LAND USE MANAGEMENT AND DEMOCRATIC GOVERNANCE IN THE CITY OF JOHANNESBURG

CASE STUDY:

DIEPKLOOF

AUTHORS:

Fazeela Hoosen
Jonathan Mafukidze

Human Sciences Research Council: Urban, Rural and Economic Development Department

STUDY FUNDED BY

FORD FOUNDATION

STUDY CO-ORDINATED BY

CUBES
plan act
CONTENTS:

1 INTRODUCTION 4

2 DIEPKLOOF: AREA BACKGROUND 6
2.1 Land Access: Historical Overview

3 LITERATURE REVIEW & POLICY BACKGROUND 9
3.1 Land Management and Rights: Historical Overview
3.2 Legislative and Policy Background:

4 METHODOLOGY 12

5 ADMINISTRATIVE PERSPECTIVE 14
5.1 Land (Use) Management in Johannesburg
5.2 The Development Application Process
5.2.1. The Black Communities Development Act, 1984
5.3 Regional Land Management Issues in Diepkloof
5.4 Land (use) Management in Soweto: Synopsis
5.4.1 Johannesburg Property Company (JPC)
5.4.2 Land Regularisation Project
5.4.3 Diepkloof Business District (DBD)
5.5 City of Johannesburg, Housing Department
5.5.1 Diepkloof Hostel Re-development
5.5.1.1 Characteristics of the Hostel Population
5.5.2 Elias Motsoaledi Housing Project
5.5.3 Housing Issues in Diepkloof

6 COMMUNITY PERSPECTIVES 29
6.1 Land Access: Historical overview
6.1.1 Formal pre-1994 land access: Zones 1-6
6.1.2 Present Formal access
6.1.3 Informal Access in the past: historical overview
6.1.4 Present informal access
6.2 Ownership
6.2.1 Formal and reality
6.3 Land Use
6.3.1 Formal and informal land use
6.4 Challenges
6.4.1 Land shortage
6.4.2 Economic activities and private space
6.5 Conflict
6.5.1 Access to housing: Macro-level concerns
6.5.2 Ownership: micro-level concerns
6.6 What does the future hold?
   6.6.1 Access
   6.6.2 Ownership
   6.6.3 Land use
6.7 Conclusion

7 DISCUSSION

8 REFERENCES

LIST OF FIGURES

FIGURE 1: DIEPKLOOF BUSINESS DISTRICT MASTERPLAN

APPENDICES

APPENDIX 1: Interview schedule
APPENDIX 2: Questionnaire
APPENDIX 3: Map Of Region D
APPENDIX 4: City Of Johannesburg Invitation For
   Proposals
APPENDIX 5: Soweto Land Regularization Program
   – Township Status Report (Separate Document)
1  INTRODUCTION

The overall aim of this study is to provide an integrated and holistic perspective on land (use) management in Metropolitan Johannesburg, by providing an overview and analysis of the current processes taking place in Diepkloof.

This case study seeks to add to the overview study of Land Use Management in Johannesburg by providing an in-depth analysis of the current way in which land use management practices are taking place by ‘making visible’ the ways in which land management is played out in its formal and informal forms in Diepkloof.

In order to do this, specific questions need to be answered. These are as follows:

• To identify what land management practices are taking place in Diepkloof and, if so, whether these are formal and informal processes.

• To establish why these processes (formal and informal) of land utilisation are taking place and who are they benefiting in Diepkloof.

• To highlight the way these two processes meet, and the conflict and tensions that arise from this.

• Lastly, to outline the implications of these practices and how these can contribute to current Land Use Management practices for the City of Johannesburg, and in shaping new Land Use Management practices that include the urban poor.

These questions are looked at from both the government and the community’s perspective, outlining the formal and informal processes respectively. In order to obtain the processes of Land Use Management currently being followed, individual interviews have been conducted with government officials associated with land management in Diepkloof as well as community members currently residing in Diepkloof.

This report is structured into six parts:

• Section One consists of an Area Background, which provides a geographical and a demographic description of Diepkloof.

• Section Two outlines the current literature on land management issues in South Africa and the relevant legislation and schemes used by the relevant government authorities that shape land management in Diepkloof. This will highlight where the formal processes stem from that are played out in Diepkloof.
• Section Three goes on to explain the methodology used to obtain this information and the methodological challenges faced along the way.

• Section Four and Five respectively outline the government perspective of current land management practices in Diepkloof, and their future plans and vision, and the communities' perspective and experiences regarding past and present land management in Diepkloof.

• The last Section provides a discussion on these two perspectives and highlights where the formal and informal practices meet and explores the issues and conflict derived from this – and its impact on the future of land management in Diepkloof.
Diepkloof is Soweto’s eastern suburb, located approximately 15km south west of the city of Johannesburg.

Diepkloof was established in 1959 as a resettlement township to accommodate victims of forced removals, mainly from Alexandra (Lebolo 1988). Over the years it developed a strong civic association and an organised militant youth whose participation in the politics of the day turned Diepkloof into “one of the most politically active townships in Soweto” in the early nineties (Marks 1995). Diepkloof’s vibrant political history, whose thrust was a search for citizenship, could largely be seen to have arisen out of a desire to address social injustices such as the social dislocation that resulted from unfair land administrative decisions, which resulted in forced removals. As such civic organisations that grew out of the township such as the Diepkloof Civic Association, which became strong in the 1980s, played a significant role in expressing dissent towards unfavourable and unjust unilateral administrative decisions. In the 1980s, the Association mobilised the community after the council “increased rents, evicted defaulters and demolished shacks” with such actions “further fuelled by the lack of services rendered and allegations of widespread corruption” (Marks 1995). The Association therefore saw to the needs and social welfare of the community. This was followed by the formation of student organisations that were politically involved in the late 1980s. This political activism shaped the community in Diepkloof, which developed from a shared history of forced removals that characterised its establishment, and was later reinforced by strong political and social activities from the late 1970s onwards (Marks 1995).

Diepkloof is spatially divided into an old settlement, a latter-day affluent enclave and an informal settlement. The older settlement is segmented into six Zones. The wealthy part, Diepkloof Extension, consists of three Phases and is the most recent administratively developed area within Diepkloof. The most recent settlement is Motswaledi (Motsoaledi), an informal shack area behind the Chris Hani Baragwanath Hospital.

Land in Diepkloof has been and still is dominated by residential use, due to its history of being a township. Under the Black Communities Development Act, No 4 of 1984 and the Black (Native) Laws Amendment Act, No 46 of 1937, no property rights were given to black people prior to and during the Apartheid era when residential areas were racially divided.

In Apartheid South Africa, the very period within which Diepkloof was established, the state played a pivotal role in ensuring that residential areas for blacks were of a low quality and were badly serviced, especially compared to those for whites. For instance, in the 1940s the minister of the then Native Affairs portfolio instructed that “all future housing schemes should be shorn of all non-essentials in design and
amenities, and be as cheap as possible” (Carr 1990). The argument given in defence of such land policy was ‘economic rationality’ during a time of growing immigration and urbanisation. The minister argued that high inflows of black migrants were exerting pressure on housing which, in turn, caused an “intolerable financial burden” to the then council and government (Carr 1990). Policy advocating a frugal budgetary response was seen as appropriate, despite its apparent racial bias. It is important however, to note that the good quality of the houses of Diepkloof does not reflect the ramifications of such negative policy. There were evidently times when political rhetoric and policy were not in congruency with activities on the ground, and Diepkloof is one such example.

2.1 Land Access: Historical Overview

Diepkloof covers an area of approximately 2,50218 square kilometres and houses a population of approximately 104 098 persons (2001 Census). It is located on the eastern border of Soweto and is close to main transport routes into Johannesburg.

The three main areas in Diepkloof are each characterised by settlement type and income.

The bigger part of Diepkloof consists of the original grey three- and four-roomed dwellings, called ‘matchbox’ houses by the locals, which were built by the previous government to accommodate the large number of black migrants into the city (City of Johannesburg [CoJ] Website). These are basic houses that are relatively small in size; however, over the years, the residents have extended these houses to develop large, sometimes double storey houses. Zones 1 to 6 are characterised by these dwellings (which were, as stated above, originally built in the cheapest way possible). Diepkloof is also characterised by hostels, located in Zone 6, which were built to house large numbers of single male migrant workers. These hostels were built by the Apartheid government to provide basic shelter in the form of shared dormitory space within a room or hall, and communal toilets and kitchen facilities.

Diepkloof Extension was established in the 1980s, to accommodate the relatively affluent amongst the black population. Diepkloof Extension is characterised by formal, owner-built, large houses, owned by the black lower and upper middle class. Presently, Diepkloof is characterised by higher than average house prices as compared to the other suburbs of Soweto, presumably due to the quality of houses, its location and the quality of services it receives. As already noted, houses in Diepkloof Extension are beautiful, road conditions are good and schools and playgrounds are also of a higher quality and these distinctive aspects supposedly have a bearing on prices of houses.

The third area, previously known as Mandela Village, is an informal settlement recently renamed Motsoaledi (after struggle hero and Rivonia trialist Elias
Motsoaledi). It consists of informal shack dwellings and lacks basic services or amenities, compared to the other two areas. This is the only informal settlement in Diepkloof (Interview 3).

Compared to other residential places in Johannesburg, Diepkloof has a superior access to services. It has a library, sport and recreational facilities, community halls, health facilities and religious buildings. However, these facilities are now old and are not consistent throughout Diepkloof. For example Motsoaledi lacks these social facilities. Despite its ideal location, Diepkloof also has a high rate of unemployment, compared to suburbs like Orlando West.

Although Soweto accommodates more than half of Johannesburg’s population, it has only 3% of the city’s retail space. This dates back to Apartheid land use policies that created little space for economic activities within black residential areas. Such land use policies ensured that blacks worked and shopped in areas that were largely far away from their residential areas – in effect, creating dormitory townships. In congruence with this view, research shows that 74% of the approximately R8,9 billion spent annually by Sowetans is in transactions outside Soweto (JPC Soweto Property Investor 2005).

In recent years, commercialisation has begun taking place in Soweto and also in parts of Diepkloof. This has been in the form of re-development and re-use of council-owned land and buildings. Established developers are showing interest not only in Diepkloof, but also in the greater Soweto area. In the past money and skilled people were moving out of Soweto for economic engagement in areas such as the Johannesburg CBD, which left these dormitory suburbs with only one form of land use (as there were limited ways in which people could invest their money in Soweto). In the past few years, the municipality has worked to change this situation through bringing about different forms of developments and land uses in which local businesses and predominantly black-owned businesses could settle and create economic opportunities within Soweto (JPC 2006). This is slowly changing the use of land in Diepkloof, for example the Diepkloof Business District is specifically aimed at introducing different land uses to Diepkloof. The City is therefore selling its property to private investors to include them in the formal land market, with the aim of incorporating Diepkloof into the formal land market of the City of Johannesburg.
3 LITERATURE REVIEW & POLICY BACKGROUND

It is imperative at this point to conceptualise land management so as to clearly show what we mean by it. Although there are several definitions of the term, we have chosen to settle for the one used by the CoJ since it is apt, pertinent and concise. The Land Use Management Unit of the CoJ defines Land Management as the “system of legal requirements and regulations that apply to land in order to achieve desirable and harmonious development of the built environment” (CoJ Website 2007). Therefore, Land Management includes various processes that deal with acquisition, rights, trading, regulation of land, and concerns of participatory governance. Literature on Land Management in South Africa has focused little attention on the implementation of land management practices. There has been very little innovation in thinking around land management in post-Apartheid South Africa. Post-Apartheid Legislation on land management has stipulated change in terms of land redistribution, however not much has been done to implement this on the ground. There is currently no proper framework for the development and management of land that aims to achieve the broad goal of democracy, equity, efficiency and sustainability.

Interventions on Land Redistribution in townships have been put in place by Housing Departments across the country, however, the effects of this in changing and supporting land management legislation has been and still is a slow process. The implementation and change these land management legislations and interventions have had on land in Diepkloof is framed within this slow process and will therefore be reviewed. This assessment will determine the extent to which current land management practices are addressing the negative impacts of the Apartheid city whilst achieving the broad aims of democracy, equity, efficiency and sustainability. Therefore, past Land Management practices need to be outlined so as to provide the context within which current land management practices are operating.

3.1 Land Management and Rights: Historical Overview

This overview provides the context within which current land management practices are operating in Johannesburg by outlining and drawing parallels with past land management practices. Past land management practices where developed and based on the Apartheid system.

After the 1940s land was administered through Apartheid laws such as the Group Areas Act, which “defined areas for the separate use of the main racial group” (Carr: 1990: 65). This Act designated particular areas for certain racial groups where they could own property and reside, including areas where occupation was allowed only through a permit. Certain areas within and surrounding cities were designated for Indian, coloured and black people. This Act played a considerable
role in the shaping of settlements in South Africa and the use of land within cities in 1948/49 when the first draft was published. It has been stated that the Group Areas Act “has remained one of the most contentious pieces of legislation ever passed, and opposition to it has never ceased” (Carr 1990). Grand Apartheid introduced the development of “Homelands” which were fragmented, isolated and saw the least productive land in the country being allocated to the black majority.

Due to the growing black population in the 1940s, township areas were expanded to accommodate this increase, which “was an integral part to the city’s commercial and industrial life” (Carr 1990). This saw the expansion of Orlando, to the west, and the creation of the township of Meadowlands by the Native Resettlement Board. Thousands of black families were allocated homes on the basis of “site and service schemes” which were given official government recognition and approval in 1953 (Carr 1990). Current land management practices are aimed at redressed the spatial structure of cities so as to incorporate these marginalised and deliberately isolated settlements.

3.2 Legislative and Policy Background

The current formal system of land management with its varying legal frameworks, procedures and institutions is crucial in understanding land management practices in South Africa today. This section will briefly outline national legislation regarding land management as it informs planning in the City of Johannesburg; specifically, the focus is on providing an outline as to how land management in Diepkloof is linked to city policies and strategies and to national legislation.

In South Africa all cities are mandated to follow national legislation when it comes to the management of land in their respective municipal region. The Land Use Management Bill of 2006 guides the overall formulation, development and implementation of all policies and legislation at the provincial and municipal level regarding land development and management. The key pieces of policy and legislation developed to address the fragmented planning legislative framework under the Land Use Management Bill are the Development Facilitation Act (Act 67 of 1995), The Municipal Systems Act (Act 32, of 2000) and the White Paper on Spatial Planning and Land Use Management. These legislative frameworks aim to guide and to assure efficient planning processes and development in South African cities through the creation of development principles. Therefore the policies, legislations, frameworks and schemes of cities need to adhere to the principles outlined in these legislative frameworks. In turn these policies, frameworks and schemes shape development within certain areas within the municipality.

