



## Introduction

- Neil and Marie have been involved in informal settlement upgrading in South Africa for over 25 years, **Neil as a practitioner** and **Marie from an academic, policy and housing rights** perspective. Neil is currently reflecting on practice in the PhD he is working on.
- Through CUBES, both Neil and Marie have served on the City of Joburg's **Task Team for the Slovo Park informal settlement upgrading**, alongside NGOs SERI and 1to1 since **2017**.
- On a yearly basis since 2010, CUBES has run a **student-stakeholder engagement** workshop around informal settlement upgrading – The Slovo Park project, and SPCDF have been central to this.
- This presentation draws together our experiences and reflections, acknowledging how **complicated** this field is and that there are no easy answers.



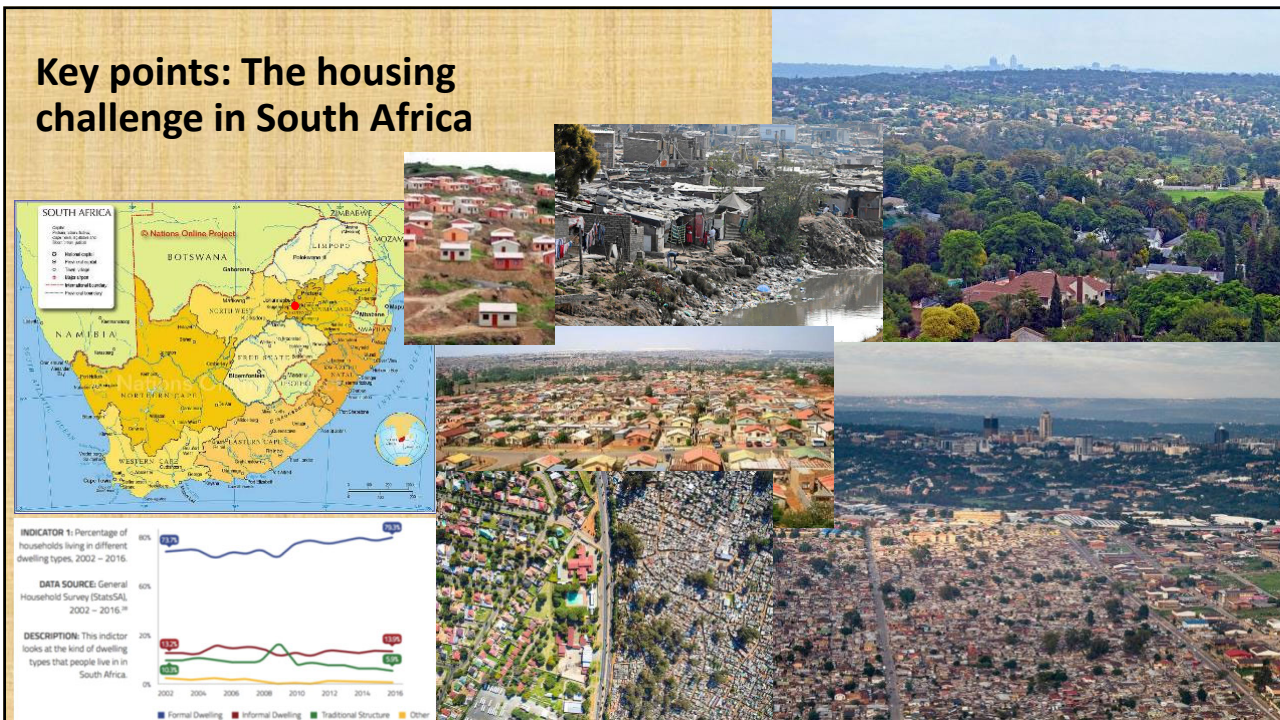
## What we'll cover

1. **Background** to informal settlements in South Africa (Neil Klug)
2. The **trajectory** of the Upgrading of Informal Settlements Programme (UISP) in South Africa and recent engagement platforms (Marie Huchzermeyer)
3. **Delays in the Slovo Park** informal settlement upgrading project (Neil Klug)
4. **Reflecting** back on the upgrading programme and implementation mechanisms (Marie)

