

EXECUTIVE SUMMARY

Land Use Management and Democratic Governance in the City of Johannesburg

Case Study: Kliptown

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1. BACKGROUND

Kliptown is one of the oldest urban settlements in Johannesburg to accommodate people of various race groupings. It was established in 1903 and initially developed from two farms, Klipspruit and Klipriviersoog, where people had settled or had been resettled from areas such as Newtown. This area was outside of the Municipal boundaries and thus developed more or less independently from the City of Johannesburg, with negative consequences in terms of infrastructure provision and maintenance, as sewerage systems and electricity installations were poorly developed.

Kliptown is the site where the Freedom Charter was signed in 1955, an historic document that encompassed the democratic values upon which a new nation was eventually founded. Although in the last few years Kliptown has seen a large injection of funds towards its heritage status, with tourism and business developments centered on the development of Walter Sisulu Square of Dedication, the majority of residents still do not have access to decent accommodation and services, or access to land that can be effectively developed for this purpose.

2. RESEARCH METHODS

The case study is based on qualitative enquiry methods including:

- A review of the City's policy documents, development plans and maps of the area;
- Interviews with Johannesburg City officials and the City-owned housing company, Joshco, as well as one architect involved with developments overseen by JDA;
- Interviews with ward councillors in the three wards encompassing the Kliptown area (wards 17, 19 and 22);
- A focus group discussion with leaders of community-based organisations;

- Observations through site visits; and
- 15 interviews with residents of the Kliptown settlement.

Resident interviews were focused within the poorest residential areas, comprising either informal settlements or recipients of RDP subsidy housing. Information about higher-income residential, commercial and other land uses formed part of the background document review.

3. ADMINISTRATIVE PERSPECTIVES

The Greater Kliptown Area forms part of Soweto and is located between the residential areas of Eldorado Park (to the south), Pimville and Dlamini (to the north) with the Klipspruit River (and flood plain) forming the western boundary. In terms of current ward demarcations, the Kliptown area cuts across the intersection of ward 19 (Dlamini), ward 17 (Eldorado Park) and ward 22 (Pimville). The CoJ's Corporate GIS information locates the area as falling within the broader Regions D and G (formerly known as regions 6 and 10).

The Greater Kliptown area has a population size of between 38 000 and 45 000 people. The total workforce in the three ward areas is estimated at 41 994, with only about half the workforce indicated as employed in the 2001 Census; in Kliptown specifically, the unemployment rate is said to be between 60%-70%. More than half of the population has no monthly income and 3 415 households are indicated as receiving no annual income.

Kliptown seems to have the highest amount of informal dwellings in the area – a total of 8 977 shacks house approximately 85% of all households in the Kliptown area.

The recognition of Kliptown's historical significance coupled with its status as a major focus for urban regeneration in Soweto has generated the impetus for (fast-tracked) public investment in infrastructure and economic development initiatives in the area. The budget associated with the Greater Kliptown Development Project was over R400 million.

4. ACCESS TO LAND

Kliptown is a mixed-use district, centering around Freedom Square (the Walter Sisulu Square of Dedication). The most dominant land use in the region is residential housing with rental housing (including flats, backyard shacks, and hostels) being the most common form of tenure in the broader region. In the Kliptown area there are:

- Approximately 100 formal small brick houses, built more than 60 years ago, now surrounded by shack developments.
- Subsidised RDP houses (for lower-income households);
- Rental units; and
- Rent-to-buy flats / townhouses, targeted at middle- to high-income households.

Informal housing dominates the study area, making up an estimated 85% of all housing units. These are largely shack dwellings made of wood, iron (and some brick) structures built on land owned by the government (residents do not have title deeds to the land). The informal settlements are largely located around the Klipspruit valley area (along the river bank), a hazardous flood plain area, as well as along the railway line (Freedom Charter Square informal settlement). The twelve informal settlements included in the area under focus include an estimated 8 977 shacks housing around 39 195 people.

Access to free (clean drinking) water is available through water piped to a household yard tap (10 038 households) and a smaller percentage of households have water piped into their houses/dwellings (6 483). In most of the informal settlements in the area, some households have access largely through communal taps (3 489), some which are over 200m away, and water kiosks have also been set up.

