

Innovation in Upgrading Practice: A Scoping Study

South African Practices and the Potential to Scale Up Delivery

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Section 1: Introduction

Brief

Various government reports indicate that the cities are the major contributors to national economic activity, and the top 20 cities contribute about 78% of South Africa's national economic activity, providing 73% of employment opportunities (Cite – taken from Seth's Inception report). The eight metropolitan municipalities (hereafter called Metros) host about 62% of national economic activity and 58% of all job opportunities. It is therefore of paramount importance that it is recognised and embraced that amongst other factors **Metros have a significant role to play** in improving the quality of life of households in cities.

Direct support to the Metros to improve the living conditions and quality of life of the people, especially the poor, therefore cannot be over-emphasised. The aim of the City Support Programme (CSP) is to offer tailored support to the eight Metros. From the CSP perspective, this support is linked to and articulated in the Built Environment Performance Plan and supports its outputs and outcomes. The support is to be provided with and through key sector Departments, stakeholders and programmes that support municipalities

This Scoping Report forms part of the CSP's efforts to assist Metros in their efforts to scale up the incremental and participatory upgrading of informal settlements. From the perspective of the CSP, the holistic address of informal settlements is a critical component **of building inclusive and sustainable cities.**

The starting point of this document is the recognition that there have been many innovations and pilot projects in informal settlement upgrading. Local governments, provincial governments, NGOs, and communities themselves have made efforts to upgrade informal settlements, at times in line with the national Upgrading of Informal Settlements Programme (UISP) and at times outside of it while others may pre-date the national programme. These efforts offer valuable insights into the extent and scope of innovation, as well as the opportunities and challenges of upscaling practices that may be considered good or innovative.

The purpose of this document is to undertake **a rapid review of the innovations** which align with the principles of good upgrading outlined in international literature. It is hoped that the findings from this rapid review will spark discussion, inspiration, and the desire to find ways to overcome obstacles to upscaling and may lead to initiatives in scaling up by Metros.

Method

Within the context of a rapid review and given South Africa's long history of upgrading and innovation, it was not possible to cover all innovations. The aim, therefore, was to cover a wide **range of practice-based innovations** across various categories of components that comprise the upgrading process. The choice of categories was drawn from international literature on upgrading, thus covering a broader range of innovations.

This Scoping is **based on desk-top** research only. Therefore, only documented projects and innovations are covered. There are therefore limitations and possible information bias given

that many innovations (particularly those in terms of institutional structuring within the Metros) have not been documented, while others that may have been documented have not been assessed or evaluated for their impact or success. We therefore see this document as a **working paper**, intended for debate and discussion, and not a final report.

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Section 2: International principles

Defining upgrading informal settlements

The UN-Habitat (2015) defines informal settlements as:

“residential areas where 1) inhabitants have no security of tenure vis-à-vis the land or dwellings they inhabit, with modalities ranging from squatting to informal rental housing, 2) the neighbourhoods usually lack, or are cut off from, basic services and city infrastructure and 3) the housing may not comply with current planning and building regulations, and is often situated in geographically and environmentally hazardous areas” (pg. 1).

This definition is useful because it highlights two important aspects for this paper:

- Firstly, it identifies the key components of informal settlements: it draws attention to the **planning and land status** aspects such as land tenure and legality of the settled land; it describes the isolated nature of the settlement with no **infrastructure services** and facility provision indicating a lack of integration with municipal service delivery and it points out the **top structures** that are usually owner-built and non-compliant with any regulations. These have been useful in guiding the components of upgrading that this report addresses;
- It points to two core aspects or characteristics of informal settlements: inadequacy and non-conformity. Sometimes these two aspects align, however, given the often dated land and planning legislation, building codes, and plans in many developing cities, it is imperative to differentiate that which conflicts with formal process from that which is fundamentally inadequate.

While informal settlements are not exclusively urban phenomena, the **challenge is most acutely felt in growing urban areas**. Jarque (2002) writes *‘informal areas are the most visible manifestation of a city's social inequalities’* (iv). Informal settlements, however, are no longer seen as primarily the result of urbanisation and urban poverty. Instead, they are increasingly understood as complex articulations of:

- Urbanization and natural urban growth
- Insufficient supply of serviced urban land
- Economic vulnerability
- Weak urban/land governance and institutions
- Displacement resulting from violence, natural disasters and other factors

(Barakar et al, 2002; Rojas, 2010; Fox, 2014)

It is important to recognise that these macro explanations for the development of informal settlements are incomplete without recognising the ingenuity and creativity of the urban poor, whose contribution to city-making is immense and without whose agency, such areas would not exist (Huchzermeyer, 2011; Appadurai, 2001).

“Informal settlement upgrading” is more difficult to define as it does not have one definition and includes any intervention which is aimed at informal settlements communities or households which ‘results in a quantifiable improvement in the quality of life of the residents affected’ (Abbott, 2002: 307). “Upgrading informal settlements” generally refers to the improvement of informal settlements, generally as part of an organised community, NGO, donor, or state effort. Well-documented government efforts include Sri Lanka’s Million Houses Programme and Thailand’s Baan Mankong. NGO supported efforts include Orangi Pilot Project in Karachi, Pakistan and the efforts of Slum Dwellers International affiliates globally (Smit, 2016). Several international upgrading efforts have focussed on tenure security and the provision of networked infrastructure (such as water and sanitation). However, given the many ways in which informal settlements can experience marginalisation and deprivation, **upgrading can include a large range of efforts to improve informal settlements.** As the World Bank notes, there is no ‘one-size fits all’ and local solutions and local implementation must be encouraged with a structured operating framework (World Bank, 2003).

While international approaches have also shifted towards incremental, in situ upgrading, we can look to recent South African spatial planning legislation to provide a definition of incremental upgrading. The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) defines it as *“the progressive introduction of administration, management, engineering services and land tenure rights to an area that is established outside of existing planning legislation and may include any settlement or area under traditional tenure.”*

International trends in approaches to ‘good’ upgrading practices

In 2016, the World Bank completed a review of 19 ‘slum upgrading’ and affordable housing programmes in 12 countries¹. This study reflects an understanding that **many countries are taking active efforts to address the challenge of human settlements** in a variety of ways. These efforts are often funded by national governments given their high costs and redistributive nature, however, local governments are generally playing a stronger role in implementation.

Compared to past practices, the nature of these efforts are changing - once focused on aggressive slum clearance and public housing provision, newer programmes are aimed at upgrading informal settlements and affordable housing finance (Basset, 2003). Those countries and cities which continue to implement slum clearance programmes are facing a number of challenges including: increasing human rights and social mobilisation action; persistent informality and socio-spatial inequality; and high costs of resettlement (both on the urban poor and the state).

What is becoming apparent is that successful approaches to addressing informal settlements combines **territorial-focused** (or area-based) upgrading programs with **cross-sector urban**

¹ Brazil (PAC-Favela and Minha Casa Minha Vida), India (Basic Services to the Urban Poor and Rajiv Awas Yojana), Indonesia (Neighborhood Upgrading and Shelter Sector Project), South Africa (Upgrading Informal Settlement Programme), Chile (Programa Chile Barrio and Programa Quieromi Barrio), Colombia (Macroyectos de Mejoramiento Integral de Barrios and Programa de Mejoramiento Integral de Barrios), Morocco (Programme Villis Sans Bidonvilles), Tunisia, (Programme National de Réhabilitation des Quartiers Populaires and Programme National de Requalification Urbaine), Bangladesh (Local Partnerships for Poverty Alleviation Project and Urban Partnership for Poverty Reduction Program), Ethiopia (Integrated Housing Development Program) and Vietnam (Vietnam Urban Upgrading Program).

policy and institutional reforms (WB, 2016). For broader affordable housing programmes (and for wealthier residents living in informal areas), housing finance is also critical and there have been substantial innovations in terms of financing for the poor in recent years. These recent efforts represent more holistic approaches which understand informal settlements as integral parts of the cities and towns and as produced by the systemic development of the city. They also note the importance of recognising that institutional development and policy reform should aim to address the ‘drivers’ of informal settlements’ challenges, while being met with implementation support and grounded interventions.

For the state, the core tension in upgrading informal settlements is **balancing the need for economies of scale (broad-based, single sector interventions) and responding to locally driven, context specific solutions which are holistic** (Basset, 2003)². While community driven projects are often more tailored to local needs, they are usually small in scale and their success is dependent on the alignment of a range of variables, including community organisation, institutional capacity and endogenous factors (WB, 2016). These are difficult to replicate at scale and take time, energy, and skills to design. In contrast, scaled national or provincial approaches which focus on a single sector or intervention could fail to respond to local needs, described as a ‘one-size-fits-all’ or ‘cookie cutter’ approaches.

Holistic upgrading requires multi-sector coordination. This **coordination requires strong and carefully designed institutional arrangements** which can manage and integrate budgets, skills and capabilities, targets and timeframes, and conflicting procedures or mandates. A common method for overcoming ‘silo’ development is to establish a national integrated agency or entity. These entities tend to be more agile and flexible. However, when established at national level, they may also undermine local institutions and capacity building³. Another option is for national governments to offer conditional funding, dependent on the implementation of local governance reforms. This is more likely to empower local government, but will exclude struggling or defunct areas, where investment might be most needed. Unfortunately, insufficient attention is often granted to institutional reforms and coordination as these sorts of reforms are difficult and do not yield visible results on the ground, necessary for gaining political support and validating spending.

Another critical component of upgrading is **public participation**. This includes that participation in ‘*project design, implementation, operation and maintenance is widely accepted to improve the overall quality, targeting and sustainability*’ (WB, 2016). It is well recognized that upgrading approaches which are participatory and incremental are more able to harness the knowledge and capabilities of communities than those which seek to impose a uniform

² According to Basset (2003) the Chipata Community Water Supply Scheme implemented in Zambia only addresses the issue of water supply. This need was identified by the community. Some projects pick just a few core aims, such as in Kenya where tenure security, road networks, and housing were the three pillars of the Small Town Development Project.

³ In Tunisia, for example, the nationally established Agence de Rénovation et de Réhabilitation Urbaine led the implementation of the national upgrading programme. While reaching over two million inhabitants, the programme was unable to capacitate the local government and to decentralise decisions-making.

upgrading policy or programme (Wakely & Riley, 2010).⁴ It is important to use these processes to understand the extent to which formalisation will serve the community and which investments are most imperative. However, participation is often time-consuming, costly, and easily hijacked by local elites and interest groups. For this reason, local governments are often wary about investing too much in participation processes.

Globally, most upgrading efforts have experienced severe challenges (Basset, 2003; WB). These challenges include limited scale, very little cost recovery, post settlement challenges (including operating and maintaining infrastructure and market gentrification). However, those countries which have experimented nationally and locally and have sought to learn from these experiments have made substantial progress (WB, 2016).

Upgrading what? Core components of upgrading informal settlements

There is a clear move away from seeing informal settlements as a problem. Instead the ‘substantive issues’ faced by informal areas are increasingly the target of interventions. Within the literature, there are a number of areas or components which have been targets of upgrading interventions (Smit, 2016). These include:

- **Planning and land tenure:** In many cities, informal settlements do not have security of tenure and do not form part of conventional and routine planning processes. This lack of tenure security can cause a number of crises, including forced evictions, lack of community/ household/ and state investment, lack of sense of urban citizenship, and other negative ramifications (Durand-Lasserve & Royson, 2012).
- **Infrastructure:** Many informal settlements lack services and infrastructure. This includes networked services, such as water, sanitation, drainage, electricity, roads and transportation as well as social services, such as health, education, and safety facilities. Most importantly, it is not only access to infrastructure that is important, but the design of this infrastructure. Appropriate design can contribute to place-making, community cohesion and livelihood creation. Likewise, unresponsive and crude design can hamper social and economic processes at the local level.
- **Top structure/housing:** Many informal settlements consist of shelter or housing typologies which are not adequate or do not conform to building standards. However, most global upgrading programmes do not seek to directly improve housing or structures⁵. However, adequate housing provides an important function, including protecting households from the elements and other dangers and creating social/economic and even financial assets for households. The design of housing typologies is also a critical part of urban densification and spatial formation, enabling, for example, vertical consolidation.
- **Community participation:** While community involvement is often seen as a means to an end, or a necessary ‘check box’ in development projects, the process of involving communities in the upgrading process requires special design and can, if done well,

⁴ Incremental approaches allow for wider coverage than approaches which seek to provide higher quality end products (see for example South Africa’s housing subsidy programme or Ethiopia’s Integrated Housing Development Programme).