## 1. Background to informal settlements in South Africa



## Key points: The housing challenge in South Africa



## Images of the flood impacts on informal settlements in eThekweni - 2019



Source: <https://www.ehowzit.co.za/wp-content/uploads/2019/04/kzn-floods-20.jpg>



Source: [https://dwu32cgxqlq1c.cloudfront.net/local\\_newspapers/sites/51/2019/04/18s\\_hinnocent2-Large.jpg](https://dwu32cgxqlq1c.cloudfront.net/local_newspapers/sites/51/2019/04/18s_hinnocent2-Large.jpg)



## Recent Images of the flood impacts on informal settlements in eThekweni - 2022



Source:  
<https://cdn.24.co.za/files/Cms/General/d/2921/b5aaff064bc14d679d9812cb00d68ff9.jpg>



Source: <https://img.rasset.ie/001b8aea-500.jpg>

## Housing Overview - Challenge

1994

Legacy of  
Apartheid

1,5 million  
households  
requiring  
adequate  
shelter

2012

Proclamation of a  
Housing Act and  
implementation of  
Housing Policy  
instruments

2,65 million  
subsidised  
houses  
produced

2012

2.3 million  
households  
needing  
adequate  
shelter

2018

4.77 million  
housing  
opportunities  
produced incl.  
3.26 m  
houses  
1.14 m  
serviced sites  
0.37 m  
(EEDBS)

2018

2.1 million  
households  
needing  
adequate  
shelter

Sources: SA Stats, (2017); Department of Human Settlements, 2018; City Press, (2019).

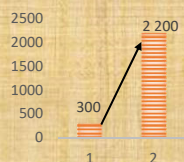


## State Response – Subsidised Reconstruction and Development Programme (RDP) Housing



## People Living in Informal Settlements in South Africa

- Approximately 1.3 million households or 8.2% of all households in South Africa live in an informal settlement (Household Survey 2017) – translates to approx. 7.3m people - 13% of total pop.
- About 800,000 children (below the age of 12) live in informal settlements

