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Challenges in the implementation of the upgrading of informal settlements programme (UISP): an evaluation of two Gauteng Metropolitan Municipalities

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1. INTRODUCTION

1.1 BACKGROUND

One of the most critical housing issues of concern today is the continued proliferation of informal settlements and the failure of government to meet the housing demand. Mutsonziwa, O'Leary and Richards (2007) indicate that South African cities are faced with a high demand for housing due to a number of new residents who flock into cities in search of a better life. This poses a high demand on accommodation, however the limited availability of housing results in people resorting to other forms of housing which is informal settlements (Mutsonziwa *et al,* 2007; Huchzermeyer, 2004). Informal settlements often insert themselves on land that is unused, land that is undeveloped between formal township developments, on edges of new townships, on land that shows no signs of ever being developed for its official purpose (Huchzemeyer, 2006;3). This is done through the invasion of unoccupied land. Since occupation is unauthorised, there is no security of tenure and therefore informal settlement residents are always at risk of being evicted (Huchzermeyer, 2006), which is contrary to countries like Brazil where informal occupation processes are recognised as improving the effectiveness of land use, increasing urban densities and decreasing segregation (Huchzermeyer, 2009).

Marx (2003), advocates that informal settlement residents are often better located than the greenfield development that government often relocates them to (Marx, 2003). Moreover Huchzermeyer (2009) argues that this form of land occupation is propelled by human needs rather than by the market processes that determine formal urban

development patterns (Huchzemeyer, 2006). She further suggests that assessment of slums or informal settlements must engage in two processes that emphasize their formation and perpetuation (Huchzermeyer: 2009).

Although there is no single definition of what an informal settlement is, Mohammed, (2006), advocates that Informal settlements have limited access to adequate services such as water, sanitation, electricity, access to health facilities and other amenities. Mohammed (2006) further elaborates that they are developed through unauthorised invasion of land similarly to Huchzermeyer's (2009) view on informal settlements and he further explains that the construction of shelter in informal settlements presents various forms of informality in relation to "conventional" urban development. The main characteristics are unauthorised occupation of land and lack of compliance with construction standards (Mohammed, 2006; Huchzermeyer, 2009).

Durand-Lasserve and Boyston (2002:1) cite 3 forms of irregular settlements: firstly, unauthorized land development which occurs more in cities that are facing the pressure and demand for land for housing from migrants with very low income levels; secondly, squatter settlements which are predominantly located on the urban fringes or centrally located areas, often as a result of an organised invasion; thirdly, informal rental which is the most common form of tenure in both formal and informal settlements. The emergence of these irregular settlements due to a number of people moving to cities, pose a high demand on land. As a result land issues and tenure security challenges are becoming a major problem for decision makers and other

professionals involved in implementation of housing policies for urban poor (Durand-Lasserve and Boyston, 2002).

Despite the interventions by the Government in informal settlements, urban poverty and high levels of unemployment are still concentrated in these settlements and newly developed settlements at the urban peripheries (Napier, undated). Huchzermeyer (2009) indicates that the evictions and relocations were carried out in a harsh manner, which disrupts social networks, livelihoods and access to amenities (Huchzermeyer, 2009). It should be noted that livelihoods are socially and location dependent (Chambers and Cornway, 1992).

Huchzermeyer (2006) states that the causes of informal settlements are poorly researched. The focus of the global development is almost exclusively on measurable symptoms rather than on the multiple and varied causes and this has discouraged serious attempts to understand why informal settlements increase. Huchzermeyer, (2006), concludes that the existence of informal settlement is a result of will and a decision of the thousands of households or individual men and women, who having assessed their situation resolve vigorously to connect their lives to the city by locating themselves in informal settlements (Huchzermeyer, 2006, page 26). In 2004 the South African policy saw a shift in the manner through which cities are to deal with informal settlements (Department of Human Settlements, 2009), this resulted in the proliferation of slum/informal settlement upgrading initiatives. However this intervention to address housing in a number of countries, South Africa included, has reflected limited achievement (Lasserve and Royston, 2002). Slum/informal

settlement upgrading is meant to provide security of tenure and basic services. These are the key deficiencies of informal settlements if we look at the common challenges in relation to informal settlements.

Despite a high number of people living in informal settlements, the upgrading of these settlements was not provided for in policy until 2004. In 2004 the government incorporated the Upgrading of Informal Settlement Programme (UISP) into its policy, the programme placed emphasis on in-situ upgrading and discouraged relocation (Bolnick, 2010). The UISP marked a significant shift in the manner in which government was to deal with informal settlement though it remains unimplemented. The UISP is a phased development approach. It goes through regulatory processes such as township establishment processes, approval of general plans etc.

Misselhorn, (2008) states that the UISP has not been implemented with the necessary changes in systems, mechanisms and regulations, “nor has there been the requisite political will to enable real take-up on the alternative approaches” (Misselhorn, 2008, 16). Likewise Bolnick, states that the UISP has not been effectively implemented and interpreted to achieve its intended goals and objectives (Bolnick, 2010). Despite emphasis on upgrading, provision of conventional housing remains the leading housing delivery mechanism (Misselhorn 2008).

As in the rest of the country, informal settlements in COJMM and EMM are a result of inherited apartheid spatial planning legacy. The continued proliferation of informal settlements requires targeted policy interventions. It was noted in Chapter 13 of the National Housing Code, 2004

(revised in 2009), that the national informal settlement intervention is UISP.

The National Department of Human Settlement (NDHS) incorporated the National Upgrading Support Programme (NUSP), (initially funded by Cities Alliance) to assist municipalities and provinces in their endeavour to upgrade informal settlements (NUSP, 2012). NUSP set out a clear and pre-set interpretation of the policy to aid all those involved in upgrading of informal settlements.

The study is therefore needed to investigate if municipalities are implementing in-situ upgrading as opposed to relocation.

1.2 PROBLEM STATEMENT

Although there is a National Programme on Upgrading of Informal Settlement in South Africa, the City of Johannesburg has its own initiative known as “Formalisation and Regularisation of Informal settlement” (Napier, 2006). The programme has focused on the relocation of settlements into new development on the urban peripheries. The relocation of such settlements resulted in worsened life conditions due to distance of the relocation sites from livelihoods and other social amenities. The relocations disrupted social networks, livelihoods and access to amenities (Huchzermeyer, 2009).

The Ekurhuleni Municipality on the other hand introduced a programme termed “upgrading for growth” subsequently EMM has introduced their own Informal Settlement Upgrading Policy and Implementation Guidelines (Ekurhuleni Municipality, 2010) which addresses how upgrading should be carried out within the municipality’s jurisdiction. Although, the Ekurhuleni Municipality introduced the upgrading of growth programme, they have not been implementing UISP as per the housing code but

rather they have been utilising formalisation as an intervention in its informal settlement. One of the challenges that the municipality is facing is the clear understanding of the distinction between formalisation and upgrading.

1.3 OBJECTIVE OF THE STUDY

The main purpose of this study is to investigate how the City of Johannesburg and Ekurhuleni Metropolitan Municipalities implement and interpret the UISP. The study further seeks to investigate what the main challenges are that hinder the implementation of the programme. The municipalities apply different informal settlement interventions when dealing with informal settlements. Ekurhuleni Metropolitan Municipality has the Upgrading for Growth programme which was never been implemented (Huchzermeyer, 2011) and the City of Johannesburg has a formalisation programme which is used as an informal settlement intervention programme but has not been taken to scale (NUSP, 2010 and COJ, 2008).

This study seeks to depict how municipalities attempt to deal with informal settlements at a local level. It is envisaged that the study, although it is an academic exercise, might give insight into the complex nature and challenges of implementation.

The objective of this research is therefore to:

- To assess how municipalities implement the upgrading of informal settlement programme, by analysing implementation of the UISP in Ekurhuleni and Johannesburg Metropolitan Municipalities.

- To identify the most pressing limitations faced by the municipalities in implementing UISP.

This study will review some of the challenges in the implementation of the UISP within the Gauteng province, the review has been narrowed to two Metropolitan Municipalities namely The City of Johannesburg Metropolitan Municipality (COJMM) and The Ekurhuleni Metropolitan Municipality (EMM). Despite the fact that informal settlements have many similar characteristics, the interventions related to upgrading of informal settlements vary from municipality to municipality despite the programme being defined in the Housing Code. It is for this reason that I have opted to look at various interventions in the two Gauteng metros to understand their interpretation of Upgrading in relation to the National Policy programme: The Upgrading of Informal Settlement Programme (UISP). The research compares and assesses current interventions by the City of Johannesburg and Ekurhuleni in order to understand the discrepancies in interpretation and discover solutions for some of the practical problems that constrain the implementation of the upgrading of informal settlements.

In this study I try to make sense of the inconsistencies in informal settlement upgrading and perceptions that dominate intervention which is demonstrated by the local government practice in the two metropolitan municipalities within Gauteng. To achieve this I analyse the various methods applied in the implementation of UISP by the two municipalities and assess if this has achieved the objectives of the programme.

Upgrading of Informal settlement for this research shall mean in-situ upgrading in the current location of the informal settlement with relocation as a last resort (Department of Human settlements, 2004).

1.4 RESEARCH QUESTIONS

The following research questions should be able to allow the study to meet the above objectives. The main research question for this study is:

To what extent are Metropolitan Municipalities in Gauteng (Johannesburg and Ekurhuleni in particular) implementing The Upgrading of Informal Settlement's Programme (UISP)?

The research question has been further divided into the following sub-questions?

- What processes are the metropolitan municipalities following in informal settlements upgrading?
- What is the progress in completing in-situ upgrading projects?
- What funding mechanisms do municipalities apply in upgrading of Informal settlements?
- Has the implementation of the UISP accomplished the aims or objectives of the housing policy?
- What are the challenges or limitations faced in implementing UISP?

1.5 RESEARCH METHODOLOGY

In an attempt to provide a clear and concise answer to my research question, the research will draw on qualitative methods as this is deemed the appropriate method. In addition, the qualitative method was chosen as it relies on the interpretation of observation and patterns of relationships (chan, 2000). On the other hand, the quantitative approach is about variables being operationalised and analysed using statistics to test the relationships that might exist between the variables that are selected for the study (Bhattacherjee, 2012). Although there are cases of upgraded informal settlements, there are no cases of informal settlements upgraded in line with the UISP. The current study is more concerned with the subjective perspective of implementation and not to establish the causal effects of upgrading. Hence, the use of the qualitative method and not the quantitative method.

Sarantakos, 2005 reflects on three commonly cited and extensively practiced strategies, citing evaluation and feasibility research. (Sarantakos, 2005:322) The research strategy that the research will employ draws on aspects of the evaluation research, as the research seeks to assess the various strategies that are applied by two metropolitan municipalities within Gauteng when upgrading informal settlements. I therefore conducted sufficient informal interviews with political leaders involved in housing and informal settlements and both senior and junior officials of the two municipalities.

The research was divided into two categories. The first category was a desktop study of international perspectives on upgrading of informal settlements. A further review of both South African legislative framework and practice around upgrading of informal

settlement and poverty alleviation was conducted coupled by an analysis of legislations that led to the development of the UISP.

The second category was in the form of two case studies that is City of Johannesburg Metropolitan Municipality (COJMM) and Ekurhuleni Metropolitan Municipality (EMM).

The City of Johannesburg and Ekurhuleni Metropolitan Municipalities are both located in the Gauteng Province. Gauteng Province is the smallest of South Africa's provinces however it is the wealthiest province. It is home to 12 272 265 people (statsa, 2011). The province continues to serve as the economic hub of the country. It is responsible for over 34.8% of the country's GDP (*ibid*). The province consists of three metropolitan municipalities, namely: the City of Johannesburg, the City of Tshwane and Ekurhuleni Metropolitan Municipalities.

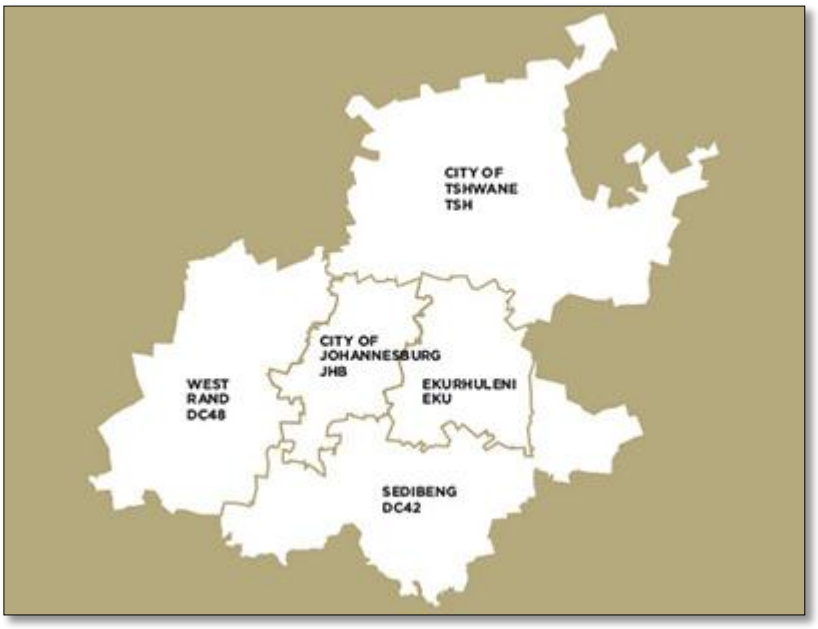


Figure 1. Location of the study Areas Source: (statssa, 2011)

The City of Johannesburg is the largest city in South Africa, with a population of 4,434,827 accounting for 36% of the Gauteng Province's population and 8% of the country's population (www.localgovernment.co.za, www.statssa.gov.za). It is the most advanced commercial city in Africa. However, it is home to both wealthy and poor, residents and immigrants. The city has continued to attract people from other provinces, and internationally, who seek better economic opportunities and better quality of life (www.localgovernment.co.za, www.statssa.gov.za).

Ekurhuleni ranks 4th amongst the 8 metropolitan municipalities, in terms of population size, with a total of 3,178 470 people. It is one of the most densely populated areas in the province, and in the country. The municipality houses several factories for production of goods and commodities, often referred to as 'Africa's Workshop'. It is viewed as the transportation hub of the country due to its network of roads, airports, rail lines, telephones, electricity grids and telecommunications found in Ekurhuleni which competes with that of Europe and America. It is home to OR Tambo International Airport; South Africa's largest railway hub (www.localgovernment.co.za, www.statssa.gov.za). Similarly to COJMM it is highly urbanised with a total of 99.4% of its population living in urban settlements ranging from informal settlements to elite urban residential suburbs.

The two case studies have been selected in order to determine how these municipalities implement the UISP, while the methodology was intended to highlight the predetermined interpretation of the programme. It is only through empirical studies that the impacts and implications of the implementation can be understood.

The case study approach is the preferred method as it will assist in examining the contemporary procedures in the implementation of the UISP within the two municipalities (Yin, 1993).

It was therefore the intention of this study to explore and assess the processes and activities applied in implementation within these two Gauteng Metropolitan Municipalities and what the challenges faced by implementers.

1.5.1 DATA COLLECTION

The research made use of qualitative methods, which included literature review of books, academic and media articles. As part of data collection I also conducted in-depth interviews with persons working in informal settlement in order to obtain answers to the research question and its sub-question which sought to establish the municipality's challenges, limitations or achievements with upgrading of informal settlement within their jurisdiction.

In the City of Johannesburg I interviewed a total of 10 people which comprised of political leaders, both senior and junior officials and former employees of the City of Johannesburg, all tasked with informal settlement intervention implementation. In Ekurhuleni Municipality, it was however difficult to get hold of politicians and officials which resulted in only 5 people interviewed. These also comprised of senior and junior officials. Appointments were scheduled with the relevant officials, meetings were held

in their offices, respectively. I was not able to get hold of two officials from COJMM and interviews were therefore conducted. Notes were handwritten for interviews.

This study made use of semi-structured interviews as this allows for open ended interviews which provides opportunity for clarification (Sarantokos, 2005). With semi-structured interviews I was able to build rapport with the respondents by getting respondents to express themselves in their own way. The study made use of quantitative methods which assisted in discovering whether the intervention have been effective (Mouton, 2001). The questions were provocative and interpretative in order to elicit views and opinions from the participants and subsequently obtain answers to both the research question and sub questions (Cresswell, 2009).

1.5.2 DATA ANALYSIS

The findings from the interviews were analysed in order to determine if the implementation meets the requirements of the policy's predetermined interpretation by NUSP. An analysis was conducted in order to determine whether the programme had been successful or effective (Sarantokos, 2005). T

The process involved:

- Analysing the notes or transcripts from interviews.
- Cross comparison between the various municipal officials' responses
- Evaluating officials' interpretation against policy interpretation.
- Analysing the complexities of the policy
- Teasing out the comparisons

- Summarising data in order to make sense of what has been collected
- Identifying and classifying key concepts that emerge from the interviews.
- Sorting data obtained through semi-structured interviews into smaller units in order to interpret how the two municipalities interpret and implement the programme (Gray, 2004:210)
- Categorising data in order to understand the funding mechanisms used by the various municipalities.
- Using the key concepts for descriptive analysis

Outcome evaluation will aim to answer the question of whether the programme has been effective. The main aim will be to establish how the programme is being interpreted and implemented by the two municipalities. I then assessed the processes, outcomes and impacts of the municipality's interventions to determine if these are in line with the objectives of the actual programme (Sarantokos, 2005; Cresswel, 2009). The objective of the policy is to upgrade the living conditions of the millions of poor people through the provision of secure tenure and access to basic services and housing (Department of Human Settlement, 2009).

