

LAND USE MANAGEMENT AND DEMOCRATIC
GOVERNANCE IN THE CITY OF JOHANNESBURG

CASE STUDY:

KLIPTOWN &
DIEPSLOOT

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1. INTRODUCTION

Land remains a highly political and complex issue in South Africa, more than a decade after democracy.

Ownership and use of land in South Africa has always played a role in shaping the political, economic and social processes in the country. Past land policies were a major cause of insecurity, landlessness, homelessness and poverty (White Paper on Land Policy 1997).¹

Today, the government is confronted by a situation where the demand for affordable, well-located urban land is greater than the supply. Access to land is receiving attention as a socio-economic, political and civil rights issue, featuring in various pieces of South Africa's legislation.

Section 25(5) of the South African National Constitution points out that the State must take reasonable legislative and other measures within its available resources to foster conditions which enable citizens to gain access to land on an equitable basis. Section 26 (1) states that everyone has the right to have access to adequate housing (SA Constitution 1996).² The government has also developed policies and passed numerous pieces of legislation with a view to redressing inequalities and land redistribution resulting from the policies of the Apartheid government. In order to meet these objectives the government has adopted the White Paper on South African Land Policy to inform land reform.

As a start, a land policy for the country needs to deal effectively with:

- The injustices of racially based land dispossession of the past;
- The need for a more impartial distribution of land ownership;
- The need for land reform to reduce poverty and contribute to economic growth;
- Security of tenure for all; and
- A system of land management that will support sustainable land use patterns and rapid land release for development.³

(White Paper on Land Policy 1997)

High rates of urbanisation have put pressure upon high-growth cities such as Johannesburg, with the number of people demanding land dramatically increasing across all economic groupings. Despite the stated policy intentions above, this

¹White Paper on Land Policy, Department of Land Affairs, 1997

²The Constitution of the Republic of South Africa, 1996, Act 108 of 1996

³White Paper on Land Policy, Department of Land Affairs, 1997

growth has occurred in a context where there is no coherent land management framework that would guide cities to cope with these demands. In general the spatial pattern of the Apartheid city has remained intact, with high-income, lower-density settlement dominating the northern suburbs, while low-income, higher-density settlement exists mainly in the south. New land for developing settlements accessible to the poor have tended to be in areas where land is cheapest, and therefore mainly in peripheral locations.

It is worth reiterating the finding from the overview study that government's involvement in providing opportunities to the poor to access land has largely been driven by the housing subsidy programme – in the main, this has been based on a one-house/one-plot housing typology, and provided to the beneficiary once the house has been completed. Planning processes for these settlements have not always provided adequately for other land uses such as commercial development, open space, social and educational facilities, etc. Medium-density and high-density housing options have mainly been available in the inner city, and these have not generally been accessible to the poorest families. Delivery of subsidy housing has certainly not kept pace with the increase in the population of the poor in the city, resulting in at least a fifth of the city's population residing in informal settlements (defined here simply as settlements where most residents lack legal ownership or security of tenure of any kind).

Although not addressed in the overview study, it is also important to recognise that one pillar of the city's housing strategy has been a 'zero growth' policy in relation to informal settlements. City employees are instructed to monitor the settlements and ensure that no new shacks are erected, and if they are, within 48 hours those shacks must be removed and their residents told to vacate the area. The policy seems designed to ensure that the City has a fixed number of poor people to house, after which it can successfully claim that it has 'eradicated' informal settlements, as per national policy imperatives. It also may seek to ensure that people do not reside in areas that may pose a health and safety hazard. If the policy were effectively enforced,⁴ it would certainly serve to close off opportunities for the poor migrating to the city or those displaced from other areas within the city to access land – unless appropriate alternative opportunities were actually available.

However, accessing well-located land in Johannesburg still largely depends on economic power, and options for the poor to access land are very limited as they depend on delivery by the state – a formal market in low-cost land simply doesn't exist, though there is evidence from these case studies and other research (Planact

⁴ One area manager interviewed stated that enforcement of the zero growth policy was reflected on their performance scorecard. The policy has tended to prevent new areas being settled informally, but has had less impact on growth in existing settlements.

unpublished study)⁵ that informal transactions involving access to land (though without security of tenure) certainly do exist. As State delivery of land for settlement of the poor in the City of Johannesburg (CoJ) has by all accounts been unable to keep pace with the demand, a serious crisis is evident, which may manifest itself in increasing conflict in the relationship between the poor and the state, and pose a challenge to governance in the city.

2. METHODOLOGY

This research project in land management and democratic governance adopted a broad definition of land management as a set of processes that deal with the:

- Acquisition of land;
- Continued rights to the land;
- Regulation of the use and development of land; and
- Trading of land.

The relationship of these processes to democratic governance and the implications for the poor were stated as prominent concerns – here, it is important to try to understand what impact the prevailing land management practices are having on the poor (and possibly different groups within the poor), as well as on the relationship between the poor and the State (particularly local government). As the intentions of the study were framed, it was important to assess the degree to which the poor had access to decision-making on land-related concerns that affect them. This stems from a recognition that there is a great deal of competition for land resources and there is a risk that the poor could be marginalised in their efforts to acquire land given their lack of economic power and thus inability to engage with the market effectively to meet their needs – creating a greater dependence upon the State to create such opportunities. It is also important to recognise that while government delivery of land resources to the poor has lagged significantly behind the demand, the poor have had to rely on their own resources to access, use and transfer land – without having access to legal processes by which to do this. Therefore, an important part of gaining an understanding of the status quo of land management in these study areas is to describe these ‘informal’ or ‘extra-legal’ processes and their implications.

It is with these considerations in mind that we decided upon a methodology that involved 1) interviews with residents themselves; 2) interviews with leaders of community organisations; 3) interviews with ward councillors; and 4) interviews with City officials. This was done in order to record the various perspectives relating to land management in the study area, with particular emphasis on how (and whether) poor residents interacted with local government on these issues, what outcomes

⁵ Planact unpublished study by Lauren Royston, Conflict Management in Development Interventions in Informal Settlements.

had emerged, and what constraints or policy imperatives had produced these outcomes. Views on the fairness of the outcomes were also solicited. Detailed information on those interviewed is provided in the references at the end of the document. Ward councillors were interviewed first, and they assisted in identifying leaders of community organisations in the area to participate in the focus group. While some bias could have resulted if ward councillors wished to prevent certain organisations from participating in the study, the ward councillors were not present during the focus group and we concluded that the community representatives were actually quite candid and often critical in their responses.

Given the importance in this study to understand the relationship of the poor to land management processes, it was decided to focus resident interviews within the poorest residential areas, comprised of either informal settlements or recipients of 'RDP' subsidy housing. As the methodology involved gathering qualitative information from a small number of residents (approximately 15 in each study area) scientific sampling was not required. The residents interviewed were selected without any specific criteria, other than to ensure that they were distributed among different areas within the overall study area.

Information about commercial, higher-income residential and other land uses formed part of the background document review, and all those interviewed were asked to comment on these developments as well, although the predominant concern amongst most interviewed was the question of land for housing. It should also be recognised, however, that the poor tended to view the acquisition of housing on land with security of tenure to be a key means by which to improve their economic position as well – in a context in which formal jobs are limited, home businesses or rental of backyard shacks provide important income-generating opportunities, albeit mainly at a survivalist level.

A review of City planning documents and statistical information was done in order to describe the context affecting the study areas, and aerial maps (APPENDICES 1 and 3) were included to provide a visual depiction of the area (points on these appendices are referred to in the text).

The Kliptown and Diepsloot areas both have large populations of poor people who either live in shacks or in housing developed through the housing subsidy programme. Kliptown has a longer history, having developed from a farm into an area of very dense settlement over the space of many decades, while Diepsloot was a creation of the new, democratic government attempting to address the housing needs of its citizens in a post-Apartheid setting. Kliptown is situated in the south of the City, surrounded by the townships of Greater Soweto, while Diepsloot is at the northern border of Johannesburg, in the midst of a high-growth corridor with high-income residential townships for neighbors. Chosen for their disparate locations and histories, an examination of these sites nevertheless provides some

important common insights into the situation affecting access to land by the urban poor in the CoJ.

3. CASE STUDY: KLIPTOWN

3.1 Introduction

Kliptown is a community with historic significance in the struggle against Apartheid, serving as the site where the Freedom Charter was signed, a 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. This case study explores the current land usage and management situation in Kliptown, focusing on the development needs, plans and implementation practices by government officials and residents in meeting the needs of the Kliptown community.

3.2 Notes on Methodology

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;
- 15 interviews with residents of the Kliptown settlement (See Appendix 1 – Aerial Map of Kliptown: Racecourse - C, Freedom Charter Square - C1, RDP Houses in Pimville Extension 9 - B1); and
- Observations through site visits.

3.3 Background: *Historical Development*

Kliptown is well-known for its historical significance as the place where the Freedom Charter was adopted in 1955 by the Congress of the People organized by the ANC and other anti-Apartheid organisations. It is regarded as 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 CoJ, with negative consequences in terms of infrastructure provision and maintenance, as sewerage systems and electricity

installations were poorly developed. Conditions in most of the area are aptly captured in its description as a “backyard town” where “tin shanties litter the backyards of the more formal brick housing, rows of chemical toilets stand outside homes, and the untarred roads run with streams of filthy water” (CoJ website).⁶

The geographical location of the Greater Kliptown Area originally served as a “residential Apartheid buffer” between Soweto and Eldorado Park during the Apartheid years (JDA 2004).⁷

3.4 Locality and Jurisdiction

The Greater Kliptown Area today 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 (RSDF 2006).⁸ The area is 25 kilometres south west of the Johannesburg CBD. 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), (see Appendix 1).⁹ 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) (Census 2001).¹⁰

3.5 Demographic and Socio-economic Characteristics

The Greater Kliptown area has a population size of between 38 000 and 45 000 people (CoJ 2006).¹¹ Since Census 2001 indicates statistics per ward, it is useful to look at the census 2001 statistics for the wards within which Kliptown falls to gain a picture of the general socio-economic characteristics of the broader area made up of Dlamini (ward 19), Eldorado Park (ward 17) and Pimville (ward 22). Together the three wards have a total population of 85 165 people, as indicated from the census 2001 figures (Dlamini – 27 448; Pimville – 26 378; Eldorado Park – 31 339) with more than half of the total population thus located in the Kliptown area.

The total workforce in the three areas is estimated at 41 994, with only about half the workforce indicated as employed in the 2001 Census information; in Kliptown specifically, the unemployment rate is said to be between 60%-70% (CoJ

⁶ Davie, L. 2 April 2004, “Kliptown makeover slowly gaining ground”

http://www.joburg.org.za/2004/april/apr2_kliptown.stm

⁷ Johannesburg Development Agency (JDA), September 2004, “Kliptown Social Development Strategy”

http://www.jda.org.za/kliptown/docs/social_dev_strategy.stm

⁸ Joburg Regional Spatial Development Framework (RSDF 2006 – 2007) 6 & 10, July 2006

⁹ The aerial map (Appendix 1) indicates key research areas by alphabetical references (eg B, B1 etc...) throughout the text.

¹⁰ Based on Census 2001 information accessed through <<http://ims.joburg.org.za/joburg>>

¹¹ City of Joburg, 2006, “Chapter 7: Sustainable Human Settlements” in “Reflecting on a solid foundation: Building developmental local government 2000 – 2005 Report” http://joburg-archive.co.za/2006/pdfs/final_term/Chapter7.pdf

website).¹² More than half of the population reports they have no monthly income and 3 415 households are indicated as receiving no annual income. The average annual household income for the three wards ranges between R19 201 to R38 400. 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 (COURC 2005).¹³

Despite its strongly recognised historical-political significance, the Kliptown area has yet to be uplifted from its impoverished conditions with high unemployment and low education levels and many people living on social grants (JDA 2004).¹⁴ While the area has a lively informal business sector, it has been reported that (at a formal commercial level) the area is characterised by “systematic disinvestments” with accompanying levels of increased unemployment and decreasing levels of disposable household income. The result has been that the main economic activity in the area – retail – has relocated to the periphery of Kliptown, “increasing the economic vulnerability of the area”¹⁵.

A study conducted by the Johannesburg Development Agency (JDA) revealed some of the major challenges facing the area were lack of access to credit and finance, lack of access to markets for local products, lack of access to higher education, and lack of access to information.

3.6 Land Use: urban form typologies

Kliptown is described as a mixed-use district centering around Freedom Square (now the Walter Sisulu Square of Dedication – map reference, D1) with institutional housing and retail facilities regarded as being of primary importance (RSDF 2006).¹⁶

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 (RSDF 2006)¹⁷. Types of housing specifically in the Kliptown area include approximately 100 formal small brick houses built more than 60 years ago and now surrounded by shack developments. Most of the formal houses in the area are rapidly deteriorating with some to be restored and others to be demolished (CoJ website).¹⁸ Other forms of housing in the area include the development of subsidised RDP houses (map reference B1) (for lower income

¹² Davie, L. 2 April 2004, “Kliptown makeover slowly gaining ground”

http://www.joburg.org.za/2004/april/apr2_kliptown.stm

¹³ COURC Study, 2005

¹⁴ Johannesburg Development Agency (JDA), September 2004, “Kliptown Social Development Strategy”

http://www.jda.org.za/kliptown/docs/social_dev_strategy.stm

¹⁵ *ibid*

¹⁶ RSDF 2006 – 2007, 6 & 10, July 2006

¹⁷ RSDF 2006 – 2007 6 & 10, July 2006, pg 9

¹⁸ Davie, L. 2 April 2004, “Kliptown makeover slowly gaining ground”

http://www.joburg.org.za/2004/april/apr2_kliptown.stm

households), rental units (map reference B2) and rent-to-buy flats/townhouses (map reference B3) targeted at households of middle to high-income affordability) (JDA 2004)¹⁹.

