a contract with the local authority for service provision. That household can then recover costs from the others through its own arrangements. It may, however, be possible to offer each household a separate pre-payment electricity connection.

PART C : IMPLEMENTATION

CHAPTER 8 DEALING WITH LAND INVASIONS

8.1	Definition
8.2	Land ownership
8.3	Authority to act
8.4	Taking action

8.1 DEFINITION

“Land Invasion” refers to the illegal occupation of land, with the intention of establishing dwellings / a settlement upon it. An invasion may be by one individual or by hundreds of households - but the nature of the problem and the measures required to deal with it are the same.

There are various situations where illegal land invasions cannot be tolerated: The land may be reserved for another use, it may be land of particular environmental significance, it may be subject to flooding. It could be land which is about to be developed as housing for identified beneficiaries and another group invade the land.

8.2 LAND OWNERSHIP

The owner of the land must be identified as soon as the invasion is discovered. Where the land is privately owned, the owner should be notified. Where the local authority is the owner, urgent action must be taken.

8.3 AUTHORITY TO ACT

8.3.1 Government policy

There is clear recognition, in all three spheres of Government, that the unlawful occupation of land [squatting/land invasion] is, apart from the many problems that it creates, one of the biggest threats to ownership, good governance and developmental efforts in accomplishing proper urban management.

8.3.2 Legal requirements

However, it must be clearly understood that it is unconstitutional to evict anybody or to demolish any dwelling without due process of law - no legislation may authorise arbitrary evictions. The Constitution and the Prevention of Illegal Eviction from an Unlawful Occupation of Land Act, Act No. 19 of 1998 (see 1.5.2.6) is clear in this respect - no evictions without a court order ! . The applications for such a court order are time consuming and costly.

Eviction orders will normally only be granted if alternative accommodation or land can be made available for settlement.

8.3.3 Prevention

It is thus of crucial importance that pro-active steps are taken to prevent land invasions and secure properties. The fencing of properties and monitoring there-of could ensure that unlawful occupation is either prevented or immediately observed. Lighting and signage, where appropriate, can also assist as a deterrent or in asserting the owner's rights. Forging of alliances against land invasions between spheres of government, community structures/civil society, councillors, officials, etc. is of paramount importance here!

8.4 TAKING ACTION

As many Constitutional issues are frequently raised in contentious matters of this nature, it is not only imperative to act speedily but to ensure that you receive proper legal advice to enforce your rights to an eviction order and to regain possession of your property in the most time and cost effective manner. Although land owners are made to incur the time and cost of obtaining such a court order some of the courts are supportive of such orders in asserting the fundamental principles of rights of ownership.

Make sure therefore that you know your rights and take measures to prevent these invasions and if it has proved impossible to prevent them occupying the property, immediately seek legal advice and obtain your order so that you can regain possession of your property.

If an unlawful occupation does take place swift action is required. The following steps may be considered :-

8.4.1 If someone is in the process of occupying the land and erecting a structure [Please refer to section 1(i) of Act 19/1998] (see 1.5.2.6)
In this event the owner can remove the structures only partially complete or complete but not yet occupied. This is known as “counter-spoliation”. There is no time limit to the period in which you can counter-spoliate. The requirements are that the structure is either partially complete and/or unoccupied.

8.4.2 If people are in the process of erecting structures, which are not yet occupied or have shown an intention to do so by, for example, pegging out ground
In this event an urgent interdict should be sought interdicting them from occupying the property. This will stop the flow of persons onto the property and also if it is obtained before the people take occupation will have the effect that anyone in contempt of that order will be arrested and the costly and time consuming process of applying for an eviction order will be avoided.

8.4.3 If persons are already occupying the structure
In this event a landowner may not remove the occupiers or their structures without a court order (see 8.3.2). A landowner can urgently approach the court for an eviction order where there will be undue hardship to the owner or where there is a real and imminent danger of injury or damage to person and/or property.

Ordinarily, a landowner will need to give the squatters fourteen working days notice of intention to launch an application for their eviction (see section 12 of Act 19/1998).

It is imperative that the landowner or the security firm monitoring the property knows what details will be required for such a court order. This includes details of the personal circumstances of the squatters (including names, ID numbers, ages, health conditions, employment status), how and when the invasion took place and proof of ownership rights. They should immediately be communicated to the owner’s attorneys attorney to avoid delays or the refusal of an order because all the appropriate facts were not placed before the court.

8.4.4 Implementation of an eviction order
If and when court order is obtained the sheriff will read the order to the community and where possible, staff of the local authority can assist with the legal demolition.

The materials should be taken away and stored some distance from the site, so that they cannot be easily collected and illegally re-erected.

The site must be monitored to prevent non-compliance with the order and re-erection.

8.4.5 Alternative accommodation

If a claim is brought before the court within six months of the date of occupation the court is not required to establish whether alternative accommodation is available for the squatters.

If six months or more has lapsed since the squatters occupied the property the court will consider the factors set out above and whether alternative accommodation can reasonably be made available to the squatters.

PART C : IMPLEMENTATION

CHAPTER 9 TYPES OF IMPROVEMENT PROJECT

- 9.1 Basic infrastructure
- 9.2 Emergency infrastructure
- 9.3 Roll-over upgrade
- 9.4 In situ upgrade
- 9.5 Managed land settlement
- 9.6 New township development

9.1 BASIC INFRASTRUCTURE

9.1.1 Characteristics

Basic services comprise shared water supply and sanitation, refuse removal, stormwater management, access by emergency vehicles, together with some fire prevention/limitation measures. They are provided to an informal settlement to ensure that the health and safety of the community meet basic minimum criteria.

2 Justification/rationale

The servicing of the settlement is entirely based on ensuring that acceptable health conditions prevail. Health risks are not confined to the informal settlement but also to surrounding communities and in particular to downstream communities who are at risk through the pollution of watercourses and groundwater

9.1.3 Procedures

- Establish a Project Committee to include community representatives.
- Evaluate all options together with the Project Committee.
- Ensure community support and ownership of the selected option prior to implementation.
- Set up an education programme with respect to the service to be offered
- Ensure that service charge accounts are rendered and amounts due recovered.
- Call for public tenders for provision of services and implement after following due procurement process.

9.1.4 Advantages & disadvantages

Advantages

- Compliance with minimum basic health criteria.
- Job opportunities for local community.

Disadvantages

- Risk of establishing a sense of permanence to the settlement.
- Risk of attracting in-migration.
- Risk of non payment of service charges.

9.2 EMERGENCY INFRASTRUCTURE

9.2.1 Characteristics

A temporary planned informal settlement established by the relevant Authority to accommodate displaced persons during emergency situations. eg flooding, fires etc. Local Authorities should in terms of their Disaster Management contingency planning identify sites for the establishment of emergency settlements and undertake the planning thereof.

9.2.2 Justification/rationale

The establishment and servicing of a settlement to temporarily accommodate displaced persons during emergency situations.

9.2.3 Procedures

- Forward planning to be undertaken in terms of Disaster Management contingency plan.
- Establish a Project Committee to include displaced community representatives.
- Obtain support from affected communities and ownership of planning work undertaken under the Disaster Management contingency plan prior to implementation.
- Set up an education programme with respect to the service to be offered
- Appoint contractors to undertake works under emergency delegations or arrange for work to be undertaken Departmentally subject to resources being available.

9.2.4 Advantages & disadvantages

Advantages

- Provision of emergency services.
- Fast track process.
- Compliance with minimum basic health criteria.

Disadvantages

- Risk of establishing a sense of permanence to the settlement.
- Risk of attracting in-migration.

9.3 ROLL-OVER UPGRADE

9.3.1 Characteristics

A portion of land in or adjoining an informal settlement is cleared, levelled and serviced. It is then occupied by all the residents of portion of the settlement. That vacated portion is then levelled, serviced and occupied by the residents of another portion, and so on.

9.3.2 Justification / Rationale

This technique is employed when a community has settled upon un-graded, unserviced land, and there is a possibility for clearing a big enough area to permit a phased development. It can also be justified where the terrain is so unsuitable that an in situ upgrading (see 9.4) is impossible.

9.3.3 Procedures

- Create a project committee (see 3.5.6)
- Plan and agree all possible phases of the roll-over. If possible, have the first phase on a neighbouring piece of land.
- Identify all eligible beneficiaries by name, ID and dwelling number
- Number and mark all dwellings of eligible beneficiaries
- Agree which beneficiaries will participate in each phase
- Clear land for Phase 1
- Instal infrastructure in Phase 1
- Occupy phase 1 and keep the vacated land clear for Phase 2
- Proceed with Phases 2 etc.

9.3.4 Advantages & Disadvantages

Advantages

- Opportunity to convert an informal settlement area into a proper township.
- Enables most of the community to stay in the same area.
- Creates a major improvement in the status of the settlement & community.

Disadvantages

- Usually impossible to create enough sites to accommodate the whole community. Therefore some have to be relocated elsewhere or become lodgers.
- Community tends to grow when there is the prospect of a project. Settlement control is therefore essential.

9.4 IN-SITU UPGRADE

9.4.1 Characteristics

An informal settlement is upgraded as it stands - with the objective of having to relocate as few dwellings as possible (see 2.2.5). Roads and other infrastructure is designed to fit into the shape of the settlement. As a result of this unconventional approach to township layout sites will tend to be of irregular shape and size. For this reason some unconventional approaches to tenure may also have to be adopted (See 10.2). In situ upgrading is increasingly being recognised as an appropriate mechanism, and the Provincial Department of Housing is developing a policy for financing such projects.

9.4.2 Justification / Rationale

This approach is justified where there is such a shortage of suitable vacant land that it is not possible to create either a new township (see 9.6) or a roll-over upgrade project (see 9.3). It may also be the community's first preference if alternative pieces of land are located in areas that are regarded as inferior - such as too far away from work opportunities, shops and schools.

9.4.3 Procedures

- 1) If there seems to be a possibility that an in situ upgrading could be appropriate, create an inclusive "investigation committee" to explore possibilities.
- 2) Obtain a good understanding of the nature of the settlement, from aerial photographs, physical inspections, soil tests etc.
- 3) If there are promising prospects begin to work in detail with base maps and aerial photographs (see 4.2) to plot possible routes & configurations, and ways of accommodating dwellings that must be moved.
- 4) At the same time be working intensively with the community through surveys (see 4.3) and interactions in order to develop appropriate physical

- and social development strategies.
- 5) Formulate detailed incremental improvement strategies that have support from all stakeholders, including potential funders.
 - 6) Obtain finance, and implement with care.

9.4.4 Advantages & Disadvantages

Advantages

- People are not required to move - a great benefit if they like the location.
- Avoids having to find alternative land.
- The only choice if there is no other land available.

Disadvantages

- Land may not be ideal for development.
- The settlement may be laid out in a manner that makes servicing expensive.
- All work has to be done within an existing settlement.

It is probable, however, that this is likely to be the preferred improvement option in an increasing number of circumstances, due to the increasing scarcity of well-located land that is suitable for housing.

9.5 MANAGED LAND SETTLEMENT (iMLS)

9.5.1 Characteristics

The objective of MLS is to provide emergency relief for people in crisis in an informal settlement by granting them permanent settlement rights on land that has been levelled and given a rudimentary level of infrastructure. Later the infrastructure can be upgraded, tenure granted and housing constructed.

9.5.2 Justification / Rationale

A MLS project is justified by a human settlement crisis, such as a flooded informal settlement, in circumstances where appropriate land can be quickly prepared for settlement with rudimentary services. These improvements are for a permanent settlement, and do not constitute a “transit camp” or other temporary settlement. Beneficiaries must qualify for assistance in terms of the national Housing Policy and are thus able to take advantage of housing subsidies, but on a phased basis, over, say, 3-5 years.

9.5.3 Procedures

- Identify suitable public land that can be immediately accessed.

- Prepare a site assessment, town plan and an environmental impact assessment scoping report.
 - Undertake an initial engineering assessment, report on the bulk service requirements and a design for the initial (basic) and improved services.
 - Identify beneficiaries.
 - Obtain township approval.
 - Peg erven.
- Install basic services.
Beneficiaries occupy sites and re-erect their dwellings in a position that will permit the later construction of houses.
Sites are transferred to beneficiaries.
Services are upgraded.
Housing is improved.

9.5.4 Advantages & Disadvantages

Advantages

- Can be ideal for quick, but permanent settlement.
- Enables phased development.
- Helpful if only funds for infrastructure are immediately available.

Disadvantages

- Unless settlement is controlled it can get so dense that the construction of houses becomes impossible.
- A long term project requires long term management.

9.6 NEW TOWNSHIP DEVELOPMENT

9.6.1 Characteristics

The creation of a residential township on virgin land, including individual tenure and housing options, and the relocation of people from an informal settlement onto the project. Town planning and engineering design should nevertheless be appropriate for the intended beneficiaries.

9.6.2 Justification / Rationale

This is the conventional preferred township development option. Basic requirements are the availability of adequate suitable and well-located land and the availability of the required funds. A new township project presents possibilities

for economies of scale that are impossible in upgrading projects (see 9.3 & 9.4)

9.6.3 Procedures

- Identify available and appropriate land
- Establish inclusive project committee (see Ch. 3)
- Commence participative planning and infrastructure selection (see 10.2)
- Ensure the creation of an integrated settlement (see 2.2.2)
- Identify beneficiaries (see 10.12)
- Obtain approvals and finance (see 10.10)
- Develop township
- Beneficiary allocation (see 10.12) and sales administration (see 10.13)
- Address top structure issues (see 10.6)
- Occupation

9.6.4 Advantages & Disadvantages

Advantages

- Economies of scale.
- Usually relatively uncomplicated technically.
- Provides the opportunity to plan for the best possible product.
-

Disadvantages

- Community has to move to a new area - perhaps some distance from resources.
Difficulties of providing schools and other facilities in time.

PART C : IMPLEMENTATION

CHAPTER 10 IMPROVEMENT PROJECTS : TECHNICAL GUIDELINES

10.1	Participative planning and design
10.2	Tenure policy and administration
10.3	Land survey and registration
10.4	Infrastructure
10.5	Maintenance
10.6	Top structures
10.7	Schools
10.8	Community facilities
10.9	Relocation of dwellings
10.10	Finance
10.11	Land for development
10.12	Beneficiary identification
10.13	Allocation and sales administration
10.14	Communication

10.1 PARTICIPATIVE PLANNING AND DESIGN

10.1.1 The process

The essence of participative planning is to include all affected parties, especially the community, in every step of the process, as indicated below:

- Meeting with the affected community at the beginning of the process. At this meeting aerial photograph base plans are presented, the opportunities for upgrading discussed, and the process for conducting the socio-economic survey and needs analysis described. A project steering committee should be chosen by the community from this meeting. The project steering committee can also become the basis of the allocation committee;
- A series of workshops with the project steering committee at key milestones through the design process. These can take the form of intensive planning days or weekends. At the end of these sessions mass report back meetings can be held to explain progress. Sessions should cover topics such as road and path network, communal service points, community facilities, open space and recreational areas, relocation requirements and procedures, and others, as appropriate;

- The planning process is completed with a final meeting at which the steps to be taken in actual project implementation are discussed and agreed upon prior to handing the project over to the implementation team.

10.1.2 Principles for effective participative planning

Application of the following principles promotes effective participative planning:

10.1.2.1 Visual aids

While the participant community will have an intimate knowledge of the site and certain members may have well developed ideas on how things can be improved they may not be acquainted with conventional drawing and planning conventions.

Therefore it is helpful to make use of visual aids. The need for a base plan based on an aerial photograph, which should be in colour, has already been described (see 4.2). Photographs of various scenes within the settlement should be used as well as models and perspective drawings where appropriate. Where possible community members should be involved in making models and taking photographs themselves.

