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The misalignment of policy in the implementation of upgrading of Informal Settlement Programme, with examples from the Slovo Park upgrading process in City of Johannesburg

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Title: The Misalignment of Policy in the Implementation of Upgrading of Informal Settlement Programme, with Examples from the Slovo Park Upgrading Process in City of Johannesburg

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A research report proposal submitted to the Faculty of Engineering and the Built Environment, University of the Witwatersrand, in partial fulfilment / fulfilment of the requirements for the degree of Masters -MBE (Housing)

Degree: MBE (Housing)

DECLARATION

I hereby declare that this Research Report is my own work and that all the sources that I have used or quoted have been indicated and duly acknowledged by means of complete references.

It is submitted in partial fulfilment / fulfilment of the requirements for the degree of Masters of the Built Environment in the field of Housing - MBE (Housing) at the University of the Witwatersrand. The work has not been submitted before for any degree or examination at any other university.



Signature

On 23 day of October 2020

Abstract

South Africa has been struggling with the processes of upgrading informal settlements. This despite effort to enhance in situ upgrading of informal settlements and access to housing through relevant policy. Evaluation studies have found a mismatch between policy and what transpires in practice in relation to upgrading informal settlements. Contestation and polarisation between different priorities are recognised to ultimately inform what transpires on the ground in informal settlements. Building on these insights, my research interrogated the gap between policy and practice on upgrading of informal settlements in different government departments, and the implications of this. To gather information for this research, I analysed policies on upgrading of informal settlements from different government departments. I also conducted interviews with politicians, government officials from different departments and residents of Slovo Park, an informal settlement in Johannesburg. The finding of this study is that the gap between policy and practice is determined in part by a misalignment between national policy and the policy practiced in the municipality, evident in the inability of officials to commit and deliver objectives or goals set in national policy.

DEDICATION

This thesis is dedicated to my mother Ntombizodwa Nchaupe and my siblings Oumaki, Salaminah, Modiehi and Tshidiso, my husband Thembinkosi Mvelase, and my daughters Lebohang and Zinhle and my granddaughter Lethukuthula “MY COMPLETE PUZZLE”

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I give the Glory and Honour to The God Almighty and Your Son Jesus Christ my Lord and Saviour, you brought me this far, without You my Lord this couldn't have been possible (ngithi) "EBENEZER"

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Thank you All for contributing in your unique ways on this project

May you continue to be the blessing to the others

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1.0 CHAPTER ONE

1.1 Introduction and Background

The housing challenge is a global phenomenon and is not only peculiar to South Africa. Internationally, the process of urbanisation and its related factors such as migration and natural population increase have resulted in a protracted growth of informal settlements (Souza, 2010). In South Africa, most significantly, the sprawling of informal settlements can be linked to years of residential segregation and land dispossession under the apartheid government (Huchzermeyer, 2009). However, current policy frameworks on housing spring from the 1996 Constitution and the Housing Act of 1997. These statues established that individuals have the right to housing which must be provided progressively by the government. Nonetheless, after the first decade after democracy, South Africa witnessed the adoption of direct and negative ways of dealing with informal settlements (Huchzermeyer, 2011). These ranged from evictions, persecutions and victimisation.

The Comprehensive Plan on Human Settlements popularly known as the Breaking New Ground Policy (2004) became the first policy to concede to the reality of informal settlement. It provides a support (financial and directive the upgrading of informal settlements. The other policies and legislation emanating from BNG speak to the same purpose. Some of these include National Housing Code (2004 and 2009), Outcome 8, Delivery Agreement (RSA, 2010), the National Development Plan (NPC, 2012). The Spatial Planning and Land Use Management Act (RSA, 2013) is related, but does not emanate from BNG. Interestingly, the Upgrading of Informal Settlement Programme (UISP) was introduced into to the erstwhile version of Housing Code as Chapter 13 with the adoption of the Breaking New Ground policy document in 2004. This policy directive aims to support upgrading on an area-wide basis, reduce disruption and facilitate participation by communities through four different stages and maintain fragile community networks (DoH, 2009).

Despite the adoption of the UISP, City of Joburg (CoJ) until recently was not making use of this programme. In the years leading to 2016, CoJ planned to relocate people from the Slovo Park informal settlement south of Soweto to a planned housing development in Unaville 13km away further south. Community members felt this decision contradicted the dictates and tenets of UISP. Even after the passing down of the Melani judgement in the High Court in 2016 which ruled that the UISP is applicable to Slovo Park and other informal settlements in

Johannesburg, there have not been notable developments in terms of the Slovo Park settlement (electrification). While aspects of Phase 2 of the USIP (provision basic infrastructure, geotechnical investigations, layout planning) have been implemented through municipal funds, Phases 1 and 2 are to some extent being redone in 2019 in order to formulate an application for funding to the Provincial Government in alignment with the UISP. Some of the other stages were partially done through municipal funding but not fully within the spirit of the UISP and a decision has been taken to redo this work. There are ongoing contestations between the CoJ and the Slovo Park community, but this is constructively channelled through a Task Team on which NGOs and academics advise and support the community representatives. With this brief background, it is evident that an investigation into the challenges encountered in implementing the Upgrading of Informal Settlements Programme is needed, particularly focussing on the gap between policy and practice and using a case study of Slovo Park informal settlement.

1.2 Problem statement

In the South African context, despite efforts to promote the upgrading of informal settlements and access to housing, there is a disjuncture between policy and practice (Isandla Institute, 2011). It is in this disjuncture that contestations and polarised priorities emerge (ibid). Where policy makers have attempted to integrate in situ upgrading into national policies and programmes, implementation structures seem unable to translate policy goals into meaningful outcomes (Tissington & Royston, 2010). Rather, implementers rely on outdated approaches such as neglect, redevelopment or relocation of informal settlements to greenfield sites (Tissington, 2011). This disjuncture appears in part time to be emanating from misunderstanding and misalignment of policies on informal settlement upgrading between different government departments and different spheres of government. Judging from the number of housing policy documents that the government has adopted, these seems to no balance on the success stories of dealing with the housing situation. The government focused on home ownership and the individual housing provision through state housing subsidy strategies as was pointed out in 2006 (Kihato and Charlton, 2006). UISP was developed precisely to depart from that approach and the problems associated with it (this is stated in the preamble of the original Breaking New Ground text).

1.3 Rationale

The importance of this research is its potential to contribute to the body of knowledge on the subject of challenges and opportunities of upgrading informal settlements in South Africa. As a CoJ housing department official, project manager of Slovo Park I am also serving at Slovo Park Task team since 2016. Rarely do we find studies that seek to undertake a closer introspection into the interface between policy and implementation and centres around a particular case.

1.4 Objectives

The main purpose of this study was to identify and interrogate the gap between policy and implementation and in relation to this the possible misalignment of policy in the implementation of the Upgrading of Informal Settlement Programme, with examples from the Slovo Park upgrading process in City of Johannesburg.

The study also sought to:

- understand how national and provincial Human Settlements policy interfaces with CoJ.
- unpack how the different policies and programmes on informal settlements interface within CoJ.
- understand which policy messages dominate in the minds of officials and politicians.
- understand in what ways does the Slovo Park upgrading process demonstrate policy misalignment.

1.5 Main Research Question

In what way is policy misalignment contributing to challenges in the implementation in the Upgrading of Informal Settlements Programme in City of Johannesburg?

1.5.1 Sub Questions

How do National and Provincial Human Settlements policies interface with those of CoJ?

How do the different policies and programmes on informal settlements interface within CoJ?

Which policy messages dominate in the minds of officials and politicians?

In what ways does the Slovo Park upgrading process demonstrate policy misalignment?

1.6 Expected findings

This study envisaged that the major factor affecting the successful implementation of UISP is the misconception of policies on upgrading informal settlements in different government departments, to some extent this being due to misalignment of policies. While this study confirmed this position, it went on further to discover that, in the case of CoJ, the culture of the current regime tasked with upgrading informal settlements has further delayed the upscaling of UISP. What this means is that, in as much as policy and practice on dealing with informal settlements in South Africa have shifted over time, officials' minds are still dominated by old policies which the government has since debunked. This scenario and other findings are further expanded in the findings chapter of this research.

1.7 Methodology

This study adopted a qualitative approach. The study focussed largely on work in CoJ's Housing Department where I work, but used a carefully selected case study to focus the enquiry. The choice of this strategy was based on the fact that it creates room for a detailed and in-depth understanding of the topic under study. According to Yin (2003), qualitative methodology through a case study approach enables the investigation of a phenomena in its social setting. The methodology is also applicable in situations where there is no understanding of why and how a phenomena occurs (Hartley, 2004). As City of Johannesburg Housing dept employee and member of Slovo Park task team since, the case study of the Slovo Park informal settlement was accessible to me, as I'm a CoJ housing official, and in that capacity since 2016 have been part of the task team mandated to ensure the successful upgrading of this settlement. Its particular relevance for this study also relates to the Melani Judgement which I discuss more in Chapter 3. It was from my positionality as official that I sought to dig deeper and understand some of the issues that were not easily observable to officials and might be playing a significant role in delaying the upgrading of the Slovo Park settlement. My assumption was that policy mis-alignment was having implications in the Slovo Park case.

1.7.1 Desktop Review

I carried out reviews on informal settlement related policies and programmes of different government departments. This was done specifically to identify how policies from different departments align or misalign with each other. Most importantly, the study reviewed the South African policy of in situ UISP to see if this is also contained in or referred to in related governmental policies at provincial and local level. While I was aware of this policy since I am a housing official at CoJ, I had to relook the policy so that I may educate myself with its directives for the purpose of this research. In CoJ, I was able to get hold of the policies documents through the PHP dept and the Policy and Research department. I also relied on the internet to understand international perception on upgrading of informal settlement policies and programmes. As for provincial policies, I obtained them through the officials that are assigned on rural development and informal settlement upgrading. I had interacted with some of these officials in different gatherings and functions related to our work hence it was not a challenge for me to reach out to them when I needed assistance. At NDoHS I was able to get hold of policies through the NUSP workshops that I attend as I am one of the officials assigned by CoJ UISP team. As for the rest of the information that was useful for this research such as journal articles, I relied mostly on referrals from my supervisor and colleagues in the academic circle.

1.7.2 In depth interviews

In addition to desktop review of various policy and programme documents, I engaged (in the form of in depth, semi-structured interviews) different government officials from different departments. These officials were selected purposively based on their knowledge and experience of the subject under study. Questions that were posed to them related to their understanding of policies on upgrading from their respective departments. I explored whether the policies I reviewed translate to what officials implement on the ground. Hence, I hoped to understand what aspects of which policies dominate the minds of these different officials. Face to face interviews were conducted with three to six officials at each sphere of government which are National, Provincial and local government and two politicians. I also engaged three Slovo Park Community Development Forum (SPCDF) in a focus group held at the community centre at Slovo Park for about 1h30mins. I also engaged two politicians on an informal meeting just to get a political sense on UISP. City of Johannesburg was utilised in this research.

City of Joburg	Responsible Official	Area of Work
PHP	Acting Director	Project Implementation and Service Delivery on all 7 regions and spearheading UISP in CoJ Human Settlement
PHP	Deputy Director	Assigned to implement UISP in PHP
Property Management	Acting Director	Service Delivery including management of all informal settlement in CoJ
Policy and Research COJ Human Settlement	Assistant Director	Formulating and interpreting policies CoJ Human Settlements
Policy And Research CoJ Human Settlement	Assistant Director	Formulating and interpreting policies CoJ Human Settlements
PHP	Project Manager	Developing Projects Region G
PHP	Acting Project Manager	Responsible for coordinating Informal Settlements Electrification at Region G including Slovo Park

Gauteng Dept of Human Settlement	Responsible official	Area of Work
Rural and Informal Settlement Upgrading	Provincial UISP Co-ordinator	Gauteng Human Settlement
Rural and Informal Settlement Upgrading	Project Manager	JHB South

National Dept of Human Settlement	**Responsible Official**	**Area of Work**
NUSP	National Co-ordinator NUSP	SA Informal Settlements
Housing Development Agency	Senior Manager	Mpumalanga and Gauteng
Housing Development Agency	Senior Manager	Gauteng
Slovo Park Development Forum	Committee members	Slovo Park

Permission to record interviews was sought through a consent form which officials were asked to sign before the commencement of each interview. Not all officials provided consent for recording. In these cases, I worked with hand written- notes. All recorded interviews and hand written notes were transcribed. In a few cases, where officials used local South African languages which they knew me to be fluent in I translated in English during the transcribing process. After transcribing, I coded the material according to themes. These themes were formulated in conjunction which research questions which guided this research and the themes that the interview data presented.

1.7.3 Focus group discussion

The discussion was held at Slovo Park Community Hall with three SPCDF members with the aim of interrogating the real feeling of the Slovo Park community pertaining the development in their area. Introduction was done between me and the members, and the research topic and the purpose conveyed to the group. Permission to record was agreed upon and consent forms signed by the community members participating. Questions were asked on the development progress and UISP implementation by the tiers of government in compliance with the Melani Court judgement ruling in 2016 of Slovo Park. The members responded individually to the questions and recordings done. One of the members was responding in African language which was translated in English during transcribing.