While the area comprises a mix of housing types, informal housing is said to dominate, making up an estimated 85% of all housing units in the area (JDA 2004)²⁰. 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) (COURC 2005)²¹. The many 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 (see Table 1).

Table 1: Informal Settlements

Informal Settlement	No. of shacks / households	No. of people
Freedom Charter Square (FCS)	3 000	11 984
Kliptown Angola	700	3 200
Kliptown Johnson Stop	500	2 000
Kliptown Market	0	
Kliptown Ngubane	200	640
Kliptown Tamatievlei	500	2 500
Kliptown Vaalkamers	500	2 050
Chris Hani / Chicken Farm	2 000	6 200
Fred Clark	300	936
Racecourse	177	885
Winnie Camp	200	800
Valentine Mandela Square / Mandela View	900	8 000
Total	8977	39 195

Source: adapted from COURC, August, 2005; and CoJ Corporate GIS, Census 2001

The 2005 study conducted by the Community Organisation Urban Resource Centre (COURC) revealed that conditions in the informal settlements are very poor with minimal street lighting (for example, 2 lights for the 3 000 shacks in Freedom Charter Square (FCS)), communal mobile toilets (the most being 250 for 3000

¹⁹ Johannesburg Development Agency (JDA), September 2004, "Kliptown Social Development Strategy" <http://www.jda.org.za/kliptown/docs/social_dev_strategy.stm> and interviews

²⁰ Johannesburg Development Agency (JDA), September 2004, "Kliptown Social Development Strategy" <http://www.jda.org.za/kliptown/docs/social_dev_strategy.stm>

²¹ COURC Study, 2005

shacks in FCS); communal taps (200 for the 3 000 shacks in FCS). There are no formal educational facilities such as primary and secondary schools except for informal crèches in two areas. Most have no recreational activity space such as play/sports-grounds. Only Angola has a clinic, with the nearest hospitals located at least 15km-20km away from most settlements. For most the closest police station and fire station is about 3km-5km away. In terms of transport access, there are minimal formal bus stops, the railway station for most is between 1km-2 km away, and the min-bus taxi is the dominant form of transport in all of the settlements.

Land use in the Greater Kliptown area is further characterised by a mix of informal and formal trading. Trading activities have largely centred around Union Street which dominates the area and is lined with a row of shops and makeshift pavement stalls which have for decades attracted consumers from Soweto (CoJ website)²². Some light industry including scrapyards and hardware wholesale offers some employment. The historic Indian-owned shops provide cheap goods but little local employment (observations and interviews).

In terms of transport, the Kliptown railway station displays extensive usage since it connects various parts of Soweto to central Johannesburg. Yet the mini-bus taxi is currently considered the major mode of transportation especially amongst those living in the informal settlements. The construction of a 250-bay taxi rank in the central area, completed around 2004, is credited by the City with helping to stimulate the local economy (RSDF 2006).²³

Open space in the area utilised for recreation activity includes the open golf course also known as the Soweto Country Club beyond the central square to the east, situated in Pimville between Eldorado Park and Kliptown. Other recreational spaces such as playgrounds and sports grounds are non-existent in most of the informal settlements in the area.

According to the JDA's 2004 Social Development Strategy for Kliptown, vacant land that can be further developed, especially for housing, is limited (JDA 2004).²⁴

3.7 Social Facilities, Services and Infrastructure

While residents of the broader region generally do have access to health and education facilities, the quantity and quality is said to be uneven and poor, with some people, especially those located in the informal areas, having to travel lengthy distances to access these facilities. This seems to be typical of the trend in the broader Soweto area, described as “[lacking a] hierarchy of facilities in terms of the

²² Davie, L. 2 April 2004, “Kliptown makeover slowly gaining ground”

http://www.joburg.org.za/2004/april/apr2_kliptown.stm

²³ RSDF 2006 – 2007, 6 & 10, July 2006

²⁴ Johannesburg Development Agency (JDA), September 2004, “Kliptown Social Development Strategy”
<http://www.jda.org.za/kliptown/docs/social_dev_strategy.stm>

size of its districts” which has led to small scale informal enterprises to fulfill the need” (RSDF 2006).²⁵

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. A very small percentage is indicated for the use of pit latrines (471), VIP toilets (267) and those without access to toilet facilities amount to 219 households. Households located in informal settlement areas have access largely to communal mobile chemical toilets (observation).

The statistics for the three wards indicate that electricity is used for lighting in 16 182 households, 4 398 only use candles and 1 485 households use paraffin with very small percentages using gas and solar forms of energy.

3.8 Community Participation

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) (COURC 2005)²⁶.

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) (CoJ website)²⁷. The GKDF composition includes the ward councillors, two representatives nominated from the ward committees, and two others nominated by and representing the community. According to interviews with City officials, initially the forum and its subgroups were well structured and hence worked well resulting in consultation on a number of development plans. The JDA also indicated that “successful and efficient communication channels” have been established with the community by working through the GKDF (JDA, Nema Consulting 2004).²⁸ The

²⁵ RSDF 2006/7, Region 6 & 10, July 2006

²⁶ COURC study, 2005

²⁷ Thale, T. 29 January 2002, “A Makeover for Historic Kliptown”

http://www.joburg.org.za/jan_2002/kiptown.stm

²⁸ Nema Consulting, 2004, “Kliptown EMF Final Report”

http://www.jda.org.za/kliptown/docs/kliptown_empf_09-06-04.pdf

JDA provided funding to support the operations of the forum during the period when it was responsible for development activities there.

3.9 Development Initiatives – Existing Institutional and Planning Frameworks

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: R293 million from Blue IQ, R110 million from the Gauteng Housing Department, R 30 million from the CoJ, and R1,2 million from the Department of Agriculture, Conservation, Environment and Land Affairs (CoJ website).²⁹

Development of the Walter Sisulu Square of Dedication, described as “the pride of Kliptown” (CoJ website)³⁰ has received considerable attention as it is targeted to become a major heritage site, and thriving residential and commercial node (CoJ website)³¹. Located on the original site formerly known as Freedom Square, the development of the Square includes an open area, a monument, a museum, and two large buildings located at the north and south ends. The buildings are to include trading stalls for informal traders, the Soweto Tourist Information Centre, a boutique hotel and a coffee shop with one block serving as a mixture of retail and office space.³² According to architects who were awarded the bid for this development project, the project was seen as an urban regeneration opportunity, as a catalyst for other developments including housing, retail, transport and recreation. However the project itself centred largely on the heritage developments on the Square. One of the implications of this development involved relocating original bulk wholesale traders to larger premises across the Kliprivier road, which also created more space for retail activities on the Square. The major challenges noted were associated with using local labour for the construction process since the level of skill available was often below the required standards (CoJ 2006).³³

While there has been a strong focus on developments around the Square, especially in the run-up to the 50th anniversary celebrations in 2005, the main development challenges identified for the broader region include the housing

²⁹ Davie, L, n/d, “Walter Sisulu Square – the winner’s design”

<www.jda.org.za/kliptown/news_sisulusquare.stm>

³⁰ Dlamini, N. 19 January 2005, “Kliptown housing project takes off”

<http://www.joburg.org.za/2005/jan/jan19_kliptown.stm>

³¹ Thale, T. 27 June 2003, “Kliptown development gains momentum”

<http://www.joburg.org.za/2003/june/june27_kliptown.stm>

³² City of Joburg, 2006, “Chapter 7: Sustainable Human Settlements” in “Reflecting on a solid foundation: Building developmental local government 2000 – 2005 Report” http://joburg-archive.co.za/2006/pdfs/final_term/Chapter7.pdf

³³ Interview with Studio Mas architect

backlog as a priority, and also the shortage of clinics, increasing the number of sport and recreation facilities and speeding up economic development.

The Kliptown Urban Design Framework approved in 2004 sets out to address these challenges through an approach that focuses on “issues of mobility and location of different land uses to coexist to the benefit of the community and heritage significance of the area” (RSDF 2006).³⁴ More specifically, its goal is described as “the sustainable and integrated development of greater Kliptown and Walter Sisulu Square of Dedication as a prosperous, desirable, well-managed residential and commercial area and a major national and international heritage site” (RSDF 2006).³⁵

Development initiatives are aimed at addressing the following components: the Walter Sisulu Square of Dedication as a heritage site; transportation terminus; redevelopment of retail and commercial facilities; infrastructure development; housing development; development and protection of the Klipspruit River; and development of the tourist information centre (RSDF 2006)³⁶.

Recognised as a key intervention area linked to the City’s Growth and Development Strategy (GDS), Kliptown has been included as one of the Blue IQ projects (administered by the JDA). Blue IQ is the provincial initiative to support the development of a “smart province” (CoJ 2006).³⁷ The overall objective is to introduce and support local economic activities to “create a diversified economic and cultural node and to improve living conditions in the area” (RSDF 2006)³⁸. In terms of the GDS principle of sustainability and environmental justice, the public open space system including the Soweto Golf Course is to be relocated so that a portion of the space can be used to address housing needs.³⁹ While reflecting the components of the urban design framework, the GDS also highlights mixed income housing development and maximising heritage, tourism and educational significance; as well as economic growth and empowerment.

Coupled to these component objectives are some of the following key interventions indicated in the RSDF 2006/7 plans based largely on the Greater Kliptown Development Framework/Business Plan (JDA website and RSDF 2006).⁴⁰ In terms of economic development, key interventions include providing employment and business opportunities through construction associated with new development;

³⁴ RSDF, 2006-7, 6 & 10, p38

³⁵ RSDF, 2006-7, 6 & 10, July 2006, p100

³⁶ RSDF 2006-7, 6 & 10, July 2006, p38

³⁷ City of Joburg, 2006, “Chapter 7: Sustainable Human Settlements” in “Reflecting on a solid foundation: Building developmental local government 2000 – 2005 Report” http://joburg-archive.co.za/2006/pdfs/final_term/Chapter7.pdf

³⁸ RSDF 2006-7, 6 & 10, July 2006, p99

³⁹ RSDF 2006-7, 6 & 10, July 2006, p100

⁴⁰ JDA website (www.jda.org.za) & RSDF 2006-7, 6 & 10, p100

formalising the informal trading sector and development of the retail sector to maximise economic growth and empowerment.

The heritage, tourism and educational significance of the area is to be addressed by developing and integrating the Walter Sisulu Square of Dedication into the existing tourist routes; through educational programmes and school curricula; as well as promoting the use of the historic urban public space for gatherings and celebrations.

The area along the Klipspruit River is to be cleaned and improved as a recreational public open space. Sustainable neighbourhoods are to be created by providing homes in safe, secure and healthy environments for a mix of income groups. Specifically in terms of housing, the RSDF points to the following projected goals for social housing projects: 1 200 new social housing units to be constructed and upgrading or new freehold development of 5 700 units (SDF 2006)⁴¹. Informal settlements falling in the region D area including Chris Hani (1 205 units), Fred Clarke (258 units) and Freedom Charter Square (2 691 units) have been targeted for in-situ upgrading. 2 286 units located in the other informal settlements in the region 10 area are all to be relocated (RSDF 2004).⁴²

There is also a focus on maximising human potential through proactive social development programmes, coupled with the provision of effective and efficient infrastructure and service delivery.

The RSDF points out that the developments mentioned above will occur “over the next few years” highlighting that “there is the political will to provide support for the implementation of the projects” (RSDF 2006).⁴³ Progress in terms of the scheduled developments has been noted especially with regards to the Walter Sisulu Square of Dedication, which has been completed, with the JDA to have handed over the project to the Johannesburg Property Company (JPC) at the end of August 2006. Yet there have also been numerous delays at a number of levels – in some cases the JDA developments have not been well-integrated with budgetary provisions for ongoing operating costs (interviews with CoJ development planning department).⁴⁴ The JDA’s annual reports for 2005 and 2006 indicate the following levels of progress for the specific development initiatives:⁴⁵

⁴¹ SDF 2006/7, p122

⁴² RSDF 2004/5 cited in RSDF 2006-7, 6 & 10, p9-10. Further explored in Section 10 of the current document.

⁴³ RSDF 2006-7, 6 & 10, p101

⁴⁴ Interviews with CoJ development planning department

⁴⁵ Information obtained from JDA website (www.jda.org.za) and articles featured on the CoJ website (www.joburg.co.za.)

Identified as achievement milestones are the following completed projects:

- The construction of the 250-bay taxi rank along Klipspruit Road has been completed and has been in use since 2004.
- Some existing businesses were relocated to the new sites at the north block of the Square in June 2005 (300 traders have been allocated space in the new area).
- A business support centre known as The Business Place has been established (with funding for first 3 years by CoJ and Investec)
- The museum known as “The People Shall Govern Museum” has been completed, although the 2006 report notes challenges with regards to the running of the museum due to the operational costs that had not been budgeted for. Some interviews indicated that it is currently open only on request, but a City official indicated that operating funds had been identified and the museum would be operating regularly.
- The tourist information centre as well as a temporary visitors’ centre has been completed (managed by Kliptown Our Town Trust).
- The sewerage system in the area has been upgraded
- An environmental centre has been established

The reports indicate the following projects to be under construction:

Work on two new pedestrian bridges linking Dlamini to Kliptown across the Klipspruit River and another linking Kliptown West to Kliptown was set to commence in January 2006.

The first phase of the upgrading of the K43 road (linking Old Potchefstroom road in Soweto to the Klipspruit Road into Kliptown) has been completed and is to be further developed to provide direct links between the southern and northern parts of the area. The major challenge identified with this project is the need to resettle 400 households occupying the space identified for road developments.

A landscape master plan to develop open spaces and recreational areas has been completed. In terms of this plan community parks are under construction; the rehabilitation of the Klipspruit River and a wetlands cleanup (employing 50 people) has commenced; and planting of trees is in progress along Klipspruit Valley Road.

