

APPENDIX 4: ORGANISATIONS⁵

Department of Land Affairs

In terms of the ministerial portfolio arrangements, land affairs has been assigned to the Land Affairs and Agriculture ministry. The Department has provincial and even district level presence throughout the country and includes branches specifically concerned with the management of the deeds registration, land surveying and land information systems. Surveying enables the identification of land parcels whilst titling records the rights registered in favour of or against that land (RSA, 1997). The Surveyor General's offices examine and approve all cadastral surveys and compile and maintain plans showing the relationship between land parcels. The land reform programme is mainly rural in orientation, with the exception of restitution, which covers urban areas as well.

National and provincial departments of housing

Housing is a shared competency between the national and provincial spheres of government. The national Department of Housing is responsible for establishing the national policy and legal framework, developing housing programmes aligned to the policy and legal framework as well as implementation funding. The provincial sphere, on the other hand, is responsible for facilitating the implementation of housing programmes in the provinces. From 1994 to 2001, provincial governments were responsible for implementing housing policy, but since 2001 municipalities are expected to play the leading role in the identification and implementation of housing projects, even though many municipalities have severe capacity constraints. Provinces are in charge of attributing subsidies to approved projects in their respective areas of jurisdiction, and in line with provincial policy and strategic frameworks. The National Housing Act (107 of 1997) requires that national and provincial governments prepare and maintain multi-year national and provincial plans in respect of housing development. In terms of these plans, the provinces have to quantify demand and specify delivery targets.

Institutions set up to support the delivery of housing

Several organisations have been established to support housing delivery. These include: The People's Housing Partnership Trust (PHPT), with a mandate to build the capacity required to generate facilitation of the concept of self-help housing development. Administrative, technical and logistical support is mostly made available to communities when they have entered into a partnership with either developers, NGO's, local authorities and other government departments, as support organisations through which projects are undertaken and managed.

The National Housing Finance Corporation, which is a development finance parastatal mandated by the National Department of Housing to mobilise and provide housing finance to retail intermediaries and housing associations operating in the low-to-moderate income market. As such, the Corporation does not lend money

⁵ The following section draws from three primary sources:

- A report developed by Development Works (2002b) on the "Economic Impact of HIV/AIDS on the Construction Sector and in turn on the Construction Sector" for the Department of Housing and USAID, which unpacks the range of delivery agents and role-players in the housing supply system, inclusive of its land-components;
- A report compiled by Development Works (2003a) on a "Pro-Poor Slum Upgrading Framework" for People's Dialogue and in turn Cities Alliance, which examines on a descriptive and analytical level the policy, legal and regulatory framework pertaining to land and housing delivery.
- Newsletters and websites of the South African Homeless People's Federation/ People's Dialogue/ uTshani Fund alliance, the National Land Committee (NLC)/ Landless People's Movement (LPM) and the Anti-Eviction Campaign.

directly to home buyers. Instead, the NHFC works with funding intermediaries, by providing wholesale funding.

The Social Housing Foundation, which is a national housing support institution providing capacity building and technical support services to social housing institutions, and to facilitate the development of a national policy framework for the social housing sector in South Africa.

The National Urban Reconstruction Housing Association (NURCHA) which is a not for profit organisation originally established to administer grants for development facilitation, provide guarantees for bridging finance/working capital loans and guarantees for home loans. The target of NURCHA's operations are related to the implementation of the housing policy, in particular in urban areas. To date, the work of NURCHA has focused on the provision of working capital guarantees to financial institutions or specialist agencies who provide loans for appropriate low income housing developments. NURCHA has also recently begun implementing a saving schemes programme aimed at supporting the operationalisation of the own-contributions requirements of the housing policy's implementation.

The National Homebuilders Registration Council, which was established to protect housing consumers by establishing, implementing and regulating quality standards in the home building industry. The Council has established a warranty fund and aims to provide assistance to housing consumers under circumstances where homebuilders fail to meet their obligations in terms of the Housing Consumer Protection Measures Act 1998 (Act 95 of 1998). Its brief has been extended to subsidy-funded housing.