⁵ Notable exceptions are South Africa’s housing delivery programme and the Kenya’s KENSUP.

form a critical component of community capacity building, necessary for supporting the project and the settlement into the future (Cooke & Kothari, 2001; Cornwall, 2000).

It is important that each component of upgrading can operate at a number of scales. For example, planning for informal settlements can take place at the city-scale. It is also imperative to plan for specific informal settlement projects at the site level. Similarly, shelter development can be facilitated by strengthening the urban building sector or granting demand-side subsidies at the scale of the city, creating special building standards at the suburb or neighbourhood level, or building actual houses at the site level. It is therefore important that components be addresses at the appropriate scale given the context.

This report will look at South African informal settlement upgrading innovations in many of these component areas.

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Section 3: South Africa's upgrading experience

This section explains the trajectory in South Africa in terms of approaches to informal settlement upgrading, community development, and urban policy.

Background to the Early Years

Informal settlements are not a new phenomenon in South Africa. They began to emerge in the 1940's and 50's in the major cities (Huchzermeyer, 2004, p. 95). With the introduction of the National Party in 1948, the focus was on racial separation and the forced removal of informal settlements to support the apartheid ideal of white cities⁶. Along with the removal of informal settlements, the state embarked on mass low-income housing projects located in areas that became known as 'black townships', long distances from the white cities. However, the supply of these houses did not meet the growing demand for accommodation in the cities.

Exacerbating the problem was the National Party policy of separate development and the formation of self-governing territories or 'homelands' which also led to the displacement of rural labour tenants from white-owned farms and their removal to the rural homeland areas. These attempts at keeping the cities free from (non-white) informal settlements were shored up by legislation, and the Prevention of Illegal Squatting Act 52 of 1951 (PISA) in particular. This enabled informal settlements to be demolished (The Republic of South Africa, 1951) to support the National Party policy of "influx control".

African urbanisation continued unabated in the cities and the government had to admit that its 'influx control' strategy had failed (Muller, 2013). In the mid-1980's The President's Council developed a new strategy for urbanisation called 'Orderly Urbanisation'⁷. Interestingly, the PISA was amended (introduced Section 6A) to allow for a new category of informal settlement with "designated areas"⁸ to be declared as permanent areas where the Group Areas Act and the Slums Act and town planning laws did not apply, providing a more flexible way to manage informal settlements at the time (Muller, 2013) and indicating a shift towards begrudging acceptance of some informal settlements under controlled circumstances.

While international trends on how to deal with informal settlements were undergoing shifts away from demolitions in the 1970s and 1980s, South Africa was still pursuing eradication and removal strategies. One approach to emerge in the 1960's and 1970s internationally was that of 'site and services' based on the notion of self-help (The Urban Foundation, 1991, p. 41). South Africa and the Urban Foundation in particular took up this international approach, albeit

⁶ In fact, forced removals resulted in 100 000 coloured and Indian people being removed from Cape Town between 1957 - 1960, 9 000 Africans being re-patriated to the Transkei and Ciskei each year for five years and the entire informal settlement of Cato Manor being removed between 1958 - 1960 (Huchzermeyer, 2004, p. 97).

⁷ See article by Gustav Muller at http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1021-545X2013000200010

⁸ The PISA already allowed for "Emergency Camps" and "Transit Camps" as temporary areas for settlement but this new Section 6A allowed for the more permanent development of informal settlements. Section 6A was introduced by the Abolition of Influx Control Act

much later than international trends, and became a key protagonist of site and service policy and projects across South Africa in the 1980s.

1980s-1990s: Growth in Urbanisation and decline of Apartheid

The 1980s were tumultuous years in South Africa, characterised by civic protests, civil unrest and mounting opposition to apartheid. However, it was also when 'African urbanisation' was accepted and widespread site and service schemes were initiated in cities to address the increasing phenomenon of informal settlements. The Urban Foundation was the main shaper of housing policy at that time and also implemented numerous site and service projects (The Urban Foundation, 1991, p. 18). However, the civic movement strengthened during this time and communities in informal settlements found development support from newly-formed NGOs such as Planact, the Built Environment Support Group (BESG) and the Development Action Group (DAG)⁹ (Huchzermeyer, 2004, p. 118).

The Urban Foundation's concept of site and service was to provide a layout plan of individual sites, with basic services (usually a pit latrine and water standpipes) and secure land tenure (Gardner & Forster, 2014, p. 125). What the Urban Foundation did in the big site and service projects that they implemented, such as Inanda Newtown in Kwa ZuluNatal, was to include an advice centre and materials yard and provide training for small contractors. They also did skills development and entrepreneurship training and provided a local site for businesses to operate from within the settlement causing Napier (Napier 2000 cited in (Gardner & Forster, 2014, p. 126) to comment that "the project was typical of a well-funded NGO model..."

The Urban Foundation had a strong influence on the informal settlement upgrading approach that was later adopted by the Independent Development Trust (IDT) which was established in 1990 (Huchzermeyer, 2004, p. 119). The government provided R2-b to the IDT to address housing, education and job creation. The IDT housing model was to deliver sites and services through a capital subsidy instrument (Gardner & Forster, 2014, p. 16). It offered R7 500 to qualifying beneficiaries within projects that were implemented by developers, including the Urban Foundation. The capital subsidy did not include a top structure but did provide a pit latrine, giving rise to criticisms of 'toilet towns' by the civic movement. In all 100 000 households benefited from this programme (Huchzermeyer, 2004, p. 132) and some projects were targeted at informal settlement upgrading. Several very large projects that tackled *in situ* upgrading were initiated, the largest being Soweto-on-Sea (up to 10 000 beneficiary families) in Port Elizabeth as well as Besters Camp in Durban, which is hailed as the first big *in situ* upgrading project in South Africa (Huchzermeyer, 2004, p. 156).

The developmental NGOs mentioned above played a role in implementing these projects, albeit with a more participatory approach (Huchzermeyer, 2004, p. 119), however, the bigger

⁹ BESG was formed in 1982 in Durban, Planact in 1985 and DAG in 1986

homeless federations only became active later¹⁰. They were able to make inroads in housing policy through the revolving fund they developed to provide credit to the poor for top structures, which was implemented in 1993¹¹. Only later did the new government housing policy provide a subsidy instrument for consolidating top structures in these IDT areas to provide a level of equity between the full housing subsidy and those areas upgraded through the IDT subsidy.

In order to negotiate a new housing future, the National Housing Forum (NHF) was established in 1992, comprising business, financial institutions, development organisation and political groupings (Huchzermeyer, 2004, p. 133). The government pledged funding to the NHF for a housing capital subsidy scheme and it was substantially similar to the IDT approach except that it included funds for a (basic) top structure. With attention being given to implementing this housing subsidy and a 'model' of delivery at hand, there was little alternative debate on the new government's approach to informal settlement upgrading at that time.

The new democratic government's first Housing White Paper in 1994 had as its cornerstone the housing capital subsidy scheme. The approach of providing single sites with services, land ownership (conceptualised as a title deed in most instances) and a modest top structure to beneficiaries became the dominant mode of housing delivery to the poor. The quantitative target was to deliver 1 million of these houses in 5 years (Khan & Thurman, 2001, p. 3). Being a capital subsidy it was a once-off subsidy to qualifying beneficiaries.

It is therefore apparent that the main tenets of the South African housing policy can be traced back to the site and service schemes of the Urban Foundation, the subsidised site and service initiatives of the IDT and the cementing of this into the housing capital subsidy of the new post-1994 government. Informal settlement upgrading was to be addressed by a focus on the supply side and provide subsidised serviced sites with tenure and shelters on greenfields sites onto which informal settlements would be removed and relocated to. The approach was product-driven and individualised and a finite once-off intervention rather than socially driven and community focused with ongoing developmental support for upgrading.

During this period, shifts were occurring internationally driven by rising criticism of large scale site and service projects, many in Africa, undertaken through development agencies. The shift was toward addressing informal settlement upgrading in a wider context of poverty alleviation and supporting livelihoods of the poor (World Bank, 2003, p. 8), in other words towards a more socially-driven delivery mode.

¹⁰ Around the same time that the IDT was started, in 1991 there was an international meeting of network organisations doing grassroots work in informal settlements which led to the formation of the Southern African People's dialogue for Land and Shelter (Bolnick 1993, cited in (Huchzermeyer, *Unlawful Occupation: Informal Settlements and Urban Policy in South Africa and Brazil*, 2004, p. 120). It was only through involvement in the National Housing Forum (est. 1992) and after seeing the "toilet towns", that resistance against the IDT's upgrading approach came more to the fore.

¹¹ The savings groups were formalised as the South African Homeless People's Federation and supported by People's Dialogue and by 1999, 2000 savings groups with 70 000 active savers had been created (Khan & Thurman, 2001, p. 8).

Late 1990s-mid 2000: A New Democratic Government and Informal Settlements

The late 1990's saw lessons being learnt from the large *in situ* projects in Besters Camp and Soweto on Sea, however these upgrading projects¹² were influenced by the introduction of the government capital subsidy scheme and resulted in the upgrading projects not being able bring any change to the dominant informal settlement upgrading policies of government.

Several subsidy projects were implemented during this period with the houses coming to be known as 'RDP houses' as this period also saw the establishment of the ANC's Reconstruction and Development Programme (RDP). As Gardner and Foster explain "*the emphasis of this period was on the delivery of high numbers of units, and with hindsight, many shortcomings of this approach to housing provision were overlooked. These include a growing recognition that rates of housing delivery achievable under the budgetary limitations would not meet housing backlogs, a lack of focus on the quality of construction and continued concern around the perpetuation of apartheid spatial patterns in the location of new settlements on the urban periphery*" (Gardner & Forster, 2014, p. 16).

This period also saw increased involvement of community development organisations and the Homeless People's Federation in informal settlement upgrading but it mostly resulted in them working within the dominant delivery mode and only really being able to influence improvements to the top structure construction (Huchzermeyer, 2004, p. 30).

Despite increasing criticism about the approach during this period and some attempts at community based approaches¹³, Huchzermeyer at this time notes "*that in situ upgrading in South Africa has come to mean replacement of informal settlements with formal township layouts, standardised plots with freehold title and formal housing*" (Huchzermeyer, 2004, p. 229). The conventional view was that informal settlements were seen as temporary phenomena to be replaced by government subsidised housing developments.

Breaking New Ground 2004: Informal Settlement Upgrading Policy on the Agenda

While international policies on informal settlement upgrading had already turned to acceptance of *in situ* upgrading and the positioning of upgrading in wider policy objectives of poverty alleviation, reduction of vulnerability and seeking more inclusive approaches, these ideals only began to emerge in South Africa in the 2000's. They were influenced by international agencies such as UN Habitat, Cities Alliance and the UN Millennium Development Goals as the new government was party to many of the housing and poverty Accords.

¹² See van Horen (one of the implementers of Besters Camp working with the Urban Foundation) who urges for more pragmatic approaches that build on de facto circumstances in informal settlements (van Horen, 2000)

¹³ In reflecting on this period, Khan and Thurman wrote that "The more time-consuming, process-oriented, and smaller scale delivery approaches (community and NGO-driven), have tended to be sidelined in favour of large-scale delivery" (Khan & Thurman, 2001, p. 11)

In September 2004 Cabinet announced a new housing policy - '*Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements*' (BNG). It brought a shift in policy away from a housing approach to a human settlements approach and tried to address the whole housing market (and not just the 'RDP' type subsidy houses) and it included new housing programmes, in particular the Informal Settlement Upgrading Subsidy Programme (UISP) (Huchzermeyer, 2006, p. 45).