In terms of sanitation, 16 200 households use flush toilets in the three wards surrounding Kliptown, followed by the bucket system used by 3 276 households and 1 437 households using chemical toilets. Households located in informal settlement areas have access largely to communal mobile chemical toilets (observation).

All of the Kliptown informal settlements are indicated as having independent community forums where residents can channel their concerns and needs, and can contribute ideas for development in the area. The more common forums include the Community Policing Forum (CPF), the Community Development Forum (CDF) and SANCO (South African National Civic Organisation).

A single broader forum for community participation in Kliptown's developments, also including representation of the various settlements, was established in 1997 and has been operational as the Greater Kliptown Development Forum (GKDF). The GKDF composition includes the ward councillors, two representatives nominated from the ward committees, and two others nominated by and representing the community.

5. KEY ISSUES

Walter Sisulu Square of Dedication

The development of the Walter Sisulu Square of Dedication was seen as an urban regeneration opportunity that would function as a catalyst for other developments including housing, retail, transport and recreation. However the project has focused largely on the heritage developments on the square, and the needs of the greater Kliptown community need to be integrated and implemented.

The competing agendas of the city that intersect in Kliptown do so very uncomfortably – the mandate to house the poor but also to develop a major tourism hub in Kliptown, with developments that are targeted to a higher-income clientele, may contribute to the potential for social conflict.

About 478 social housing units (for rental) have been completed in close proximity to the Square. However, these units had to be put up quickly to coincide with the grand opening of the Square in 2005, to showcase the development of the heritage site along with the successes of the ‘urban regeneration’ agenda. It appears these units are completely unaffordable to poor residents of the community.

Housing Delivery

Lack of housing delivery, and the lack of affordability of the rental units, was one of the issues leading to recent protests (in August 2007).

While the City and the Province had committed to building 7 100 houses as reflected in plans developed in 2001 (the figure has been revised to 6 900 housing units), housing development has progressed at a very slow pace. The developments involve relocating people staying in informal settlements, building new houses and servicing and upgrading remaining informal settlements.

The many delays experienced are attributed to a range of factors, chief among them being the appointment of contractors who did not deliver (according to reports, three subsequent appointments were made before a contractor began building), pointing to problems linked to procurement processes.

The fact that the medium-density social housing was delivered through a fast-tracked process and that it can be accessed only by higher income ‘outsiders’ has led to perceptions that the poor residents of Kliptown have been treated unfairly.

In addition to the slow pace of development of low-income subsidy housing, the land currently set aside for RDP housing is not enough to accommodate all residents who qualify, given the current housing typologies utilised. There is also the

problem with relocating households living in informal settlements – in order to develop and improve the land these settlements are on, the land needs to be cleared and residents need to be given temporary or alternative accommodation. There seems to be a clear understanding among the community on the need for such relocation. However many residents refuse to be relocated outside of the Kliptown area.

Security of Tenure

The majority of poor people have accessed land through informal and extra-legal means and hence do not have security of tenure in these settlements. Laws to control the selling and transferring of properties do not apply to the informal settlements and even in most government-subsidised housing developments there is no evidence of government playing an ongoing role in regulating land use or transfers.

During the Apartheid era, most people in Kliptown obtained empty pieces of land in the area (including environmentally hazardous sites such as swamp areas) and started to erect shacks, settling in the area through shack farming, backyard renting, and in some cases invading properties.

In the post-1994 period, some people negotiated deals to buy shacks from those who controlled more than one shack and those who were relocating to other areas. Some people also 'inherited' their sites from their parents and other extended relatives. These processes took place before the new democratic government decided to register all the residents of shacks in Kliptown in an attempt to reduce the number of shacks being built in the area. The 'zero growth' agenda focuses on registration of existing residents, who are then provided with a 'B-form', which means that they will be accommodated within the Kliptown area and will not be relocated to subsidised housing outside of the area. The C-form simply places one on the waiting list for subsidised RDP housing wherever it becomes available.