10.1.2.2 Ground to drawing board

In conventional planning and design processes a base plan is produced and then initial concept designs produced on a drawing board. Apart from some field checks the entire process occurs on the drawing board. Plans produced are used for tender purposes and only then does the operation move into the field for the construction phase. This is known as the “drawing board to ground” approach.

However, in-situ upgrade processes, for example, should occur the other way round. Most of the base plan is effectively already complete in that the informal dwellings are already in place, streets can be walked and discussions about where infrastructure etc, should be placed, can be held on-site (*in-situ*). Once this initial process is complete then the information can be placed on the base plans and the drawings marked up accordingly.

10.1.2.3 First principles

A number of basic components must be incorporated into the plan as it is developed from first principles. These include:

Site sizes and basic shapes

A minimum sub-division size must be decided on. This would depend upon the type of project, but should not be less than 50m² although 80 m² may be considered more appropriate. Sites should also be identified for important

community activities - schools, churches, public open space, transport interchanges and markets, etc. Many activities, particularly businesses, are likely to be conducted from dwellings and the need for dedicated business sites may be limited. Many churches and creches operate from residential sites, and their land requirements should be born in mind. In an in situ upgrade the shapes of plots will largely be determined by the existing situation.

Vehicular access

A policy toward vehicular access should be decided. It is unlikely that every plot should have to accommodate a parking bay or even that every access route be wide enough to accommodate cars. However, it should be possible for a pedestrian path to reach every dwelling. This path can coincide with a services right-of-way. It will also be mandatory that a fire engine can get to within hose-length of every dwelling. This will vary from local authority to local authority but will range from between 50 to 90 meters. The vehicular access road network must also accommodate arrangements for refuse removal and emergency vehicles.

Service levels

Service levels must be agreed upon (see 10.4). In the first instance these should comply with the statutory minimums. For example, there should be access to water within 200 meters of every dwelling in terms of the Water Act. It may be possible that higher first phase standards can be achieved depending on the resources available but these are unlikely to stretch to full individual services. Communal service centres are likely to provide an interim solution. These can form service hubs to which individual services can be connected at a later date.

Construction and Maintenance requirements

Space required for services construction and maintenance must also be provided in the planning layout. This is especially critical due to some of the tight corners experienced in the layout of informal settlements (see 10.5 & 10.6)

Housing options

Any upgrading of plots and services must take into account what future housing options are likely to be. These can range from a gradual upgrading of existing structures by replacing temporary building materials with permanent or by immediately replacing the existing structures with new ones. An integrated design approach is required that ensures that service upgrades are compatible with proposed house types (see 10.6).

Tenure

Thought must be given to the type of tenure provided (see 10.2), and the implications must be built into the planning process

10.1.3 Enabling effective community consultation

It is essential that the input of the community representatives on the project steering committee is not constrained by their own, possibly limited, experience of what options exist. Their experience should be broadened by meeting with representatives and visiting other projects.

To broaden the experience of poor people engaged in housing programs the People' Dialogue and the SA Homeless People's Federation have been arranging exchanges between poor people's housing movements in the sub-continent as well as in South America, India and the Far East. The experience of these programs can be drawn on by contacting these organizations which have offices in Cape Town.

10.2 TENURE POLICY AND ADMINISTRATION

10.2.1 Informal Tenure

Informal tenure exists in most informal settlements before tenure upgrading takes place. It is whereby people occupy land without any documented tenure rights, but still have certain rights in practice and in terms of legislation. For example, residents of informal settlements can have rights in terms of legislation such as the Prevention of Illegal Eviction From and Unlawful Occupation of Land Act of 1998 and the Extension of Security of Tenure Act of 1997 (see 1.5.2.6 and 1.5.4).

Informal settlements are often seen by residents as being a combination of "rural" or "customary" and individualised processes. Informal tenure is to some extent derived from rural tenure rules modified for urban conditions. Some of the typical characteristics of urban informal settlement tenure are:

- Newcomers must be sponsored and undergo a period of probation before being allocated land.
- Residents must adhere to accepted community standards of behaviour to belong.
- Individual land rights are subject to higher overall community rights.

Typical ways in which shacks or "sites" in informal settlements are exchanged are by gaining the permission of the local civic association committee or community leader, or by "purchasing" a shack from the previous owner.

Informal tenure may provide very little legal security, and cannot easily be monitored or controlled by a local authority control. For some households, however, something similar to informal tenure may be a preferred option, due to

affordability constraints, an unwillingness to be tied down to a particular location and/or because life in an informal settlement may suit them in some way (in terms of their livelihood or social networks).

10.2.2 Tenure Upgrading

Tenure upgrading is the process of converting undocumented informal land tenure rights into formal, legally secure tenure rights.

Typical motivations for the upgrading of tenure, usually through the provision of ownership, are:

- To remove possibility of arbitrary eviction.
- To provide households with an asset which can be used as security for credit.
- To provide a foothold in the housing market through a tradeable asset.
- To provide space for home based economic activities.
- To foster better living conditions, a better environment and to improve personal security.
- To provide the conditions for the development of communities, as residents have a sense of ownership.
- To enable greater social control by authorities.
- To be able to identify and charge service users.
- To encourage greater household investment in housing.

All of these benefits are generally realised in practice apart from those of using property as security for credit and having a tradeable asset. The reality is that it is extremely unlikely that properties owned by low-income people could be used as collateral for mortgage loans. Mortgage loans are unsuitable credit mechanisms for low-income people in any event because of the long repayment periods and risk of losing the property in the case of inability to meet payments. As a result, properties in upgraded informal settlements and new low-income housing projects are likely to have relatively low market values, and a properly functioning market for new subsidised housing has not yet developed.

10.2.3 Tenure upgrading processes

Community involvement in the decision making processes on the upgrading of tenure rights, as part of participation in broader planning of the upgrading process (see Section 10.2), is essential. This includes:

- What form of tenure to provide to whom
- Which households to provide tenure to
- Spatial allocation of tenure rights
- Who within the household to provide tenure to

It is important to note that changing the informal tenure system can be highly contentious, as often the granting of permission to settle in informal settlements is a source of power for community leaders and there may also be people who collect rent from residents of the settlement. Tenure upgrading therefore has to be linked to democratisation and establishment of a representative and accountable community organisation (see Chapter 3 and 7.3).

As part of *in situ* upgrading processes, residents need to play a key role in determining where plot boundaries should go and whether any households require relocation. Wherever possible tenure rights should be allocated to both the household head and the spouse or partner. Co-owners would have right of veto, which would greatly complicate land transactions but would increase the security of other members of the household. The rights of, for example, long-term tenants or members of the extended family or vulnerable household members such as the aged or people with HIV/AIDS, could also be protected by registering lifetime right of use (*usufruct*) on the title deed.

It is important to realize that some people will benefit and some will potentially lose out in a process of tenure upgrading. Those who would often not benefit include the most vulnerable households (tenants, newly arrived households, single people and women headed households) and people engaged in economic activities that rely upon informality. It is essential that vulnerable groups be involved in decision making and that their needs are adequately taken into account in the tenure upgrading process.

10.2.4 Tenure education

During the process of tenure upgrading residents should be introduced to the implications of potential tenure options. Residents must understand the rights and responsibilities attached to tenure. It is advisable, therefore, that all adult members of households undergo homeowner or tenant education programmes. The content of such programmes could include:

- The rights of citizenship and importance of participating in local governance matters.
- Household financial management and the responsibility to pay rates and service charges .
- The right to expect adequate service delivery from the local authority.
- Subletting and rental contracts.
- Formal transfer procedures, i.e. how to formally sell a property (see Section 10.3).
- Home maintenance .
- Household energy use.
- Land use zoning.

- Building regulations and improving one's home.

10.2.5 Tenure Options

10.2.5.1 Right to occupy

The granting of a formal "right to occupy" by the local authority could be a potential way of granting residents permission to occupy a specific site. The contents of this right should be similar to that of tacitly recognised informal tenure, i.e.:

- The right to use a site for residential/commercial purposes as long as the site is continually occupied
- The right to rent out part of the site
- The right to "sell" the right to use the site, on condition this exchange is recorded by the local authority

10.2.5.2 Individual ownership

Individual ownership is essentially the right to alienate a property, i.e. to sell it or leave it to one's heirs. This is the most secure form of tenure (for the individual owner) where formal transfer procedures have been followed. Individual ownership is not necessarily a secure tenure option for other members of extended households (although the ownership of properties can, and should, be registered in the name of more than one adult household member). Individual ownership is important for incremental housing and individual ownership will therefore continue to be the main tenure form for low-income housing.

The advantages of individual ownership are:

- Most legally secure form of tenure (for the person in whose name the property is registered, and where formal transfer procedures have been followed)
- Can leave the property to one's heirs or sell the property
- Can potentially use as collateral for loans
- Can make improvements to the property
- Important for incremental housing, as the greater the degree of security the more likely the household is to invest in their housing

The disadvantages of individual ownership are:

- Ownership can potentially make one liable for paying rates and service charges
- Complex and expensive transfer procedures. As a result, in poor communities, properties are sold informally or handed down from parent to child without the legal processes being followed. Over time the tenure then evolves into a form of family tenure with no possibility of mortgage

loans ever being granted, which means that a housing market is unable to develop.

- Private individual ownership is an individualized form of tenure in which there is usually little scope for engaging with others regarding the implications of ownership (compared with communal ownership).
- Can only be used for “one house on a plot” development and not for blocks of flats.
- Commonly only registered in the name of the head of household, which can disadvantage women and other adult members of extended families, and can result in members of the household losing their accommodation and moving to informal settlements.
- The State has little power to intervene, for example, where there has been informal sale of the property or where a site has not been occupied by the legal owner.
- Community “over rights” may still exist in reality. There have been cases where community organizations have prevented the legal owners from occupying houses and have reallocated the house to someone else.

10.2.5.3 **Communal ownership**

- Communal ownership can take a variety of forms, but the arrangements are complex - and may be too complex for use in an informal settlement. In all cases, the property (or part of the property) must be owned by an institution. Members of the institution have rights to occupy specific units, as defined in a use agreement, which is a contract between the member and the communal ownership body. The right to occupy a unit would usually depend upon certain conditions being met, for example, the payment of a monthly levy. Members may be able to sell their rights, but there may be restrictions as to who the rights may be sold to. It is more secure than rental but not as secure as ownership, as there is a risk of non-payment by members or of bad management. Members may lose all rights to the property if the institution goes bankrupt.
- The various types of legal entities for communal ownership are:
 - Sectional Title Body Corporate in terms of Sectional Titles Act of 1986 (Sectional Title is a combination of individual ownership of individual units and communal ownership of shared communal property)
 - Company in terms of the Companies Act of 1973, e.g. Section 21 Company
 - Company incorporated in terms of the Share Blocks Control Act of 1980
 - Co-operative incorporated in terms of the Co-operatives Act of 1981
 - Land Trust in terms of the Trust Property Control Act of 1988
 - Communal Property Association in terms of the Communal Property Associations Act of 1998

Most of these options are unsuitable for low-income housing in urban areas. A limited alternative in informal settlement upgrading would be for housing

co-operatives, where there are cohesive community groups that have access to support organizations that can advise them. Although the legislation for co-operatives is currently very complex and not ideally suited to housing, co-operatives are potentially the best form of communal ownership for low-income housing. In a co-operative all the residents are members of the co-operative and jointly own the property. Members of the co-operative elect a Board of Directors that will manage the co-operative. Each household has one vote in the General Meetings to take major decisions about the co-operative.

The advantages of communal ownership are:

- Communal ownership can greatly facilitate strong social and economic support networks, which are very important for low-income households. There is a strong tradition of co-operative societies in South Africa - *stokvels* (savings clubs), burial societies, and so on.
- A member leave the rights to their heirs or sell the rights, with the approval of the communal ownership body
- Enables higher density, multi-storey housing and lower bulk infrastructure costs per unit
- The disadvantages of communal ownership are:
 - Risk of mismanagement of the institution or of non-payment by others
 - Individual usually cannot use their share in property as collateral
 - Can be expensive, as the members would need to pay monthly levies to cover the operating costs of the institution
 - A low-income communal tenure institution would probably require ongoing local government support in order to be sustainable.
 - The possibility of conflict, autocratic leadership or a lack of leadership within communal ownership body.

10.2.6 The Choice of tenure

The choice of tenure options is constrained by the available financing options. In terms of the national Housing Subsidy Scheme, project-linked subsidies and consolidation subsidies may only be awarded if full individual ownership is offered. (see Part 3, Chapter 2 of the National Housing Code). Institutional subsidies may use alternative tenure options, but the local authority may not be the developer. (see Part 3, Chapter 6 of the National Housing Code). If the provision of basic services as initial level of upgrading, or in managed land settlement projects, could be funded from other sources, there may be fewer limitations on the choice of tenure option (see 10.10).

If possible, the granting of full ownership in an informal settlement upgrading programme should be postponed until the community have settled into their upgraded environment and are likely to remain there. The informal transfer of fully owned properties results in the new occupants having no legal security of tenure at all, and with little way for the State to intervene.

10.2.6.1 Tenure for basic and emergency infrastructure improvements

The first step in terms of security of tenure would be to undertake a social and spatial survey of the settlement, record details of the occupants and number the existing dwellings (see chapter 6 and 7.1). This explicit recognition by the local authority would provide a certain degree of security for the residents. The local authority would mainly be concerned with the external perimeter of the settlement area, while the informal rights to occupy specific structures within the settlement would need to be overseen by the local residents' association. In some cases, this would provide sufficient short-term security, for example, where the residents will need to be relocated at some point.

10.2.6.2 Tenure for in situ upgrades

The upgrading of the settlement will require some surveying and laying out of sites, roads, pathways and public spaces, and the integrity of this layout will have to be maintained to facilitate the future upgrading (this is described in more detail in Section 10.4). At this stage residents will have to be given a more formal right to occupy specific sites. A possibility would be to grant an interim "right to occupy", in which the local authority owns the land, keeps a register of occupants and issues registration cards to occupants. The local residents' association would play an important role in the maintenance of a register and ensuring the integrity of the layout.

10.2.6.3 Tenure for roll-over upgrades

Roll-over upgrading projects, in which a full level of service and formal houses are to be provided, would normally be financed with project-linked housing subsidies, and therefore offer full ownership.

A more complicated possibility, but which could offer some alternative tenure options, would be for the local authority to establish a separate housing institution (such as a Section 21 company), or other suitable institution, to obtain institutional subsidies. On this basis the properties would be leased for at least four years, and thereafter could be transferred into individual ownership. This would help to minimise the negative impact of informal property transactions and ensure that the households eventually granted ownership are those who desire ownership. However, setting up housing institutions for small projects would not be viable as the operating costs of the institution would be too high per unit. The institution's operational costs per unit would only be affordable if there was an existing suitable housing institution or, for setting up a new housing institution, where a large scale informal settlement upgrading programme was planned by the local authority.

10.2.6.4 Tenure for managed land settlement

As for Section 10.2.5.2

10.2.6.5 Tenure for new township development

If a project is to incorporate full infrastructure and housing it is likely to be funded

with project-linked subsidies and will therefore have to provide full ownership.

10.3 LAND SURVEY AND REGISTRATION

10.3.1 Introduction

As the terms are commonly (and legally) understood in South Africa, cadastral surveying and land registration produce instruments whose primary objective is to support secure land tenure. In addition they provide the information for billing of services and rating (land taxation) and the maps for designing and providing engineering services. They are designed to give holders of real rights in land (e.g. owners, long term lessees and holders of servitude rights) legal protection against other people grabbing their land, building over their boundaries, or the government unlawfully expropriating it. Title deeds provide owners with the potential to mortgage their property or raise loans against it in other ways.