Land Management in the CoJ is shaped at the strategic level by the Regional Spatial Development Framework (RSDF), which provides, in detail, the “respective strategies and guidelines of the SDF at a local level” (SDF 2006/7). The SDF is an
integral part of the Integrated Development Plan (IDP) and both the SDF and RSDF are revised annually. The SDF of the CoJ aims to “guide, direct and facilitate both public and private development, investment and growth within the City in a manner that will expand opportunities and contribute towards the tangible upliftment of all communities in the City” (SDF 2006/7). The Development Management Directorate of the CoJ uses these Frameworks as well as the relevant Town Planning Schemes to manage the development of land in the municipality (Personal Communication with Town Planner).

The following outlines the roles played by the different departments within the City of Johannesburg, and their contribution to land management within the city. It also discusses the use of relevant policies, frameworks and schemes in the approval of development applications and in the management of the built environment of the City.

At the local level planning departments have experienced and are experiencing procedural problems in the implementation of projects that aim to restructure land in the former townships. This leads to a tension between government and communities, which leads to the creation and use of informal means and procedures of accessing land by communities. This brings about a divide between the formal and informal systems of land management.
4 METHODOLOGY

The case study method was used to qualitatively provide a causal explanation of events, practices and procedures of land management operations in Diepkloof. Qualitative techniques of data collection and analysis were used to interrogate and unpack both convergences and divergences between the formal and informal land management system in Diepkloof. Parts of the data collected for this study were in the form of primary data through in-depth interviews, both formal and informal discussions; and some of it came through rigorous perusal of progress reports, plans and pieces of legislation. These findings are presented and further analysed using qualitative methods, which form part of the discussion section in this report.

Firstly, a literature search was undertaken to obtain appropriate literature on Land Management in Johannesburg and Diepkloof, including the relevant and pertinent Land Management Legislation and plans. This collection of literature assisted in the formalisation of the Literature Review and Legislative and Policy Background section of this report. It also assisted in understanding the formal plans and projects that are currently shaping the fabric of Diepkloof.

Thereafter, relevant city officials and community members were interviewed so as to obtain their perspectives on the land management issues experienced in Diepkloof. City Officials whose work relates to Land Management/Administration were interviewed during the month of April 2007. Interviews were conducted using an unstructured interview schedule (See Appendix 1). This guided the interviewer with broad focal points to be discussed with the interviewee and this allowed room for flexibility in the discussion. The details of these interviews are tabulated below. Field data was also collected in April 2007 from an initial 22 individuals within the community using a structured questionnaire (See Appendix 2) and from 12 additional subjects who were engaged in unstructured formal discussions emerging from the field team’s interest in knowing more about these individuals’ stories.
### Table 1: Interviews with City Officials/Administration

<table>
<thead>
<tr>
<th>Interviewee</th>
<th>City of Johannesburg Department</th>
<th>Position</th>
<th>Interview Type</th>
<th>Date of Interview</th>
<th>Projects involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) Alan Kitchin</td>
<td>Housing Department</td>
<td>Town Planner</td>
<td>Semi-Structured</td>
<td>24/05/2007</td>
<td>1) Elias Motsoaledi Informal Settlement 2) Diepkloof Hostel Re-development</td>
</tr>
<tr>
<td>3) Andrew Rawlins &amp; 4) Jeff Rabulela</td>
<td>Housing Department</td>
<td>Area Manager – Region D &amp; Operations Manager</td>
<td>Informal Interview</td>
<td>25/04/2007</td>
<td>General Management of housing in Diepkloof</td>
</tr>
</tbody>
</table>

Other City Officials assisting with Land Management from the CoJ Development Management Department were approached for interviews; they advised us that CoJ Housing Officials would be in a better position to assist us with information on Diepkloof. Other town planners from the Department were spoken to telephonically so as to obtain information about the development application process and the approval of these applications. Telephonic contact was made with a Tribunal Officer at the Diepkloof Housing Department. The Registry Department was also telephonically contacted to obtain information about the status of development applications with regard to what types of applications and the number of applications that were dealt with over the past few years in Diepkloof.

The results of the data collected are presented in the following sections. Analysis of the information obtained was qualitative in nature. The discussion section provides the critical analysis of both perspectives with regard to access to land and its management. These perspectives will show the different vision both these parties have for the management of land in Diepkloof and its impact on the current management of land in Diepkloof.
5 ADMINISTRATIVE PERSPECTIVE

This section identifies institutions involved with land management in Johannesburg with the aim of showing the complexity, complementary natures and connectivity involved while focusing more on the land management perspectives of administrators working on land management in Johannesburg in general, and in Diepkloof in particular. It highlights and discusses land management views put across by those involved in creating and implementing land management policies in Johannesburg.

5.1 Land (Use) Management in Johannesburg

The Development Planning and Urban Management Department (DPUM) of the CoJ is key to the spatial and settlement transformation within the City and is responsible for the city’s administrative regions. The work of the DPUM Department is aligned to achieve the long-term strategy and goals outlined in the Johannesburg 2030 document. The DPUM consists of five Directorates, which are: Development Management, Development Planning and Facilitation, Corporate Geo-Informatics, Urban Management Coordination and Regulation and Strategic Support Services. The Development Planning and Facilitation Directorate is responsible for the compilation and management of the City-wide Spatial Development Framework (SDF) and the Regional Spatial Development Framework (RSDF). These documents provide a policy environment that gives direction for development within the City (Soweto Investor Prospectus 2005). The Development Management Directorate processes applications for all developments and change in land use in the city. This Directorate also manages the development operation and application process and is divided into specialised management units within the Directorate and is responsible for undertaking one of four core activities. These activities are broken down into: Land Use Management, Building Control, Planning Enforcement and Legal Administration. Each of these functions makes use of prescribed legislation. The work of these units is inter-related and, at times, sequential. Relevant Town Planning Schemes like Annexure F of the Black Communities Act of 1984; Development Frameworks like the RSDF and SDF; overarching Municipal Bylaws including legislation like the National Building Regulations and Building Standards Act (Act 103 of 1977); and the Public Health Bylaws provide principles and legal approvals that regulate Development applications within the City.

5.2 The Development Application Process

The Development Management Directorate of the DPUM Department of the CoJ is responsible for reviewing development applications in the City of Johannesburg. This is key in managing and monitoring the use of land in Diepkloof. We approached the relevant Town Planners currently working on development applications in Diepkloof from the Development Management Directorate, to be
interviewed for the purposes of this study, but were advised that the Housing Department would be of better assistance to us regarding the Land Management processes in Diepkloof as Diepkloof predominantly consists of residential property.

However a development application may range from rezoning of land from one land-use type to another to extending existing buildings, or including monitoring uses of land, all of which are reviewed by this Department in conjunction with other related Departments. Therefore, a person who wants to have any development-related change undertaken on a particular land follows this process.

There are regulations that control development of a certain property which are used in determining the zoning and rezoning of the property, which is outlined in the relevant Town Planning Scheme. There are distinct Town Planning Schemes for different areas within the City and the specific requirements of each of these schemes vary (CoJ Website). Annexure F of the Black Communities Development Act of 1984, governs property zoning in Diepkloof.

It has been identified in the City of Johannesburg’s Annual Report that the city has to “accelerate the spatial restructuring of settlements still distorted and divided by Apartheid” and this will indeed require the changing of the city form and a “pre-requisite for this is a fundamental change in the planning approach, away from facilitating spatial development towards actively directing it” (Annual Report 2006).

5.2.1. The Black Communities Development Act of 1984

The Black Communities Development Act of 1984 has been repealed, however Annexure F of this Act is the only part still being used in land use development for township areas within the City. Annexure F outlines regulations that relate to Township Establishment and Land Use and outlines conditions of title or township conditions. The Department Management Directorate is currently using Annexure F in facilitating land use management in townships like Diepkloof and other township areas within its jurisdiction.

Annexure F also outlines the building restrictions and the permitted uses for a zoned area. It states, for example, that areas zoned as residential can be used for other purposes with the consent of the responsible authority, such as the use of this land as a place of worship, recreational purposes, places of instruction and special purposes as defined in the Annexure. Therefore people in the former townships are permitted to undertake community activities like a school, crèche, or recreational activities within a residentially zoned area. The Development Planning Department has to take into consideration all of these restrictions when it approves development proposals or changes in the use of land for areas within a township including the Regional Spatial Development Framework (RSDF) which is developed
for each administrative region of the City of Johannesburg. It outlines the development strategies that aim to guide and align development within the specific region.

5.3 Regional Land Management Issues in Diepkloof

Diepkloof falls within administrative region 10 of the CoJ and when combined with region 6 is known as the Greater Soweto Area (RSDF 2006/7). The Administrative regions have been newly renamed, therefore administrative regions 6 and 10 are known as region D. For the purposes of this study the latest definition of regions according to the RSDF will be used, which is region D. The map from the Draft RSDF shows the areas that fall within Administrative Region D (see Appendix 3) in this report.

According to the City of Johannesburg, certain issues in the region have been identified that are related to land management of the area:

- It is a vast, sprawling area.
- Residential use is the most dominant land use.
- It lacks a variety of uses and facilities (social amenities and infrastructure).
- There are numerous portions of vacant, developable land.
- There are a few significant sites for commercial, office, retail and industrial development.
- The majority of commercial activity is informal, such as spaza shops.
- There is a need to address illegal uses in order to establish a balance between good planning practice and need for local economic development.

(RSDF Region 6 & 10: 2006/7)

A few of the abovementioned regional issues are characteristic of Diepkloof. Diepkloof is still predominantly associated with residential use of land, which is also largely characterised by informal activities like that off spaza shops, taverns and shebeens. Diepkloof is still experiencing overcrowding, with certain areas including large numbers of backyard shacks. There are also large numbers of informal enterprises due to the lack of facilities in the Diepkloof area. This, however, varies within Diepkloof, as Diepkloof Extension is well-established, as compared to other parts of Diepkloof, in terms of infrastructure and facilities.

The CoJ Registry Department has received numerous individual development applications for Diepkloof from both residents and developers. A large number of these applications are for minor extensions to residential property, like that of a garage or one or two rooms. Other applications consist of Township applications and Rezoning applications. Tavern applications have also been received however these have not been processed as yet by the Development Planning Department as there is no Law and Legislation to guide the approval of these applications. From
these development applications, applications relating to commercial development of land are directed to Municipal Owned Entities (MOE).

MOEs are, as the name suggests, Municipal (City of Johannesburg) Owned Entities that manage the infrastructure of the city, with the city being the sole shareholder. Some of the infrastructure that is managed is water, roads, and sewer systems. Some of these MOEs are: Pikitup, City Power, and Johannesburg Water. Metro Trading Company, Johannesburg Tourism Company and Johannesburg Property Company (JPC) are just a few MOEs whose functions are related to economic development. The Johannesburg Development Agency (JDA) is responsible for development planning and urban management of the city. MOEs have made valuable inputs into the strategies and targets aligned to the principles of the Integrated Development Plan (IDP). Therefore the mandate of these entities is aligned to the city’s targets outlined in the SDF.

The Johannesburg Property Company (JPC) is the MOE responsible for the management and development of council-owned property. Any development applications relating to commercial development are referred to the JPC. In the process of accelerating the restructuring of distorted settlements, the CoJ has developed strategies to develop Soweto. Some of these strategies as outlined in the JPC Soweto Property Investor (2005) are the RSDF, the Soweto Tourism Strategy, the Soweto Retail Strategy, the Integrated Spatial Development Plan and the Soweto Development Initiative. For the purposes of this study, representatives of the JPC were interviewed regarding these different development strategies and property development projects currently underway in Soweto and in Diepkloof.

5.4 Land (use) Management in Soweto: Synopsis

5.4.1 Johannesburg Property Company (JPC)

The Johannesburg Property Company (JPC), established in 2000, is one of the Municipal-owned entities of the City of Johannesburg, whose main objective is “to develop and manage Council owned properties for the purpose of maximising both social and commercial opportunities for the Council in the short and longer term.” (JPC Website). JPC is the property management agent of the City and has “a number of policies and procedures relating to the land release process and the movement of land on the asset register” (JPC 2005). One of the policies it adheres to for land management is the Supply Chain Management Policy for Land. The purpose of this policy is to provide “a framework for the lease, disposal and transfer of city owned land, which promotes Broad Based Black Economic Development through property ownership, development and use” (JPC website). In transfer or sale of council-owned property public tenders are placed in two newspapers by the JPC.
The JPC seeks to achieve the goals of the City of Johannesburg, which is to incorporate previously disadvantaged areas into the fabric of the municipality. The JPC also strives to support the city’s objectives aiming to promote sustainable, accessible and efficient development through its strategic initiatives. In supporting the city’s objectives, the JPC is involved in many projects targeting areas that need to be included in the city structure. Projects that are currently affecting the fabric of Diepkloof are discussed in detail below.

5.4.2 Land Regularisation Project

The JPC is currently in the process of undertaking a Soweto Land Regularisation Programme, which is one of its strategic initiatives targeting townships. The JPC is said to have laid a foundation for the implementation of a Land Regularisation process that is in line with the government’s development priorities and objectives. This Programme aims at formalising property rights. The first township to be targeted is Soweto. One of the benefits of this Programme includes the “extension of property ownership as the basis for providing shelter and wealth to thousands of residents in the former black townships” (JPC Annual Report).

This Regularisation process seeks to audit, verify and transfer urban land to previously disadvantaged individuals from formerly disadvantaged areas through the release of council-owned land that is not required by the council to fulfil its functions. This Programme also aims to create a property market through private sector investment and also to “increase the rates, taxes and service repayment base of the City”, (JPC Website). This process simply tries to firstly identify the number of properties that are “vacant and includes Council-owned shops, occupied land and land which is seen as ‘farm portions’ “ (JPC Website) through a property audit. Thereafter it aims to verify the total number of council-owned property and of these properties, which could be released to the public or for public sector investment. This would allow for the redistribution of land and ownership of property in Diepkloof.

The JPC is therefore responsible for the management and transfer of all council-owned property in Soweto. In its Soweto Investor Prospectus, the JPC outlines the investment prospects that are to materialise in Soweto with the implementation of the Land Regularisation Project. It has also been outlined in this Prospectus what the JPC has so far undertaken on the Soweto Land Regularisation Project, as follows:

- An audit and survey of all Council-owned properties in Soweto.
- Identification of the best uses for individual council-owned properties.
- Submission of proposals towards a land release strategy.
- Ongoing consultation with City and Provincial Government role players.
- Submission of first phase land use applications.
The development of a basic Information Management System (IMS).
(JPC Soweto Investor Prospectus 2005)

In an interview with the Manager of Land Regularisation at the JPC, Marius Pieters, it was stated that the above processes have been undertaken for most parts of Soweto and they are currently looking specifically at transferring property rights to the owners of shops known as ‘train shops’ in Soweto. These shops have been given this name due to their long, train-like appearance. Marius also mentioned that the JPC has developed an asset management register, listing every property owned by the council and on which an audit has been undertaken. All council owned and private owned properties of Soweto are also on a database (Interview, Marius Pieters). It has been further stated that the CoJ has an asset register which has 305 000 assets, of which 150 000 are council-owned. A large number of these are said to be residential and underdeveloped. Therefore the Land regularisation process provides a chance to transfer individual property rights to prospective housing beneficiaries, service utility providers, as well as investors (Dlamini 2007).