BNG explained the UISP as "*a phased in-situ upgrading approach to informal settlements in line with international best practice*" (Huchzermeyer, 2006, p. 46). The Housing Code was accordingly amended to include the UISP (National Department of Human Settlements, 2009). The Housing Code explains that the policy intention is to upgrade informal settlements *in situ*, rather than relocating them, which is seen as a last resort (National Department of Human Settlements, 2009, p. 13), through grants to municipalities and using a participatory methodology for upgrading¹⁴. It sees upgrading occurring in 4 phases with the last phase being the top structure provision (for which other subsidy instruments must be sought as UISP only covers the costs of phases 1 – 3).

Hence the UISP promotes *in situ* informal settlement upgrading and signifies a departure away from individuals qualifying for subsidies in favour of area- or settlement-based upgrading (Huchzermeyer, 2006, p. 59).

Through BNG and the UISP, for the first time South Africa had a human settlements policy that explicitly addressed informal settlement upgrading through a subsidy programme (UISP) to implement it.

Implementation of the Informal Settlement Policy (2009)

Several pilot projects, such as the N2 Gateway project in Cape Town were implemented in the early years of the UISP (from 2006) to test the Programme. However, the overall approach was not readily embraced by all municipalities. It was only after government adopted an Outcomes-based approach and delivery agreements with implementing government departments that resulted in the Delivery Agreement embodied in Outcome 8 that more serious attention turned to mainstreaming informal settlement upgrading (Gardner & Forster, 2014, p. 18). Outcome 8 set a target to improve "the standard of services and tenure security to 400 000 households in **well-located** informal settlements by March 2014¹⁵." This heralded in a new emphasis away from the delivery of providing subsidised houses to individual beneficiaries. However, not all the delivery in fact addressed 'well-located informal settlements' and the target ended up counting any new greenfields projects that informal settlements were relocated to (Gardner & Forster, 2014, p. 23).

To support this new focus, the National Department of Human Settlements developed a support programme during 2009 with assistance provided by Cities Alliance and the World Bank

¹⁴ The Housing Code explains that the key objective of the UISP is to "facilitate the structured in situ upgrading of informal settlements as opposed to relocation" and that settlement relocation is to be only considered as a last resort in exceptional circumstances" (National Department of Human Settlements, 2009, pp. 9-13)

¹⁵ See <http://www.upgradingsupport.org/content/page/history>

Institute¹⁶. The National Upgrading Support Programme (NUSP) was launched in 2010. NUSP provides policy, technical and some financial support to municipalities that implement UISP projects. The initial focus was on providing support to 48 municipalities (which included about 600 informal settlements) but this increased in later years to 51 municipalities (Gardner & Forster, 2014, p. 18).

The nature of the support provided was information about upgrading, approaches to identifying, assessing and categorising informal settlements and support in preparing Informal Settlement Upgrading Plans by municipalities. With the increased upgrading need, the Housing Development Agency (HDA)¹⁷ was also brought in as a support and implementation agency. Together, by 2015 the government's Programme of Action (POA) reported that they had completed the assessment of 816 informal settlements in 62 municipalities and in the previous year 450 detailed Settlement Plans had been completed¹⁸. This PoA set an indicator of the number of houses and housing opportunities in informal settlements located in quality living environments with a target of 1, 495 million housing opportunities in quality living environments to be provided by 2019.

Hence, through the UISP and NUSP and the HDA, government has made progress with informal settlement upgrading. While the overall outcomes were intended for improving well-located, *in situ* informal settlements, Gardner and Foster do observe that much of the upgrading is not via *in situ* projects but rather through relocation or rollover development (Gardner & Forster, 2014, p. 27).

However, what is significant is that informal settlement upgrading is on government's development agenda and this has been entrenched and supported in the National Development Plan (NDP)¹⁹. The NDP called for the recognition of the role of informal settlements and a significant expansion of the UISP (The National Planning Commission, 2012, p. 256). This was later made explicit in new planning laws such as the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA) which is framework law that can facilitate incremental upgrading procedures.

Overarching Trends and Summary

In an excerpt from a paper on informal settlements in Egypt, Khalifa (Khalifa, 2015, p. 1157) could have been speaking about South Africa when he says “

“Despite all efforts to contain their growth, informal settlements are steadily growing. Within the Egyptian context, in spite of all the efforts exerted to upgrade informal settlements and

¹⁶ See <http://www.upgradingsupport.org/content/page/history>

¹⁷ With the HDA has a mandate to procure land for human settlements, it also brought this aspect to the support required by municipalities.

¹⁸ See <http://www.poa.gov.za/humansettlements/Pages/Progress-Reports.aspx>

¹⁹ The National Development Plan acknowledges the dependency created by the capital housing subsidy and that despite a new emphasis on informal settlement upgrading there is still an ambivalence across spheres of governments towards the approach along with poorly developed capacity and implementation mechanisms (The National Planning Commission, 2012, p. 244)

improve the living conditions of its inhabitants, the magnitude of informal urbanization proves that the outcomes of such efforts are still far beyond achieving its objectives. The pace of informal settlement growth is much faster than the pace of any upgrading or development efforts; thus no visible improvements can be recognized on the ground. Simultaneously, the pace of supply of formal affordable housing is much slower than the pace of high demand by the low-income and middle-income households.”

Since 2004 South Africa has had an explicit national policy and programmes to upgrade informal settlements, stemming from the new human settlements policy position in BNG. Prior to that governments focused on the ‘eradication’ and removal of informal settlements, followed by attempts at large-scale site and service scheme to relocate informal settlements to. The new policy and programmes have been slow to embrace *in situ* upgrading and has tended to favour relocation and rollover approaches (Gardner & Forster, 2014, p. 32), driven largely by housing subsidy instruments that provide a capital subsidy for a serviced site and a top structure (i.e. ‘RDP’ housing).

It can also be said that the housing delivery mode in South Africa has been very product focused and aimed at an end product that provides a serviced site with secure, individualised tenure in the form of title deeds by and large. In a context where top structures are provided by the capital subsidy scheme, moves to exclude top structures from the product of informal settlement upgrading (but still allow them via other subsidy instruments for qualifying beneficiaries under many conditions), have led communities and politicians to see the programme as ‘inferior’ and pushing the cost of delivery onto the poor.

While the UISP and NUSP programmes are very clear that community participation is essential and a very important component of upgrading which should take us away from a ‘one size fits all’ model, in reality, there has been weak participation and insufficient financial support to undertake intensive participatory approaches that are intended by the policy. This also goes for addressing the elements of an incremental approach, which can be time-consuming and take officials out of their familiar conventional roles into more facilitatory, support-oriented and problem-solving terrain.

Community based organisations, mass-based homeless federations and developmental and advocacy groups and academics have provided important support in specific project areas but have made fewer inroads into policy transformation in South Africa, until more recently where they are pioneering some innovative implementation aspects and policy innovations which will be addressed in the body of this report. Some have worked with government and have managed to get some traction with institutionalising new approaches or policies which bodes well for the future trajectory of informal settlement upgrading policies in South Africa.

Section 4: Innovative practices

This section identifies innovative practices which have sought to embrace the principles of incrementalism, *in situ*, and participatory upgrading. The CDE, during a study on informal settlements, acknowledged that: *“Innovation can be a tool for addressing informality: Innovative practices in urban development can help improve access to the cities and address informal settlements. Alternative regulations and practices can also provide preventative measure to mitigate further informal development.”* (Centre for Development and Enterprise, 2013, p. 2)

In South African cities, much innovation has been tried. Many of these innovations have received internal acclaim and have become part of the general body of knowledge. These innovations have been demonstrative of other ways of addressing informal settlement upgrading. Since upgrading is a multi-layer process, innovation occurs in many stages of the development process. Some happen within formal upgrading projects, while others happen in isolation. Some are policy or legal innovations, while others are project based tests or pilots.

4.1 Planning and land tenure

Planning Innovations that Support Informal Settlement Upgrading Initiatives

Planning as a discipline embraces three main areas – spatial planning and plan making, land development processes and land use regulation. Each of these will be explored for innovations in upgrading approaches.

Spatial plans and planning

The Municipal Systems Act 32 of 2000 (The Republic of South Africa, 2000), saw the introduction of Integrated Development Plans (IDPs) and Spatial Development Plans (SDFs) in municipalities. While derived from earlier post-apartheid legislation such as the Development Facilitation Act 67 of 1997²⁰, this was an attempt by government to initiate integrated development planning. In the decades since, there has been much criticism of the inability of these instruments to bring about real spatial transformation in our cities²¹ or their ability to integrate the numerous policies of government on the ground. Indeed, planning for informal settlements or including them in SDFs was generally neglected.

However, what is new is that the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA) now requires a municipal SDF to include *“the designation of areas in the municipality where incremental upgrading approaches to development and regulation will be applicable”* (S21(k)). So, informal settlement upgrading areas can no longer be ignored or hidden but must explicitly be identified and included in the SDF of the municipality and hence be planned for. The SDFs in terms of SPLUMA need to be approved and implemented 5 years

²⁰ Which introduced Land Development Objectives (LDOs) to encourage municipalities to be strategic in their future planning.

²¹ See for example, Planning and Transformation: Learning from the Post-Apartheid Experience
By Philip Harrison, Alison Todes, Vanessa Watson

from the promulgation of the Act, so by 2018 this should be a universal requirement for municipalities. Importantly, Section 22(1) of SPLUMA states that a municipal planning tribunal may not make a land development decision that it inconsistent with a SDF, except where site specific circumstances allow, giving further importance to SDFs as a means to protect and plan for informal settlements.

So, in South Africa we are beginning to see the alignment of informal settlement upgrading approaches into wider spatial planning frameworks and the legal enforcement of this requirement which should auger well for the future regulatory reform and institutionalisation of informal settlement upgrading.

Land Development Processes and Procedures

South Africa has a track record of attempting to develop streamlined development procedures for the upgrading of informal settlements by the introduction of laws that provide alternative development procedures in recognition that the formal, legalistic development procedures are time-consuming, lengthy and have many legal requirements. While many of these laws are now removed from the statute books, they do represent innovations that were a departure from the conventional, Ordinance-based²² land development laws. The Less Formal Establishment Act, Act 113 of 1991 (LFTEA), included procedures for “*less formal settlement*” in Chapter 1 that allowed existing laws that would hamper development to be suspended, creating a streamlined process of land development in cases where there was an “*urgent need to obtain land on which to settle in a less formal manner*” (Republic of South Africa, 1991). This legislation followed the Land Reforms of the apartheid government in 1991²³ (Republic of South Africa, 1991) but was never-the-less a new approach at that time.

With the introduction of the new, democratic government in 1994, the emphasis of housing policy was the Reconstruction and Development Programme (RDP). In order to achieve the target of one million subsidised homes in five years (Shisaka Development Management Services, 2011, p. 7), the Development Facilitation Act 67 of 1995 was promulgated (The Republic of South Africa, 1995). This was ground-breaking, innovative legislation for land development at the time, despite it being an interim law until widespread land law reforms of the new democratic government were completed. In terms of (*in situ*) informal settlement upgrading it made similar provisions to LFTEA to suspend any dilatory laws relating to land development but it went further to explicitly allow for the a development to be exempt from any of its provisions once an investigation into the “*non-statutory land development processes*” or informal settlement had been undertaken²⁴. It also allowed for building regulations to be suspended in such areas and for a new form of tenure called ‘initial ownership²⁵’.

Hence, there is a precedence in South African land development laws that address formal, legal development procedures for the upgrading of informal settlements through innovative laws that

²² South Africa’s urban planning and development laws were based on four Provincial Ordinances in apartheid era and these have carried over and will be replaced once SPLUMA is fully enacted.

²³ See the 1991 White Paper on Land Reform published by the National Government

²⁴ See section 42 of the DFA.

²⁵ See section 62 of the DFA

either suspend vexatious laws or exempt a development from them. So when the new wave of land law reform began in the early 2000's, we would have expected these ideas to find their way into the new national Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA). However, SPLUMA is a framework law and cannot dictate development procedures to municipalities who are constitutionally responsible for passing their own planning bylaws that would address development procedures. Municipal planning bylaws therefore need to include such provisions, guided by the national SPLUMA.