Boundaries define the limits of a parcel (erf) of land. A professional land surveyor places beacons that are monuments to these boundaries and produces a cadastral diagram, a form of map, which makes it possible to replace the beacons in their original positions if they are destroyed, stolen or deliberately moved. It is this parcel that is purchased when one buys a home, not the house. Land registration is performed by a notary or conveyancing attorney and is executed in a Deeds office, such as the one in Cape Town. Registration ensures that people who buy and sell property, or acquire it through the execution of a will, are the ones entitled to buy or sell it or have it bequeathed to them. Survey diagrams are stored in the Surveyor General's office and title deeds are stored in the Deeds office.

In this section we are going to use the terms surveying and registration more loosely than they are commonly applied. Registration here means any document or process used to record a transaction in land, be that by sale, gift or inheriting it from a deceased estate. The record can refer to a rental agreement, an occupation permit, rights arising out of membership of a communal occupation scheme, a long term lease or ownership and any other tenure forms mentioned in section 10.1. Surveying refers to the measurements and mapping required to record the position of boundaries of a parcel or a structure that people occupy.

There are two key factors for a system of boundaries and registration to be effective. Firstly the boundaries and registration process must be both legal and legitimate. The beneficiaries must feel positive about them. Secondly, they must be used. If beneficiaries do not use an official or agreed system to record

transactions in land and/or the agreed boundaries are ignored, you will not support secure land tenure. In fact, you may end up in a situation where people are in a far more uncertain, precarious position than they were before. The long term implications may be even more severe as people/institutions will not loan money against a property which they feel is not secure.

This is a major issue in land tenure upgrading projects in Cape Town. Research at UCT has shown that people in informal settlements are positive about official registration and boundaries. However, in a few test cases of site and service schemes, between 10% and 20% of parcel occupants had built shacks that encroached over the boundaries. Moreover, in the first 20 000 houses to be transferred in Khayelitsha, there were inaccuracies and/or disputes relating to over 4000 of the records relating to the intended beneficiaries. It is very important that an appropriate system of registration and boundaries is in place and that the tenure form that is used will allow the authorities to rectify the situation if problems occur. For example, once ownership is registered in the Deeds Office, the State has very little power to intervene. Therefore, as is discussed in section 10.1, ownership should be used with extreme caution in upgrading projects.

The social, economic and local political dynamics of a settlement play a major role in usage of the official records and boundaries. It is critical that you read all the earlier chapters of this Handbook before you use this section.

We begin by discussing boundaries and surveying, then registration and finally we discuss some of the reasons underlying problems that might occur and make suggestions as to how the situation might be improved.

10.3.2 BOUNDARIES AND SURVEYING

10.3.2.1 The Footprint of the Structure is the Boundary

The “footprint” of a dwelling structure defines the extent of the rights of occupation of a number of people e.g. a family unit. This is likely to apply to some form of communal or community-based tenure system. It can be legally formalised and registered in the Deeds Office with an accompanying cadastral survey, e.g. a sectional title scheme. However, in the case of informal settlement upgrading projects it is more likely to be the footprint of a shack, which has been numbered and a social survey carried out as per section 10.1.

Ideally, power and control over the unoccupied space between the shacks will vest in the authorities and/or a community based structure, but *de facto* it may vest in a “shack farmer”, “warlord” or gang. Consequently, new, unauthorised shacks may be constructed which contravene a number of agreements. It is therefore important to record the positions, or at least the existence, of official structures and deal with transgressions in terms of section 7.1.1.2

Painting numbers on official shacks is the first step in administering such a situation. In some settlements, whitewash lines have been painted around the

footprints of these shacks on a regular basis to prevent shacks being expanded to accommodate additional lodgers. Photographing the shack, preferably with all the intended beneficiaries in the same photo, and incorporating this as part of the official records can further enhance security.

Aerial photographs are also very useful as part of an official record, but they should be taken from the correct angle. In the Marconi Beam settlement, a series of rectified aerial photographs - photos where the distortions have been removed - were found to be useful in administering the settlement. These are digital photographs that have been turned into maps using photogrammetric techniques. The shack numbers can be recorded on the digital rectified photo. If the rectification is of sufficient quality, a series of rectified photos (ideally orthophotos) can be overlaid on one another to check for changes in a settlement. Ideally, this should not be necessary and the process is expensive. However, in volatile situations it may be necessary to use this technique.

10.3.2.2 **General Boundaries**

A general boundary runs along the general position of a physical feature, but its position has not been precisely determined. In England, this might refer to a hedgerow where the boundary line might run along the middle, either edge of the hedge or even a ditch running alongside the hedge. In informal settlement upgrades, this is likely to refer to a fence between neighbours. Ideally the fence would have been constructed by community members themselves and the position would have been determined in terms of a settlement's rules (see section 7.5.6).

The advantage of general boundaries is that no survey is necessary. People agree on the position of the fence and that becomes the boundary. Providing people can afford the materials to build the fence, and the fencing materials are not stolen, this is a good interim measure in an *in situ* upgrading situation. In addition, as will become clearer in the discussion below, as a general rule for both fixed and general boundaries, using good quality permanent fence poles as boundary beacons is a far better practice than using iron pegs. Furthermore, if general boundaries are adopted for a long period, and then a tenure form is introduced that requires registration in the Deeds office, the fence corners can be surveyed and adopted as boundary monuments, and the *de facto* occupation patterns will mirror the legal records of the boundaries.

The main disadvantage of general boundaries is that they are unsuitable in volatile, conflict situations where people may disagree on boundary positions or powerful groups (e.g. shebeen owners) may move the boundary fences to enlarge their parcels. If there is no surveyed map of the agreed boundary position, a person who has had their parcel reduced in size by such an action will not be able to defend their boundaries. Also, if services are to be provided, some form of surveying and mapping will be required.

During research projects in Cape Town into appropriate boundary types, in a number of focus groups the issue of being able to defend a boundary and not allowing a neighbour to encroach was strongly emphasised. "If you allow (an encroachment of) one centimetre today, then tomorrow it will be more", was stated in a couple of sessions. There was a desire for some external agent (e.g. a surveyor, council official) to be able to judge boundary disputes. In fact, researchers were asked to judge a number of boundary disputes on occasion. One way to improve such a situation is that a person in the community or a building inspector can record distance measurements when fences have been built. However, addressing the social dynamics that can lead to encroachments and the movement of fences is more important.

Another disadvantage of general boundaries is that for a parcel to be registered in a Deeds Registry, the fence corners will have to be surveyed, and the boundaries will then become fixed. Unsurveyed general boundaries are not acceptable for registration in the Deeds Office in South Africa.

10.3.2.3 **Fixed Boundaries**

Fixed boundaries are straight lines between corner points. The most common form of fixed boundaries in Cape Town are those defining parcels on a general plan or cadastral diagram. Beacons (e.g. iron pegs) mark the corners, and, within certain limits, the position of the boundary is not open to interpretation as is the case of general boundaries. The beacons tend to be surveyed and a record exists so that they can be replaced if necessary. Fixed boundaries have to be used if a parcel is registered in the Deeds Office for the purpose of ownership, long term lease or a servitude. In informal settlement upgrades, if they have been surveyed they are appropriate in situations where powerful groups attempt to grab land from people who cannot defend themselves against such invasions. The authorities can intervene and order people to move the fences and other structures so that they are aligned with the official boundaries.

10.3.3 **Land transactions and registration**

There are a number of ways to give effect to a land transaction (e.g. sale, inheritance). The most rigorous is registration in a Deeds office, but we are more interested in less formal forms of tenure. As discussed in section 10.1, there are numerous forms of tenure that can be recorded. This includes communal tenure, individual holding where one person holds all the power to trade in the parcel, family tenure where the family as a whole have rights in the parcel, servitude rights and personal rights such as a *usufruct*. We discuss some of the modes of giving effect to land transactions that are relevant to informal settlements in Cape Town. Then we discuss some of the problems that may occur with boundaries and registration, and finally we discuss ways of avoiding or improving such situations.

10.3.3.1 **Public Witnessing and Symbolic Delivery**

Public witnessing entails people conducting a transaction in public without using a document to record the transaction. Often some symbolic act - e.g. a party on the site or the handing over of an oak twig - is performed to give effect to this transaction. Most so-called "informal sales" occur along these lines, although they may not necessarily take place in public.

10.3.3.2 **Private Conveyancing**

In the case of a sale, private conveyancing involves the seller giving the buyer the documents that describe the rights to the land. There is no involvement by the State. For example, in an informal settlement, this would involve the seller merely handing over the document that records their right of occupation such as a rent card. This is also how many informal transactions take place, including situations where ownership is the tenure form.

10.3.3.3 **Deeds or Official Registration**

Loosely defined, deeds registration involves transactions being effected in some official office and an official record is kept of the transaction. As discussed earlier, in South Africa ownership and long term leases have to be registered in the Deeds office by a conveyancer.

For informal settlement upgrades, where less formal forms of tenure are used, the transaction is likely to take place in a local office in front of an official. This is the most commonly used form of administering the land tenure system in informal settlement upgrade situations, but informal transactions using private conveyancing and symbolic delivery and witnessing often take place. The challenge is to encourage people to use the official "deeds" type of registration or to incorporate symbolic delivery and private conveyancing in the formal system of recording transactions.

10.3.4 Problems with fixed boundaries and registration

From an administrator's perspective, a number of problems may arise in providing formal land titles to people in informal settlements. In essence, the fixed (surveyed) or general boundaries should be adhered to when houses and fences are constructed and registration should be used when land rights are transferred from one person to another. If this does not happen, then some major long term administrative headaches will arise. The magnitude of the problem depends on the type of tenure that is used.

If a large number of informal transfers take place in an area where ownership or long term lease is the tenure form, then the entire area is likely to be blacklisted by financial institutions. Moreover, if this takes place over a long period, then the tenure system is likely to evolve into a form of family tenure. There are areas in Grahamstown where there are a large number of "dead titles" dating back to the

19th century where individuals in the family who have the means, move to other areas to own their own home. There is no incentive for the upwardly mobile individual to invest in the family home.

Another problem with titling and registration is that the process may place substantial legal power over a parcel in the individual whose name appears on the title deed. This may not have been the case prior to registration. This individual may then evict people in the house (e.g. extended family members) or sell the house and keep the proceeds for themselves. Research has shown that what is particularly relevant in this context in Cape Town is when unmarried couples split up. The registered owner may move out and sell the land to a third party, and the other partner and the children may have to move out of the house.

Adjudication and titling should therefore ensure that the process does not legally extinguish the rights and powers that certain people had before the land was formalised.

10.3.4.1 **Reasons for Boundary Encroachments**

“Encroachment” exists where official plot lines are ignored in the actual use of plots. It is necessary to understand the reasons why encroachment may occur in order to deal with it effectively.

A combination of the following may underlie encroachment patterns:

- 1) Encroachment, particularly onto public land, may be due to opportunistic land grabbing;
- 2) Encroachment may be due to lack of awareness of the position of surveyed cadastral monuments; boundary beacons are not pointed out, or they are stolen or removed and used as implements. There is clear evidence in one case study in Cape Town that where the beacons were pointed out, residents built their fences along the legal boundary lines. In another area, the beacons were not pointed out, and as could be expected, fences were not built along the boundaries.
- 3) Encroachments may be the result of contractual arrangements. E.g. negotiations between neighbours may take place, encroachments are motivated by a need for more space to house lodgers or extended family members or to build a spaza shop or a shebeen;
- 4) Individuals may not be able to define or defend the parcel boundaries that were originally allocated to them because factions force them to allow others to encroach.
- 5) Fence encroachments may be a result of one fence being out of position and then neighbours subsequently attach their fences to this fence, thus continuing the pattern of encroachment;
- 6) Residents may believe that structures such as fences and shacks are temporary and moveable. When a permanent structure is constructed,

they intend to align their structures with the surveyed cadastral boundaries.

10.3.4.2 **Reasons for Informal Exchange of Properties**

“Informal exchange of properties” refers to situations in which properties are sold / exchanged without the transaction being handled by a conveyancer or the Deeds Office. In order to be able to prevent the widespread prevalence of informal property exchanges it is necessary to understand the reasons why they may occur.

- 1) Informal sales or transfers to strangers or to family members.
- 2) Incorrect original adjudication and recording of beneficiaries.
- 3) Perceived high costs or difficulties in using the record system (the "registration system") may discourage residents from using it.
- 4) Attitudes to land registration systems may be positive, but landholders believe that it is not necessary to register every transaction in land and the implications of using or not using land registration are not fully understood.
- 5) Residents may not use the system as they see no benefit in using it e.g. if the *de facto* tenure is family tenure there is no need to record a transaction within the family.
- 6) Factions such as street committees, political factions, gangs or warlords control access to land and power over who may live in the area. People may be evicted for having the "wrong" political affiliations. Legal heirs may be prevented from occupying a house.
- 7) Residents may avoid using the "registration" system to hide the transaction from factions within the community such as street committees and warlords for a variety of reasons
- 8) Land may be held *de facto* as family land or in joint tenancy or ownership. If the head of house separates from his or her spouse or common law partner and leaves, the household remains in residence without updating the records.

10.3.5 **Reducing problems**

The following are suggestions as to how the issue of encroachments and informal transactions can be addressed.

Ownership or long term leasehold should not be used as a tenure form until a community can afford the transaction costs and it is patently clear that informal transactions are unlikely to take place.

One way of regularising what are now regarded as informal transactions is to make the official processes more accessible to communities. Modern technology

makes this possible. For example, transactions can be recorded on site using a mobile GIS or data logger by officials who regularly visit an area (e.g. building inspectors). Or they can be recorded and transmitted as an SMS via cell phone. The capacity for the buyer and seller to enter into a transaction can be checked at a central facility later and accepted or annulled.

Technology can be used to improve transparency, publicity, reliability and understanding of the records. For example, photographs of all occupants who are intended beneficiaries can form part of the title certificates. Videos and audio-tape recorded data can be used to record interviews to establish that the community understand how the official land tenure system functions and is administered.

Ideally, boundary beacons should be of a permanent nature e.g. fence posts. Only when these have been in position for a reasonable period should they be surveyed. Otherwise it is vital that boundary beacons are pointed out and the site measured up in the presence of the beneficiaries when it is handed over.

Informal transactions and boundary encroachments are problems that can at best be alleviated as these are generally a consequence of social and political dynamics rather than the design of the technical systems that are supposed to support land tenure security. What is critical is that there is ongoing education over land rights, inheritance and sales of land to strangers and that the situation is continually monitored.

10.4 INFRASTRUCTURE

10.4.1 Overview

10.4.1.1 Objective

The provision of infrastructure forms a substantial part of the development of informal settlements. Not only is the cost of infrastructure in the order of 40% of the total subsidy value in the provision of a serviced site plus a 30 m² house, but it also adds a significant load to the maintenance resources of the local authority.

To find the optimum solution it is important to have adequate knowledge regarding the required infrastructure. The objective of this section is therefore to provide some useful guidelines for the provision of infrastructure.

10.4.1.2 Principles

10.4.1.3 Integration with other disciplines

It is important that infrastructure be designed in a fully integrated manner. This also implies that layout planning be carried out in accordance with infrastructure requirements and the nature of housing to be provided. This integrated design must be thoroughly reviewed, and its success depends on regular liaison between all relevant parties.

10.4.1.4 Local Community Involvement

The success of any service delivery option for informal settlements is directly related to the extent to which ownership of the system is accepted by the community. The community must therefore be involved in all decisions made with respect to the planning, organisation, implementation and maintenance of the proposal with specific attention being given to water, sanitation, solid waste services and provision of electricity proposals.

The Servicing Authority must be equipped to educate communities with respect to services to be provided to their settlements and to so build an ongoing partnership with the community. Failure to cover this important aspect will result in high maintenance costs due to abuse of the installed service, often out of ignorance on the part of the community.