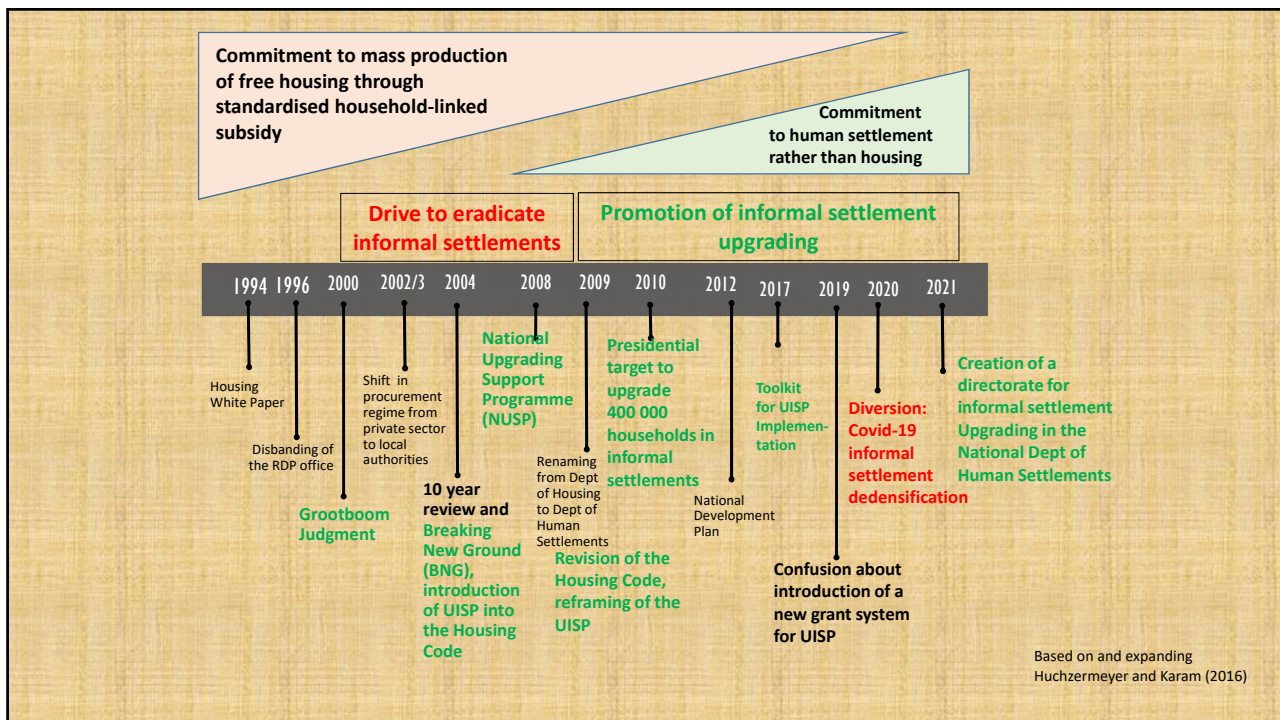


- In 1994 there were about 300 settlements - today this number has grown to approximately 2,200 settlements





## 2. The trajectory of the Upgrading of Informal Settlements Programme (UISP) in South Africa and recent engagement platforms





## Shift signalled with the introduction of the UISP in 2004

*“The challenge of informal settlements upgrading must be approached from a **pragmatic perspective** in the face of changing realities and many uncertainties. Informal settlements should also not be viewed as merely a ‘housing problem’, requiring a ‘housing solution’ but rather as a **manifestation of structural social change**, the resolution of which requires a **multi-sectoral partnership, long-term commitment and political endurance**. At the outset therefore, a **paradigm shift** is necessary to refocus existing policy responses towards informal settlements **from** one of **conflict or neglect**, to one of **integration and co-operation**”*

(Department of Housing, 2005:45).

## What is the UISP

- One of 16 instruments within the 2009 National Housing Code
- Inspired by **Brazilian favela upgrading**, as promoted by Cities Alliance (drafted in 2004 by a World Bank/Cities Alliance employee)
- Applicable to all informal settlements (as underlined by the **Melani judgement in the Slovo Park case in 2016**)
- Seeks to **minimise disruption** to impoverished households
- Requires **relocation** to be treated as a **last resort**
- Includes funding for **land rehabilitation** to minimise the need for relocation
- Includes funding for land acquisition
- Allows for interim services, but these should be upgradeable to permanent services
- Identifies the **municipality as the developer**
- In the 2004 version, funding applications were **area based**, but as of 2009 funding was capped per household, losing some of the progressive potential



- Linear process

1. Initial application
2. Interim services, alongside geotechnical and other investigations and planning
3. Planning approval and implementation, permanent infrastructure implementation
4. Housing support

## Diversion from the USIP's core principles and approach

- USIP is treated as a **housing project**
  - Either standardised sites and services with conventional layout
  - Apartment buildings on the previously occupied land
- **Procurement** by NUSP and provinces **ignores** that **municipalities** should be the developer
- **Long-term temporary** servicing contracts (chemical toilets) – managing informality rather than moving communities into a trajectory to permanence
- **Reblocking** (without regularising tenure)
- **Temporary relocation**



## Rapid Assessment and Categorization (City-wide planning and budgeting for upgrading - programmatic)

- Settlements are separated into two categories.