A luxury four-star boutique hotel was initially scheduled to open in October 2006 (forming part of developments on the Square) but is now said to open on 8th September 2007⁴⁶. The Johannesburg Property Company is reported to have signed a 10-year lease with Zatic, a black empowerment consortium, to operate the hotel.⁴⁷

⁴⁶ Interview with Studio Mas architect

⁴⁷ Property 24, 28 May 2006, “Hoteliers eye Soweto” <www.property24.com>

Planning work in progress / under consideration:

- Business plans have been developed for metalwork manufacturing, a restaurant, arts and crafts establishments, and reeds harvesting (SME involvement encouraged).
- Plans for additional roads to be upgraded include a focus on Union Road, Cross Roads, and Union Relief Road.
- There has been a delay in the delivery of social services. The Gauteng Department of Housing Urban Regeneration Agency has been approached to provide funding for an integrated clinic/victim empowerment centre.
- Revamping of the old Sans Souci Cinema is under consideration.⁴⁸
- Refurbishment of the Kliptown railway station.
- Planning work for a new privately-funded golf estate, to be relocated from its current location in Kliptown to land donated by Sasol between Pimville and Goudkoppies, is in progress. The new golf estate would include up to 800 units of housing and 32 000 square metres of mixed retail developments. The land on the current, public golf course would then be used to meet the demand for housing (CoJ website).

Housing delivery plans and progress:

In terms of housing development, 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 according to the JDA project manager (CoJ website). The developments involve relocating people staying in informal settlements, building new houses and servicing and upgrading remaining informal settlements. For purposes of clarity, it should be understood that the housing meant to be developed for the informal settlement residents is through the National Housing Subsidy Scheme administered by the Department of Housing. The Gauteng Provincial Department of Housing administers the subsidy programme – which includes qualifying beneficiaries and administering the subsidy funds, but the CoJ plays an active role in identifying projects, planning, and monitoring delivery. Johannesburg's regional offices play a key coordinating function in terms of liaising with beneficiaries. In order to qualify for a subsidy one must be over 21 with dependents unless the applicant is classified as aged or in a specific special needs group.

The plans and progress made thus far are reported as follows:

A total of 1 400 social housing units for rental were planned to be built. However, that figure now stands at 1 200 in the recent RSDFs produced by the City. Joshco (Johannesburg Social Housing Company, a City-owned company) has been

⁴⁸ Dlamini, N, 1 February 2007, "Township Bioscope moves into phase two"
http://www.joburg.org.za/2007/feb/feb1_bioscope.stm

appointed to manage these units, and according to a Joshco official, 478 medium-density social housing units have so far been completed. Rent-to-buy units are currently being built on a portion of land annexed from the golf course.

Reportedly, 5 700 low-income RDP houses will be provided, where informal settlement residents will be relocated. Service infrastructure was completed for 1 250 stands in the northern section of the settlement, and interviews with a City housing official indicated that 820 houses had been built on the stands as of June 2007, with 600 people from Chris Hani settlement already relocated to them. However, the housing official also indicated that the first beneficiaries resettled were meant to be from a specific area of Chris Hani, so that enough land would be cleared to start to develop new housing in the vacated area – instead, the allocation happened haphazardly in the order that subsidies were approved.

In order to speed up the pace of housing delivery, an option to build an additional 1 000 units using more land annexed from the golf course is being considered.

3.10 Development challenges and responses

Effective housing delivery for the benefit of the poor residing in Kliptown has proved to be a major challenge associated with land management in the area. There have been numerous delays in housing development, and most completed developments have not effectively met community needs for affordable housing.

The large population living in informal settlements, the limited amount of land available for development, and the lower density housing typologies employed for subsidy housing have posed serious constraints on developing a strategy to accommodate the poor in Kliptown. And, quite significantly, 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.

According to a Joshco official, about 478 social housing units (for rental) have been completed in close proximity to the Square. Interviews reveal that after numerous delays, 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. However, information gained through interviews reflect that these units are completely unaffordable to poor residents of the community (see table 2).⁴⁹ Similarly unaffordable, are the ‘rent-to-buy’ units currently under development. During interviews and focus group

⁴⁹ Information obtained through interview with Joshco official, although the 2006 brochure indicates a total of 283 units http://www.joshco.co.za/2006_Content/WSBrochure.pdf.

discussions, Kliptown residents raised concerns that they do not see any benefits gained by the development of the rental units in the area. 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).

Table 2: Rental Accommodation Development

<i>Unit Type</i>	<i>Description</i>	<i>Square Metres</i>	<i>Rental subsidy with</i>	<i>Rental subsidy without</i>
F1 A1	Bachelor Unit	30.7	R890	R1 525
F1 A2	1 Bedroom Standard	34.55	R997	R1 709
F1 A3	1 Bedroom Supersize	39.2	R1 130	R1 937
F1 B1	2 Bedroom Standard	41.71	R1 246	R2 136
F1 B2	2 Bedroom Supersize	43.98	R1 320	R2 263
F1 B3	2 Bedroom Oversize	60.4	R1 800	R3 085
F1 D1	2 Bedroom/Loft	58.48	R1 750	R3 000
F1 C1	Live / Work Unit	60.4	R2 573	R4 410

Source: Adapted from Joshco Rental Accommodation Qualifications: Walter Sisulu Square

Housing development targeted to low-income households in Kliptown is still mainly based on the one house/one stand typical RDP construction, although plans now include single storey semi-detached units. The current strategy for housing the informal settlement population involves a phased approach where initially RDP houses were constructed on vacant land between Kliptown Station and Pimville zone 4, ward 22 (B1). Residents of Chris Hani informal settlement were the first to benefit by being relocated to the newly developed area. The land, which is then assumed to be completely vacated in Chris Hani (C2), is to be developed and people from the next settlement are to be relocated there. The process is to continue on the basis of providing housing, moving residents of a settlement into it, developing more housing on the vacated land, then relocating the next settlement. The strategy requires that all residing on the land to be developed are relocated. However, it has been estimated that between 10%-20% of households do not qualify for the housing subsidy. Initially, it was expected that the rental housing developed would be affordable to this section of the population, but this turned out not to be the case, leading to the perception that the community 'lost' the higher-density rental units needed to implement the strategy.⁵⁰

It has been acknowledged that the land currently set aside for RDP housing is not even enough to accommodate all residents who do qualify, given the current housing typologies utilised. Observations from the community also include views that the lower-density housing takes up too much land, and therefore will not be able to accommodate all who need it. In addition, the development of the low-

⁵⁰ Interview with senior Housing Department official

income subsidy housing has been extremely slow. 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 amongst poor residents of Kliptown that they have been treated unfairly, and that the social housing must have involved financial gain on the part of big business and government, hence its prioritisation.

To address the need for affordable rental housing, City housing officials have made attempts to benefit from a recent pilot programme to develop township backyard rental units. However, inquiries to the province proved unsuccessful because there is as yet no policy in place, there are only singular pilot projects that are not associated and / or integrated with other housing initiatives.

The continued lack of delivery, according to a senior City official, makes the community a 'pressure cooker,' particularly the informal settlement of Freedom Charter Square, currently experiencing the worst conditions and having to wait the longest for housing delivery. According to a senior housing department official, a possible response could be to shift the strategy to be able to ensure delivery for all three major settlements at once, yet more land has to be identified for such an approach.⁵¹ Attempts by the City's housing department to secure additional City-owned 'unsurveyed' sites in Dlamini / Tshiawelo have as yet received no response from the JPC.

Development of the area south of the Square, initially assigned to the JDA as part of the urban regeneration programme, involved some work at the planning stages, but the development plans were never adopted. The City's housing department has now been tasked to take over the project and to redesign the initial plans. While there is the possibility of in-situ upgrading, relocations would still be necessary since the informal settlement existing there is too dense.

There seems to be a clear understanding among the community on the need for relocation to gain access to housing, with the possibility indicated by some that they would accept medium density solutions because of the recognition of the limited land resources. Interviews indicated that those who had access to employment in the area would refuse to be relocated outside the community as indicated in the following statement: "I'm born and bred in the area and I rely more on piece jobs available here... I'm not prepared to be relocated to any other area

⁵¹ Interview with senior Housing Department official

outside Kliptown as I see Kliptown as an area with more opportunity, but those who are retired would less likely mind relocation to access subsidised housing”. Those who were not opposed to being relocated tended to be pensioners who indicated: “I don’t mind to be moved as long as I can have a house”.

3.11 Land management at the grassroots

In this section, we focus on information gained through interviews and focus groups at community level, with the view that it is necessary to understand how the poor actually access, secure, use, and transfer land, and how they understand their relationship with government processes that affect them.

3.11.1 Poor people accommodating themselves

While there clearly have been a range of developments in Kliptown initiated by government over the last few years, as yet they have not had the desired impact to meet the expectations and needs of the poor who have spent many years living in deplorable conditions. As a result, poor people have continued to implement their own *ad hoc* systems in managing their existence in relation to the land they have managed to occupy. Since the majority of Kliptown residents have had and continue to have very limited acceptable avenues to access land, they have, like many other poor communities, resorted to extra-legal ways to access land to accommodate themselves.

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. As Kliptown developed on farmland which was not then located within city limits, buildings were erected in the absence of any regulation or any formal service infrastructure. No formal recognition of the rights to reside on the land was provided by the government; nevertheless, families lived there for many decades.

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.

Interviews with residents revealed that although some residents have obtained sites without payment, there are people in the community who rent out shacks to which they have some claim or control. Renting a shack in the area ranges from R50 –

R150 per month, and shacks are also sold at amounts ranging between R800 and R3000.

3.11.2 Factors motivating people to remain in or move to Kliptown

The majority of informal settlements, as in Kliptown, exist not through choice, but through necessity – they either cannot obtain land or houses, or cannot get them at the right price or in the right place. They seek areas with access to economic activity and services, but any area where they manage to find space, even in the outskirts of the city, may be utilised if it provides them at least some access to the job market.

Interviews with Kliptown residents indicate different reasons that have attracted or that keep them in the Kliptown area. While sentimental attachment (having been born there) is one reason for remaining in the area, most cite economic reasons such as access to job opportunities and availability of inexpensive goods. People often moved to Kliptown because they had relatives in the area, making it easier for them to travel around Johannesburg while looking for jobs. Most people interviewed were found to survive through temporary employment (piece jobs) available in and around Kliptown such as the local Indian-owned shops and the nearby factories in Nancefield and Lenasia, which are within walking distance or are accessible through inexpensive means of travel. The area has an accessible train station and mini-bus taxi transport system that makes it easier to travel to Johannesburg and the industrial areas between Kliptown and Johannesburg to look for jobs. Fares to Johannesburg are R7 per single taxi journey⁵².

3.11.3 Attempts by community and government to regulate land management processes

Security of tenure has to do with the laws, customs and practices governing the rights, duties and relationships of people to land. Ownership is defined as “the right to absolutely free enjoyment and disposal of objects provided they are not in any way contrary to laws or regulations”.⁵³ 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 properties⁵⁴ 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.

⁵² Interviews with community residents

⁵³ McAuslan, Patrick 1985, *Urban land and shelter for the poor*, Published by the Institute for Environmental and Development, London

⁵⁴ Extension of Security of Tenure Act, Act 62, 1997 <<http://www.info.gov.za/gazette/acts/1997/a62-97.pdf>>

In Kliptown, there is evidence of attempts at a tightly controlled process (associated with the zero-growth agenda enforced by City officials) in terms of housing beneficiary⁵⁵ lists, focused on the registration of existing residents. Since Kliptown is recognised as a ‘special project’ most of the shack residents are in possession of B-forms which means that they will be accommodated within the Kliptown area and will not experience relocation to subsidised RDP housing outside Kliptown. While the B-form⁵⁶ is similar to the C-form issued to residents when they apply for low-income government housing subsidies, the C-form simply places one on the waiting list for subsidised RDP housing wherever it becomes available. The B-form has created some confidence amongst residents – in fact they believe it confers specific ‘rights’ to their site until such time as they receive an RDP house within Kliptown. For example, one interviewee who had inherited one of the old formal houses from her parents indicated that she had did not have a major problem with the shacks erected in the yard section of her site through invasion since “everybody now is on the government housing subsidy waiting list,” providing the certainty in her mind that they would all eventually move to their own formal houses.

The process of beneficiary allocations as described in the previous paragraph, however, results in a number of distortions. In some cases people leave their shacks empty while residing in better living conditions elsewhere such as a backyard shack, or in cases where they have to move for employment. Yet they need to keep the shack to maintain their place on the housing list. Newcomers occupying the vacant shacks left by relatives, but also those who purchase the vacant shacks, may be at risk of not being accommodated in the RDP housing to be developed. As indicated by interviewees, “we have people who leave their shacks and rent better backyard rooms while keeping their shacks in the squatter camp. They keep their shacks just to reserve their space in the RDP housing waiting list. It’s a pity that there are people who sell their shacks without giving buyers appropriate ownership documents. In the end, buyers will be left nowhere when RDP houses are issued.” The new residents, however, seem to have hope that they will be accommodated, and some 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.⁵⁷

While the majority of interviewees indicated that they had encountered no problems in keeping their sites or moving into available sites, there have been some incidences of conflict among residents with regards to ownership and security of tenure. One owner of a shack, which he inherited from a relative, indicated that residents resisted his occupation of the site based on the fact that he was not born

⁵⁵ Beneficiaries here refer to shack owners of Kliptown informal settlement who are in possession of a B-form and waiting for low cost government-subsidised houses.

⁵⁶ A B-form is the council’s registration certificate for Kliptown informal settlement residents issued to the owner of a shack. It entitles the shack owners to be on the waiting list of a low cost government-subsidised houses

⁵⁷ Interviews with community members

there and hence had no rights to the site. Interviewees also referred to some disputes in the area as a result of people who had sold their shacks without providing the buyers with the B-forms indicating registration on the housing list. New residents to the area are particularly vulnerable to people who claim that they have ownership rights over a shack, for example, as relatives of the previous owner – some of these new residents end up facing expulsion from the shack by community members.