10.4.2 Site assessment

It is a waste of time to start with any layout or infrastructure concept before a thorough site assessment has been completed. The following are crucial elements to this assessment:

10.4.2.1 Topography

A detailed topographical survey of the site and existing services is necessary. This should be well planned and include elements outside the site which may impact on the design.

10.4.2.2 Existing Services

As-built drawings are sometimes incorrect and it is advisable to have all relevant existing services surveyed. Major water pipes should be exposed and surveyed. All servitudes must also be indicated on the drawings.

10.4.2.3 Environment

Establish all environmental restrictions such as floodplains, ecologically sensitive areas, etc. This must first be verified and signed off by the local authorities' environmental official. Existing vegetation should be maintained wherever possible in order to improve stormwater management, prevent soil erosion and enhance the overall living environment.

10.4.2.4 **Access**

First establish the best point of access to public roads. An access study and traffic impact assessment is always advisable. This will provide confirmation with regard to access positions and configuration. It is further recommended to also design for construction access.

10.4.2.5 **Geotechnical Information**

Undertake a preliminary geotechnical investigation of the site prior to commencing any design work. The investigation should cover:

- subsoil profile
- founding conditions
- groundwater conditions
- subgrade conditions
- materials utilisation potential
- excavation conditions
- contamination

10.4.3 **Stormwater Management**

Sound stormwater management is necessary to ensure that key requirements such as the following are met:

- No development within watercourses, floodplains or other ecologically sensitive areas.
- The correct site levels to ensure free drainage and adequate road gradients.
- No unnecessary stormwater infrastructure, to minimise costs. (The cost of bulk earthworks and stormwater infrastructure often amounts to more than 25% of the total services costs.)

The basic guidelines for stormwater management are well documented in Chapter 5 of the "Red Book". Some specific aspects do, however, need to be highlighted:

10.4.3.1 **Basic Infrastructure**

Provide earth sidedrains.

Clearly demarcate floodplains and ecologically sensitive areas on site. Implement awareness processes which are reinforced with information signs.

10.4.3.2 **Emergency infrastructure**

Infrastructure should be limited to what is required to ensure a healthy environment. Emergency settlements are generally erected for short durations to deal with a particular crisis or emergency. Services should thus be of a temporary nature and not capital intensive. Care must, however, be taken to ensure "free

drainage" of the area without trapped low areas. Grading of the site is thus recommended with access tracks being limited to graded earth tracks and stabilised only with hardcore where necessary to allow access by service vehicles. Formal stormwater drainage should thus be kept to the absolute minimum.

10.4.3.3 **Roll-over upgrade**

Bulk earthworks

Establish major drainage routes and shape at minimum gradient of 0,5%. Balance of site at 0,5% perpendicular to drainage routes. Stockpiling and double handling may be required to overcome the constraints of roll-over development. Make ample allowance for volume difference due to compaction, wind erosion and site clearance losses. Avoid the importation of material as far as possible.

Stormwater

Cognisance must be taken of floor levels of existing structures when designing the roads. Floor levels of structures should be a minimum of 150mm above the theoretical back of footway level of the road calculated at a 3% rise above top of kerb/edging and at least above the 1:50 year flood level.

Formal system to accommodate the minor storm event. Aim for long overland flows (200 m to 250 m) to minimise cost of underground infrastructure. The road prism must be designed to carry the 1:20 flood and can be designed with an inverted camber provided a central in-situ cast concrete channel is incorporated.

10.4.3.4 **In situ upgrade**

Bulk earthworks

Relocate structures from flood prone and ecologically sensitive areas. This requires proper community liaison and must be followed up with an awareness process. Bulk earthworks will be necessary to fill and grade areas that are not free draining.

Stormwater

As for 10.4.3.3.

Create alternative escape routes where it is difficult to eliminate a low spot. This can be achieved by installing an oversize pipe to avoid the risk of blockage. Alternatively an escape route can be established between the structures. Such "servitude" must be protected by doubling its use as a footpath.

10.4.3.5 **Managed land settlement**

Bulk earthworks

As for 10.4.3.3.

Stormwater

Open drainage channels along unsurfaced roads. Keep as shallow as possible

to allow for surface crossings at intersections. For sites steeper than 10% the open channel must be along the higher side of the road. It is also important to do a preliminary design for the final drainage system required when these roads will be surfaced.

10.4.3.6 **New township development**

As for 10.4.3.3 & 10.4.3.5.

Other important guidelines:

- Make ample allowance for the stabilisation of bulk earthworks to protect them against wind erosion.
- Never use a stormwater pipe smaller than 375 mm diameter.

10.4.4 **Roads**

This section largely refers to Chapters 7 and 8 of the "Red Book". The four major road categories are as follows:

Code Category

UA	Major collector/distributor (Bus Route)
UB	Local collector/distributor (Bus Route)
UC	Access Collector
UD	Basic Access streets, courts or cul de sacs

10.4.4.1 **Basic Infrastructure**

Establish rudimentary gravel access strips for service vehicles. The level of service will depend on how long the informal township will be maintained.

10.4.4.2 **Emergency infrastructure**

Establish a basic grid of gravel access streets for service vehicles such as refuse trucks, fire tenders, taxis and police vans. This grid must be supported by a secondary network which will provide clear pedestrian access for service staff such as fire fighters and police. The main grid must consist of 6 m wide gravel roads whilst the rest can be unsurfaced. These tracks can be stabilised where necessary to accommodate service and emergency vehicles.

10.4.4.3 **Roll-over upgrade**

The key parameters with regard to road width and surfacing are as follows:

Category	Road		Verge/Footway	
	Width (m) (1)	Surfacing	Width (m)	Surfacing
UB	6,0	Tar ⁽²⁾	1,5	Tar
UC	5,5	Tar	1,2	Gravel ⁽³⁾
UD	4,0	Tar	1,0	Gravel

Notes:

- 1) Width includes kerbs.
- 2) Tar implies either hot-laid asphalt (premix), chip and spray seals, or combinations of seals and slurry. The selection of surfacing depends on design requirements and availability of material. The use of gravel roads should be seriously considered wherever conditions permit.
- 3) If the in-situ material is sand. It however only requires levelling and compaction if the in-situ material consist of clay material
- 4) In areas where the subsoil and climatic conditions permit it, these roads can be surfaced with a gravel wearing course. It should, however, be acceptable to the local maintenance authority.
- 5) For narrow roads such as category UC and UD it is important to provide large bellmouths at intersections. This is necessary to provide adequate turning space. A guideline is that these bellmouth radii should not be less than 8 m.

10.4.4.4 In-situ upgrade

In principal the same as for 10.4.4.3. This upgrade however requires a far more flexible approach. It would often be impossible to provide vehicle access to all dwellings. In some instances the minimum road widths may need to be relaxed in order to overcome space limitations.

Crossfall or conventional camber designs are also acceptable but care must be taken to ensure that the 1:20 year flood can be carried within the road prism.

Because of the general sandy nature of some informal settlements and the need for roads to be designed around existing structures, a longitudinal grade of 0,5% and a crossfall of 4,0% should be aimed for.

10.4.4.5 Managed land settlement

Managed Land Settlement entails a two stage approach to road development. It is envisaged that the access streets would initially only be constructed to gravel level. The eventual parameters are however similar to 10.4.4.3.

10.4.4.6 New township development

Refer to 10.4.4.3.

10.4.4.7 Road pavement material

Guidelines for road pavement designs are well catalogued in Chapter 8 of the

"Red Book", especially under Appendices A and C. The one important aspect is that UD and even UC category roads are not designed for heavy vehicles. The key problem is however always during the construction of houses, when these roads are often badly damaged by large material delivery vehicles. The only solution is to tightly manage the building contractors and to make them liable for all damages to roads.

Other important guidelines:

- Save on road width but not on layerworks design. Never use inferior material.
- Always do a geotechnical survey. Road failure is often due to the presence of a high groundwater level.
- Test material and compaction at regular intervals during construction.

10.4.5 Water Supply

The objectives of water supply include the following:

- the provision of adequate water for domestic use and hygiene;
- economic development of the community (e.g. small scale industries and agriculture);
- firefighting.

This section largely refers to Chapter 9 of the "Red Book". It is however necessary to highlight some qualifications and additional guidelines.

The following table provides key guidelines with regard to the major water supply elements:

Project Category	Network	Supply Type	Firefighting
Basic Infrastructure	Rudimentary	Vendors ⁽¹⁾ /Tanker Supply	Hydrants ⁽²⁾
Emergency Infrastructure	Rudimentary /none	Tanker Supply	None
Roll-over upgrade	Full	Metered erf connection	Hydrants ⁽⁴⁾
In-situ upgrade	Full	Metered erf connection	Hydrants ⁽⁴⁾
Managed land settlement	Full	Metered erf connection	Hydrants ⁽⁴⁾
New township development	Full	Metered erf connection	Hydrants ⁽⁴⁾

Notes

- 1) Vendors/water kiosks assist in reducing the maintenance costs on standpipes. These supply points must be spaced to satisfy the following conditions:

No more than 300 people served by each supply point.

Water collection trips should be less than 200 m.

- 2) Hydrants should be spaced as best possible, but should as a rule at least be positioned within formal roads at entrance points to the settlement.
- 3) Where a conventional water reticulation network exists in close proximity to the settlement, this reticulation should be extended into the settlement and standpipes provided within 200m walking distance of any dwelling. Standpipes should be metered to enable consumption to be monitored and if necessary for cost recovery measures to be implemented. The application of pre-paid metered standpipes should be investigated.
- 4) Fire water design must be done in accordance with "Low Risk Group 3" requirements

Other important guidelines:

- Always investigate the option of pressure reduction on the bulk supply, as it proved to be a very effective means of water loss management. The pipe sizes must therefore be designed for the reduced input pressure. However, pipe classes must always still be designed for maximum possible pressures.
- Local fire departments must carry out drills in informal areas to familiarise themselves with hydrant conditions and layout shortcomings. All hydrants must also be checked for accessibility and adjusted if necessary.

10.4.6 Sanitation

The provision of appropriate sanitation within informal settlements is essential to improve the health levels and to protect the natural environment. The following table provides guidelines with regard to sanitation services infrastructure provision:

Project Category	Disposal Type
Basic Infrastructure	VIP's/Chemical Units/Communal Waterborne Systems (1)
Emergency Infrastructure	Chemical Units
Roll-over upgrade	Erf connections to full waterborne systems (2)
In-situ upgrade	Erf connections to full waterborne systems (2)
New township development	Erf connections to full waterborne systems (3)

Notes

- 1) This application depends on the geotechnical conditions and

topography. Ventilated Improved Pit latrines (VIP's) are not recommended if a pervious sand layer is underlain by an aquifer which has extraction potential. Communal waterborne systems can obviously only be installed if adequate bulk services exist in the nearby vicinity. However, under communal waterborne systems it is important to caution against the high operating cost, which includes the full time employment of janitors.

- 2) Chemical toilet units may be required to enable the roll-over process.
- 3) Some Managed Land Settlement may only have communal ablution facilities as first stage sanitation development. The full reticulation with erf connections will however be installed upfront. Individual erven will then later be connected as houses are built.

Other important guidelines:

- Sanitation facilities under the basic and emergency infrastructure categories should be provided at a minimum ration of 4 dwelling units per sanitation facility.
- Avoid midblock sewers as far as possible. Flexibility is however important to achieve optimum solutions and midblock sections can therefore be allowed in isolated cases. Where midblock sewers are unavoidable, every effort must be made to create manholes within road reserves for ease of access. All rodding eyes must also be located within road reserves for the same reason.
- Horizontally curved sewers are also acceptable in certain instances, especially to eliminate unnecessary manholes when planning in-situ upgrades.
- The number of manholes can be limited by installing rodding eyes at the head of short runs, i.e. sections which drain less than 8 units and which is shorter than 45 m.
- Always ensure that prefabricated manholes and chambers are designed to counter flotation when empty (again, the importance of a proper geotechnical evaluation)

10.4.7 Solid waste collection

Options are:

- 1) Community based refuse collection service.
- 2) Skips/ containers / swivel drums.
Conventional black bag once a week Municipal refuse collection service.
- 3) Wheeled "Otto Bin" once a week Municipal refuse collection service.

The recommended community based option is to divide the settlement into

zones of approx 80 dwelling units. Each zone is then allocated to a worker who is responsible for the door to door servicing of 5 zones, one per day. Level of service is the issue and collection of a single black bag per dwelling per week and the general cleaning of the zone. Bags are taken to central collection points by the worker from which points refuse is removed daily by the Local Authority. Workers would expect to be remunerated by the local authority.

The provision and servicing of skips and bins is a commonly used system but has the disadvantage of refuse being strewn around the containers. There is also the risk of children or animals falling into the container and not being able to climb out.

The recommended options are as follows:

Basic infrastructure:	Option 1 or 2
Emergency infrastructure:	Option 1 or 2
Roll-over upgrade:	Options 3 or 4
In-situ upgrade:	Options 1, 3 or 4
Managed land settlement:	Options 1, 3 or 4
New township development:	Options 3 or 4

10.4.8 Energy

The objectives of electrifying informal settlements are summarised as follows

- To eliminate illegal wiring crossing public roads surrounding settlements.
- Provision of electrical connections to entrepreneurs such as operators of spaza shops and taverns.
- To provide electricity supplies to as many dwellings as possible in order to raise living standards, stimulate home industries and enable students to study at night.
- Render the supply of electricity to informal settlements in as safe as possible manner in compliance with the terms of the Occupational Health and Safety Act.

Electrification of any settlement should only be considered if:

- The settlement is substantially stable.
- The area is not scheduled for upgrading into a formal township within a period of 3 years.

- Electrification of settlements located within flood plains, servitude areas or other areas not considered acceptable by the Local Authority should not be considered.
- The electricity infrastructure design should incorporate an open overhead conductor/ bundle conductor form of construction using both overhead and underground house connections. Streetlights can be mounted on the poles. This type of construction is both flexible and cost effective and can be installed relatively quickly and efficiently. Should the settlement be relocated at a future date the materials can be recovered and re-used elsewhere.
- Supply to consumers should be through pre-payment meters.

10.4.9 Telephone

The provision of a telephone service to informal settlements is usually limited to public telephone boxes or service centres.

10.4.10 Postal service

Obtain input from the postal service providers in your area.

10.5 MAINTENANCE

10.5.1 Overview

Rapid urbanisation over recent years has resulted in increased demands for the maintenance of infrastructure. At the same time local authorities are experiencing increasing financial pressure. It has therefore become essential to optimise maintenance efforts in order to stave off capital expansion. At the same time local authorities are insisting that infrastructure installed in new townships have low maintenance requirements. This, however, often results in infrastructure costs that are unaffordably high if the funding is to be from housing subsidies. This section provides broad guidelines for maintenance within the various categories of settlement development. The likely costs of maintenance must be assessed at the start of a project and budgeted for.

10.5.2 Maintenance required for Basic Infrastructure & Emergency infrastructure

The guidelines are similar for these two development categories.

- Maintain standpipes and ensure that there are no leaks.
- Ensure that chemical toilets are regularly serviced (at least once a week).
- Keep access routes clear for emergency vehicles. Even though these may be dirt roads, it is important to properly fill potholes which may appear from time to time.
- Stormwater ditches and intakes must also be regularly inspected and cleaned before and during the rain season.

10.5.3 Maintenance required for Roll-over upgrade, In situ upgrade, Managed land settlement & New township development

These categories all refer to more formal development and will be dealt with under the local authorities' normal maintenance routine. A few items must however be emphasized:

10.5.3.1 Bulk Earthworks

Sand areas that had been cleared of vegetation must be regularly re-stabilised with straw until development takes place.

10.5.3.2 Stormwater

Road failure in housing developments often occurs due to blocked stormwater systems. It is essential that these at least be cleared just before or at the start of the rain season. Stormwater ponds are often neglected and become illegal refuse dumps. It is important that the nearby community be well informed of the function and necessity of such ponds. A neat and well kept pond can become an asset for the adjacent community.