Marius Pieters stated further that the JPC has gone through all the township areas and has advertised lists of who owns land according to their records, and has asked the relevant people to bring in documentation to verify their ownership of land so that the JPC can ascertain what land is owned by whom (Marius Pieters). These adverts are placed in The Sowetan newspaper. Consultation is also undertaken through community structures (ward councillors) that are used to make people come forward with relevant documentation.

The Soweto Land Regularisation Process aims to finalise approximately 64 townships. Diepkloof and its extensions are part of the townships being finalized. The JPC have put out a call for proposals for interested parties to undertake this finalisation, which has been defined in its scope of work. The call for proposals is attached (see Appendix 4). According to the JPC’s ‘Township Status Report of the Soweto Land Regularisation Program’ (see Appendix 5), Diepkloof, Diepkloof Extension and Diepkloof Extension 10 have been deemed Established (according to a ‘Town Planning Investigation’) according to the Black Communities Development Act of 1984. Diepkloof Extension 2 has not had its general plan approved, and a register has not been opened. According to the status report a Legal Investigation showed that Diepkloof and Diepkloof Extension have a status that is “freehold, in order, except where indicated”. Diepkloof Extension 10 is now a “freehold township and is in order” and Diepkloof Extension 2 is “still leasehold and in the Pretoria deeds office” (JPC Township Status Report).

The scope of work for the proposals, therefore seeks to finalise the process of the proclamation of townships by the City of Johannesburg, by “obtaining approvals for outstanding general plans” (JPC Township Status Report), as is needed in certain extensions in Diepkloof, also to “compile conditions of establishment where
outstanding” (Township Status Report: JPC), as in the case of Diepkloof Extension 2. Therefore Diepkloof has not been proclaimed but three of the areas within Diepkloof (Diepkloof, Diepkloof Extension, Diepkloof Extension 10) have been deemed as freehold, as title deeds have been transferred to owners and are still to be finalised as part of this land regularisation process.

That Diepkloof has not been proclaimed as yet by the CoJ may have certain implications on the management of land in the area, including the formal transfer of property in Diepkloof. However, these implications will be looked at further during later stages of the report.

The Land Regularisation process is one step towards the formalisation and proclamation of townships and their incorporation into the fabric of the City of Johannesburg. Some of the anticipated outcomes of the Soweto Land Regularisation project that would enhance the economic and social life of Soweto are:

- The creation of 26 new business stands.
- The formalisation of 240 business through the transfer of council-owned shops.
- The allocation of 33 stands for development
- The offering of 290 stands to the City of Johannesburg’s Department of Social Development and City Parks Agency
- The rezoning of 620 stands for residential purposes
- The transfer of 8,856 stands to housing beneficiaries.

(JPC Soweto Investor Prospectus 2005)

As stated in this Prospectus: “multiple Acts exist concerning property rights and the amendments of these rights – and […] numerous provincial and local Government entities have the mandate to grant property rights”, which results in a fragmented and disjointed administrative process (JPC Soweto Investor Prospectus 2005). Therefore this process of Land Regularisation is an attempt by the JPC to achieve a harmonisation of administrative processes.

In order to achieve an administratively sound process, the JPC has joined forces with other role players to institutionally embed this project into a three-pronged approach looking at issues of policy and strategy, processes and communication. CoJ departments like the Development Planning and Facilitation Department, Housing Department and Department of Economic Development are just a few entities involved with the JPC in this regard. The Housing Department assists with the transfer of residential title deeds to residents in Diepkloof, whereas the JPC concentrates on the transfer of commercial and other council-owned property in Diepkloof.
The JPC has identified land that is suitable for private sector and commercial investment within Diepkloof that conforms to the spatial framework of the city. These are in the form of development projects, which are managed by the JPC.

5.4.3 Diepkloof Business District (DBD)

The JPC is also undertaking other property development projects that have been stated in the RSDF for Region D. The Diepkloof Business District (DBD; see FIGURE 1), is one of JPC’s projects aimed at reshaping former townships from its dormitory single use of land (previously residential) to one that is open to business and commercial uses. The DBD is a 10ha ‘island’ of council-owned land situated in Diepkloof Zone 4, at the intersection of Immink Drive and Eben Cuyler Drive in Diepkloof and is already home to the Diepkloof Community Centre and Diepkloof Clinic. The plans for this R100 million mixed-use development is in its advanced stages including BEE Property Companies like that of Sirad Properties, McCormick Property Development and Shanduka Properties, amongst other big retail outlets (JPC Progress Report 2006).

FIGURE 1: DIEPKLOOF BUSINESS DISTRICT MASTERPLAN
As can be seen from the above map sourced from the JPC Progress Report, the DBD is a “mixed use development” which includes a shopping centre, the ‘Diepkloof Plaza’, a 60-unit townhouse complex, known as the ‘Mandelaville’ Townhouses, a new premises for and the expansion of the Soweto Hospice, as well as a new community park and public square (JPC: Progress Report: 2006). The expansion of the Hospice will see an increase in the services provided to the Diepkloof area as well as the much-needed Greater Soweto community. The ‘Mandelaville’ Townhouses is an attempt “to introduce the townhouse concept to residents of Soweto” (JPC Progress Report 2006). The Diepkloof Plaza will therefore offer black investors a chance to invest their money within Soweto thus increasing its potential as an economic node within the municipality.

As stated by the project manager of the DBD, Mr Alan Dinnie, “Soweto is starting to attract serious investment”; this is due to the “number of well-established developers who are beginning to show a growing commitment to economic development in Soweto” (Dinnie in Proptalk: 2006). This development will allow for the privatisation of previously council-owned land, which would aim to create a business centre that would attract potential black investors in investing in the fabric of Diepkloof and establishing an economic base in Diepkloof and Soweto. This type of development is favourable in Diepkloof as it is one of the wealthiest suburbs of Soweto and is on the edge of the fringe of Johannesburg, which has the potential to develop into an economic node within the city.

5.5 City of Johannesburg, Housing Department

As one of the entities involved in the Land Regularisation Project, The Housing Department has the administrative responsibility of formally transferring residential title deeds to the respective persons within Soweto. Presently the Housing Department has transferred majority of title deeds to owners in Diepkloof with just a few title deeds not transferred as yet. As assured by the Area Manager of Region D, Mr Andrew Rawlins, there have been no problems with the transferring of title deeds in Diepkloof (Interview, Area Manager). The few remaining title deeds that have not been transferred are due to waiting for the original owners of the homes, usually elders who have gone off to the farm areas to return with proof of title deeds (Area Manager). Also the Department has assisted and advised residents to come forward with relevant documentation so as to transfer title deeds to the respective owners. Therefore in terms of transferring title deeds the Housing Departments has played a facilitative and advisory role, as Diepkloof has a majority of residential properties with all requiring title deeds in order to be transferred to the respective owners.

Mr Alan Kitchin, a town planner from the Department was interviewed for the purposes of this study. An informal interview with the Operations Manager and Area
Manager of Diepkloof was also undertaken, so as to understand the housing situation in Diepkloof and the status of the transfer of title deeds in Diepkloof. The status of housing in Diepkloof as outlined by the housing officials is that there is no space for development and there is no available land for housing in Diepkloof. Developments that are taking place are re-developments of existing land. Diepkloof is characterised with semi-detached units, a majority of which have backyard shacks. There are many backyard shacks still present within Diepkloof however they are not as dense compared to backyard shacks in Orlando (Area Manager).

There are many Housing Projects the Housing Department is undertaking to provide accommodation for those in informal settlements and in overcrowded hostels. Two projects currently underway in Diepkloof are the Hostel Re-development Project and the Elias Motsoaledi Housing Project. These are the two large projects being undertaken by the Department other than the Land Regularisation Project. Alan Kitchin provided us with valuable insight into both these projects; details are discussed below.

5.5.1 Diepkloof Hostel Re-development

The Hostels in Soweto were developed by the Apartheid government as public hostels to accommodate the black male workforce who worked in the mines and industries around the city. After 1994 these Hostels slowly began to accommodate families. These Hostels have become overcrowded as they were seen as a cheap form of accommodation. Large numbers of individuals were and still are sharing small spaces in rooms and apartments in the Hostels. This has further aggravated the condition of the Hostels.

The re-development of the Hostels is “in line with the national government’s aim to do away with single-sex dormitory units and promote integrated community development” (CoJ 2007). The Provincial Housing Department had commissioned ‘structural integrity surveys’ to be undertaken on all Hostels in Soweto including ‘socio-economic surveys’ of all residents in these Hostels. The Diepkloof Hostel was one of these Hostels, where “the structural integrity survey said that the whole hostel had to be demolished and completely replaced” (Interview, Alan Kitchin), whereas other hostels could be upgraded and converted to family units. There have been various plans for the complete redevelopment of the Diepkloof Hostel. According to Alan Kitchin, one business plan for this redevelopment was drawn up and a funding agreement was signed; the council went out to tender on this plan but the funding was not ultimately secured. About a year later the tender contract was awarded for the first 84 units in terms of another design. As stated by Alan, it was decided that if the Hostel was to be re-developed “then you should actually develop it so it’s not going to end up as a hostel” and it would be better to change it to a townhouse-type complex, which would allow people to have “ownership of their units and be proud of their units”. Re-development of the Hostel is taking
place in phases; the first phase is underway and was due for completion by July 2007 (Kitchin). Due to community pressure to see some action on the ground regarding the development of the Hostel, the development plan was re-worked into a phased development. This is emphasised in Kitchin’s statement below:

“Because there is a whole lot of political pressure to get some action on the ground and the residents said that they had so many promises that they didn’t really want to interact with the council or anybody on re-development proposals until they saw some thing happening on the site.”

This statement shows that from the housing authorities’ perspective, the community has not seen any progress in the development of the Hostel and therefore demanded to see progress. This highlights the introduction of the formal administrative process of introducing plans for development in Diepkloof and Soweto and the red tape and procedures that need to be adhered to for this to take place. The plan for the Hostel redevelopment has taken a long period to get to where it is now, which is currently in its second phase of development because of careful planning, taking into consideration that there is a need to eliminate the hostel concept which is seen as a structure of the Apartheid era. Careful planning was also necessary to allow for all residents and households are currently residing in the hostel to be adequately housed on the same land or on other available land in Soweto (Kitchin, 2007)

As stated by Alan Kitchin, this redevelopment has further been identified as a 2010 Heritage (Legacy) Project. As outlined by the Executive Mayor, Amos Masondo these Legacy projects aim “to stimulate economic and social development in previously neglected areas” and will ensure that the residents of the city “benefit from economic investment and consumer spending during the 2010 FIFA World Cup and long after the whistle has been blown” (Sindane 2007). General principles have been outlined in a report for the Hostel redevelopment due to it being coined a 2010 Heritage Project. These principles need to be considered in the planning and development of the townhouse concept. Furthermore it had been stated that the Hostel redevelopment should be considered in conjunction with other surrounding sites so as to accommodate the integration of the Hostel and backyard residents into the community. (Sindane 2007). These principles were already being addressed by the Department, like the elimination of the hostel concept as well as high levels of social integration of the community (Kitchin). As outlined by the Housing Department, more attention needed to be placed on the planning of this development with regard to design and the social integration of hostel residents that are to be relocated to other parts of Soweto. The Housing Department agreed on the idea that:

“The residents of the hostel should be socially integrated into the Soweto community, so the idea is that they would get split up allocated units all in little
blocks around Soweto and maybe even to the extent that other housings are developed on the hostel site or portions of the hostels site or other uses, commercial uses or whatever, to dilute the impact of the hostels in the area.”  (Kitchin, 2007)

The above process had been further delayed due to the JPC not appointing an urban designer for the urban design concept for the re-design (Kitchin, 2007). Also there were problems with procurement issues. The socio-economic survey of the Hostel showed that residents were willing to move out of the Hostel but majority wanted to remain on the Hostel site; according to Alan, this may be due to the a strong Inkatha Freedom Party (IFP) presence in the Hostel which has developed over the years. This strong IFP presence will be weakened if this process takes place and residents are to be split up. Therefore, residents are not keen on being split up and being allocated housing in other parts of Soweto.

According to the Constitution the Housing Department cannot evict Hostel residents during the redevelopment of the Hostel, however the Housing Department can provide alternative accommodation for these residents. The Council is no longer allowing the development of transit camps as a means to temporarily accommodate residents, as there is no legislative framework to regulate these camps. The Council particularly does not encourage transit camps because if it remains for more than a year then it becomes a permanent feature and becomes another informal settlement, which the Council aims to eradicate. The Housing Department is therefore accommodating all residents who were residing in the Hostel at the beginning of the redevelopment, including those who had recently moved into the Hostel. As stated by Alan Kitchin the Department had to create a solution where they (those residents who had recently moved into the Hostel) could be accommodated. The main issue is financing alternative temporary accommodation for the residents, including the absence of a legislative framework to deal with transit camps. This leaves the Housing Department with the challenge of providing suitable accommodation to hostel residents so that the Hostel redevelopment becomes a success.

5.5.1.1 Characteristics of the Hostel Population

According to Alan Kitchin, the socio-economic survey identified 1 954 adults who reside in the Diepkloof Hostel. However, this survey did not outline the amount of households that were present in the Hostel or the relationship between individuals. There has been movement of people into the Hostels as shown by the verification of the Hostel register. The Hostel Register showed that there were approximately 2 900 households in the Hostels and about half of these (1 400) were single member households, predominantly male. However, the verification of this against present residents showed an increase in the number of individuals. Approximately 258 individuals did not appear on the hostel register, which shows a movement of
people into the Hostels. However, Alan Kitchin stated that there is stability in terms of leadership as an architect verified the leadership within the Hostels had been the same over the past 10 years. Therefore, over the years households have developed and moved into the Hostels due to young males starting a family.

5.5.2 Elias Motsoaledi Housing Project

Elias Motsoaledi is the only informal settlement in Diepkloof. This settlement is located between Chris Hani Baragwanath Hospital and is across Old Potch Road. This informal settlement has been known as Mandela Village in the past and consists of approximately 1,289 informal settlement structures/stands. Every structure has been numbered by the Housing Department so as to monitor the number of shacks and to put a stop to more shacks being developed (Area Manager: 25/04/2007). With this system, the Housing Department has achieved zero percent growth of this informal settlement.