### Settlements viable for upgrading

- A - Full Conventional Upgrade
- B1 - Incremental Upgrade with Essential Services

### Settlements not viable for upgrading

- B2 - Deferred relocation with emergency services
- C - Immediate relocation

**Mainly desktop, procurement-driven, poorly executed, often duplicated, and contested from below**

## COVID-19 engagement platform

Initiated by civil society concern with lockdown causing **starvation in informal settlements** – mobilisation as a result

**Unique moment** due to State of Disaster – national Department of Human Settlements convened bi-weekly Teams meetings and WhatsApp group.

- **NGO** and **academic** sector gained **access to official and political rationales**
- **Direct engagement** between political advisors of the Minister and progressive voices
- Senior Directors in the national Housing Department explaining and having to defend the Minister's position (e.g. on de-densification)



## Points of contention

- The reasonableness of pushing for **de-densification**
- The reasonableness of **repurposing budgets** for **temporary relocations**
- Details of draft regulations for temporary relocation, including **procurement exemptions**
- Role of **reblocking**
- Role of **temporary servicing**
- How to involve **NGOs** with their on-the-ground knowledge
- How to **sustain meaningful engagement** that also includes social movements
- Future of this kind of engagement platform at **local government level**

**The engagement platform was not sustained beyond 2020**

## International engagement to unblock UISP implementation 2020/2021

- Cities Alliance, Lincoln Institute
- NGOs, science council and academia
- Government officials across national Department of Human Settlements and Treasury
- In 2020 some exchanges of experience with Brazil (e.g. **URBEL** in Belo Horizonte)
- In 2021 identified **key blockages** around **land** and **planning**.
- Attempts to link the **metropolitan** experiences into this

***Not sustained beyond the Cities Alliance initiative which ended in 2021***



### 3. Delays in the Slovo Park informal settlement upgrading project

#### Context to Slovo Park Informal settlement - Johannesburg's Housing Challenge

- Johannesburg has a population of approximately 5,9 million people
- Johannesburg, ½ Households earn less than Rs 12 080.00 / month (765 US\$ )
- 19,1% or 1,13million people living in informal settlements or backyard shacks

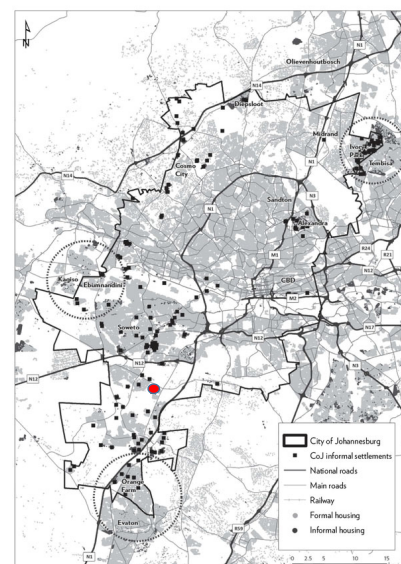
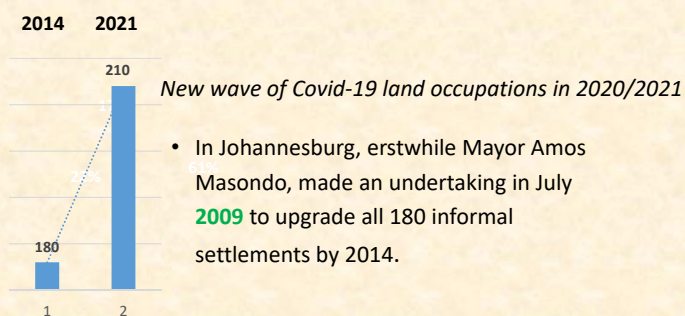
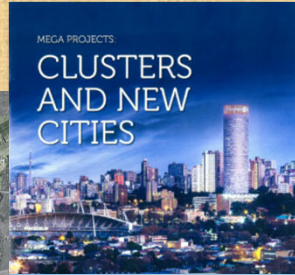