10.5.3.3 Roads

One of the biggest problems in the Cape Flats areas is windblown sand and litter, which in areas cover entire road widths. This material lands in the stormwater system and also causes ponding in roads. Regular sweeping only deals with the symptoms and stabilisation of the verges and undeveloped sites is essential to stem this problem. An option may be to place precast concrete strips in front of catchpits during the dry season. These are then removed when the first rain falls.

Some road pavement layers for housing developments are at times inadequate to withstand the heavy vehicle traffic loads during construction of the houses. Potholes could then occur and it is recommended that these be repaired as soon as possible, failing which the damage will rapidly increase. Manhole and catchpit covers are essential, not only because of public safety reasons, but also because they protect the underground services. It is therefore of utmost importance to replace stolen or dislodged covers as regularly as possible. Non-metal covers are preferable as they have no resale value.

10.5.3.4 Water Supply

One requirement of water loss management is to regularly inspect for and repair leakages on the network. This also applies to yard taps and toilet systems. Here is an area where community-based maintenance can be effectively employed e.g. the "barefoot plumber" approach (see 10.5.4) as

successfully initiated by the City of Cape Town.

Again it must be emphasised that fire hydrants must be regularly inspected to ensure that they remain well marked and accessible.

10.5.3.5 Sanitation

The biggest problem with sewer systems is that they can be abused by ignorant users. This not only causes blockages, but may also result in damages to pump and automatic screen installations. The single best solution to this problem is a sustained awareness campaign, which should be repeated on an annual basis.

10.5.4 Community-based Maintenance

Although the principal of community-based maintenance has been promoted for many years, not many successes can be showcased. What has become evident from the examples where it worked, is that it brings ownership and responsibility for service delivery in a very effective way closer to the community. Additional to that are also the opportunities for small business empowerment and employment creation. This maintenance approach must therefore be widely explored and supported. Examples of where it has been employed are:

Sikhumbule (Driftsands, Cape Town):	Road sweeping and pump station maintenance Refuse collection
Mvula Trust (KwaZulu Natal):	Community maintenance on rural water supply schemes
Guguletu & Nyanga (Cape Town): - 55 restricted plumber candidates (27% female) were	"Barefoot Plumbers" initiative locally recruited utilised for plumbing repair work in these areas after receiving training in basic plumbing skills.
Ntuthukoville (Pietermaritzburg)	Unemployed members of the community are employed, <i>via</i> a Community Development Trust, to collect refuse, clean roads & drains, maintain public open space manage community facilities. (http://www.usn.org.za/hep/hep.htm)

10.5.5 Maintenance Management Systems

Development of informal settlements brings about many challenges but also many new initiatives. This also applies to the maintenance efforts necessary to make these areas tidy and proud neighbourhoods. The only way to really balance the available resources with these new demands is to do the maintenance in accordance with a good plan. The application by local authorities of appropriate maintenance management systems is therefore recommended. These systems are based on the latest information technology and can be adapted to suit the size and specific needs of each local authority.

10.6 TOP STRUCTURES

10.6.1 What is a Top Structure Delivery System?

One of the greatest challenges facing the implementers of a low-income housing project is to design a top structure delivery system that makes effective and efficient use of the available resources e.g. finance, skills and materials. A top structure delivery system comprises three inter-related aspects. The first is the tasks that need to be performed to deliver the top structures. The second is the allocation of responsibilities and tasks to the appropriate role players. The third element is the philosophy that guides the implementation of the project and therefore influences the allocation of roles and responsibilities in a project. For example one project's primary objective could be to deliver top structures in a way that maximises job creation for the local community whilst another project's objective could be to achieve economies of scale and build the top structures as quickly as possible. In the first instance local builders are likely to be used while in the latter instance a large building contractor is likely to be appointed.

A top structure delivery system must be designed to address the housing needs of beneficiaries. Beneficiaries must therefore be given real choices in the process.

10.6.2. Some Issues Related to Top Structure Delivery

10.6.2.1 The specific characteristics of each project

When designing the top structure delivery system it is important to recognise

that there are a number of different ways the system can be designed and that each system has advantages and disadvantages. It is also important to recognise that each project presents different opportunities and constraints. For example in one town there may be numerous skilled building contractors and numerous materials suppliers. In another town there may be none. These factors have to be taken into account when designing the top structure delivery system.

10.6.2.2 The relationship between project type and the top structure built

The project types covered by this handbook have different implications for the type of top structure that is likely to be built, who is responsible for building it, how it is financed and the building and town planning regulations that will apply. These implications are outlined in Table 10A shown at the end of this section.

10.6.2.3 Building Regulations: developer/ contractor built housing

Houses built by developers and contractors are subject to the Housing Consumer Protection Measures Act (Act 95 of 1998) and are covered by the warranty scheme of the National Home Builders Registration Council (NHBRC). The technical standards of the NHBRC, as set out in Government Gazette R 1406 of December 1999, the National Building Regulations and the Ministerial National Norms and Standards in respect of Permanent Residential Structures are the minimum technical guidelines for the construction of houses.

10.6.2.4 Quality control in PHP projects

The standards outlined in Section 12.6.2.3. do not apply to projects that follow the People's Housing Process (PHP) route. The PHP enables individuals, families or groups to take the initiative to organise the planning, design & building of, or to actually build, their own homes. PHP houses are therefore not covered by the NHBRC warranty scheme.

There is a lot of debate about the quality control measures and construction standards that should be used in PHP projects. The issue is complex as very often the beneficiary household's assessment of quality differs from that of professionals. Also, there is not always a clear link between satisfaction with the product and building quality. The factors influencing the beneficiary households' perceptions of quality and satisfaction with the product are more complex than the narrow set of technical factors professionals use to assess quality. Some of the factors that appear to influence beneficiaries' perceptions of quality are:

- The level of household involvement in decisions with regard to what is built and how.
- How the household prioritises its housing needs. Particularly whether it attaches more importance to additional floor area more than good

- quality construction.
- The construction quality of other houses in the area.
- How the quality of the new house compares with the house they were living in before.

In PHP projects the regulations need to be enabling rather than controlling and the persons charged with applying them should be flexible. Building inspectors should see their role as one of educating people about why it is best to do something a particular way and of helping them meet the quality standards as best they can; rather than as enforcers of rigid regulations. The Western Cape Provincial Housing Development Board have approved minimum standards for PHP projects, which document is available from the Provincial Department of Housing.

10.6.2.5 **Building regulations**

The building regulations applicable to the top structures will be influenced by the township establishment procedures adopted. If the Less Formal Township Establishment Act 113 of 1991(LFTE) (see 1.5.2.9) is utilised the regulations can be project specific and more flexible than the regulations that are conventionally applied by the local authority.

10.6.2.6 **Identification of site boundaries and siting of the structure**

This issue applies to projects where site boundaries have been surveyed. The experience of low-income housing projects has been that households frequently build or extend their structures across their site boundaries (see 10.3.4.1). This causes problems that are difficult and expensive to sort out at a later stage. It is critical that the beneficiaries are shown the corner pegs of their site as soon as they move onto the site. They should also be informed of the minimum rear, front and side space set backs that are necessary for healthy, safe living. Beneficiaries of attached and semi-detached housing must also be informed of any special requirements that pertain to such housing, such as for fire walls and the implications for making alterations and extensions. (see 7.2, 10.1 & 10.2)

10.6.2.7 **Innovative housing products**

There are numerous innovative house-building systems on the market. Only those products that have an 'Agreement Certificate' should be used. Some useful questions to ask when assessing the benefits of innovative housing options over conventional housing are:

- Do the beneficiaries approve of the product?
- What is the anticipated life span of the product?
- What equipment and skills are needed to erect and alter the house? Are they locally available? How easy is it to add on extra rooms or alter the house at a later stage?
- How extensively is the product marketed and for what period of time

will it be available? What are the consequences of the product no longer being available?

- What are the maintenance implications / requirements?
- What are the short-term and long-term costs/ cost savings of the product?

10.6.2.8 **Housing maintenance**

The maintenance implications of different types of materials need to be taken into account when selecting building materials. It is also advisable that homeowners are made aware of the advantages of regularly maintaining their house.

10.6.3 The Key Elements of a Formal Top Structure Delivery System

10.6.3.1 House plans and materials specifications

There are variety of ways the provision of house plans and materials specifications can be organised, for example:

- The developer could provide a standard set of house plans and material specifications.
- The developer could provide a standard set of house plans and allow the beneficiary to amend the plan to suit his/her needs. This service could be provided at no cost or for an additional fee.
- The beneficiary could select a house type or builder/ contractor on the basis of show houses or houses they have built for other beneficiaries in the community.

The latter option usually works best as the beneficiaries are able to see what their house will look like. Very often beneficiaries would like to make some amendments to the show house. This may involve one or two changes to the plan for the show house/s that can easily be accommodated. Offering a number of permutations of the show house/s can enhance beneficiary satisfaction with the top structure.

In low-income housing projects it is too costly to submit “as built” house plans. A more appropriate solution is for the position of the house on the site to be depicted on a plan and for the standard house plan to be attached.

10.6.3.2 **Construction options**

The construction options that are typically used in the project types covered by the handbook are indicated below. The choice of option should depend upon what beneficiaries desire and what they are willing to contribute to the cost.

Self - build

The home owner builds the house with friends and family. This is the most frequently used method of informal house construction.

A small proportion of beneficiaries choose this option when formal housing is being built in a project. Self-build is usually associated with PHP projects

Self managed

The homeowner appoints a labour-only contractor to build the house and supplies the materials him/herself. Alternatively a small contractor (who supplies the labour and materials) is contracted to build the house.

This method is sometimes used in informal house construction. This method is commonly used in PHP projects where formal houses are built. This method is often used in situ upgrading projects where formal houses are built.

Small & medium contractor option

The developer appoints one or more small contractors to construct up to 50 houses. When these houses are completed the contractor may be appointed to build further houses. The contractor may take responsibility for supplying the materials or the developer may facilitate the setting up of a building materials depot on site. The contractor may or may not sub-contract elements of the work. This method is commonly used when formal housing is being built in small and medium size projects.

Large contractor option

The developer appoints a large contractor to build 300 - 2000+ houses. The contractor takes responsibility for all aspects of top structure construction. The contractor may or may not sub-contract elements of the work. Large contractors are most commonly used when formal houses are constructed on large green field sites

10.6.3.3 Material procurement systems

The appointment of one or more materials supplier could be done in one of the following ways:

- Suppliers could be asked to tender for supplying specified bricks and/or hardware for a specific time period.
- The developer/ contractor could call for prices against a schedule of materials and, if appropriate, for setting up a materials depot on site. The prices could be for the duration of the project. Within this system there is room to negotiate around prices.
- The developer/ contractor could call for prices for a specific time period and against a schedule of materials. One or more suppliers could then be accredited.
- Suppliers could be accredited on the basis of their proximity to the

- project area.
- No supplier is accredited. Beneficiaries making use of the self-build or self managed option could be required to obtain a quote from the supplier before the project manager authorises the purchase of the materials.

10.6.3.4 **Materials ordering systems**

It is possible to identify a number of different approaches, the final selection of which will depend on the top structure delivery system adopted. The approaches include:

- The beneficiary or the beneficiary and his/her builder ordering the materials directly from the supplier. Each beneficiary is essentially provided with a building materials voucher that is exchangeable at the accredited supplier/s
- The beneficiary or the beneficiary and his/her builder could order materials through a site office or the housing support centre
- The contractor could order materials through the project's site office or a materials depot established on the site
- The contractor could order materials directly from one or more suppliers of his/her choosing.

10.6.3.5 **Accreditation and training of builders**

To protect the beneficiary from poor workmanship, particularly in PHP projects and projects which prioritise the use of local builders or small contractors, it is important that there is process of accrediting and training builders.

Accreditation is usually based on an assessment of the quality on the builder's building work and his/her track record in the project.

Training can take the form of informal on the job advice and/or structured workshops that deal with common mistakes made by the builders. Alternatively it could involve a structured training course by an accredited trainer followed up by on site support.

10.6.4 Examples of Formal Top Structure Delivery Systems

10.6.4.1 **Managing contract approach**

In this delivery system the developer/ local authority appoints a managing contractor to undertake all the responsibilities related to top structure construction. The managing contractor takes responsibility for:

- The preparation of house plans and construction of show houses
- Ordering and supplying materials

- Employment and supervision of work teams and/ or sub-contractors. The sub-contractors could be small contractors who are able to build a house from start to finish or labour only contractors that are specialised in a specific component of house construction.
- Beneficiary administration (optional - this function could be performed by the local authority if appropriate)
- Provision of technical advice
- Quality monitoring
- Financial management

The managing contractor assumes all the risks associated with house construction.

This approach is often favoured by local authorities as most of the responsibilities and risks associated with top structure delivery are passed onto the managing contractor. It is an approach that is suited to contracts that involve the construction of more than 300 top structures. The approach can be used in in situ upgrading projects but it is most commonly used in green field projects.

The beneficiary's participation in the top structure construction process is very limited. In some projects the beneficiary can select the house type that is built on his/her site in other projects a standard house type is built on all the sites. Because the beneficiary is distanced from the house construction process the chance of s/he being dissatisfied with the quality of the top structure may be higher than in the PHP approach. It is important that the local authority, with the assistance of the NHBRC, closely monitors the quality of house construction so that beneficiary dissatisfaction is kept to a minimum.

10.6.4.2 **The small and medium contractor approach**

In this approach to top structure delivery the functions of the managing contractor described above are split between the project manager and the small/medium contractors.

The project manager's roles could include:

- Facilitating the appointment of the small and/or medium contractors. The developer/ local authority will sign the agreement with the contractors. An alternative option is for the local authority/ developer to accredit the contractors and for the beneficiary and his/her selected contractor to enter into an agreement re: the construction of a top structure on his/her site.
- Beneficiary administration
- Financial management of the project
- Facilitating the preparation of house plans. S/he may not need to do this if the contractors supply their own plans
- Oversee the implementation of the project and monitor construction

quality.

The contractors are responsible for house plans (if not supplied by the project manager) the purchasing of materials and for constructing the top structures. They may or may not use sub-contractors.

In this delivery approach small contracts tend to be awarded and if the contractor performs well s/he is awarded another small contract.

This approach is suited to projects that emphasise the use of local skills and promote the involvement of previously disadvantaged groups. It is also suited to projects where less than 300 top structures are to be built. This does not mean that the approach can only be used in small projects. It can also be used in projects where a large number of top structures need to be built. The approach potentially gives the beneficiary a greater selection of house types to choose from.

If the developer appoints the contractor the beneficiary is distanced from the house construction process and there is a chance that s/he will be dissatisfied with the quality of the top structure. The risk of this happening is lower if the beneficiary decides which contractor s/he would like to use and directly contracts him/her to construct the top structure.

It is important that the local authority, with the assistance of the NHBRC, closely monitors the quality of house construction so that beneficiary dissatisfaction is kept to a minimum.

10.6.4.3 **People's Housing Process (PHP)**

The key features of the PHP approach are that:

- Decisions with regard to the design of the top structure delivery system are located at the community level
- Decisions with regard to the use of the subsidy are located at beneficiary level
- The top structure delivery system is flexible and accommodates a range of house types and construction options
- Top structure delivery is not just about house construction it is about community development
- The process may also be applied to the provision of infrastructure (although this is not addressed in this section).

Other principles, which are not mandatory but have contributed to the success of such projects, are:

- A flexible materials voucher system which can be exchanged at one

- or more materials supplier
- A top structure delivery system designed, primarily, around local labour only builders
- A housing support centre which is responsible for beneficiary administration, materials ordering (optional), quality monitoring and oversees the implementation of the project.