Residents have come to believe that the B-form confers specific 'rights' to their site until such time as they receive an RDP house within Kliptown. It is also believed that such a right can be passed on to beneficiaries – such as family members – or sold. In some cases, people keep their shack in order to maintain their place on the housing list, but reside in better conditions elsewhere. Newcomers (including those who inherit shacks from relatives) that occupy the vacant shacks, and those who purchase the vacant shacks are at risk of not being accommodated in the RDP housing to be developed. Some [of the new residents] try to secure the 'rights' to the future house by holding documents provided to the previous owner, with the hope that this will be enough to secure their right when the time comes.

Since transfer of ownership does not seem to follow a clear system, it is therefore open to abuse and is already a source of conflict in the community. B-forms are not

strictly transferable, despite the perceptions of many residents. There is also confusion about the registration of minor children as beneficiaries [on the B-form] – applicants are required to have dependents in order to qualify for a subsidised house – particularly when housing delivery is so slow that children who may have been minors at the time of registration could have reached their majority by the time the housing is completed.

Community Participation

After the 2006 municipal elections, two of the four councillors serving the vicinity of Kliptown did not recognise the Greater Kliptown Development Forum, and wanted to work through the ward committees only. As a result of these problems the City's Department of Housing stopped interacting with the GKDF and now primarily works directly with the councillors. Problems with the GKDF include the fact that they have not had annual elections. In addition, ward committee members who no longer serve on the committee reportedly want to hold on to their positions in the GKDF.

The current difficulties around the forum's recognition and legitimacy have created a vacuum in the communication process, with the possibility for more conflict instead of consensus. Despite councillors in the three Kliptown wards believing there is good communication between councillors, the community and local government, residents complain of an ailing relationship between them and local government. The community feels excluded from the development planning process.

6. FINDINGS

- Kliptown is a fairly clear case of land management processes not working, at least in favour of the poor, at least not yet. There has been an impressive investment of land and resources in the Walter Sisulu Square of Dedication heritage site, and in the adjoining social housing and rent-to-buy units, which by all accounts are entirely out of the price range for Kliptown's poor. The investment in the 'urban regeneration' agenda rather serves, for poor residents, to highlight the inequality with which their concerns are treated, and fuels a perception of unfairness. The unaffordable social housing units also represent a 'lost' resource that could have aided in the implementation of the housing strategy. There is also a perception that the development has resulted in little other benefit to the local community – in terms of economic opportunities, or employment in the construction process.
- In pursuit of the goal of housing the poor in Kliptown, the City's Housing Department seems hampered by difficulties in getting commitment from the Johannesburg Property Company for the additional land required to address the housing backlog, and the lack of available options to develop higher density housing solutions affordable to the poor. The one-house/one-plot

model is recognised even by community residents to take up too much space, and contributes to fears that available land will run out before they benefit from the housing subsidy programme.

- When development does eventually occur, the transactions and transfers of rights linked to the B-forms will prove an administrative challenge, to say the least. If additional land in the area is not identified to complete the projects and honour the 'B-form' commitment made by the city, serious resistance on the part of the community is likely to result. However, if progress is seen and the bargain is being honoured, residents may finally have secured a step up from the serious deprivation they have been experiencing.
- Another matter of importance, relating to the use of land by the poor, has to do with the income-generating opportunities offered by informal trading, renting shacks, and the survival strategies such as food gardening currently employed by poor residents. The opportunities for the poor to engage in such activities should be enabled, rather than restricted, and planning processes that seek to benefit the poor should have low or no barriers to entry for poor people seeking to engage in income-generating activities.
- There are potential controversies around the availability of public open space. The golf course has been the only public open space for recreation in Kliptown, but it has already been encroached upon by planned social housing units, and there are further plans to utilise the golf course for housing, replacing the golf course with a 'golf estate'. The area along the river is meant to be further developed as public open space, but this should be balanced with the needs of the poor to grow food as a survival strategy.
- The existing residents of the informal settlements stand to benefit from the City's commitment to house them in the Kliptown area, provided enough land is made available and/or that housing typologies that increase densities are developed, and that the pace of delivery increases. There are some serious concerns that new entrants into the settlements may lose out, and that those who don't qualify for the subsidy will have no options available to them to improve their living conditions. It will only be seen over time whether economic benefits from these developments will accrue to the poor, or eventually result in their displacement.