What SPLUMA does that is innovative is that it explicitly supports incremental upgrading approaches and compels municipalities to address this. It does this in many places in the legislation beginning with providing a clear definition of “incremental upgrading of informal areas”²⁶, by including access to tenure and the incremental upgrading of informal areas as a key component of the principle of spatial justice²⁷, including the provision that “*land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas,*”²⁸ by ensuring that spatial development frameworks (SDFs) and municipal SDFs in particular, address the inclusion and integration (spatial economic, social and environmental) of informal settlement areas²⁹ and directing the preparation of unitary land use schemes that explicitly include provisions “*that permit the incremental introduction of land use management and regulation ininformal settlements...*”³⁰.

So for the first time we have legislation in South Africa that explicitly directs municipalities to accommodate informal settlement upgrading procedures and incremental approaches in particular in their planning bylaws. What remains now is for this innovation to be taken up by the local municipalities and for them to develop specific incremental development procedures and incremental land use management regulations in their planning bylaws.

This is a window of opportunity for innovative informal settlement regulation that has presented itself through the SPLUMA framework legislation.

However, most informal settlement occurs outside of statutory laws and upgrading support is often provided to these communities through CBOs and NGOs using innovative planning and development mechanisms, rather than following existing legal procedures. These can be broadly categorised into community planning practices and innovations used by authorities either initially outside of conventional planning laws and procedures or which pre-empt the application of the existing laws and those that are community-led and not part of legal frameworks. Included in the former are innovations such as managed land settlement, re-blocking and superblock planning, while in the latter category are approaches such as

²⁶ Which it defines as “the progressive introduction of administration, management, engineering services and land tenure rights to an area that is established outside existing planning legislation, and may include any settlement or area under traditional tenure.”

²⁷ The Chapter 2 principles in SPLUMA must be applied by all organs of state who implement any laws relating to the use and development of land, including bylaws (S6(1)).

²⁸ See section 7(v) of SPLUMA

²⁹ See section 12(1(h)) of SPLUMA

³⁰ See section 24(2(c)) of SPLUMA

community mapping, enumeration and community surveying and street addressing. Each is looked at briefly to identify the innovation for informal settlement upgrading.

Managed Land Settlement

Managed land settlement, super-block planning and re-blocking are not entirely new approaches and have their origins in concepts of “site and services” delivery modes which were used in South Africa in the 1980’s and 1990’s. Internationally, site and service delivery was seen as both a way to deal with the supply side of land delivery to lessen the demand for informal settlements but was also linked to slum clearance and moving settlements to serviced greenfields sites (World Bank, 2003, p. 36). In South Africa, there were innovative approaches, for example one spearheaded by Gauteng Provincial Housing Department³¹ with their Mayibuye and Essential Services Projects in the late 1990’s that used the housing subsidy in phases to prepare release land, prepare general plans and provide essential services so that people could settle with secure tenure³² and later access additional funds to build top structures, sometimes through the People’s Housing Process (PHP) (Landfirst, 2010, p. 4).

However, in terms of recent innovations, the approach pioneered by Afesis-corporation which they call **managed land settlement** (MLS) is noteworthy.

This innovative development approach tries to encourage settlement on (greenfields) land in an organised manner so that upgrading can occur in the future (Afesis-corporation, 2012, p. 12). It has largely been pioneered by Afesis-corporation and the Landfirst campaign in the Eastern Cape. It is first and foremost an incremental approach to development and a proactive solution to land access by the poor (Landfirst, 2010, p. 1). It allows a community to settle in a planned way on the land before title, services and houses are provided. To advocate for this approach Afesis-corporation has prepared guidance material and developed a hypothetical example of the whole process³³.

Key elements of the process of MLS are³⁴:

- Acquiring land and assessing its feasibility for settlement;
- Identifying the outer boundary and planning the internal layout with the community – options internally are incrementally designed and can be of the ‘woonerf block’³⁵ or ‘superblock’³⁶ configuration. Both of these designs can be upgraded later through formal surveying and registering of individual sites (erven) and transfer of ownership;

³¹ An Incremental Housing Directorate was established to manage the cluster of Mayibuye, Essential Services and PHP projects providing an institutional home for all incremental upgrading projects (Landfirst, 2010, p. 4)

³² This was through the issuing of title deeds – refer to the City of Johannesburg’s Annual Report, Chp 10: Housing at http://www.joburg-archive.co.za/city_vision/annualreport2002-03/chapter10.pdf

³³ See document prepared by NPM Planners called Managed Land Settlement Project: Interim Planning Report prepared in 2011 for Afesis-corporation.

³⁴ As summarised and interpreted from (NPM Planners, 2011) and <http://www.incrementalsettlement.org.za>

³⁵ Woonerf block comprises a cluster of sites with land for community facilities like playlots and crèches and communal gardens which can be managed by the community or the municipality

³⁶ Superblock configuration is a more regular shaped block of sites bounded by an access road and internal sites arranged in a rectangle that also includes open space which may contain playlots and community facilities

- Settlement by the community according to their agreed allocation list;
- Provision of basic services;
- Formal upgrading using town planning legislation, surveying and registration – driven by the municipality and conferring of (appropriate) land use rights through the zoning scheme;
- Upgrading of services to higher standard permanent services;
- Formal, registered tenure to individuals

MLS is therefore essentially a two-step land development process that is innovative in that beneficiaries play a central role, guided by professionals, in the layout planning of the land and allocation of sites and determination of the standards. Tenure security is ensured upon settlement but it can be upgraded (to more formal forms) in the second phase of formal land development.

A successful example of this was the development of iCwili Phase2 in the Great Kei Local Municipality. Here the community was heavily involved and committed to the MLS approach, after experiencing considerable delays with Phase 1 of the project which was an RDP development. The community partnered with Afesis-corplan and the local municipality to secure and re-peg the 110 sites (Kabane, 2012, p. 15). Afesis-corplan not only played the role of advocating for the MLS approach to the municipalities, it also agreed to project manage the implementation, including the commissioning of engineering feasibility studies and hiring land surveyors to re-peg the sites (Afesis-corplan, 2012, p. 24). Much of the success of the project is due to the fact that there were individuals in the municipalities who were supportive of the approach even though it was new for them (Afesis-corplan, 2012, p. 24).

The district municipality provided services in the form of shipping container ablution blocks with 3 toilets each and 2 standpipes with the understanding they would be upgraded to taps and toilets on each site once housing subsidy funding became available (Kabane, 2012, p. 37). The community assisted with the re-pegging of the sites and earned a stipend for their work, providing some job creation in the area (Kabane, 2012, p. 37).

This MLS project also introduced Occupation Certificates for residents (Kabane, 2012, p. 38), issued by the Great Kei Local Municipality – another innovation, but this time in incremental tenure (and discussed in a later section of this report) outside of formal or legal forms of tenure evidence.

Overall, the MLS was successful in iCwili and this can be attributed to having an organised, involved and supported local community, municipalities that were receptive to the innovative approach and an intermediary in the form of Afesis-corplan.

One of the key lessons was that the development had many delays due to it not being a conventional approach with no policy or systems in place in the municipalities to implement it³⁷. These are all symptoms of implementing a new approach where the municipalities and

³⁷ So for example, the local municipal council had to take a resolution to endorse and adopt the project (Kabane, 2012, p. 40) and Occupation Certificates had to be signed off by the municipality and sent back to the community before members could move onto the land (Kabane, 2012, p. 40).

grant mechanisms are not set up to accommodate deviations from the conventional approach. The literature does not provide any indication of the cost of this development but it is apparent that the intensive and protracted community involvement and use of Afesis-corplan's services would have made the participation cost much higher than what the UISP subsidy scheme amount makes provision for.

Notwithstanding these challenges, it is an approach that is innovative in many respects – it allows for (organised or planned) early settlement on un-serviced land, it puts the community at the centre of the planning process and promotes community mapping and layout planning; it pushed the municipalities to address more appropriate standards for planning and services; it promoted tenure security by getting the municipality to issue Certificates of Occupation as administrative forms of tenure evidence and it conceptually promoted a 2-phase development process that separated the formal, legalistic procedures from the early settlement and service provision and it also promoted strong community participation ensuring that the municipality engages with the local community at all stages of the development.

MLS, while not strictly an informal settlement *in situ* upgrading approach, can go hand-in-hand with such upgrading and clearly also can pre-empt informal settlements by releasing land for settlement into the market.

Reblocking

An approach that does apply in *in situ* settlement upgrading is that of “**re-blocking**” or intra-settlement re-blocking or “blocking out” that has been promoted by the Slum Dwellers International (SDI) in South Africa, now known as FEDUP, and CORC. Re-blocking is a community-driven process to reconfigure and reposition shelters that are densely located within an informal settlement according to a plan prepared and agreed in the community³⁸. Generally, the re-clustering of the shelters results in better utilisation of space, often around a courtyard that the community can all use. These courtyards are also called dignified public spaces.



Figure 1: Community Mapping for re-blocking

Source: <http://sasdialliance.org.za/moeggesukkel-community-in-port-elizabeth-maps-out-settlement/>

³⁸ Based on an explanation in <http://sasdialliance.org.za/city-of-cape-town-adopts-reblocking-policy/>

Community-implemented re-blocking initiatives are often combined with other innovative elements such as women's or community savings schemes that raise contributions towards the re-blocking, job-creation through the Expanded Public Works Programme (EPWP) of government which sustains livelihoods in these impoverished settlements and the rebuilding of shelters using fire-resistant materials³⁹.

It is not seen as formal upgrading (i.e. using a law or initiated through a government subsidy programme) but rather as a way to improve living conditions and mobilise communities towards future (formal) upgrading by the municipality.

The ISN/FEDUP/CORC Alliance advocated this approach for several years to the City of Cape Town. The City was receptive to the idea and in fact, their Council formally adopted a "Proactive Re-blocking of Informal Settlements" Policy on 30 October 2013. Going hand-in-hand with this was a Partnership Accord with the City which was cemented through a Memorandum of Understanding⁴⁰ and the agreement to pilot 23 projects using the partnership approach, some of which were re-blocking projects. It is therefore essentially an approach that was developed and supported by SDI/FEDUP and implemented by communities but which is gaining some acceptability within municipalities.

The City's Proactive Re-blocking policy is highly innovative and accommodates the original concepts of community re-blocking and partners with the community and NGOs/CBOs while institutionalising the approach into the City. The Urbanisation Department of the City is the main driver but the policy is clear that all other City Directorates have key roles to play⁴¹, not least of all allocating budgets and doing ongoing maintenance and operations in these project areas⁴².

The City's approach is to partner with an NGO or CBO that is active with the community in a re-blocking project and developing a Memorandum of Understanding that will set out all the respective parties' responsibilities. The NGO/CBO and community will undertake the community survey and registration of residents, the mapping of the services and layout of area to prepare a Settlement Profile which will guide the future re-clustering and re-blocking layout. In turn, the City will bring resources and skills to bear by sourcing funding from the USDG (earthworks, engineering services), HSDG (relocation kits), sub-Council funds and line departments' budgets, establish and maintain a central data base of residents, install services and maintain them. A project steering committee is set up for each project which has internal

³⁹ Summarised from the articles at <http://sasdialliance.org.za/city-of-cape-town-adopts-reblocking-policy/> and <http://sasdialliance.org.za/moeggesukkel-community-in-port-elizabeth-maps-out-settlement/> and (Afesicorplan, 2012)

⁴⁰ See the article on <http://sasdialliance.org.za/city-of-cape-town-adopts-reblocking-policy/>

⁴¹ This is clear from the following quote "This Policy has transversal implications and demands that City line departments responsible for informal settlements service provision, human settlements, storm water, roadways, community services, greening the environment, spatial design, zoning, fire and safety education, urban renewal and environmental health are involved in its implementation" (City of Cape Town, 2013, p. 8)

⁴² See Section 5, pages 7 – 11 of The Proactive Re-blocking of Informal Settlements policy 13282 (City of Cape Town, 2013)

and external representatives on it and will ensure coordination and facilitation of the project (City of Cape Town, 2013).