1.7.4 Case of Slovo Park Informal Settlement

While there might have been studies to understand policy and practice disjuncture in South Africa, few have taken an informal settlement focus. As a researcher, the case of Slovo Park was accessible to me, as I am a City of Johannesburg housing official, and in that capacity since 2016 have been part of the task team mandated to ensure the successful upgrading of this settlement. It was from this positionality that I sought to dig deeper and understand some of the issues that were not easily observable and might be playing a huge role in delaying the upgrading of the settlement.

1.8 Ethical considerations

As a required in all research, this study ensured that ethics conventions were observed, First as a researcher, I did not commence the interviewing before ethics clearance was granted. In line with the ethics clearance procedure, I ensured that officials and politicians who were going to take part in this research were aware of the purpose of this study and the meaning of their participation. As such, I shall give them the participation information sheet which explains the thrust of this research and sets out the parameters of their participation. After that, I ensured that they only participate after they demonstrated that they understood the nature of their involvement in this research. It then that I asked them to sign consent form. In terms of the risks that might have been involved in participating in this research, I also assured participants that in reporting the findings. I was not going to use their real names, unless they would like me to do so. I also offered to make available a draft report once I complete my research although I stressed that the purpose of this research was purely for academic purposes. Given that I was interviewing quite a number of officials from CoJ, I also secured a letter of permission from the city before carrying out interviews within the organisation

1.9 Limitations of the study

Ethics clearance from Wits was only confirmed by email the last week of October 2019 and permission only granted then to start with research interviews. There were also delays in securing interviews with the officials at CoJ as there was instability in leadership whereby management where reshuffled. The permission letter that was granted to conducted interviews was at some stage withdrawn because it was approved by the Head of the Department that was moved and therefore the incoming one had to understand the intention of the research. During

the course of the research, the CoJ Mayor resigned and the administration went back to be led by the ANC local government, which also created instability in leadership of the City. Some officials were reluctant to continue with interviews though they agreed to participate because of the change in administration at the City.

In the Gauteng Department of Human Settlement (GDoHS) it was also difficult to secure the appointments as officials' mind-set was to say it is local government responsibility to implement UISP. Added to this was sensitivity around the Melani court ruling, but I was nevertheless able to interview two officials. At NDoHS there was also a challenge in securing interviews with officials and that lead to NUSP officials as well as two officials from H.D.A.

Constant follow up in securing interviews which saw me having to contact respondents repeatedly in November, December and January and clarify the intention and objectives of the research. Some interviews were conducted late after work when officials were done with their daily meetings and duties.

1.10 Outline the research report

This research is presented in five separate chapters. The first chapter introduces the South African informal settlement situation in relation to upgrading with the purpose of identifying the problem statement. The chapter further presents the research questions which guided this study. Different qualitative methods such as face to face interviews, focus group discussions and review of secondary sources of data are also outlined in this chapter. Building on chapter one, chapter two places this study within its scholarly context. It does so through unpacking different literature on informal settlements from an international point of view. This is done precisely to understand how informal settlements policies and practices have shifted over the years. Global perspectives on informal settlements were also useful to this study as they present cases through which South Africa can draw relevance in its pursuit to improve the lives of informal settlement dwellers. Chapter three dwells on South African context through unpacking different policies on housing and informal settlement alike. The chapter also introduces the case of this study which is CoJ and ultimately Slovo Park. This is further engaged with in greater detail in chapter four which presents and discusses the findings of this research. The chapter on findings respond to the research questions guiding this research. The major theme contained in this chapter pertains to the fact that misalignment of policy on upgrading of informal settlement lies mostly in the way in which officials interpret the UISP.

However, as demonstrated in the chapter, these finding is much complex and is depended upon many other factors. The last chapter of this research (chapter five, presents a summary of the study and does so as a way of concluding the thesis hence it also provides recommendations and points out to areas for future research.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

This chapter explores what informal settlement means and different perspectives on informal settlements around the globe. This is done as a way of putting this study within its scholarly context. At the same time, the chapter engages both international and local literature on policy formulation and implementation with the task of tracing stakeholders and their roles in these processes. A review of policy implementation stages shall also help in identifying the challenges that are encountered along the way and the possible measures of dealing with them. The last part of the chapter shall seek to present and discuss the conceptual framework that this research relies on.

2.2 Understanding Informal Settlements

There has been an increase on the study of informal settlements both for academic purposes and documentation by different organisations. Already in UN-Habitat (2003) noted that, research on informal settlements has gained impetus from various sources which range from those that depict the empirical complexity and extent to which informal settlements are a challenge, to those seeking to understand the theoretical assessment of the concept as well as those that attempt to come up with solutions to the challenges of informal settlements through policy. Scholars such as Saunders (2010) consider informal settlements as places that are active spaces and vibrant; and do not only require policy implementation due to despair and lack but also need creativity to establish community life.

Considering this, it would be important to unpack how policies have responded to the challenge of informal settlements. In doing so, perhaps the starting point is to concede to the reality that literature on the subject identifies a shift in policy on informal settlements which dates as far the 1970s when John Turner among others promoted this based on experience in a few developing countries (Harris, 2003). This shift has been from an emphasis on eradicating through promoting negative ways of dealing with informal settlements to a more positive approach of promoting in situ upgrading approaches (Huchzermeyer, 2009). Interestingly, and most relevant for this study, the improvement of informal settlements through in situ upgrading rather than eradication through relocation has dominated both international and local discourses and practice. According to a Cities Alliance (2011) report, the endeavour in this regard is to

improve informal settlement dwellers' lives without affecting their present conditions in a negative way. In the context of South Africa, what this entails is that, in situ upgrading of informal settlements should lead to minimum disruption of dwellers' sources of livelihoods, social ties among others, and relocation should only be considered in rare circumstances and as a last resort (NUSP, 2015). It follows from this that it is important to discuss different approaches to informal settlements.

2.3 Policy approaches on informal settlements

There are various paradigms or perspectives on informal settlements, and these have shifted over time. Reviewing these approaches in relation to this study is crucial as it sheds more light in accounting for the present approaches to dealing with informal settlements. Much of what is known and utilised today in terms of strategies to deal with informal settlements, particularly upgrading plans, owes a lot to shifts in policies that have evolved over time.

The modernist approach dominated policy in the 1960s and 1970s. This perspective views informal settlements as places characterised by lack or decline (Pugh, 1991). Advocates such as John Turner (1972) helped promote in situ upgrading of informal settlements along with aided self-help approaches. By aided self-help housing, Turner (1972) proposed that dwellers should do more for themselves in the housing processes, rather than waiting for the state to provide housing. In this regard, the state should stick to its role of facilitating access to housing through creating a conducive environment. Rather than being a provider, the state should be act as a regulator of housing processes (Turner, 1972 cited in Bromley, 2003). However, a modernist approach has persisted, with more recent perceptions of informal settlements as disruptive to the world class city, and therefore treated with negative connotations (Huchzermeyer, 2011). According to Freund (2007), the modernist perspective also regards informal settlements as resulting from housing deficit in a planned city, hence the solution of modernism is to provide mass housing for the poor. According to Huchzermeyer (2009), in South Africa, the first decade of the current millennium was characterised by a drive to eradicate informal settlements through the promotion of negative and direct measures such as removals, criminalisation and relocations. Huchzermeyer (2011) associates this eradication drive in part with the drive (which persisted beyond the adoption of BNG) for urban competitiveness, including preparations for the hosting of the 2020 Soccer World Cup.

An approach that has helped promote in situ upgrading of informal settlements is the urban poverty livelihoods approach brought to the fore by Amis (1995) and Chambers (1995). This is also currently adopted by National Upgrading Support Programme (NUSP). According to this perspective, informal settlements resemble more than lack of infrastructure and housing. They are a sign that the realities of the urban poverty vary and are complex. As such, solution to this situation in terms of intervention should be sensitive to impacts on people's precarious livelihoods, and focused on participation and empowerment of the people affected. This would enable the people affected to be resilient, and prevent the creation of new or additional vulnerabilities.

The other perspective on informal settlements is the right to the city approach. The paradigm sees informal settlements as an integral part of the city (Fernandes, 2011). In this regard, all citizens in urban areas should have the right to access land and services more permanently and be involved in the shaping of their future cities (ibid). The right to the city is a vehicle for urban change, in which all urban residents are urban citizens and create space for all citizens to define their needs and participation (Brown, 2009). UNCHS (2001:14) emphasis that "the right to city recognises the rights of poor people in urban areas to participate in distribution of urban benefits". This hasn't been fully achieved in South Africa as the drive by market forces to attract global investors barred the poor people from living and making a livelihood in the city due to unhealthy competition (Huchzermeyer, 2013).

Additionally, global agendas on human settlements have also recognised an urgency to promote the upgrading of informal settlements. The first initiative to this was the adoption of the Vancouver Declaration by governments in Vancouver and by the UN (Habitat I, 1976) and the Habitat Agenda in Istanbul (Habitat II, 1996). These agendas "reveal a consensual strategy to housing on the part of the global society and focuses on housing as a human right" (Tebbal & Ray, 2001:15). In relation to informal settlements, the Habitat Agenda states that "access to land and security of tenure are strategic prerequisites for the provision of adequate shelter for all and the development of sustainable human settlements" (UNCHS, 2003: 108). In the same vein, the Millennium Development Goas of 2000 focused on "making a significant improvement in the lives of at least 100 million slum-dwellers by 2020" (Miller, & Swanson, 2002:11). South Africa was not part of Habitat I but was a signatory to Habitat II in 1996 and has participated at the global level in subsequent agreements including the New Urban Agenda.

However, the MDGs backfired into an eradication drive (Huchzermeyer 2011). Having said that, it is important to unpack the processes of policy implementation with the purpose of trying to identify the factors that can contribute to mis/alignment of policies between different sectors. As such, a brief explanation of what policy mis/alignment means is necessary before engaging literature on policy implementation.

2.4 Conceptualisation of policy alignment/misalignment

In general, policy alignment concerns the matching of policies specified at different levels in different organisational systems and delegated to different agents (Pieters et al, 2012). For example, in relation to housing or informal settlements, policies that seek to address the housing challenge should not only talk about the possible course of action in a broader sense without speaking to each individual's role and behaviour to fulfil the overriding aim or goal. What this suggest is that, if this is not the case with any policy (misalignment). There is need to refine and correct each individual's role and behaviour in respect of the original policy (realigning) (Anderson, 2011). For the purpose of this study, it means therefore that it is important to understand how the policy on upgrading informal settlement in South Africa align/ within different government departments. In as much as this topic is discussed elsewhere particularly in literature on business goals and security policies, rarely do we have the treatment of this topic in relation to housing and informal settlement upgrading.

As demonstrated in the previous sections of this chapter, the informal settlements present a dynamic and complex equation that needs effective and efficient policy intervention. Precisely, a discussion on different approaches to informal settlements opened an understanding of how complex 'intervention' in relation to policy or approach can be, which in most cases led to shifts in the paradigms. The next section sought to provide an understanding of what policy and implementation is and how to interpreted it within the context of informal settlement upgrading. The point being that it is through these lenses that we can appreciate the puzzle between mis/alignment of policies within different government departments as is the focus of this study.

2.5 Policy Implementation

There is no doubt that research on policy implementation has gained impetus in academia. This topic dominated theoretical and intellectual debates among social scientist since the 1970s (see Pressman and Wildavsky, 1973). Other scholars such as Najam (1995) traces the evolution of

policy implementation to the 'classical' period. Nonetheless "policy implementation studies are not value-free due to socio-cultural, political and economic variations in the country's context" (Priyantha, 2006:13) Similarly, scholars such as Najam (1995) sees the process of policy implementation as dynamic, complex and multi-actor, and affected by both content of the policy being implemented and context. The complexities of policy implementation lie in the fact that implementation might take place over a long period of time, "thus introducing other dynamics which complicate the process of documenting and monitoring the effects and impacts of policy" (Anderson, 2011).

Classical literature points to some key factors which directly influence the policy implementation process. For instance, thinkers such as Ryan (1996) summarizes these as the policy (goals, objectives and causal theories); implementation structures; (actors and agencies); and external influences (including environmental factors and the policy environment). While there has been much theorisation about the factors over the years, in the context of this study, understanding the implications of policy alignment or misalignment, might "lead to new forms of policy implementation not yet well understood" (ibid).

Implementation of policy is literally defined as accomplishing, completing, producing, or carrying out (Anderson, 2011). According to philosophical theorists on implementation, the term might also be used to mean the "relationship between different stakeholders to policy as laid down in official documents" (Pressman and Wildavsky, 1973:220). Similarly,

> "policy implementation may be viewed as a process of interaction between the consequences of even the best planned, best supported, and most promising policy initiatives which eventually depends on what happens as individuals throughout the policy system interpret and act on them differently" (McLaughlin 1987:07).

It is this line of thought that perhaps brings a perspective to this study in terms of the roles and responses (and the interpretation of policy that is implicit in this) of different officials that are mandated to see through the upgrading of informal settlements. It would be interesting then to unpack how these officials respond to policies on upgrading in their different government departments. This is so because policy implementation has the likelihood of taking different forms and shapes in different organisational settings. In such a scenario where policy implementation from one organisation say at the provincial level of government is different from that of an organisation at the local level, even if the intentions between the two are the same, the end results or policy goals are likely to be misaligned. Supposing that this is

something to go by, one would then be interested in finding out if officials at provincial level have a different understanding of how upgrading of informal settlements should be implemented than officials at local government level.