One Mozambican interviewee who lives in a shack vacated by a relative is aware that he does not have the right documents (a B-form) to demonstrate a claim to the shack he stays in. He said he was given the shack/site by his relative and has the perception that the required papers were stolen by those who resist his ownership of the shack (pointing to ward committee members). He has indicated that some of the community members are causing conflicts, demanding he abandons the shack since he does not have South African citizenship (only a valid Mozambican passport). Although he did not have proof, he was informed that the registration number for his shack was sold to someone else in a corrupt way. The Mozambican also indicated that there are other people who experience similar problems in the area.

Cases like these have proved very difficult for the local council's office to deal with since transfer of ownership does not seem to follow a clear system and is therefore open to abuse. B-forms are not strictly transferable, despite the perceptions of many residents.

Although some interviewees indicated that people were provided with clear explanations about the procedures and processes involving inheritance of shacks in Kliptown when an owner dies, some residents maintained that they were not clear and were unaware about these processes and procedures. The majority of people have the perception that property (sites and shacks) has to be transferred to the children or spouse of the deceased. However, some interviewees indicated “we were told that if we have children over 21 years we cannot register them as beneficiaries in the B-form, it is only our children who are below that age (21 years) whom we registered as beneficiaries.” In terms of the regulations, since children over 21 years can also qualify to register for RDP houses, they are automatically left out as dependents in the B-form and seem to be prevented from inheriting sites/shacks or rights to the B-form from their deceased parents. This highlights some of the difficulties created by the housing subsidy requirements in a context where housing delivery is so slow that inheritance issues actually may arise frequently. The situation is further complicated by the rule that requires an applicant to have dependents to qualify for a subsidised house.⁵⁸ Dependent children may actually have grown up by the time a subsidy house is available to the family – what

⁵⁸ Gauteng Department of Housing, “Housing Programmes and Subsidies”
<<http://www.housing.gpg.gov.za/subsidyinfo.htm>>

then, of their 'right' to a house and the special status offered by the B-form? Interviewees were not sure of the situations in affected families in terms of transferring to someone else since they continued observing relatives or children staying on in those shacks. These examples of uncertainty and confusion tend to be created and reinforced by a lack of clear information and the continued delays in the development of RDP housing, leading to haphazard arrangements which can result in a lack of security and sometimes conflict.

All the residents of informal settlements interviewed in Kliptown (except those who cannot qualify for a housing subsidy as non-South African citizens), are in possession of B-forms providing automatic registration for an RDP house. While this has provided some sense of security and hope for some residents (as mentioned earlier), others are less optimistic. Interviewees have indicated that unless the government provides them with a clear, visible master plan of settlement developments, they do not see a better future in the settlement. They feel that they are now trapped in the settlement because they have no choice for accommodation elsewhere. While some respondents wished to remain in the area upon condition that the area is developed, others simply want to acquire houses anywhere available, since they are fed up with the conditions in Kliptown. For many the possession of the B-form as part of Kliptown's status as a special project has not brought any benefits to date.

3.11.4 Land use opportunities for economic benefit / income generation

While much of the focus in the interviews was on housing as elaborated in the previous sections, the residents of Kliptown also indicated that they need more land to use for other income generating opportunities. This demand is in line with the view that land ownership has vital economic benefits highlighted in the White Paper on Land Policy that "land reform is designed to give people an opportunity to own land also ... for opportunities for small scale production, addressing unemployment, ... and also will support business and entrepreneurial culture."⁵⁹

There are already initiatives of such land use in Kliptown, which have emerged spontaneously and therefore have the potential for further development if supported. For instance, people have established vegetable gardens in the available space of the Kliprivier river banks to supplement their incomes. Those who have recently secured an RDP house – interviewees from Pimville zone 9 on the north side of Kliptown, accommodating people relocated from Chris Hani settlement – are using their RDP houses as an opportunity to make a living by running small businesses in their yards (spaza shops). It is also a common practice throughout the area to rent out extra rooms in houses and shacks.

⁵⁹ White Paper on Land Policy, Department of Land Affairs, 1997

Although various development plans supporting the development of business and entrepreneurial opportunities have been implemented in Kliptown, poor people in the area feel that they were left out when government planned for such business developments. Many voiced their concerns that the City allocated business sites mainly for bigger businesses, neglecting the needs of the poor for space to cater for small business opportunities.

3.12 Issues of governance and community participation

Governance, broadly defined, includes the whole range of actors and institutions that regulate societal processes, and it is the relationships and interactions between all actors that determine what happens within the City and in particular settlements. The actors and institutions that become part of governance include: private sector, business (both corporate and informal), community-based organisations, NGOs, political parties, religious groups, trade unions and trade associations; and the whole range of governmental agencies of national, regional and local government. Governance involves a number of norms and democratic principles, including issues of accountability, participation, and involving all stakeholders in decision-making.⁶⁰

The White Paper on Land Policy reiterates that sustainable land development requires the participation of affected individuals and communities as partners in the process. Communities often experience problems in gaining access to information about land development opportunities and processes. In addition, unorganised communities are not able to express a realistic demand for land. Informal initiatives such as land invasions are frequently perceived as more effective mechanisms for land release, especially in the context of slow public delivery.⁶¹

In terms of these aspects of governance, Kliptown residents interviewed have shown that they are aware of developments that are taking place around the area such as flats, town houses, RDP houses and business developments, since some of them serve on the Greater Kliptown Development Forum, where information was made available. The majority of interviewees, however, do not see the contribution of these developments to the surrounding community, especially those located in the informal settlements in close proximity to these developments such as Freedom Charter Square informal settlement, which is just across the railway line from the Walter Sisulu Square of Dedication. They claim that it is (largely) the community outside of Kliptown that is benefiting from these developments, and that new businesses created in the area are not employing enough people from the Kliptown community. In addition, interviewees also complained about rental flats built in the area, which are occupied almost exclusively by people outside of Kliptown. The

⁶⁰ Nick Devas et al, 2004, *Urban Governance, Voice and Poverty in the Developing World*, UK

⁶¹ White Paper on Land Policy, Department of Land Affairs, 1997

general feeling expressed by interviewees was that Kliptown residents tend to lose in all major developments that are taking place.

The Greater Kliptown Development Forum (GKDF) was largely consulted in terms of community views and input into the JDA's Kliptown Development Framework Masterplans. According to a senior City official, the management and administrative functions received support from the JDA (through a consultant appointed to manage the public participation function), but in March 2006 the funding for this support was concluded, resulting in a weakening of the management and administrative functioning of the forum. According to the City official, after the 2006 municipal elections, out of the four councillors currently serving in the vicinity of Kliptown, two do not recognise the GKDF and want to work through the ward committees only, whereas previously the councillors fully participated in the forum. The CoJ Department of Housing, as a result of these problems, 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 and hence their mandate is questionable. In addition, ward committee members who no longer serve on the ward committee are reportedly wanting to hold on to their positions in the GKDF.⁶²

Interviews with City officials reflected positively on the value of working with an organized forum such as the GKDF in which a number of interest groups are represented. 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. It is clear that the withdrawal of resources to support the GKDF and lack of support by newly elected councillors has had a detrimental effect on the efficacy of the forum. This suggests that political buy-in and some form of external support or resources for inclusive community participation mechanisms such as development forums is essential for them to work effectively.

In terms of relations with local government structures including councillors, there are a number of conflicting views. Councillors in the three Kliptown wards (17, 19 and 22) maintained that there is good communication and a 'normal' working relationship between the councillors, community and the local government. In contrast, Kliptown community residents complained that although they work and cooperate 'normally' with their local leaders, there is an ailing relationship between them and local government. What appears as 'normal' then are continued practices of less effective forms of working relationships where regular practices of arranging and attending meetings continue without necessarily achieving the results required to meet community needs effectively. Interviewees maintained that they have never participated in the development planning processes by the municipality in their area, explaining that there was no participation since the municipality comes to the

⁶² Interview with senior Housing Department official

community with ready-made 'non-negotiable' development plans. Even if the community is asked to make inputs, it is done to formalise the consultation process. They feel that their participation and inputs are insignificant, as the government makes decisions for them as reflected in the following statement: "we feel unimportant as the government does not consult us in the planning process in our area. They come to us with a ready-made plan which is also non-negotiable. We therefore feel it's also useless to make inputs if we are asked to do so".

Community residents indicated that even though the GKDF was consulted on developments proposed, they were too quick to agree before adequately understanding the implications of these plans in relation to the broader community's needs and priorities. Community members also feel that the GKDF should have had more effective consultation with the broader community. These reports indicate that the principles of community participation and involvement in decision making have not been adequate in the Kliptown from a community point of view, as the level of participation was limited to a more passive consultation and did not enable active involvement in the decision making processes.

3.13 Summary of findings

Kliptown is a fairly clear case of land management processes not working, at least in favour of the poor, at least not yet. This is mainly because despite plans to build 5 700 houses through the subsidy programme, aimed at current informal settlement residents, less than 1 000 have been built thus far, after long delays due to three contractors having been appointed and failed before one was successful. Meanwhile there has been an impressive investment of land and resources in the JDA-developed 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 since people who benefited from housing first were from outside the community. The unaffordable social housing units also represent a 'lost' resource that could have aided in the implementation of the housing strategy, as it was envisaged that those who didn't qualify for the subsidies but were unable to secure housing on the market could have access to low income rental housing.

And while the residents are certainly proud of Kliptown's status as a heritage site, it is clear that the projects aimed at 'urban regeneration' that have been developed by the Johannesburg Development Agency directly compete with the needs for land accessible by the poor. Many residents living in the informal settlements of Kliptown view this heritage development with some resentment as a result. In addition to the social housing adjacent to the Square, this investment did include some commercial development and infrastructure improvements, aimed at boosting the

tourism potential of the area. Given that the new museum, retail businesses and hotel are only so far partly operational, the jury is out on what the longer-term impacts might be in terms of providing economic opportunities for the poor, but the perception is that this has resulted in little benefit to the local community thus far. The developments certainly do not directly target the needs of the local community, but are aimed at bringing in higher income people to the area. And local people seem not to have been widely employed in the construction processes, despite initial intentions, as skills needed were said not to be available in the community and apparently no training was provided so that local residents could be employed.

In pursuit of the goal of housing the poor in Kliptown, the City's Housing Department seems hampered by two more serious issues – the 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.

A positive element of the prevailing housing strategy for Kliptown is the commitment to provide housing to most people *within* the Kliptown area. Hence, most residents have a 'B-form' which indicates this special status, and this status has a great deal of value to many of them. It is encouraging that a principle to protect existing residents from displacement is an integral part of plans for the area. But what is of special note is that this has come for residents to represent a concrete right to stay in the area, to the extent that the expectation amongst many is that if a person sells their shack, they must provide the B-form to the buyer of the shack as well. In other words, they are trading in rights that are perceived to go with the property, the right to RDP housing in Kliptown. However, if residents still wish to retain their right to an RDP house within Kliptown, but they have found better accommodation elsewhere for the time being, they often leave their shacks empty in order to hold onto that right. There is a clear understanding amongst residents that when the development occurs, the shack must go. Inheritance issues cause a certain amount of confusion and various views were recorded, but certainly, most residents view surviving spouses and/or children to have some rights to the space vacated by the deceased and possibly the place on the housing list. While some state that buyers are taking a chance by accepting an arrangement that might not be honoured by the municipality, those led to believe they had secured rights will justifiably be upset if this is not the case.

When development does eventually occur, it is certain that these transactions and transfers of rights will prove administratively challenging to say the least. However, if new and existing residents will not *all* be accommodated in the housing programme, which is premised on clearing the land, settlement by settlement, it will

also impede implementation of the strategy to upgrade all the informal settlements in the area. Finally, 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 that are currently employed by poor residents. It seems clear that access to a permanent site (now only through the RDP subsidised housing) does bring with it the chance to supplement income through opening up informal businesses, renting out backyard shacks, and gardening. But access to the more public space for informal trading near the Square, and gardening near the river, are also of critical importance. 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. Yet one concern might be how well these informal income-generating activities mesh with the standards that some may feel are necessary to enhance urban regeneration, the creation of an 'acceptable' environment to attract the kinds of investment or clientele that are the focus of the economic development efforts. Again, there is the danger that the poor may lose out in this scenario.

A review of the Kliptown case also exposes potential controversies around the availability of public open space. The public golf course has been really the only public open space for recreation in Kliptown, but it has already been encroached upon by the social housing units, and there are further plans to utilise the golf course for housing, replacing the golf course with a 'golf estate' with some level of public access elsewhere in Soweto. The area along the river is meant to be further developed as public open space, but this should also be balanced with the needs of the poor to grow food as a survival strategy. It is not yet clear how these issues will play out.

Regarding access by the poor to participation processes, while some significant opportunities seem to have been provided by the Greater Kliptown Development Forum during the period when the major heritage developments were taking place, considerable dissatisfaction has been expressed with the lack of influence actually exerted by the community. People expected to benefit from their participation, but have instead largely been disappointed, mainly due to the lack of progress on what they feel is their main priority—decent living conditions and security of tenure in the form of a subsidised house.

At this stage, it is difficult to conclude with any certainty the answer to the ‘who benefits/who loses’ question that is of central importance to this review of land management and democratic governance. Certainly, the existing residents of the informal settlements are set to benefit from the City’s commitment to house them in the Kliptown area, with some important qualifications – that 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. There are also indications, certainly evidenced by perceptions amongst the poor themselves, that the poor have been losing out as the apparently competing priorities in City plans for the use of land in Kliptown are unevenly implemented. The level of investment and the pace of development around the heritage site that has taken place painfully contrast with the delays in producing housing for the poor. It will only be seen over time whether economic benefits from these developments will accrue to the poor, or eventually result in their displacement.