The first re-blocking projects were initiated by the SDI/FEDUP alliance in Cape Town in Sheffield Road and Joe Slovo while the Mtshini Wam project was the first one done with the alliance and the City. It is seen as a successful project⁴³ and since the re-blocking, the settlements have received additional services such as electricity and improved stormwater runoff solutions.



Figure 2: Sheffield Road Courtyard after re-blocking by the community

Source: <http://sasdialliance.org.za/city-of-cape-town-adopts-reblocking-policy/>

FEDUP has promoted their approach with other municipalities where their communities are in need of re-blocking and more recently are engaging with the Nelson Mandela Bay Metropolitan Municipality (NMBMM) to achieve a similar outcome to the City of Cape Town⁴⁴. To date, the settlements of Seaview and Moeggesukkel have been enumerated, are busy saving and are drafting local plans while the NMBMM has shown an interest in supporting these initiatives. Similarly, in Johannesburg the SDI/FEDUP/CORC alliance supported a community in Ruimsig to undertake re-blocking⁴⁵. It involved the partnership of many actors including the City of Johannesburg and adjacent Mogale City, the Ruimsig development committee, the University of Johannesburg (UJ) students 26'10 South Architects and the Goethe Institute. Funds were raised from the community and the Goethe Institute funded the architects' professional fees and a total of R341 000 was raised for the 96 shacks to be re-blocked. It is a well located settlement but some shelters were built in the wetlands and these were the focus of the first phase of the re-blocking. In an interview with the Mayor, Mr Parks Tau, he indicated that this is an innovative project that will be rolled out in other informal settlements⁴⁶

Hence, re-blocking began as a community-driven initiative through SDI/FEDUP with support from development NGOs and has grown into an institutionalised policy within one of the large

⁴³ As noted in on <http://sasdialliance.org.za/city-of-cape-town-adopts-reblocking-policy/>

⁴⁴ See <http://sasdialliance.org.za/moeggesukkel-community-in-port-elizabeth-maps-out-settlement/>

⁴⁵ See <http://sasdialliance.org.za/projects/ruimsig/>

⁴⁶ See interview by Nick Mitchell, 27 October 2014 <http://cities-today.com/interview-with-mpho-franklyn-parks-tau-mayor-of-johannesburg/>

metropolitan municipalities in South Africa and is gaining acceptance in others, indicating an evolution towards incremental, community-driven, *in-situ*, upgrading approaches being implemented by municipalities.

VPUU Upgrading Programme

Another innovative approach to improving low income areas, including informal settlement upgrading is that developed by the Violence Prevention Through Urban Upgrading (VPUU) Programme. While it is a holistic programme, it has been applied to informal settlement upgrading and offers many innovations ranging from enumeration and community survey, community mapping and tenure security evidence through certificates of occupation.

The VPUU Programme is a partnership approach that was initially set up between the City of Cape Town, the German Development Bank and the Khayelitsha Development Forum but later extended to include the Western Cape Government, National Treasury and other NGOs and CBOs (VPUU, undated, p. 7). It is implemented by Sustainable Urban Neighbourhood Development Pty Ltd (SUN) and commenced in 2005. While its model is to use safety as a public good and creating safe spaces, its goals are focused on upgrading, strengthening community structures, improving livelihoods of residents and trying to mainstream the approach into government. It has a strong focus on sustainability, leading to an emphasis on community development and improving quality of life, which is compromised by low levels of safety and security. The VPUU Programme has a clear methodology which begins with understanding the current situation by doing a Baseline Survey followed by a prioritisation process with the community. From this a strategy is developed which identifies interventions and these are then undertaken using local resources as much as possible⁴⁷.

The VPUU applied its methodology to Monwabisi Park in Khayelitsha as its first foray into mainstreaming the approach in informal settlements, in particular an area that will be upgraded *in situ*. Monwabisi Park is a large informal settlement of approximately 25 000 residents (VPUU, undated, p. 189) in Khayelitsha on the Cape Flats. In 2005, it established community structures headed up by the SNAC⁴⁸ and developed a Community Action Plan (CAP) that was signed by the City Mayor. The baseline survey was completed in 2009 but there was a need to do more detailed enumeration so the City could incorporate it into their Informal Settlement Data Base (VPUU, undated, p. 189).

The enumeration process was carried out in a number of steps and included training of community volunteers, numbering of structures and getting their geo-location using GPS devices, undertaking the enumeration survey of all households, verifying the data and dealing with any conflicts through mediation using community leaders and lastly data management and re-enforcement of administrative tenure recognition (VPUU, undated, p. 189;190). This process took many months and a detailed plan of the area was developed called a Spatial Restructuring Plan (SRP) that formed the basis of engagements with the City. The SRP was based on superblocks and neighbourhood blocks which were defined by access routes and pathways with flexibility internally to allow for re-blocking in the future, should it be

⁴⁷ See VPUU website: <http://www.vpuu.org.za/page.php?page=2>

⁴⁸ SNAC is a Safe Node Area Committee

necessary. It has enabled utilities such as Eskom to extend services along the main roads and to households and was the basis for engaging with the City to provide residents with Certificates of Tenure (VPUU, undated, p. 194;195).

Incorporation of this area into the City's planning system and formalising the area through formal, legal development laws was a next step that has proven more difficult. However, there was agreement that the area could be zoned as Single Residential 2⁴⁹ in terms of the City's Integrated Zoning Scheme but the land development route was still to be negotiated along with the standard of services as many of the roads were not to the City's conventional service standards. With support from Urban LandMark, discussions were held with the City to agree the land development procedures and the possibility of including 'block rules' for urban and land use management (Urban LandMark, p. 3).

More examples of innovations in land use management approaches are outlined below.

Land Use Management Approaches – The City of Johannesburg's Regularisation Programme

The examples above have made initial upgrading interventions largely "outside" of the formal town planning regulatory frameworks (land use regulation and land development procedures) as the emphasis was not on providing formalised land use management and regulation or initiating development interventions through formal land development laws.

One of the key constraints to informal settlement upgrading in South Africa has been the inability to extend services or other municipal or state services onto un-proclaimed or to settlements that are 'illegal'. Additionally, many informal settlements have insecure tenure and occupants live under the threat of removal. To address both these important issues, the City of Johannesburg developed an approach called "**Regularisation**". This term was used to distinguish it from 'formalisation' or the conventional, formal land development process, mainly because it was intended to officially recognise and declare settlements suitable for this incremental approach. It focused on the regularisation of the land use by securing the land status through the designation of informal settlements that are suitable for *in situ* upgrading as areas called "**Transitional Residential Settlement Area**" (TRSA) in terms of the Zoning Scheme for the area. The land use of the informal settlement would no longer be illegal and the City service departments could proceed with servicing and other investments to unlock upgrading. It therefore had its origins in a land use regulatory approach. It was a city-wide approach and located within a wider City Upgrading and Formalisation Programme. This wider programme had already identified all informal settlements and categorised them according to their ability to be upgraded or relocated.

In a report to the Mayoral Committee in April 2008, the Department of Development Planning and Urban Management (DP&UM) of the City explained that "*The concept behind the approach is to bring previously-excluded informal settlements into the City's regulatory frameworks and afford residents in them certain rights in land and access to services while*

⁴⁹ Single Residential 2 is a zoning category that is tailored for incremental development and can apply before formal land development procedures are undertaken. It provides flexible land use conditions such as livelihood activities on the residential site and the non-applicability of building regulations while an informal shelter is on the site.

proceeding on a trajectory towards full integration and development as sustainable suburbs of the City.” (City of Johannesburg, 2008, p. 4)

The mechanism that was used was to introduce a definition of a TRSA across 13 Town Planning Schemes in the City (where the settlements were located) and to include Scheme clauses that would set out the “rules” that apply in those areas (City of Johannesburg, 2008, p. 4). Through this general Scheme Amendment, land portions where regularised settlements were located were listed and designated as TRSAs, enabling the provisions to apply.

This was formally gazetted in the Provincial Gazette 1059 on 24 June 2009 as Amendment Scheme A9999, leading to the declaration of 25 land portions as TRSAs (Provincial Gazette, 2009). This Amendment Scheme approach is very innovative and extends beyond planning interventions to include tenure security and reduced building standards. In summary, it includes:

- A basic layout plan (a spatial plan to guide the installation of infrastructure; and for the location of social and community facilities; as well as a spatial record of structures and land uses and a street address for the site);
- A means to identify households and sites and record their presence (through a survey and a register of households);
- Incremental building controls (building materials and density regulation for health and safety);
- Incremental land use regulations that would apply once the settlement had an approved basic layout plan. These land use regulations began to introduce procedures for applying for economic land uses (for example, trading sites and taverns), for buildings higher than one storey, and for new structures to be built;
- Blanket tenure which could be upgraded by the issuing the occupier with an “occupation permit for a residential unit” (Abrahams, unpublished).

Institutionally, this Regularisation Programme was driven by the City’s Department of Development Planning and Urban Management (DP&UM) which set up a small Regularisation Unit for this, with implementation oversight by a Steering Committee that had high level support of the Executive Mayor and answered directly to him. All the respective City departments and utility companies were part of the Steering Committee (Harrison, 2009, p. 22). Important to this approach was the attempt by the DP&UM to get regularised settlements integrated into the administration of the City, despite them not being formally proclaimed areas.

However, when the funding for the Informal Settlement Unit was finished and following changes to the Departmental structures and the transfer of the regularisation approach to the Human Settlements Department, the initiative is on the back burner (Urban LandMark, 2013, p. 2). Notwithstanding the incomplete implementation, there are significant lessons that can be learnt from this ground breaking Regularisation approach, including:

- It took a programmatic approach;
- It had high level political support;

- It created integrated, inter-departmental institutional structures and an implementation Unit;
- It incorporated a strong incremental approach to planning, land development, land use management and regulation, buildings and tenure security and **does not** rely on the formal township establishment (formal development) procedures which can be protracted and expensive;
- It unlocked a range of development activities through the declaration of the area as a TRSA – i.e. by giving the area a legal status;
- It allowed for basic services to be legally provided by the municipality and its service entities;
- It can be used for *in situ* upgrading and site and services or any informal settlement that will remain for a long time before being relocated (Abrahams, 2013, pp. 25-30).

Importantly, this programme does lend itself to upscaling and in fact is an up-scaling approach, as multiple areas can be proclaimed as TRSAs and the rules applied simultaneously to provide a framework for individual upgrading projects.

The approach was highly innovative and in fact ground-breaking as no other municipality in South Africa had or has since tried anything like this. In essence, it used the conventional town planning instruments of land use regulation and innovated within it.

Tenure Security approaches

Providing tenure security has been an important element of informal settlement upgrading projects internationally and has been an explicit goal of organisations such as UN Habitat, Slum/Shack Dwellers International and Cities Alliance (World Bank, 2003, p. 8). It has been argued as the key to settlement and housing consolidation by protagonists such as Turner (Turner, 1972) and de Soto (de Soto, 1986)

Internationally, there have been policy shifts away from large-scale titling approaches and providing formally registered land parcels towards programmes that give occupants tenure security (World Bank, 2003). Early projects implemented by the World Bank and other agencies tended to focus on the formal legalisation of title, hoping that this will ‘unlock’ capital (de Soto approach), give occupants access to credit and allow municipalities to generate income from rates and taxes (World Bank, 2003, pp. 8,9). Other approaches turned to developing more simplified legal procedures and forms of tenure where for example, cadastral standards are lowered or blanket rights are given to occupants rather than title deeds.

However, the more recent shift is towards providing tenure security, not through title deeds or formally registered rights, but through removing the threat of forced settlement removal and providing services and other upgrading interventions (World Bank, 2003, pp. 10,11) that provide tenure security. More recent studies are concluding that titling programmes have many constraints not least of all that it does not ‘unleash capital’ for the poor, they do not improve access to credit, that they involve lengthy legal and administrative procedures (World Bank, forthcoming, 2016) and they can result in enhanced property values, forcing the very poor out of the area.