Policy implementation is also associated with challenges such as unclear relationships between policy, decisions making, around implementation programme and actual implementation'. In this case, theorists argue for the need to move away from top down approaches to bottom up approaches to resolve challenges associated with policy implementation (Najam, 1995). A bottom up approach clearly define each stakeholders' role in the policy formulation and implementation process and can also help resolve the issue of misalignment of policies between different sectors.

According to Montjoy and O' Tole (1979), while problems might be encountered during the policy implementation phase, there are some problems that are visible and can be predicted due to the nature and form of the policy itself. At the same time, Maina (2013) argues that the 5C model which speaks about client and coalitions, context, content, commitment and capacity in policy formulation and implementation, identifies the policy as a key variable for implementation. The key factors for analysis within the model include its causal theory (or how it perceives the problem); it's goals and objectives (or what it sets out to do) and it's means (or how it seeks to address the problem). This is explained further in the next section.

2.6 The 5C Model in the process of Implementing Policy

The 5C model resembles the various aspects involved in the policy implementation process and their roles (Najam, 1995). According to O'toole (1986) implementing agencies and actors are crucial to implementation success or failure. Implementing agencies are characterised by their understanding of policy requirements; their agreement with policy goals; their motivation; intra and inter-organizational dynamics; and capacity to implement tasks among others. From this, the model above by Najam (1995) focuses on two key elements of implementing agencies which are their capacity to deliver as per policy requirements; and their commitment to the objectives and goals of policy. For the purpose of this research, what this means is that policy alignment is likely to be determined by ability of implementing agencies to commit and deliver objectives or goals despite the differences that may exist between levels of government.

Additionally, Hope (2011) defines capacity as the competency of actors (individuals, public sector, private sector, civil society organizations and communities) to engage in activities in a

sustainable manner for positive development impacts. Bynard (2005:13) extends this definition, noting that “capacity captures tangible human, financial, material, technological and logistical and intangible resources such as leadership, motivation, commitment, willingness, guts and endurance needed to transform policy into action”. This broader definition emphasizes the challenge of 'building institutional capacity.

Najam (1995, p. 49) adds that 'the critical question in understanding how capacity may influence implementation effectiveness is not simply one of what capacity is required, where? But also of how can this capacity be created and operationalized?' Within the implementation model presented earlier, the focus also narrows down to administrative resources, with reference that undertaking the broader all-inclusive conception would render analysis unmanageable.

Furthermore, the environment through which policy is being implemented might also affect its success of failure. As observed by Smith (1973), the context of policy might encompass factors that are influenced or influence the process of implementation. These include local politics, government strategies and organisational culture among other factors. In this study, it would be important to approach the terrain of policy alignment and misalignment with this in mind. Interestingly, there hasn’t been enough research that tries to document policy misalignment or alignment with an informal settlement discourse in mind.

2.7 Process of Implementation policy in South Africa

Present day South African policy processes cannot be understood holistically without considering the country’s historical context. The importance of engaging polices in this manner emerges against the backdrop of attempting to get the rationale behind the adoption of the policies especially at a time when South Africa entered its second decade of democracy. As such, in order to get an insightful understanding of and justification for policy making and implementation structures in democratic South Africa, the starting point would be to look into the country’s history of apartheid which was characterised by segregation which was focused on separating the population on racial lines.

The system of racial segregation and Apartheid was enforced primarily through policy interventions which saw state administration, service delivery and the structuring of urban areas or cities favouring white minorities against the black majority. Policies of spatial separation, influx control, and legislation of separate administration structures for separate groups would

ultimately lead to skewed and uneven development across the country (Republic of South Africa, 1998). Apartheid policies and systems of administration, management and resource distribution were also uneven, particularly against the African (black) population. This left a considerable bulk of the population disenfranchised, impoverished, and isolated from the mainstream economy.

The task that accrued to the post-apartheid government was monumental and this was envisioned in the Government of National Unity's commitment to 'effectively address the problems of poverty and gross inequality evident in almost all aspects of South African society' (Republic of South Africa, 1994, p. 4).The key goals outlined in the ANC's Reconstruction and Development Programme (RDP) were: meeting of basic needs, development of human resources, building the economy; democratization of the state and society, and implementing the reconstruction and development programme (Republic of South Africa, 1994, p. 9). Each of the goals was broad and detailed and would require concerted coordination and efforts to achieve. It is important to expand on the in relation to implementation structures that exist in South Africa.

2.8 South African Policy Implementation Structures

While South African systems were fragmented along geographical and racial lines prior to 1994, there was reformulation of structures of the state especially during the period of transition to democracy. The constitution of 1996 clearly anticipated that the government would constitute 'national, provincial and local spheres of government which are distinctive, interdependent and inter-related' (Republic of South Africa, 1996, p. 42). The Constitution also outlined a series of guiding principles to steer the functioning of these spheres, stressing on the need for cooperation and coordination. A number of literature sources explore the emerging issues on intergovernmental relations in South Africa (e.g. Tapscott, 2000; Reddy, 2001). Reddy (2001, p. 24), for instance, notes that the document's emphasis on 'spheres of government' (as opposed to tiers) is indicative of a shift from the hierarchical power structures in which some structures are lesser than others. Instead, each sphere of government would enjoy relative autonomy to perform its duties and tasks as per the Constitution.

The Constitution outlines the legislative and administrative roles and responsibilities of each sphere of government. Here, efforts have been made to ensure the efficient coordination and cooperation across the agencies, whilst ensuring efficiency, transparency and accountability.

This is supported and sustained through legislation. A number of intergovernmental forums have also been created to facilitate dialogue on matters of mutual interest such as implementation of national policy and legislation, planning coordination, alignment of strategic and development plans (Department of Provincial and Local Government, 2006).

From the Constitution, it was apparent that the bulk of legislative and policy implementation roles would accrue to national government, with provincial governments coordinating implementation. Though local governments were charged with the role of service provision, social and economic development, and urban management, they would undertake this role under the guidance of provincial and national governments. The Constitution also provided for the delegation of powers and functions to local governments, once the capacity was available (Republic of South Africa, 1996). Current structures of policy implementation therefore involve all three spheres of government. This structure has presented both opportunities and challenges for implementation at local government level.

2.9 Conceptual Framework

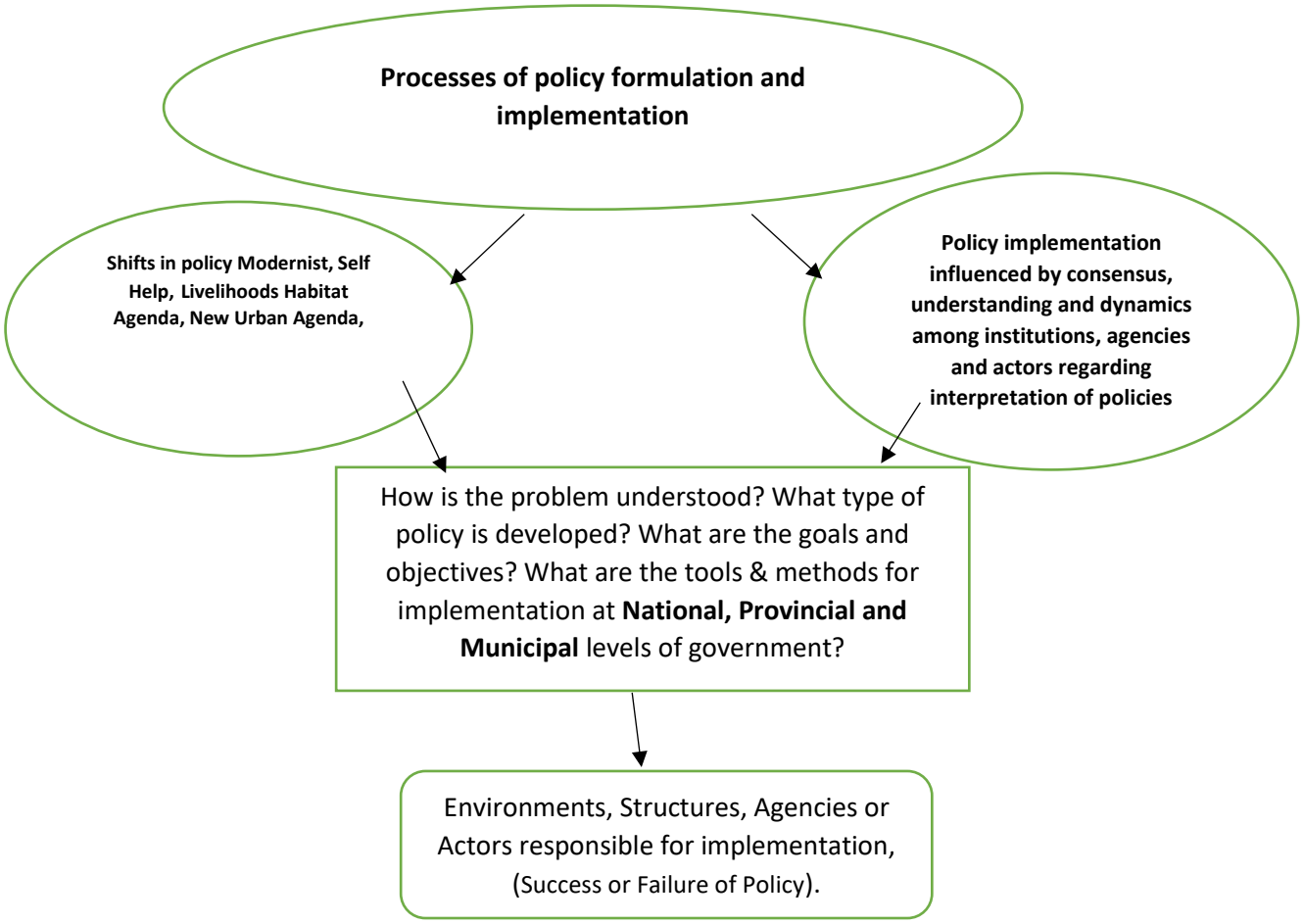


Fig 2.1: Conceptual diagram. Source: own formulation based on what is covered in this chapter.

The framework above, while coming from the presentation made throughout this chapter, emphasizes the fact that policy-makers' understanding of, and attitudes to, the problem under review is key. In studying informal settlements intervention policies, it is therefore not enough to focus on the actions of the state (formulation and implementation), but also, the understanding, ideologies and attitudes driving these policy actions. The South African case provide further detail of the way in which policy is interpreted between national, provincial and local-level. Although the framework reflects the ideal model through which policies on are formulated and implemented, to some extent exhibiting the global shifts in informal settlements policy, it also illustrates the factors that are crucial to the successful implementation of policies. None the less, theoretical literature on the subject also underscores the difficulty of analysing or documenting the policy implementation sphere as it is dynamic, complex, and highly unpredictable. As such to understand some of the factors contributing to misalignment of

policy, there is need to focuses on the systems and structures through which policies are articulated and implemented which in this regard are different levels of government such as the national, provincial and municipal level.

2.10 Conclusion

This chapter has presented literature on the subject of informal settlements, as well as policy perspectives on informal settlements and their shifts over the years. This was followed by a presentation of the policy implementation process and some of the problems that are encountered. Review of such literature was necessitated by the realisation that, in as much as there has been growing consensus on the need to upgrade informal settlements in situ through policy, in reality, the upgrading process has not been taken up as expected. This underlines the need for research into these areas to pay a closer attention to the alignment and misalignment of policy between government departments tasked with upgrading informal settlements, and the possible interaction of this with policy interpretations of individuals in these departments, acknowledging that this involves a complex and varying set of issues and interactions. Implementation structures of IS upgrading are important in achieving results hence they need to be studied vigorously. As such, literature presented here suggest informal settlement as a complex phenomenon that cannot be talked about in abstraction. This also emanates from the fact that policy the implementation discourse is dynamic and can be characterised by many challenges. An example can be drawn from the fact that while policy implementation offers a clear and straightforward strategy and goals to be achieved, structures tasked with implementing the policy can vary in their understanding of the goals or task at hand due to varying context.

CHAPTER 3 INFORMAL SETTLEMENT POLICY IN SOUTH AFRICA

3.1 Introduction

This chapter provides an overview and the situation of informal settlements in South Africa. It does so through drawing from literature that documents informal settlement policy with the purpose of capturing implementation experiences, implementation frameworks and emerging policy issues. The chapter also traces how policies have sought to address the informal settlement issues, and how these have fared in terms of implementation. In order to demonstrate the current efforts to respond to informal settlements situation, the chapter first begins by giving a brief background to the development of informal settlements in the country. It then discusses shifts in policy on informal settlement upgrading providing evidence from different policies and programmes that have been implemented over the years such as Breaking New Ground (BNG) and UISP. The chapter then turns to the case of Slovo Park with a view to give contextual informal about the settlements and lastly, the chapter concludes by drawing from major points presented herewith.