FIGURE 8.2. Johannesburg's high-income and low-income built-up areas crossing into neighbouring municipal areas  
Sources: CoJ (2009, 2011b); GTI (2010)



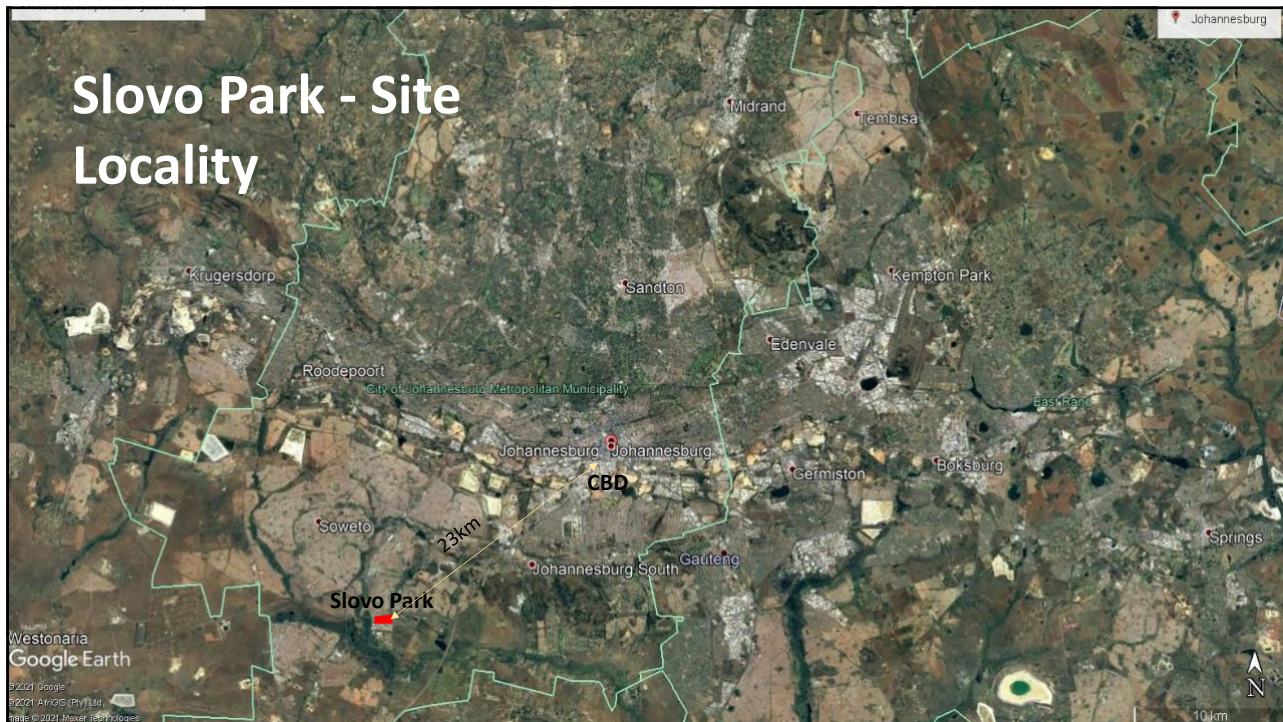
## Proposed Integrated Mega Projects



## Breaking New Ground Walk-ups





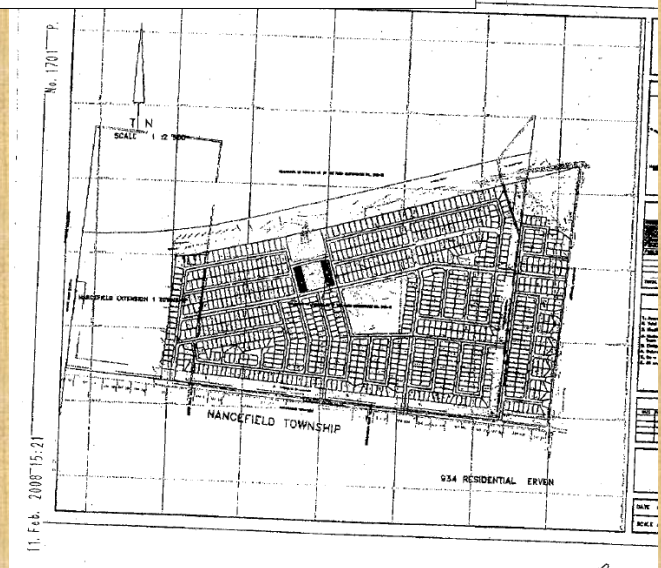




## 1994 - 2010

- 1994 – first housing project promised
- 2001-2010 five development initiatives presented by City were contested (centred around dolomite areas) and not followed through.
- 2007 formation of **Slovo Park Community Development Forum (SPCDF)**

2007 draft layout for Slovo Park



## 2010 - 2013

Around 2010, Slovo Park Community Development Forum (SPCDF) decides to take a legal route, consults socio-economic rights institute (SERI).

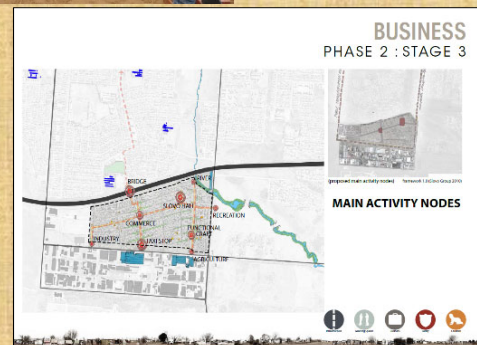
2010 - Collaborative construction of a hall at Slovo Park, University of Pretoria and SPCDF.

2011 – SERI produces report in preparation of case highlighting:

- Reliance and high turnover of consultants
  - High turnover of officials
  - “Poor communication with community leadership”
- (SERI, 2011:58)

2012 – University of Pretoria architecture studio in collaboration with SPCDF demonstrates feasibility of in situ upgrading.

In 2012 – SPCDF informs CoJ of intention to litigate.