The Unit of analysis for the study will be the implementation programmes and projects. The focus will be on how programmes and projects are operationalised. This will be assessed through interviews with both senior and junior employees involved in the upgrading of informal settlement within The City of Johannesburg and Ekurhuleni Metropolitan Municipalities.

1.5.3 ETHICAL CONSIDERATIONS

The research was carried out in two different municipalities. The data was collated in a municipality that I currently work for. My personal observation somehow differed from the opinions that I received from fellow colleagues I interviewed. It was therefore crucial that I avoid bias in the analysis of data and opinions received from the municipal employees. Subsequently I had to honestly report findings.

1.5.4 LIMITATIONS

The envisaged limitation was getting hold of municipal officials as this research was conducted in the first quarter of the new financial year and municipal officials were engaged in strategic meetings. This is an unfortunate limitation that could not be avoided therefore interviews especially in EMM were not carried out as planned but as and when the contact persons were available. This resulted in only 5 officials being interviewed as compared to the anticipated number. Secondly, one of the municipalities that I conducted research on was a municipality I am currently employed in, colleagues were reluctant to give out information with the assumption that I already have inside information.

1.6 STRUCTURE OF THE REPORT

This research report comprises seven chapters. This chapter provides an overview and introduction to the study. It outlines the objectives of the study, the methods applied for data collection and analysis and concludes by outlining the structure of the succeeding chapters.

Chapter Two and Three are a literature review of the perspectives on implementation and theories underpinning informal settlement interventions, providing insight into the international perspectives on interventions which have led to the policy approaches over the years, this informed the conceptual background for the study. This is followed by chapter four which gives a perspective on informal settlements in South Africa. Chapter 5 and 6 draws from the interviews of the two municipalities, providing findings on experience in the municipality. Chapter 6 provides an analysis of the findings tracking the intervention processes and challenges faced by implementers and concludes by making recommendations. Chapter 7 concludes by summarising the research report highlighting the key aspects covered in this report.

2. PERSPECTIVES ON POLICY IMPLEMENTATION

2.1 INTRODUCTION

Literature on policy implementation affirms the complexity of implementation, this is asserted by the number of definitions that scholars have for implementation. Najam, (1995) advocates that implementation is but a complex political process, thus the study of implementation is a process to unravel its complexity (Najam, 1995). Sabatier and Mazmanian, (1980) define implementation as the carrying out of a basic policy decision. Ideally that decision identifies the problem(s) to be addressed, stipulates the objective(s) to be pursued, and in a variety of ways, structures the implementation process (Sabatier and Mazmanian, 1980). Pressman and Wildavsky, 1973, introduce the concept of Implementation as a noun and implementation as a verb. As a noun they define it as a state of having accomplished the goals of a policy whereas as a verb it is everything that happens in trying to achieve that policy objective (Pressman and Wildavsky, 1973). Ademolekun, 1983 on the other hand defines the carrying out of activities in the light of established policy (Ademolekun, 1983).

The various definitions of implementation indicate that it is indeed a dynamic process which involves the interaction of many variables as will be discussed in the next sections. Problems in implementation tend to occur when the desired result for the target beneficiaries is not achieved.

2.2 EVOLUTION OF PUBLIC POLICY IMPLEMENTATION RESEARCH

Literature on policy implementation dates as far as the 1800s (Najam, 1995). The Literature on policy implementation acknowledges the absence of a theory that explains why those who implement public policies behave in the manner that they do. Moreover, there is still no certainty over when implementation begins, when it ends and how many types of implementation exists (Najam, 1995; Winter, 2005; Maina, 2013). According to Maina, 2013, there are a number of implementation gaps in the city of Johannesburg that are attributed to various issues such as design of policies, issues within implementation agencies (tension and challenges), politics that are brought about by beneficiaries and stakeholders. In addition Maina, 2013 states that, there is a disregard for the context of implementation and the means of implementing policies before the policy comes into full effect.

There are three observable generations of thinking in public policy research (Najam, 1995). The First generation termed the classical generation started with an assumption that implementation is scientific, that it would happen “automatically” once the policy had been enacted. It assumed that implementation was predictable and that once policy had been made it will achieve the desired results and those expected by policy makers. The second generation termed “Empirical generation” which on the other hand sought to address the above assumption by revealing that implementation was far more complex hence the policies under the classical generation were not working the way they were supposed to. It set out to explain the failures of implementation. The scholars under this generation made use of empirical studies to demonstrate the complexities of implementation. (Lipsky, 1980, Najam, 1995)

Generation 3 known as the “analytical generation” looks at understanding how implementation works in general and how its visions might be improved (Najam, 1995), it moved beyond singular case studies. This generation has substantially enhanced the understanding of the critical clusters of variables that impact implementation. It attempted to develop explanatory and predictive theories to implementation.

The deliberations between scholars of the third generations (see O’Toole, 1986; Berman, 1978 for example) yielded two major theoretical streams of thought known as the Top-down and bottom-up approaches:

2.2.1 TOP-DOWN APPROACH

The Top down approach examines the extent to which the policy’s legally mandated objectives are being achieved and procedures are followed, by looking at the central decision maker and authoritative policy statement and proceeds downwards through the hierarchical administrative structure (Najam, 1995:12).

This approach remains the dominant type. It seeks to answer the following: “a) to what extent were the actions of implementing officials and target groups consistent with the objectives and procedures outlined in the policy decision?; b) to what extent were the objectives attained overtime? c) What were the principal factors affecting policy outputs and impacts and d) how as the policy reformulated over time on the basis of experience” (Sabatier, 1986:22).

2.2.2 BOTTOM UP-APPROACH

The bottom-up (or backward mapping) approach on the other hand is mainly a reaction to the top-down model. It advocates for analysis to focus on those who are charged with carrying out policy rather than those who formulate and convey it (Lipsky, 1978:198). Moreover it argues that although a legalistic perspective is necessary, an inter-organisational structuring is a requisite in implementation analysis. Hjern, (1982:308) proposes that the mapping should be backward than forward. Analysis should be on implementation structures and on the negotiation process amongst and within networks of implementers. He further advocates that since the implementation path can be shaped by unforeseen and unforeseeable events it should therefore be designed to be adaptive rather than programmed (Hjern, 1982).

The inherent differences between the two approaches was that logical solutions offered by forward mapping stresses factors that tend to centralise control and that are easily manipulated by policy makers: funding formulas, formal organisational structures, authority relationships, regulations and administrative controls (budget, planning and evaluation requirements). Whereas backward mapping stresses the dispersal of control and concentrates on factors that can only be indirectly influenced by policy makers, knowledge and problem solving ability of lower level administrators: incentive structures that operate on the subjects of policy: bargaining relationships among political actors at various levels of the implementation process, and the strategic use of funds to affect discretionary choices (Najam, 1995)

The third generation concluded that both perspectives provide useful insights into the implementation process. However, despite this, there is still no comprehensive, predictive theory on implementation but the analytical generation accomplished the merging of important variables that can impact implementation (Najam, 1995; O'Toole, 1986; Boyd and Coetzee, 2013).

In 1979 and 1980 Paul Sabatier and Daniel Mazmanian, two of the foremost researchers at the time recommended a framework of six variables which they concluded were the most adequate and mostly vital variables for effective implementation. The first three dealt with the legislative level, looks at the policy content and the last three having committed and skilful representatives, garnering the support of interest groups and key parts of legislative and executive, and the stability of socio-economic conditions so as to not have the policy undermined (Sabatier and Mazmanian, 1986).

Winters (2003) in his Integration Implementation Model criticised both the top-down and bottom-up approaches. His model seeks to integrate the strengths of both approaches into a single mode (Winters, 2003). Since the objective of the study is to identify the challenges affecting implementation of the UISP the study will involve deeper analysis of the implementation frameworks to identify how the objectives of the programme are being achieved. While the complexity inherent in the implementation process has been amply demonstrated, we are still nowhere near a widely accepted casual theory with predictive or prescriptive powers. However, the literature emphasises key features which influence the policy implementation process, policy

(goals, objectives and fundamental theories), implementation structures (actors and agencies), and external influences which include environmental factors and the policy environment (Ryan, 1996; Maina, 2013). The most critical task for implementation analysis is to identify the “Critical” Variables.

In addition to the top-down and bottom-up approaches, a number of other models have been developed which seek to unify the two approaches in order to develop unified model of analysis for understanding the policy implementation process. Maina, 2013 cites Matland's ambiguity-conflict model (Matland, 1995); Winters’ integrated implementation model (Winter, 2003); Sabatier’s advocacy-coalition model of policy change (Sabatier, 1988); Hjern and Porter's implementation structures (Hjern & Porter, 1981); or Najam's 5C framework (Najam, 1995, Maina, 2013). Since the purpose of this research is to understand the implementation process for upgrading of informal settlements in the COJMM and EMM, I have selected Najam’s 5C protocol which is discussed briefly in the section below.

2.3 THE 5C PROTOCOL

Literature on implementation affirms that there is no unified theory waiting around the corner however researchers need to be multi-theoretical by using multiple “conceptual lenses” relating to the problem we are studying. In order to understand the policy implementation process, one needs to make sense of the complex linkages around critical variables (Najam, 1995). A number of models have been developed, that try to merge the top-down and bottom-up approaches as alternative models for

understanding policy implementation process (Sabatier and Mazman, 1980; Najam, 1995; Winters, 2003; Maina, 2013). These models do not provide a theoretical framework but rather provide variables that assist in framing and understanding policy implementation. Amongst these models is the 5C Protocol, the model provides a framework for analysing implementation in various areas at its various levels under various governance systems and in developing countries. Najam, 1995 acknowledges the practical difference between top-down and bottom-up approaches, however suggests that since they both provide important insights into the implementation process it is therefore imperative to merge the two (Najam, 1995).

Policy can be either distributive, regulatory or redistributive. The type of policy affects the resources, process and methods required to implement it (Najam, 1995). The 5 variables are explained briefly in the next section: (illustrated in Figure 2)

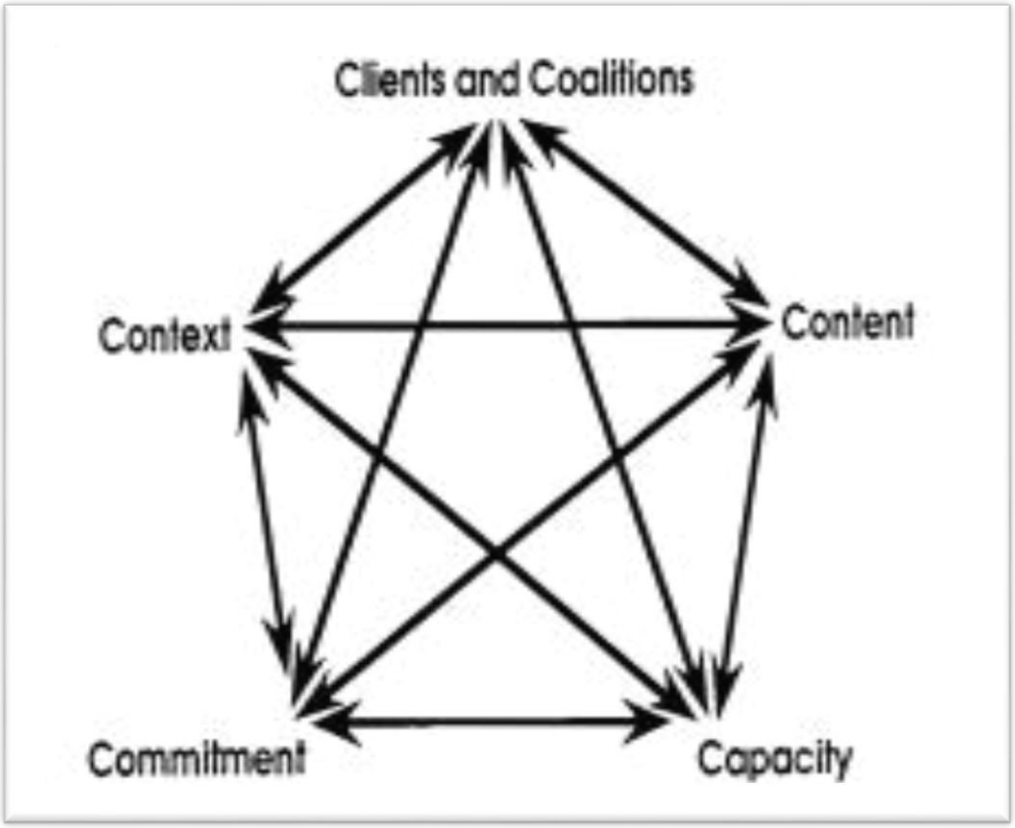


Figure 2: 5C protocol Source: Najam, 1995:35

2.3.1 CONTENT

The first place to start when analysing implementation is the content of the policy itself. The key policy content includes “policy goals (what it sets to do), how it problematizes the issue and how it aims to resolve the perceived problem”. The choice of goals, causal theory is not really much of a concern. However how these will affect the other variables is fundamental (Najam, 1995:39; Maina, 2013). For example the choice of goals may impact on the commitment of the implementers and would also influence clients and coalitions either countering or embracing a policy. One might then argue that if there is goal agreement, this will result to greater commitment and more support from clients and coalitions (Smith, 1973; Najam, 1995; Anderson, 2011).

2.3.2 CONTEXT

Context here focuses on institutional context which is shaped by the larger context of social, economic, political and legal realities of the system. It looks at how the large context influences the standard operating procedures through which policy must travel and by whose boundaries it is limited, in the process of implementation. The fundamental contribution of this variable is the recognition of the key institutional players, conflicts between and within institutions, and the active and evolving relationship between goals of the policy in question and those tasked to implement it (Najam, 1995).

2.3.3 COMMITMENT

Next is to look at the Commitment of those entrusted with carrying out implementation at various levels to the goals, causal theory and methods of the policy. Governments may have the best policy comprehendible, however if those tasked to implement it are unwilling or unable to do so, very little will happen. Top-down scholars observed implementer's commitment as being shaped by the policy content and its capacity provisions both which can be controlled from the top, on the contrary bottom-up scholars viewed commitment to be influenced more by institutional context and clients and coalitions. Implementation analysis should therefore strive to understand how implementer discretion and commitment impact on implementation and how this impact may be structured to enhance overall implementation effectiveness (Najam, 1995; O'Toole, 1986).

2.3.4 CAPACITY

Capacity of implementers to carry out the changes desired of them. The success of implementation is dependent on the availability of resources to carry it out. The most important question in comprehending how capacity can influence implementation effectiveness is how it can be created and operationalised.

The SPOs are also likely to shape what form of capacity is most suited to which agency. Moreover the type of capacity required will be determined by the level of commitment by those tasked to carry out implementation. Top down scholars suggested that the successful implementation is a function of the implementing organisation's capacity to do what it is expected to do.

Edward, 1980, identified 4 critical types of administrative resources required for successful implementation a) Knowledge about the practical issue b) mandated authority to provide incentives or to sanction behaviour and d) physical facilities eg. Building, supplies, technology etc. (Edward, 1980). He further identified two levels of bureaucratic politics that should be addressed i.e. Level of intra-agency that officials at various levels of the same agency are likely to identify different capacity requirements and inter-agency politics where different agencies may challenge for resources in the same policy arena (*ibid*; Najam, 1995).

2.3.5 CLIENTS AND COALITIONS

Support of Clients and Coalitions whose interests are enhanced or threatened by the policy, and the strategies they employ in strengthening or redirecting its

implementation. This variable is dominant amongst bottom-up scholars who advocate that ultimate effectiveness of implementation process depends evenly on non-state actors, clients and coalitions of interest groups, who actively support or oppose a particular implementation process can be influential (Najam 1995; Smith, 2011).

2.4 CONCLUSION

The literature reviewed has demonstrated that implementation is a complex process that cuts across many variables. Moreover it demonstrates the absence of a unified theory however literature provides useful insights into the implementation process and provides recurring and critical variables which impact on implementation. The section concludes by reviewing the 5C protocol model, which acknowledges the differences between the various models however comprehends the importance of merging the differences between the models and identifies crucial interdependent variables which directly affect implementation.