3.2 Informal settlements in South Africa and Intervention

In South Africa, the history of informal settlements dates back to the 19th century. According to Wilkinson (1983), whose work tracked the roots of informal settlement and intervention policies to the 1940s, the housing challenge was intended to be resolved by the apartheid government from 1948 onwards through the developments of segregated townships and from the mid1980s onwards the spearheading of the site and service programme. Nonetheless, the bigger problem of oppression and exploitation occurred in different forms including in housing production (ibid). Likewise, in Harrison's (1992) work on the phenomenon of informal settlements and shifting policies during the apartheid era, what stood out when this is read today is that while a lot has changed with regards to policy on informal settlements, in practice approaches and rationale has barely changed. According to Huchzermeyer (2003), this is a legacy of control. This is crucial for my research in that it can help us think about the background perception through which the non-alignment of policies on informal settlements comes about. For instance, in 1994, the National Department of Housing was quick to acknowledge that shortage of housing supply versus high demand had pushed many families into residing in informal settlements, hence the need to see housing production as a solution to

the challenge of Informal Settlements (Department of Housing, 1994). What this entails in relation to my study is that the alignment or misalignment of policies on informal settlement upgrading between different government departments is likely to be emanating from this culture of seeing the task at hand as the provision of houses rather than the current statutory approach of developing or improving informal settlements in situ.

The dominant perception was prioritising housing delivery and infrastructure provision in terms of the roads and services that get installed for housing projects. This meant the demolition or relocation of informal settlement in places where housing projects were to occur and, literature has tended to focus more on this dimension (Kihato and Charlton, 2006, Ross 2010). Additionally, the 1994 White Paper on Housing also indicates that the housing problem in the country just after apartheid was complex and extensive (DoH, 1994). By then, about 1.5 million housing units were required to meet the housing demand. This was to compliment about 1 million occupants who resided in hostels that required redeveloping and serviced sites. Annually, the housing backlog was estimated to increase at about 178, 000 per year (DoH, 1994). The White paper was focused on addressing the needs of those that were not homeowners in South Africa. However, at the time the country lacked legislative, administrative and intuitional restructuring to allow that. Therefore, the task was to think through how to respond to the housing challenge within a country characterised by ever-growing numbers of informal settlements. As such, for the National Department of Housing (NDoH), the solution was "to establish communities within which all residents could have access to a permanent residential structure with secure tenure, portable water, adequate sanitation, and domestic electricity supply" (DoH, 1994:13). This led the newly elected government to adopt a once-off capital subsidy for the "provision of full tenure, basic infrastructure and housing for qualifying beneficiaries", basing this on the funding mechanism for sites and services of the outgoing apartheid government from the mid-1980s (Huchzermeyer, 2001:16).

While the capital subsidy was applauded for leading to the delivery of housing at a fairly fast speed, the strategy has also attracted criticism from different scholars. According to Pithouse (2009), in as much as the strategy led to the delivery of about one million housing units in a period of 7 years, the quality of the houses produced were very poor. Similarly, Charlton and Kihato (2006) observed that most of the newly established settlements under the capital subsidy programme were located on the urban fringes and these areas were very far from centres of economic opportunities such as employment. This then meant that the social and spatial

marginalisation of the poor that the new democratically elected government intended to address was perpetuated (Huchzermeyer, Baumann, & Roux, 2004). In relation to informal settlements, according to Misselhorn (2008:151), the approach could not resolve this challenge as it offered a technical solution of mass housing production without addressing the "complex social, legal, political and economic realities of poverty as manifested in informal settlements" or recognising "the popular initiative that created the informal layout" and "popular ideas for settlement improvement".

Interestingly, there were attempts at upgrading in situ within the constraints of the subsidy system in the first decade of democracy in South Africa. These are worth mentioning here as they open up lessons on different innovative ways of improving informal settlements while bringing to light some of the problems of in situ upgrading within the context of the broader policy framework on housing. According to Charlton (2006:53), "substantial and significant" informal settlement upgrading processes occurred in the 1990s. Hence, she maintains that these projects have been side-lined in the current discourse on upgrading of informal settlements. Thus, she argues that the "limited documentation, analysis and evaluation of experience to date constitutes a gap in understanding of informal settlement upgrading processes and outcomes, and that a consideration of past experience could usefully inform future endeavours" (ibid:54). For example, the Durban Metropolitan Council had a programmatic approach to informal settlement upgrading (not just isolated pilot projects) which included *in situ* projects. According to a 2000 document produced by the Durban Metropolitan Council's Metro Housing, there were a number of in situ upgrading projects taking place already in the 1990s.55 Many of these projects grew out of the experience of pre-Metro local authorities and NGOs, for example the Urban Foundation and Built Environment Support Group (BESG) (ibid).

Nell & Charlton (2002:9) observed that "the national subsidy programme offered a narrow and limited set of tools with which to respond to a highly diverse and complex set of housing conditions and a wide range of expectations". This was in an assessment of the upgrading of the Cator Manor project is Western Cape. To this end, Charlton (2006:10) argues that, "following from all the cases of in situ upgrading of informal settlement in Durban, the initiatives offers positive results, particularly on adapting policy and programmes to local contexts and community needs". What this means is that in order to upgrade in situ, the existing policy had to be adapted. Additionally, while these efforts at adapting the existing policy to allow for in situ upgrading have existed, the overwhelming approach has been to work within

the capital subsidy programme and replace informal settlements rather than work with the existing informal fabric in the true sense of 'in situ' upgrading.

Despite notable cases of in situ upgrading of Informal Settlements, Huchzermeyer, (2009) notes that periods around the early 2000s and more so from 2005 to 2009 in South Africa were characterised by direct measures of dealing with informal settlements. In this regard, informal settlements were perceived as a menace to the beauty of the city hence there was a perceived need to eradicate them. By eradicating, officials sought to remove informal settlements entirely and either relocate them to anew place or replace them with new housing developments such as RDP. Thus approaches to informal settlements were characterised by criminalisation, prosecution and evictions (ibid). The UN's ethos 'Cities Without Slums' was also misunderstood in South Africa to mean the removal of informal settlements (Huchzermeyer, 2011).

It was only in the year 2004 when South Africa adopted the Comprehensive Plan for Sustainable Human Settlements: BNG strategy that a positive response to informal settlements was initiated within the policy. BNG sought to achieve the provision of facilities and services in communities beyond the delivery of housing units (BNG, 2004). Additionally, the strategy was also concerned with the identification and acquisition of land for housing in areas that are well located in relation to centres of economic attraction. It was because of this policy refinement that a new programme was incorporated into the Housing Code emphasising the need to improve the lives of informal settlements dwellers in the way initially intended by the UN, which ultimately translates into promoting in situ upgrading of informal settlements. In line with or BNG or the Housing Code of 2004 and 2009 the chapter on (UISP) was included, whereas the National Development Plan of 2012 (NPC, 2012) underlined the urgent need for its implementation.

The UISP is the policy that is at the centre of this study. The programme is entirely focused on promoting upgrading of Informal Settlements but without causing much disruption to the socio-economic activities of Informal Settlement dwellers. While it emphasises the need to cause minimum disruption, this programme also seeks to enhance the involvement or participation of local community members in the four stages of Informal Settlement upgrading. In this regard, it considers relocations only in rare and unavoidable circumstances. According to the Department of Human Settlement (2009c), apart from providing financial and directive support, UISP also encourages that in some instances, partial relocation is needed in order to

open up space for in situ infrastructure. The problem with this intention is that some planners' consultancies, as witnessed in the case of Slovo Park informal settlement assume it means that an informal settlement must be removed from the land so that conventional infrastructure and housing can be provided in its place, and that this is called in situ upgrading. This exemplifies the confusion around applicable policy.

Seven years after adoption of the UISP, scholars observed that the programme is yet to be implemented across South Africa (Tissington, 2011; Huchzermeyer, 2011). According to Cirolia et al. (2016), since 2011, the UISP implementation has still not taken off at scale. Nonetheless, for the upgrading of informal settlements to be successful, there are quite a number of issues that require attention in relation to implementation of UISP (Huchzermeyer, 2010). These speaks specifically to the implementation structures that are quite cumbersome therefore leading to the difficulties experienced in implementing policies. Most importantly, there is need to reform the cumbersome implementation structure as it is currently unreformed. Another important observation is that, implementers of UISP are hinged upon the idea of providing individual subsidy based on qualifying households and this has constrained the implementation and funding of the programme (Tissington, 2011). In addition to challenges that are faced with regards to the implementation of UISP, Maina's (2013:34) study on implementation in the City of Johannesburg found that

> "there is lack of clarity over relocation and use of the Emergency Housing Programme which could be easily misused by Municipalities to relocate households indefinitely; there is also lack of clarity over tenure issues; lack of non-subsidy linked top-structure support which implies that residents who don't qualify for subsidy could be affected at later stages among others"

Most importantly and for the purpose of this study, scholars such as Huchzermeyer (2011) point to another major challenge in relation to the implementation of the upgrading programme, namely the mismatch between policy goals and political guidance. In as much as policy on informal settlements advocates for the improvement of informal settlement dweller's lives through a support based approach, there remained a misalignment through a political position which seeks to eradicate Informal Settlements (ibid). The Cities Without Slums ethos by UN's Millennium Development Goal 7d was misunderstood in South Africa to mean the removal and eradication of informal settlements (Huchzermeyer, 2011). In this essence, South Africa witnessed the promotion of negative and direct measures of dealing with Informal Settlement

in the early 2000s which were later intensified between 2005-2009. It is from this backdrop that political state agencies have tended to overlook the policy goals derived from the BNG in relation to upgrading informal settlement (Pithouse, 2009).

3.3 Shifting Focus to promote Informal Settlement Upgrading

Strides to promote the upgrading of informal settlements were made following the revision of the UISP which is rooted in the Housing Code of 2009 (Chapter 13, Housing Code 2009). The National Upgrading Support Programme (NUSP) was established in 2009 by NDHoHS in response to assessment that saw that without the support tool, implementation of UISP in informal settlement won't be achieved (NUSP Workshop, 2016). It is a tool that support the implementation of the UISP with the purpose of promoting incremental upgrading of informal settlements in line with part 3 of National Housing Code (NUSP Workshop, 2019). This was to be further complimented by the accreditation of capacitated municipalities with housing functions, but it never implemented. What this meant was that both the national and provincial roles in housing delivery was now shifting to the local level (Maina, 2013). In 2010, a target was set for 2014 to upgrade 400 000 households living in well located land (Department of Human Settlements 2010:14). While this is no longer the target as we're beyond 2014, the new target is set in the Medium Term Strategic Framework (MTSF) that clarify the actions that the government would take and the targets to be achieved in the coming 5years (NUSP Workshop, 2016). MTSF sets the target based on the number of household that would benefit in UISP, number of informal settlement where feasibility studies were conducted, upgrading plans developed as well as the capacity building programmes implemented.

This target signalled a political shift moving away from eradication and elimination practice and discourse, but this did not manage to resolve the resistance against in situ upgrading. While at the core of in situ upgrading is the need to promote participation by communities, which is also the core of government legislation and policies, there is poor understanding among officials in relation to the roles of different sectors of the government in this process.

Additionally, the South African National Planning Commission's National Development Plan 2030, highlights the need to shift from housing mass delivery approach, eradication and elimination to the creation of opportunities and development of capabilities in relation to informal settlements. "The plan also highlights the importance of halting the practice of building houses on poorly located land and shifting greater resources to informal-settlement

upgrading, provided that they are in areas close to jobs" (NPC 2012:33). However, despite much emphasis in Chambers, (1995) on community participation, the reality that this concept is illusive and might mean different things to different people is not catered for. From different court cases, and the rise in community delivery protests, there is enough proof that communities remain relegated to the periphery of developments and upgrading processes in their localities.

3.4 The context of informal settlements in Gauteng Province

While in South Africa informal settlements are spread out through the country's nine province, this study was carried out in Gauteng province. According to Rogerson (1996), Gauteng Province is composed of a number of Cities that offer economic opportunities and attracts the influx of immigrants and people from other provinces, Huchzermeyer (2004) further elaborate on informal settlement as being the result of people relocating to cities in search for economic opportunities and settle themselves informally by invading unused land or under developed land next to the cities. This has seen places such as Pretoria and Johannesburg attracting many people from other provinces thereby exerting pressure on social amenities and housing. Stats SA (2016) reported that the Gauteng Province had an increased population of about 12, 272,263 people. Due to this high number of people against low production of housing, many people have resorted to residing in informal settlements. In informal settlements, residents experience precarious living conditions as they lack access to basic services such as safe drinking water, sanitary facilities and are thus exposed to risks such as diseases.

In addition, according to Housing Development Agency (2012), Gauteng Province had about 339,497 households residing in informal settlements in 2012. These numbers were mainly concentrated in City of Tshwane, Ekurhuleni Municipality and City of Johannesburg (Housing Development Agency, 2012). These numbers were mainly concentrated in City of Tshwane, Ekurhuleni Municipality and City of Johannesburg (ibid). In as much as the distribution of households living in informal settlements in Gauteng Province shows that Ekurhuleni Municipality has the highest number while the City of Johannesburg is the second highest., scholars such as, Huchzermeyer et al. (2014) observe that data on households living in informal settlement particularly in Johannesburg is not conclusive.