This top structure delivery system tends to lead to high levels of community satisfaction with the top structure and lays the foundations for the ongoing consolidation of the top structure. Its success depends on the factors shown overleaf (after the table):

Roll-over upgrad	New formal structu and possibl relocat inform structu	Subsid saving and micro loans.	NHBR if top structu are contrac built. PHDB guideli if PHP approa is used.	Depen on the townsh approv proced used	Home owner with support of friends and family. Local labour only builders. Small, medium and large contractor	Managing contract approach. Small & medium contractor approach. PHP approach (in a limited no of cases)
In Situ Upgra	New formal structu and existin inform structu	Subsid saving and micro-l	NHBR if top structu are contrac built. PHDB guideli if PHP approa is used	As specifi in townsh approv	Homeown with support of friends and family. Local labour-onl builders. Small and medium contractor	Managing contract approach. Small & medium contractor approach. PHP approach in a limited no. of cases.
Mange Land Settle	Inform Structu	Saving and possibl micro-l	None/	As specifi in townsh approv	Home owner with support of friends and family Local labour-onl builders	Not applicable
Emerg Servic	Inform structu	Saving	None/	None/	Home owner with support of friends and family Local labour-onl builders	Not applicable
Basic Infrastr	Inform structu	Saving	None/	None/	Home owner with	Not applicable

					support of friends and family Local labour-onl builders	
	Likely Top Structu	Source of top-str financ	Buildin regulati	Town planni regulat	Who builds	Likely formal top structure delivery system

Table 10A. The relationship between project type and the top structure delivery process

(See 10.6.2.2).

- The existence of an accountable, well organised community based organisation (CBO)
- Technical support and advice being provided to the CBO, Housing Support Centre staff, beneficiaries and builders

A proportion of the beneficiaries being resident in or near the project area at the start of the project. It is therefore particularly suited to in situ upgrading and certain roll over upgrading projects.

A sound, efficiently managed materials supply and financial management system.

A construction quality monitoring system which, at minimum, is based on ad hoc inspections and at best building milestone inspections at, for example, foundation, slab, wall and roof completion stage. Adequately trained Housing Support Centre staff, the technical support organisation and/or the local authority's housing advisor/inspector could be responsible for the inspections.

10.7 SCHOOLS

The Western Cape Education Department is responsible for the education of all school-going learners and endeavours to provide school buildings, subject to the availability of finance, as near as possible to their place of residence.

Prerequisites for the building of a school include sufficient potential learners, sufficient land and the availability of sufficient capital and operating funds.

10.8 COMMUNITY FACILITIES - clinics, halls, playgrounds, libraries, sports facilities

Depending upon the size of the settlement, these facilities could be placed either within the settlement or within an adjacent community. Any such project within the settlement should be planned and implemented as an improvement project as described in this Handbook. If a project were located in adjacent community the standards and procedures normally used in the urban area would be applied, but it is usually inappropriate to apply conventional standards in the provision of facilities within informal settlements.

10.9 RELOCATION OF DWELLINGS

The situation may arise where it is essential that one or more dwellings be moved. They may be in the way of something (e.g. future road or railway), or be dangerously or illegally located.

Because people are sensitive about moving their homes care must always be taken to explain the reason for moving and the proposed process - and to provide the opportunity for discussion of any realistic alternatives. The support of community leadership would be a major asset in such cases. The leadership should be informed of the full circumstances and given the opportunity to visit the proposed relocation site. If it is not possible to negotiate a relocation legal steps will be required.

An agreement about relocation may include the provision of assistance by the local authority - such as transport or materials, but care must be taken not to set precedents.

A local authority should develop standard principles and procedures for such eventualities, and apply them when structures are erected in unsuitable places such as vleis, flood plains and environmentally sensitive areas. All relocations must make it clear that all the residents of a dwelling, including lodgers, are required to relocate.

Think strategically about the timing of relocations in in-situ upgrading to ensure that disruption to households is minimised and that the vacated areas can be effectively secured.

10.10 FINANCE

10.10.1 SOURCES OF PROJECT FINANCE

10.10.1.1 Housing Subsidies

The subsidies provided by the Department of Housing will probably provide

the main source of funding for informal settlement upgrades. These are comprehensively described in the "Housing Code" published by the national Department of Housing.

However, it may be necessary to acquire funds from additional sources. This is primarily because subsidy funds can only be granted to qualifying beneficiaries, i.e. those who comply with certain eligibility criteria. There is a distinct possibility that one or more of the inhabitants of informal settlements would not qualify in terms of these criteria (they may have been previously assisted with a housing subsidy, etc.)

Eligibility

Housing subsidies can be accessed for persons who are: -

Married or have Financial Dependents: He or she must either be married (in terms of the Civil Law or in terms of a Customary Union) or habitually cohabiting with any other person, or have proven financial dependents. (The word "spouse" includes any partner with whom a prospective beneficiary under the Scheme habitually cohabits.) This criterion does not apply to disabled persons.

Resident: He or she is lawfully resident in South Africa (i.e. citizen of the Republic of South Africa or in possession of a permanent resident permit).

Competent to contract: He or she is legally competent to contract (i.e. over 21 years of age or married or divorced and of sound mind).

Have a limited household income: The gross monthly household income of his or her household does not exceed R3 500.00. A prospective beneficiary will be required to submit adequate proof of income, and, in the case of income received through self-employment, must sign an affidavit stating the amount earned.

First time funded: Neither that person nor his or her spouse has previously derived benefits from the housing subsidy scheme, or any other state funded or assisted housing subsidy scheme which conferred benefits of ownership, leasehold or deed of grant or the right to convert the title obtained to either ownership, leasehold or deed of grant, with the exception of the consolidation subsidy, and relocation grant. This criterion is also not applicable to persons who qualify for relocation assistance or disabled persons. In the event of a divorce, the terms of the divorce order will determine a beneficiary's eligibility.

First time property owners: He or she is acquiring property for the first time, except in the case of a consolidation subsidy, and relocation assistance. This criterion does not apply to disabled persons.

Housing Subsidy Amounts

The following table shows the subsidy amounts for which beneficiaries may qualify. Please note that the income refers to the gross household income, that is, gross income of both applicant and spouse.

Income Category (per month)	Subsidy Amount
R0 to R1 500	R20 300,00
R1 501 to R2 500	R12 700,00
R2 501 to R3 500	R7 000,00
Old Aged, disabled, health stricken	R22 800,00
Institutional Subsidies R0 to R3 500 per month	R20 300,00

A premium of up to 15% may be awarded where geotechnical conditions are such to inflate the cost of constructing services and/or houses. Furthermore, a premium is available in the Southern Cape condensation area, which must be used to finance prescribed elements of the construction that will address condensation issues.

Beneficiary's Contribution It is essential to note that, with the exception of those participating in the People's Housing Process, qualifying beneficiaries will be required to make a financial contribution of R2 479,00 *per* household before civil infrastructure is installed.

Emergency Funds

Each provincial department is also required by law to reserve 0,5% to 0,75% of its total budget for emergency housing. If no provision was made for the financing of the relevant upgrading from funds allocated to the municipality and the upgrading is of a critical nature (due to flooding or any other health hazard), the provincial Department of Housing can be approached to provide financial assistance from its emergency fund.

10.10.1.2 Consolidated Municipal Infrastructure Programme (CMIP)

CMIP makes available capital grants to Municipalities to provide services and facilities such as water, roads, storm water, solid waste disposal, community lighting, clinics, cemeteries and multi-purpose community and sports facilities to needy South Africans. However, each Municipality, in consultation with the beneficiary community and as part of the IDP process, must determine the package of services to be provided, as well as the level of services. CMIP funds can be counter funded with local council or private sector funds to provide higher levels of service, on condition that it is affordable to the community. In fact, the use of CMIP funds as "seed capital" is promoted and recommended.

An amount of up to R3, 000.00 per site will be made available per low-income household for urban areas, that is households with an income of

less than R3, 500.00 a month.

In rural areas, where there are no housing programmes in place that can provide internal services, an amount of up to R7, 000.00 per household will be made available for bulk, connector and internal services as well as community services and facilities. If a housing subsidy is approved later for a rural area, which has already benefited from the CMIP programme in respect of internal services, an amount of up to R4, 000.00 will be deducted from the housing subsidy.

10.10.1.3 The Human Settlement Re-Development Programme

The Human Settlement Redevelopment Programme focuses on improving the quality of the urban environment by addressing the legacy of dysfunctionality in human settlements. It does this by:

- Identifying and addressing the nature and underlying reasons for dysfunctionality.
- Providing a source of funding to correct such dysfunctionality and act as catalyst to gear other sources.
- Co-ordinating sources of development funding to ensure holistic development.
- Adding value to projects, which are funded through other processes and programmes.

Typical projects are planning studies, communal facilities, upgrading of public spaces and measures to improve community safety and security.

10.10.1.4 Department of Land Affairs

The Department of Land Affairs has the exclusive responsibility to fund tenure upgrade projects where the residents have ESTA (Extension of Security of Tenure Act 62/1997) rights, that is, where the residents occupy land that falls outside of a proclaimed township (such as Agriculture and Forestry).

The Department of Land Affairs and the Department of Housing have a dual responsibility to fund in-situ tenure upgrading projects where service provision and top-structures are required. The Department of Land Affairs will fund the cost for land acquisition. The balance of the costs will have to be funded by the Department of Housing. Please note that the land tenure costs as provided by the Department of Land Affairs, will be deducted from the subsidy amount provided by the Department of Housing so as to ensure that double subsidisation does not occur.

10.10.1.5 Municipal Funds

Section 15(5) of the Housing Act, 1997, Act No 107 of 1997 requires that municipalities establish a separate operating account for housing into which the net proceeds of the sale and rental of property as well as any

funds to the credit of the Community Facility Account, Rental Reserve and Maintenance and Renewal fund should be deposited.

Funds from the Separate Operating Account may be used to finance housing development projects consistent with the national and provincial housing policy. It is important to note that the approval of the Provincial Housing MEC is required before funds can be utilised.

Alternately, municipalities may resolve to utilise funds from their own capital budget to finance the cost of the upgrading should they so desire.

10.10.1.6 Development Bank of South Africa (DBSA)

The Development Bank of South Africa provides loans to municipalities to finance infrastructure costs. The repayment period is flexible and there are three alternatives in terms of interest rates, namely fixed, floating or one linked to prime overdraft interest rates. DBSA also offers a grace period exempting borrowers from capital repayment during the construction phase of the project.

10.10.2 SOURCES OF BRIDGING FINANCE

10.10.2.1 Development Bank of South Africa (DBSA)

Bridging Finance For The Provision of Infrastructure (refer to 10.10.1.6)

The repayment of such loans can be scheduled so that they are redeemed in full once the subsidy funds from the Department of Housing become available.

Bridging Finance for Top-Structures

It is important to note that DBSA will only provide bridging finance for top-structures until such time as subsidy funding becomes available from the Department of Housing.

10.10.2.2 Commercial Banks

Municipalities can apply for loans from commercial banks to finance the capital cost of development as a bridging mechanism until funds become available either from the Department of Housing or another source. Such application must be tabled before the Housing Portfolio Committee, Finance Committee and Executive Committee of Council for approval. The resolution by council to obtain a loan should specify the amount of the loan, the purpose, redemption conditions, discount (if any), the interest rate applicable, the source and special conditions.

If banks require security for bridging loans application can be made to NURCHA for a guarantee to be provided to the bank. NURCHA (national Urban Reconstruction and Housing Agency) was established by the state to facilitate the financing of housing. It can be contacted at 011 402 4780, or info@nurcha.org.za

It might also be necessary to facilitate the granting of personal loans to individuals participating in the upgrade who would not qualify for subsidies from the Department of Housing or whose subsidies are insufficient to provide for the cost of upgrading. This must be discussed in detail during the facilitation process so as to obtain consensus from the residents. The extent to which this remains a viable option would depend on levels of affordability, employment records and repayments required.

10.10.2.3 Municipal Funds

Municipalities may resolve to utilise their own funding in order to fund the cost of the development or, alternatively, as bridging finance for the development until such time as funding from the Department of Housing becomes available. As already mentioned there is the distinct possibility that one or more of the residents of the informal settlement would not qualify for a housing subsidy and alternative sources of funding for these individuals would be required.

10.10.3 PROCEDURES FOR ACQUIRING FINANCE

10.10.3.1 Housing Subsidies

The Western Cape Department of Housing allocates funding to various municipalities in advance in order to finance housing development. Currently municipalities are allocated budgets for a three-year period so as to enable them to plan housing development well in advance. It is, therefore, critical that the improvement project be reflected in the business plan of the municipality for the specific financial year(s). Once this has occurred, the municipality can submit the detailed project application to the Provincial Department of Housing for approval by the relevant structures. Due to the nature of in-situ upgrades, the subsidy programmes, tenure options and payment milestones as per the Housing Code may not provide the perfect fit for the proposed upgrade. It is important that the matter be discussed with the housing department so that realistic milestone payments and a suitable tenure option can be determined.

Housing Subsidies: Emergency Funds

Applications for the use of emergency funds for projects that are of a critical nature (due to flooding or any other health hazard), must be submitted to the provincial Department of Housing. The applications

should include details as to quantum of funds required, the scope of the work to be performed, the nature of the emergency and the process to be followed in respect of the work to be done.

10.10.3.2 CMIP

Applications for CMIP funding may be submitted by Category B Municipalities to their District Municipalities. The District Municipalities are responsible for consulting with all their Category B Municipalities regarding the infrastructure priorities for their district. The District Municipality will then submit a project shortlist to the CMIP Provincial Programme Manager for approval. The exceptions to this procedure are the Municipalities of Drakenstein, George and Stellenbosch together with the City of Cape Town who have their own CMIP allocations. These Municipalities will prioritise their own projects and submit their project shortlist to the CMIP Provincial Programme Manager for approval.

The next stage is for the applicant to prepare a CMIP business plan for the short-listed project. Both the CMIP Provincial and National Programme Managers review project business plans. Projects that comply with the CMIP criteria will receive a CMIP funding recommendation subject to certain conditions. The District Municipality is responsible for notifying the Category B Municipality of the project's CMIP allocation.

10.10.3.3 The Human Settlement Re-development Programme

The Western Cape Province receives a budget of R13 million per annum of which approximately two-thirds is allocated to the City of Cape Town.

Invitations are sent out annually to all local and district municipalities describing the type of projects that could qualify as well as the format the business plans should take. Applications are only accepted from local and district municipalities and no applications are considered from individuals, non-government organizations or other private organizations.

10.10.3.4 Department of Land Affairs

Application for the approval of the Department of Land Affairs to fund tenure upgrade projects where the residents have ESTA rights, that is, where the residents occupy land that falls outside of a proclaimed township (such as Agriculture and Forestry) must be made directly to that department.

Where The Department of Land Affairs and the Department of Housing have a dual responsibility to fund improvement projects, that is, where tenure upgrade, service provision and top-structures are to be provided, the project proposal must be submitted to both Departments. The

Department of Land Affairs will consider the funding of the land acquisition costs in respect of the development. The balance of the costs will be considered by the Department of Housing. Please note that the land tenure costs as provided by the Department of Land Affairs, will be deducted from the subsidy amount provided by the Department of Housing so as to ensure that double subsidisation does not occur.

10.10.3.5 Development Bank of South Africa

If DBSA funding is to be contemplated, it is recommended that a brief summary proposal be sent to the Bank, for the purposes of providing a basis for discussion. In such discussions DBSA personnel will advise on how the project can be designed to be acceptable to the Bank and be of optimum advantage to the Developer.

10.10.3.6 Commercial banks

Municipalities may negotiate with commercial banks for a loan to be granted in order to finance the cost of upgrading. The loans could either serve as bridging finance until subsidy funds from the Department of Housing become available or as a long-term loan to the municipality to meet costs not borne by housing subsidies. As previously mentioned, loans from commercial banks to finance the capital cost of development must be tabled before the Housing Portfolio Committee, Finance Committee and Executive Committee of Council for approval.