## 2014 - 2017

- 2014 – On behalf of SPCDF, **SERI applies to the High Court for an order that would compel CoJ to apply for funding under the UISP to upgrade Slovo Park**
- 2016 April – Melani judgment in South Gauteng High Court includes an order to this effect (CoJ to apply for UISP funding within 3 months)
- CoJ's first attempt at UISP application (submitted after 4 months, in Aug 2016) is rejected by Province at SERI's advice –
  - No consultation / participation in the process
  - Did not minimise relocation – it rehashed a plan for relocation!
  - In not having established who the residents were, it could not convincingly be inclusive of all residents

## End 2016: CoJ attempts to comply with the judgement by starting a consultative process towards to a new UISP application

- Mass meeting establishes SPCDF's mandate to represent the community
- **Task Team** formed, **chaired by SPCDF deputy chair Lerato Marole**
  - SPCDF and its legal representative (SERI)
  - SPCDF's experts ('technical team': CUBES and 1to 1) as and when needed
  - CoJ Housing Department and CoJ's legal representative (Phadi Attorneys)
  - CoJ's planning consultants
  - Province and NUSP (but these have not attended)
  - Utility companies as and when relevant
- A social survey identified **3 734 households**, on **1076 stands (i.e. 2 658 tenant households)**. Agreement that all these **will be included**.