Department of Provincial and Local Government

The Department of Provincial and Local Government is responsible for formulating and implementing policy, programmes and strategies pertaining to municipalities and provincial government. Three key elements need to be emphasized in this respect. The first is that the department has developed and entrenched a system for municipal planning- Integrated Development Planning, which requires municipalities to plan and budget on an annual basis for their respective areas of jurisdiction, which includes planning for land development. The second element is the funding role which the Department performs through the Consolidated Municipal Infrastructure Programme. Third is ongoing process which the department is spearheading in respect of the formulation of an urban strategy, which may have a bearing on land issues in urban environments.

Municipalities

The Housing White Paper, the Housing Act and more recently, the Procurement Policy have come to increasingly entrench the role of municipalities as key role-players in the housing and land development field. In particular, the Procurement Policy specifies that access to the funds is now conditional on the local identification of housing projects as part of the municipal planning process. This increasing emphasis on the municipal role is not limited to the housing sector and is affecting other key provincial and national functions such as water services. The municipality must, as part of IDP process, within the framework of national and provincial housing legislation and policy, prepare a local housing strategy and set housing delivery targets. The National Housing Act (107 of 1997) makes provision that municipalities must initiate, plan and co-ordinate appropriate housing, and plan and manage land use.

Developers and contractors

Although during the 1990s numerous large developers dominated the low-income housing and land delivery market, today they have almost entirely left the market. The type of organisations now acting as developers include:

- Regionally active property development closed-corporations manned by an extremely small human resource pool of up to ten permanent staff members typically there are between 5 and 10 such operators per province;
- Medium size civil contractors acting as the developer such as Multi-focus, Gamont and Ubuntu, in particular in support of incremental housing processes where the delivery of serviced sites is undertaken by a developer and the construction of top-structures follows the PHP process;
- Building materials suppliers involved in housing development so as to expand their market for materials, such as Marnol in the Western Cape.
- Municipalities acting as developers by taking on the bulk of the responsibility for sourcing and appointing contractors.

Lending institutions

There are two types of lending institutions that are involved in the land delivery system: bridging finance and end-user finance institutions.

Because bridging finance is extended until subsidy payments are made to the party performing the role of the developer, the manner in which the subsidy system is administered and regulated in each province has an important bearing on the cost of finance and the financial feasibility of housing and land delivery projects. Furthermore, the conditions under which different types of delivery agents secure bridging finance vary tremendously. For instance, large developers and contractors have been able to source bridging finance either internally, or from mainstream financial institutions under fairly favourable lending conditions. On the other hand, smaller role-players have had to source such support primarily from dedicated parastatal or private institutions under much higher interest-rate conditions. Bridging finance institutions range from corporate organisations to parastatals such as NURCHA and not-for-profit organisations such as the Utshani Fund.

The end-user finance component is affected by the availability, terms and conditions of financial resources on a loan, mortgage or other bases to beneficiaries. In the lower income market, accessing end-user finance has been tied to land on which a dwelling unit has been built. End-user finance institutions range from corporates such as King Finance and Southfin, to parastatals such as the Home Loan Guarantee Company, the National Housing Finance Corporation or NURCHA and not-for-profit institutions such as Utshani Fund and the Khayasa Fund. Although efforts have regularly been made to secure a greater involvement of financial institutions in the delivery of low-income housing, to date, the extent to which such facilities have been made available, has been limited. A handful of Developer/Contractor housing projects has experimented with micro-lending arrangements.

Professionals and technicians

Typically, professionals and technicians include land surveyors, town planners, civil engineers and conveyancers. They operate either in government (to a limited extent), or as part of dedicated consulting firms or non-governmental housing support teams. The involvement of large consulting firms such as Africon, and Urban Dynamics in the sector is noticeably decreasing. Similarly, downsizing is a current trend affecting the sector, and increasingly, private sector professionals are operating as individual consultants. Dedicated NGOs, such as the Development Action Group (DAG), Planact or the Built Environment Support Group (BESG) have some in-house professional capacity but constitute a minority in the market.

Non Governmental Organisations and Community Based Organisations

These organisations provide technical assistance, including project management, training and facilitation support to community members, as well as taking on subsidy administration functions.