4. CASE STUDY: DIEPSLOOT

4.1 Introduction

Diepsloot is a fairly new post-Apartheid low-income settlement established in 1994, initially to accommodate people relocated from various informal settlements in the broader area. It is one of the few places in the north of Johannesburg targeted to meet the demand for housing by the poor. At one stage, Diepsloot was considered a best-case example for low-income housing development, primarily for its fast-paced delivery (interview).⁶³ However, planned development processes were negatively impacted by the forced relocations of large numbers of residents from informal settlements (mainly) in Alexandra township, overwhelming efforts to meet the housing demand. Further in-migration and population growth has led to a large number of shacks being erected in the available space within Diepsloot, often on marginal, flood-prone areas. Meanwhile, high-income development has encroached from the south, further limiting available physical space to meet development needs. This paper explores the dynamics of development in the area as they relate to land usage and management by the various stakeholders.

4.2 Notes on Methodology

The study is based on information obtained through a qualitative enquiry including:

- Interviews with City officials;
- Interviews with ward councillors;
- Focus group discussions with community based organisation leaders and representatives;
- Interviews with community residents (Extension 9 – map reference B3; Extension 5 – map reference B2; Extension 3 and Extension 12 – map reference B4);
- Site visit observations;
- A literature review including City planning documents, previous studies and media sources.

4.3 Background - Historical Development⁶⁴

Diepsloot was established in 1994 with the resettlement of Zevenfontein residents to Diepsloot West, which was proclaimed a Less Formal Township. The Council expropriated the first piece of land to accommodate displaced families from Honeydew who were allowed to settle on the Rhema Church farm in Sunnyside. A second expropriation was undertaken by Council in 1996 to resettle land invaders of the Far East Bank in Alexandra and displaced families from plots in the Randburg

⁶³ Interview with senior city official, Housing Department

⁶⁴ Klein, Garth and Miranda Schoonrad, Planact unpublished study, 2001.

area. The new residents were located in the newly created Diepsloot reception area. A further relocation of residents from Alexandra to Diepsloot took place in 2001.

Clarity on the long-term status of Diepsloot was partly obtained during the LDO process initiated by the then-Northern Metropolitan Local Council (NMLC) in early 1997. Through this process the importance of recognising Diepsloot as a permanent settlement, and initiating appropriate actions in this regard, was accepted. Subsequent actions pursued by the NMLC included the identification and development of land to accommodate the de-densification of the existing settlement, and embarking on a process to transfer the residential stands in Diepsloot West to legitimate tenants in conjunction with the Housing Board. In addition, a Development Framework to address the problems in the area was drawn up in 1999 for the Diepsloot/Olievenhoutbosch area.

In 1999 there were 1 124 residential stands in Diepsloot West and a potential of 500 stands in the reception area. It was estimated that there was a housing backlog of 5 000 families, of which 3 500 were in the reception area and 1 500 in Diepsloot West. Based on this, the NMLC's housing cluster applied for government subsidy in order to de-densify all of Diepsloot. However owing to a lack in Council's capacity to develop the 5 000 stands, a Council resolution was obtained to involve developers to deal with part of the de-densification project. This resulted in the developer, Elcon (in a joint venture with the NMLC), developing approximately 3 800 stands whilst the Council endeavoured to develop 1 000 stands through Mayibuye funding. Hence in total greater Diepsloot was initially planned to accommodate 6 424 residential stands.

The major injection for development taking place in Diepsloot was due to the Provincial Premier's initiative to identify Diepsloot as a special project. The latter meant that the Premier wanted to achieve the development of Diepsloot by unblocking any obstacles or hindrances standing in the way. As a result most of the Provincial Departments, including the Department of Provincial and Local Government (DPLG) became involved in the process of developing Diepsloot in a fast-tracked manner.

According to a social survey conducted by Setplan in 1999, the largest proportion of the community had come from Alexandra (42%), followed by Skotipol (15%) and Randburg (14%). Most households were forced to move (29,5%) and others moved to be closer to their work (26,9%). Others stated they moved to Diepsloot to look for work or housing opportunities. Since the vast majority of people originated from the surrounding areas, Diepsloot is understood to have initially reflected the local housing crisis rather than rural-urban migration. The vast majority of households (98,25%) surveyed at the time stated they did not want to move.

While the influx to the area was at first planned, it later became increasingly unplanned “becoming a dumping ground for many housing problems in the area” with more people resettled there in 2001 when another 4 522 people from Alexandra were relocated to the area, with the additional problem of most not qualifying for housing subsidies.⁶⁵ Most of these people were forcefully removed [from Alexandra] without due process and barely any warning at the instruction of the Gauteng MEC for Housing. This situation seriously disrupted the planned development of the community and gave rise to serious conflict, as the NMLC had agreed to accommodate only 1 200 additional families.⁶⁶ These developments have led to the current situation where there is little room to accommodate and provide effective services to the remaining informal settlement population residing there, now comprising an estimated 23 000 families⁶⁷ (although other estimates reported in the City’s RSDFs put the figure at 21 000, see below). Although the area has a range of problems, people do not want to be moved from the area. Major violent protests erupted in early July 2004 due to ‘rumours’ that people were to be relocated to Brits, 45km away in the North West province.⁶⁸

4.4 Locality and Jurisdiction

Diepsloot currently falls under the jurisdiction of the Johannesburg Metropolitan Council – Region A (wards 95 and 96), and is located on the far north-east boundary of the City (RSDF 2006). Covering an area of 5,18km² (Development Programme for Diepsloot May 2007), it is approximately 30km north of Johannesburg Central, 20km north of the Sandton CBD, situated to the west of the Ben Schoeman (N1) freeway which is the main north-south link between the Tshwane and Johannesburg metropolitan areas. It is thus situated in a “transition zone” between the urban areas of Johannesburg and Tshwane. The area is bordered by the Mogale/Tshwane Highway (N14) in the north, William Nicol Drive (R511) in the east and the Diepsloot sewer works to the south.

It is largely surrounded by agricultural land, but is also located about 6km from Lanseria airport, the Kya Sands industrial/commercial area and the retail centres of Northgate and Fourways – all mainly upper-income facilities with limited public transportation routes (RSDF 2006 and Planact 2001). While the settlement may have been considered rather isolated when it was first developed on the periphery of the City, an explosion of development in the north in the Johannesburg-Midrand-Tshwane corridor has led to very high land costs in areas in close proximity to Diepsloot such as Dainfern, Fourways and Midrand. A 2001 study (Planact 2001) comments that it is therefore ideally located for job opportunities in those areas as

⁶⁵ Dlamini, N. 27 July 2005 “Diepsloot gets a facelift” <http://www.joburg.org.za/2005/jul/jul28_diepsloot.stm>

⁶⁶ Interview with senior city official, Housing Department

⁶⁷ Dlamini, N. 27 July 2005 “Diepsloot gets a facelift” <http://www.joburg.org.za/2005/jul/jul28_diepsloot.stm>

⁶⁸ Dlamini, N. 27 July 2004, “The Race to house Diepsloot”,
http://www.joburg.org.za/2004/july/july27_diepsloot.stm

well as Randburg and Sandton, making it a desirable location for settlement by the poor. The RSDF, however, indicates that the surrounding areas require skilled labour, which would exclude most people in Diepsloot.

4.5 Morphology (urban form typologies)

While there are both formal subsidised housing developments and informal settlements in Diepsloot, the majority of people (about 76%) live in informal settlements and in backyard shacks (see APPENDICES 3 and 4). The area is divided into the following settlements (Dlamini 2005 and CoJ website):

- **Diepsloot West**, the original formal township, accommodates 1 124 households in formal houses and, in addition, an estimated 3 900 households live in backyard shacks.
- **Diepsloot West Extensions 1, 2, 3, 5, 6, 7, and 9**, the Elcon Joint project (B3), have developed into formal townships accommodating 6 015 households.
- The **Mayibuye Housing project**, Extension 5 (B2), consists of 737 residential units on serviced land established mainly to house people displaced by the de-densification of the reception area (B1).
- The **Diepsloot Reception area**, known as Diepsloot West Extension 8 (B1), is home to more than 7 000 households living in informal structures
- Interviewees have also indicated a new area, **Diepsloot West Ext 12 (B4)**, where some people from Extensions 3 and 8 have been relocated.

The housing that has been developed was wholly premised on the one-house/one-plot planning layout, although City planning documents now reflect the need to increase densities in further housing developed. The land for housing was mainly proclaimed through the Township Ordinance of 1985, with at least one parcel proclaimed through the Development Facilitation Act (DFA) (interview). According to a senior official in the City's Housing Department, when plans were first developed, there was no anticipation of the need for higher density housing or 'Breaking New Ground' imperatives ('Breaking New Ground' 2004).⁶⁹ The main focus was on fast-

⁶⁹ "Comprehensive Plan for the Development of Sustainable Human Settlements", commonly known as "Breaking New Ground". "Breaking New Ground" was approved by Cabinet in September 2004. It introduces a new human settlements plan to redirect and enhance existing mechanisms to move towards more responsive and effective delivery. Within this plan, the National Department of Housing committed itself to meeting the following specific objectives:

- Accelerating the delivery of housing as a key strategy for poverty alleviation;
- Utilising the provision of housing as a major job creation strategy;
- Ensuring property can be accessed by all as an asset for wealth creation and empowerment;
- Leveraging growth in the economy;
- Combating crime, promoting social cohesion and improving quality of life for the poor;
- Supporting the functioning of the entire single residential property market to reduce duality within the sector by breaking the barriers between the first economy residential property boom and the second economy slump;

paced delivery (interview). While some educational and health facilities were planned as part of the settlement, they are inadequate to serve the population, as detailed in the section below on Services, Infrastructure and Social Facilities.

The City's 2006-7 Regional Spatial Development Framework (RSDF) indicates a total of about 17 000 informal structures in the Diepsloot settlement area⁷⁰, in comparison to about 6 000 formal residential units (including 737 informal structures on serviced land in Diepsloot Extension 5). According to the councillor of ward 96, there are three types of housing currently in Diepsloot: two government-subsidised delivery programmes – the People's Housing Process (PHP) and RDP houses; and privately developed bonded houses. The 2008/9 plan for PHP housing development will be implemented in Extension 3 and will move to Extension 7 from there.

A critical shortage of land is indicated, with Diepsloot requiring “an area twice the size of the current settlement only to accommodate the existing backlog in the area and to de-densify the informal settlement” (RSDF 2006). Yet since it is located in the Urban Development Boundary area⁷¹, expansion possibilities are severely limited.

4.6 Population profile and socio-economic characteristics

While the broader region is sparsely populated, an estimated 60 000 people reside in about 17 000 informal structures (wood, iron and brick shacks) in the Diepsloot settlement (COURC 2005 and RSDF 2006). The density of the area is reported to be at approximately 1 076 people per square kilometer (Development Programme for Diepsloot May 2007). The census 2001 figures for the broader area (wards 95 and 96 combined) indicate a total of 13 017 households living in formal dwellings and 20 517 households living in informal dwellings (Census 2001). The RSDF indicates most people are not permanent residents of the area, but does not provide statistical detail substantiating this statement (RSDF 2006). In addition to housing, the major problems confronting the population include poverty, unemployment, lack of social and economic opportunities, and limited public transport. Unemployment levels are reported to be at about 54% (among the potential labour force), with 73% living below the poverty line (Development Programme for Diepsloot 2007). The vast majority of people (47 506) were reported to have no monthly income (combined figures for wards 95 and 96). In terms of annual household income, 9 519 households had no annual income and the

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- Utilising housing as an instrument for the development of sustainable human settlements, in support of spatial restructuring.

⁷⁰ The 2007 “Development Programme for Diepsloot” indicates that there are approximately 21,000 informal structures of which 4,000 are backyard units on formal erven.

⁷¹ Refer to Appendix 2, which indicates the UDB on the RSDF map provided (Region 1, Key Issues, Plan No. 4). Further discussed in Section 11: Development Challenges and Constraints.

average range of those households earning an annual income in the two wards were estimated to be between R9 610 – R19 200 per annum (Census 2001).

4.7 Services, Infrastructure and Social Facilities

The settlement reportedly suffers from serious service constraints, largely caused by insufficient bulk water facilities to supply the area, and water shortages are common (interviews and RSDF 2006). The area is said to experience “substandard water pressure” as a result of capacity problems with the Olivedale sub-district trunk mains, reportedly linked to rapid development in the area and subsequent increase in water demand (Development Programme for Diepsloot 2007).

There are also sewage problems, noted as a result of the sewer network reported to be at a lower standard than conventional networks. The problem is further compounded by poorly constructed manholes, which together have resulted in an overflow of raw sewage into the streets of Diepsloot (ibid).

The issue of storm water runoff has been identified as causing major problems to the local road network (and also infrastructure) since it drains to the south towards Northern Waste water treatment works, also infiltrating the sewer network (ibid).

In the informal settlement areas, households make use of communal (chemical) toilets and taps. The RSDF indicates that the informal areas in Region A are serviced by a regular waste removal system with weekly bag pickups transported to 100 skip containers (RSDF 2006). Yet the problem of indiscriminate solid waste dumping and burning in the area has also been noted as an issue that requires urgent redress since it poses a major health risk (Development Programme for Diepsloot 2007).

The RSDF further reports a lack of service infrastructure such as roads, public lighting, street naming, as well as bridges and roads. Although public lighting has been installed along the main routes of Diepsloot, lighting is said to be inadequate in residential areas and community members are not satisfied with the high mast lighting (Development Programme for Diepsloot 2007).

In terms of community facilities, four primary schools (D3) were developed, but no secondary schools. Other community facilities include ten churches, one library, three community centres, and one political party office. Two informal playgrounds provide limited space for some recreational activity. The area is serviced by two clinics (one recently built: map reference D2), and the nearest hospital is located about 25km away. The distance to the nearest police station is 10km and 20km for the fire station and post office (COURC 2005 and Development Programme for Diepsloot 2007).