## 2017 – CoJ relies once more on consultants

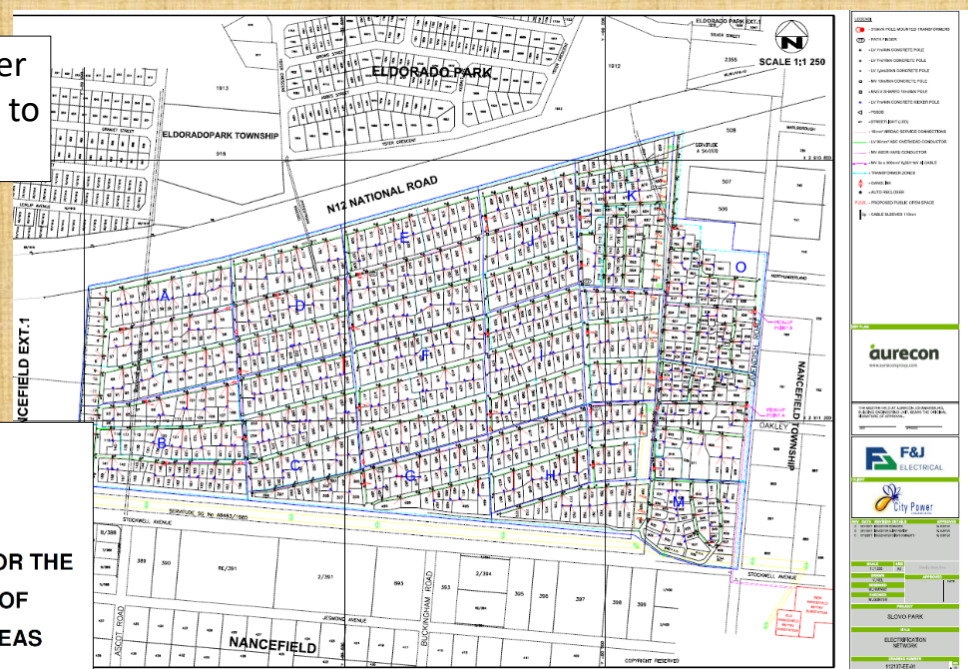
- The appointed **planning consultant does not understand UISP**
- September 2017 onwards: **consultant plan is contested within the Task Team**, yet plan is submitted for planning approval
- Still no UISP application

**In parallel, throughout 2017: In situ planning for and implementation of Electrification of unproclaimed Areas by City Power**

- End 2017: Official heading up the task team resigns



2017 – City Power plan and budget to electrify in situ



**POLICY GUIDELINES FOR THE  
ELECTRIFICATION OF  
UNPROCLAIMED AREAS**

**aurecon**

**F&J ELECTRICAL**

**City Power**

**ELDORADO PARK**

**ELECTRIFICATION**

**WATER**

**WATER**

**WATER**



**July 2017:** Consultants' plan For Slovo Park, presented to the residents as the best and only possible plan

The plan includes street names, erf numbers (393 in total), 11 sites for 4-storey walk-ups yielding 1 036 rental units, 1 municipal site, 1 business site, 1 church, 1 crèche, public open space

***"the ideal layout"***

***"creating a post-apartheid community"***

***"Superior to an in-Situ layout"***



## 2018 – Deliberations

- **1to1 develops a road map tool for UISP implementation**
- April 2018, CUBES's critique of consultant's plan tabled at meeting with CoJ and is accepted.
- CoJ argues, via its attorneys, fiscal regulations prevents it from extending the previous consult's contract to redo the plan.
- **SERI raises funds for an alternative consultant to redo the plan in accordance with UISP.**



## Late 2018

- **CoJ appoints new official who champions UISP**
- Nov 2018 - CUBES (by now invited by CoJ to advise on UISP) brokers renewed discussion between City, its attorneys, SPCDF and SERI
- **CoJ agrees to shelve consultants' plan and redo the planning, following the UISP.**
- New UISP champion in CoJ navigates resistance to UISP in City of Joburg and sets out to change mind sets.

## 2019 – protracted navigation towards a compliant UISP application

- 2019 – Task Team meetings resume
- **Work towards UISP application inclusive of all 3 734 households**
- Key deliberations:
  - **Participation – every step is taken through the Task Team**
  - **Inclusion of all, which means adjacent relocation sites must form part of the UISP application**
  - **Minimum disruption / relocation as last resort**
- **Further consultants commissioned by NUSP** to prepare an upgrading plan which ignores the above, but it was a requirement for Treasury to release a grant transfer to CoJ. for UISP implementation.