The Provincial Works Department previously owned the land on which the Elias Motsoaledi settlement is located. The JPC facilitated the release of this land to the Council, where the Housing Department is planning for the development of approximately 4,000 houses. As stated in the JPC Soweto Property Investor, a development lease agreement was signed, with development expected to begin in 2007 (Soweto Property Investor: 2005). There have been many plans regarding the type of housing to be placed in the Elias Motsoaledi area. Alan Kitchin stated that it took a long while for the Council to get hold of that portion of land on which Elias Motsoaledi is located. Alan Kitchin emphasised that the whole Elias Motsoaledi site has been tainted by a history of disagreement between the Council and a contracting company on a development contract for the land, which delayed the actual land development process. There have been various proposals for the development of this land after this history. At present the housing department is in the final stage of preparing for a developer to come in and develop this land according to the Department’s specific requirements.

Alan Kitchin further outlined what the Department is looking at, in terms of developing this site.

“We are looking at a more sort of breaking new ground project, higher density, because of its location, we are saying it must have a minimum of 2,500 higher density RDP and this may be attached on units for the Elias Motsoaledi community. The balance of the land, we would want it for some of the displaced from the Diepkloof hostel. And depending what the proposal of the developer is, if there is land available then he can put in some bonded housing, or social housing or whatever else they want to put in there.”

(Kitchin, 2007)
Therefore there is a whole pre-development process that needs to be undertaken before awarding a tender. The Provincial Housing Department controls the allocation of a Professional Resource Team (PRT), but does not have any legal control over the PRT itself. In the procurement process it was also stated that the Housing Department does not have legal control over the PRT, including control over stages of approval. The Council therefore monitors the process and is involved in the “allocation, relocation of communities and interaction with communities and councillors” (Kitchin, 2007). Therefore the Diepkloof Housing Department has the responsibility of interacting with the Diepkloof communities on their views and concerns regarding development projects such as this.

5.5.3 Housing Issues in Diepkloof

There has been a history of disputes and disagreements between landlord and tenants regarding rentals of backyard shacks. One issue has been raised with regard to rental problems between landlord and tenant backyard shacks However, a problem identified by the Housing Department is that there is no maintenance of properties in Diepkloof, and maintenance is now the responsibility of the owners of properties. Therefore it can be seen that the transfer of title deeds to individual owners is advantageous to the Housing Department as they are no longer responsible for the maintenance of properties and can focus on providing services to Diepkloof. However, from the perspective of the community, title deeds provide a sense of ownership but, at the same time, it comes with the responsibility of maintaining that property.

Formal Access to housing in Diepkloof is through means of a waiting list, which still has applicants on it from 1996 who have not yet been attended to. Other ways of gaining access to land in Diepkloof are minimal due to the limited amount of available land in Diepkloof. Land can be obtained though commercial and private enterprises like that of the Diepkloof Business District (BDB). Other formal mechanisms are through the purchase of existing properties from owners; however many of these transactions are not formal in nature (i.e. involving a bank and relevant government departments), as information collected from community members has shown. This will be dealt with in more detail later in this paper.

As outlined by Area Manager of Region D, there is a tribunal system that monitors and manages complaints of conflict and disputes between landlord and tenant (backyard rooms and shacks). The Housing Department has Tribunal Officers, three in the vicinity of Soweto, who see to these complaints on a case-to-case basis and try to solve these disputes locally. From a telephonic conversation with the Tribunal Officer for Diepkloof, Ms Mary Mathabane, the Tribunal System was initiated in May 2005. If complaints cannot be resolved locally then it is referred to the Provincial Tribunal, which is a more formal system. However, Mary assured us that complaints have not reached a stage of mediation with the Provincial Tribunal. The Housing
Department keeps a record of all cases, and compiles case records on a monthly basis and reports how many of these have been resolved and how many have been referred to the Provincial Tribunal. These are reported to the Provincial Department on a quarterly basis.

Mary reported that over a three-month period (April 2007 to June 2007) only five complaints were recorded in Diepkloof. Complaints come from both landlords and tenants. Complains are lodged telephonically and a Tribunal Officer listens to both sides of the story before resolving the dispute. The majority of complaints are small in nature, and in the form of ‘non-payment of rent’. Mary also mentioned that Street and Ward Committees as well as councillors do monitor the charging of rent for backyard shacks and rooms in terms of the services (electricity, water) provided and quality of the structure. Other than services and quality, the rentals of backyard shacks are dependent on the landlord.

Therefore the management of disputes is facilitated by the formal system through the existence of a Tribunal System. However the Tribunal System engages in an ‘informal’ and interactive process that has, to date, resolved all disputes (even though these are small in nature) between landlords and tenants. Informal interactions take place in the form of one-on-one discussions with the respective parties. This reinforces the fact that the Housing Department has and is currently managing disputes effectively, using an ‘informal’ and interactive process that involves other formal structures like Ward Committees and councillors. According to Mary, Diepkloof operates on ‘normal’ rental prices for backyard rooms and shacks. Approximately R150 per month is charged for a shack; R250 to R300 per month for a backyard room. The Housing Department has not made any formal agreement to manage the growth and rental of backyard shacks in Diepkloof. Therefore only the Tribunal system has the power to manage disputes that arise between landlord and tenant.

The Municipality regards backyard shacks as informal structures and has put Programmes in place to rehabilitate and upgrade these townships, specifically backyard shacks. Neighbouring township Orlando is one of the 20 Townships targeted by the Gauteng Department of Housing to rehabilitate townships and upgrade backyard shacks. This is said to “firstly formalise tenancy, provide secure tenure and provide alternative housing accommodation”, and it also has the “potential to offer affordable housing accommodation to those [who] cannot afford market related rentals and it offers accommodation to people [who] are ‘in-transit’” (RETP Report: 14/09/2006) through the placing of restrictions on the number of backyard rooms or shacks that are allowed in one yard as well as the maximum amount of rental a landlord can expect from a tenant. This suggests formal management of backyard shacks, which Diepkloof lacks.
Land management in Diepkloof responds to both formal and informal processes and practices. These two interlink and co-exist in a manner that sometimes obscures the dividing line between them. The community sees both as having circumstantial advantages and disadvantages. Despite that, formal practices predominate in significant aspects such as land access, ownership, land use, and conflict management as shall be shown below, although informal practices have been an integral part of these aspects from the days of the establishment of Diepkloof as a township.

Administratively Diepkloof falls into four wards that are not sensitive to ethnicity – an important component of land administration in Apartheid South Africa – or settlement type or quality, also a historically significant policy determinant. Each ward has a councillor and a Ward Committee constituting of people coming from the local community. Ward Committees help the councillors in discharging their duties by acquainting them with fundamental community concerns. These Ward Committee members are volunteers who know most if not all the residents of their areas of jurisdiction and their specific problems needing intervention. These Ward Committee members are given some training so as to capacitate them for the execution of their duties.

As already noted in the earlier part of this report, Diepkloof comprises of Zones 1-6, Phases 1-3 that form Diepkloof Extension, and Motsoaledi. Zones 1-6 are similar to one another in many ways with the singular distinguishing feature being that only one part of Zone 6 comprises of hostel structures that are still to be up-graded. This part of the study paid little attention to the hostel therefore the report provides no detailed community perspectives on land administration and management in the hostel area.

6.1 Land Access: Historical overview

Historically Diepkloof Zones 1-6 were characterised by both formal and informal access to houses. The formal process was official and prominent, while the informal practice was unofficial and concealed from the administrative eye. However both practices enhanced the quality of life residents of Diepkloof in a complimentary manner as shall be shown below. In other settlements such as Diepkloof Extension and Motsoaledi these two processes did not co-exist in any significant way. In Diepkloof Extension, for instance, all access was fundamentally formal while in Motsoaledi it was informal. The discussion below looks at these issues in detail.
6.1.1 Formal pre-1994 land access: Zone 1-6

Since the establishment of Diepkloof in 1959, the Municipality owned and allocated land and houses in this township. In Zones 1-6, the older part of Diepkloof, most of the houses were allocated to victims of forced removals from Alexandra. According to the residents of Diepkloof, the administration of the day took the initiative to register those who were to receive houses as construction of the houses neared completion. Upon completion, registered recipients were allocated houses and were offered free transport from Alexandra to Diepkloof. Beneficiaries were relocated on the very same day they were notified of the allocation and this was a major source of discontent for many who, to this day, express displeasure with the manner in which the authorities handled the allocation-notification-relocation process. They argue that were not given ample time to address important socio-economic and cultural issues before they could be moved. Despite that, some residents see the allocation of houses and consignment of people to Diepkloof as forced removals with limited negative repercussions due to the resultant access to housing and more importantly to the prestige that went with residing in this new settlement. For unclear reasons, Diepkloof had so much prestige back in those days that, residing in it gave one a sense of pride and a superior status. One old man from Zone 3 revealed that: “Godula mo Diepkoof gobe go swana lego dula tiropong”, which translates to “Residing in Diepkloof was similar to residing in town”, meaning the Johannesburg CBD.

The houses that were allocated to the new owners were either three- or four-roomed, well built and roofed. The period it took from registration to getting a house is difficult to establish. The registration process and the aspects that determined eligibility are also obscure. However, the residents note that they were allocated houses in areas marked off for specific ethnicities within Zones. Specific areas were divided and set apart for specific ethnic groups and as such in every zone there are areas known to belong to ethnic groups and predominant are those for the Shangaan, Zulu and Sotho referred to locally as EmaShangaaneni, EmaZulwini and EbaSuthwini. However, since authorities established the applicants’ ethnicities from their names and not through direct communication many applicants were ascribed to wrong ethnic groups because their names suggested that they belonged to those groups or were difficult to categorise. As a result of this, there are no areas that absolutely carried people of one ethnic group. Therefore areas carry names of predominant groups but this does not mean that they carry exclusive ethnic groups. Although lack of consultation resulted in the wrong placement of some families, residents suggest that such a mistake worked positively in that it allowed for the development of co-existence between ethnicities. They note that ethnic conflict between mixed groups is not as violent as is that between geographically compartmentalised ethnicities because proximity, intermarriages and co-existence come in as strong restraining variables. Inferably, this means that land administration policies aimed towards achieving ethnic
territorial separation of an urban population were negative in that they would have fomented, or nurtured and perpetuated ethnic division and potential ethnically defined conflict.

In principle, land access in Diepkloof Zones 1-6 was fundamentally formal and handled by authorities for the benefit of the general citizenry. Although the process lacked transparency and active participation of the intended beneficiary, there is no doubt that it had positive consequences upon the lives of many since the quality of houses and the size of land upon which the houses are built allowed for a healthy life in as much as it gave opportunities for the utilisation of either the house or the land for social and economic activities. More so, the distance between houses allowed for close contact between residents while allowing each family to have private space of its own. This allowed for the development of close relationships between residents and the subsequent development of communities, while also allowing for the enjoyment of family privacy.

The other part of formally established Diepkloof, known as Diepkloof Extension, came into existence in the 1980s. Diepkloof Extension, comprising of Phases 1-3, could be categorised as a low-density suburb where affluent black residents bought residential stands from the municipality and built houses of their own choice. The stands, which cost about R25 000 each in the beginning and ended up costing about R250 000 when the last stands were sold a few years ago, were, according to one respondent, big enough for the construction of large houses. In principle, access to land was open to all, but in practice it was restricted to those who could afford it. As such Diepkloof Extension stands as the newer and elite aspect of Diepkloof. On the one hand it adds glamour to the township; on the other it is as a source of employment for many in the area. A relatively large number of people from other parts of Diepkloof take up domestic work and other jobs, such as driving, in Diepkloof Extension. As one man from Zone 2 noted, “to us, Diepkloof Extension is not a mere residential area, it is also an employment area easily and cheaply accessible, an immediate reminder of black success which works as a fountain of materialistic inspiration to all of us”. He went on to note that its close proximity does not dwarf them but improves their livelihoods through availing employment. Although many adore Diepkloof Extension, many are averse to what they see as negative attitudes and behaviour of some of its residents. One man from Zone 6 argued that some of its residents seem to be the incarnation of snobbery, arrogance and self-love to the extent that some of those resident in the Zones discourage their children from ever aspiring to live in Diepkloof Extension.

As we have excluded hostels, the last part of Diepkloof that we address is Motsoaledi, also known as Mandela Village, located close to and just behind Chris Hani Baragwanath Hospital. Motsoaledi is an informal settlement whose emergence has more to do with desperation for land and housing than with planned development or housing provision. It has very little to do with formal land
administration and will therefore be dealt with in the discussion on informal land access.

6.1.2 Present Formal access

There is no more land either for housing development or for sale as stands in Diepkloof, which means that the Municipality can no longer avail houses, or stands, to those who seek them. This means the housing provision function of the Municipality has largely become irrelevant in this area. However, one can still formally access housing either through buying, inheritance or renting.

Formal selling and purchasing of property is not a very prominent feature of Diepkloof. Nonetheless, a significant number of houses have changed and are still changing hands. A significant proportion of those selling houses are said to prefer selling at the very formal level. By this we mean selling in such a way that observes legal transfers of property. Residents note that although this way is good in that it legally settles transfers, it is not popular because it involves experts who end up usurping decision-making powers, demanding payments and sometimes pushing down prices. The involvement of banks, for instance, was one practice singled out as negative since banks are seen as having the tendency to push down prices. As such, residential property in Diepkloof largely tends to change hands in a somewhat informal manner, as further explained below.

Banks were accused of working in favour of the buyer by pushing the price of the house down, because they were “not prepared to pay a lot of money especially to the poor”. One old woman from Zone 4 saw evil in the way banks related to the poor saying: “Dipanka ke diabolo gobane ge o ditsenya ka bogare ke goipakela tshokolo yeo e safelego”, which simply translates to: “The bank is a devil that perpetuates one’s suffering when brought into such transactions”. Her sentiments were shared by another disappointed woman from Zone 5 who said:

“U rengisa nndu nga bannga ndi u di kovha. Vhathu vha bannga vha do da vha sedza sedza phera dzothe dza nndu vha tshi toda u wana ho vhaisalaho. Vha do thoma nga u talutshedza uri pennde yo no vha ya kale, mbondo dzi khou wa nahone dzi khombo kha lushaka, fhasi ahungo kulutetdzwa hu a gogona nahone huvhaisa zwienda. Mune wa nndu u sala a tshi vho nga hango takala nahone u pfa o shona. Nga u dinalea u fhedza nga u pandela avho vhathu mudini wawe”.

This loosely translates to:

“Selling one’s house through the bank is self-defeating. The bank people strut around the yard and go from room to room looking for fault. At one house they said the paint stinks, the durawall was collapsing and a danger to society, the pavement was rough and destructive to shoes. The owner of the house ended up looking like a fool and feeling mocked; he chased them out of the yard”.