10.10.3.7 MUNICIPAL FUNDS

Separate Operating Account

The project application should be submitted to the Provincial MEC for Housing via the Department for approval. The application should include audited statements of the Separate Operating Account or written confirmation from the Financial Director of the balance of funds in the account.

Municipal funds

The application for funding of the in-situ upgrading from municipal funds must be submitted to the Housing Portfolio Committee, the Finance Committee, Exco members and the Executive Committee of Council for approval.

10.10.4 THE FINANCING OF IN SITU UPGRADE PROJECTS

Due to the nature of in-situ upgrades, the subsidy programmes, tenure options and payment milestones as per the Housing Code may not provide the perfect fit for the proposed upgrade. It is important that the matter be discussed with the housing department so that realistic milestone payments and a suitable tenure option can be determined.

10.11 LAND FOR DEVELOPMENT

10.11.1 Obtaining the Right to Develop Land

The right to develop a parcel of land is becoming increasingly complex and constrained by various legal processes. However even before these rights are sought, an earlier step is fundamental. This is :- the choice of a particular parcel of land to develop, and the decision to start the processes to obtain development rights.

It is important to be quite clear at the start about what one hopes to achieve.

The decisions to be made include the following : -

- Is that piece of land the best available for the purpose? (new housing or upgrading)
- Does the land have visible environmental or ground condition constraints?
- Are there slope or potential flooding problems?
- Are there rock outcrops? (then the laying of services could be very expensive).
- Are there servitudes or mining rights on the land ?
- Is the zoning appropriate? Could it lapse in the near future?
- Does the land have major (building) improvements?
- Are there bulk services near the site (up to the boundary)?
- Are major earthworks required before the site can be used?
- Are there likely to be major objections from the (existing) neighbours to a rezoning proposal?

The decision to proceed with obtaining the rights to the land should only be taken if satisfactory responses can be made to the questions above.

10.11.2 Options Available

There are various options available to acquire the right to use land.

10.11.2.1 Purchase

While this requires a willing buyer and seller, the price may be too high for accommodating families in the 0 - R3 500 category. The Housing Subsidy provides only a limited amount for the acquisition of land.

If the local authority does not already own land it will have to call for tenders for the purchase of land. In certain situations it may be wise for the purchase of an area of land to be made conditional on the approval of re-zoning.

10.11.2.2 Expropriation

Where the municipality is unable to purchase that land on reasonable terms through the negotiation with the owner thereof (eg a deceased estate) the route of expropriation may be necessary.

10.11.2.3 **Land Exchange**

In some cases it may be of mutual benefit for the two parties to reach agreement on a land swap. Where the land is of similar value per ha, this would probably be the exchange of similar areas.

However where the two pieces of land have considerably different values per ha, the swap would be based on different land areas being exchanged, so that each party kept the same total land value in their portfolios ie $R250\ 000/\text{ha} \times 4\text{ha} = R50\ 000/\text{ha} \times 20\text{ha}$.

10.11.2.4 **Land Availability Agreement**

In order to simplify the sale of individual erven to the ultimate beneficiaries, it is possible for a land availability agreement to be signed by the seller giving the buyer (local authority) the right to deal with the land as though it were owned by the local authority. Only after the negotiations with beneficiaries are completed, the zoning and subdivision approved and acted upon, will individuals move onto their erven and title can then be given.

A local authority may enable a private developer to access municipal land by means of a land availability agreement, and for the private developer to then undertake the project in terms of a range of conditions set out by the local authority in the agreement.

10.12 BENEFICIARY IDENTIFICATION

As a result of the tension between supply and demand, the allocation of housing resources has tended to be a very challenging experience. Invariably there are more people residing in informal settlements who need houses than can be accommodated in current projects. It is therefore imperative that the rules and procedures for beneficiary identification and the allocation of sites are agreed with the local leadership and the affected community long before the project reaches maturity.

Failure to address this may result in conflict within the community. The disgruntled sections of the community may stage disruptive protest activity to stop the development until their grievances are attended to. In other instances they could invade the land that is being developed. It is

therefore essential to put in place principles for beneficiary identification that are not only fair but which also place the process of allocating sites beyond reproach.

Some towns and cities have a waiting list and a policy of identifying and prioritizing beneficiaries. If this is not so the following applies:

10.12.1 Principles for Prioritising Applicants for Housing

- **Length of residence**
Priority may be given to people who have lived in the area the longest. This principle is often used to pre-empt any suspicions of queue jumping and corruption. The history of the establishment of the informal settlement is also taken into account. This principle has been successfully applied in several informal settlements. This principle may be extended to accommodate the potential beneficiary's age, state of health and the number of their dependents.
- **Circumstance**
Some informal settlement areas are unsuitable for residential purposes. For example, during the winter months such areas may become prone to flooding, which may subject families to intolerable living conditions. The flooding may affect a certain portion of the community, prompting consensus in the general public to alleviate the suffering of the adversely affected residents by prioritising them during the compilation of a list of beneficiaries.

10.12.2 Procedure for identifying beneficiaries

Most informal settlements have well-kept population registers which usually date back to the time the settlement was established. These registers would have the name, surname and identity number, the address of each resident and their year of arrival in the area. Keeping these details in a safe and secure place ensures, for example, that a resident who only arrived in 1999 does not get a house ahead of a resident who moved in 1978. In the case where the development of an area inhabited by 1000 families will produce only 300 sites, it is always advisable to apply the principle that recognises the potential beneficiary's length of residence. This pre-qualification threshold can always be raised if most of the residents arrived in the area during the same period.

Another vital record that has a place in beneficiary identification is the survey and numbering of dwellings (see 4.3, 7.1.1.2)

The project committee or residents' committee should nominate members within their ranks to form a beneficiary identification committee. This committee of, say, 4 members, would oversee the beneficiary identification exercise. It would also play a key role in dispute resolution and adjudication of grievances. At the public meeting where the committee would be introduced, the local leadership would propose principles and the procedure to be used. The general public should be asked to endorse the principles and procedures before the task of identifying the beneficiaries can commence.

The site allocation committee may enlist the help of local volunteers to conduct a door to door registration of beneficiaries. Alternatively, the community may agree on a central registration point. In both cases potential beneficiaries should make available all the documentation required by the housing policy to demonstrate their eligibility. A special questionnaire would be used to capture as much detail about the potential beneficiary as possible.

10.12.3 Safeguards

Once completed, these questionnaires would be converted into a list of names with identity document numbers and addresses. This list should then be verified against the community register and then copied onto A3 size paper sheets and posted in public places like spaza shops, clinics and community halls. This is done to allow the public to ascertain that all the people listed are bona fide residents of the area. Concurrent with this process would be the reading out of the lists at public meetings.

A seven day return period should be allowed during which grievances may be forwarded to the site allocation committee and addressed. Although grievances may be focused on the omission of some more deserving residents, a significant percentage would involve discrepancies in the ownership of a shack. Family feuding may also take centre stage with siblings fighting over who the true owner of the shack should be.

10.12.4 Procedure for dealing with non-qualifiers

Although applicants for housing subsidies are encouraged to declare any prior ownership of property, they do not. As a result the national housing database identifies them to have owned state-aided housing and they are immediately disqualified. These people would then be encouraged by the local leadership to seek alternative accommodation elsewhere. In most cases they move in with another family as a rent-paying backyard shack dweller. In some isolated cases, such people relocate to other areas where they continue to live as lodgers in other people's backyards.

10.12.5 Options for families affected by de-densifying

The local authority may need to establish a temporary settlement area with basic infrastructure for the affected families. Transit camps are notorious for being unruly and difficult to manage. The local authority can counter this negative trend by assuring the affected families that they will all be able to access serviced plots in an area to be developed for permanent settlement. The families should all be listed and allocated to well defined temporary plots. These plots should have plot numbers which may later be used as addresses. The onus to police the transit settlement should be shared equally between the local authority and the residents.

10.13 ALLOCATION & SALES ADMINISTRATION

10.13.1 Allocation policy

A policy should be established to decide whether beneficiaries will be housed in neighbourhoods that relate to the neighbourhoods that they are leaving, or whether they should be dispersed within the new project.

The advantage of keeping a community together is that the existing relationships can help enormously to create a viable community in a new project.

However, if the community was geographically divided into hostile camps a good case can be made for re-distributing the community within the new project, in the hope that people will learn to live peacefully together, rather than to retain old grudges.

10.13.2 Procedures

It is usually helpful to remember that Beneficiary Identification is a separate process from Allocation. Beneficiary Identification produces a list of potential beneficiaries from the community. The Allocation process begins with receipt of the list, goes through a range of procedures listed below, and ends with the allocation and occupation of a property to each qualifying person.

The procedures are:

- 1) Receipt of list of potential beneficiaries from a community structure (see 10.12.2)
- 2) Local authority endorses that the list has been properly compiled.
- 3) Potential beneficiaries are sent invitations to attend a workshop

at which they are informed about the nature of the project, the project schedule/programme, the opportunities available to them and the conditions attached to that (including any financial contribution to be made by the beneficiary), and the requirements of the national Housing Subsidy policy, if that is how the project is being financed. In their invitations they must be told to bring:

- Identity documents for the head of household & spouse/partner (if any)
- In the case of applicants who are, or have been, married: marriage certificate and, if relevant, divorce and/or death certificates
- Birth or baptism certificates of dependents
- Latest pay notification or proof of income (for both beneficiaries)

At the end of the workshop applicants who are eligible to apply for a housing subsidy are invited to complete a housing subsidy application form, to which copies of the documents are attached. Persons with incomplete documentation are required to bring the missing documents before their application can be processed.

- 4) Housing subsidy application forms, with attached documents, are submitted to the Provincial Housing Department for approval. Each application must relate to a specific erf number.
- 5) Consideration of the subsidy application by the Department includes a check of the national data base and the records of the Deeds Office to ensure that the applicant has not previously owned property and/or has not previously benefited from government-subsidised housing aid of any kind and is eligible to receive a subsidy. The Department advises the project developer (in most cases the local authority) which applications have been approved and the size of each subsidy.
- 6) Approved applicants are sent a letter informing them of the subsidy approval, and any contribution or shortfall of the cost of the property that they must pay themselves (in cash, prior to occupation), and inviting them to a workshop where they will learn more about property ownership, be allocated a specific site and house type, sign a Deed of Sale and be given either immediate occupation of the property, or an approximate date of completion of the specific house if the house is still to be constructed.
- 7) The Deed of Sale and a copy of the identity document is then submitted to a conveyancer for transfer.
- 8) When transfer has been passed and the ownership of the property registered in the beneficiary's name the Deeds Office issues a Title Deed, which must then be given to the beneficiary. The local authority may wish to keep copies of the Title Deeds as

part of its records.

NB - The provisions and procedures related to the national Housing Subsidy Policy change from time to time. Be sure to keep up to date with the latest requirements of the Provincial Housing Department, especially on issues such as requirement of beneficiaries to make financial contributions.

10.13.3 Administration requirements

The administration of property allocation and sales must be properly and efficiently organised to be effective. At the heart of it must be a communication exercise that enables the community and each potential beneficiary to be very well informed about the project and what it offers. The workshops must be well managed and the invitations must be completely understandable. Verbal communication must be in the home language of the applicants. The administration process must ensure that subsidy applications are correctly completed and that there is no documentation missing. Breakdowns in administration will cause huge frustration to the community and to the project management team.

10.13.4 Pitfalls to be avoided

Ensure that this administration function is properly designed, managed and constantly supervised. There is a danger that inadequately trained and experienced people are employed in these functions - and are inadequately managed. Errors can be costly, can disrupt the whole development process, and can spoil the relationship between the community and the local authority.

Ensure that adequate proof is obtained that any dependants claimed by applicants are in fact *bona fide* dependants. Computer checks should be done regularly to ensure that beneficiaries do not “rent a child” or otherwise “borrow” or “invent” dependants for the purposes of getting their subsidies approved.

Ensure the integrity of the process. This means making sure that the subsidy application process is properly done and that the person who is awarded the subsidy receives the property. The process can fail if people are dishonest / corrupt. When someone has received transfer/ownership of a property it requires legal action to reverse it, which is complicated and expensive. Systems and procedures should be constantly monitored and checked.

Ensure that houses are occupied immediately after completion to prevent illegal occupation of dwellings. For this purpose lines of communication with beneficiaries should be well established and the beneficiary must take co-responsibility for the safeguarding of dwellings against illegal occupations.

10.14 COMMUNICATION

It is vital to establish a comprehensive communication strategy for any project or programme. The essential components of such a strategy are indicated below:

10.14.1 The audience

Who needs to be informed? All the parties need to be informed about each others' perspectives, about the project objectives and progress, and about kinds of issues that should be thought and talked about. Identify all the groups and individuals who must be covered by the strategy.

10.14.2 The message

Always clearly define the message that must be transmitted. Put in writing so that everyone carries the same message. On the other hand, remember that a significant part of your audience may be illiterate! The message that has to be communicated should be targeted and clear. The message should be in a format or language that every one understands. The audience should be afforded the opportunity to seek clarity by asking questions. It is not unusual for people who have not properly understood a message to distort it and spread malicious rumours.

10.14.3 The media / Creating an appropriate strategy

There are many forms of media that could be used to disseminate information. It is important to choose the most effective and appropriate medium for a particular communication need. The main medium is likely to be the Project Committee meeting. Project committees carry the mandate of the broader community at discussions around the development process. The community therefore maintains regular contact with the project via regular report back sessions with the committee.

Public meetings must be timed to be optimally accessible to the community, must be well publicised and have a clear purpose and agenda.

Considering the low literacy levels within informal settlements, the use of local and indigenous language radio stations may be appropriate. Some radio stations boast very high listenership ratings within poor communities.

Brief information leaflets/flyers may be compiled and distributed as a means to convey a specific message to the community. These leaflets should also be in a language that most of the intended audience are conversant in. For effective distribution, they should be placed at public venues such as spaza shops, clinics and community halls. They should also be placed at public notice boards. Community newspapers, where they exist, can be another valuable medium.

4 Dealing with the press

The local authority should appoint one person to deal with the press. This is to ensure that the material that the media publishes is in line with the policies of the local authority and with the policies of the local authority. The spokesperson should update the information at his /her disposal on an ongoing basis by contacting the relevant role players in the project.

(See 2.2.4)

PART C : IMPLEMENTATION

CHAPTER 11 : BETTERMENT PROGRAMMES

- 11.1 Opportunities for improvement
- 12.2 Leadership development
- 12.3 Community ownership

11.1 OPPORTUNITIES FOR IMPROVEMENT

The goal of Betterment is to enable residents of informal settlements to succeed in life (see 3.3) This can be facilitated in many ways, ranging from conventional knowledge-based programmes to inspiring interventions.

Some of the programmes and initiatives commonly used are listed below:

- Literacy programmes
- Trades and skills courses
- Leadership development programmes
- Sports coaching courses
- Programmes for home-based carers
- Team building programmes
- Visits to inspiring people & places
- Home improvements courses
- Competitions
- Information manuals
- Health programmes
- Language courses
- Organisation development programmes
- Adult education courses
- Entrepreneur development courses
- Conflict management courses
- Volunteer programmes
- Youth leadership courses
- Motivational presentations
- Gardening programmes
- Cultural programmes
- Neighbourhood improvement programmes
- Committee training
- Pre-school programmes
- Sport & recreation programmes

These and others are worth exploring. Funding and information may be accessed through the appropriate departments in provincial and local government - and there are many NGOs and training organisations able to facilitate capacity building.