3. THEORIES UNDERPINNING INFORMAL SETTLEMENT INTERVENTIONS

3.1 INTERNATIONAL PERSPECTIVE

It should be noted that the existence of slums is mostly perceived as institutional failure of housing policy, finance and local government. Government departments have responded to this in a universal manner, which is, either by demolition, ignoring, relocating, legalizing or upgrading such settlements. Alsayyad (1993:40) looks at general patterns of squatter development and how government responds to these, by looking at the various squatting processes ie. “gradual, communal, mobilising or generated” with gradual squatting which is just an act by individuals who are in need of shelter and resort to invasion of a piece land. Communal squatting results from a collective act from a group of individuals who have planned an invasion. Mobilised squatting he states is prompted by political leaders who are trying to get most votes in a particular area, they therefore mobilise people to go and invade that particular area; and general squatting is also organized by official authorities in return for electoral gain (Alsayyad, 1993).

Interventions to address informal settlement has therefore revolved around this notion. Slum upgrading initiatives dates as far back as the 1950’s (Payne, 1999). Slums and the security of tenure issue have undergone a significant transformation in public debate, from non-recognition in the 1960, to repression in the 1970s and 1980s and to tolerance in the 1990s (Durand-Lasserve and Boyston, 2002; Payne, 1999, Jenkins, P; Smith, H., Wang, Y, 2007)

Much has been documented on slum interventions or initiatives, however it is not the purpose of this research to review these but to give a brief overview on how the new approaches link to past practice. The following section gives a brief overview of the main approaches on informal settlement interventions, namely Laissez-faire attitude which was between 1950's to 1960's, self-help and site and service in the 1970's. (Sietchiping, 2000).

Urban planning in African cities has continued to deal with informal settlement by demolishing and replacing them, predominantly by relocating residents to formally planned and regulated conventional new housing projects often on the urban peripheral areas of the city where there is poor infrastructure and far from employment opportunities (Alsayyad, 1993; Richards, 1995, Del Mistro and Hensher, 2009). In South Africa the Upgrading of Informal Settlement Programme (this will be discussed in detail in the succeeding chapter) was incorporated into housing policy in 2007. The programme emphasised *in-situ* upgrading. However its implementation remains nominal.

3.2 LAISSEZ-FAIRE

During the 1950's and 1960's, authorities turned a "blind-eye" on slums, their focus was more on public housing (Rakodi, 2001). Policy makers at the time considered slums as a temporary situation. Therefore their strategy on low income shelter focused primarily on the development of public housing projects. The underlying assumptions of public housing was that it would be affordable and effective. However

public housing only benefited civil servants, middle and upper income earners neglecting the low income end thus perpetuating class and social division as it benefitted a small portion of the urban dwellers and those better resourced (Pugh, 1995; Fakade, 2000; Adeagbo, 2000). The strategy adopted by the authorities therefore failed to meet the housing demand. The public housing approach marginalised the majority of urban dwellers and further ignored low income dwellers. It is estimated that a 100 000 dwellings were built between 1950s to mid-1970s by developing countries. However this did not benefit majority of the poor which forced them to build news slums in the urban fringes. (Urban-times, 2013).

3.3 SELF HELP HOUSING

Self-help housing has been one of the most prevalent housing options in the world, however the notion of self-help in developing countries is commonly attributed to JFC Turner. (Turner, 1976; Harris and Arkub, 2006). Turner's concept on aided self-help housing was influenced by his fieldwork in Latin America, where he participated in several upgrading projects (Bromley, 2003). Turner (1976) acknowledged that housing needs change over time and indicates that dwellers seem to control the housing process by invasions, then government provides houses. However he reveals that in the conventional state housing projects at the time of his writing (1960s), people had no choice and there was no response to their real needs, as government tended to want to control. This is however, still the case in many countries today (*ibid*.).

Turner (1972:154) in his theory on self-help housing called for households to be the

principal actors. Additionally that households should be free to make a choice on their own housing, to build or direct its construction if they wish and to also manage it in their own ways. His theory is based on his definition of housing stating that housing should be used as a verb rather than a noun in order to put more emphasis on what housing can do rather than what it is (Turner, 1986) He introduces a concept of "use-value" stating that the utility of a house cannot be equated with the material standard of the goods and services it embodies. Harris (2003) states that Turner's self-help did not only mean the investment of sweat equity by the owners but also the process of owner decision and management (Turner, 1972, 1986; Harris and Arkub, 2003:248).

Turner associates the failure of conventional housing programmes to the failure to match between people's needs and housing supplied by the state, indicating that the prevailing actors in economies of scarcity are the people themselves, thus they must be free to make any decisions that concern them assenting to Giddens' (1984) theory that social structure has priority over social action as a result lost ground to the idea of people acting and choosing democratically. (Turner, 1980; Giddens, 1984).

Turner's ideas on self-help housing were heavily disputed by Marxist scholars. Turner (1976) misunderstands the relationship between utility (use-value) and market value (exchange-value) and does not see self-help housing as a commodity. Burgess (1982) in his critique of the work of Turner, 1976, 1982 argued that self-help leads to the commodification of housing and does not just have use value as disputed by Turner. Once consolidated with security of tenure and basic infrastructure, self-help housing loses its use value and becomes a commodity that can be rented or sold

(Burgess 1977, Hart Deneke and Silva 1982).

Burgess (1982) associates self-help to the Victorian self-improvement where a lot of people structurally altered their houses even if it's an already built house offered to them. He does not see self-help as a new idea but an old one*).* He indicates differences in his positions and that of Turner on self-help housing by indicating that self-help is only a limited solution to housing as it does not necessarily mean self-built. Burgess (1982) argues that the performance of a house with regard to what it does for people, is not determined by housing standards and further advocates that human value and material value cannot coincide. As long as people's priorities vary, the usefulness of things will vary independently of their material standard or monetary value. (Burgess*,* 1982*).*

Burgess (1982) states that Turner's concept of housing does not consider:

"the transformation of the self-help house into the commodity form by the producer himself; the fact that one man's use-value can be another man's exchange-value and vice versa and that a self-help house can be a very different commodity to the various interest groups operating in the broader urban market" (Burgess, 1982:61)

3.4 SITE AND SERVICE SCHEME

It can without any doubt be cited that the ideal Site and Service Schemes was influenced by the works of Turner. The assisted self-help was dominant approach for

the delivery of housing from the mid-1970s. The programme was executed in many instances through the World Bank which funded about 116 sites-and-services projects and complementary slum upgrading schemes (Pugh, 1995). It promoted the relocation of centrally located slums to newly serviced sites which were often outside the existing urbanised areas. The programme placed emphasis on the sharing of responsibilities between the slum dwellers and government. Furthermore it emphasized participation and contribution by the beneficiaries on the resettlement process. The government played a facilitation role instead of a provider (Stren, 1990; Hamdi, 1991; Pugh, 1995; Harris and Arkub 2006).

Relocation into the new area meant the demolition and eviction of the existing slum units. This scheme, similarly to the laissez faire approach, was criticised for not benefitting all beneficiaries due to affordability, as beneficiaries were expected to contribute. Furthermore transition between demolition and the new development was not always well negotiated. The implementation of site and service schemes failed to address slum management issues and no provision was made for preventing or reducing the future expansion of the slum (Pugh, 1995, urban times, 2011).

3.5 UPGRADING STRATEGIES IN THE 1980s

The strategies during the 1980s emphasised the improvement of communal infrastructure and services within established slums. The upgrading process was implemented with lesser involvement from government than in site and service schemes. The strategies in the 1980s advocated for Public Private Partnerships for the provision of services with an alternative approach which promoted the involvement

of civil society. Furthermore it discouraged unnecessary demolition in so doing it preserved social and economic networks. Instances where the process was implemented successfully were as a result of extensive community participation. However, despite the success recorded, the upgrading strategies had their short comings in that they lacked financial commitment the projects were mostly funded by foreign agencies, as there was little involvement by government it did not provide security of tenure and where successes are recorded the process cannot be duplicated elsewhere (Durand-Lasserve, 1996, Jenkins, P; Smith, H., Wang, Y, 2007).

3.6 SECURITY OF TENURE AND ENABLING APPROACH TO SLUMS

The enabling approach advocated 7 major points, namely, development of housing financing systems, targeting of subsidies, encouraging property rights which included security of tenure, improving infrastructure, removing barriers, restructuring the building industries and reforming institutions (Pugh, 2001). The approach placed emphasis on security of tenure strategies supported by international agencies such as the UN-Habitat and the World Bank. This limited the eviction and demolitions threats in slums. The security of tenure approach originates from the notion that when residents have the sense of appropriation, they have confidence, inspiration and will to invest, upgrade and improve their environment (*ibid*).

3.7 INTERVENTIONS POST CITIES WITHOUT SLUMS ACTION PLAN

The objectives of the Cities without Slums Action Plan of The Cities Alliance was to improve the living conditions of the world's most vulnerable and marginalised urban

residents. The plan was initiated by the World Bank and UN- Habitat in 1999 (Cities Alliance, 1999; UN Habitat, 2003). The main objective of this plan was to move away from the notion of eradication of slums adopted by past policies, but to address poverty which is advocated as the main reason why slums exist. The plan advocates for poverty reduction or eradication policies in slum upgrading programmes. The target subsequently became the Millenium Development Goal (MDG) Seven Target 11, which is to improve the lives of at least 100 million slum dwellers by 2020. .

In South Africa, when the new government took over in 1994, it set a target to build a million houses within its first five year term. The public housing delivery progamme implemented by the government came with a capital subsidy for housing where all people earning less than R3500 are entitled to a free house (Durand-lasserve and Royston, 2002; Bolnick, 2010; Del Mistro and Hensher, 2009). When the government had reached its target on delivering a million houses, the Cities without slums and the MDG project stirred a new political target, this framed a new political focus to eradicate all informal settlements by 2014 (Groenwald, 2011; Huchzermeyer, 2011). The drive for "shack free" cities intensified between 2004 and 2009 particularly with the announcement that South Africa would host the 2010 FIFA World Cup. In South African cities, informal settlement interventions over this period deteriorated. This saw a number of evictions fuelling especially from places which were visible to international football tourists (*ibid*). Provinces and municipalities aimed at achieving a slum eradication target by 2010 which was in time for South Africa's hosting of the 2010 FIFA World Cup (Huchzermeyer, 2011).

3.8 CONCLUSION

There has been various strategies or interventions for improving informal settlement conditions. This chapter has traced the various international interventions dating as far back as the 1950s to date. The slum upgrading initiatives are said to have been more successful than site and service in reaching the poor, largely because slum upgrading initiatives were directed at areas where the poor lived whereas site and service scheme were directed to households that could repay the costs.

4. INFORMAL SETTLEMENT PERSPECTIVE IN SOUTH AFRICA

4.1 INTRODUCTION

Informal settlements are a common feature in South Africa, in actual fact they are a reality that many developing countries have to cope with. The manifestation of informal settlements in developing countries is mostly as a result of the demand for urban housing for the poor (Abdelhalism, 2010 and NUSP, 2012). Huchzermeyer and Karam (2006) advocate that informal settlements are but a product of failed policies, poor urban management, exclusionary urban development, ineffective governance and inappropriate regulations. The south African statistical count in 2011 indicated that the percentage of households living in informal dwellings has decreased from 16,2% in 1996 to 13,6% in 2011. It is estimated that there are about 2 628 informal settlements in South Africa, (The HDA, 2013).

The rapid growth of cities poses a huge demand for shelter. The urban poor have continuously addressed their housing needs informally in informal settlements due to the failure of governments and formal housing market to cope with the huge housing demand (Abdelhalism, 2010). Informal settlements often inset themselves on land that is unused, land that is undeveloped between formal township developments, on edges of new townships, on land that show no signs of ever being developed for its official purpose (Huchzemeyer, 2006, 3). Marx 2003, advocates that settlement residents are often better located than the greenfield development that government often relocates them to (Marx, 2003).

Informal settlements have various definitions, some of the definitions found are:

The UN Habitat defines a slum as "a contiguous settlement where the inhabitants are characterized as having inadequate housing and basic services. A slum is often not recognized and addressed by the public authorities as an integral or equal part of the city." (UN Habitat, 2001)

"Informal settlements vary in size; they may consist of a few dwellings or thousands of them. They are commonly characterized by inadequate infrastructure, poor access to services, unsuitable environments, and unhealthy population densities" (Housing Code,2010)

"Unplanned settlement on land which has not been surveyed or proclaimed as residential, consisting mainly of informal dwellings (shacks)" (HDA, 2012)

An unplanned settlement on land that has not been surveyed or proclaimed as residential, consisting mainly of informal dwellings (Statsa, 2011)

"Settlements of the urban poor developed through the unauthorized occupation of land" (Huchzermeyer and Karam, 2006: vii).

The National Housing Code (2004) does not define informal settlements however it identifies characteristics of informal settlements, citing illegality, informality and that the settlements are on land occupied without the landowner's permission.

Furthermore, it states that they are often located on land where development is unsuitable and lack rudimentary services. Poverty, unemployment and vulnerability is highly concentrated in these areas (NDHS, 2004a; NUSP, 2013)

Although there is no single universal definition of what an informal settlement is, there are however mutual features across the founded definitions. Generally informal settlements are characterised by illegality and informality, they are unplanned therefore they can be regarded as illegal and informal. They lack access to adequate services such as water and sanitation. Since occupation is often unauthorized, there is no security of tenure. Furthermore they are mostly located in hazardous locations. These conditions subject informal settlement residents to poverty and vulnerability. Most of the residents from informal settlements have basic educational qualifications and therefore are excluded in terms of securing formal employment. Due to the poor living conditions and lack of services such as water, they are prone to diseases such as diarrhoea and further are prone to fire hazards as a result of the materials used to construct shacks (Housing Code, 2004, HDA 2010, Bolnick 2010).

Informal settlements are also socially marginalized urban areas, with limited access to basic infrastructure such as running water, sewer and electricity and with limited access to job opportunities. The communities of these settlements do not play an active part in the socio-economic processes. Despite these constraints when it comes to government interventions, the residents prefer to live in these areas than to be relocated elsewhere (Huchzermeyer, 2006).

The occurrence of informal settlements has been perceived as a major problem by policy makers and therefore informal settlement dwellers have been vulnerable to forced evictions, especially those located on prime land (Lasserve and Boyston, 2002:1). Msipha (2007) contends that the manifestation of informal settlement in South Africa reflects on the historical public sector's under-provision of housing and the government's lack of intervention to the needs of the poor (Msipha, 2007). Despite the intervention by the Government on informal settlements, urban poverty and high levels of unemployment are still highly concentrated in these settlements (Napier, undated) and in newly developed settlements at the urban peripheries. Huchzermeyer (2009) indicates that the evictions and relocations tend to carried out in a harsh manner, which disrupts social networks, livelihoods and access to amenities (Huchzermeyer, 2009).

Despite the transition from apartheid to a democratic country, South Africa still has a major concern with informal settlements where the majority of these settlements are found within existing low-income residential areas (Huchzermeyer, 2006), located on urban peripheries far away from employment opportunities and social facilities. Therefore, upgrading of informal settlements in these areas does not guarantee improvement in the livelihoods of the people. The poor location, cost of home ownership in the form of rates and services charges, unemployment and distant access to low income housing by the poor has contributed to the failure to alleviate poverty (Charlton and Kihato, 2006). Housing provision should address poverty alleviation, economic growth, improving the quality of life of the poor, creating an asset for the poor and ultimately developing sustainable human settlements (*ibid;* NDHS, 2005). The South African government in its informal settlement interventions

advocates for upgrading of informal settlement which centres on poverty alleviation, reducing vulnerability and promoting inclusion through the provision of security of tenure (DHS, 2009). Durand-Lasserve and Royston (2002) further adds that people in informal settlement live without security of tenure thus are exposed to forced evictions especially those that are located on privately owned land in prime urban areas. They therefore assert that provision of security of tenure is one of the key elements in the reduction of poverty (Durand-Lasserve and Royston, 2002)

4.2 PERSPECTIVE ON SOUTH AFRICAN INTERVENTIONS

The emergence of South Africa as a democratic state, in the mid-90s has gone hand in hand with the rapid adoption of international frameworks and protocols related to sustainable development and sustainable human settlements. The South African Government is constituted of, National, Provincial and Local government. These three spheres are inter-dependent and interrelated. Each sphere has its own functions but all provide services to the people (RSA, 1996).

The South African Constitution's Bill of Rights in Chapter 2, Section 26 sets out the right to adequate housing. The constitution further gives rights to its citizen which relate to housing. These rights include, the right to sufficient water in section 27 (b), right for every child to basic shelter contained in section 28 (c), right to an environment that is not harmful to health and well-being of the people in section 24. Chapter 3 of the constitution deals with co-operative governance which mainly advocates principles through which the spheres of government should operate. Such principles include

that all organs of state within each sphere must secure the well-being of the people of the Republic, provide effective, transparent, accountable and coherent government for the Republic as a whole, be loyal to the constitution, the republic and its people (RSA, 1996).