32
In a further projection of the negative side of the involvement of banks, one man from Zone 6 revealed “one person agreed with her intending buyer that R75 000 was a fair price for her house, before the buyer brought in the bank that was supposed to fund him. Later on he brought in his bank and its evaluators could not settle for anything more than R35 000”. In an attempt to substantiate their assertions some respondents gave us names while others showed us some of the houses whose owners had had bad bank-related experiences, but we did not seek to visit such places for verification of accuracy as we were more interested in their sentiments and perceptions rather than the accuracy and authenticity of facts. We were content with knowing reality as the residents perceived it.

As a consequence of these factors, some individuals now prefer to sell their houses directly to individuals who represent themselves and not to those who bring institutions with them. This dislike of institutional involvement is seen to result in informal transactions and transfers that are sometimes sealed with a mere handshake following the exchange of cash from the buyer to the seller. This highlights a distinct break between the formal and informal systems and further highlights the issue of access to land, which hinders the municipality’s aim of formalising land and creating land markets in townships like Diepkloof.

In other circumstances, younger people access houses through inheritance. This is presently a common phenomenon due to the fact that most of those who were allocated houses in the 1950 and 1960s have either died or relocated to other places allowing the house to pass on either to the eldest heir or to the family choice. The Municipality usually plays an advisory role in such transfers. Where there are disputes regarding the legitimate heir, the Municipality moves in to seek a solution and usually provides records that show who is who in relation to the deceased. It also helps with advice on how to handle the paperwork that accompanies these activities. However its participation is largely restricted to residents that have not had titles for their houses. The argument for this being that those residents with title deeds have ownership of that property and private property status, hence the Municipality no longer has a role to play. However, it still gives advice when approached by people in the Diepkloof community and both the community and municipal workers concur on this.

Many others who would like to reside in Diepkloof without having enough money to buy a house realise their dreams through moving in as tenants. Many residents in Diepkloof Zones 1-6 offer rentals either in the main house or in backyard structures. In most instances occupancy of the main house, whether extended or not, occurs when the owner stays elsewhere. This means that a tenant gains full occupancy. This is usually regarded as expensive and left to those individuals or families who are financially better off. Renting an original house costs between R1 200 and R1 600 a month and between R2 200 and R2 500 for one that is extended. It is very
rare that a tenant occupies a room in the main house with the owner of the house occupying other rooms. Therefore most residents who still occupy their houses rent out backyard structures. A room in a backyard structure costs between R250 and R450 depending on the quality and the discretion of the owner. However, there are lower and upper limits that are acceptable within the community and one keeps within these bounds.

We also learnt of another formal way of accessing land that the municipality had proposed but could not implement because senior resident objected to it. Some of our respondents told us that the municipality had proposed to build blocks of flats on small open pieces of land in Zones 3 and 4 to ease the housing demand in Diepkloof but senior residents who already own houses could not see merit in such a development. They are said to have argued that they needed those empty spaces for recreation and for other social activities therefore they had to be left open. The Municipality is said to have obliged.

However, tenants and children of these landowners who are looking forward to having houses of their own were not amused by such a move. They argue that the behaviour of senior residents clearly reflects insensitivity to the suffering of the younger people who desperately need shelter. They further argue that shelter is a basic necessity and therefore its provision should not be deferred simply to entertain whims of a few aged recreation and revelry seekers who seem not to be aware of problems affecting the society in which they live. In so saying they blame the Municipality for taking the process of community participation too far by allowing a few misguided individuals to stand in the way of significant developmental plans. The views of one group are seen as having been unfairly given more weight than those of the other. Some tenants are convinced that senior residents did not stop developments simply because they are motivated by their love for entertainment and social activities to do so, but did so because of their love for the money they receive from tenants on the one hand and a deep seated ill-feeling towards the transformation of the lives of others on the other. Some senior residents who supported the idea of the construction of blocks of flats agree with the sentiments.

Diepkloof Extension, like Diepkloof Zone 1-6, no longer has any land or stands that aspiring residents could purchase for housing development. As such, one can only access land in Diepkloof Extension through buying, inheriting or renting just as in Zone 1-6.

There has never been formal access land in Motsoaledi informal settlement. As an informal settlement, land access was through informal means not acceptable to the authorities.
6.1.3 Informal Access in the past: historical overview

As already noted, all houses in Diepkloof Zone 1-6 were formally allocated by the Municipality. However, once beneficiaries took possession of the houses they gave themselves power to act without consultation with the Municipality. This was evidenced by the fact that they assumed power to swap houses without consulting or informing authorities. For instance, smaller families that were allocated four roomed houses could simply agree with bigger families allocated three roomed houses to permanently informally swap these houses. In his own language one man from Zone 1 informed us:

“Re bile ra fiwa ntlo enyane yeo elekanabg diphapusi tse tharo rele lapa le legolo, mme ra boledisane le baagisane bao ba beng bana le lapa la lennnyane fela ra fiwa ntlo e kgolo gomme ra tshentshana ka dintlo tsa rena go fihla le lehona.”

This loosely translates to:

“When one was given a small house while one had a big family, they would simply talk to someone who was allocated a bigger house while having a smaller family and they would swap houses.”

There was no accompanying documentation that certified such exchanges.

This shows that although all houses in Diepkloof were formally allocated, some changed hands at about the same period without the involvement or knowledge of authorities. The reasons for this could be seen on the one hand as emanating from the fact that residents were prepared to help one another deal with immediate challenges and on the other that they were not comfortable with dealing with state institutions that never consulted or took black people’s interests into consideration. One could also assume that at that time state institutions were not readily approachable leaving residents with the choice of settling for informal practices.

Although informal practices reinforced the benefits that had been ushered by the formal delivery of houses, their weakness is that they distorted housing records held by municipalities. Housing records in the hands of the Municipality today are not accurate partly due to this practice and could complicate other processes such as the issuing of title deeds, the transfer of properties and other administrative issues. However, the issuing of titles appears not to have been complicated by this practice since we came across two families that were given titles for their present houses, which were not those allocated to them by authorities.

There were no informal ways of accessing land in Diepkloof Extension that we came across, as the land has always been expensive, in great demand yet very scarce. Every piece of land in this part of Diepkloof was well accounted for to the
extent that no one could simply assume ownership of any part without inviting a swift response from the authorities.

In Motsoaledi informal settlement all the land was accessed informally. Land hungry people who needed somewhere to stay descended upon Motsoaledi coming from various parts of the country and allocated themselves residential stands upon which they constructed shacks. Its location, near Diepkloof service centre, a hospital and shopping centre and taxi rank was another attraction to many who resided in areas where services were inaccessible. A few note that they were also attracted by the idea that if they assumed ownership of a piece of land, their chances of accessing RDP houses would have been enhanced.

6.1.4 Present informal access

Informal access to houses in Diepkloof Zone 1-6 occurs, as already noted, through informal buying and selling of houses and through inheritance. The causes and merits of such a practice have also been highlighted above and these are enough to motivate some residents to continue to settle for the informal rather than the formal way.

In Diepkloof Extension, there are no informal ways of accessing houses that we heard about. The houses are so expensive that their owners would not readily enter into dubious activities that would have the potential of making them lose out. The high prices of the houses also leave very few people if any ready to risk losing large sums of money through informal dealings therefore prompting sellers to take the formal route. Many individuals also fail to raise such large amounts of money and therefore financial institutions are brought in to fund the purchase, which makes the process formal.

Presently one cannot access land through any route (formally or informally) in Motsoaledi because the Municipality has moved in and made it difficult. Previously, land seekers informally allocated themselves land in Motsoaledi and built shack on it. However, in a move that is taken by the residents as an expression of acceptance of and legitimisation of their presence, the administration gave numbers to the main shack on each stand and is following that with the construction of toilets in each stand. This move was also aimed at ensuring that shacks did not continue to randomly sprout, resulting in an increase in the demand for houses. The residents expect that other services are on the way and these will be accompanied by the construction of houses. One young man noted that if the community finally gets houses then he would be convinced that accessing land informally accelerates housing delivery. He does not, however, encourage other house seekers to follow this path for he is not sure whether this ultimate gain outweighs the suffering that one goes through to arrive at it such as going without proper sanitation, running battles with the police and living with the daily fear of looming attacks.
Although Motsoaledi currently lacks services, residents are happy with its location which makes many services easily accessible. Its residents are close to a hospital, one of the largest in Africa, a huge shopping complex, taxi rank, and even schools although they are a bit far away in comparison with other services. The shopping complex, hospital and taxi rank also serve as sources of employment for the residents of Motsoaledi who claim to be poor and marginalised.

Although crime is high in Motsoaledi, residents reveal that they still experience a significant sense of belonging since they have established strong community bonds overtime. They also revealed that this was made possible by the fact that ethnic groups have small sections of their own.

It is clear therefore that it is no longer possible for one to access land in Motsoaledi informal settlement except through inheritance since the municipality has put a stop to further shack development and illegalised renting out and selling and buying of shacks. As such, the current residents of Motsoaledi are the only people with access to local land for now. The residents’ hope is that after the development of RDP houses, the Municipality will grant them the rights to own, use or dispose their houses in the way they want.

6.2 Ownership

In all parts of Diepkloof, as in many other parts of the world, ownership significantly draws from ways in which land was accessed. Where land was bought such as in Diepkloof Extension, residents quickly assumed full ownership of the purchased property while in other areas such as in Motsoaledi and Zone 1-6 such reality was not obtained. In Zones 1-6 ownership was extended to residents after a long time, while in Motsoaledi, ownership is still inferred and hazy. These aspects are addressed in detail below.

6.2.1 Formal and reality

From the late 1950s up until 2002 all houses in Zones 1-6 belonged to the Municipality. The Municipality reserved ownership rights and could allocate and withdraw a house from anyone for various reasons. As such, the Municipality enjoyed ownership rights and also carried the obligation to make sure that the houses were well maintained while it got very little in the form of revenue from the occupants.

In 2002 the Municipality decided to grant full ownership rights to all the residents it had allocated the houses to and to those who had gained possession of any house for not less than twenty years. The rationale was, on the one hand, to empower residents with property ownership and on the other to rid itself of the problem of
incurred costs through the maintenance of these houses. Since then, a significant proportion of the residents of Diepkloof 1-6 have embraced this “generosity” by applying for title deeds. There are still many others who are still to do so due to various reasons ranging from family failure to agree on the right person under whose name the house had to be registered to reluctance based on a limited understanding of the significance of title deeds despite the advice given by the Municipality.

Many amongst those who now have title deeds express their indebtedness to the Municipality for having enabled them to become authentic property owners in an era where property has become very expensive therefore inaccessible to the poor. One old man from Zone 2 revealed that ownership of the house had given him a life line which he could use if hit by difficult financial times. For instance, he expressed his preparedness to sell his house to raise money to educate his grandchildren orphaned by HIV/AIDS if such a need arose, for that could be one huge way of benefiting from this ownership. He continued to reveal that for a long time the house was merely shelter to them without an economic value attached to it but since 2003 that had changed. Now the house has a very significant economic value, which gives the family security in difficult financial times.

Although we did not ascertain whether land owners in Diepkloof Extension have title deeds we are convinced that they assumed ownership of their stands from the moment they finished paying for them. It is important to note that ownership was not extended to the people of Diepkloof Extension as an expression of philanthropism, as happened in Zones 1-6, but was gained through the payment of large sums of money. A few people have gained ownership of houses in Diepkloof Extension through inheritance or through purchase from the original owners of the houses.

In Motsoaledi, legitimate ownership has for a long time been unthinkable considering that the residents illegally took possession of the land on which they built their dwellings. However, there are now flickers of hope that draw from a few positive moves made by the Municipality. Residents note that although they assumed ownership of their stands from the very moment they colonised them, they did not feel entitled to them as they do now after the Municipality allocated them shack numbers and registered each stand in the name of its occupant. To many in Motsoaledi, this gave them a legitimate sense of ownership. However, this kind of ownership simply gives them the right to posses and to use but not to dispose. Furthermore their assumed ownership does not entitle them to compensation in the event that the Municipality chooses to relocate them to another place. But this is not a source of sorrow for these people who for now are happy with nothing else but recognition.
The Municipality retains ownership of all land without the bounds of private property in both Diepkloof Extension and Zones 1-6. This gives it power to use such land for any developments it fundamentally sees as beneficial to residents and sometimes with the potential of having some monetary returns.

The Municipality also retains a higher level of ownership of land upon on which private residences are built and could repossess it and use it for other activities. As a result residents argue that ownership of urban land and of any land that is on the whole owned by the state is always contestable since the state retains the power to make ultimate land use decisions and these override individual or communal ownership rights. They note that the government can decide to use the land presently holding residential houses for other purposes such as building a stadium or for the construction of a railway line. Although affected individuals are given some financial compensation, it remains clear that ownership is always very relative in these circumstances.

6.3 Land Use

The general legal view is that land in Diepkloof is fundamentally for residential purposes, although this is changing. In principle, Diepkloof fits into the old definition of a ‘Dormitory Township’, marked off by authorities as basically a residential area where people retreated to at night after a day’s work, or during weekends. Economic activities were confined.

In practice, Diepkloof is to many amongst the ranks of the poor and the enterprising a residential space wherein economic interests are pursued, as shall be shown below.

6.3.1 Formal and informal land use

According to the residents of Diepkloof, the large part of the township is for residential purposes with smaller areas designated for economic, social and other activities. These areas stand out and are very visible since they have buildings designed appropriately for specific activities. Shops, filling stations, market places, clinics, schools, community halls and libraries amongst others are easy to notice. Some of these are operated by the Municipality itself, partly for the benefit of the community and partly for its own benefit. The rest, such as shops and market places, are usually rented out to enterprising individuals and groups who seek to engage in economic activities.

Some of Diepkloof’s residents are not conversant with how one could rent a retail space in a multi-purpose market place such as that in Zone 1. Others believe these spaces can be accessed through the Municipality. According to one woman in Zone 3, those entrepreneurs willing to use them [the retail spaces] should be
prepared to pay a token rental fee – which, she asserted, was almost nothing compared to the going market rates. The Municipality, therefore, is supporting local entrepreneurship; sometimes local residents do not realise this and do not take or capitalise on the opportunity. To reinforce this argument, the woman pointed out some shops run by business people who do not and have never resided in Diepkloof.

A good number of residents also engage in various economic activities from their yards. Some of these are registered enterprises that are formally operated. This means authorities have accepted that houses should be used not only for residential purposes but for wealth creation as well. Residents who are not eager to engage in economic activities may also derive financial benefit simply from renting out their houses or parts of them or structures within the yard. This aspect has already been raised and will therefore be given limited attention below.

Some houses or parts of houses, backyard structures and shacks in Zones 1-6 are used for various economic ends. Numerous small businesses are run from houses also used for residential purposes. Some of the ventures that stand out include: pre-schools, motor car repair shops, saloons, fast food outlets, phone shops, fruit and vegetable markets, spaza shops, beer outlets, night clubs, taverns and pap and meat outlets. The sizes of these businesses range from those operated by a single person to those run by up to 10 people. Motor mechanics, pre-schools and nightclub businesses operate on bigger geographical space than other ventures. For instance, in Zone 4 a two-story house was turned into a nightclub. In numerous instances, motorcar maintenance ventures stretch well outside the borders of the operator’s area of jurisdiction and into public space – for close to 40 meters away from the business operator’s private property. Spaza shops, pap and meat outlets and fast food shops are usually located somewhere within the yard and service is accessed either after entering the yard or through some opening on the durawall. Hair dressing shops are either within or outside the yard. In some instances they stretch into as well as out of the yard.