There are no bus stops or railway station in the area, hence the mini-bus taxi serves as the main means of transport, an industry that is characterised by intense competition as drivers rove the streets for customers. Although a taxi rank has been provided in the northern part of the settlement (See Appendix 3 – D1), it is used to some extent as an initial pick-up point, but pick-ups along the route remain the more popular way of securing customers within this competitive business (COURC 2005 and interviews). It has been reported that there are also illegal taxi ranks. The problem is linked to limited consultation with taxi owners when planning taxi ranks and as a result, those legally set up are not utilised effectively (Development Programme for Diepsloot 2007).

Informal businesses predominate along streets that form the major taxi routes, but because of fierce competition these are largely survivalist enterprises (interview). There are currently no specific bylaws for the area regarding informal business enterprises, but City officials indicated the City is in a process of creating bylaws to regulate informal business enterprises in Diepsloot (interview). There are also formal business developments in the area (hardware stores and supermarkets along Informal Settlement Road). While initial plans included a centrally located commercial/retail area, the project was unable to successfully negotiate for the identified land with the private owner. A shopping centre has only recently been developed in the southern tip of the settlement along William Nicol Drive (See Appendix 3 – C1).

The RSDF has acknowledged that “the stark contrast in terms of service delivery between the communities in the north (Diepsloot and Zevenfontein informal settlements) and [affluent] south... (Dainfern, Fourways)” needs to be addressed (RSDF 2006).

4.8 Capital and Operation Needs

The following capital and operational needs were drawn from a 2001/2 study commissioned by Planact indicating needs identified by the community (Planact: 2001), as well as from a more recent proposed programme by the City’s Department of Development Planning and Urban Management (Development Programme for Diepsloot 2007):

- Good quality, affordable housing.
- Given the crime levels, the community is in dire need of a police station, even if it is only a satellite station. The closest station is in Erasmia which is too far to sufficiently police Diepsloot.
- An empowerment centre for victims of violence and abuse has also been identified as a need in the area.
- The Development Programme for Diepsloot has identified the social and community services shortfalls based on the applicable standards for the

- population size. The shortfall includes an additional eight schools; three neighbourhood parks; one clinic; one library and one community centre.
- Adequate lighting in residential areas, particularly well-lit pavements, is required since there is much pedestrian movement in the area.
 - The sewer network requires upgrading.
 - The issue of the water supply requires attention and it has been recommended that a new ground level reservoir and elevated water tower are required to form a new sub-water district of the Diepsloot Water District
 - Waste management requires attention – refuse removal in particular appears to be a problem, especially where residential densities are high.

4.9 Community Participation

While a more recent study conducted in 2005 (COURC 2005) indicates that there is only one independent residential committee established in the community, an earlier 2001/2 study (Planact 2001) highlights the work of the Diepsloot Community Development Forum (DCDF) which brought together representatives and leaders from different political and social organisations in the area. The purpose of the DCDF was to represent and serve the community. It functioned through a decentralised system, with wider community involvement facilitated through street and block committee representatives. It was also reported that most political parties were involved in the DCDF. At the time of the report it had already built up a very strong support base over a number of years as a result of its ability to address community needs and was largely recognised by a range of role players including City officials as “the legitimate voice of the community”. Among its achievements, its role in registering shacks and the housing application process is particularly highlighted. The DCDF had introduced a shack numbering system and a registration and housing application process with allocation criteria reportedly “applauded and accepted by the entire community”. The forum was quite active during the period it received support from Planact, prior to the election of ward committees, and was highly praised by City officials for its role in development processes in the area (interview).

4.10 Development Planning – Existing Institutional and Planning Frameworks

The RSDF sets out two key objectives for the area. The first objective is “to ensure the socio-economic integration, consolidation and long-term sustainability of Diepsloot and Extensions, while recognising it as a marginalised community and an entity in its own right.” This objective also highlights possibilities to extend the current boundaries of Diepsloot, and upgrading and improving infrastructure and social services. The second objective focuses largely on the issue of providing housing and ensuring security of tenure (RSDF 2006).

Key strategic issues for the region include a focus on the spatial distortion in urban services; de-densifying and consolidating the settlement; establishing an efficient land use system; bulk water provision; increasing access and movement particularly for the pedestrian community along high order transport routes; and defining the urban boundary which could involve expansion or alternatively, relocation of people (discussed in detail in the next section) (ibid).

Key interventions identified for the area include some of the following aspects as guided by the Growth and Development Strategy (GDS) (compiled from RSDF 2006):

- In terms of proactive absorption of the poor, the RSDF stresses social, economic and urban integration of Diepsloot into the broader urban area and inclusion within the urban development boundary.
- Access to appropriate and affordable services and infrastructure is required for balanced and shared growth. Basic services such as bulk water requirements, lighting, and sanitation, tarring of roads, coordination of emergency services and access to transport require attention.
- Social mobility is to be facilitated through investment in constructing roads to link Diepsloot to economic opportunities.
- Housing is to be seen as a component of a sustainable settlement and as a tool to improve quality of life and to eradicate poverty. Hence housing development is to take into account security of tenure, sustainable and affordable housing options, a range of typologies that would support densification (2-3 storey walk-ups), and it is to be well located in relation to economic opportunities. Proper land invasion management is also emphasised.
- In terms of providing sustainable conservation development, open spaces that are currently neglected should be developed for recreation or tourism use as is the focus of the current investigation of the Diepsloot Nature Reserve.⁷²
- Creative integrated governance solutions between the various departments of government (including the JPC, Housing, Economic Development Unit) is necessary and is to include a focus on financial assistance to expedite service delivery. In addition, the RSDF emphasises that cooperation between the CoJ and the City of Tshwane for a joint regional perspective on interrelated areas such as Diepsloot is required.

Specific initiatives and implications for strategic planning (Development Programme for Diepsloot 2007)

⁷² The Diepsloot Nature Reserve has been in existence since 1960 <http://www.joburg.org.za/2003/oct/oct15_farm.stm>. Its further development, including tourism opportunities, is currently under investigation as indicated in the RSDF.

The City’s Department of Development Planning and Urban Management recently prepared a set of recommendations and their possible implications for Diepsloot’s development as part of the Upgrading of Marginalised Areas Programme (UMAP)⁷³. The recommendations addressing service delivery and urban development challenges are documented in the “Development Programme for Diepsloot” compiled in May 2007. It is regarded as a medium-term planning tool to identify and develop baseline development interventions to address the current development challenges in Diepsloot and at the same time lay the foundation for “the establishment of Diepsloot as a sustainable human settlement that is spatially integrated into the CoJ.”

The “ultimate objective of the development programme is to influence capital investment in Diepsloot based on the City’s strategic agenda”. The programme has identified the following development challenges and related spatially relevant planning interventions over a four-year capital programme:

Development Challenges	Spatially Relevant Planning Interventions
<ol style="list-style-type: none"> 1. Informal settlements / housing 2. Unemployment 3. Roads and stormwater 4. Illegal land uses 5. Street lighting 6. Formal education institutions 7. Economic development 8. Social services and amenities 	<ul style="list-style-type: none"> • Government Precinct in Diepsloot West • Activity streets / strip node traversing Exts 1, 6, 2, 4, 7, and Tanganani • Formalisation of existing small business nodes in Ext’s 1 and 3 • Construction of K54 and bridge over the K54 • Proposed regional node at the intersection of the R511 and proposed K54 • African market along R511 • Proposed light industrial node at intersection of proposed K54 and N14 • New reservoir • Solid waste management facility • Street naming • Formal education institutions • Regional park

Adapted from “Development Programme for Diepsloot”, Department of Development Planning and Urban Management, May 2007.

⁷³ UMAP has a 5year objective of directing public investment into the City’s marginalised areas to create sustainable and balanced human settlements sufficiently integrated into the City.

The programme describes the following elements as its vision for Diepsloot's future:

- A settlement with robust nodes will offer opportunities for job creation and economic and social investment seen to address appropriate development for the second economy by supporting entry-level economic activities. Key interventions for this purpose include a vibrant activity street and “the formalisation of existing small businesses.”
- Good quality, affordable housing with a range of typologies will respond to different residents' needs. High-density housing should be strategically located close to economic opportunities and social amenities.
- Infrastructure development is regarded as the basis for the creation of a sustainable urban environment in Diepsloot since public sector investment in infrastructure will attract further investment.
- A strong movement structure connecting nodes, housing and associated infrastructure (and related transport network) will promote accessibility to economic and social opportunities.
- The environment, including open spaces, should be well maintained also through an area-based urban governance system.

The City is currently in the process of establishing a partnership with the Development Bank of Southern Africa (DBSA) in terms of the DBSA's “Sustainable Communities Programme” which identified Diepsloot as one of six pilot communities in the country. This development has necessitated a process of including the DBSA's projects into the City's Development Programme for Diepsloot so that strategically both planning priorities are taken into account. A joint steering committee (COJ/DBSA) is considering projects so that the City's capital investment programme for Diepsloot in terms of basic infrastructure and services can be implemented. It is explained that the DBSA's projects are of such a nature that they are not generally within the mandate of local government to deliver (such as recycling projects), and so will serve to augment the City's plans.

In terms of housing specifically, the City and Provincial Departments of Housing and the City's Directorate of Development Planning and Facilitation (DPF), collaborated in 2006 in the “Spatial Planning and Housing Framework for the Northern Areas of the CoJ” to identify the housing challenges on the northern peri-urban fringe of the City. As a result, Diepsloot was identified as a short-term priority area to address immediate backlogs since the area needs urgent attention in terms of de-densification to adequately accommodate people. Any developments in the area

are to be in accordance with this Framework and it is indicated that it would be the City's mandate to address its strategic agenda, "given the geographic location and socio-economic dynamics of Diepsloot".⁷⁴

4.11 Development Challenges and Constraints

The major issue currently facing Diepsloot is the identification of land to expand Diepsloot's area to accommodate the 17 000 to 21 000 families currently inadequately housed there (interview: Department of Development Planning). Diepsloot is located on the northern edge of the City's urban development boundary (UDB), restricting further development to the north of the settlement; currently most land within the UDB has already been planned for and is in the process of being developed (RSDF 2006). As revealed in the overview report and the Fourways case study that were part of this research project, land speculation and exploitation of the Development Facilitation Act (DFA) for rapid land release for high-income development in the Fourways/Dainfern areas bordering Diepsloot have effectively closed off most channels for accessing more land for low-income settlement in the north.

The purpose of the UDB, introduced in 2002, is to "guide development towards a sustainable and economically viable future settlement pattern" with one of its main objectives to "promote the optimal use of existing infrastructure and resources." (RSDF 2006) In addition to helping the City to limit the strain on its infrastructure caused by sprawling development, as the City has no obligation to provide services outside of the boundary, the UDB is also meant to support densification and to preserve open spaces (interview: Department of Development Planning). Although the RSDF indicates that as a principle, the City cannot support development beyond the Urban Development Boundary (UDB), it reports that there have been a number of studies to determine the necessity and/or cost effectiveness of expanding the boundary in areas experiencing development pressure such as Diepsloot. Related to current developments beyond the UDB area, the RSDF reports that Johannesburg Water is planning to build a new reservoir in the Diepsloot area motivated by the fact that it would serve not only Diepsloot but also the larger area including Dainfern, Riverglen and the proposed Rietvallei township (RSDF 2006).

Specific issues affecting Diepsloot's expansion possibilities include the following:

- The Diepsloot Nature Reserve – an area of 600 hectares located on both sides of the N14 highway – acts as a buffer zone prohibiting **western expansion** since it comprises the Northern Waste Water treatment works (E2), a landfill site and some agricultural activities.

⁷⁴ Department of Development Planning and Urban Management, May 2007, "Development Programme for Diepsloot"

- **Northern expansion** of Diepsloot is reportedly not desirable as a result of the community separation and related safety risks that would be created by the N14 highway. This highway also forms part of the border of the urban growth boundary.
- Expansion to the **south** is constrained by rapid private development occurring between Dainfern and Diepsloot. However, one piece of land (referred to as Diepsloot South) is owned by the CoJ and is seen to be ideally located as an expansion possibility. The JPC is reported to have commissioned a planning framework for the area recognising that the land south of the N14 “holds the key to the integration of Diepsloot with the surrounding urban fabric”. However, it has been noted that the JPC’s framework aims to “develop the land for bonded housing which will not necessarily assist to address the local housing backlog.” Currently more detailed investigation continues in the area (Development Programme for Diepsloot 2007). According to interviews, there is competition for the land from other City agencies – Piktup (the City’s refuse removal company) has indicated its interest to develop a landfill on the site. One City official indicated his view that since this location is the most viable option for additional land to address low-income housing needs, without displacing poor people far from Diepsloot, the priority should be to utilise this land for low income housing (interview: Department of Development Planning).
- The area to the **northeast** of Diepsloot, currently beyond the urban growth boundary, is also the subject of current controversy as it is experiencing ‘development pressure’ in the form of proposals being submitted for its development, given its strategic location connecting Johannesburg with Tshwane Municipality. According to interviews with a senior City official, plans (developed by provincial government) to challenge the UDB have led to controversy, with the Municipality seeing such plans as an attempt to subvert what they feel are legitimately their constitutionally-mandated functions. This has since led to the Constitutional Court case brought forward by the CoJ (Overview Study 2007). Much of the land in question, however, is privately owned and proposals to develop cluster housing for higher-income households are being advanced. The price of the land, if the UDB restrictions were lifted, would be such that it would prove unaffordable to acquire for low-income housing. Therefore, interviews indicate that the City may be able to use the leverage gained by its right to prevent development, to secure concessions from the developers for some portion of the housing developed to be more affordable (although it would still be unlikely to target the lowest income households) (interviews: Department of Housing and Department of Development Planning)

A key issue not limited to, but strongly affecting, development in Diepsloot, is that of coordination. It was noted as a “very real problem” in terms of both vertical and horizontal tiers among government departments at provincial and city level. The conflict between the various City agencies around their land use objectives are also contributing to problems rather than effectively and coherently addressing the urgent needs in Diepsloot.