In south Africa there are a number of policies that affect housing development, however the two most critical ones are the White Paper: A New Housing Strategy for South Africa (Department of Housing, 1994) which is the principal overarching national housing policy and the 2004 Breaking New Ground: A comprehensive Plan for the Development of Sustainable Human Settlement (BNG) (Department of Housing, 2004;Tissington, 2011). A number of supporting housing policies and legislations were adopted and put in place in order to ensure the realisation of the housing rights entrenched in the constitution. A brief overview of the policies and legislations is outlined below.

WHITE PAPER ON HOUSING (1994)

The White Paper on Housing was adopted by the new government following the first democratic elections in 1994 (Bolnick, 2010; Tissington, 2011). Government developed the Housing White Paper which required the use of housing subsidies in the form of a grant in order to provide housing to qualifying beneficiaries (Bolnick, 2010). The aim of the paper was to “create viable, integrated settlements” where households could access opportunities, infrastructure and services, within which all south African citizens will have access on a progressive basis to permanent residential

structure with secure tenure, ensuring privacy and providing adequate protection against the elements and potable water, adequate sanitary facilities including waste disposal and domestic electricity supply (Tomlison, 2006; Tissington, 2011). It provided a framework for the government's ambitious housing development target of building one million state funded houses in the first five years of office as set out in the ANC's Reconstruction and Development Programme (RSA, 1994).

The White Paper on Housing aimed to give provincial and local government their capacity to fulfil their constitutional obligations. Furthermore it sought to attract the necessary private investment, both of the household as well as that of institutions. The paper describes how the government's approach to the housing challenge is aimed at mobilising and harnessing the combined resources, efforts and initiative of communities, private and commercial sector and the state (Tissington, 2011). The White Paper provided a framework for the realisation of the country's set target of building one million state-funded houses in the first five years in office which was set out in the now abandoned ANC's Reconstruction and Development Programme. A cornerstone of this policy that paved way for the White Paper of 1994 was the National Housing Subsidy Scheme, which provided for capital subsidies for housing to be allocated to qualifying beneficiaries who were to take full ownership of houses built by developers. The principles introduced by the White Paper continue to guide developments in respect to housing policy and implementation (Tissington, 2011).

The National Housing Subsidy Scheme financed the construction of over 1.5 million units across South Africa between 1994 and 2003. In 2007 the Department of housing

(now Human Settlements) announced that a total of 3 043 900 subsidies were approved since 1994 and a total of 2 355 913 houses had been built (NDoH, 2007).

HOUSING ACT 107 OF 1997 (ACT 4 OF 2001)

The Housing Act in 117 paved way to greater government in housing development. It is the main piece of housing legislation in South Africa It outlines the general principles for housing development, in all the three spheres of government. The Act similarly to the Constitution details the various roles of the three spheres of government in respect of housing development and outlines the financing of national housing programmes (NDoH, 2001; Tomlinson, 1998; Tissington, 2011).

Housing development in terms of the Act is defined"

> *"*the establishment and maintenance of habitable, stable and sustainable public and private residential environments to ensure viable households and communities in areas allowing convenient access to economic opportunities, and to health, educational and social amenities in which all citizens and permanent residents of the Republic will, on a progressive basis, have access to-
>
> (a) Permanent residential structures with secure tenure, ensuring internal and external privacy and providing adequate protection against the elements; and (b) potable water, adequate sanitary facilities and domestic energy supply;" (Tissington, 2011:14)

Section 2 of the Act compels all spheres of government to give priority to the need of the poor in respect of housing development and to consult meaningfully with individuals and communities affected by the development. The Act prescribes what housing development should entail indicating that it should provide for a wide range of housing and tenure options as is reasonably possible, it must be economically, fiscally, socially and financially affordable and sustainable and must be based on integrated development. (RSA, 1996)

The roles of the three spheres of government are defined under section 3. National Government's role is to establish and facilitate a sustainable housing development process by formulating national policy and standards, set national targets, delivery goals and monitor performance of all spheres of government against the set goals. National government is compelled to promote consultation on matters relating to housing between national government and representatives of civil society, provincial and local government and other relevant stakeholders in housing development. They must also allocate funds for national housing programmes to provincial government including funds for programmes. Section 7 of the Act details the duties of provincial government stating that provincial governments must do everything in its power to promote and facilitate the provision of adequate housing in its province within the framework of national housing policy and take all reasonable and necessary steps to support and strengthen the capacity of municipalities to effectively exercise their powers and perform their duties in respect of Housing development.

Section 9 entails the duties for municipalities, namely that they must as part of their municipality's Integrated Development Plan process, take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to ensure that all inhabitants have access to adequate housing on a progressive basis e.g. Services in respect of water, sanitation, electricity, roads, storm-water drainage and transport are provided in a manner which is economically efficient.

Furthermore the act provides for an accreditation of municipalities to perform housing functions. The accreditation is a process that is anticipated to speed up delivery as it gives municipalities powers to administer a number of projects.

THE PREVENTION OF ILLEGAL EVICTION FROM AND UNLAWFUL

OCCUPATION OF LAND, 1998

The Act gives effect to section 26(3) of the constitution, which prevents evictions without an order of the court made after considering all the relevant circumstances. It further states that no legislation may permit arbitrary evictions. The Act provides procedures for the eviction of unlawful occupiers of land, it regulates the granting of a court order for eviction. The Act defines an unlawful occupier as a person who occupies land without the consent of the registered owner or person put in charge or a person who occupies land without any other right in law to occupy such land (Tissington, 2011). A court order may only be granted if the court is of the opinion that it is just and equitable to do so, after considering all the relevant circumstances, including the rights and needs of the elderly, children, disabled persons and households headed by women (RSA,1996,1998).

BREAKING NEW GROUND

In 2004 Government presented its Breaking New Ground (BNG), a plan that is also known as “A Comprehensive Plan for the Development of Sustainable Human Settlements”. The plan was introduced in an endeavor to address the challenges that were faced by government in its slow employment creation and the housing deivery 10 years post 1994. The plan therefore sought to address these challenges by emphasizing the role of housing delivery in poverty alleviation, advocating that it is key in the creation of job opportunities and wealth creation through the provision of subsidized housing (Huchzermeyer and Karam, 2006). The Breaking New Ground policy advocates ‘sustainable human settlements’. Despite the fact that millions of poor people in South Africa live in informal settlements in inadequate shelter with inadequate basic services (sanitation, water, electricity, waste removal) upgrading of informal settlements was not provided for until 2004. In an endeavor to integrate informal settlements into the broader urban structure the document introduced the Upgrading of Informal Settlements Programme (UISP) as its strategy (Chapter 13 of the National Housing Code) (NDoH, 2004). It was published with some small but important changes (e.g. emphasizing *in-situ*) as part of the Housing Code in 2009 (Tissington, 2011).

The BNG primarily encourages the private sector to return to the housing subsidy market as it had been steadily shifting away due to low profit margins. BNG incorporates the concept of socio-economic integration, including subsidized housing, rental stock and bond housing. Furthermore, land acquisition remains a big challenge due to the migration of people to cities, in search of a better future. The urban

population growth places pressure on the demand for land. Projections indicate that the current number of people living in urban areas will be more than double the present total by the year 2025 (Bolnick, 2010).

HOUSING CODE 2000 (REVISED IN 2009)

The code was published in line with Section 4 of the Housing Act. The Housing Code sets policy principles, guidelines in relation to national housing programmes. It is binding on provincial and local governments. It sets out procedural guidelines to give effect to the implementation of the National Housing Programmes. The housing code lists a number of programmes categorised into four different intervention categories ie, financial programmes, Incremental Housing Programmes, Social and Rental Housing Programmes and Rural Housing Programmes (RSA, 2000; Tissington, 2011)

NATIONAL DEVELOPMENT PLAN 2030

Government introduced the National Department Plan vision 2030 (NDoH, 2013), which is a long term strategic plan that identifies the need to locate people close to employment opportunities. Upgrading of all informal settlements is one of the objectives of the plan.

This plan outlines a new development approach which seeks to involve communities, youth, workers, the unemployed and business in partnership with the state. Moreover, it outlines and identifies the various roles that should be played by various sectors of

society in achieving its vision within the next 17 years. The Plan further acknowledges the spatial pattern created by apartheid which located people far away from employment opportunities and access to social amenities. (NDoH, 2013)

The NDP aims to eliminate poverty and reduce inequality by 2030. It therefore provides a framework to guide key choices and actions. The plan consists of 15 thematic chapters with chapter 8 more specific to housing. The chapter entitled "Transforming sustainable human settlements" provides a development guideline for human settlements over the next 15 years.

The plan's highlights the following objectives:

- *Upgrade all informal settlements on suitable, well located land by 2030,*
- *Have more people living closer to economic opportunities,*
- *Better quality public transport*
- *More jobs in or close to dense, urban townships,*
- *Strong and efficient spatial planning system across all spheres of government. (RSA, 2013)*

In order to ensure spatial transformations the plan advocates for a change to land management systems, strategies for densification and resource allocation which promote better located housing, retrofitting of existing settlements in order to offer affordable services. Investment to ensure safe, reliable and affordable public transport and introduce mechanisms that would make land markets work more effectively for the poor (RSA, 2013; HDA,2013).

4.2.1 UPRGADING OF INFORMAL SETTLEMENT PROGRAMME (UISP)

The South African Government is party to the United Nations Millennium Development Goals, which includes the goal to improve the lives of at least 100 million slum dwellers by 2020 (UN-habitat, Housing Code,2009) introduced the Upgrading of Informal Settlements Programme. This indicated consistency with the Millennium Development Goals. The Upgrading of Informal Settlement Programme falls within the Incremental Housing Programmes of the National Housing Code, 2009.

The Upgrading of Informal Settlement Program is seen as a paradigm shift in the way government deals with informal settlement. It was introduced upon realisation that the housing subsidy system programme was not designed for incremental informal settlement upgrading. Its primary objective is to cater for the special development requirements of informal settlements (NDHS, 2009). The Upgrading of Informal Settlements Programme is an extremely important shift in policy. It a very real attempt to try to address access to urban opportunities for the poor, ideally in situ. Approaches to poverty reduction have been linked to good governance which is generally seen as involving a wider spectrum of actors other than the state in decision-making and actions in the public sphere. It is also seen as an important factor for the alleviation of poverty. This is through direct provision of infrastructure and services, and ensuring access to land. The UISP advocates for the provision of land and infrastructure services however it falls short of delinking itself from the housing consolidation subsidy (NDHS, 2009).

Another problem is the general perception by Government and the private sector that informal settlements should be ‘eradicated’. The World Bank and UN Habitat have linked the concept of ‘slum eradication’ to the notion of ‘slum free cities’ (for e.g. the Cities Alliance by-line ‘Cities without Slums’). An informal settlement upgrading policy, by contrast, implies a slum friendly not a slum free city. The programme provides municipalities with grant funding to carry out the upgrading of informal settlement within their area of jurisdiction. It is the intention of the grant to fast track the provision of security of tenure, basic municipal services, social and economic amenities and the empowerment of residents in informal settlement to take control of housing development directly applicable to them. The key objective of the programme is to simplify in situ upgrading of informal settlements as opposed to relocation (NDoH, 2009).

The objectives of the programme is the formalising of the tenure rights of residents within informal settlements, health and security through the provision of affordable and sustainable basic municipal engineering infrastructure and community empowerment. The programme prevents exclusion in that it benefits all households and individuals residing in an informal settlement irrespective of whether households qualify according to the Housing Subsidy Scheme allocation criteria. (NDHS, 2009, Huchzermeyer and Karam, 2006). While the Upgrading of Informal Settlement Programme advocates minimal disruptions of social relationships. It also seeks to address people’s needs by making it possible for them to build for themselves incrementally. It is the only method that encourages social cohesion as it states that relocation should be the last resort. However due to the fact that it encourages in-situ in its current state, the stand sizes allocated are distributed unequally. It should be noted that the major factor in the

emergence of informal settlements is linked to the inequitable distribution of land (Huchzermeyer, 2009).

The programme encourages the involvement of communities in decision making and in the upgrading of the informal settlement (NDHS, 2009). Moreover, Huchzermeyer (2006) advocates that Upgrading of informal settlements should be pragmatic; it should take place where it is feasible. The decision on whether it is practical to upgrade should be taken together with the community involved. Similarly if relocation is to take place it should be to well- located land. Residents should participate in the decision to be relocated to well-located land. They should be able to decide if the land identified is well-located in relation to their livelihood strategies and opportunities such as access to social amenities and employment opportunities (Huchzermeyer, 2006).

Bolnick (2010) adds that UISP should also include the upgrading of informal settlements that are not on land that is suitable for permanent residential development so as to provide interim services while the residents await their future direction (Bolnick, 2010).

The UISP recommends project to be undertaken following four development phases:

Phase 1: Application

Phase 1 is the submission of an application to Provincial Government for the funding of upgrading of an informal settlement through the submission of Business Plans. The

Business Plans are then assessed by the MEC. Upon approval funding for the project is made available and the project can proceed to phase 2.

Phase 2: Project initiation

During this phase municipalities should receive funding to undertake the following activities:

- Acquisition of land
- Undertaking of a clear socio-economic and demographic profile of the settlement
- Installation of interim services to provide basic water and sanitation services to households within the settlement pending the formalisation of the settlement, and
- Conducting of pre-planning studies to determine detailed geotechnical conditions and the undertaking of an Environmental Impact Assessment to support planning processes

These activities are generally to be undertaken over a period of 8-12 months, in accordance with the maximum funding parameters.

Phase 3: Project Implementation

At this phase the municipality should submit a final business plan. Upon approval by the MEC the municipality receives funding to undertake the following activities:

- The establishment of a project management capacity.
- The establishment of housing support services,

- The initiation of planning processes
- The formalisation of land occupational rights and the resolution of disputes
- Relocation assistance
- Land rehabilitation
- The installation of permanent municipal engineering infrastructure, and
- The construction of social amenities, economic and community facilities.

Phase 4: Housing Consolidation

Upon completion of the first three phases which includes township establishment finalisation and owner registration, house construction will commenced. Any outstanding social amenities will also be constructed during the final phase.

Phase 4 can be implemented in a variety of ways which include People's Housing Process, Individual ownership options, contractor built houses, rental accommodation and medium density options that may include rental and individual ownership options (NDHS, 2009).

4.3 NATIONAL UPGRADING SUPPORT PROGRAMME

In 2008 the National Department of Human Settlement established a partnership with Cities Alliance and commissioned an evaluation of 16 pilot and priority projects in an endeavour to assess progress in informal settlement upgrading. The appraisal concluded that the conventional approach on upgrading, which needed the

redevelopment of a settlement was unlikely to meet the government stated goals which was to eradicate all informal settlements by 2014, and that a thorough shift in approach was required to an improved emphasis on incremental upgrading as provided for in Part 3 of the National Housing Code (NUSP, 2009; Misselhorn, 2008).

The outcomes of the report led to the formulation of a National Support Programme and a proposed refinement of the targets and approach of the UISP. NUSP was therefore created to provide assistance to provinces and municipalities in their efforts to upgrade informal settlements. In the implementation of UISP municipalities act as developers while NUSP only provides support (NUSP, 2009).

NUSP identifies basic services, which includes water and sanitation, security of tenure and community empowerment as the three pillars of UISP. In their endeavour to support Municipalities and those involved in designing and implementing projects in terms of the UISP, NUSP developed a resource kit which identifies nine subjects critical to UISP (NUSP, 2009).

Understanding your informal settlement

First and foremost, if one is to tackle an informal settlement, one needs to understand the informal settlement. This would mean knowing the precise location of the settlement and accurate details of the land owner. The number of dwellings, households, their names, ages and identity numbers need to be captured. The municipality needs to establish what services are provided within the settlement. This

is best done jointly with community members and officials and through such a shared process a lot can be learned about life in the settlement and also establish the priorities and needs of the residents (NUSP, 2009).

In-situ upgrading principles and policies

The Upgrading of Informal Settlement Programme is a new way of thinking. Instead of "eradicating informal settlement" it is intended to improve them incrementally in their current location. It moves away from the notion of evicting informal settlements however seeks to provide security of tenure. The housing code is clear on the principles of Upgrading of informal settlement. The UISP promotes and provides finance for the upgrading of informal settlements in their existing locations. Should the informal settlement have an overflow, UISP can be used to finance the acquisition and development of suitable land to house the overflow. Although the policy discourages relocation, in the case where it is unavoidable, there should be minimal disruption to the affected persons and the relocation site should be within close proximity to the existing settlement (NUSP, 2009).

Building Partnerships

The UISP advocates for the whole upgrading process to be done in collaboration with residents. Indicating that it is impossible to upgrade an informal settlement in-situ without complete involvement of the residents. Municipalities can approach this through structured agreements between the municipality and the community. This would form part of the Terms of Reference (TOR) for the project steering committee.

The Municipality can also explore establishment of working partnerships with associations representing informal settlements within a specific area or use of alliances who have extensive experience in community-based upgrading (NUSP, 2009).

Surveys, registrations and Security of Tenure

Once a partnership between a local authority and a local community has been created, it is important to create a shared understanding of who lives in the settlement, what the conditions are in the settlement, determine the needs and priorities. This information should be collated in partnership with the community and developing a register of all residents that everyone agrees to. This gives residents assurance on thier right to reside within the settlement which NUSP refers to as some sort of security of tenure (NUSP, 2009).