It is apparent that business owners worry very little about the legality of using public space for their businesses; they treat passers by as intruders, passing unwarranted comments and even obstructing the way.

In Zones 1-6 a house owner is allowed to extend the house to a size that he/she desires or to erect not more than five backyard structures or shacks around the main house. Such buildings are used to support the above-mentioned ventures or are let out to tenants. Many families in Diepkloof, even those with members who have well-paying jobs, those who depend on pensions and other grants and those who depend entirely on full-time self-employment acknowledge that their lives are much improved due to income earned through using the house, part thereof or structures around it for economic gain. Amongst all these activities subletting is
regarded as one of the oldest and with the least risk, and is therefore widely practised.

In Diepkloof Extension the culture of running small ventures is non-existent. The general feeling is that these micro-businesses give negligible returns hence are not worth the time expended in running them. However, once in a while one comes across a small food shop or a phone shop usually run by relatives of landowners.

In Motsoaledi the story is different as poor residents place very little emphasis on profit margins. To many engaged in small activities such as selling pap and meat, beer, and on operating small spaza shops, emphasis is managing to earn enough to survive on. Due mainly to limited access to geographical space on which to do business, residents of Motsoaledi appear to operate smaller ventures compared to those of residents of Zones 1-6.

6.4 Challenges

Diepkloof faces several challenges that impact on its development and the improvement of the quality of life of its residents. The main issues are: land shortages; the conflation of private and public space by some residents; and crime.

6.4.1 Land shortage

Diepkloof suffers from a shortage of land, to the extent that there is no more space on which the municipality could carry out activities that would positively transform or simply improve life quality. Primarily, there is no more land upon which the municipality could develop houses – yet the population of Diepkloof continues to grow giving rise to further demand. Presently nearly every family boasts a couple of adults who need houses of their own but cannot access them since Diepkloof has had no housing development for lower-income groups in more than 40 years. A good number of tenants in Diepkloof were born in the area but have decided to leave their parents’ homes due to space shortage. The general sentiment shared by the few people we talked to was that the municipality was doing well in responding to other problems faced by residents but doing very little about housing shortages. The only time the Municipality was seen to make an effort was, as noted above, when it consulted about building a block of flats on open spaces.

Housing shortages in Diepkloof leave many residents living in crowded houses, shacks and backyard rooms. Some of the negative results of this overcrowding include lives devoid of privacy, and increased incidents of rape and child abuse in multiple family residences. The growth of families living in Diepkloof has resulted in people of various generations and often somewhat distant familial relationships living together – and this is seen as aggravating sexual abuses in households.
Children are seen to be more vulnerable to sexual abuses and rape within their homes than they are in the streets of Diepkloof.

It is important to note that although some of the overcrowding is as a result of housing shortages, it also has other contributing factors. In some instances, house owners have no sources of income (due to high rates of unemployment); therefore, as a survival strategy, they invite those who are working into their houses, so that they can access food and money in exchange for shelter.

There should be administrative solutions to these problems, which are bound to rise as the population continues to grow in an environment characterised by rising unemployment, housing shortages and high crime.

6.4.2 Economic activities and private space

Some business ventures in Diepkloof conflate public space and private space – by the deliberate operation of private businesses in public space. It is clear such businesses infringe upon the rights of others, who equally have access to public space; not only do such operations deny access to public space, they also disturb the residents’ freedom of movement. These businesses do create some kind of employment; the services provided are also undeniably needed by the community. But this should not obscure the fact that certain businesses monopolise public space without the consent of community members.

In some instances this invasion is worsened by the fact that it is more than just physical. For instance, businesses that sell beer are also guilty of creating lots of noise in the neighbourhood, disturbing its neighbours’ peaceful lives. Nightclubs play loud music that reverberates across the neighbourhood while patrons also tend to be loud, immoral and violent as and when they leave their drinking place. Some club patrons promote prostitution, gambling and other forms of crime.

The problem is not that these clubs or drinking spots are worse than other businesses of a similar nature situated elsewhere; the real issue is that such operations are deep within and between residential houses to the extent that whatever goes on within them affects the immediate community. For instance, immoral and illicit activities that go on in clubs become a daily occurrence in the lives of innocent and corruptible minds of children. As a result, some residents accuse these clubs and shebeens of contributing towards the spread of HIV/AIDS among the youth because they lure many young people who become susceptible to unprotected sex after the consumption of alcohol and drugs. Other young people who are pushed by poverty and motivated by the activities they see on a daily basis find themselves in the middle of illicit and immoral practices.
These sentiments were not only expressed by moralists or by envious people who do not appreciate survival strategies of members of their neighbourhood but by concerned citizens who seek to heal their community of social ills that grow out of nefarious pursuits of money, while supporting economic and social development at the same time. They argue that they support all initiatives that promote the use of residential places for income generation but object to the destruction of the future of younger people for the benefit of a few. They also argue that lawlessness should not be mistaken for a manifestation of freedom and democracy. Therefore every society should have limits to its freedom. In conclusion they argue that it is the duty of both land administrators and every citizen to ensure that all members of society observe the rights, duties and liberties of others as they enjoy their freedom.

6.5 Conflict

Every society usually has land or property access or ownership related conflicts and disputes and Diepkloof is not an exception. These conflicts are either overt or covert and embody a propensity to degenerate into violent or negative injurious expressions practices. It also has a tendency of reinforcing polemic antagonistic identities of insiders and outsiders, of “we” and “them”. The social contexts these create tend to be characterised by power contestations, which easily become the predominant defining factor of encounters leaving little if any room for cooperation or constructive disagreement.

Although experiences encountered in Diepkloof have not degenerated to these levels, it is clear that they have the propensity to do so; what is very clear is the existence of a sense of betrayal harboured by the younger generation of home seekers, as already hinted above.

6.5.1 Access to housing: Macro-level concerns

Consultative engagements by the Municipality yielded negative results in Diepkloof, going by the views of a few young home seekers. Their views are that the Municipality attempted to engage the community in participatory development and their efforts were scuttled by senior citizens who used their social capital to marshal people towards opposing propositions that were apparently socially beneficial. This understanding grew out of an encounter where the Municipality’s proposal to build blocks of flats on open space in Diepkloof was opposed by [older] community members, as already discussed. To the young people seeking houses (and their sympathisers), this proposal was rejected by those who did not empathise with a generation going through difficult times.

The crux of the matter is that the opposition (or the perception of the opposition) to such development was founded on a preoccupation with questions of who would benefit and who would not. Therefore, the community gravitated into two camps,
one of potential beneficiaries and their sympathisers and the other of those who saw themselves as potential losers since they were not going to directly benefit.

The sentiments of one group of residents suggest that consultations were not really necessary since the Municipality appears to have no other way of addressing the housing shortage problem. Although they profoundly subscribe to and uphold the significance of participatory development, they are of the opinion that there are times when such a practice turns a fundamental basic need into an academic democratic matter where those with the resources to swing debate in their favour win the day when in essence it is a crucial survival issue. However, the idea here is not to suggest that the suffering of some members of the community should lead to a negation of administrative rationality and trendy procedures, but that there are times when what must be done stands out so clearly in the open that it warrants little if any inquiry, consultation or rummaging. Therefore, that which is necessary must be given precedence over that which makes many happy.

The situation in Diepkloof reveals the complexities and challenges of pursuing participatory development. The idea of engaging residents of Diepkloof in the fundamental process of land administration had its own merits and was a response to democratic processes. That the interests of the residents proved to be conflictual does not eclipse the fact that they were given a chance to exercise their democratic right to participation in decision making on matters pertinent to their lives. Therefore democracy proved to be the winner in this matter and its proponents have good reasons to commend the Municipality for doing what is right.

6.5.2 Ownership: micro-level concerns

Conflict relating to ownership is located within families that have to contend with questions of succession and inheritance after the death of house owners. Many families struggle to identify and embrace an authentic heir who should be endowed with the right to inherit the house, and the responsibility that goes with the assumption of such a role. The first problem is that ownership, in these situations, has as much to do with responsibility as with having legitimate rights to possess and use a property. According to some, an heir has title to the house but that does not necessarily entail the assumption of power and liberty to use or dispose of the house as one pleases without the consent of the rest of the family members. Many know that ownership has more to do with assuming responsibility to pay services for the house and to maintain it in such a way that all family members can access it. This kind of ownership does not really have much to do with property rights.

The second aspect is that some heirs fail or deliberately defer the responsibility to pay for services and the house accrues debt. This negligence of duty creates conflict within family members.
The Municipality has earned itself a lot of respect from residents who appreciate its intervention in the resolution of issues relating to inheritance and negligence of obligations that result in debts. Residents note that the Municipality has succeeded many a time not only in assisting stakeholders in identifying a legitimate heir but also in processing title deeds. The municipality is also respected for coming up with bearable terms of servicing debts after a house accrues a backlog in paying for services.

It is important therefore to note that land administration in this regard goes beyond the orthodox as the authorities search for social stability, harmony and progress in Diepkloof. The advisory role the Municipality assumed is going a long way in averting conflict and in promoting peaceful co-existence and the subsequent growth of social coherence, which in turn builds strong communities.

6.6 What does the future hold?

This is a difficult question, usually asked by outsiders after speaking only to residents and without having spoken to the authorities. However, it is such a pertinent question that we cannot afford to shy away from it; hence we will hazard answers. The answers are founded partly on what residents said and partly on a critical reading of the picture they projected added to observable reality. The question necessitates a response to the questions of access, ownership and land use in relation to the future.

6.6.1 Access

For many among the younger residents of Diepkloof the future, in relation to land access, is very bleak since there is no more land on which any new houses could be built. Some amongst them were convinced that New Canada was part of Diepkloof and pinned hope on being allocated houses there. However, further inquiry revealed that it was part of Pimville and not Diepkloof. Land access therefore needs to be properly addressed if the status quo were to change.

The immediate solution presumably would be to encourage to people of Diepkloof to permanently migrate to other areas where there is still land. This may not be welcome news to the residents, who do not want to leave Diepkloof arguing that they have, over the years, established a community that has good coherence. This coherence gives residents a strong feeling of belonging despite their limited access to the most fundamental material resources in the area: the land and a house. Some also note that they love Diepkloof because of its proximity to the Johannesburg CBD, so they are not keen on relocating. But from the look of it, there is very little that Diepkloof offers that any other place could fail to offer. Probably places such as Diepsloot could be better future options.
6.6.2 Ownership

The Municipality appears to be managing ownership issues very ably therefore there is no justification in being pessimistic about the future in this regard. Social stability with regards to questions of ownership is almost guaranteed as long as the Municipality continues to play its advisory role. However the dream of owning a house in Diepkloof will remain an illusion for many who are not in line to inherit and are not able to buy for as long as no new approaches to housing provision are found. Solutions could even be the construction of high-rise buildings that would accommodate many people over a small geographical area or, as suggested above, to encourage out-migration.

6.6.3 Land use

Due to high levels of unemployment, the administration should encourage the use of houses for economic activities but in a manner that does not infringe upon the rights of others. It is not disputable that although Diepkloof is a residential area, many economic activities are taking place and therefore there is a need to give advice and training to those running them from their homes or on public space. Most of the businesses are conveniently situated in relation to the needs of the community, so much so that it would not make sense for the administration to provide space elsewhere and impose compulsory relocation of business ventures.

6.7 Conclusion

Both formal and informal processes play significant complimentary roles in land administration and management in Diepkloof. Their co-existence is proving to be beneficial to the communities whose life-quality is, to a great extent, enhanced. Administrative authorities also appear to have also appreciated the merits of the unorthodox as they go out of their way to play advisory roles within the community. Although the administration appears not to be doing well with regards to responding to the community’s clamour for land access, it has responded tremendously well to questions of ownership and land use. This success has managed not only to provide for social stability and entrepreneurial engagement but has also created a sense of trust between the community and the administration.
DISCUSSION

Land in Diepkloof is formally acquired through the City of Johannesburg. There are different procedures that need to be followed to access different types of land in Johannesburg. As outlined earlier, the Johannesburg Property Company (JPC) assists in the process of transferring council-owned commercial land via a tender to the public. The acquisition of residential property is dealt with by the Housing Department. Due to Diepkloof not having much available land for sale and use, there is much attention placed on existing use of and access to land in Diepkloof, and the changes in these land uses from pre-dominantly residential to commercial/business, or council-owned land being privately sold for commercial uses.

The decision by the Municipality to transfer housing ownership to residents of Diepkloof is important and commendable. Its importance lies not only in empowering these local communities but also in the continued transformation of the image of the Municipality as it formalises residential ownership. The close advisory role assumed by the Municipality during the identification and transference of ownership helped reinforce strides towards the establishment of amicable co-existence with the local community. This means that the process of transferring ownership was as important in its own way as the resultant economic empowerment that was targeted.

It is also important to note that the process of transferring ownership helped in taking the process of participation to a higher level. Members of households led the process of the identification of individuals who had to be registered as owners of houses, while the municipality played an advisory role. Wherever and whenever problems were encountered, the municipality worked closely with all concerned parties to arrive at an amicable solution. This new approach to administration, which significantly dramatised the Batho Pele principle, gave participation an unquestionable chance.

Although residents now formally own houses in Diepkloof Zones 1-6, informal ways of transferring this ownership (allowing opportunities for access to housing in Diepkloof) appear to be more favoured in nearly all the zones. The informal process of selling houses, as discussed in the preceding sections, is preferable in that it makes economic sense to the seller. It is therefore clear that the Municipality has not meaningfully succeeded in entrenching the formal system, which for obvious reasons has more benefits to the administration than the informal approach. The fact however is that many residents in Diepkloof embrace the informal system for its economic rewards. Therefore, a shift towards the formal system would only occur at a larger scale if it had something highly attractive to offer. Otherwise little change will be experienced.
This preference of informal transfer of housing in Diepkloof may stem from the current status of Diepkloof as a “freehold township” (with the exception of Diepkloof Extension 2, which is still leasehold according to the JPC’s Soweto Land Regularisation status report, discussed earlier). This is the reason why the informal system is seen as more beneficial to locals as compared to the formal system of land transfer. Diepkloof is still in the process of being formalised into the CoJ through the Land regularisation process. This does not mean that once Diepkloof has been proclaimed residents will conform to the formal system of land transfer; residents will still use whichever system is more beneficial to them. This might cause tension amongst residents and the administration. Therefore the administration needs to introduce the formal system in such a manner that the residents see the benefits (if there are any) of this system, as compared to informal means of land transfer.