South African upgrading approaches have mirrored these earlier trends to some extent and housing policies for the poor have an emphasis on delivering individual title deeds to beneficiaries. South Africa has few examples of programmes that are based on the later ‘tenure security’ approaches rather than the conventional formal titling approach. As this has been the dominant approach, programmes that directly tackle tenure security in a more innovative or explicit way, are difficult to find. However, there have been several academic and practical contributions to alternative means of securing tenure and the UISP programme does, in fact, suggest alternative forms of tenure for beneficiaries (National Department of Human Settlements, 2009, p. 38), albeit formal forms such as leases or loans of the site. The NUSP has taken the Housing Code guideline further in their training materials by elaborating more of a tenure security approach, influenced largely by advocates of such an approach, including Urban LandMark, LEAP, SERI and others.

Urban LandMark Tenure security research and advocacy division developed an approach to incrementally securing tenure in informal settlement upgrading (Smit & Abrahams, 2010). It is innovative in that it builds on many concepts from both the advocates of titling and tenure security camps but tries to incorporate elements of both approaches (Smit & Abrahams, 2010, p. 10). Royston elaborates the approach in several more publications (Royston L. , 2013, pp. 47-72) (Royston & Durand-Lasserve, 2012). The incremental approach is based on concepts such as:

- Tenure security along a continuum from insecure to very secure (formal) tenure;
- Incremental tenure;
- Passive and active tenure security
- Official recognition of tenure – legal and administrative mechanisms;
- Building on local land tenure practices and opening up many routes to tenure security (Smit & Abrahams, 2010);

The approach that it advocates is set out in a number of steps linked to the upgrading developmental process:

Step 0: Pre-Planning: the municipality to develop a programme approach to upgrading with institutional support

Step 1: Administrative Recognition: Municipal intervention in the informal settlement starting with engagement with the community to understand “what exists” as well as physical, planning, land legal and infrastructure scoping. Investigating local tenure relationships (how land is accessed, held and transacted by the community) is an important part of this. Tenure recognition through administrative means is provided during this stage and can include mapping, enumeration and recording of households in a local register or list, issuing an occupation letter or certificate as evidence of tenure (optional) and providing emergency infrastructure services;

Step 2: Legal Recognition: Where settlements are to be upgraded *in situ*, some form of legal recognition should be provided to unlock further developmental interventions. This can be through land use management or rezoning approaches (see section above) that legalise the land

use and provide a set of planning, management and development rules for the settlement. The example of the declaration of Transitional Residential Settlement Areas used by the City of Johannesburg is cited as a good example of legal recognition (Smit & Abrahams, 2010, p. 18;23).

Step 3: Development Regulation: These are interventions that consolidate the development process prior to a formal, regulated land development process is initiated and can include basic layout planning, block or individual site design, providing street addresses, installing higher levels of services (basic services), developing more secure forms of tenure evidence (e.g. leases), maintenance of the local register and introducing land use management rules to promote health and safety and setting up a local land office to facilitate development.

Step 4: Township Establishment: This is the initiation of the formal, legal development process (Smit & Abrahams, 2010, p. 30) that can lead to the issuing of individual title deeds, and is seen as a goal of the community and the authorities.

This approach has influenced upgrading programmes and approaches and is incorporated into the NUSP training material (National Upgrading Support Programme and Shisaka, 2013) and also into the KZN Informal Settlement Upgrading Strategy (Project Preparation Trust, 2011).

So, while international approaches are moving away from large-scale programmes focused on titling, in South Africa it is difficult to abandon the end goal of issuing title deeds to beneficiaries within the context of the national housing subsidy policy and the need to address the restrictions on land ownership by Africans under apartheid. However, this incremental approach provides tenure security until such time as this end stage is reached.

Tenure Evidence

In order to enhance tenure security, many informal communities, often assisted by local NGO/CBOs have been able to obtain local forms of tenure evidence. There are several innovations in this regard in South Africa, some which have government endorsement and others that are locally legitimate. These include forms of evidence such as:

A **Certificate of Occupation** issued by the municipality or the Provincial Administration: this has been proposed in the City of Johannesburg's regularisation approach but has been implemented by the City of Cape Town in several instances. The issuing of Certificates has been built into their Proactive Re-blocking Policy (City of Cape Town, 2013) and the Greater Kei Local Municipality has also issued Occupation Certificates to residents in the iCwili settlement (Afesis-corplan, 2012, p. 39) (Kabane, 2012, p. 38). VPUU proposed Certificates for the in situ upgrading of Monwabisi Park (VPUU, undated, p. 189)

In a scoping study on local land registration practices, Urban LandMark identified several local practices that provided evidence of tenure security (Royston & Rubin, 2008, p. 7):

- In Folweni settlement in KZN, evidence was provided unofficially by letters from the Councillors or sales receipts after the register and official Permission to Occupy certificates fell into disuse;

- In Kennedy Road in Durban the community kept a register of occupants and transactions. The painted numbers on the shacks also add to tenure security and transactions are locally witnessed;
- Motola Heights in Durban is an example of a register maintained by the eThekweni Municipality;

In terms of a tenure approach that provides less complex, yet formal forms of tenure evidence, historically, South Africa has seen some innovation. The provisions in the Development Facilitation Act 67 of 1995 (DFA) for a “Registration Arrangement” and “**Initial Ownership**”⁵⁰ come to mind. These were seen as upgradeable tenure solutions that did not initially have to comply with the onerous provisions in the Land Survey Act 1927 and the Deeds Registries Act 1937. Importantly, Initial Ownership represented a breakthrough in being able access mortgage finance without having full title deeds. A registration arrangement relies on qualified professional land surveyors and conveyancers certifying that beacons are located in a way that will not prevent a general plan being approved in the future and that a register conforming to the requirements of the Deeds Registry is also possible in the future (Republic of South Africa, 1995, pp. 70, 72). Initial ownership provides a certificate to the owner as an interim step before the full title deed is registered. Initial ownership confers several rights to the holder including the right to occupy and obtain a mortgage and the right to sell and the right to convert it to full ownership (The Republic of South Africa, 1995, pp. 72, 73). This approach did not really take off and the DFA was later repealed when SPLUMA was promulgated, but it represents an incremental approach to formal land tenure and was innovative

4.2 Infrastructure

In conventional upgrading projects, infrastructure is generally delivered using the standards and norms set at the city-scale. Each department involved in infrastructure, from education and health to roads and water, have norms and standards which can be applied - some of which are recommended by the plans and others which are based on departmental designs.

These norms and standards, while important for ensuring that communities receive tested and reliable infrastructure, can often hamper *in situ* upgrading projects. These approaches tend to require de-densification and sufficient bulk capacity for conventional implementation. These approaches tend not to utilise principles of sustainability, allow for alternative technologies, or create local jobs. This review identified three core areas where innovation in terms of service delivery is apparent. These include: off the grid technologies, quality shared services, and joint livelihood-service delivery programmes.

Off the grid

Innovations which seek to use localised infrastructure and do not rely on networked systems represent an innovation and at times these solutions offer opportunities to work incrementally. The innovations are not constrained by conventional infrastructure or non-conventional settlement layouts. The following innovations are but a few of the recent technologies which have sought to move from prototype phase, to integration with communities and local practices.

⁵⁰ See sections 60 and 61 of the DFA

These technologies might not be exactly ‘right’ for all contexts but demonstrate some of the possibilities.

- **Solar power** (I-shack): Modular home electricity system on fee-for-use basis. The model currently serves 1500 clients in an informal settlement in Stellenbosch. An interesting innovation to get this working was that the NGO supporting the project has to work to amend the Indigent Policy so that the grant could be used for anyone living in a shack (simplified screening process) and so that the service subsidy could be used for off-grid provision (the Sustainability Institute had to bid on this in open tender).
- **Waste processing** (Bokashi food waste processing): The community of 80 residents built and operated a digester to address compost-making in the community. This had the additional benefit of lowering the amount of trash in the settlement.
- **Toilet** (water-less experiment): A unique water-less toilet was tested in Enkanini. It is shared by five neighbours who came together through self-organisation. The health and community education officers (employed by City) and the caretaker appointed by the City for daily management (they are paid by the City) form part of the pilot institutional structure.
- **Recycling co-op**: In Hout Bay’s largest informal settlements (IY) there is a group of local entrepreneurs who have established a recycling cooperative. Given the difficulty of getting big trucks down the narrow lanes, they go house by house collecting from fee paying residents. They receive no money from government and have only received land they operate their sorting operations on. With very little support they serve a very important function.
- **Footpaths**: in the VPUU upgrade, it was negotiated that footpaths could be considered roads (given that most people used walking as a dominate mode of suburban travel).

High quality public services

The idea of providing shared services in informal settlements is neither new nor creative. However, the idea of providing shared services which are high quality and form part of urban ‘place-making’ is very innovative and stands in contrast to the perceived need to jump from no-services to individual full services in one go. In line with the need for more incremental development, this section looks at a number of examples of how shared services have been used.

- **Shared service blocks**: there are a number of cases where services, such as sanitation and water, have been delivered through the use of shared ablution blocks. Efforts in Durban represent the largest scale example. In Durban prefabricated toilet blocks (containers) as well as the repair of defunct blocks formed part of a 350 block project – representing an effort between Health, Sanitation and Housing Departments in the municipality and utilising the USDG funding. In the Western Cape, a similar effort was made in Langrug to create a shared shower, washing, and toilet facility for the community.
- **Place-making public realm interventions**: there are two important examples where the focus of improvement has been on the creation of a high quality public sphere. These interventions are very innovative, standing in contrast to the usual focus on

housing and lack of attention to the making of the public urban fabric. There two examples include the Violence Prevention through Urban Upgrading's (VPUU) approach to the development of high quality and safety focused investments in nodes, roads, footpaths, active boxes, libraries and similar shared infrastructure. Similarly, the Dignified Places Dignified Spaces programme undertaken in the City of Cape Town also aimed to develop areas with a focus on public space. The former learned from the latter and represents the most involved and dedicated approach to investment in the making of high quality public realms in informal settlements.

Livelihood creation

Within conventional systems, infrastructure services are either taken care of by households themselves or contracted out to large scale service-providers. There is a growing recognition that within incrementally developing informal settlements there is a joint need for meaningful job creation at the local level, and models of service delivery which can work with the fine grained semi/informal fabric of settlements. Within all of the above local level service approaches, there are opportunities for local livelihood production – meaningful employment through providing essential services. There are a number of innovations in the way the state can work to support and scale up livelihoods as part of upgrading generally and service provision, management, and maintenance specifically.

- **In-kind support:** the case of Hout Bay informal settlement as well as others shows that there are ways in which the state can support the existing livelihoods of informal settlement entrepreneurs by providing them with land or other in-kind benefits. During upgrading, the state should seek to understand the informal provision dynamics and design to support these processes.
- **EPWP/CWP:** Many of the above projects required that the state pay people to perform services in the community. Participation in EPWP and CWP has grown significantly in South Africa with over 1 million people having participated in the EPWP as at 2008 (Meth, 2011) and approximately 90000 participants in the CWP as at 2011 (MoF, 2012), providing important income-generating opportunities for the poor.

There are numerous examples of innovations in terms of technologies (see for example, the Western Cape Better Living Challenge entries). However, few take into account innovations which speak to the integration of innovative technologies within communities. The cases we focus on are cases where the innovation has actually been tested in a community.

There are surely many other cases which represent more incremental change – wherein a community, engineers, and city departments negotiate the standards for a settlement (such as the VPUU case). Unfortunately, these cases are not well documented and thus do not feature heavily in this review.

4.3 Top structures

From many perspectives (social, political, economic, environmental and community.) a shack is not an acceptable standard of housing. However, there is an increasing realisation that it is not feasible or desirable for the state to provide a 40m² house, free of cost to households. As Foster and Gardener (2014) note that *'The outcome of the state-dominant approach is that it can limit households and communities from playing a meaningful role in shelter development'* (pg 39). There is a need for interventions which sit between these extremes (i.e. harness households' own contributions to their housing). This section includes four types of innovations which seek to experiment with alternatives including demand-side instruments, market developments (facilitation), partial housing improvement, and vertical consolidation (to address the challenges of density).