The Planning Process

The planning process can only begin once the needs and priorities of the residents have been clarified. The planning process is carried out differently from a conventional housing project where town planners are appointed to plan for the people, planning in an UISP project is done in partnership with the communities, with the help of the technical experts and professionals. The expert's role is to assist the partnership understand how the various needs can be addressed and conclude an agreement on how to work together to achieve the best possible upgrade (NUSP, 2009).

Financing Upgrading

The objective of the UISP is to finance the entire upgrading process especially partnership building, land acquisition and rehabilitation, planning, design and the installation of infrastructure up to proclamation of the township. In the absence of experience in South Africa of how to administer the financing of incremental upgrading projects, NUSP advocates that officials should work out procedures that take into account the spirit of the UISP programme and the needs on the ground (NUSP, 2009).

Design and Implementation

The implementation of UISP draws away from the implementation of conventional projects. The partnership needs to investigate the options available on how each project can be implemented. Implementation of UISP should provide opportunities for the employment of local skilled and manual labour (NUSP, 2009).

Monitoring and Evaluation

Monitoring and evaluation should be measured against the objectives of the UISP which is to improve living conditions, level of security and prospects for sustained improvements for residents of informal settlements (NUSP, 2009).

NUSP advocates that the starting point for measuring progress is to know how the situation was at the start of the project. This would be informed by the information collated at the start of the project which indicated the needs of the people, this NUSP

dubbed the “Base Line”. This survey should be repeated at intervals during the implementation to determine if progress is being made. This assists in assessing progress and determining changes if there are any that needs to be made in order to improve performance.

Sustaining Improvement

The good work achieved through the UISP process should be sustained. The project might come to an end however the life in the settlement is not limited to the project period and the improvements are not limited to infrastructure. Improvement on the lives of the residents should continue beyond the project period to ensure that the good work achieved through the upgrading process is sustained. NUSP suggests that a support structure must be put in place to ensure the sustainability of the improvements and further progress within the settlement (NUSP, 2009).

4.4 CONCEPTUAL FRAMEWORK

The conceptual framework draws on the key literature reviewed. Henning (2006) defines a conceptual framework as an alignment of key concepts of a study which helps to position it in the bigger research enterprise. It further assists to connect all aspects of inquiry in the research (Henning, 2004: 26). Drawing on the key literature reviewed in this chapter which looked at theoretical concepts underpinning informal settlement interventions and the previous chapter which looked at concepts underpinning public policy implementation, I have developed a conceptual framework

for this study. The terms concepts, models and theories are often used in various ways by researchers to communicate experiences and developments in research.

As earlier indicated in this chapter, theories underpinning informal settlement interventions date back as far as the 1950s and South African interventions which is the upgrading of informal settlement which the South African government has adopted as a mechanism to address or deal with informal settlements. The government further to that provided support through NUSP for municipalities in ensuring that implementation is affected. Since the goal of the study is to understand if City of Johannesburg and Ekurhuleni Metropolitan Municipalities are implementing the Upgrading of Informal Settlement Programme. I will evaluate the findings against the predetermined interpretation by NUSP as reviewed in this chapter and also indicated in figure 3 below.

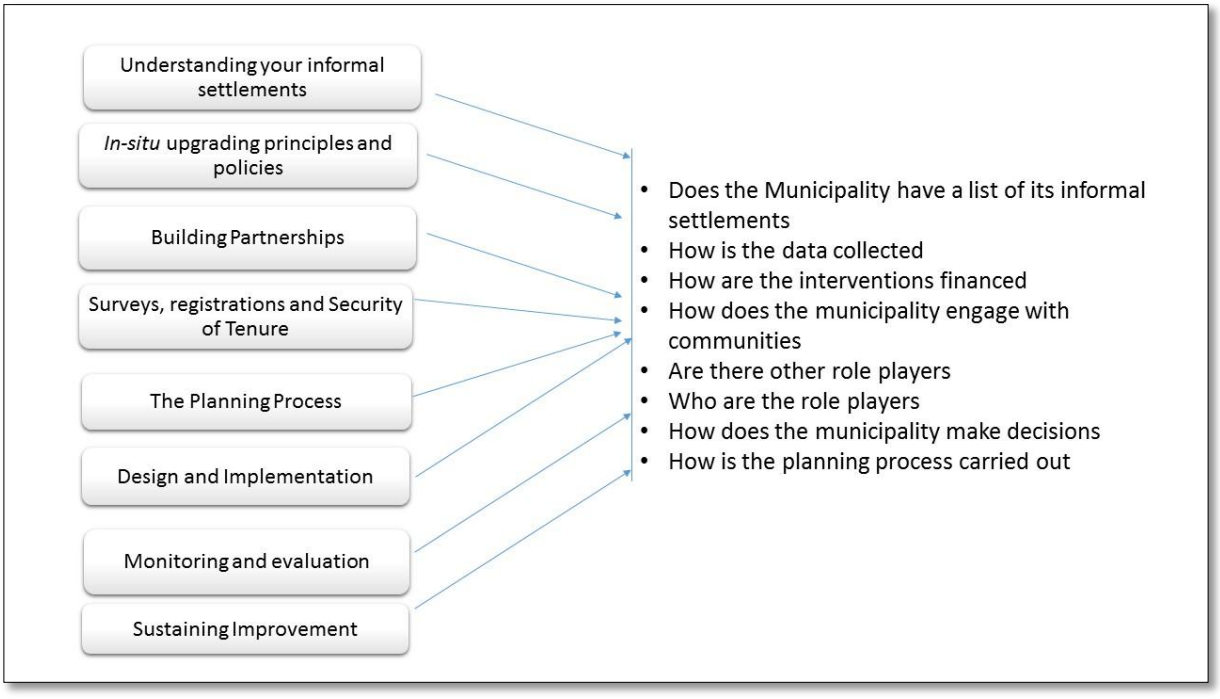


Figure 3: NUSP Implementation Principles derived from NUSP Resource Kit (NUSP, 2009)

Literature on policy implementation as discussed in the previous chapter indicates that implementation cuts across many variables, Najam (1995) identifies critical variables from the various models. Drawing on the key public policy implementation literature reviewed I will apply the Najam's 5C framework which observes 5 key interconnected variables, as indicated in figure 4 below, to analyse my findings as this will assist in outlining and understanding the complex implementation process.

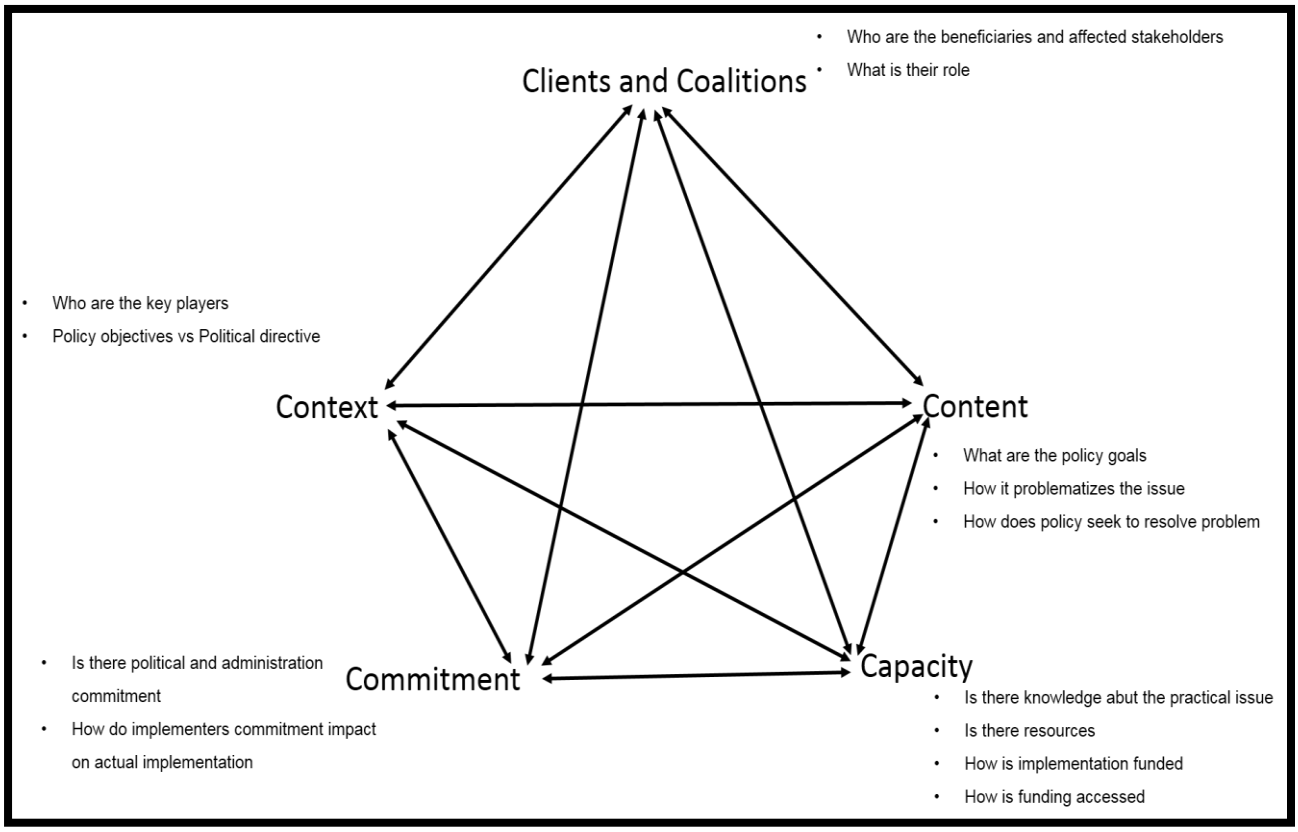


Figure 4: Conceptualising the implementation process, source: modified from the 5C Protocol ((Maina, 2013:60)

4.5 CONCLUSION

South Africa is unique from many countries with similar housing problems, due to its history of apartheid. The apartheid spatial form, which was fragmented, racially-based and coupled with serious socio-economic inequalities, is still visible today (Msipha, 2007). In 1994 the government in an endeavour to redress the inequities of the past, developed the Housing White Paper. The White Paper on Housing was adopted by the new government following the first democratic elections in 1994. The aim of the policy was to create viable integrated settlements where households could have access to infrastructure services and other basic services such as potable water, adequate sanitary facilities and electricity. It provided a framework for the government's ambitious housing development target of building one million state funded houses in the first five years of office as set out in the ANC's Reconstruction and Development programme. (Tissington, 2011). This subsequently became the effective Housing Policy in 1997 with the tabling of the Housing Act (Bolnick, 2010).

In 2004 government introduced Breaking New Ground A Comprehensive Plan for the Development of Sustainable Human Settlements (NDoH, 2004). Breaking New Ground and Housing Code are aligned to the UN's approach to improving the lives of the poor. However more emphasis in implementation has been on eradication and not improving lives (Huchzermeyer, 2006). This was witnessed by the Gauteng Province's vision to eradicate all informal settlements by 2014 (Huchzermeyer, 2009). At the inception of the housing policy, focus was on alleviating the environment and transforming the spatial form derived from the apartheid government. Moreover the inception of the policy had to address the housing backlog inherited from the previous

government. The conventional responses to housing have rather perpetuated segregation. The urban poor continue to live in urban peripheries far away from employment opportunities and social facilities. Furthermore the interventions have seen the rebirth of the apartheid government interventions such as, forceful relocation to transit camps, evictions, finding their way back into practice (Huchzermeyer, 2008). The refinement of housing policy through the "Breaking New Ground" in 2004 introduced the Upgrading of Informal settlement programme. The programme calls for a paradigm shift in relation to informal settlement interventions; it advocates the upgrading of informal settlement in their current locations.

The UISP is a significant shift from the manner that government deals with informal settlement as it advocates for *in-situ* upgrading of informal settlements in their current location as opposed to relocation to greenfield projects. The policy introduces an approach that is flexible, participative and integrated (Misselhorn, 2008). The UISP has clear outcomes however its implementation falls far behind policy expectations. Concurrently, Misselhorn, (2008) advocates that the UISP has not been implemented to show necessary changes in systems, mechanisms and regulations, nor has there been the obligatory political will to enable real take-up on the alternative approaches. In fact the policy approach has remained one which is focused primarily on the provision of conventional housing i.e. a house and related services and title as a fixed package. (Misselhorn, 2008). Instead of using the flexibility and space that this policy allows to find innovative solutions that translate into action on the ground many Municipalities have utilized USDG and BNG funding to fast-track subsidies for conventional projects.

It should therefore be acknowledged that the intervention to address housing in the country, similarly with other countries has reflected limited achievement. However, in South Africa this has been due to failure to implement policy as reflected (Lasserve and Royston, 2002). If we are to develop sustainable settlements which is considered as development which meets the needs of the current generation without jeopardizing the needs of future generations (UN, 2005), we need to comprehend the failures of past policies and practices. First and foremost we need to concede to the fact that social problems might not be resolvable or eradicated however policy can minimize such problems and also explore international experiences that have worked and put emphasis on those. The response to improving the lives of the informal settlement dwellers by the South African government is contrary to the Millennium Development Goal 7, Target 11 which is to significantly improve the lives of 100 million slum dwellers by 2020. Improved lives are said to be achieved once there is access to water, sanitation reduced overcrowding and improved security of tenure (UN, 2005).

5. UISP IMPLEMENTATION IN THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY (COJMM)

5.1 INTRODUCTION

COJMM is the largest city in South Africa. It attracts a large number of people from other provinces and internationally who are looking for better economic opportunities. This has seen the population size increasing by 37% between 2001 and 2011. It is estimated that, about 48% which is almost half of the population are people who are born outside the province (statssa, 2011; COJMM, 2012).

The COJMM and Gauteng Province has made major investments in infrastructure and housing. However poverty and inequality levels still remain high. This is attributed to the high unemployment rates within the province. Poverty is highly concentrated in areas located in the periphery of the municipality, this has continued over the years as state housing has also been concentrated in these areas due to lack of well-located land. One of the biggest challenges faced by COJMM has been that of meeting the housing demand due to high migration and urbanisation rates the COJMM has to cope with. This has witnessed an increased densification of informal settlements as opposed to the creation of new settlements (COJMM, 2012).

The COJMM has a dedicated Housing Department which is responsible for the development of Sustainable Human Settlements. Informal settlement management falls under this department. The department is mandated to implement programmes

that complement the City's Growth and Development Strategy (GDS), which states that COJMM will be a resilient, liveable and sustainable city by 2040 (COJMM, 2014). The Development of Sustainable Human Settlements is one of the city's priority programmes. The programme's objective is to address the spatial inequality and provide housing and ancillary infrastructure for sustainable human settlements. (COJMM Official, personal communication, 13.02.2015). The development of sustainable human settlements is in line with the policies as set out by the National department of Human Settlements.

The Housing department has five directorates. Informal settlements management and its interventions vests under the Project Implementation and Management (PIM) Directorate (at the time of the research a new structure had been approved however it had not been implemented). The City is divided into 7 administrative regions: Regions A-G, the formalisation and informal settlement management is administered in the regional offices located within the seven regions (COJMM official, personal communication, 13.02.2015).

5.2 INFORMAL SETTLEMENT IN COJMM

It is unclear as to how many informal settlements COJMM has, as both desktop and interview findings indicate discrepancies. The local government performance review of 2005 to 2011, indicated that there were 182 informal settlements in COJMM and 49 of these settlements were formalised (Makonyane, 2011). The report therefore suggests a total of 133 informal settlements remaining. However a report tabled

before one of the municipality's committees acknowledges that COJMM has been reporting a 180 informal settlements, however it brings forth that 9 informal settlements had been omitted (Nkosi, 2013). The report states that the department consolidated the list to include the 9 omitted informal settlements, from the recorded consolidated list of 189 informal settlements 22 have been formalised into townships; 1 informal settlement ie. Orange farm ext.10 has never been an informal settlement but a vacant proposed Township and 18 informal settlements have been relocated (*ibid*). Nkosi (2013) proposed that formalised settlements must be reflected as Townships and those relocated must be archived and not indicated as informal settlements. The report concluded that there are, therefore, 149 recorded informal settlements remaining within the City of Johannesburg (*ibid*). The HDA on the other hand when it profiled informal settlements in South Africa reported a total of 157 informal settlements in the COJMM (HDA, 2013).

More inconsistency became evident in the findings from COJMM officials during the interviews. It was reported that there was an initial list of 189 informal settlements, however after several attempts to consolidate all existing lists officials indicated that there is a total of 246 informal settlements, the reason for this includes informal settlements located on one property but the communities have different names for them however on the GIS system it would reflect as one settlement, but on the ground its actually three informal settlements hence the number has gone up (COJMM Official 2, personal communication, 9.02.2015).