3.5 Informal Settlements in Johannesburg

For CoJ, the definition of informal settlement has been a contentious issue. HDA (2012) confirmed this through a study around 2012 of informal settlements in South Africa. At the

time the City did not have a definition of what constitutes an informal settlement. None the less, the City at the time was using the definition of informal settlement was that of an:

> "An impoverished group of households who have illegally or without authority taken occupation of a parcel of land (with the land owned by the Council in the majority of cases) and who have created a shanty town of impoverished illegal residential structures built mostly from scrap material without provision made for essential services and which may or may not have a layout that is more or less formal in nature" (ibid:11).

The City of Johannesburg has a detailed database of 180 informal settlements across all regions of the City. According to this database there are 195, 474 shacks in these 180 informal settlement in the municipality. However, according to the report tabled by housing department in 2013 the actual number of informal settlement at CoJ was 189 and 9 settlements were omitted (Nkosi, 2013). A household estimate published by the Development Planning and Urban Management Department of the City of Johannesburg in 2014 placed the number of households living in informal settlements as 220,000. However, it is unclear what underlying data or methodology was used to generate this estimate (Nkosi, 2013). In relation to the growth of informal settlements in the city, Huchzermeyer et al. (2014) argue that has been part of the development of the city, following domestic work opportunities although informal settlements have also been displaced by formal development. In terms of their distribution, informal settlement continue to be concentrated on the western side of the city with some of them developing in pockets of land near industrial sites (ibid). Most of these informal settlements are also located closer to or in old black townships it is unlikely to find informal settlement in formerly white suburbs as they might have been removed or the other reason been that they are unable to defend settlements in the suburbs (Huchzermeyer, et al 2014).

Furthermore, most informal settlements are located near places of economic opportunities such as industrial sites, transport nodes of factory zones and also next to gated estates which brings domestic workers working at those estates closer to work (Huchzermeyer et al., 2014). These conveniently located areas also attract both local and international migrants as they seek to search for employment opportunities. Just like the Gauteng province, Johannesburg is characterised by inequalities in respect of access to services, space and income. This scenario was largely caused by the apartheid planning system that was based on racial segregation and discrimination. On average, households made up of white South Africans have much higher incomes when compared to black South Africans (Stats SA, 2018). The same situation

transcends into living conditions in the different residential areas. White households still predominantly own and reside in high affluent suburbs while black South Africans reside in township houses, backyard shacks and in informal settlements. This therefore shows that as per the National Planning Commission's 2012 National Development Plan (NDP) 2030, the spatial dimensions of apartheid, which determine many other dimensions, have not been dismantled. Informal settlements where blacks reside are not well resourced compared to the affluent white suburbs while the population in the informal settlement is growing at an alarming rate.

3.6. City of Johannesburg's internal policies relating to informal settlement upgrading

It is also important to highlight that in as much as CoJ has been experiencing a growth in the number of informal settlement, it has also put in place a number of initiatives to respond to this challenge. The first positive approach to dealing with informal settlements was a process called formalisation. According to Huchzermeyer (2011), this process involves the provision of formal recognition to informal settlements in relation to the layout of planning so as to improve the provision of basic services, health and safety. Formal recognition in this regard also entails that when there is an improvement to a settlement, investment is likely to be attracted. However, there is a tendency of confusing this process with in situ upgrading. Huchzermeyer (2011) maintains that formalisation can be attained through different processes which include relocation to Greenfield or roll over upgrading. The ultimate goal is to convert an informal settlement into a fully established, legal settlement thus adopting it into the formal property market.

Additionally, following the adoption of Development Planning and Urban Management programme at the national level in 2008, the CoJ introduced a programme called Regularization, quite similar to the formalisation initiative. The aim of this programme was to enable the identification of a plan of action that would lead to an effective way of upgrading informal settlements.

The initiative under regularisation was to give land tenure to as many as informal settlements in the city as possible. It is through this programme that informal settlements were considered transitional sites following to amendment of the City's Town Planning scheme (Huchzermeyer, 2011). The regularisation programme was also supposed to be implemented in informal settlements that would have been identified for formalisation. However, even after the introduction of the formalisation and regularisation programmes, many informal settlements in

Gauteng Province and CoJ in particular have not seen any notable improvement over the years. Arguably, there is no doubt that overall implementation has been relatively slow. This is despite the reality that the number of people residing in informal settlements in the province and in the city continue to increase.

3.7 Background of Slovo Park

Slovo Park is an informal settlement situated adjacent Nancefield Industrial site as shown in fig 3.1. It was established by industrial workers and people seeking job opportunities at Nancefield industries. The settlement is a home to 3734 household located on 42 hectares of land (Urban Dynamics, 2017), see fig 3.1 below. The settlement was snubbed for development by the government for approximately 20 years (SERI, 2017). The community has elected the forum that represent them and champion issues of development in the settlement.



Fig 3.1 Layout Plan of Slovo Park that was done by the community leadership. GeoLIS Mobi-Map (2018).

3.8 Slovo Park Court Case

The Slovo Park Community Development Forum (SPCDF) has been at loggerheads with the City of Joburg due to the non-implementation of UISP at the settlement. It was in 2010 that for the first time, SPCDF decided to engage Socio Economic Rights Institute of South Africa (SERI) to seek legal advice to compel the municipality to implement the upgrading programme

which had been promised the settlement since 1995 (SERI, 2016). In as much as there Slovo Park was well organised in terms of the layout plan, which was laid out substantially as a formal township would be as shown in Fig 3.1 above, with named streets and carefully demarcated subdivisions, it still lacked access to formal services and housing, which the residents have been promised for almost 20 years. The layout plan was further supported by Urban Dynamics in 2017 although with other recommendations as seen in fig 3.2 below.

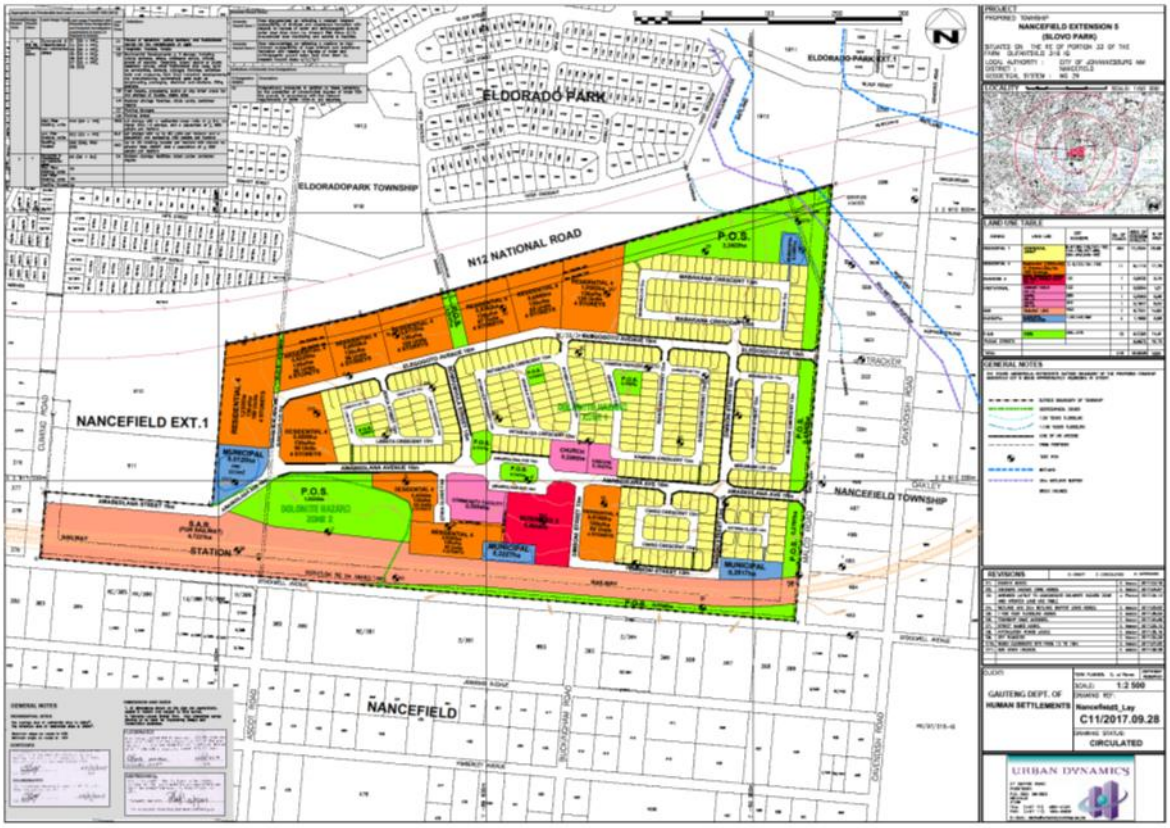


Fig 3.2 Proposed Slovo Park Layout Plan by Urban Dynamics (2017).

The Court application by residents argues that the City of Johannesburg's failure to take a decision to apply to the Gauteng Provincial Government for funding to upgrade Slovo Park in terms of the Upgrading of Informal Settlements Programme (UISP) - contained in the National Housing Code - is in breach of the South African constitution. Precisely, SERI (2016:01) notes that that failure to apply UISP to Slovo Park was in breach of

> 'the principle of legality in section 1(c) of the Constitution, in that the respondents have failed, for over 20 years, despite numerous undertakings, to apply and take action in

terms of the national laws and policies applicable to the applicants, particularly the UISP; section 26(2) of the Constitution, in that it is unreasonable and invasive of the rights to the progressive realisation of the rights of access to adequate housing; the City's obligations under section 152(1)(a) and section 153(a) of the Constitution, to provide accountable government for local communities, to promote social and economic development, and to manage its administration and planning processes "to give priority to the basic needs of the community, and to promote the social and economic development of the community"; and, further, that the failure to take a decision is administrative action, which falls to be reviewed in terms of section 6(2)(g) of the Promotion of Administrative Justice Act 3 of 2000 (PAJA).

In June 2014, the City responded to the application by launching an "interlocutory application disputing the lawfulness" of the power of attorney authorising the SERI Law Clinic to institute proceedings against the City. The City provided affidavits from nine residents who had not signed SERI's power of attorney as evidence. In August 2014 the Slovo Park residents (represented by SERI) filed their answering affidavit, in which they agreed to withdraw the nine residents from the main application in order to expedite the process and avoid further delay; however also arguing that the contentions advanced by the City have no merit (SERI, 2016).

In January 2015 the CoJ filed its answering affidavit in the main application, contending that it has made a policy decision to provide housing on land at Unaville (in Lenasia South) to qualifying applicants, and that the court cannot interfere with this decision. The residents replied to this affidavit in March 2015, arguing that the City's plan for their relocation to Unaville is in clear breach of the applicable legal framework and that, as a first priority, the UISP requires that informal settlements must be upgraded in situ and in partnership with the residents of the relevant informal settlement. The City's new plan to accommodate the applicants at Unaville ignores both requirements and the City does not furnish any evidence that any consideration of the requirements of the UISP was undertaken (Interview with a resident from Slovo Park informal settlement, 2020).

On 30 September 2015, the City withdrew its application disputing SERI's power of attorney in the Gauteng Local Division of the High Court in Johannesburg. The main application was heard in the same court on 9 November 2015. On 5 April 2016 acting Justice Strauss found that the UISP is binding on the City, and that the City's decision "to completely ignore" the

policy in favour of its own plan to evict and relocate the Slovo Park residents was in breach of the section 26 (2) of the Constitution, the Housing Act 107 of 1997, “unreasonable” and “not inclusive”. The Judge also found that the decision was taken without any consultation, and “flies in the face of established constitutional jurisprudence regarding the need [for] meaningful engagement in instances where the right to adequate housing is concerned (SERI, 2016:130). The judgment effectively set aside the City’s plan to relocate the residents and directed the City to make the appropriate application to the provincial Minister for Human Settlements for a grant to upgrade the Slovo Park Informal Settlement in situ (Melani and Others v City of Johannesburg and Others (02752/2014) 2016).

3.9 Conclusion

This chapter revealed that while housing policy-makers in South Africa have come to acknowledge the need to improve conditions of informal settlements through policy, there are still many challenges experienced in this regard. While efforts are already underway in South Africa to promote in situ upgrading of informal settlements, literature shows that implementation structures seem unable to produce the expected results. Some of the challenges identified in relation to in situ upgrading of informal settlements include the disjuncture between policy and implementation, and the misalignment of policies between different government departments, and that this area has been relatively under-researched.

CHAPTER 4 PRESENTATION AND DISCUSSION OF FINDINGS

4.1 Introduction

This chapter presents findings of this research looking specifically at operational policies and officials' practice and perspective on upgrading informal settlements. The chapter present these findings in different forms with each sub question forming a section or a theme. This chapter present findings on how the countries' and province's policies on upgrading informal settlements align or misalign within policies and programmes of the City of Johannesburg. Given the court directive to CoJ to implement the UISP in Slovo Park, as set out in the previous chapter, and the protracted process with many delays that has resulted in the CoJ in response to the judgement, Slovo Park is a useful reference point in this chapter.