Demand-side instruments

Over the years, many initiatives have been developed which seek to enable households to fund the construction of their home incrementally using instruments which support their effective demand.

- **Savings:** Savings practices are often linked to community processes (rather than individual households). Two examples are the Federation of the Urban Poor (FEDUP) / Utshani Fund (which forms part of the SDI suite of interventions) and the more home grown Stokvels (Foster and Gardener, 2014). Both of these are essentially collective lending programmes which link to community savings schemes which have very low interest rates or no interest rates.
- **Finance:** On the finance side, there have been a range of good practice innovations which have sought to provide micro-finance to households. The best known example is the Kuyassa Fund. A more recent example is LendCore. Both offer medium size loans (approximately R5 000) to households for incremental construction (Foster and Gardener, 2014). Lendcor has also produced a 'Builders Handbook' which is available to clients to assist them in the home building process. In contrast Kuyassa undertakes rigorous screening and savings programmes but does not monitor or assist borrowers. Importantly, many material suppliers also offer credit directly to households.
- **Cash/vouchers subsidies:** The distribution of vouchers, while still placing the cost burden on the state, does not require the state to be involved in direct supply, thus allowing choice and the formation of a market for housing goods and services. In the early upgrading programmes of the 1990s, vouchers were given to households (for example in the Southern Pinetown, Zilweleni project). These vouchers could be used by beneficiaries to buy materials to develop their homes and were partially managed by a local NGO. Monitoring the use of these vouchers proved important as later efforts to use vouchers (in the form of the individual subsidy) showed that many households did often spend the money on non-housing expenses (Public Service Commission, 2003).

Market development

South Africa has a long history of assisted self-help and support for self-building (much of which is based on the PHP model). Self-building, in this context, does not mean that the household themselves must build the house, but that they are actively involved in the building

process. Many of the innovations in terms of building support were tested during the IDT phase or through PHP. Some important practices include:

- **Building support centres:** building support centres have been more consistently established and supported under the PHP. One of the most successful and well-documented cases is the upgrading of Masithembane People's Housing Association, Homeless and Squatters Housing Project (HOSHOP) and Sinako Ukuzenzele (Foster and Gardener, 2014). Housing Support Centres (HSCs) were often established, supported by staff members consisting of Construction Controllers (CCs) and Community Liaison Officers (CLOs) (NDHS, 2011). However, prior to this, the Urban Foundation established an advice centre to aid local residents with construction and in preparation for the last phase of their site and service projects.
- **Material mobilisation:** many of the Urban Foundation projects included the establishment of material yards (such as Inanada Newtown) or creating accounts at local material providers (e.g. Besters Camp). The case of the later, the Urban Foundation devised a computer programme consisting of the names of approved beneficiaries and the subsidy amount credited to them. Thereafter local hardware shops tendered to provide packages of basic materials and deliver them as close to sites as possible when called for. They had to allow for five such deliveries to each site. The materials would then be paid for monthly from the central fund and the allocation of each beneficiary reduced by the commensurate amount.
- **Training of local contractors:** a recent and useful case of training local contractors is the Development Action Group's efforts to capacitate and regularise small-scale builders at the suburban scale. There is no formal documentation on this process however it is regarded as a success by the organisation.

Partial house improvement

The provision of core housing components, or the direct supply of a part of the home, often forms part of an effective approach to ensure that basic standards of building exist in a settlement. This is usually coupled with a set of alternative building (non-NHBRC approved) regulations which support continued development of a basic standard for health and safety. In the City of Cape Town's BEPP it states '*Incremental housing cannot just comprise of a serviced site with "nothing" else*'. In South Africa, there have been many innovations in terms of core provision (Napier, 2002). Some examples:

- **Wet cores:** In some cases, the IDT model delivered only a wet core on a serviced site with the expectation that households would complete the house over time. More recently the Western Cape has tried to move towards an 'enhanced site and service' model asking local governments not to deliver full units, but instead only a site and an enclosed wet core. There are many variations on the wet core, including provision of slabs, party walls, and frames.
- **Improved shack:** Pilots such as the Green Shack, Empower-Shack, and the Inverted Box Rib (IBR) are examples of partially improved shacks. In all three cases, efforts are made to improve the quality of the shack structure with an eye on making them safer

and more habitable. The Empower-Shack seeks to address the issue of density by enabling double-storey construction. The Green Shack aims at creating a vertical garden on shack walls.

Densification – innovations in dealing with high density

Informal settlements are often very densely settled. The assumption that upgrading involves the enforcement of minimum plot-sizes has prompted ‘de-densification’ as part of upgrading efforts. Some innovations, however, have recognised the benefits of dense development and have sought to innovate housing structures to meet these needs. These innovations can be found in *in situ* upgrades as well as relocation upgrades. These efforts generally take the form of vertical consolidation or double-storey building. Interesting examples include:

- **N2 Gateway double-storey rollover upgrading:** shows that it is possible to develop to the full extent of the plot and provide semi-detached double storey units. This means that very little land is needed.
- **The Inverted Box Rib (“IBR”) double-storey structure:** shows that a durable double storey shack can be built which is resistant to fire. This can be developed even where formal housing delivery is impossible.
- **Alexandra Renewal Project (partial relocation):** shows that innovative measures can be taken to support informal rental. This includes producing units which are conjoined with rental units for non-qualifying households. In this case, the main unit is double storey and it is attached to two rental units.
- **Du Noon double storey self-build:** shows that individual households are willing to invest in the development of plots if there is high demand for rental housing. However, without state support, incremental development of more than two floors is not viable (McGaffin et al, 2014)
- **Fleurhof IRDP:** shows that it is possible to use existing top structure subsidies to develop sectional title houses. Sectional title allows for multi-story development (Cirolia, 2013)

These cases show that it is possible to embrace density and utilise creative housing designs to support informal settlement upgrading.

The majority of the documentation on incremental house development in South Africa is focussed on efforts which are in some way attached to the People’s Housing Process (PHP). The lessons from these projects are useful and certainly have application in upgrading cases. The challenge, however, is that most PHP upgrading was more costly and time-intense than developer driven housing. These costs include the cost of the subsidy, the facilitation grant, and hidden subsidies which went into funding the support NGOs and FBOs. There is therefore a need to look at other innovations, especially those that take seriously the financial contribution of households to the building of their homes. These cases remain under-tested and under explored (not the least of which is due to the pervasiveness of the government housing subsidy programme).

Note: The section below is still to be worked on

4.4 Community Participation

In South Africa, the state and communities have often experienced tensions, marked by hostility, violence and mistrust (Holdt, 2011; CUFF, 2013). For example, the majority of court judgments taken against the state have not centred on the failure of the government to deliver services but rather on how it engages with its constituency in communicating with and involving them in issues that affect their livelihoods⁵¹.

This hostility, coupled with ‘tick box engagements’ and the mounting pressure of so called service delivery protests have often hindered efforts to upgrade and to enact more incremental and participatory approaches. However, there have been many innovations which demonstrate the possibilities and opportunities of ‘good’ participatory approaches.

Utilise innovative communication techniques

- Broadcast on radio – Supported by CDE who were pioneering a strategic communication in a pilot with Planact did broadcasts on radio on key topics in an informal settlement in eMahlaheni to inform and empower communities and authorities (Centre for Development and Enterprise, 2013, p. 4). This included a series of one-hour shows over four weeks, entitled ‘Know your community, know your rights’.

Overcoming disputes and conflicts

- Dispute resolution: Need a local level forum to address dispute resolution. Freedom Park (see page 122 of Foster and Gardener). Often use elders and respected community members (also see VPUU approach)
- Overcoming NIMBYism and opposition of surrounding communities (SPLUMA is a key innovation here – DAG also shows that through negotiation with surrounding communities and assurance that settlements will receive support and appropriate design this can be overcome (see case of Marconi Beam). Spring Valley strategic communication and radio broadcasts also helped in this regard

Local government accountability (area based approaches?)

- The Ward Key Performance Indicators Matrix is designed for use by ward committees or civil society to hold councils accountable for performance and to provide municipalities with a reliable, structured form of feedback on municipal performance. The NGO Planact uses this model in their local governance programme which focuses on service delivery in the City of Johannesburg (Makwela, personal communication, cited in Kitchin, 2011), in particular with community-based organisations in Orlando East and Noordgesig, in Soweto. In this process they have tried to organise the community in a different way from the ward system, expanding the public participation process by creating Community Development Committees (CDCs).
- SJC – social auditing of toilets process

Tendering – Building NGOs into projects teams, amending tendering processes to support this:

- NUSP – creating socio-technical teams (requiring bids from engineering firms to include social actors)

⁵¹ As it applies to the requirements for meaningful participation.

- Western Cape Govt – hiring SDI/CORC to undertake scaled enumeration project (cant remember how many settlements, but I think 70)

Organising the community: establishing the partners and the partnerships

- Community must establish structures. In case of Marconi Beam, the SANCO branch was weak so a Community Trust was established. In VPUU, they use the Appoint SNAC to represent the community – SNAC then partners with VPUU and SUN Development. In many other cases a Project Steering Team is set up. It is important to note that this team may or may not be made up of democratically elected people. There is no current research as to the best way to identify people – DAG suggests going for appointed people who might be less charismatic, but better in the boardroom.

Once this community structure is established, it is possible to create partnership:

- o Between community and state intermediary support
- o Between community and state with some form of intermediary support

Section 5: Challenges to Scaling Up

Many of the above projects and approaches that have been described so far in this report were not implemented in full or were not assessed following their implementation. It is therefore difficult to assess the impact which they will have or create a clear normative framework for 'best local practices'.

Compounding this is the fact that informal settlements are all different and approaches show a wide variety of interventions, as Khalifa notes from the experiences of upgrading programmes in Egypt, "*There is no successful sole mode of intervention in informal settlements upgrading projects. Modes of intervention vary between provision of services, sectorial upgrading, planning and partial adjustment, on-site redevelopment and relocation of dwellers. Each mode is appropriate under the particular physical, socioeconomic and environmental conditions that are found in or affecting the respective informal settlement* (Khalifa, 2015, p. 1157;8) and that "*The pilot projects that have been implemented so far constitute only demonstration cases with no institutionalizing mechanisms to ensure replicability and scaling up of such experience in the strategy of governmental institutions.*" (Khalifa, 2015, p. 1158).

However, presuming that many of these South African practices are instructive, it is imperative to try to understand more generally why these practices were not implemented in full or have been scaled up. Each case and project is unique, however, there are some similar trends which appear to have hindered their ability to be scaled or replicated.

5.1 Resource heaviness

Incremental upgrading innovations and best practices tend to be more resource heavy than their conventional upgrading counterpart. Many of the upgrading initiatives reviewed as part of this project were costly, requiring NGOs, communities, and officials to dedicate substantial time, energy and resources. In addition, many did not yield constituent results which could justify this investment (often due to the only partial implementation of the project or the lack of tracking of progress and impact). The following were identified by Foster and Gardener (2014) as critical reasons why more holistic upgrading has not been embraced. These findings reinforce the findings from this study and include:

- **Time:** Upgrading projects take a long time. Foster and Gardener write 'It is widely acknowledged that UISP projects are likely to take between five and seven years to implement, often a few years longer than more traditional approaches. Therefore, many provinces rather adopt implementation methodologies that are perceived to be quicker (such as rollover or relocation) in order that delivery targets may be reached.'
- **Capacity:** Foster and Gardener write 'The *in situ* method is necessarily hands-on, and requires constant, proper engagement with communities to be successful.' It is important to recognise that this approach requires ongoing complex decision-making. It is also important to recognise that working hands-on with communities is a hard process. There are often challenging local level dynamics which play out during and through the upgrading process.