In the housing sector they can take the form of Housing Support Centres, as in the Free State, dedicated housing support NGO's such as the Development Action Group (DAG), Planact, the Built Environment Support Group (BESG) or People's Dialogue, or a range of municipally linked support units. These institutions tend to be supported through donor funding. A large number of these organisations provide capacity on a project by project basis, although the People's Dialogue has a more nationally dispersed base of community networks which it supports under the aegis of the Homeless People's Federation, which has a membership in the region of 100 000 people.

The most significant community organisations involved in urban land and tenure issues are the South African Homeless People's Federation, the Landless People's Movement and the Western Cape Anti-Eviction Campaign.

The origins of the Homeless People's Federation date back to March 1991, when Catholic Welfare and Development (CWD) organized a conference of 150 informal settlement leaders plus Asian NGOs and CBOs at Broederstroom called "A People's Dialogue on Land and Shelter". About 50 of the informal settlement leaders pledged to strengthen ties between their communities and went on exchange visits to the SPARC/NSDF/Mahila Milan alliance in India in 1991 and 1992. In 1992 People's Dialogue was established as a NGO and began establishing Housing Savings Schemes. In 1994 these savings schemes were formalized into the South African Homeless People's Federation. The membership of the Federation largely consists of poor women living in informal settlements, backyard shacks and hostels. The uTshani Fund, a bridging finance and end-use finance institution, was formed in 1995/6. In 2000/2001 the Alliance began to experience problems arising from "bureaucratic deadlock, financial difficulties and alienation of leadership from the base", but went through a period of reflection and restructuring and has reinvented itself. The Homeless People's Federation/People's Dialogue/uTshani Fund alliance has attempted to work with the State: "A crucial and controversial feature of the Federation's strategies has been the practice of politics without parties. Unlike Sanco, for example, the Federation does not believe in delivering the poor as a vote-bank to any political party. Unlike the rights-based, confrontational (and often externally driven) social movements of recent years, such as Landless People's Movement, Anti-Eviction Campaigns and Crisis Committees, the Federation is rooted in a strategy of accommodation, negotiation and long-term pressure" (Alliance Newsletter, 2003).

The Landless People's Movement was formed in July 2001 by leaders of various landless people's structures from across South Africa. It was supported by the National Land Committee. It mainly represents rural landless (farm workers, labour tenants, restitution claimants, redistribution applicants, the rural poor living in the former homelands) but, in Gauteng particularly it also represented the urban poor living in informal settlements. The Landless People's Charter was adopted by more than 3000 landless delegates from communities across South Africa and their landless allies from around the world at the Landless People's Assembly held in Durban on 30 August, 2001 at the 3rd United Nations World Conference Against Racism. The LPM's motto is "Land Now! Organise and Unite!". The Landless People's Charter says the government must expropriate the land of absentee landlords, abusive farmers, indebted farmers, all unused and under-utilised land and all unproductive land. It has taken a confrontational approach to the State. Most of its activities have focused on landlessness in rural areas, with the exception of a campaign to resist the forced removal of a number of informal settlements in Gauteng: "From Thembelihle to Freedom Park, from Velaphi to Orange Farm, from Mandelaville (Durban Deep) to Lawley, from Protea South to Katlehong to dozens of other informal settlements surrounding Joburg, the City of Joburg and other structures of the government are waging war against the poor and landless. The police and the infamous "Red Ants" (Wozani Security) are deployed as the footsoldiers of the government in a war which aims to force hundreds of thousands of poor people out of their homes to distant open velds where many will die from exposure to the winter environment. These actions are undertaken completely outside of the law, in the absence of any proper consultation or procedures, and with total disregard of the basic human rights of the poor residents of informal Joburg" (LPM, 2002)

The Western Cape Anti-Eviction Campaign (AEC) was formed in Cape Town in November 2000 with the aim of “fighting evictions, water cut-offs, poor health services, for free electricity and against police brutality”. The AEC is currently an umbrella body for over 15 community organizations, crisis committees, and concerned residents movements who have come together to organise and demand their rights to basic services.

The AEC is fighting evictions and water and electricity cut-offs on many different levels. Its current activities range from direct action demonstrations against evictions and cut-offs, to legal actions that challenge the constitutionality of evictions, to mass mobilisation and popular education initiatives, to creative organisation and capacity building programs. The Anti-Eviction Campaign has been in fierce conflict with the State, and has had numerous members arrested.