4.2 The interface between national and provincial policies on informal settlements with CoJ

All three municipal officials stated that upgrading of informal settlement was only assimilated as a policy in 2004. This was also confirms what was presented earlier in chapter three and supported by Housing Code of 2009 which advocates UISP and all three spheres of government should adhere to and implement in informal settlements. The CoJ municipality formulated a Regularisation Policy which recognised the informal settlement in conjunction with UISP by providing access to basic services in the settlements. There are different views or understandings on regularisation and an official from CoJ argued that that:

> Regularisation does not accommodate informal settlements. It is not a policy but rather a by law that can be challenged in the court of law as it accommodates the old apartheid legacy of municipal housing (Interview Municipal Official 4).

In addition, currently there hasn't been any standard operating procedure or any document in CoJ that states how CoJ deals with informal settlements. There is no document that localises the national policy and explains what officials have to do, or setting out a protocol. There is no guideline that guides the City's officials on how to prepare a project, what steps to follow, what the budgeting process is, where to apply to for funds.

Interviews that were conducted with different officials revealed that in practice, aligning the intention of policies on upgrading informal settlements is a challenge that the South African

government and its different departments grapple with. This misalignment lie mostly between municipalities and provinces in that the former is thought of implementing the USIP in its own way which is different from that of the provinces. An official from Coj highlighted that:

> In as much as Municipal Owned Entities (MoE's) such as are keen to play a role in the upgrading of informal settlements, they remain at the margins because they have not been given understanding of UISP, therefore don't understand their role in UISP. At the same time, planning policies do not support UISP, for instance, when you want to align household structures or build houses in line with building laws and in an informal settlement, you have to follow lengthy township establishment process whereas UISP support incremental housing (Interview with Municipal Official 6, December 2019)

The sentiments provided above suggest that there is discord between existing planning processes in different settlements and the current policies on upgrading informal settlement. The misalignment is huge and makes one to wonder that if this confusion exists in theory particularly in policy documents, the situation is most likely to be greater in actual practice due to a number of factors that might also include incompetence, misunderstandings and incapacitation of officials among other challenges. The official added to these challenges and went on to say:

> We have a situation where, let's suppose an informal settlement requires the provision of water as part of interim services, Joburg water require that you submit drawings, but their internal processes are not necessarily aligned to UISP (Interview with Municipal Official,6 Dec 2019).

Moreover, while the National Human Settlements Department has put in place resources in the form of financial assistance towards UISP, provinces and municipalities are expected to map up plans on how to address and implement UISP. It is in this process of mapping out plans that misalignment exists. For instance, a CoJ official argued that:

> One of the possibilities of misalignment might be caused by priorities whereby the City will priorities a certain informal settlement in terms of upgrading whereas the National Human Settlement (funder) would have their own priority. The situation is even [more] perverse when the Gauteng Department of Human Settlement's (GDoH) priority is also different from that of the two (Interview with Municipal Official,4 November 2019).

The comments above also suggest a tension that exist between different departments involved in upgrading informal settlement and how this tension affects the upgrading process. While there has been talk of improved collaboration between these three spheres of government to ensure the smooth implementation of UISP, one would argue that the situation on the ground in terms of upgrading informal settlement suggest that collaboration is nonexistent, and this has been the source of misalignment to some extent.

Another important factor that came up during interviews with officials which contributes to misalignment of policies on upgrading informal settlements is political interference. An official from the CoJ did not mince her words about this subject and went on to say that:

> You see here, we have Gauteng Province with 5 Regions and given the current political scenario since 2016, the Province is ANC led, some municipalities like CoJ is led by DA while even some regions are led by other political parties. Coordinating upgrading activities in such a context of political differences becomes very difficult (Interview with Municipal Official, November 2019).

These sentiments are quite important to note in that, while officials in different government departments are expected to be non-partisan, reality is that their actions and decisions are to a larger extent influenced by the political environment through which they execute their duties. Officials themselves are political actors to such a point that they might push their political interest through utilising different opportunities in government departments thereby causing misalignment in upgrading processes. Policies are political but reality on the ground might be different, and that in itself leads to misalignment.

4.3 The interface between different policies and programmes on informal settlements within CoJ

It is imperative to begin this section by highlighting that the dominant approach to dealing with the housing problem in South Africa, as discussed in Chapter 3 above) was the provision of completed housing units or mass housing popularly known as RDP houses. This is an approach that was popularised both in housing discourse and practice just after democracy as it was aimed at reducing the housing backlog. Subsequently, the state assisted subsidy scheme became a nationwide intervention in respect of dealing with informal settlement. The approach has also influenced and informed many informal settlement intervention initiatives adopted since 2004 and to date, as shall be presented in the next section. It is therefore imperative to

discuss and think through intervention strategies that have been implemented both at national, provincial and local level in relation to this approach.

Following the implementation of the adoption of the BNG, the Housing Code of 2009 and UISP, the national government further realised that provincial departments and municipalities are still struggling to upgrade informal settlements. It adopted an entity called National Upgrading Support Programme (NUSP) in 2010 to support and fast track the implementation of UISP. According to this support programme, provinces and municipalities are encouraged to comply with prescripts as outlined in Housing Code chapter 3 which includes the UISP among other incremental programmes. The Housing Development Agency (HDA) was given the role as an implementing agent that should support provinces regarding informal settlements in mining towns within human settlements. It is from this that an official from HDA argued that:

> On paper, policies and programmes on upgrading informal settlements seem to be aligned. However, issues of misalignment may happen at implementation stage which could be influence by the interpretations, and issues of capacity. People in different levels of government might interpret policies differently at implementation phase (Interview with HDA official 2, 2019).

In its quest to promote in situ upgrading of informal settlements, GDoHS came up with a plan that considered the need to 'formalise' all informal settlements in the province including in CoJ. As was obtained through my interview with one official from the CoJ, formalisation processes were supposed to lead to the relocation of informal settlements to appropriately located land as of 2009. Asked what this meant, an official from the Provincial Department of Human Settlement maintained that:

> The idea here was to address the spatial injustice that has its roots in the Apartheid planning systems by ensuring that through upgrading programmes, informal settlements can be located near centres of economic opportunities such as work places. The idea was also to ensure that informal settlements are located away from hazardous sites such as those characterised by dolomitic structures or those near river and wetlands. (Interview with Provincial Officials 2, 2019).

Furthermore, as was observed in chapter three, the Gauteng Provincial government devised an initiative in 2009 to eradicate all informal settlements by 2014 (Gauteng Provincial Government, 2009) and this was also confirmed by officials interviewed in this study. It is

important to note that this initiative was adopted towards the 2010 Soccer World Cup and informal settlements were associated with negative connotations, hence the drive to eradicate them. This plan was adopted with the countries' national policies on housing in general and informal settlements in particular. For instance, in the second decade after democracy, South Africa misunderstood the United Nations' ethos, 'Cities without Slums' to mean the eradication or removal of informal settlements rather than the improving or upgrading of informal settlements (Cities Alliance 2011). This confusion led to the promotion of negative and direct way of dealing with informal settlements both at the three tiers of the South Africa government (Huchzermeyer, 2011). One official from the City of Joburg conceded to this reality and went on to say that:

> Listen, there is no doubt that whatever transpires here is influenced by decisions and policies adopted at the national level. I wouldn't want to pretend to you that the City never tried to remove people from different informal settlements. This happened several times and case in point is that of Slovo Park. Currently, we all know that the issue at hand is because the settlement is located on a dolomitic feature but prior, efforts to relocate the settlement were in line with national policies (Interview with Municipal official 1, 2019).

What this entails is that the City's measure of dealing with informal settlements are not being decided in isolation, rather they are being carried out in line with the broader national and provincial strategies.

Despite what Huchzermeyer (2011) refers to as negative and direct ways of dealing with informal settlement such as evictions and criminalisation, which characterised the South African informal settlement interventions particularly in the decade following 2000, there has been a move to promote what Huchzermeyer (2011) calls positive and indirect measures. These include in situ upgrading particularly after the adoption of Breaking New Ground (BNG) which was further strengthen by the Housing Code of 2009. Interviews with different officials within the housing sector also confirmed this. In relation to Gauteng Province, one officials argued that:

> In line with national policies on housing, there has been numerous plans to formalise all informal settlements in the province on habitable and safe land. The plans then are shared with different municipalities within the province such as CoJ (Interview with Provincial official 1).

A city official from CoJ echoed these sentiments in a separate interview. He went on to add that:

> We work with the Province and their plans are also our plans in relation to upgrading informal settlements. These different tasks are led by the Province and we are only brought on board as an implementation agency (Interview with Municipal Official 1, 2019).

In as much as the Gauteng Provincial government claims ownership of programmes to upgrade informal settlements, it is important to note that municipalities play a crucial role in these processes. Particularly, the provision of services such as water, electricity and sanitation to informal settlements are carried out by municipalities and this is the case for CoJ. It will therefore make sense to state that while the province spearheads plans to upgrade informal settlements, the majority of the tasks are carried out by those at the local level (municipalities) which in this regard has resources thereby fulfilling the plans by both the other tiers of the government.

Interviews with officials also confirmed that the first positive approach to dealing with informal settlements was process called 'formalisation', which, however, is not spelt out in any internal CoJ policy protocols or guidelines for informal settlements, and are largely drawn from the Province's formalisation approach

Asked about the CoJ's role in this formalisation processes, an official maintained that

> The programme of formalising informal settlement was handled and coordinated by the housing department (province), but it works with other departments within the city (Interview with Municipal official 1, 2019).

> The City has its own initiative known as formalisation whereby settlements would be relocated to developed greenfield sites located on urban peripheries with regards to settlement such as Leratong (Interview with Municipal Official 6).

As was presented in the chapter three above, the CoJ introduced a programme called Regularization, quite different to the formalisation initiative. An official from the City confirmed that,

> The initiative under regularisation was to give land tenure to as many as informal settlements in the city as possible (Interview with official 3, 2019).

It is through this programme that informal settlements were considered transitional sites following the amendment of the City's Town Planning scheme. The regularisation programme was also supposed to be implemented in relation to informal settlements that would have been identified for formalisation in the longer term. However, even after the introduction of the formalisation and regularisation programmes, many informal settlements in Gauteng province and CoJ in particular have not seen any notable improvement over the years. Arguably, there is no doubt that overall implementation has been relatively slow. This is despite the reality that the number of people residing in informal settlements in the Province and in the CoJ continue to increase.

After having realised that the housing challenge or the problem of informal settlement is a national crisis, the government of South Africa developed the Upgrading of Informal Settlement Programme which as already mentioned is part of the Housing CODE of 2009. An official demonstrated an understanding of this:

> CoJ developed policy, it is regularisation policy, which recognised informal settlements which is in conjunction with UISP. It gives occupants of Informal settlements access to the City services. The programme is an outcome of BNG 2004 policy framework which was later on complimented by the Housing Code of 2009, that gives direction of housing in terms of ensuring community participation (Interview with official 3, 2019).

Municipal Official 2 echoed these sentiments presented earlier and went further to highlighted that

> Thabo Mbeki era was to eradicate certain number of informal settlements and eradication then meant to get rid of informal settlements by 2014. The officials are aware that the aim should not be to eradicate settlements but to improve lives. (Interview with Official 2, 2019).

In addition, the official went on to say that

> While national policies acknowledge that the upgrading of informal settlements should be in situ and avoid relocation, the reality is that, some informal settlements would be relocated due to the studies and investigations conducted leading to the condemnation of these informal settlements. However, cases differ from one area to the other. Slovo Park residents were work-shopped and I was part of the engagements with communities that the area cannot accommodate the entire community and others would be relocated.

> I cannot comment further on Slovo Park as there were serious engagements which I was not part of (Interview with Official 4, 2019).

Officials from CoJ believe that, since UISP is a national policy framework, it is complimented at City level by the Regularisation policy which promotes upgrading of informal settlement incrementally. It is aligned to phase two of UISP whereby interim basic services are installed and basic water and sanitation provided to people staying in the settlement. The other phases of UISP like phase two, three and four also speaks to regularisation in order to amend town planning scheme and mandate the city to utilise certain space or land for the upgrading of informal settlement. However, a City official was not hesitant to point out that while policies on upgrading between the different sectors of the government seem to be aligned to each other, the problem lies within the incompetent of officials who are tasked to implement these programmes. He had this to say:

> The City is appointing people who are sectoral and have no clue in project management. For example, they appoint town planners who are not project managers and they don't know policy implementation. This means that officials do not understand policies and end up doing short cuts (Interview with Municipal official 2, 2019).

4.4 Policy messages that dominate in the minds of officials and politicians

As was highlighted earlier in this chapter, South Africa's first approach to housing was the provision of mass housing through the RDP subsidy scheme. It is important to note that it is this approach among others, that has also influence politicians and officials perception about informal settlements. A community leader who is also a politician participated in this research and argued that:

> See my friend, just as we attained democracy in 1994, our people had high hopes and expectations for the ANC government. They anticipated that their plight is going to be reduced by being given homes. Over the years, the ANC has tried that. I agree, its not everyone who is poor that has benefited by many families has benefited from the RDP programme. This programme should continue to help reduce the number of people living in informal settlements (Interview with a politician 1, 2019).