- **Money:** phased approaches tend to be more costly than conventional upgrading. Foster and Gardener (2014) write ‘This in turn supports the adoption of ‘greenfields’ implementation methodologies such as relocation and rollover development, as it is easier to deliver serviced sites plus houses (with highly regulated standards and tight budgets) in this standardised, often faster and cheaper way.’ In addition, UISP is unable to cover most facilitation and planning work, especially as it is a capital subsidy and the ongoing intensive support that is required is not part of the subsidy. NUSP has been working to fund these gaps.
- **Hidden subsidies:** Upgrading often has hidden subsidies – such as the time spent by NGOs which receive operational funding from donors or by poor people themselves to participate. These hidden subsidies often make expansion difficult and are not sustainable to replicate.

5.2 Lack of real commitment to incremental upgrading

Despite rhetorical commitment and a national upgrading programme, by and large, there remains discomfort with upgrading. This is particularly the case given inability to control the outcome or be sure that the outcome is perceived as ‘adequate’. The fact that many of the innovations documented here operate outside of conventional processes and on a small scale is a reflection of this. The following challenges are faced by various actors:

- **Officials:** Officials often do not feel that upgrading products are adequate. This has discouraged investment in the designing of alternatives. Officials often view *in situ* upgrading as wasteful of resources as services have to be upgraded and so twice the effort and higher cost is involved. There is resistance to deviating from service standards set out in guidance documents such as the Red Book because the maintenance costs are higher and the municipality has to be responsible for services.
- **Politicians:** Many politicians use the allocation of housing as a source of political patronage and to demonstrate their commitment to the poor. This is clear at national level with Minister Sisulu’s commitment to deliver 1.5 million houses during the current term, as well as with at the local level wherein ward councillors make promises of housing delivery to their constituencies. Foster and Gardener (2014) write ‘*[t]he NDHS must take a firm stance on the in situ upgrading targeting of the UISP and specifically the “last resort, in exceptional circumstances” position on the use of UISP for projects that entail large-scale relocations and resettlement in greenfields developments. This will require strong political messaging at a national and provincial level, and will need to take into account the reasons why relocation and rollover approaches are favoured due to shortened implementation time frames and simplified implementation procedures.*’
- **Community:** Foster and Gardener (2014) write ‘*beneficiary communities may also resist UISP interventions if they are perceived as inferior to other housing delivery modalities. The two-decade reliance on fully subsidized house delivery creates a difficult precedent for UISP to overcome, especially in contexts where other communities are still benefiting from fully subsidized, greenfields houses*’

5.3 Framework limitations

There is still a lack of comfort with informality, incrementalism, and participatory processes. This is reflected in the lack of reformation and alignment of existing development frameworks. Some of these limitations are real, while others are perceived. Given the fear of non-compliance, perceived limitations are *de facto* limitations and disincentives creativity and innovations. Two critical areas where these limitations are important and which are identified by Foster and Gardener (2014) as well as a number of the cases in this review are:

- **Regulatory and planning:** Foster and Gardener (2014) write ‘These include town planning regulations, building standards and requirements for completing projects (such as NHBRC registrations).’ Additionally, we still do not have regulatory frameworks that accommodate incremental tenure upgrading;
- **Fiscal/grant instruments:** The Housing Code places limitations on how money can be spent and what can be developed. The rules and procedures require revisions. Two critical issues identified are the small allocations available for facilitation (3% of total grant) and the lack of tools which can address density (like multi storey construction). There is clearly a need to review the subsidy quanta as well as the instruments available for incremental development in contexts of informal settlements.

5.4 Lack of understanding/organisation among stakeholders

Upgrading requires that various stakeholders, which operate with different logics, timeframes, deliverables, understandings of the problem for example, work together.

- **State:** It is recognised that departments within the state struggle to understand one and other, complex community dynamics and the way in which the private sector functions. State actors have placed insufficient attention on trying to understand this, despite the rhetorical necessity of multi-stakeholder collaboration. They have also placed insufficient attention on understanding that informal settlements are part of the urban fabric, that they are suburbs albeit with different characteristics from conventional formal areas and that they represent city building initiatives;
- **Community:** Communities often fail to work effectively with the state. The state is facing particular constraints and challenges which are often ignored by communities. Communities that are insufficiently prepared to work with the state often create insurmountable challenges which halt or hinder upgrading processes.

Section 6: Preconditions to Scaling up Upgrading

This report is a desk-top scan of innovative practices with different elements of upgrading of informal settlements in South Africa. Some have been implemented by communities themselves, some with assistance and conceptualisation by NGOs or advocacy groups while some have been implemented by government itself. In many instances they are *ad hoc* initiatives, mainly project-based or pilot projects and at a relatively small scale. With the high rates of urbanisation, especially in our metropolitan and secondary cities, the growth of informal settlements is not keeping pace with government's ability to provide subsidised housing for the poor. Upgrading needs to be tackled at scale if any significant inroads into improving informal settlements are to be made.

South Africa is not alone in dealing with growing informality in cities and several countries in Latin America, Africa and Asia have tried a range of large-scale programmes to address upgrading, that we can learn from. Since the late 1990's to now, international attention has shifted towards addressing the scaling up of initiatives in these countries, many of them having their origins in support from the World Bank and other international aid and development agencies.

The previous section addressed lessons relating to the constraints to scaling up and this section is the flip-side of that as it looks at potential necessary pre-conditions in a country that can facilitate scaling up of informal settlement upgrading.

Political Will

As long ago as 1999, the World Bank (World Bank, 1999) was learning lessons from Latin America about scaling up upgrading and noted several important preconditions, the first being **'political will'**. While strong political commitment from government to upgrading is essential, they note that society also must show political will for upgrading. The Vietnam Urban Upgrading Project (VUUP) was launched in 2004 and because of its success, was influential in crafting the national Urban Upgrading Programme which institutionalised the approach of VUUP (World Bank, forthcoming, 2016, p. 23). While this national programme is hailed as very successful, it is noted recently that challenges still remain with changing mindsets and securing political will at local level (World Bank, forthcoming, 2016, p. 23). Hence, there needs to be broad acceptance for scaling up upgrading.

National and Local Policies and Programmes

Political will needs to be translated into policies, programmes and legal regulatory frameworks by government, based on needs in communities. The upgrading policy and programme is usually formulated at a national level, in a consultative way, to ensure a common framework and mechanisms that can be implemented at local level. UN Habitat notes that "*National governments must play a leading role in recognizing informal settlement/slum challenges. They can provide the enabling environment to develop and implement the appropriate policies and plans to trigger change and improvement for, and in partnership with, poor urban dwellers.*" (UNHabitat, 2015, p. 6). While national government involvement is essential they should also work actively with municipal governments because they have the capacity to convene and

connect key stakeholders, harness local knowledge, enact policies and plans and manage incremental infrastructure development.

An example of good practice in political will and policy formulation that is often quoted is that of the Chilean government's programmes including the Neighbourhood Recovery Programme (also known as "I love my Neighbourhood") that upgraded 200 neighbourhoods across the country⁵². This Programme illustrated the government's shift away from the physical upgrading of settlements towards one that reached out to the vulnerable communities and formulated a strategy with them⁵³. It is noted that this more empowering approach, driven by community organisations called Neighbourhood Development Councils has helped to reduce dependency created by the state's former housing subsidy policy⁵⁴. Based on this experience, Chilean government will formulate a new upgrading policy.

The UNHabitat noted that it is important that there is "*recognition of the informal settlement and slum challenge and the mainstreaming of human rights. Urban authorities that address the needs and rights of people living in informal settlements and slums through rights-based policy and integrated governance create more prosperous and sustainable urban contexts than those that take no action. The urban poor need to be treated as equal as other urban dwellers and their contribution – work, livelihood creation and taxes – recognized, just as their rights to infrastructure, basic services and adequate housing*" (UNHabitat, 2015, p. 6).

More recent World Bank studies show that many countries either see informal settlements as temporary phenomena or implement *ad hoc* projects without addressing underlying urban policies and institutional issues (World Bank, forthcoming, 2016, p. 11). So, **policies that address informal settlement upgrading within a context of wider urbanisation and form part of urban spatial and development policies are required**. In fact, studies show that successful programmes tend to combine area-based upgrading with cross-sector urban policy (World Bank, forthcoming, 2016, p. 12)

So a precondition for successful upscaling would be the ability of government to develop more holistic, integrated, national upgrading programmes that include informal settlements upgrading as part of the development strategies of the city/municipality. These should ensure that urban planning, legislation and financial arrangements link to institutional arrangements. Additionally, approaches that include all levels of government are critical to systematic and scaled up upgrading programmes, according to the UNHabitat report (UNHabitat, 2015, p. 7).

Related to the above, is the need for **cities** (municipalities) themselves to develop and implement integrated, city-wide approaches that include policy, planning, financing and regulations and capacity building (UNHabitat, 2015, p. 6) .

Capacity

Another important precondition, already observed back in 1999 (World Bank, 2003) is the need for a critical mass of local capabilities. This is significant when employing new participatory approaches, using alternative building technologies and with flexible planning standards as officials often only have skills suited to conventional development approaches. Hence, specialised skills and greater numbers of officials are generally needed to support the

⁵² See <http://www.citiesalliance.org/node/3414>

⁵³ See <http://www.citiesalliance.org/node/450>

⁵⁴ See <http://www.citiesalliance.org/node/3414>

implementation of participatory, *in situ*, upgrading programmes. Linked to this is the capacity needed at local, municipal level. The World Bank concluded (World Bank, forthcoming, 2016, p. 15) that local government alone does not have the scale to address the magnitude of housing need, especially smaller local municipalities. Even the Chilean example above has suffered from lack of local capacity.

At the level of implementation, it is important to have robust, standardised and computerised data collection, analysis and holding processes and systems. This should be undertaken at the local level and preferably also with the residents of informal settlements and the systems should be able to be linked to broader city, provincial and national systems and embedded in monitoring and evaluation systems (UNHabitat, 2015, p. 7). The community-driven approach by the Asian Coalition for Community Action Programme (ACCA) has developed an approach that builds local social cohesion and empowerment and its first step is to do city-wide surveys and mapping of settlements, illustrating the importance of this requirement (World Bank and Australian Aid, 2014, p. 9).

Scaled up housing and informal settlement programmes are essentially income-redistribution policies and so it requires national government to allocate resources to implement at scale (World Bank, forthcoming, 2016, p. 15). Internationally, the lessons learnt include that there must be appropriate and sustained levels of investment in upgrading programmes (UNHabitat, 2015, p. 7), including micro-finance for incremental house construction and provision of credit and incentives for private investment in informal settlement areas.

Regulatory Reform

Delivery of security of tenure often requires longer term legal reforms and so tends to get ignored, leaving programmes to be implemented within a cumbersome, lengthy and expensive land legal system. Approaches that focus on recognising tenure security rather than titling do lead to poor communities being incentivised to invest in their houses and businesses (World Bank, forthcoming, 2016, p. 16).

Institutional Requirements

While many countries have gone the route of establishing specialised agencies for informal settlement upgrading, these are more appropriate when local government is weak and can undermine municipal implementation once decentralisation is advanced or if strong local government exists (World Bank, forthcoming, 2016, p. 19). What is important is that integrated, scaled up approaches require mechanisms that ensure multi-sector and inter-agency co-ordination and strong institutional capacity. Where coordination is weak, where 'silo' culture prevails and where there is weak enforcement, scaled up approaches are less successful (World Bank, forthcoming, 2016, p. 19).

Peer Learning Platforms

While not a pre-condition to scaling up, it has been noted by both the World Bank (World Bank, forthcoming, 2016, p. 24) and Habitat (UNHabitat, 2015, p. 7), that learning continuously from projects, preferably through peer learning platforms will contribute towards effective national policies and programmes.

Section 7: The Way Forward

– to complete

6.1 Way Forward: Process with officials

- Identify practices which are innovative and munis want to scale
- Analyse challenges to scaling
- Create a multi-scale (national, prov, metro, community) programme for addressing challenges.

6.2 Conclusion and Take homes

- Scaled upgrading is possible, but challenging
- It requires pulling grounded innovations in conversation with clear institutional constraints

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