A second respondent indicated that the City has a total of 183 informal settlements (COJMM official 2, personal communication, 13.02.2015) contradictory to that another respondent who deals with informal settlement indicated that there are 181 informal settlement in the City indicating that the 246 informal settlements have been merged to come up with that number. The list was verified together with the regions and ward councillors as they are physically active in the management of informal settlements (COJMM Official 2, personal communication, 13.02.2015).

It is therefore not clear as to how many informal settlements there are in the City of Johannesburg. However it can be estimated that there are between 147 to 189 informal settlements which is a huge discrepancy. In terms of the housing code and NUSP's predetermined resource kit for people tasked with designing and implementing of projects in terms of the UISP, the resource kit indicates that in order to be effective there is a need for the municipality to develop an understanding of their informal settlements. This would include the collection of data, precise location and ownership of the informal settlements and this should be shown on a map. Furthermore the UISP provides funding for conducting socio-economic surveys within informal settlements, the funding can be used to verify and collect data within informal settlements (NDoH, 2009; NUSP, 2009).

5.3 THE COJMM'S INFORMAL SETTLEMENT INTERVENTION

The COJMM's Council, approved a formalisation and upgrade programme in 2008. The programme aimed at ensuring that all well located informal settlements within the city have legal status by 2014 and that all levels of services are substantially upgraded. The key driver of the programme was the Development Planning and Urban Management now called Development Planning department of the City of Johannesburg however the function was later transferred to the Housing department in 2012 (COJ Official 3, personal communication, 13.02.2015). To support the implementation of the programme DP&UM established an Informal Settlements Steering Committee, the purpose of the steering committee was the coordination of relevant departments and MOEs for the provision of services during the formalisation process, the committee seized to function when the function was handed over to the Housing Department (COJMM official 3, personal communication, 02.02.2015; COJMM Official 4, personal communication, 02.02.2015).

The programme categorised informal settlements into 5 different categories as indicated in the table below:

	Informal settlement Intervention	**Implementation process**
Category 1	Formalisation/Upgrading Projects	*In-situ* upgrading following legal township establishment processes
Category 2	Relocation	This involves the relocation of settlements which are located in hazardous areas, settlements identified under this category will be relocated to existing projects
Category 3	Regularisation	These are settlements which can remain in their current location and formal projects or township applications have not commenced.
Category 4	Programme linked	Settlements linked to a future housing programme such as the Urban Renewal Programme
Category 5	Settlements not linked to a programme	This included settlements where feasibility have yet to be concluded and where future development had not been made.

Table 1: Formalisation Categories Source: Created from COJ project documentation, 2008-2011

The programmes placed more focus on formalisation and regularisation than on upgrading of informal settlement. Formalisation refers to the legal process where townships are created and residents obtain security of tenure, this includes the construction of top structures. Regularisation on the other hand means the provision

of interim measures to recognise the informal settlement and promote a degree of tenure security for residents. (Harrison, 2009; former COJ official, personal communication, 2.02.2015).

The COJMM's Housing Department has adopted new key deliverables in informal settlement interventions over the next three financial years ie. from 2014 up to 2017. These deliverables are reflected in the Department's Service Delivery and Business Implementation Plan (SDBIP). The SDBIP introduces a Programme called: Upgrading of Informal Settlements. It then identifies informal settlements in four different categories ie. 1) relocation: this refers to informal settlements that have been relocated to either another informal settlement or a transit camp as a result of an eviction order or settlements that have been relocated to a greenfield housing project; 2) informal settlement cleared: refers to all settlements that have been "eradicated"; informal settlements for electrification: this refers to settlements that have been earmarked for electrification in their current location notwithstanding the suitability of the land for development, a fact to note is that this includes settlements that might be relocated in the long term; 4) it identifies households upgraded in informal settlement: refers to settlements where the municipality will be installing permanent services(COJMM Official 5, personal communication, 19.02.2015). A factor to note here is that bulk infrastructure can only be installed where township establishment processes have been initiated.

The interventions in informal settlements as we can see above are under the Upgrading of Informal Settlements Programme, in terms of the Department's business

plan for the next 3 years, what is noted in the Department's interventions is that the department no longer makes mention of formalisation.

The SDBIP sets the following interventions:

Programme	Programme Intervention/ Deliverables	Targets		
		2014/2015	2015/2016	2016/2017
1. Upgrading of Informal Settlements	• 5,000 households relocated	• 2,000 households relocated	• 1,000 households relocated	• 2,000 households relocated
	• 20 informal settlements cleared	• 3 informal settlements cleared	• 7 informal settlements cleared	• 10 informal settlements cleared
	• 25 informal settlements electrified	• 9 informal settlements electrified	• 10 informal settlements electrified	• 6 informal settlements electrified
	• 18,003 households upgraded in informal settlements	• 6,334 households upgraded in informal settlements	• 5,669 households upgraded in informal settlements	• 6,000 households upgraded in informal settlements

Table 2: Housing Service Delivery Business Implementation Plan (SDBIP) 2015/2016, COJ 2015

The SDBIP as we indicated above targets households instead of informal settlement. The UISP is an informal settlement intervention that seeks to upgrade informal settlement as opposed to the COJ's targets to upgrade households. From the table above it is difficult to then calculate the number of informal settlements targeted for upgrading this also reflects a different meaning or definition of upgrading by COJ.

5.4 IMPLEMENTATION PROGRESS

The South African legal framework places the responsibility of implementation to municipalities. The COJMM is therefore tasked with the implementation of the UISP as a programme contained in the National Housing Code, 2004. There is now no clarity as to whether the Formalisation and Regularisation Programme still exists as the Department's interventions in terms of their SDBIP as discussed in the previous section does not make mention of the programme but it refers to the Upgrading of Informal Settlement Programme. Implementation of these interventions is still going to be undertaken by the Regional offices, until such time that the new approved structure is implemented. The programme seeks to achieve four deliverables: relocation, electrification of informal settlements, clearing of informal settlements and upgrading of informal settlements (COJMM official 5, personal communication, 19.02.2015).

The municipality continues to provide basic services such as water, toilets in the form of ventilated pit latrines (VIP) toilets, in its informal settlements it has further identified informal settlements for electrification in their current location. The electrification process involves the "reblocking" of informal settlements to maximise open spaces in the settlement and create access ways for emergency vehicles (definition ref, COJ Official 5, personal communication, 19.02.2015). "Reblocking" is a term used for rearranging or reconfiguration of shacks in informal settlements (www.sasdialliance.org.za). The identification of informal settlements for electrification was a political directive subsequent to IDP processes wherein a number of informal settlement residents indicated a need for electricity in their areas. (*ibid*).

The objectives of the UISP are clear, it seeks to achieve three interrelated objectives ie. Security of tenure; health and security and lastly the empowerment of informal settlement communities through a participative process (NDHS, 2004; NUSP, 2013; Ziblim, 2013). The COJMM in its deliverables does not take into account the objectives of the UISP. Instead it still seeks to clear and relocate informal settlements.

Some of the officials still believe formalisation is still being conducted by the COJMM. An official attempting to give his view on what formalisation meant or its approach, explained that the formalisation approach has been an “eradication” approach. Where the COJMM is upgrading it is in actual fact providing permanent services such as roads and stormwater, to projects which did not comply with the township application procedures and thus the township could not be proclaimed as the legislation used to establish township requires that services are installed prior to proclamation. This is mostly in settlements which resulted from a greenfield project and beneficiaries were allocated houses prior to township proclamation (COJMM Official 2, personal communication, 02.02.2015).

In terms of the deliverables relocation and clearing of informal settlements is entrenched in the upgrading programme, in spite of the UISP stating that relocation should be as a last resort and in exceptional circumstances. Furthermore the UISP advocates that municipalities must form partnerships with the communities in order to

ascertain the community's priorities and needs. However there seems to be a disjuncture between political directives and implementation processes.

Some of the "upgrading" projects underway include Vlakfontein Extension 2, Zandspurit Informal Settlement and Poortjie in Region G (COJMM Official 1, personal communication, 13.02.2015).



Figure 6: Southern portion of Vlakfontein Ext. 2, COJMM Online maps, accessed on 15 March 2015

As we see in the above aerial map of Vlakfontein, subsidised houses have already been constructed. However The COJMM indicates that it is undertaking upgrading of informal settlements in this area, whereas the UISP stipulates that its projects go through 3 phases with only 4th phase being construction. This would mean upgrading ends in phase 3 where a township is proclaimed and therefore tittle deeds can be

issued to beneficiaries (COJMM Official 1, personal communication, 13.02.2015). During an interview with an official based in the region, in an interview with an official from the regional office, it was revealed that Vlakfontein development was actually an old greenfield project where communities were relocated from various informal settlements, it was never an informal settlement. (COJMM Official 6, telephone communication, 20.02.2015).

5.5 *IN-SITU* UPGRADING PRINCIPLES AND POLICIES

The municipality has identified informal settlements for electrification between the 2014 and 2017 financial years. The need for electricity in informal settlements was identified during IDP consultations and presentation of the draft Municipal Human Settlements Development Plan. The majority of the informal residents who attended indicated a dire need for electricity intervention while the municipality works on a long term plan for the settlement. (COJMM official 2, personal communication, 19.02.2015)

Provision of electricity is seen as a basic service by the municipality together with other services such as water and sanitation that the municipality provides to informal settlements, while the municipality works on a long term plan. This is in line with UISP. However the provision of the abovementioned services is funded under the Urban Settlement Development Grant, a grant that is provided by National Treasury for the provision of infrastructure in metropolitan municipalities and not the provisional grant provided for by the UISP. The identification of the 25 informal settlements for electrification was a political directive subsequent to consultations with communities

during IDP consultations (COJMM Official 1, personal communication 13.02.3015; COJMM Official 2, personal communication 19.02.2015).

Furthermore the settlements that are provided with electricity include settlements that might be relocated in the long term. The UISP advocates for incremental upgrading where services are provided with the long term vision being to provide security of tenure in the form of tittle deeds to the extent that residents can invest on their properties. The COJMM identified informal settlements for relocation after conducting investigations which deemed the land not habitable due to environmental constraints such as dolomite or wetland conditions. In some instances it was identified that the land is too costly for the development of fully subsidised houses, therefore development will not be financially viable. The UISP provides funding for the rehabilitation of land and secondly it provides grant funding for the acquisition of land should the land be too costly, municipalities can make use of counter funding such as the USDG, as advocated by the UISP.

5.6 BUILDING PARTNERSHIPS

Communication with informal settlement residents is conducted through ward committees and through the IDP consultations. Ward committees are a formal communication channel between the community and council, however a member of the ward committee might be someone who does not reside within the informal settlement and therefore an informal settlement may not be directly represented. The community is engaged more directly during project phase where a Project steering

committee is elected and members of the community are represented (COJ Official 2, personal communication, 19.02.2015).

The UISP requires municipalities to work in partnership with the residents. Ziblin, 2013 states that international best practice has proven that it is impossible to have a successful upgrade without the complete and passionate involvement of the residents (Ziblin, 2013). Additionally the UISP requires that once a community partnership has been entered into, there needs to be an agreement between the Municipality and the community and this is formulated as the terms of reference or the Project Seering Committee, in which all stakeholders are represented (NDoH, 2009). It should be noted that the engagement of communities through the establishment of a project steering committee indicated by officials is not in the premise of UISP as this is for conventional housing projects. The project steering committee is only established upon implementation of a project whereas the UISP advocates for the communities' involvement from the beginning.

5.7 SURVEYS, REGISTRATION AND SECURITY OF TENURE

Data for informal settlements such as number of households, their names and id numbers, is collated by regional offices (COJMM official 1, personal communication, 13.02.2015). The data is collected by conducting door to door counts. In most instances it is conducted during weekends to ensure that the owners are at home as during the week most of them are at work. The surveys are usually conducted by officials although they do encourage the leadership of the relevant informal settlement to be present, if the leadership is not present the data is collected in their absence as

this is what is expected of the officials in terms of their duties. The data is supposed to be verified every year but due to lack of capacity the last verifications were conducted between 2009 and 2010. Counts or data collection being conducted are prioritised to settlements where there is a project or the COJMM has obtained a court order for evection or an owner of the land has received an eviction order allowing him to evict the people occupying his land or in some instances buildings (COJMM, Region official 2, personal communication, 19.02.2015). The data is gathered so as to obtain personal information of those in the settlement and to obtain the total number of people in the settlement. This is also beneficial to the residents when they require proof of residence and identification numbers are issued for each shack. The resident can go to the regional office, where the shack number is used to confirm if indeed the person stays within that informal settlement and a letter of proof of residence can be issued (*ibid*).

While COJMM has data of its settlements, it should be noted that in terms of the programme, this process should be embarked upon with the community after creating partnership as this establishes a shared understanding of who lives in the settlement, what the conditions are in the settlement and helps determine the needs and priorities. The use of the data to issue a proof of residence letter to informal settlement residents is in line with the principles of the UISP as it gives residents assurance on their right to reside within the settlement which, NUSP refers to as a certain level of security of tenure (NUSP, 2009).

5.8 THE PLANNING PROCESS

COJMM appoints consultants to conduct feasibility studies to ascertain what a project can yield and if the land is developable. If the land is developable the feasibility study will indicate what processes should be conducted, if the land is not owned by the municipality, the municipality will engage in a land acquisition process. However, if the land is municipally owned the municipality will appoint consultants to embark on the planning process (COJMM Official 1, personal communication, 13.02.2015). The processes involve seeking of Council resolutions to undertake feasibility studies and acquisition of land. This can take up to 6 months. Subsequent to that, there are procurement processes to appoint consultants. This process can also take up to 6 months. (*ibid*). The development process also goes through its lengthy process before one receives a house. The official stated that this is difficult for them as people expect to receive houses, not understanding that the process takes time. The municipality also lacks the expertise to determine the scope of work for consultants, in some cases applications are submitted and the Development Planning Department, or one of the services departments would require studies that have not been catered for in the consultant's brief which also has an impact on the duration of the project (COJMM Official 7, personal communication, 20.02.2015). The development process has been summarised in the figure below:

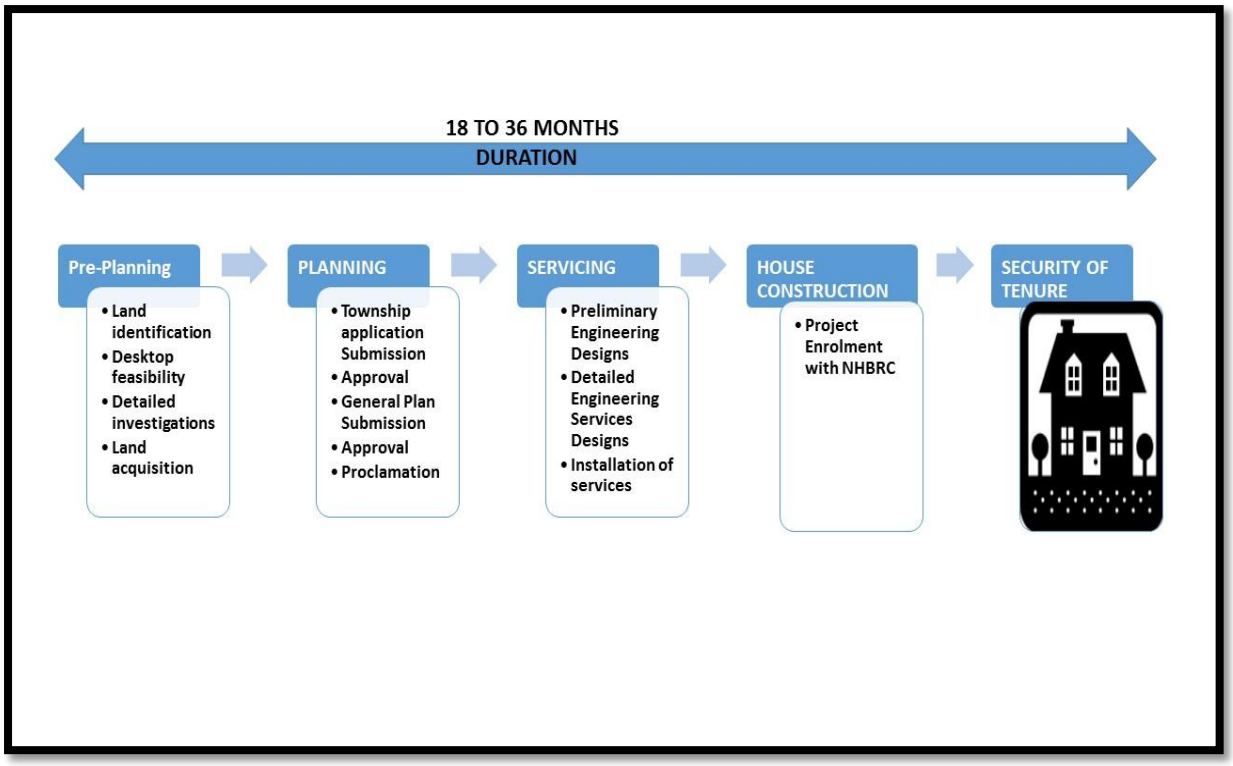


Figure 5: Development Process Source: adapted from COJMM documentation, 2008-2011

The planning process is carried out on projects earmarked for upgrading in terms of the Service Delivery Business Implementation Plan (SDBIP) deliverables. In terms of NUSP and UISP, the planning process can only begin once the needs and priorities of the residents have been clarified. However, the municipality carries out the planning process in terms conventional housing projects despite the programme being clear that it should be carried out differently from a conventional housing project where town planners are appointed to plan for the people. Planning in an UISP project is to be done in partnership with communities, with the help of the technical experts and professionals. The expert's role is to assist the partners understand how the various needs can be addressed and conclude an agreement on how to work together to achieve the best possible upgrade (NUSP, 2009). The processes are slowed down

due to internal complexities such as lengthy processes to obtain council approval, procurement of consultants and timeous land acquisition processes (COJMM Official 7, personal communication, 20.02.2015).