## 2020

- Covid-19 pandemic lockdown – stand still in CoJ.
- August 2020 City refuses to use SERI funding and commits to spending R10million of its grant funding on Slovo Park in 2020/21 financial year.
- Task Team meetings set up the program for initiation of the project, subject to the **appointment of new consultants.**

## 2021

- The City experiences procurement challenges (legal panel could not be appointed, yet it was needed to procure all other services).
- As a result, Province steps in and committed budget to the project in the 2021/22 financial year, **and agreed to procure consultants.**
- Protracted procurement process.
- Poor briefing by Province of the new planning consultants.



## 2022

- Task Team in a slow process of negotiating and drafting a social compact to establish lines of responsibility for the upgrading of Slovo Park. Several items still unresolved:
  - Needing an **MoU between CoJ and Province**.
  - Needing an overall project manager appointed in the City or Province.
  - Needing a **development vehicle** that takes responsibility, while ensuring decision-making powers are shared with the community.
  - Needing **a procurement system that allows participatory planning skills such as the NGO 1to1 to be remunerated**.

#### 4. Reflecting back on the upgrading programme (UISP) and implementation mechanisms



## What the Slovo Park experience raises for the UISP implementation

- Miniscule progress over a 30 year period.
- Substantial budgets spent on **planning consultants** and legal fees (we estimate in the order of many millions of Rands).
- Substantial budgets spent on **maintaining interim infrastructure**
- Still **no permanency** for the settlement (except for electrification)
- Still **no institutional structure** to manage the UISP
- *How could one optimise Slovo Park as a pilot project in CoJ for UISP implementation?*

## Reflections on institutional instability

- **No existing MoU** between City and Province around informal settlement upgrading
- Very **limited commitments** by government stakeholders (NUSP and Province in particular) to the Task Team meetings
- **Weak inter-departmental collaboration** within the municipality (e.g. Housing vs Planning)
- **Turnover among officials** and **prolonged acting position**, resulting in instability



## ...institutional stability - continued

- **No development/implementation vehicle**
- Heavy **reliance on volunteers** (SPCDF, NGOs, CUBES) for continuity and record keeping
- **No mechanism** for formalising a meaningful **partnership** involving SPCDF (ostensibly not supported by applicable legislation)
- The constant need to **re-broker political support** within the City
- No in-house skills capacitation – instead **heavy reliance on consultants**
- **Inability to value work** produced by **NGOs and community forums**, even through complying with the UISP

## Reflections on procurement

- *Analysing our notes and official minutes, **procurement problems stand out as one the biggest hurdles** to implementation of the UISP as per its intention*
  - Lack of **transparency** in the process of procuring planning and related skills (by national, provincial and local government)
  - **Duplicating** procurement
  - Repeated procurement of companies that **do not have the relevant experience and understanding**
  - Procurement of planning skills are **not located within an development/implementation vehicle**.
  - Inadequate **holding to account** of consultants
  - Heavy reliance on **voluntary expertise** on the Task Team, inability to find procurement mechanisms to compensate the skills of an NGO.
  - Heavy reliance on **voluntary memory and facilitation skills** of the community forum.



## Conclusion

- **Delays** in implementations **prolongs and deepens risk**
- The longer the delay the more difficult to implement (because of the fluidity of informal settlements)
- **Unresolved institutional mechanisms prolong the delays**
  - Procurement
  - Development vehicle
  - Interdepartmental relations
- As long as **procurement** is non-transparent, the impression is that it is **driven by interests other than implementation**. This undermines trust between local government and communities.
- **NGO and academic involvement needs to be institutionalised through sustained and meaningful engagement platforms, from projects task teams to municipal and national bodies for deliberation.**