Specifically in the case of Diepsloot, coordination between Mogale City, City of Tshwane and the CoJ also requires attention in terms of understanding their different development goals with regards to interfacing areas. There have been joint meetings in this regard to address management issues (ibid).

Other issues reported as constraints include limited economic opportunities, since many current employment opportunities are not necessarily labour-intensive and instead require a skilled labour force which is in contrast to the skills profile of the Diepsloot population (RSDF 2006). However, other studies have indicated that Diepsloot’s close proximity to affluent areas have attracted people to the area for job opportunities, although it is not clear to what extent people from Diepsloot have secured employment in the neighbouring affluent areas.

The area also faces environmental challenges, since the informal settlements are largely located within the Jukskei floodline (ibid). It is particularly dangerous for people living there during heavy rains and flash floods. The informal settlement also poses an environmental hazard due to waste entering the water.

The continuing influx of people to the area, including a mixture of people seeking economic opportunities, illegal immigrants and a substantial criminal element, combined with poor, inadequate services results in “chaotic social dynamics” (RSDF 2006) negatively impacting on the delivery of development plans.

4.12 Land management at the grassroots

In this section, we focus on information gained through interviews and focus groups at community level, with the view that it is necessary to understand how the poor actually access, secure, use, and transfer land, and how they understand their relationship to government processes that affect them.

4.12.1 Poor people accommodating themselves

After the initial relocations to Diepsloot, when residents were accommodated in the official ‘reception area,’ new arrivals to Diepsloot simply began erecting their shacks on empty pieces of land (including on environmentally hazardous sites such as swamp areas). Some people also started to settle in the area as backyard renters and others negotiated deals to buy shacks from those who ‘owned’ more than one

and those who were relocating to other areas. Some people also 'inherited' their sites from relatives.

All of the community members interviewed indicated that they did not have to pay any fee to obtain a site or a shack in Diepsloot, except in cases where people were allocated RDP houses and were charged a fee of R170 to receive keys for their houses.

The majority of interviewees in Diepsloot indicated that they had not experienced any problems in keeping their sites. For example, current occupiers were not threatened by others claiming to be the legal owners of sites or houses, neither were they threatened by forceful removals by government. However, some people were relocated from hazardous areas and were resettled in 'safer' temporary squatter camps, as there was not enough formal accommodation available.

Even though the area is extremely dense, with very small spaces surrounding shacks, there are cases, as discovered in Extension 5, where some people who had first occupied sites introduced shack farming. In order to earn income, these people started to provide small spaces within their (often illegally) occupied sites for others to erect shacks at a rental rate of between R50 to R150 per month. However, the ward councillor indicated that he put an end to the practice on the basis that it is illegal to rent out a space in an informal settlement where the occupant does not have formal rights to the land (interview).

This practice of renting out a space for a shack is also common in the areas where formal housing has been developed, where site owners have legal title deeds for their sites. In this case, since people legally own their sites, it is considered a legitimate practice and the ward councillor does not intervene, nor does the municipality prevent the practice. The rental rate to occupy space in these areas is, at a minimum, R170 per month. Normally in these cases, the price you pay is determined by the size of your shack, as indicated by a resident, "The bigger the space allocated to you, the higher the price".⁷⁵

Renting spaces for shacks is also common amongst those who have been provided with serviced stands, targeted for upgrading through the People's Housing Process.⁷⁶ The current situation is that there are often between four to ten shacks being rented in each yard by the legal owners of these stands in the various settlement areas (Extension 3, 5, 9). Yet the question is, where are these 'renters' going to be moved to when the PHP process is about to kick-off? This might lead to more land invasions in areas around Diepsloot when these people find themselves without accommodation.

⁷⁵ Interview with resident who rented a space in Diepsloot extension 3, ward 95,

⁷⁶ Interviews with residents

4.12.2 Service Delivery

The kind of service delivery offered in Diepsloot differs according to the nature of the settlements. Residents in the formal settlement areas are provided with water and waste removal facilities in their individual sites. Some extensions in the formal settlements have electricity while some do not, especially in the newer extensions (e.g. Extension 12).

The situation in the informal squatter camp areas differs from place to place in terms of government service delivery. There is, for instance, a squatter camp in Extension 3 (ward 95) where residents feel that “the government has totally turned a blind eye on [them]” as it does not receive a single type of service. In this under-serviced area, people dump waste in a central point, which is never collected, posing a health risk to the community.

There are other squatter camps that have communal taps and chemical toilets that are cleaned once a month (e.g. Extension 5). These residents complained that although they receive free services, they are insufficient. In the formal sites, including the areas with RDP houses (Extension 9), interviewees indicated that they are required to pay a certain amount for services but many residents are not paying because they feel government services should be free.

4.12.3 Factors motivating people to remain in or move to Diepsloot

As indicated earlier, people moved to Diepsloot for different reasons: a large proportion of current residents were forcefully relocated there by government; some went there as illegal immigrants; and others moved there to be close to their place of work or in search of job opportunities. Most of the interviewees indicated economic reasons for moving to and remaining in Diepsloot, such as access to job opportunities. Many new arrivals stay with relatives in the area so they can travel around Johannesburg’s northern suburbs in search of job opportunities.

Some of the interviewees in Diepsloot were unemployed and survived (like many others in the area) through temporary employment (piece jobs) available in and around areas such as Fourways, Midrand and Randburg and the nearby farms in walking distance or accessible by taxis (currently the only form of public transport in the area). In the interview with the councillor of ward 96, he maintained that there were also other reasons attracting people to the area: “Diepsloot is still a newly developing area and people see an easy opportunity to quickly get the low-cost government-subsidised houses. Secondly, the area has a large informal settlement which is dense and difficult to control; as a result criminals take advantage of the situation and use that informal settlement as a hiding place”. Some residents interviewed also shared the sentiments of the ward councillor in relation to criminal activity. Pointing to foreigners from neighbouring countries (such as Mozambicans

and Zimbabweans) as a primary source of criminal activities, one interviewee indicated, “We have blocks that are controlled and owned by foreigners. The leadership and CPF of these areas are also foreigners. These foreigners are involved in all sorts of criminal activities and when police are called in they firstly approach the CPF of the area, who quickly protect their fellow nationals.”

4.12.4. Attempts by community and government to regulate land management processes

As in other areas the majority of Diepsloot’s residents have, to a large extent, accessed land through informal or extra-legal means and hence do not have security of tenure in these settlements. They are therefore left to their own devices to manage the use and transfer of the space they have occupied until such time as some government process takes over. Although in some cases councillors in Diepsloot have stepped in to enforce ‘rules’ in regard to renting space without legal title to the land, in most cases authorities tend to look the other way.

Various regulatory processes (some introduced by government and others by community organisations) intervene in an attempt to address land management issues in Diepsloot. But these are often difficult to control and complicated by a lack of information or common understanding, as well as criminal activity.

The CoJ’s Housing Department introduced the system of shack counting. The Housing Department introduced a system of counting shacks in the squatter camp as a way to take stock of the current housing backlog and control the increase of shacks in the settlement. However the whole process failed along the way, apparently due to corruption, as the machine used to count and issue bar codes for registered shacks ‘got lost’ – some people said it was ‘stolen’. People alleged that some corrupt officials were involved in the disappearance of the machine. Interviewees alleged that those shack owners who were counted and registered encountered problems later when the bar codes placed on their shack doors as proof of registration were removed or ‘stolen.’ These people were then approached by people selling new bar codes, warning the registered owners that if their shacks are found without bar codes they would automatically lose the opportunity for a low-cost government-subsidised house. As a result, people were coerced into paying [unofficial individuals] an amount of R250 for new bar codes for their shacks. It is suspected that these individuals selling bar codes are using the same lost or stolen machine to issue bar codes. While most people suspect this and can easily identify these individuals, there have been no reports to lead to their arrest (interviews with community members).

Community organisations have also stepped in to provide assistance with registration procedures, to control and prevent more shacks from being erected in certain areas. In a part of Extension 3 in ward 95, owners of shacks have been

registered as such by the local community organisation Mothopele.⁷⁷ Mothopele has taken responsibility for auditing the shacks and keeping a register of the available shacks. The organisation has experienced difficulties maintaining an accurate number of the number of households, as people move in or out without informing the organisation.

Some shack owners or residents in the squatter camps are not in possession of C-forms (issued to residents when they apply for low-income government-subsidised housing, so that they gain a place on the waiting list). Most of the interviewees from these settlements have not registered for government-subsidised housing, since they have no idea of how to either register or to apply for a government-subsidised house. One interviewee said, “I have never thought of applying for a government-subsidised house” and another indicated, “I have no idea where to go to start the whole process”. The latter interviewee requested assistance from the interviewer to explain the government housing subsidy application process and the requirements. He indicated that he has not received any information about these processes from the community meetings, although also admitting that he rarely attends community meetings. This comment raises the question of the nature of community participation in Diepsloot (a discussion we return to later in the paper).

In relation to regulations for selling or transferring property, some interviewees in informal settlements indicated that they could sell their shacks if they were to move out of the area, although others indicated that there is no reason to sell as they do not have any other place to move to. Residents in the formal stands and in the RDP houses indicated that they cannot sell their sites or houses since it was against the regulations. It was only one RDP house owner who was willing to sell regardless of the rules, indicating that “if there is someone who can come with the big offer, they can get the house.”

While most people interviewed did not experience problems in keeping their sites or moving into sites, there have been a few incidences of conflict among residents with regard to ownership and security of tenure. This is particularly problematic where people leave their shacks empty while residing in other areas for various reasons. There are also reported cases where people sell RDP houses without providing the buyers with the rightful papers that will make them the new owners of the properties. When the original owners return they can easily evict current occupants, since the original owners’ names continue to appear on registration lists, or, in the case of RDP houses, they have the legal papers to re-occupy their houses. Interviews have indicated that the local council’s office and councillors do little to deal with such problems. However the CBO, Mothopele, seems to be more willing to try to resolve these conflicts.

⁷⁷ Mothopele is a CBO based in ward 95. It deals with community issues such as conflicts of backyard renters with the landlords, housing problems, crime issues, evictions and control of the increase of squatter camps,

In one case, some shack owners who were renting small spaces for their shacks in the yard of the original occupier of the site reported they experienced problems with some community members who wanted to confiscate their shacks, claiming that the yard 'keeps criminals'. The conflict continued until the councillor of ward 96 intervened and discovered that people were illegally charging rent in the squatter camp. The councillor took steps and stopped the renting of space in the squatter camp. It seems that the local ward councillors prefer not to take action in some cases where stronger cooperation is required with Council officials; in other cases they are able to take control and enforce 'rules.'

Interviewees in the informal settlement area indicated that they were not aware of any existing rules controlling the inheritance of shacks if the owner dies. The majority of people in the informal settlements have the perception that property has to be transferred to the children or spouse of the deceased although they are not sure about any specific rules since such information is not readily available. One interviewee said: "If I am not married and have no children I believe that close relatives or extended family members should come and take or sell my shack". Those renting in a backyard space indicated that their relatives should remove the shack from the yard. However in the formal sites and in the RDP houses where people have title deeds for their properties, they follow a more regulated process to decide who will inherit property when the owner dies.

Interviewees have different opinions on the future of the settlement. Some indicated that they do not see a better future in the settlement while others have hope, expressing the view that if government paid more attention to the area, developments would take place and hence they would remain in the area. Some indicated they had no choice but to remain there. Most of the interviewees did not wish to move into a house far from Diepsloot, except for one interviewee who already owned an RDP house but was not optimistic about the income-generating opportunities in the area and hence indicated a strong desire to move from Diepsloot, commenting that "if someone can give me a truck I can give that person an RDP house". When further asked about the rules of selling the RDP house he said "I don't care," indicating that the RDP house does not have value attached to it on its own but that it is also linked to the ability to make a living in the area. Others were more optimistic and focused on housing, indicating that they had been promised housing and were waiting for these developments to start so that they would be able to create a better life in Diepsloot.

4.12.5 Land use opportunities for economic benefit/income generation

As in other areas, while housing is the main priority, Diepsloot residents also indicated that they required land for income generating opportunities. Some people are already using their homes or sites for business purposes, as indicated above. During the interviews we came across one RDP house owner in ward 96 who runs

a small business from his home (a spaza shop). He has extended part of his house for this purpose. Although he is making a living from this small business, he stated that he is not making any real profit; the income is just “a hand to mouth profit”. The practice of renting out backyard space for shacks was indicated as another common way of making a living, although it is viewed by some in more negative terms as exploiting people’s needs by charging high rentals.

From the site observations, pavements on the major local streets that serve as the main taxi routes in Diespsloot are flooded with small, largely informal businesses. Car wash facilities seem to be the dominant business along the streets. Other small enterprises include tuck shops, clothing stalls, beauty and hair salons, and fruit/vegetable markets.

4.12.6 Issues of governance and community participation

In terms of key governance aspects including accountability and community participation, interviews indicate that there are a number of problems in this area.

Many Diespsloot residents interviewed have indicated they are not aware of developments taking place around the area. A few have indicated they are aware of developments, such as the new shopping complex under construction, newly built schools, community halls, a clinic and RDP houses. Some people responded positively to the new developments such as the new shopping centre, which they indicated was beneficial since they would no longer have to travel long distances to do shopping, thus also reducing traveling costs. Many people, however, expressed skepticism about the benefit of these developments, which was linked to their dissatisfaction at the limited community consultation in the development process.