With regards to access, disillusionment is clear amongst many young house seekers. Many young people seek housing in Diepkloof and are disillusioned by the fact that there is no housing construction taking place in Diepkloof. Their disillusionment is reinforced by two important factors. First, the authorities are generally quiet about the construction of new housing in Diepkloof. Residents want to know what the solution to high housing demands in a context of no access to land in the neighbourhood would be. It is clear to residents that there is no land for meaningful housing construction in and around Diepkloof, and also that solutions must be found. The residents therefore want to participate in the search for solutions. Second, authorities appear to be content with some residents’ opposition to the idea of constructing high-rise buildings in small open spaces. Authorities have retreated and appear to have shelved this idea. For this reason, some young residents argue that in as much as consultation is good for the promotion of democratic governance, there are instances where non-democratic decisions must be employed. Their view is that participation should not be for its own sake but for the general good, and once such a focus is lost it becomes irrelevant, unnecessary and even hypocritical.

It is important to note that although participation, or democratic governance as it is sometimes known, is celebrated as one great way of leading “the people”, it also has its own weaknesses. The Municipality and other systems of governance must train their staff in dealing with issues of participation so that it does not stifle development or divide communities. As it stands, the consultation process in Diepkloof created traces of negative attitudes, divisions or conflict between landowners who opposed the idea of high-rise residential flats and house seekers who supported the idea; this was an unintended consequence. This shows differing interests amongst individuals in the community that need to be incorporated in the overall decision-making process.
The authorities need to revisit the proposal to develop high-rise buildings in small open spaces within Diepkloof as there still is a demand for housing in this area, especially by younger people. This demand does not necessarily mean that more people want to move into Diepkloof from other areas (although there is a small percentage that do); the majority of housing demand stems from those already residing as backyard tenants within different areas within Diepkloof. These tenants comprise of people who have moved to Diepkloof from areas as far as Limpopo and areas within Gauteng, including children/grandchildren of original homeowners in Diepkloof. Accommodating these house seekers will in one way reduce the number of backyard tenants; at the same time, it will also result in new tenants moving into these backyard shacks. This will further fuel the demand for housing in Diepkloof which is not a viable option due to lack of available space other than small open spaces, which are needed as a form of recreational and green space. The authorities’ contentment with the opposition by some residents may stem from the fact that it will not be sustainable to develop more residential properties in an area whose land use is majority residential. This reiterates the idea of the CoJ and the JPC, to introduce new developments (economic and social) into the Diepkloof fabric.

In Motsoaledi, authorities appear to have succeeded not in delivering services of any consequence but in creating hope amongst the residents. Hope in this context hinges on the fact that the Municipality, which appears once in a while, promises to implement one small decision – such as the construction of toilets – before disappearing for a long while. The expression of intent is seen as a positive development in this community that has for years known nothing else but running battles with administrations. Therefore this shift gives them a lot of hope. The long-term plans of the municipality are shrouded in mystery because it is not speaking to locals. Yet on their part, the locals express indebtedness to the Municipality for legitimising their stay. This also hinges on the fact that these residents argue that all they have been seeking over the years was a permanent place to stay. Now that they have or think that they have it, what is important for many is to be given the permission to build their own houses and not to get any assistance of whatever kind. There are some though who say they want houses because they do not have the resources to build such for themselves.

The generally shared view is that the waiting appears to go on forever. One can only assume that this results from a slow administrative drive due to whatever reason. Especially in the case of the Diepkloof Hostel re-development, officials have stated that residents want to see development take place on the ground before the Department consults with them again. This reiterates the fact that there is a slow administrative drive that stems from procurement, financial and other problems experienced along the way, as outlined by Housing Officials. What appears to be eluding the authorities is on the one hand the importance of communicating with those awaiting their decisions and secondly seeing the urgency of the matter.
Authorities need to find a suitable method of communicating this slow administrative process to the community so that a sense of understanding can be reached between the authorities and communities. Access to housing is a crucial issue and for those in need it is not an aspect warranting deferment in perpetuity.

A solution will be reached when the formal land administration and the community develop a better system of access to land in Diepkloof. This should allow the city to fulfil its vision of developing a formal land market and attracting investment enterprises into Diepkloof and at the same time benefit the community. This should be done through obtaining suitable deals for local houses through the formal method of selling a home (as compared to the informal means of land transfer and access currently being used in Diepkloof).

However, as reinforced in the last section, a sense of trust has been forged between the administration and the community that therefore provides an opportunity and further potential for entrepreneurial engagement between both parties including deciding on the way forward with regards to the demand for land access within Diepkloof.
REFERENCES

Policy Documents


CoJ Property Company. Soweto Property Investor: March 2005


Books/Journal Articles


Internet Sources/Articles

CoJ Property Company Website: Strategic Initiatives – Land Regularization: 

CoJ Property Company Website: 
CoJ Property Company: 2005: Soweto Investor prospectus

CoJ Website: Sindane, L: Seven 2010 Legacy projects identified: 18/01/2007

CoJ Website: Sindane, L: Upgrades are planned for Hostels: 27/07/2007:

CoJ Website: Dlamini, N: City counts its properties: 07/03/2007

Region D: CoJ Website: http://www.joburg.org.za/regions/regiond_about.stm
(Accessed 27/04/2007)

Rehabilitation of Existing Township’s Programme the “Top Twenty Townships”
Report: Draft 1 Report: Updated 21/04/2005

Respondents

Alan Kitchin: Town Planner: Diepkloof Housing Department: 24/05/2007
Interview 3: 25/04/07

Diepkloof Area Manager: Diepkloof Housing Department: 25/04/2007

Marius Pieters: Johannesburg Property Company (JPC): Manager: Land
Regularization Program: 25/04/2007

Personal Communication: Town Planner: Development Planning and Urban

Telephonic Conversation: Tribunal Officer: Diepkloof Housing Department:
09/08/2007
APPENDIX 1: INTERVIEW SCHEDULE

Objectives of Land Registration and Management

Techniques and mechanisms

Current state of play

History of present situation

Functions of this office in city structures (briefly)

State of land utilisation in Diepkloof

City plans and intentions going forward

How people get houses to live in

How commercial land is accessed

How development get sites

Approved uses of land

Other land uses – servitudes, infrastructure, maintenance, other uses?

Amount of land still available for housing? Development? Infrastructure? Other?

Problems encountered

Relation of informal land uses

How informal systems relates to formal registration
  % of each now prevailing on the ground
  How control and/or accommodate informal land uses

Amount and direction of change – 80s, 90s, 00s

Physical distribution and dynamics of formal housing, informal housing, infrastructure grid, development delivery, economic activity, formal and informal business

Development dynamic of Diepkloof area now
APPENDIX 2:

Hello, we are from the Human Sciences Research Council in Pretoria, and we are working with Wits University and Planact to find out about the problems people here are having with housing and living conditions. Our objective is to help make more accommodation available in better places, according to need. To do this, we have to understand more about the need for housing in different places, and about people’s housing conditions now.

To help understand the situation on the ground, we are looking at several areas in Johannesburg so as to see how things are in different parts of the city. We are visiting the Diepkloof area because it has been identified as one where problems might need to be addressed. In order to find out what kinds of accommodation people are living in here, we are asking a few people in each chosen area to answer some questions for us. We are also speaking to the municipal offices and the government planners for this area.

No one has to be nervous about answering these questions, because all personal and family information will be strictly confidential. This study wants to understand neighbourhood problems with accommodation, and help to make more accommodation available to people who need it. No one’s right to live in this area is in question, and we do not want to make anyone move, or make them stop doing anything they are doing now.

We are not recording the street address, we don’t need anyone’s full name, and it is fine if you only want to give us a nickname and a last initial. We want only to find out what are the feelings in communities and what the experiences of the people have been, according to their different backgrounds and if they are poor. If anyone wants to check further on this, our telephone number here is 012 302 2709 or 012 302 2718, and it is also possible to contact Wits University at 011 717 XXX or Planact at 011 XXXXXX.

Please help us with this important work, which is intended to improve the provision of government benefits for poor people. This is your chance to make your voice heard!

IDENTIFICATION

Community
Name of local neighbourhood
First name/nickname of respondent
Date of interview
Time of interview
Type of neighbourhood: interviewer to fill in from observation

Formal higher-income, houses
Formal higher-income, flats/ apartments
Formal lower-income, houses
Formal lower-income, flats
Informal infill shacks inside formal area
Informal free-standing area
Commercial area
Other – pls describe

Interviewer comments:

Type of accommodation: interviewer to fill in from observation

Single-family house
Multiple-family house
Backyard structure
Flat in block of flats
Flatlet in house
Room in house
Set of rooms in house
RDP subsidy house
Other – pls describe

Interviewer comments:

Quality of accommodation: interviewer to fill in from observation

High-quality, brick or equivalent, well maintained
Medium-quality solid structure, well maintained
Medium-quality solid structure, not well maintained
Lower-quality structure, well maintained
Lower-quality structure, not well maintained
Good quality shack or informal dwelling
Low quality shack or informal dwelling
Other – pls describe:

Additional accommodation present or not: interviewer to fill in from observation

Additional flatlet or flat
Additional room
Backyard structure
Garage or other included structure rented out
Other – pls indicate
Total number of additional units:

Interviewer comments:

STARTS WITH HOUSEHOLD TABLE →

<table>
<thead>
<tr>
<th>A.1</th>
<th>Which of these kinds of income does this household receive, either from members or from outside persons?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wage income from local job</td>
<td></td>
</tr>
<tr>
<td>Remittance income from person working elsewhere</td>
<td></td>
</tr>
<tr>
<td>Income from some informal small business</td>
<td></td>
</tr>
<tr>
<td>Income from government pension or grant</td>
<td></td>
</tr>
<tr>
<td>Income from home farming or stock raising</td>
<td></td>
</tr>
<tr>
<td>Other kind of income - specify:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A.2</th>
<th>Were you (the respondent) born in this community, or were you born somewhere else?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Born here</td>
<td></td>
</tr>
<tr>
<td>Born elsewhere - tribal area</td>
<td></td>
</tr>
<tr>
<td>Born elsewhere – farm</td>
<td></td>
</tr>
<tr>
<td>Born elsewhere small town</td>
<td></td>
</tr>
<tr>
<td>Born elsewhere - city or city township</td>
<td></td>
</tr>
<tr>
<td>Born elsewhere - city or city township</td>
<td></td>
</tr>
<tr>
<td>Other – specify</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A.3</th>
<th>May we ask you (the respondent) your present marital status?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single and never married = 1</td>
<td>Divorced or separated = 4</td>
</tr>
<tr>
<td>Married = 2</td>
<td>Living together = 5</td>
</tr>
<tr>
<td>Widowed = 3</td>
<td>Other – specify = 6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A.4</th>
<th>In what year did you come to live in this neighbourhood?</th>
</tr>
</thead>
<tbody>
<tr>
<td>94 95 96 97 98 99 00 01 02 03 before 1994</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A.5</th>
<th>Do you have the following things in your home?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circle number of respondent’s choice</td>
<td></td>
</tr>
<tr>
<td>Electricity</td>
<td>Yes = 1</td>
</tr>
<tr>
<td>Radio</td>
<td>Yes = 1</td>
</tr>
<tr>
<td>Television</td>
<td>Yes = 1</td>
</tr>
</tbody>
</table>
Ordinary telephone | Yes = 1      No = 2
Cell phone          | Yes = 1      No = 2
Refrigerator       | Yes = 1      No = 2
Personal computer  | Yes = 1      No = 2
Vacuum cleaner or polisher | Yes = 1      No = 2
Microwave oven     | Yes = 1      No = 2
Washing machine    | Yes = 1      No = 2

B.6.1 In your neighbourhood, are there many small businesses or informal sector activities as a way for people to earn income?
Read out choices and record respondent’s selection

<table>
<thead>
<tr>
<th>Choice</th>
</tr>
</thead>
<tbody>
<tr>
<td>There are many such small businesses in this area – every third or fourth home has at least one such business, everyone is doing this</td>
</tr>
<tr>
<td>There are some such businesses, but not on every corner or pathway – maybe one business in ten or fifteen households</td>
</tr>
<tr>
<td>There are not so many such businesses around here – we know of only a few in the area we can walk to</td>
</tr>
<tr>
<td>We can say there are hardly any such businesses around here</td>
</tr>
<tr>
<td>Not sure how many there are</td>
</tr>
<tr>
<td>Other – write in</td>
</tr>
</tbody>
</table>

B.6.2 If there are informal businesses here, can you give us an idea of the sizes of such businesses?
Read out choices and tick all categories selected by respondent

<table>
<thead>
<tr>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extremely small – it is only one person working from home</td>
</tr>
<tr>
<td>Very small – it is one person at home helped by the children or a relative</td>
</tr>
<tr>
<td>Small – it is a family business with its own building on the home plot</td>
</tr>
<tr>
<td>Somewhat larger, such businesses have one or two employees as well as their building at home</td>
</tr>
<tr>
<td>Medium size – the businesses have several employees, three to five, and they make money</td>
</tr>
<tr>
<td>Fairly large – the businesses have their own staff of 6-10 people, and their own premises away from the home, they make money</td>
</tr>
<tr>
<td>Quite large – these are businesses with more than 10 employees, and their own office or shop that they rent in a good location, they can make a lot of money</td>
</tr>
</tbody>
</table>
MIGRATION HISTORY FOR RESPONDENT

Where was your family living at the time you were born?

*Province:*

*District:*

City or large town (enter name):
Small town or suburban area:
Urban township:
Rural township:
Other rural area, tribal district, village or community:
Farm:

What kind of house was your family living in at the time?

Formal brick house or other expensive type
Cement or cinderblock square house, owner-built
Earth-brick or mud rondavel
Rural homestead with several kinds of house included
Rented room or set of rooms
Backyard structure
Informal housing, shack built of temporary materials
Flat or block of flats
Hostel or mine hostel
Other – pls describe

At that time were you paying for that dwelling? Can you tell us how much it was costing you?

In what year did you leave that place?

What was the main reason for leaving?
Employment or earning opportunities
Family reasons
Accommodation or housing reasons
Crime or violence
Personal reasons

Where were you living just before you came here to this house? (can be other dwelling in same community as now – fill in particulars below same as for anywhere else)
Province:
District:

City or large town (enter name):
Small town or suburban area:
Urban township:
Rural township:
Other rural area, tribal district, village or community:
Farm:

What kind of house were you and/or your family living in at the time, just before you came here?

Formal brick house or other expensive type
Cement or cinderblock square house, owner-built
Earth-brick or mud rondavel
Rural homestead with several kinds of house included
Rented room or set of rooms
Backyard structure
Informal housing, shack built of temporary materials
Flat or block of flats
Hostel or mine hostel
Other – pls describe

At that time were you paying for that dwelling? Can you tell us how much it was costing you?

