

beneficiaries rather than on facilitation of their efforts to make best use of it. Increasingly “traditional PHP” projects driven by communities have come to be replaced by “managed PHP” projects in which the role of the community is lessened – the reasons for this are twofold: municipalities see traditional community-driven PHP processes as being too long and too uncontrolled, and PHP projects are currently excluded from the R2479 savings requirement.

Rejection/lack of understanding of informality

Although policy recognizes the existence of informal settlements and there are a number of cities that are implementing or planning informal settlement upgrading programmes (most notably eThekweni Municipality in Durban), there is a general tendency to reject the permanence of informal settlements. For example, many provincial multi-year housing development plans refer to the eradication of informal settlements (Development Works, 2000a). The logic underlying these kinds of positions is that formal, programmed supply can deliver at sufficient rate and scale to deal with the backlog. A corollary of this view is that people must wait patiently until their names come up for a subsidized house. In addition, although valuable research has been undertaken on informal supply systems, informal supply systems are often ignored or rejected, instead of being built upon.

Uneven Land administration

Unplanned urbanisation took place on or close to the metropolitan fringes as well as in outlying areas. Often these places are situated in former bantustan, homeland or reserve areas (in communal areas), like the displaced settlements referred to previously. Although bantustans are now historical political and administrative entities, an administrative vacuum exists in many places. This is particularly the case with land administration. With the introduction of wall-to-wall municipal government since democracy, many administration functions are the responsibility of municipalities. However, many municipalities still lack the capacity to perform them, particularly where there was not a local government administration in place previously, which is the case with former homeland areas. A lack of land administration is also evident in informally urbanised areas. Being unsanctioned, these places are not included in the formal, regulated system of governance. As a result, land administration systems, among other functions, do not reach them. Land allocation, land use management, development facilitation, property taxation and valuation, recording of land parcels and rights and dispute resolution are among the land administration functions that are not formally performed. Not enough is known about how these functions are unofficially performed in urban informal environments, although much more is known about how things work in communal areas.

5. CONCLUSION

The urban land sector is a complex set of formal and informal processes and organisations that cut across a number of other sectors. As highlighted in the previous chapter, there are a vast range of issues that need to be engaged with, but the most important policy and knowledge gaps can be grouped into two clusters: policy/programme gaps and lack of knowledge of informal processes.

Policy/programme gaps

Major gaps in terms of policies and programmes relating to urban land include the following:

- Municipalities need to have integrated land strategies to assess the land needs of the urban poor, to identify suitable vacant land, and to begin acquiring this land through purchase, expropriation and land swaps. Funding programmes and land development procedures need to be amended so that sufficient suitable land can be released and developed for the urban landless poor. An urban land reform

approach, including a land redistribution component, needs to be developed to contribute towards greater integration and equity in urban areas.

- The Housing Subsidy Scheme, which is the main programme for the delivery of land, infrastructure and housing to the urban poor, needs to be more integrated with other aspects of social and economic development, in order to ensure that delivery supports sustainable livelihoods and contributes to poverty alleviation; the Integrated Development Planning process is essential for ensuring this.
- There needs to be a policy on informal settlement upgrading: Informal settlement upgrading is a way to provide security of tenure to urban poor households with minimum disruption of their social and economic networks. Municipalities that want to upgrade informal settlements often have to set aside their own funds for this, as the Housing Subsidy Scheme does not allow for phased, incremental development, which is usually necessary for *in situ* upgrading.
- Existing tenure options need to be improved (for example, strengthening and securing rights in communal ownership) and alternative tenure options need to be investigated if necessary (especially an alternative to individual ownership, other than the existing social housing tenure options). In particular, there is a lack of a flexible, incremental tenure option suitable for the incremental upgrading of informal settlements (although “beneficial occupation” in terms of the Development Facilitation Act has been used in the eThekweni Municipality’s informal settlement upgrading programme and rent-to-buy has been used in the City of Johannesburg’s informal settlement upgrading programme, and variations of both of these have been proposed for the City of Cape Town’s informal settlement upgrading programme). If necessary, suitable tenure options other than individual ownership need to be developed – appropriate tenure forms in rural areas need to be investigated for potential lessons, especially with regards to less formal interim tenure options suitable for the initial stages of informal settlement upgrading.
- Strategies for facilitating the provision of affordable and appropriate rental housing need to be developed; although there have been proposals for ways of encouraging private sector rental accommodation (e.g. tax benefits), encouraging property owners need to be encouraged to upgrade backyard rental accommodation (e.g. through better access to credit) and facilitating easier access to arbitration of rental disputes (e.g. Gilbert, 2003, and Watson et al., 1994), there has in practice been neglect of private rental as a suitable option for the urban poor.
- There needs to be a strategy to deal with the enormous backlog of unregistered and conflicting tenure rights, e.g. where properties have been informally transferred or where Title Deeds have not yet been issued.
- Greater involvement of the private sector and non-profit sector in delivery programmes needs to be promoted. The State lacks sufficient capacity to be able to deliver land, infrastructure and housing for the urban poor on its own. There also needs to be sufficient space to encourage innovation and creativity, to allow the private and non-profit sectors to experiment with new approaches of meeting the needs of the urban poor, e.g. through dense, well-located, mixed-use integrated development projects that have a range of income generating opportunities and social opportunities, and through peri-urban agricultural villages where there is the potential of combining “urban” and “rural” livelihood strategies.

Lack of knowledge of informal processes

There are significant knowledge gaps with regard to informal processes, which are obstacles in formulating appropriate policies, including the following:

- There needs to be a clearer understanding of the linkages between access to land and sustainable livelihood strategies. The issues of densities and location (both at a city level and at a micro/project level), and how these impact upon livelihoods, are crucial. The role of agriculture in livelihood strategies in urban areas also needs to be explored.

- There is a need for a classification or typology of informal settlement processes which accommodates the spectrum of legality / illegality alluded to earlier, as well as the diversity of settlement types, systems and practices which the undifferentiated application of the term “informal settlement” tends to ignore.
- In particular, the category of irregular subdivision/ informal land development is not generally applied in South Africa. Although it is neither as prevalent nor as developed as the highly sophisticated system in Brazil, for example, there is sufficient evidence of its existence for greater understanding of this settlement type and its associated processes, systems and practices to be developed.
- Although it is widely accepted that subsidised houses are being transferred informally, more systematic and quantitative information is required on the scale and nature of this process. The reasons behind informal sales particularly need to be understood.
- Similarly, although some information exists on the quantitative significance of informal rental supply option (e.g. backyard shacks), it needs to be extended to achieve greater geographic coverage, in order to develop a more systematic understanding of this process and what the dynamics driving it are.
- There is a lack of information on evictions (for all housing types: formal housing, informal settlements and informal rental accommodation). Information required includes numbers of people being evicted, reasons for eviction and what happens to them subsequent to the eviction.
- Finally, more information is needed about what land administration functions are performed unofficially in informal settlements and how they are performed.

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