While the politicians seem to have not understood that policies on informal settlements have since moved from this mass delivery of housing to promoting in situ upgrading, it's interesting to observe that, such kind of understanding and thinking do not only dominate the mindset of

officials or politicians but also of residents. In the case of Slovo Park, some residents settled themselves closer to a flood zone so that they can be recognised by the City and have access to RDP houses (City Official 2, 2019). However, this should also be understood in the wake of the ever growing demand for housing in the country such that citizens can do whatever it takes to be accorded an opportunity to own a house.

In the case of politicians, its critical to note that besides them being representatives of the people, they also thrive on mobilising and gaining political support from the electorate hence their choice for what they consider to be substantial form of meeting people's demands. For instance, one politicians stated that:

> Personally, as a politician I am more interested in full services being provided as opposed to incremental approach of upgrading which is faced complexes and it takes longer time to achieve (Interview with community leader 2, 2019).

In this essence, politicians are more interested in what they think is a 'quick and guaranteed' way of dealing with informal settlements. They do not understand incrementalism, or the phased development approached to upgrading which is promoted by UISP. It is in this scenarios that officials tasked with implementation are coaxed by politicians to promote the provision of full services as opposed to installation of basic services, securing tenure addressing health and safety issues. One official could not hide his reflections of this issue and went on to say that:

> I know that there are certain officials that lack understating and articulation of the different policies on upgrading but some of us find it difficult to manage expectations of politician as well as the pressure we get from residents and civic groups. This impacts the implementation [of the] UISP strategies both at provincial and municipal level (Interview with an official 7, 2019).

Here, it's quite clear that officials seem to be shifting the responsibility to each other as they pointed the influence of politicians on their duties. However, some officials are also aware that apart from the influence they get from politicians, they lacked knowledge to implement different upgrading programmes. Additionally, what may be perceived as incompetence of officials at all levels of government can also be related to a lack of training. One participant argued that:

> Policies and frameworks on housing in general and informal settlements in particular have shifted over time but officials task to interpreted and implement these programme

> have not been sufficiently trained. This makes them to lose touch with the reality of what the government is trying to achieve (Interview with official 3, 2019).

Since national policies seem to promote in situ upgrading processes, this is what should also be transpiring on the ground. As such one might not be wrong to argue that municipalities, which have the mandate to regularise and implement different phases of UISP do not conform with the national trajectory and direction since they have been promoting eradication of informal settlements over the years.

While most officials' minds and indeed policies seem to be dominated by negative policy messages in relation to upgrading informal settlements, there are those that believe that the messages that dominate them are positive ones. For instance, one official made an argument that despite being in the department of Policy and Research, he has since moved on from focusing on the policy aspect of upgrading informal settlements to focus more on the implementation of these policies.

> As citizen of this country, City as well as Gauteng Province, I would like to see implementations as policies have been developed over years and reviewed, but implementation is extremely slow. I also still believe that govt should not move away completely from building people houses as there are people who are unable to build their houses including child headed families. (Interview with Municipal Official,4 November 2019).

The comments made above suggest two things. While the official is keen to see an improvement in the process of upgrading informal settlements through accelerating the implementation stage, he however saw the importance of state assisted housing construction programmes. What is not clear in this regards is how the state should finance the housing construction programmes, especially at a time when the economy is stagnant. The respondent was also not keen to share his views on whether state financed housing programmes should be complimented by self-help mechanism where residents can utilise their own resources in building houses.

Party politics has also had an influence of messages that dominate the minds of officials and politicians. In this case, politicians' positions in as far as responding to informal settlement upgrading are based mainly on their party's directive of preferred method. For instance, if one

political party agrees that the delivery of subsidised houses is the only solution to the situation of informal settlement, that is the message that will dominate in the minds of all its members. An official shared more light on this subject.

> In our case here in Joburg, prior to the previous administration that came to be in 2016, the ANC administration was too centred on promoting the delivery of state assisted subsidy houses. However, the DA administration seem to be shifting from this and move towards UISP. (Interview with Municipal Official,4 November, 2019).

Moreover, the political directive to implement UISP or to deliver RDP houses would be the message that also dominates the minds of officials. However, one official did not agree to this and made a claim that officials do not understand UISP, hence the programme doesn't dominate their thinking when it comes to dealing with informal settlements. The official went on to maintain that:

> Most officials in these different government departments know the core function of housing as being to manage existing stock and building of construction of houses which is predominantly on green field. (Interview with an official from the GDoHS, Nov 2019).

The messages that dominate in the minds of officials are also influenced by differing responsibilities between different departments at municipal level. A form of misalignment is evident when one department sets goals to deliver services in informal settlement and these are a mismatch of what other departments intend to. In this case, officials in one department tend to be so focused on attaining their department's goal without having to consider the overall municipality's aim in implementing UISP. This was supported by an official from the CoJ.

> We have a scenario in the City where the planning department is busy focussing on transport orientated development which is not supporting UISP in any way. There is that misalignment. There was also more concentration on conversion of bad buildings [in]to family units which was not in support of UISP (Interview with Municipal Official,7 December 2019).

The fact that within the municipality there are some departments and some officials who prioritise redevelopment of abandoned buildings over supporting the in situ upgrading of informal settlement suggest that officials are incapacitated/lack knowledge about how to implement UISP as a policy directive. Further to this, the DA led administration that came into

power in 2016 was seen as favouring hostel redevelopment in an approach that was handing units to families as RDP Houses.

This was contrary to the ANC's approach which replaced hostel redevelopment with Community Rental Units (CRU). However, there is also a positive side to this that relates closely to UISP, namely that the recent understanding among CoJ officials core principles of the UISP such as the need to minimise disruption to people's lives and to use relocation as a last resort, apply to occupied inner city buildings. One official noted:

> There is also support of Emergency Accommodation in order to avoid displacing people who are evicted from hijacked building which according to me is in accordance to UISP. Officials have this in their minds because they are highly legislated [because there is much litigation in relation to inner city occupied buildings]. (Interview with Municipal Official,7 Dec 2019).

This suggest that while the City has different programmes to dealing with the housing situation, these to some extent compliment and are informed by the principles of the upgrading of informal settlements, which is quite commendable. While the City has different programmes to dealing with the housing situation, these to some extent compliment the upgrading of informal settlement, which is quite commendable. Non the less, evidence presented earlier on in this chapter also suggest that officials are not knowledgeable about implementing UISP. t.

4.5 Examples from the Slovo Park informal settlement process

As was presented earlier in chapter 3, the Slovo park community was involved in a court battle with the CoJ due to the non-implementation of UISP in the settlement. It was in 2010 that for the first time, Slovo Park Community Development Forum decided to engage Socio Economic Rights Institute of South Africa (SERI) to seek legal advice to compel the municipality to implement upgrading programme which had been promised the settlement since 1994. It was only until 2016 that the Slovo park community won a court case agains CoJ that is referred to as the Melani Judgement. The court case ruled out that UISP was applicable to the settlement. However, till today, there hasn't been significant improvements in relation to upgrading of Slovo Park except only for the implementation of stage one of UISP which concerns the provision of basic services as interim measures. However, from the side of the province, the challenge with Slovo Park was that previous attempts to upgrade the settlement by Provincial Department of Human Settlement was not in-line with the UISP. Asked about their failure to

implement UISP in Slovo Park before the court judgment, this is what an official from CoJ had to say:

> The feeling was that; as the Municipality we have to submit the application to the GDoHS. Our approach as Municipality was not in-line with the policy as the court emphasised that community participation should be done. We also concede that the Slovo Park community was not engaged. After the court ruling, the three spheres of government had to go around the table with a representative from Slovo Park community. These forms of engagements were important in order to make sure that the participatory part of UISP takes place and to ensure that the drafting of [the] funding application was done (Interview with HDA Official,1 November 2019).

> Studies were done at Slovo Park by GDoHS, the area found to be dolomitic and the Gautrain road that would be passing there, as a result only 399 freehold stands can be developed. Community of Slovo Park was engaged and proposal to relocate them to Unaville was presented in the year 2006/ 2008 (Interview Municipal Official 3).

The different government departments also considered this form of engagement with Slovo Park community as a way of attainment of a social compact. However, during the process of engagement, there was contradiction in that the land available in Slovo Park could not accommodate everyone, hence there was a need to relocate a section of the households. A national official saw this as a big challenge.

> Land was a big problem we faced in our engagements with Slovo Park community. We were compelled to find alternative land. The challenges we faced with alternative land was related to the process of preparing this land before moving residents to these green fields. You cannot decide today that tomorrow you are relocating people, you had to make sure the land is prepared. Various land parcels were identified I think initially Unaville was earmarked and the COJ appointed consultants to basically put together urban development framework. The intention was that Slovo Park was the community that would stand to benefit at Unaville but unfortunately the proposal was rejected by the community who cited the distance between Slovo Park and Unaville (Interview with HDA Official 1, November 2019).

The fact that residents of Slovo Park refused to move to Unaville suggests the presence of the strong ties that communities build around their settlement. This on its own might be an indication that relocating residents is an option that should only be considered as a last resort,

as required in the UISP. In the case of Slovo Park, officials from CoJ also confirmed that the other reason that made residents resist being relocated was the fact that they were never consulted in deciding this new settlement. This speaks broadly about the importance of community participation as an integral process in upgrading informal settlements.

The delays in upgrading Slovo Park mainly emanate from the idea that the settlement should be relocated considering that it is located on dolomitic land. According to the CoJ, the region that Slovo Park falls under is not only concerned about upgrading Slovo Park but all the informal settlements in the same region. This process on its own have seen the region being overwhelmed by the task at hand. However, there is another angle to this situation which officials from the City are aware of.

> Slovo Park was identified as the settlement that needed to be relocated since the area cannot accommodate the whole community. We identified various sites which were Lenasia Ext 10, Misgund expansion area (Lehae Expansion), including Unaville. Misgund (Lehae Expansion) was supported by the community because of its proximity to where Slovo Park is compared to Unville and other arears. (Interview with a HDA Official,1 November 2019).

Upgrading of Slovo Park has also been delayed by lack of funding. In this case, the funds are supposed to be applied from the National Department of Human Settlement through the GDoH. The process of applying for funding itself is long and there is no uniformity in applying for these grants for different informal settlements. Precisely, there is confusion that arose with the introduction of the USDG grant, whereas the Melani judgment was requiring a funding application to Province under the UISP. This was one of the most pertinent misalignments of policy which came about through a shift in policy that was prematurely introduced and not clearly communicated, officials receiving mixed messages from national DoH. While it's important to note that informal settlements are diverse and require different approaches, uniformity in applying for funding enables officials tasked with upgrading plans to be well prepared. An official added to this and went on to say

> In my view, all spheres of government should comply to policy guidelines otherwise we will not be able to access funding because in the past it was a discretion of Provincial Government to decide which project gets funding. The current funding guidelines are also forcing us to schedule our work in terms of interventions by informal settlement. This should be resolved. (Interview with National Official, November 2019).

What this means is that different government departments are now required to align their policy guidelines to be able to access funding for different programmes which might also include upgrading. This is quite positive if the policies that are being aligned promote the so-called positive and indirect measures for informal settlement eradication such as in situ upgrading.

Respondents interviewed in this research were quite knowledgeable that in situ upgrading is a methodology encapsulated in the housing code under UISP chapter three, but the funding policy shifted in the period in which the task team was deliberating around an application to the Province in accordance with the judgement. One official from the National Human Settlement Department argued that:

> The methodology predominately advocates UISP in situ meaning you don't need to relocate and or displace the people occupying the land however you must find the solutions together with those communities in terms how to best upgrade their settlement. In dealing with communities in situ particularly informal settlements, this process is the considered the most viable solution. Additionally, in situ is a methodology in UISP which is effectively a policy framework guiding all three spheres of government. (Interview with National Official 1, 2019).

The same question was posed to the leaders of Slovo Park settlements. However, while they appear to not know the exact details of the UISP, they proved knowledgeable that they were familiar with the policy especially following the Melani court Judgement. One community leader maintained that:

> Policies are interpreted differently by the government and communities especially the UISP. As a Slovo Park resident, I believe that I have a right to the space I occupy, and my social space should not be interrupted. Governments make promises to communities that they are unable to fulfil. I would not want to dwell much on policies that are not implemented. (Interview with a Community Leader 1, Feb, 2020).

This conversation also led the residents/leaders to reveal the policies and practices that dominated their minds in terms of upgrading Slovo Park informal settlement. It was very clear from the focus group discussion that resident dwell much on the part of UISP that emphasises community participation in upgrading their settlements.

> As the Slovo Park community, we are not expecting officials who sit in their offices to decide and plan for our community. We want to be engaged and also have an input in

> the development of our settlement. The lack of community participation by [the] City has led them to having conflicting reports about our settlements (Interview with Community member 2, Feb, 2020).

From the deliberation with leaders of Slovo Park about the UISP, the development forum was quite concerned about the idea of moving some of the residents to new sites. This is an area where they strongly seem to be questioning their participation.