In what year did you leave that place?

What was the main reason for leaving?
Employment or earning opportunities
Family reasons
Accommodation or housing reasons
Crime or violence
Eviction or removal
Job loss
Personal reasons

Have you or your family ever been evicted from any accommodation? If yes, where was that accommodation? What year? Who was the owner/landlord/party in charge? Where did you go? Can you tell us what happened?

What were the main reasons for coming here to this place? (mark as many reasons as respondent gives)
Access to earning opportunities
Getting an actual job
Good or cheap transport
Clean and/or orderly area
Close to family or relatives
Stay in same house with family or relatives
Not located close at all to family or relatives
Access to schooling
Access to health care
Access to rental housing
Access to housing I can own
Access to government housing
Low levels of crime/ violence
Cheap living costs
Good delivery of services – water, electricity, roads, etc
Good, effective councillor or committee
Nice quiet place to live/ good place for children
Interesting or exciting place to live
Nice sense of community here, good neighbours
Able to get government grant here
Able to be independent or on my own, or with my own wife and children

If you came to this place expecting a job or business opportunities, were your expectations met?

If you came expecting nice housing, were your expectations met?

If you came expecting a nice place to live, were your expectations met?

What are the drawbacks of this place?
Few jobs or earning opportunities
Disorderly or dirty place
Overcrowded place
Difficult neighbours, no sense of community
Poor transport
Poor schooling
Poor health care
Poor access to housing
Poor service delivery – water, electricity, etc
Crime or violence
Corruption or cheating by government
Inefficiency or incompetence by government
Isolated or marginalized place
Hard to get government grants here
Unable to live on my own or with own wife and children here
Other – pls describe

All together, how do you feel about your sense of well-being here in this place since you have come here, or since you have grown up?

PRESENT COMMUNITY

What kinds of people live around here, who are your neighbours? Can you describe the residents who live here in general terms? That is, are they well-off, poor, employed or unemployed, older people or younger people, married or unmarried, how much education as a general rule?

As far as you know, would you say this neighbourhood is about the same as others in Diepkloof? If it is not completely the same, what would be different?

Are you able to say how long your own neighbourhood has been here, how people came to settle here to start with?

How about people moving in and out? Are there a lot of people moving around now? Or few? Has that been changing? Are there getting to be more people moving in and out, or less?

Do most people own their house, or are they renting?

Are people here in this neighbourhood crowded, or do the families have enough room in their houses?

Who if anyone is in charge of housing matters in this neighbourhood? Do you have a local leader or committee that takes care of housing? Or do people just do everything for themselves?

How do people in this neighbourhood obtain houses? People who come from other places and want to move here? How about people born in this neighbourhood, the children of the older residents? Are there people who want to get houses, and can't?

Is there a problem obtaining houses around here? If yes, why is that?

Are houses obtained direct from the city admin, or from the waiting list? From local leaders in this neighbourhood or ward? Do people here inherit their houses, from parents or relatives? Do people buy houses? If they sometimes buy, do they buy formally, registering the transaction with the city admin and the bank? Or do they
just buy privately, so that only the buyer and seller know about it? Or maybe they can do it with witnesses?

Are there many people here now who were not born in Diepkloof?

Are they many people around here who are paying off bank mortgages?

Is the Johannesburg/ Soweto city administration helpful when people need houses?

How do they help? If they don’t help much, what is not being done? What should they do?

**ACCOMMODATION OF RESPONDENT**

*May we ask about your own family’s dwelling? It will help us if you can let us know more about your situation, so we can see how people around here do things.*

In what year did you come to live in this house, if you were not born here?

At that time, were you:

Child of the family household
Child or adult from another household, related to the owner’s or house-holder’s family
Unrelated child or adult

And how did you come to have a place in this house?

Stayed here as member of house-holding family
Inherited the house
Bought the house
Rented the house
Rented a room
Rented a backyard structure
Other – pls describe:

If you haven’t always lived in this dwelling unit, what kind of dwelling unit did you have in the last place before you arrived here?

Single-family house
Multiple-family house
Backyard structure
Flat in block of flats
Flatlet in house
Room in house
Set of rooms in house
RDP subsidy house
Other – pls describe

How did you or your family come to be living in this dwelling unit to start with?

We obtained this house from the city administration by applying on the waiting list
We were moved from another area and assigned this house
We bought this house from the city officials
We bought this house from the previous owners
We/I are renting this accommodation from the owners
We/I are renting this accommodation from another party – pls describe:

If you obtained this house from the city administration, how long did it take you from the time you applied?

And how did you get in touch to get this dwelling unit? (tick all the categories that apply)

We did not know about this area, we just went to the necessary office and applied
We heard that houses were to be built or were being built here and we applied
The city people were already in touch with us about housing
We approached the owner
We approached a local leader
We approached the local councillor
We approached the community development worker
We approached the ward committee
We approached some other local official, such as the health worker or community policing forum
We already knew people in this area and they took us to the right person
We had relatives here and they took us to the right person
We knew people here from our home area and they took us to the right person
We saw this area and liked it, so we came here and asked around for someone to help us

By what means did you then obtain the accommodation?

We received permission to live here from the city, and we also have formal title deed documents that are registered
We received permission to live here from the city, but we don’t yet have a formal title deed issued to us
We bought the house from the owners, and we have formal title deed documents registered with the city and/or the bank. We bought the house from the owners, and they gave us a letter saying we are the new owners. We bought the house, and we just paid, that’s all – no documents. We rented the accommodation, and we have a written lease document according to lawyers. We rented the accommodation, and we wrote our own lease document together with the owner/landlord. We rented the accommodation, and just agreed verbally with the owner/landlord – nothing written down. Other – pls describe:

**OBTAINING AND PAYING FOR ACCOMMODATION**

If you are now renting from an owner or landlord, can you tell us how much is the amount of the monthly rent?

If you bought the dwelling, can you let us know about how much was the price?

If someone living near you can sell a similar house to yours, about how much do you think would be a fair price these days?

If you are owning your dwelling unit, are you paying any mortgage to the bank or to anyone?

If yes, for how long have you been paying? Have you had any problems with this mortgage? When do you expect that the full amount will be paid?

Have you or your family ever applied for a mortgage and been rejected? What happened?

If you do not have a mortgage and have not been rejected, have you ever thought of applying? If you did not, what was the reason?

Are you paying rates and/or taxes?

If you are renting, and the landlord or owner wants you to go, what can you do? Do you have any security against eviction?

If you are owning, how sure are you that no one will come and claim your dwelling and tell you to leave? Do you have any security against eviction?
When you yourself no longer need your present accommodation, can you sell it if you want to, or sell the lease to someone else? (record respondent’s comments in as much detail as possible)

If you do not want to sell, would you be able to rent out a room or several rooms?

Would you be able to build additional structures for rental, or cottages?

If you were to sell your own dwelling unit, or sell your lease to another tenant, how would you do it? Would you want to register the transaction?

If not, how would you secure the agreement? Would you want to use neighbours as witnesses? Would you want to take your agreement to the police or commissioner of oaths to get it notarized?

RENTING OUT SPACE

Does this dwelling unit have any additional accommodation that you are able to rent out?

Yes, a room or rooms in the house we can rent out
Yes, backyard accommodation we can rent out
Yes, another house we can rent out
Yes, a garage we can rent out
Yes, a place on our property where a tenant can build their own dwelling or shack
Other possible rental space – please describe
No, no space we are not using as a family

If yes, is this additional accommodation occupied at the moment?

Yes, by unmarried children of this house
Yes, by married children of this house or children living with their partners
Yes, by adult relatives
Yes, by children of related households
Yes, by tenants who pay rent for accommodation
Yes, by a paying tenant who is running a shop or a business in that space
Yes, by unrelated people who do not pay rent
Other – please describe
No, not occupied right now

Are you and your family able to make any money through renting out accommodation? If yes, is this income important to you and your family?
If yes, are there any serious problems with renting out accommodation like this? What are these problems? (record respondent’s comments in as much detail as possible)

SERVICES

C.1.1 What is the general situation for water supplies in your community?

<table>
<thead>
<tr>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Satisfactory</td>
</tr>
<tr>
<td>Not so satisfactory</td>
</tr>
<tr>
<td>Unsatisfactory</td>
</tr>
<tr>
<td>Very unsatisfactory</td>
</tr>
</tbody>
</table>

If yes, are you paying yourself for the services? Paying the city? Paying the landlord? Not paying anyone?

How do you feel about paying for your services? Is the service quality good enough so that you don’t mind paying?

Does your accommodation have piped water?

C1.4 Is the water supply for your house:

<table>
<thead>
<tr>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reliable?</td>
</tr>
<tr>
<td>Always reliable</td>
</tr>
<tr>
<td>Sometimes interrupted</td>
</tr>
<tr>
<td>Often interrupted</td>
</tr>
<tr>
<td>Very unreliable</td>
</tr>
</tbody>
</table>

C1.5 Is it close enough so you can say using it is all right?

<table>
<thead>
<tr>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes/ no not always / not sure</td>
</tr>
</tbody>
</table>

C1.6 Do you usually have enough water to meet your household needs?

<table>
<thead>
<tr>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes….no….not always….</td>
</tr>
</tbody>
</table>

C1.7 Do you receive an account for water?

<table>
<thead>
<tr>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes/ no not always / not sure</td>
</tr>
</tbody>
</table>

C1.8 Are you getting any free water from the municipality?

<table>
<thead>
<tr>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes/ no not always / not sure</td>
</tr>
<tr>
<td>C1.9</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**SANITATION**

<table>
<thead>
<tr>
<th>C.2.1</th>
<th>As far as you are aware, what is the general situation for toilet facilities and sanitation in your neighbourhood?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Satisfactory</td>
</tr>
<tr>
<td></td>
<td>Not so satisfactory</td>
</tr>
<tr>
<td></td>
<td>Unsatisfactory</td>
</tr>
<tr>
<td></td>
<td>Very unsatisfactory</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C.2.2</th>
<th>What kind of toilet facilities is your household using?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><em>Circle respondent’s choice</em></td>
</tr>
<tr>
<td></td>
<td>Flush toilet indoors</td>
</tr>
<tr>
<td></td>
<td>Outside pit privy or toilet</td>
</tr>
<tr>
<td></td>
<td>Public or portable toilet</td>
</tr>
<tr>
<td></td>
<td>Bucket system</td>
</tr>
<tr>
<td></td>
<td>VIP toilet with chimney</td>
</tr>
<tr>
<td></td>
<td>No toilet available – use plastic bags or other</td>
</tr>
<tr>
<td></td>
<td>Other – specify</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C.2.3</th>
<th>Do you have to pay separately for the toilet facilities that your household is using?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes/ no</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C.2.4</th>
<th>Are you paying these charges?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><em>Circle respondent’s choice</em></td>
</tr>
<tr>
<td></td>
<td>Yes, we pay</td>
</tr>
<tr>
<td></td>
<td>No, we have never paid</td>
</tr>
<tr>
<td></td>
<td>No, we are boycotting</td>
</tr>
<tr>
<td></td>
<td>Other – write in</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C.2.5</th>
<th>Over the last five years, have toilet and sanitation provision facilities been improving or getting worse in your neighbourhood?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><em>It’s getting better</em></td>
</tr>
<tr>
<td></td>
<td>There has been no change</td>
</tr>
<tr>
<td></td>
<td>It’s getting worse</td>
</tr>
<tr>
<td></td>
<td>Other – write in</td>
</tr>
</tbody>
</table>

**ELECTRICITY**

<table>
<thead>
<tr>
<th>C.3.1</th>
<th>What is the general situation for electricity delivery in your neighbourhood?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Satisfactory</td>
</tr>
<tr>
<td></td>
<td>Not so satisfactory</td>
</tr>
<tr>
<td></td>
<td>Unsatisfactory</td>
</tr>
<tr>
<td></td>
<td>Very unsatisfactory</td>
</tr>
</tbody>
</table>
C.3.2 What kind of electricity is your household using?
Circle respondent’s choice
Mains electricity in house, with monthly account
Pre-paid electricity
People here have informal connections to street power
No electricity source, only batteries or nothing
Other – write in

C.3.3 Is the electricity supply reliable?
Circle respondent’s choice
Always reliable  Sometimes interrupted  Often interrupted  Very unreliable

C.3.4 If there are interruptions due to failures of the power supply (not cutoffs), how long does it take to restore access to electricity?
Circle respondent’s choice
Less than 4 hours  4 hours to two days  from three to five days
about a week  more than a week

C.3.5 Do you receive an account for electricity?
Yes/ no/ not always / not sure

C.3.6 Are you getting any free electricity from the municipality?
Yes/ no / not always / not sure

C.3.7 Are you paying anything for the electricity?
Yes, we pay  No, we have never paid  No, we are boycotting
Other – write in

C.3.8 If you are paying, is the amount that you are paying reasonable?
Yes/ no/ not always / not sure

FINISHING UP
Is there anything you would want us to tell the CoJ about the situation for accommodation and services around here? No names – we will just put all the messages together so they can hear what the people here are saying.

Thank you, we have finished!
APPENDIX 3: Map of Region D
APPENDIX 4:

The City of Joburg Property Company (PTY) LTD
(Reg No 2000/017147/07)

as an agent of

CoJ Metropolitan Municipality

hereby invites interested parties to submit proposals for the finalization of approximately 64 Townships as part a land regularization process. The scope of work is defined as:

• Classify and group townships with similar outstanding actions.
• Investigate and provide detailed information regarding interdicts against each township and how to deal with it.
• Compile and obtain approval for outstanding engineering reports, where necessary.
• Obtain approval for outstanding general plans.
• Compile conditions of establishment where outstanding.
• Open township registers where necessary.
• Oversee the transfer of park and municipal erven to COJ.

Details of the scope of works document will be available as from Monday 6th August 2007 at the Information Desk of the offices of the City of Joburg Property Company (Pty)Ltd, 9th floor, Braamfontein Centre, 23 Jorissen Street, Johannesburg. A document fee of R500.00 will be charged for each Bid Specification Document taken.

A compulsory briefing session is to be held at 12:00 on Friday 10th August 2007 at the offices of the City of Joburg Property Company (Pty)Ltd, (JPC) 9th floor, Braamfontein Centre, 23 Jorissen Street, Johannesburg.

Two sealed proposals, clearly indicating the project description, Land Regularisation Implementation: Finalization of Townships must be placed in the tender box at the Information Desk at the offices of the City of Joburg Property Company (Pty) Ltd not later than 10:00 am on Friday 24th August 2007.

Gugu Mazibuko, Managing Director
City of Joburg Property Company (Pty) ltd
P O Box 31565
BRAAMFONTEIN 2017

Contact details: JPC Help Desk
Tel:011 339 2700
Fax: (011) 339 2727
www.jhbproperty.co.za
APPENDIX 5:

See Excel file attached: DIEPKLOOF APPENDIX 5