5.9 FINANCING UPGRADING

The upgrading of informal settlement deliverables of the COJMM are funded through the USDG. The USDG is used for acquisition of land, feasibility studies, detailed investigations, relocations and provision of services and planning work (COJMM official 2, personal communication, 19.02.2015). The UISP is clear in terms of its funding mechanisms, it finances phases 1 up to 3 which includes land acquisition, provision of interim services, planning and implementation. However the municipality utilises USDG for activities catered for under the programme. Most officials stated that the USDG is an easy-to-source grant as it is provided directly from National treasury to municipalities. Funding for programmes listed under the National Housing Code has to be applied for through the Provincial Department of Human Settlements which then submits applications to National Department of Human Settlements and in most instances it is not easy to access funding. The municipality therefore prefers using the USDG funding. It was however envisaged that through accreditation of municipalities (which involves the assignment of authority to exercise functions relating to the administration of National Housing Programmes by municipalities), things would change but accreditation has been put on hold by the Minister of Human Settlements (COJMM official 2, personal communication, 19.02.2015).

5.10 DESIGN AND IMPLEMENTATION

Design and Implementation is through the appointment of professional consultants, through a tender briefing process. The municipality details out to consultants on what is to be conducted on a specific projects. The consultants will upon appointment by the municipality conduct development as directed or briefed by the client, which is the COJMM (COJMM Official 1, personal communication, 13.02.2015.

5.11 MONITORING AND EVALUATION

NUSP advocates that Monitoring and evaluation should be measured against the objectives of the UISP stating that the baseline would be to know how the situation was at the start of the project. The UISP has not been implemented in COJMM. Instead, interventions have been mostly through greenfield conventional housing projects. The manner through which a municipality intervenes in informal settlements is a technocratic and top down approach with the municipality planning for the people and nominal empowerment of beneficiaries despite UISP advocating for the empowerment of communities in its objectives. It should however be noted that officials feel that there has been an improvement in the lives of the people as they have been provided with houses and services outside the premise of UISP.

5.12 CONCLUSION

The finalisation of incomplete project (which the municipality terms upgrading of informal settlement) has been a slow process due to a number of reasons which involves amongst others, lengthy legislative procedures that are followed to formalise

informal settlements. The process takes between 18 to 36 months depending on the complexity of the area to be formalised. Other stumbling blocks cited by officials are that of inability to manage new land invasions and growth in informal settlements due to lack of staff capacity, an official reporting that in each region there are 2 area managers and operational managers tasked with the monitoring of informal settlements, it is therefore difficult to monitor all these informal settlements as there is only a few people tasked to do monitoring, in some instances you will find that officials do not want to be involved with informal settlements and are now working in the office doing projects only (COJ, Official 2, personal communication, 09.02.2015).

The Municipality has continued to build houses for the people through its formalisation programme which is grounded on conventional housing projects. The Municipality has further continued to provide services to all its informal settlement as this is a constitutional right for all South African Citizens (COJ Official, personal communication, 20.02.2015) and also in line with the principles of UISP.

Other emerging issues picked up during the interviews were the contradictory information from officials in terms of the number of informal settlements within the municipality and also the interventions. Furthermore, some officials indicated that intervention is through the formalisation programme while others referred to upgrading of informal settlements as contained in the SDBIP. However a factor to note in this is that formalisation and upgrading is used interchangeably within the municipality with both processes understood as involving the provision of permanent infrastructure which is still not the equivalent to incremental upgrading advocated by UISP. The

municipality formalises informal settlement through roll-over upgrading and relocation of residents to greenfield housing developments.

The interventions by the two municipalities can be linked to the site and service scheme, which was dominant in the 1970s. This approach similarly promoted the relocation of centrally located slums to newly serviced sites which were often outside the existing urbanised areas (Pugh, 1995; 2001). However the approaches used by both municipalities, fall short of the site and service emphasis which promotes the involvement and contribution by beneficiaries in the resettlement development process. Furthermore the approaches similarly to the Laissez fair approach does not benefit all beneficiaries due to the qualification criteria as only those who qualify for subsidy obtain a house, whereas the UISP benefits everyone in the settlement with exclusion only in the last phase. However municipalities have developed policies which allow those who do not qualify for a house to be offered an opportunity to buy stands from the municipality.

Successful upgrading occurrences as far back as the 1980s are attributed to extensive community participation, however despite the successes recorded, financial commitment was similarly the challenge as experienced by the two municipalities.

6 IMPLEMENTATION IN EKURHULENI METROPOLITAN MUNICIPALITY (EMM)

6.1 INTRODUCTION

Ekurhuleni Metropolitan Municipality was established in 2000. It ranks the fourth largest city in South Africa, housing approximately 5.4% of the country's total population and 25.5% of the Gauteng province's population (Statssa, 2011; EMM, 2014). The increased number in informal settlement is associated to migration into the city (EMM Official 1, personal communication, 20.03.2015). There is a high level of employment as only 30% of the population is economically active. This is attributed to the presence of mining and heavy industrial townships where migrant as well as unskilled workers' hope to find employment.

EMM has a dedicated Department of Human Settlement which is responsible for the development of Sustainable Human Settlements. Informal settlement management falls under the Customer Care Relations which is based in the three Service Delivery Regions (SDR) of the municipality ie. Northern, Southern and Eastern regions. Unlike in the COJMM case, in EMM The Human Settlement Department is seen as the lead department unlike in the case of COJMM, to which other departments should align their deliverables to.

The EMM does not operate in isolation. It operates within wider environments and at different levels: internationally, nationally, provincially, regionally, metropolitan and the community level. Within itself housing development operates at three distinct levels namely policy and strategic, programme and project level. Furthermore housing

development is integrated and interrelated with other larger socio-economic and political systems (EMM Official 2, personal communication, 20.02.2015; EMM, 2014).

6.2 INFORMAL SETTLEMENTS IN EMM

EMM has a population of 3,178,470 people. About 99,4% of the population lives in urban settlements ranging from informal settlements to elite urban residential suburbs. The City has within its urban fabric 122 informal settlements (EMM Official 2, personal communication, 20.02.2015; EMM, 2014). Informal settlements in the municipality are predominantly located in and around the peripheries of the economic areas of the municipality (Huchzermeyer, Baumann, Mohamed, 2004; EMM official, personal communication, 20.02.2015). Some informal settlements are located within the disused mining areas within the municipality (SETPLAN, 2008; EMM official 2, personal communication, 2.03.2015). Informal settlements in EMM provide homes to approximately 138 099 households, (HDA, 2013).

6.3 EMM'S INFORMAL SETTLEMENT INTERVENTION

In terms of the municipality's IDP the key intervention in informal settlements is the Informal Settlements Formalisation and Upgrade Programme. The programme aims at upgrading and formalising all informal settlements. The programme categorises informal settlements as requiring relocation, in-situ upgrading or part relocation and part in-situ upgrading (EMM, 2014). The main feature of the plan is the undertaking of feasibility studies to assess the suitability of land parcels for development of human settlements. Succeeding the positive recommendations of the feasibility findings the municipality proceeds with detailed planning which includes the conducting of detailed

studies like Environmental Impact Assessments and geotechnical investigations. In the case where the land is owned by the EMM the municipality lodges township establishment applications. However, in the case where land is privately owned the application can only be lodged upon acquisition of the property (EMM, 2014, EMM Official 1, personal communication, 20.02.2015).

A Housing Migration Plan was developed by the Department. The plan identifies the housing backlog on informal settlements and on the waiting lists. The identified informal settlements are linked to prospective projects in line with the formalization and upgrade programme (EMM official 1, personal communication, 02.03.2015). Subsequent to this the municipality adopted a Human Settlement policy. Its intention is to ensure the alignment of capital as well as operational budgets so that housing developments occur in conjunction with the development of clinics, libraries, schools, community centres, taxi ranks and sports facilities. This is to address the conventional problem that housing sites are ready for occupation five years before social facilities are developed (EMM official 1, personal communication, 20.02.2015; EMM, 2014).

As indicated earlier the municipality can only upgrade 20% of its informal settlements. This then leaves the City with the burden of 80% of informal settlements not being targeted for redevelopment, given that there is inadequate land availability, the remaining 80 has to be relocated (EMM, 2013; EMM Official 2, personal communication, 02.03.2015). It should be noted that there is a limitation on development due to dolomite and undermining, noise pollution from the airport and an urban boundary that aims at protecting agricultural land (the urban boundary also

separates out areas that would be particularly expensive to service, due to distance from bulk service runs (EMM official 3, personal communication, 02.03.2015).

The municipality has further identified 16 informal settlements to be upgraded *in-situ.* This is through a pilot programme to implement incremental upgrading with the support of NUSP (EMM Official 1, personal communication, 20.02.2015). The word formalisation and upgrading are used interchangeably. However, an official tried to clear the definitions out:

"Formalisation's premise is that, this place is informal then it makes a diagnosis that it is wrong, it means the area must be a proclaimed township it must adhere to the town planning norms, it must have fully flagged services in accordance to the set standards, top structure, and then it's a formalised township. Upgrade on the other hand says, this place is informal, but informal should not necessary mean squalid living conditions, therefore upgrade embraces informality but there are certain minimal safety issues that we can consider for the environment to be habitable without necessary following the formalisation process" (EMM Official 1, personal communication, 20.02. 2015).

6.4 IMPLEMENTATION PROGRESS

South African legal frameworks place the responsibility of implementation on municipalities. Similarly to COJMM, EMM is also tasked with the implementation of the UISP as a programme contained in the Housing Code, 2009. Due to the challenges such as land acquisition, feasible land and access to UISP funding, the municipality has continued to provide housing developments in the urban periphery through its

formalisation programme (EMM Official 1, personal communication, 02.03.2015). The development process undergoes various planning stages which include township application, detailed studies such as Environmental Impact Assessments, Geotechnical investigations and the provision of services (EMM official 2, personal communication, 20.03.2015). These can be complex processes which hinder development. The municipality developed a policy dubbed “Fast tracking a housing solution for people living in areas of stress by using the Emergency Housing Circumstances Programme”. The purpose of this policy is to fast track development. The Department of Human Settlements works hand in hand with other departments involved in development such as the Planning Department which does approvals and Services Departments to ensure that their developments are prioritised (EMM official 2, personal communication, 20.02.2015).

As we have seen in the preceding sections, officials from EMM acknowledge that they have not been implementing incremental upgrading as per the Housing Code. The municipality has now taken a directive to implement UISP and identified a number of informal settlements to be upgraded as their pilot project (EMM, Official 1, personal communication, 20.02.2015). An initiative which came from the National Department of Human Settlements via NUSP has seen the EMM team up with the National Department of Human Settlements to pilot the implementation of UISP in terms of the housing code. NUSP has taken relevant municipal officials through an Upgrading of Informal settlements Programme course in order for them to understand the content of the policy and the expected outcomes. To further support the implementation of the programme the municipality set up an interdepartmental Informal Settlement

Committee, which meets every month to discuss issues around interventions in informal settlements (*ibid*).

EMM continues to provide houses through its Construction of Houses Programme. This programme entails the building of houses on serviced stands for in-situ and greenfield developments, where beneficiaries have been identified. Some of the projects that are being implemented include Alra Park Ext 3, Eden Park West & Ext 1, Etwatwa Ext 35. The pace of the delivery has been encumbered by the enrolment of the projects with the NHBRC due to dolomite management requirements by the Council of Geoscience (EMM Official 1, personal communication, 20.03.2015).

6.5 IN SITU UPGRADING PRINCIPLES AND POLICIES

EMM continues to provide basic services to all its informal settlements. Provision of basic services is part of the UISP phases which comes with grant funding under the programme. However, the municipality does not apply for funding under the UISP instead utilises the USDG which is a similar situation with COJMM. The officials of EMM acknowledge that they have not been implementing “upgrading” according to the principles of UISP. The Municipality has identified 16 informal settlements where incremental upgrading will be piloted with the support of NUSP. The identification of the settlement was not done with the informal settlement residents. However, it was informed by the outcome of the studies conducted by appointed consultants which deemed the land feasible for development (EMM Official 3, personal communication, 20.02.2015).

6.6 BUILDING PARTNERSHIPS

The Municipality works with communities through its Customer Relations Directorate. What was noted is that municipal officials enjoy working in informal settlements, with officials noting that they learn a lot from the communities due to their diverse nature (EMM Official 3, EMM Official 4, personal communication, 20.02.2015). Although sometimes communities can be dishonest there are some community members who assist in making officials day to day duties easy. The UISP/NUSP principle advocates for partnerships with those organisation who have experience in upgrading projects. There seemed to be reluctance coming from officials to work with NGOs. The officials stated that the NGOs end up being the drivers of the projects and not necessarily serving the interests of the communities (EMM Official 2, personal communication, 20.02.2015).

Another requirement of upgrading in terms of NUSP, is that once a community partnership has been entered into, there needs to be an agreement between the Municipality and the community and this is formulated as the terms of reference or the project steering committee, in which all stakeholders are represented (NDHS, 2004; NUSP 2013) however EMM has not entered into any agreement with communities as the UISP has not been implemented.

6.7 SURVEYS, REGISTRATION AND SECURITY OF TENURE

According to the Municipality, it has data of all its informal settlements. The data consisting of personal particulars of informal settlement residents, was collected in partnership with the leadership of informal settlements (EMM Official 3, personal

communication, 20.02.2015). This data collection in terms of NUSP (2013) forms the baseline and gives a better understanding of who is in the informal settlement (NUSP, 2013). The UISP is clear in terms of data collection, advocating that it should be collected in collaboration with the community and indeed the municipality works with its communities.

6.8 THE PLANNING PROCESS

As it was indicated earlier, the municipality still applies the conventional housing project process wherein it appoints consultants to conduct studies to determine the suitability of the land for development. The findings are then used to inform what the interventions for the settlement should be. According to EMM officials working in informal settlements, they indicated that the interventions are often not based on the informal settlement residents' priorities (EMM Official 1, personal communication, 20.02.2015). EMM therefore still applies a top down approach by deciding on what is to be done for the people and engaging residents only at the collection of data and later at the implementation phase.

The Municipality has however acknowledged that it has not been working according to the NUSP/UISP principles. It is envisaged that once the pilot project kicks start the officials will employ the principles of incremental upgrading as the municipality is working hand in hand with the NUSP (EMM Official 1, personal communication, 2015).

6.9 FINANCING UPGRADING

All interventions in informal settlements in EMM, similarly to COJMM are funded through USDG. This includes provision of basic services, acquisition of land and conducting feasibility studies. The UISP makes provision for the funding of these processes, stating that municipalities need to apply for funding through the submission of business plans. Once a business plan is approved funding is made available to municipalities to undertake the mentioned activities.

EMM has indicated that it will be piloting UISP in 16 informal settlements with the assistance of NUSP, it is therefore envisaged that there might be a new way of doing things and the principles of UISP will be adhered to.

6.10 DESIGN AND IMPLEMENTATION

UISP is implemented differently from the manner in which conventional projects are implemented. It advocates for the involvement of communities from the planning stages through partnerships between the municipality and communities. The partnership needs to investigate the options available on how each project can be implemented. Implementation of UISP should provide opportunities for the employment of local skilled and manual labour (NUSP, 2009). Implementation in EMM is through the appointment of consultants, e.g. Town Planners or Civil Engineers, to plan and design the new housing developments for identified beneficiaries (EMM Official 3, personal communication, 20.02.2015).

6.11 MONITORING AND EVALUATION

NUSP states that monitoring and evaluation should be measured against the objectives of the UISP which is to improve living conditions, to provide level of security of tenure and prospects for sustained improvements for residents of informal settlements (NUSP, 2009). NUSP advocates that the starting point for measuring progress is to know how the situation was at the start of the project. This would be informed by the information collated at the start of the project which indicated the needs of the people. NUSP dubbed this the “Base Line”. This survey should be repeated at intervals during the implementation to determine if progress is being made. This assists in assessing progress and determining changes if there are any that needs to be made in order to improve performance (NUSP, 2009). It should be noted that since the municipality has been implementing formalisation as opposed to upgrading, no monitoring and evaluation has been done as per NUSP perspective. EMM has been diagnosing informal settlements as something that is wrong and thereby formalising them into formal townships through relocations.