There is, however, another way in which people learn and grow - through their integration and involvement in the processes and networks that are a characteristic of successful societies. The result is "learning on the job". Ways in which this can be achieved include:

- Membership of teams
- Membership of project committees
- Employment
- Participants in market mechanisms - e.g. traders, manufacturers, producers
- Membership of voluntary associations
- Membership of joint ventures
- Membership of cultural organisations

We sometimes make the mistake of dividing our society and economy into “formal” and “informal” as if everything is either one or the other and that they are completely separate. The reality is that there are networks and chains that operate right across our society in many kinds of ways.

The object of this section of the Handbook is to encourage the identification or creation or reinforcement of really productive networks in which residents of informal settlements can participate. We all know that Employment is almost always associated with growth and development opportunities, and it is the preferred network because it also yields a regular income. However, jobs are often in short supply - and it is increasingly other networks that have to be explored for growth (and income) opportunities.

A useful target might be to ensure that every adult in a community is a link in at least one network or association, and to make a particular effort to promote and facilitate networks and linkages that could create an economic benefit.

Examples of economic chains that typically operate in an informal settlement are:

Manufacturing: e.g. sewing, craft making, baking, block making, wrought ironwork

raw materials > transport > manufacturing > transport > retailing > customer

Trading: e.g. groceries, clothing, fresh food, frozen food, timber
producer or wholesaler > transport > trader > customer

Service: e.g. hairdresser, mechanic, battery charger, appliance repairer, builder
raw materials / equipment > expertise > customer

These networks can be attached to much bigger external networks by creating trading, purchasing and marketing links with the formal and even international economy. “Township tours”, promotion of indigenous crafts, art exhibitions, “twinning” of schools and churches, business mentoring and the establishment of business promotion associations linked to chambers of commerce are some ideas.

Be creative - and determined!

11.2 LEADERSHIP DEVELOPMENT

11.2.1 Sharing Responsibility

The simplest way for leaders to improve their ability is for them to be involved in structures (committees, task teams) in which they must share responsibility for delivering some results. By this means the community leadership will learn how,

for example, the local authority takes decisions and makes things happen, and at the same time the local authority leadership will learn how the community takes decisions and makes things happen.

As responsibility is shared so a partnership is developed and capacity is increased. There are often considerable leadership resources within informal settlements - and plenty of people who are able to take initiative. After all, the act of urbanisation and thereafter getting established and succeeding in an informal settlements requires significant initiative.

All of the structures discussed in 5.3 and 5.4 provide opportunities for the development of everyone involved. Constant advantage should be taken of these to stretch the experience and understanding of the participants.

11.2.2 Developing Trust

Participation requires trust, and trust is grown from experience of doing things together. We live in a society that has been very polarised - which produces the very opposite of trust. We can only trust people whom we have got to know - especially when we come from a legacy of not trusting people simply because of their group identity.

Trust does not just happen - it has to be worked at. This requires making decisions that will bring people together in ways that will develop relationships. For example, don't just have business meetings - build in some social time - have a meal or a drink together. Visit the settlement or project or other projects together. Arrange for people from different backgrounds to work together.

Furthermore, trust emerges when people need each other. Try to structure roles so that everyone has a real and necessary function. Need will produce appreciation, which will lead to trust.

Remember that you are not only running a project - you are building a new community.

11.2.3 Mandates to Manage

A vital part of leadership development is the exercise of accountability to the people who are being led. Leaders must consult with their constituencies, and they must do it effectively and not just in a token fashion. It is possible that leaders will require assistance to communicate certain issues - and their associates in leadership must be willing to help them. Officials and consultants may also be required to help communicate technical matters.

The product of consultation is a more informed community and mandated leadership. As a result leaders who are involved in development structures can participate as real agents of their constituency, and do so with confidence and authority. This gives the whole process strength.

It is therefore of value to monitor the quality of consultation being undertaken, because if it is inadequate the whole process will be vulnerable. It should be standard practice for the local authority to be able to observe community meetings and *vice versa*, just to ensure that there is real representation and that “leaders” are not just speaking on their own behalf.

11.2.4 Informing good decision-making

Good decisions are based upon good information. In informal settlements issues decision-making requires a constant flow of relevant technical information and a constant flow of information from and about the community. All the parties involved in development structures have some information to offer, and this must be encouraged.

Information about community attitudes and dynamics is no less important than technical or financial information. Therefore information must be sought, encouraged and valued. Everyone must be seen to be “bringing something to the party”.

11.2.5 Decisions vs Recommendations

As we have seen in Ch. 5, some structures are designed to create decisions and some to create recommendations, which are then passed to “higher bodies”.

It is good management to have decisions made at as “lower” a level as possible, but there are many decisions that can only legally be made by, for example, a Town Council.

How can this distinction be followed without discouraging the “lower” structure? Discouragement causes a reduction in trust and possible polarisation and fragmentation. The answer is usually that the “higher” body places confidence in the “lower” body and demonstrates that by making a practice of endorsing and accepting the “lower” body’s recommendations. Under such circumstances there is no need for the “lower” body to feel inferior, because it feels that it has *de facto* authority and that it is valued and appreciated.

There is no point in a Town Council appointing a joint Steering Committee to consider informal settlement issues and then continually refusing to accept its recommendations. There must be a constructive relationship between all

structures if progress is to be made.

11.3 COMMUNITY OWNERSHIP

Ownership can generate responsibility, pride, maintenance and investment. Ownership is therefore an asset or attribute that has huge potential to drive the process of betterment within a community.

For this benefit to be optimised the community must be enabled to own not only the product (e.g. a plot or a dwelling) but also the process that leads to it.

Ownership of a product is easily understood - a property is transferred by contract from Owner A to Owner B.

Ownership of a process, especially when the process requires a partnership, is more difficult to ensure, because it refers more to a *sense of ownership* than to legal title.

How can the community of an informal settlement “own” the process of upgrading the settlement when it does not own the land, does not have the required finance, lacks technical and financial expertise, has no means to appoint consultants or contractors, and has no statutory authority to approve or reject plans or land usage proposals? The answer lies in the practical adoption of the Guiding Principles of Integration, Participation, Communication and Minimum Relocation (see Ch.2). The community is part of the society that the local authority is required to serve.

The implementation of this requires that the community be fully involved in the planning of any initiative (see Participative Planning 10.2), in deciding how it is to be implemented (see Service Delivery Methods 10.6) and operated & maintained (e.g. see Maintenance 10.5).

A sense of ownership in a process can only be derived from the integrity of the relationship. All parties must take the trouble to listen to and understand each other. That might require, for example, officials and consultants to be educated about some community issues and perspectives - and for community members to be educated about some technical and financial issues. That should be expected - we are on a journey of cooperation in this country, and every project or programme, particularly related to informal settlements, must be a cooperative venture if it is to have any chance of success.

PART C : IMPLEMENTATION

CHAPTER 12 : FORWARD PLANNING

- 12.1 Anticipating urbanisation
- 12.2 Researching demand
- 12.3 Pro-active strategies

12.1 Anticipating urbanisation.

Urbanisation takes place when people living in rural areas decide to seek their fortune in urban places, or are obliged to migrate to urban places. Why do people migrate? By and large, they migrate in search of income and jobs; more accurately, in search of more income and better jobs. This is the primary engine of migration, pushing people out of poorer regions and pulling them toward better-off regions. This engine driving people from one place to another operates on the basis of a migrant's experience in the sending area and the migrant's knowledge of the receiving area. Good knowledge about possible receiving areas, in other words, is crucial and may be obtained - incomplete though it surely will be - from family and friends in these areas, from return migrants or from other institutional sources such as the workplace or the mass media.

What, however, happens when poor households get to know that, by moving, their chances of landing a permanent job and receiving a predictable income are minimal? Under these conditions, such households often migrate, as a second-best option, in search of superior infrastructure - land and improved housing, water and sanitation, electricity, and better transport as well as better school and health facilities. This second engine of migration operates for many poor South African households at the moment.

There are two things about this second engine worth mentioning. The first is that the first engine never shuts down completely. Thus, if a poor household migrates to a town and settles in a new state-subsidised housing scheme, for instance, this household may well up and leave this town and the new house if household members remain unemployed and hear about job opportunities elsewhere. The second thing is that, for poor households driven by this second engine, the positioning of state subsidized housing schemes and their associated infrastructure will influence the direction of migration flows, for this infrastructure often acts as an attractor for households who are forced to leave impoverished regions.

Municipal officials can anticipate the urbanization challenges flowing from such migration flows in three ways

- they need to monitor changing economic circumstances in sending and receiving areas, both in terms of perceived as well as real conditions;
- they need to monitor migration flows into as well as out of their areas of jurisdiction; and
- they need to plan for new residential areas and their associated infrastructural needs in terms of the economic potential of these areas.

12.2 Researching demand

12.2.1 What Information is Important?

Ideally one wants to be able to predict the number of 'informal settlers' who will be moving into a particular area in order to make the necessary arrangements in advance to accommodate them. It will mostly only be possible to make estimates based on trends that can be derived from different sources. Types of information that may help to build a picture of what may be expected in the future include the following:

- Actual numbers of informal settlements that took place in the past. If this aspect is monitored over a number of years it may help to establish trends for the future.
- Population projections broken down into income groups. This will give an indication of the number of households that will not be able to afford conventional housing.
- Numbers of in-migrants. This represents an important component of the people who tend to form part of informal settlements.
- Urbanisation of farm-workers. An increasing trend has been detected in this regard in recent years, particularly in relation to smaller towns.
- The extent of overcrowding in existing residential areas. Experience shows that many informal settlers have their origin in local conditions of overcrowding.
- The adequacy of existing housing conditions. Some people may choose the informal settlement option in order to escape from unacceptable services or other conditions in existing areas.

12.2.2 Sources of Information

Most of the above categories of information are contained in official census statistics. However censuses are conducted every five years at best. In addition, because of the magnitude of the whole census exercise, it usually takes a long time before information becomes available, particularly for local areas. It is therefore usually necessary to supplement census information with more recent local data or with projections that are based on census results. Such other

sources of information may include the following:

- Other survey results from Statistics South Africa (SSA), such as the regular October Household Surveys. The nearest office of SSA should be contacted to find out what information is available.
- Survey results from other organisations such as universities, the Development Bank of Southern Africa, local NGO's, the local Police Service etc.
- The co-ordination of various bits of information that may be available from different departments within local authorities.
- Various departments of the Western Cape Provincial Administration gather certain information, on a regular basis or from time to time, that may be very valuable, e.g. the Departments of Housing, Education, Planning and Health.

12.2.3 Special Surveys

Special surveys or research may be necessary into specific aspects. For this purpose research organisations at universities or consultants may be employed or it could be undertaken internally should the necessary capacity be available. It may also be possible to 'piggy-back' on larger surveys by asking (and paying) for a few extra questions to be included. This may cost substantially less than independent surveys. An example may be where one department appoints a consultant to undertake a task such as the preparation of a spatial framework. Another department may then ask (and offer to pay) for the brief of the consultant to be expanded in some respects in order to meet its own information needs at the same time.

12.3 PRO-ACTIVE STRATEGIES

Once the necessary information is available that enables one to establish the likely demand for the future, steps have to be taken to accommodate that demand. Three important aspects of such pro-active steps are discussed below.

12.3.1 Land Identification

The identification of adequate and suitable land is essential. It should be realised that this will in most cases not be an easy task. Past experiences show that low-income and informal settlements are perceived by many as unwelcome neighbours. It will therefore be necessary to follow a properly structured process of land identification that may have to include the following steps:

- A survey and the mapping of all existing land uses in order to establish more compatible and less compatible 'neighbours' for informal settlements. Such a land use map can also be used as a basis for the evaluation of potential sites for development in terms of access to work

opportunities and other facilities.

A survey of the ownership of all land that is presently vacant, distinguishing between publicly- and privately-owned land in particular. The ideal would be to find publicly-owned land that is suitable for the purpose.

An evaluation of the availability and condition of both municipal and social services, including spare capacities that might be available.

An evaluation of the natural environment and the possible impact of settlement on such environments will be very important.

The identification of alternative locations with a proper analysis of each using the information that has been gathered, as suggested above, as a basis for evaluation.

Proper consultation with adjacent owners and role-players as well as with the wider community in order to get additional information and opinions.

12.3.2 Linking Housing and Planning Principles

Any proposed settlement should be linked to, and should as far as possible be compatible with, accepted planning principles that are applicable in the area under investigation. The most important elements that will have to be considered will be embodied in existing planning, in the IDP of the local authority and in time frames that were set in terms of those.

12.3.2.1 Existing Spatial Planning

The financial limitations of the national Housing Policy cannot always be matched with planning objectives. The difficulties in creating high-density low-cost housing are a typical example. However, every effort must be made, especially in forward planning, to provide not only infrastructure and housing but a quality environment. To this end attention should be given to providing:

- **Corridors** to support public transport systems
- **Open Spaces** to create and maintain a certain quality of living environment
- **Node** development to maximise benefits of businesses grouped together
- **Urban Edge** demarcation to prevent urban sprawl

Obviously planning principles function on all levels and more focussed principles are applicable when addressing specific precincts.

The vision should be to eventually design and implement all low cost housing projects in line with planning principles and to actually use these projects to give effect to planning principles.

However, it can also be argued that planning principles should also be modified to accommodate the dynamic nature of low-cost housing. A typical example

would be the realisation by all people involved in housing that the site-and-service option is something that can no longer be ignored as a solution to the housing crisis due to limited resources. Acceptance of this scenario will on the other hand require new innovative thinking by planners to address this vexed issue.

In conclusion, both housing and planning disciplines should make an urgent and constructive effort to combine and co-ordinate their energy to find new approaches to low-cost housing.

12.3.2.2 **The IDP**

The IDP, if correctly formulated and managed should be the ultimate tool to implement a pro-active approach to providing low-cost housing. The applicable elements of the IDP in this instance where housing and planning principles are to be linked, are:

- Budget Linkage and prioritisation
- Spatial Plan (Conceptual Depiction)
- Housing Plan (Contains more detail spatial proposals)

Starting with the latter, it should be noted that not all Local Authorities have a comprehensive Housing Plan. However, if a Housing Plan does exist, one of its core elements will certainly be a spatial component. Up to a certain level of detail it should indicate all housing opportunities. On a more conceptual level, this should be included in the Overall Spatial Plan of the area as part of the IDP. Even more important is the linkage that is then established with the multi-year Capital Budget. This spatial provision for low-cost housing will then manifest itself via future housing projects on the Capital Budget. The Operating Budget will follow the Capital Budget ensuring that provision is made for maintenance, staff, etc to support the Capital Budget. In addition different departmental Capital Budgets should be integrated on this level to ensure a proper integrated Housing Project.

12.3.2.3 **Time Frames**

The previous section leads inevitably to the question: What are the delivery time frames? To answer this question all Local Authorities that are serious about providing low-cost housing should create a Housing Plan/Strategy. Not only will this enable proper input into the IDP, but also indicate the expected & required time frames. After dealing with issues such as land availability, access to land, designation and re-zoning of land and the housing projects a clear distinction can be made between the housing opportunities that can be provided for the short-, medium- and long term. However, needs and political decision making also strongly influence these time frames. Only by identifying each element can a true picture be obtained of the housing challenge and proper linkages established between housing and planning functions.

12.3.2.4 **The Role of Politics**

Low cost housing provision inevitably involves politics. The challenge is to try and direct the political energy of the various stakeholders towards the effective implementation of appropriate projects and programmes.

There is no recipe to guarantee success, but the following will be of assistance:

- Get to know your Councillors and other community leaders, and their political affiliations. It is essential to be familiar with the political dynamics within an area or community.
- Maintain a map that clearly indicates the Wards & Sub Councils - and any other areas that have political characteristics.

The political challenge obviously becomes even more complicated when a Housing Project reaches over two wards incorporating opposing political affiliations. Hence, prior to embarking upon a Housing Project, assessment of the political situation is essential and should be followed with an innovative strategy to manage the situation from a housing point of view.