> Listen my sister, issue here is about the claims that this place is dolomitic. Yes, while I agree with the CoJ reports that claim that our settlement is dolomitic, there is no proof that was issued to [the] community on those findings. We as community did the research partnering with Wits and UP and the outcome proved that not the whole of Slovo Park is dolomitic. The studies conducted by City's consultants shows the level of risks, and it proves that the dolomitic level at Slovo Park doesn't pose the high risk to community even though these studies that were not clear and the community was shown the report and progress on the projector rather than hard copies (Interview Slovo Community Member 1, Feb 2020).

Another community leader added his voice to this subject.

> We have been waiting since 1994 for the development. It is now 26 years since people were promised houses but to date nothing transpired. We understand that some household would be moved from Slovo Park to one of the identified land close to where they currently residing. We want to see relocation of overflow houses moving to houses with flushing toilets and water (Interview Slovo Community member 3, Feb 2020).

Additionally, since the court ruling that UISP was applicable to Slovo Park, the community has since been able to agree or refuse to some of the decisions that are taken by the city.

> When the government initiated to move Slovo Park community to Unaville, we refused citing that the community's economic activities, schooling of our children and social relations will be interrupted (Interview Slovo Community Member 2, Feb 2020).

This refusal is very important to note as the reasons given by the community resonates with the idea of UISP which seeks to promote in situ upgrading with minimum disruptions to communities. What this suggest is that in as much as communities are not familiar with every stage of UISP on paper, in practice they do understand that minimum disruption to their livelihoods is prioritised through UISP.

Additionally, the relationship between the City and community has improved as both parties agreed on installing electricity, although in the USIP this would only occur in phase 3. These activities are being accomplished through the engagements that also included City Power. City Power was the lead agency in planning and implementing the electrification. Urban Dynamics was working on a plan that was not in situ. And so electrification was treated as a temporary mean sure until the settlement would be erased and the new layout implemented. This was contested while the electrification was underway.

Respondents engaged in this research argued that there is need for officials to comprehend core objective of UISP which promote the in situ upgrading of IS incrementally in order to achieve main objectives in the case of Slovo Park. In this case, there is a need to comprehend and understand how to implement UISP from phase 1 to phase 3. It is in these phases that community engagement is pivotal hence official should also get trained on how they can involve communities in upgrading process.

4.6 Conclusion

This chapter depicts the CoJ as having put in place a number of initiatives in its attempt to upgrade informal settlements within its administrative boundaries. The chapter also demonstrated how National and Provincial programmes on upgrading informal settlements interface with those of the province and CoJ. In this process, there have also been shifts in policies to a point that the local level spheres of government which in this case include CoJ has been responsible for coming up with their own initiatives in their quest to deal with informal settlements. These shifts have also contributed to misalignment of polices between national, provincial departments and CoJ.

At the National level, UISP has become the dominant programme adopted to promote upgrading of informal settlement in Ssitu. None the less, the implementation of this programme particularly by CoJ in Slovo Park informal settlement remains a challenge and there have been delays in implementation of the different phases of this initiative. While this is attributed to a number of factors, this chapter also revealed that officials and politicians still believe that provision of mass housing, redevelopment of hostels and relocations are a solution to the informal settlement situation in the City of Joburg. This therefore signifies that the misinterpretation of policies in the minds of officials and politicians might account for the misalignment of policies on upgrading of informal settlements as implemented and accounts

for the gap that exist between national policy and what happens on the ground. The following chapter gives a conclusion of this research through summarising the major findings and providing recommendations that lead from this study.

5. CONCLUSION AND RECOMMENDATION CHAPTER

5.1 Introduction

This research looked at the extent to which policies on upgrading informal settlements between different government department are aligned or misaligned to each other and used CoJ's drawn-out attempt at the implementation of UISP in Slovo Park informal settlements as a concrete example. This comes after the realisation that in the South African context, despite efforts to promote the upgrading of informal settlements and access to housing, there is a disjuncture between policy and practice (Isandla Institute, 2011). In instances where policy makers have attempted to integrate in situ upgrading into national policies and programmes, implementation structures seem unable to translate policy goals into meaningful outcomes (Tissington & Royston, 2010). The importance of this research is its potential to contribute to the body of knowledge on the subject of challenges and opportunities of upgrading informal settlements in South Africa. This chapter therefore begins by giving a summary of the major findings of this research and make recommendations while pointing towards areas for further research.

5.2 Synthesis and discussion of Key findings

From an international perspective, informal settlements are seen as areas that are vibrant and active hence, they do not only require policy implementation due to lack and despair but require creativity to maximise on their potential in order to establish community life (Saunders, 2010). However, to enhance such, there is need to agree with literature that identifies a shift in policy on informal settlements (UN-Habitat, 2003), which places emphasis on the promotion of positive and indirect measures rather than eradicating through promoting negative ways of dealing with informal settlements (Huchzermeyer, 2009). Interestingly, and most relevant for this study, the improvement of informal settlements through in situ upgrading rather than eradication through relocation has dominated both international and local discourses According to a Cities Alliance (2011) report, the endeavour in this regard is to improve informal settlement dwellers' lives without affecting their present conditions in a negative way. In the context of South Africa, what this entails is that, in situ upgrading of informal settlements should lead to minimum disruption of dwellers' sources of livelihoods, social ties among others, and relocation should only be considered in rare circumstances and as a last resort (UISP, 2015).

This literature review also found out that there has been shift in policy on informal settlements over time and this has been influenced by various paradigms. These different paradigms formed part of the contextual framework in this study. Recent agendas on human settlements such as the New Urban Agenda of 2016 have also recognised an urgency to promote the upgrading of Informal Settlements. Having said that, it was important to look at the literature on policy implementation with the purpose of trying to identify the factors that can contribute to mis/alignment of policies between different sectors.

This study adopted a definition of policy alignment to mean the matching of policies specified at different levels in different organisational systems and delegated to different agents. In relation to housing or informal settlements, policies that seek to address the housing challenge should not talk about the possible course of action in broader sense without speaking to each individual's role and behaviour to fulfil the overriding aim or goal. Failure to do so suggests a misalignment between policies.

Policy implementation is done in most cases to respond to a certain problem. However, the success or failure of a policy is dependent on a number of factors which include how actors and agencies tasked with implementation interpret the problem. Hence, the mis/alignment of a policy relates in part to what happens as individuals throughout the policy system interpret and act on them differently.

For this study, it was important to unpack how officials in South Africa relate to policies on upgrading in their different government departments. This study identified the disjuncture in practice between the national, provincial and local levels of government in as far as policy on upgrading informal settlements is concerned, even though the intentions are sometimes the same. From my experience as an official, I have witnessed colleagues who struggle to interpret policy objectives and it takes several workshops for them to start understanding national policy. While I cannot confirm the same to be the case in the entire field of housing and upgrading of informal settlement, it is not a secret that each time a municipality is running a certain programme, there are some officials who always lag behind in terms of deliverables. Perhaps, this also relates to the different capacities and abilities of officials to grasp issues around policy, which in turn affects policy implementation. There are even cases where officials disagree on what the intentions of a policy are and this signifies the differences in understanding the policy requirements. Ultimately, the intention that is supported by most is the one likely to be carried out even if it might not be the correct approach in relation to national policy.

The study also placed emphasise on key elements that might determine the mis/alignment of policy. These encompass implementation agencies' capacity to deliver as per policy requirements, and their commitment to the objectives and goals of policy. For the purpose of this research, it was evident that the extent of policy mis/alignment is determined by the ability of officials to commit and deliver objectives or goals despite the differences that may exist between levels of government. As such, the study found that the environment through which informal settlement upgrading is implemented is characterised by political differences. However, within the scope of this study it was not feasible to solicit more information about this factor.

The provision of completed housing units or mass housing generally known as RDP houses was popularised both in housing discourse and practice just after democracy as it was aimed at reducing the housing backlog. The approach has also influenced and informed many informal settlement interventions adopted since 2004 when informal settlement upgrading was adopted into policy. For the purpose of this study, it was thus imperative to discuss and think through intervention strategies that were implemented at national, provincial and local level in relation to this approach. This was the case because, as was highlighted through the interviews I conducted, municipal programmes dealing with informal settlements seem to have shifted along with shift at the national level.

To promote in situ upgrading of informal settlements, Gauteng Province, came up with a plan that considered the need to formalise all informal settlements in the province. As was obtained through interviews, this process was called formalisation process. Around 2008, the CoJ also introduced a programme called Regularization, quite similar to the formalisation initiative. Both are not aligned fully with the Upgrading of Informal Settlements Programme in national policy. Further, even after the introduction of the formalisation and regulation programmes, many informal settlements in Gauteng province in general and CoJ in particular have not seen any notable improvement over the years. Arguably, there is no doubt that overall implementation has been relatively slow.

In practice, aligning the intention of policies on upgrading informal settlements is a challenge that the South African government and its different departments grapple with. This misalignment lies mostly between municipalities and provinces in that the provinces are thought to have a different understanding of UISP than that of local authorities. There is also a discord between existing planning policies in different settlements and the current policies on

upgrading informal settlements. The misalignment is huge and is most likely to be greater in actual practice due to a number of factors that might also include incompetence, misunderstandings and incapacitation of officials among other challenges.

This is further complicated by tensions that exist between different departments involved in upgrading informal settlement (these tensions were mentioned only very indirectly and subtly by the interviewees) and how this tension meddles in the upgrading process. While there have been talks of improved collaboration between these three spheres of government to ensure the smooth implementation of UISP, one would argue that the situation on the ground in terms of upgrading informal settlements suggest that collaboration is nonexistence, and this has been the source of misalignment to some extent.

In the case of Slovo Park, there are contestation between residents and official about the implementation of USIP despite the court ruling. Major issues as was noted in the previous chapter are emanating from the City's position that a section of the settlement should be moved to another site citing reasons of the existence of a dolomite feature. However, this according to local leaders is just a delaying tactic. The leaders' position on this is based on their experience that the City did not submit a report to them on the geo technical study that was done to prove that the dolomite is so severe as to warrant the relocation of the settlement. It ultimately transpired that only a small area is not developable due to dolomite. It is from practices like these that perhaps misalignment of policies (in the way officials carry out their work in relation to informal settlements) is evident, especially if one considers that even after 4 years of the court judgment, Slovo Park settlement is yet to see the implementation of stage 3 of the UISP.

5.3 Reflection on the methods

Conducting this research in an institution that I am already attached to gave me an opportunity to have a clear look at things from the inside out, something that I think might be difficult for an outsider to do. Nonetheless, I also felt that my position as an official who once worked in Slovo Park as a task force team member compromised my engagements with community leaders during the focus group discussion. This is something that I could have avoided had I looked to research on a different site where I wasn't involved in any project before than Slovo Park.

5.4 Recommendations

This research identified a mismatch between the intentions of policies of upgrading informal settlements and what transpires on the ground. This disjuncture is characterised by confusion and misalignment of upgrading policy goals between different government departments. To resolve this, there is need for officials tasked with the implementation process to be adequately equipped with relevant skills that will see them moving away from the mentality of seeing mass housing production as the solution to the informal settlement situation. This may be done through training workshops where officials from both departments of government may be taught to focus on single policy objectives. I recommend here that officials might also be trained about different stages of participation because it is crucial to involve residents in the upgrading processes through community engagement programmes. For instance, the leadership of Slovo Park informal settlement are very clear on what they want in terms of developing their settlements hence any attempts to promote upgrading activities without their input is likely to fail.

5.6 Areas for further research

Due to time constrains of completing this research, it only focused on the narrative of officials are trying to understand the extent to which policies on upgrading informal settlements are aligned or misaligned between different government departments and less attention was paid to the narrative of informal settlements dwellers. Further research studies could usefully embark on capturing the perspective of residents of informal settlements in relation to the challenges they experience in upgrading informal settlements. This kind of research could complement the common practice of seeing informal settlements from a policy perspective, rather seeing the situation of informal settlements from a lived experience. This will ultimately promote the adoption of community grown solutions to the challenge of housing in general and informal settlement upgrading in particular and also help refine policy from below. In the same way, lived experience research could also speak to policy misalignment in that it could perhaps help raise awareness of the implications of policy misalignment, which result, for instance in delays and in wasteful expenditure which communities may be aware of.

Additionally, more in depth research is needed on the role of party politics in policy alignment or misalignment. My study was also limited to CoJ and the recommendations I am making may not necessarily apply to other municipalities. As such, a similar study in two or three other municipalities may allow one to develop operational or implementation guidelines that would be applicable more widely across municipalities.

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LIST OF ACRONYMS

BNG……Breaking New Ground

CoJ…….City of Johannesburg

GDoH……Gauteng Department of Human Settlement

HSP……. Human Settlement Plans

IDP……Integrated Development Plan

JTC's……. Joint Technical Committees

MDG…… Millennium Development Goal

MTSF……. Medium-Term Strategic Framework

NDP……National Development Plan

NGOs…… Non-Governmental Organisations

HDA……Housing Development Agency

NDoHS……National Department of Human Settlement

NHB……National Housing Board

NHF……. National Housing Forum

NHPC…… National Housing and Planning Commission,

NHS……..……. National Housing Subsidy

NUSP……National Upgrading Support Programme

RDP…….……Reconstruction Development Plan

UISP……Upgrading of Informal Settlement Programme