6.12 SUSTAINING IMPROVEMENT

One of the principles indicated by NUSP is evaluating whether improvement in an upgraded informal settlement has been sustained. Evaluation of this was limited due to the fact that the municipality had not implemented UISP. As indicated earlier by officials the municipality has been making use of the eradication approach which is relocating people to new housing projects. This resulted in people being moved from a shack to a house and not necessarily being improved incrementally as advocated by UISP.

6.13 CONCLUSION

The housing backlog is seen as one of the key challenges in the municipality. With the officials indicating that this is exacerbated by the continued proliferation of informal settlements and the invasion of land identified for development and other privately owned unprotected vacant pieces of land (EMM official 1, personal communication, 20.02.15). Development in EMM has been slowed down by the complex and rigid planning processes undertaken to formalize informal settlements. Despite these challenges the municipality should be applauded for its proactive planning. It established a multi departmental informal settlement's committee. The committee allows for the institutional coordination and an all-inclusive interventions approach with regards to issues in informal settlements. To ensure that all departments are involved each department has been given specific tasks or roles to undertake in informal settlements and this is reflected in the municipality's SDBP. (EMM Official 1, personal communication, 2015).

The UISP recognizes that informal settlements are not only about housing and therefore adopts an approach that is holistic. Phases 1 up to three of the implementation benefit the settlement in its entirety with no exclusion, however the fourth phase only benefits those who qualify for houses in terms of housing qualification criteria. EMM has been proactive in ensuring that those who are excluded by the qualification criteria are given an opportunity to buy the stands from the municipality, by approving a policy dubbed "Implementation guidelines for the allocation of *erven* within the informal settlement upgrading housing programme" to enable those who do not qualify for free housing to buy stands from the municipality

without the municipality having to go out on tender as it is expected by the Municipal Finance Management Act when disposing off council owned property.

The Municipality has not been implementing UISP as per the housing code, however it has been utilising formalisation as an intervention in its informal settlement. It should however be noted that the municipality now has a clear understanding of the distinction between formalisation and upgrading and therefore hopes to do things differently.

7. ANALYSIS OF THE IMPLEMENTATION INTERVENTIONS

7.1 INTRODUCTION

The UISP is a policy shift from the initial eradication aspired approach which sought to eradicate all informal settlements by 2014. The UISP is a more flexible, participative and integrated approach (Misselhorn, 2008). The preceding section has revealed the municipalities' involvement in the realisation of the governments mandate for the delivery of social and economic rights to its citizens. The two municipalities, COJMM and EMM, have continued to provide houses to their citizens, though this has been primarily through conventional greenfield housing projects, in most cases in the urban peripheries of the municipalities. This has been attributed to the scarcity of well-located land. The UISP seeks to achieve three interrelated objectives: 1) tenure security, 2) health and safety and 3) to empower the inhabitants of informal settlements communities through participatory processes (Housing Code Part 3, 2009). These are to be achieved through upgrading of informal settlements in their current location.

We have seen in the preceding section that both municipalities' interventions approach is the same. The municipalities' key intervention in informal settlements is through the formalisation programme. The programme is, however, seen to be an eradication approach as it seeks to move people from a shack to a formal housing structure with formal services (COJMM Official 4, personal communication, 20.02.2015). In both municipalities formalisation and upgrading is used interchangeably notwithstanding that formalisation and upgrading do not mean the same. The UISP offers a set of guidelines for implementers outlined in the National Housing Code. The UISP's key

principle is that of community participation. It therefore separates itself from the formalisation programme which follows the conventional project development process without the involvement of the beneficiary community.

7.2 POLICY CONTENT

The South African Constitution presents to its citizens a number of social and economic rights which includes amongst others the rights to adequate housing. The constitution further mandates the government to ensure the progressive realisation of these rights, (Republic of South Africa, 1996; Tissington, 2011). Legislative and policies were enacted to meet this obligation. South Africa has a large number of its population living in informal settlements in inadequate shelter with inadequate basic services. The introduction of the UISP in 2004 sought to remedy this situation.

The UISP acknowledges the informal settlements' complexities and challenges. It advocates for the participation of the residents throughout the upgrading process. In spite of the UISP being clear on its implementation guidelines, both COJMM and EMM have their own informal settlement intervention instrument, termed formalisation. Formalisation approach perceives informal settlement as something that is wrong and therefore seeks to eradicate them and provide formalised township with a housing structure and permanent services. The formalisation approach makes use of a top down approach where no consultation is conducted with the residents. However both municipalities plan for the people, this might change with EMM after having collaborated with NUSP in the endeavour to implement UISP. The approach has been

used internationally as far back as the 1800s, it remains the dominant type of approach in government interventions today (Sabatier, 1986).

Although the COJMM indicates that it is implementing upgrading, the findings reveal that the implementation is not carried out in the remit of the UISP. The EMM officials on the other hand have only recently, undergone pilot training on the UISP which familiarised them with the actual policy content, hence the officials acknowledge that they have not been implementing incremental upgrading. In the COJMM case, it was noted that during interviews none of the officials made reference to the housing code or the policy itself. This brings to conclusion that the actual policy content is not understood by those tasked to implement it hence implementation is not actualised.

7.3 POLICY CONTEXT

In the 5C model, Najam, (1995) proposes that focus should be on the institutional context through which policy must pass. The implementation of UISP involves different agencies. The role that each structure has to play poses the most significant implications for implementation. There seems to be challenges between the city and provincial government. The issue of funding was noted by officials of COJMM, stating that funding for national programmes is received by municipalities through the provincial government. In most cases it becomes difficult to source these funds, hence they make use of USDG funding in all their interventions as this is allocated directly to municipalities from National Treasury (COJMM Official 1, personal communication 13.02.2015).

Secondly we have seen that both municipalities have their own intervention initiatives, which seek to meet the goals of national policy in one way or the other. However when evaluating the implementation process it delinks from the UISP objectives. In the COJMM case for example, according to the interviews it was indicated that implementation is prioritised according to political priorities (COJMM, personal communication 20.02.2015, 9.02.2015).

Implementation of the interventions by COJMM, though implementation is not in the premise of UISP, to be complex and lengthy thus delaying development. In the case of EMM it was acknowledged that the processes can be lengthy. The municipality has developed a multi departmental committee which deals with informal settlement complexities. In so doing the EMM has identified that implementation involves the coordination of various actors within the municipality through which implementation must pass.

7.4 COMMITMENT

Commitment refers to the commitment of those entrusted with carrying out implementation and methods of policy. If those tasked with implementation are unwilling to do so, nothing or very little implementation will happen. Commitment to upgrading of informal settlements should be reflected not only in the attitudes of officials and of city politicians but also in the municipal strategic documents such as the Integrated Development Plans (IDP), the SDBIPs etc. In the case of EMM every department has a role to play in the upgrading of informal settlements or interventions

and this has been included in all departments' scorecard. In the case of COJMM informal settlement interventions are seen as a Housing Department's challenge as such interventions are only in the Housing Department's SDBIP. This questions the COJMM's commitment to implementing upgrading which is a national programme. This deserves urgent attention from policy makers.

7.5 CAPACITY

The two municipalities highlight that capacity is indeed a factor that affects implementation. In the COJMM case it was established that the development process is slowed down by the lengthy and complex processes that have to be followed. According to the Planning Department an application for township establishment does not take more than two years if the applicant certifies all the requirements. However, it takes longer if the applicant falls short on the requirements (COJMM, Official personal communication, 03.03.2015). Lack of expertise is a serious factor in any implementation. However Lessons that can be learned from EMM is the identification of key players in implementation. EMM achieved this by establishing a multi-departmental informal settlement committee which deals with implementation and informal settlement challenges. This saw the fast tracking of the implementation process through fast approval of applications by the various departments.

Though COJMM would benefit from a multi-departmental committee in addressing informal settlement issues. This study revealed that both municipalities are not implementing UISP. This in itself does not pose a solution as the actual

implementation of UISP has not been effected and therefore its challenges have not been identified. Human resource constraints were noted in both municipalities, particularly in dealing with curbing of informal settlement growth, data collation and managing future land invasions. According to the UISP, data collation should be conducted in partnership with informal settlement communities, this would assist municipalities as there will be more people involved without having to go through the process of appointing more people.

A further challenge was the acquisition and lack of access to well-located land which is a resource capacity, particularly in EMM where an indication was given that most of their land is underlain by dolomite, which has resulted in only a few settlements being eligible for upgrading, whereas in the COJMM case, people are relocated due to the high prices for acquisition of occupied land (COJMM, Official 4, 20.02.15). This has therefore encumbered the addressing of the housing backlog within both municipalities.

7.6 CLIENTS AND COALITIONS

The last critical variable according to Najam's framework is the clients and coalitions. Clients in this context refers to the people that are mostly affected by the policy and its implementation whereas coalitions refers to groups within the policy framework who may not be directly affected by policy but who may have sufficient motivation and capacity to be involved in policy implementation. These include non-government organisation, community based organisations. The absence of the involvement of

clients and coalitions in interventions in both municipalities was noticeable. According to international best practice, the success of upgrading is associated with active involvement or participation of beneficiaries and coalitions. Lack of implementation in both municipalities can be attributed to nominal or lack of community involvement or engagement of non-government organisations who have expertise in upgrading of informal settlement.

Informal settlement interventions require actions that may not necessarily be current practice in local government. The involvement of clients and coalitions was also advocated by Turner in his theory on self-help housing stating that households should be principal actors in development (Turner, 1986). From a broader and long-term viewpoint, it is therefore imperative that initiatives to upgrade informal settlements are not carried out by government alone. This requires partnership with local coalitions such as NGOs, CBO or FBOs in order to support both the residents and the local government officials in an attempt to increase the scale of urban development (Adelhalim, 2010). Government needs to acknowledge that it cannot deal with informal settlements alone. It should therefore develop a strategy on partnering with such organizations in the addressing informal settlements needs. Experience has revealed that interventions by Non-Government-Organizations (NGOs) have proven successful and have had tremendous impact in improving the lives of the people. Moreover, Turner (1986) associates the failure of conventional housing programmes to the failure to match between people's needs and housing supplied by the state.

Although EMM officials indicated their reluctance to working with NGOs because NGOs want to be the drivers it should be acknowledged that a number of initiatives to improve living conditions by community based organisations or non-government organisations have proven to be successful. Organisations such as the Informal settlement Network (ISN) and Federation of the Urban and Rural Poor (FEDUP) have undertaken pilot upgrading project. Successful upgrading of Mshini Wami informal settlement in Cape Town is but one recent project the organisation completed in collaboration with the City of Cape Town (ISN, 2013).

7.7 CONCLUSION

The above section has given an analysis of implementation against Najam's 5C model which highlights crucial variables in implementation, these have enabled this research to make sense of why implementation of UISP has not been actualised and has given a slight understanding of the challenges facing municipalities. The absence of one variable affects the other variable as these are interconnected. The lack of knowledge of policy contents on its own affects the whole implementation process. Although each segments represents a complex field this requires more analysis. However the research report has tried to give an outline of how these factors manifest themselves in implementation across the two municipalities.

Based on the analysis the following recommendations are proposed:

- The formalisation programme as an intervention is not in line with the principles of the UISP. National Government has adopted a policy shift through which municipalities are to deal with informal settlements. Both case studies reveal unawareness of the content of the UISP except in the case of EMM where officials were only made aware of the principles or content of the UISP having recently gone through an introductory course on the programme offered by NUSP. It is recommended that the course be rolled out to other municipalities that are tasked with implementation of the UISP.

- The UISP policy has been in place since 2004. However there are few case studies of upgrading of informal settlements nationwide, which were done prior 2004. In the two municipalities it transpired that there is a lack of understanding of the policy. Moreover lack of implementation was attributed to lack of capacity. It is therefore recommended that The National Upgrading Support Programme (NUSP) be assigned to municipalities to provide support and capacity building to enable municipalities to be better positioned to implement UISP within their jurisdictions.

- Municipalities need to show commitment through development of reconstructive and transformative City level policies which seek to change and reconstruct the prevailing status quo in informal settlements (Huchzermeyer, 2009; Herson and Bollard, 1990). Such policy should propose procedures for the management of informal settlements. This should include inter alia the establishment of Informal Settlement Steering Committees at local government

level. It is through such committees that local government officials will get to understand the informal settlement better and thus be better equipped to work with communities on how to address their needs.

- National Department of Human Settlements should ensure that municipal priorities are aligned with national priorities. This should be reflected in municipal strategic documents eg. The Municipal Integrated Development Plans.

- Both municipalities make use of the USDG for informal settlement interventions with both municipalities citing complexities in accessing funding through provincial government. Lack of financial commitment is a challenge dating back to the 1980s as reflected in chapter 3. This is still a challenge experienced by municipalities to date. Since UISP is a national programme, it is recommended that the accreditation of municipalities to administer national programmes including delegated financial administration be fast tracked. This will allow municipalities to receive funding directly from National Government.

- Informal settlements should not be seen as a housing problem, however a multi dimension challenge involving all spheres of government. *In-situ* upgrading, as envisaged under the UISP, is a mechanism that promises to promote empowerment, integrated urban development and social cohesion. Therefore municipalities should have policies and legislation that accommodate this new approach.

- National Government through NUSP should resuscitate the National upgrading Forum on upgrading of informal settlement, which will comprise of various stakeholders tasked with the implementation of UISP. The forum will give platform to the coalitions with experience in upgrading to share the successes and challenges in implementation.

8 CONCLUSION

South Africa is emerging from an unusual urban history, one in which law played a major role in implementation of upgrading of informal settlements. There is still a high proportion of spatial segregation that was created through law during the apartheid era. South African cities, spatially follow a common pattern of development where commercial and business uses co-exist alongside formal residential areas which were exclusively meant for whites. Former black areas are located far away from these areas and are characterized by limited access to social amenities and economic opportunities. Due to peripheral location, people residing in these areas still travel long distances to get to work). This is a reflection of the political orders under which these cities were created (Berrisford, 1998)

The non-provision of housing for those categorized by the apartheid regime as “black” people manifests itself today in the existing housing backlog and infrastructure provision that the current government has to deal with. When the ANC government took over in 1994, there was no formal programme for the provision of land or housing to “black” people. The absence of a formal programme for the provision of urban land or housing to blacks resulted in widespread land invasions and rapidly growing informal settlements (Berrisford, 1998). Ironically the majority of these settlements are located on land that is close to the existing former black townships, that is on the urban periphery and spatially removed from former white areas. The urban poor continue to be located on the peripheries of urban areas without access to essential services, facilities and economic opportunities. The location of these settlements suggests that

there are other factors that determine locational selections applied by the urban poor (*ibid*).

Moreover, the historical relationship between the law and urban space has played a major role in creating the spatially segregated cities of South Africa. However, the political transition in 1994 steered a reflective shift in the state urban policy. This resulted in the promulgation of new urban legislation for the new democratic South Africa. (*ibid*, Huchzermeyer, 2006). The introduction of the Reconstructive Development Programme, placed emphasis in investment in infrastructure, housing and support services in order to address the imbalances that were created by the apartheid government. There has however been an absence of a legal framework that addresses access to land, land use, land development and the provision of basic services which has been a major obstacle for the democratic government. (Berrisford, 1998). The Upgrading of Informal Settlements programme introduced in 2004, marked a shift in the manner through which government dealt with informal settlements. It moved away from the ambitious eradication approach which sought to eradicate all informal settlements in the country by 2014.

The report sought to investigate how two of Gauteng's Metropolitan Municipalities are implementing UISP. In order to evaluate implementation I traced back literature on implementation, which identified 5 critical variables in policy implementation subsequent to that the study traced theories underpinning informal settlement interventions which have led to upgrading of informal settlements. The upgrading of informal settlement in South Africa is accompanied by a support programme, NUSP,

which is to support municipalities in implementation. Despite the existence of the support structure, minimal implementation of the UISP has been actualized in both the COJMM and EMM.

A series of interviews were conducted with officials from the two case study municipalities. The findings have been summarized in the preceding chapters above. These findings provide answers to the guiding research questions on whether municipalities are implementing UISP and interventions within the two municipalities. The conclusion is that both municipalities are not implementing UISP. However they have their own interventions which are biased toward the realities of project managers rather than the organized informal settlement communities thus disconnecting from the premise of UISP.

To conclude the study points to the importance of the 5 crucial variables: Policy content, context, commitment, capacity and coalitions and clients in implementation. These variables are interconnected. If one is not available then it affects the other variables thus affecting the whole implementation process. Having observed the dynamics of interventions in the two case study municipalities, the evidence reveals the urgent need for practical steps, in order to bridge the gap between the municipal interventions and the policy objectives. The non-adherence to the principles of UISP, coupled by nominal community involvement in informal settlement interventions, deserves to be looked at with urgency and commitment by policy makers. Other challenges revealed in the findings deserve to be properly addressed in order to

enhance service delivery not only in the two case study municipalities but in the entire country.

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