Interviews with community residents as well as focus group discussions with CBO leaders and representatives have reflected the limited involvement of the community in the planning of Diespsloot’s developments. It is only one community organisation, the Community Policing Forum (CPF), which was reported as participating in the City’s plans with their inputs well taken. Some CBO representatives indicated that they participated in the IDP process once a year, while others maintained that “some of the CBOs do not participate, maybe because they are not informed” about these meetings. One participant also indicated that: “some CBO’s do not worry to participate in the Integrated Development Planning (IDP) process or any other meetings if the meeting is not dealing with their specific focus area”.

Except for the CPF and Mothopele, other CBOs in the area generally seem to be much weaker in terms of representing community issues. None of the residents interviewed nor those participating in the focus group discussion mentioned the DCDF as highlighted by a senior City official and reported on in previous studies (Planact 2001). Reports indicate that the DCDF was disbanded when the ward

committees were first elected, as the ward councillor was then only willing to work with the ward committee structure as a vehicle to represent community interests (Planact Annual Report 2002-2003).

The ward committee structure is regarded by some CBO representatives as the body which participates in participation processes such as the IDP to represent CBOs and community views. Yet information gathered from the focus group discussion reveals that communication between the community and the Council and the ward committee is problematic, with some explaining that, “there are also political tensions that hinder the ward committee to be representative of all the CBOs in the community.” In contrast, the councillor interviewed was largely positive about the relationship between community organisations and the council and the ward committee indicating that: “there are community organisations in the ward that fully participate in the community meetings.” In terms of information and participation, he maintained that he was satisfied with the level of participation and stated that: “the community and CBOs are always well informed and are invited to participate in meetings.”

The councillor further indicated that regular ward committee meetings take place in the ward, “a minimum of four meetings per year are required ... as the ward is too big meetings are held in blocks – as a result this ward holds so many meetings in a year.” He pointed out that although there were no community meetings held specifically for land and housing, these issues often feature in the meetings since “people always need land and want to be guaranteed that they will not be removed from it.”

Other views expressed in the focus group discussion highlighted people’s understanding and expectations of participation, as in the comments: “We normally see things happening without being consulted by the government”; and: “There is indirect participation because there is no proper consultation. The process should be transparent and people should give input on what they want to see happening in terms of development.” Others emphasised the lack of information and the importance of being invited to participate as in the following contribution:

“We do not have enough information at our disposal about when and how these meetings are happening. We need education to help us understand what we have to do in the situations about community development. We need to be invited to these meetings so that we can participate but it is not happening, this is my first time to be in a meeting where we are discussing land issues.”

These views and comments indicate a desire for more effective participation through access to information and substantive participation in development planning. The lack of interest in certain development initiatives expressed by some community residents could be interpreted as a sense of disillusionment with

development processes in the area and perhaps related specifically to their lack of or limited involvement in these processes.

4.13 Summary of findings

Diepsloot was the product of a major government initiative to provide access to land with housing and security of tenure for the poor, and as such is an important case study in an examination of land management processes in Johannesburg. Its initially isolated location on the periphery of the City did not seem to be chosen with attention to the need for integration of the township into the City's infrastructure and the economic opportunities offered by it. Rather than developing organically over time, Diepsloot has been the product of mass relocations and resettlement, driven by a government attempting to deliver on the RDP promise of housing for all. By employing a strategy of involuntarily relocating large numbers of people, specifically from informal settlements in the much better-located Alexandra township, government also incurred a stronger obligation to these residents to provide decent accommodation and services. Despite a housing delivery process that was truly fast-tracked, certainly compared to the record for housing delivery in the rest of the City and possibly even the Province, at some point the demand from residents voluntarily or involuntarily relocating to Diepsloot overwhelmed the capacity of the state to make good on this obligation. Given subsequent development trends, Diepsloot is now located in an area of high demand for land on the part of developers catering to a high-income clientele, and finds itself also constrained by the city's Urban Development Boundary, which has limited the possibilities for allocating or acquiring land to house the more than 20 000 residents of Diepsloot who still live in shacks.

As admitted by a housing official, there was no 'Breaking New Ground' strategy then, which would have implied looking at settlement planning in the Diepsloot area in a more integrated manner, with various higher density housing typologies and greater attention to economic opportunities (and presumably better planning with regard to the adequacy of infrastructure and services), so as to develop a more sustainable community and truly improve the lives of the residents. As it is, Diepsloot has provided a lot of people a space in what became an economically booming northern suburban area of the City, and perhaps that has – or will eventually – provide the poor with real opportunity and value. However, its now-valuable location has also fuelled speculations of further relocation that have in turn resulted in violent protests from Diepsloot residents who have had enough of relocations.

The Urban Development Boundary, which currently limits both Diepsloot's low-income development and the sprawling high-income development that characterises the northern suburbs, is the subject of current controversies around land issues that feature in the area. It is undisputable that more land is needed now

simply to accommodate those still living in informal dwellings in Diepsloot, but will high-value land be provided to house the poor? Are more involuntary relocations actually being considered?

There are many issues for serious consideration that arise from an examination of Diepsloot's expansion possibilities that specifically relate to the access of the poor to land resources. First, how are decisions made regarding existing City-owned land resources in terms of prioritising the needs of the poor? Regarding the City-owned land to the south of Diepsloot in particular, in which different city agencies (JPC, Pikitup, the housing department) seem to have competing interests, what are the criteria that will be applied and by whom will decisions be made as to its eventual use? Interviews with City officials did not yield a satisfactory answer to this question, but it is of absolute importance that the City comes to terms with a process that clearly outlines its priorities, and high amongst those priorities should be access to land by the poor. One official suggested that rather than depending upon the JPC (which has a mandate to maximise the city's financial returns rather than attend to its social goals) to ensure the City is planning effectively to provide access to land by the poor, a special unit dedicated to land allocation and acquisition for the poor could be attached to the Mayor's office. Is the City willing to make such a commitment in order to address the serious crisis in access to land by the poor that is evident in settlements such as Diepsloot?

Secondly, the City currently seems to be in a position in which it doesn't envisage acquiring new high-value land for settlement for Diepsloot's poor, and what does that mean if there is also a recognition that the poor require access to land in locations where they also have access to job opportunities? While there are vague statements in planning documents that Diepsloot's poor are not benefiting from their proximity to job opportunities because of lack of skills, it is not clear whether there has been any analysis to determine this, and certainly the location in a high-growth area is attractive compared to a number of other locations that may be considered for relocation. It is very interesting that the City potentially has some leverage provided by the Urban Development Boundary, and that it is considering using this leverage to meet affordable housing goals, while admitting that this would not be targeted at the poorest households. But the question of utilising new initiatives that were part of the 'Breaking New Ground' housing strategy, such as the Informal Settlement In-situ Upgrading Programme,⁷⁸ which does not have a ceiling on the cost of new land to be acquired as part of the overall upgrading programme, seems not to have been considered. It is not clear whether the programme is being implemented by the provincial Department of Housing, but this is a clear case where it could be. However, it appears current tensions between the City and Province around plans for the area would need to be resolved for any joint planning to occur around solutions to benefit the poor.

⁷⁸ Department of Housing, Informal Settlement In-Situ Upgrading Policy, October, 2004

Finally, Diepsloot's case raises fundamental questions around how best to provide new opportunities to the poor to access land, and how to regulate the resulting environments. Based on certain comments in interviews and in written documentation, it appears that an uncomfortable level of social instability exists in Diepsloot. This could be the result of a number of phenomenon – the fact that it is a newly established settlement and social relationships are not well-established; that it was affected by large-scale relocations, putting different population groups in conflict with one another for scarce resources; perhaps the concentration of poor people without sufficient economic links to the surrounding area creates a community with greater vulnerability to crime; and the insufficient attention by the local authorities to basic health and safety standards in the area must certainly play a role. While this review only touched the surface, a complex combination of factors is likely to have contributed to the overall situation facing residents.

What is clear is that while the major housing developments taking place in Diepsloot seem to have played a role in attracting a number of poor residents who voluntarily came to the area, the fact that development processes have become so overwhelmed is certainly symptomatic of the larger issue of lack of access to available space for the poor in the CoJ, and a strong argument for providing access to land and services in a fast-tracked manner in a number of strategic locations around the City. In other words, the social instability present in Diepsloot is not an argument for preventing more Diepsloots, but expanding the range of settlement opportunities available to the poor, coupled with a serious commitment by the Municipality to plan for adequate basic services, policing, schools and economic opportunities, for all new settlements. There is an argument to be made that establishing these could be *more* important than housing, and therefore must come first, with upgrading of housing rather happening in a second phase.

Community institution building, consumer education, and strengthening governance at community level must also be a priority concern. While residents do make some attempts to self-regulate land management processes and to benefit economically from their access to land, these attempts are characterised by a lack of access to information, regulation and mechanisms for conflict management around land issues. There is worrying evidence from the case study that residents of Diepsloot are not well-informed and are involved in decisions that may fundamentally affect their future, and there is a level of confusion that could easily inflame further conflict. Broad consultation should receive first priority in any solution for Diepsloot's future that might hope to benefit the poor.

5 IMPLICATIONS OF THE FINDINGS FOR PROGRESSIVE APPROACHES TO LAND MANAGEMENT

Land management issues in the Diepsloot and Kliptown settlements, though evolving in some significantly different ways, are framed in both locations mainly by the dominance of government-led housing development as the major planned development path. In each settlement, the imperative has been to provide RDP housing to large populations residing in informal settlements. Yet in both cases, it has become clear that the land in proximity to those settlements that has *already* been acquired for the housing development projects cannot accommodate all existing residents on the one-house/one-plot RDP model. Also in both cases, there are varying degrees of flux within the populations, in contrast to the government-planned processes that are premised upon a static population that can be registered, qualify for subsidy, and ultimately be provided with accommodation – thus, getting rid of the shacks.

One tactic employed by the CoJ in an attempt to reproduce the controlled conditions necessary to implement this strategy has been the ‘zero-growth’ policy in relation to informal settlements. Councillors, community leaders and residents are also enlisted, to varying degrees, in enforcement of this strategy – evidence was strongest from the Kliptown case that some type of enforcement is attempted. The promise of proper housing is held out to *existing* residents, and it is made clear that their interests are served by preventing new arrivals, which would only delay the planned housing strategy. Thus, the politics of ‘insiders’ versus ‘outsiders’ develops or is reinforced.

This modern form of influx control by coercion, directed only at those too poor to adequately house themselves, in the context of a City that has shown explosive growth in population over the past 10 years, seems cynical at worst and at best unlikely to succeed. It seems to result from either a serious lack of capacity or political will, or both, on the part of the City to manage land resources to proactively accommodate migration and household formation, particularly for the poor. While those in informal settlements occupy a small proportion of land in the City, they incorporate at least 700 000 people in 200 000 households (COURC 2005 and Overview Report). And so far, the benefits of new housing development for the poor in the CoJ have gone to a small proportion of those who qualify for the subsidy, while most have yet to see improvement in their living conditions. Thus, the promise, even for those who have accepted the rules, may appear elusive.

The case studies certainly reveal that the population in these areas has not been static – people move in, move out, die, are born, get married, get divorced, etc., and in the roughly 10 years that there have been attempts to implement housing strategies in these two areas, one can imagine that these changes have happened many thousands of times. In both areas, housing delivery has lagged behind the

changes, and housing plans have had an uphill battle to accommodate them. But residents have attempted throughout, despite having little or no support from a legal framework on which to base their claims, to secure their rights to the space they occupy in the settlements and the place that they occupy on the housing list. Officially, there is little or no support from government for regulating land and housing transactions in informal settlements. Unofficially, there are different means that residents use to do this, and also through which they try to resolve disputes.

The ways that residents have attempted to manage the processes of securing and transferring rights, and the expectations that have been created through these practices, should not be ignored by policy-makers and planners but, in the interests of conflict management and fairness, be accommodated wherever possible. It is also important to recognise residents' strongly held beliefs in their right to live in the area with which they may strongly identify, and where they've achieved at least some foothold and ability to survive, however marginal. Experience has shown that relocating residents outside of the area where they live is beset with difficulties and is often resisted, usually for very good reasons – the disruption in the lives of those relocated, in terms of reducing their access to economic opportunity, schools, and health care, cannot be overestimated. This is recognised in the country's Informal Settlement In-situ Upgrading Policy (National Department of Housing 2004), and the United Nations report, *A Home in the City* (2005), where it is recommended that relocation should only occur as a last resort.

On other issues related to land management, aside from the attempts to implement low-income housing development processes, it is evident that there is little regulation or active management in these settlements at all. Services are either inferior or non-existent – poor waste management and sanitation pose health threats to residents and pollute the environment. Overcrowding fuels the possibility of dangerous shack fires, and many residents of the settlements currently reside below the floodlines. Regulation of land uses in areas of new housing development is apparently only now being considered, and given the poor's need to survive, any manner of activity to generate an income is present. Those who have formally secured a site (and some who have informally done so), with or without a house, quickly venture into the rental of backyard shacks, or the opening of spaza shops or other businesses. While it would be difficult in this context to argue for strict regulation to prevent survivalist enterprises, it might rather point us to questioning the lack of other economic opportunities for residents of these settlements, given the lack of proximity to commercial and industrial development and the often high transportation costs to areas they might get work.

Both cases highlight the competition for land resources to meet various City and Provincial agendas, agendas which often conflict, even within the same City administration. In Kliptown, broadly speaking, the conflict for land resources revolves around the need for land to house the area's informal settlement

population (most of whom have been given a de-facto commitment against displacement), and an urban regeneration agenda involving a serious investment of infrastructure to create a tourism and economic hub around the heritage site. In Diepsloot, the conflict revolves around expansion possibilities for the settlement directed, again, at housing the area's informal settlement population, and the constraints imposed by the City's Urban Development Boundary – the little City-owned land within the boundary available for development is also the site of competing agendas amongst different City agencies, and there is no guarantee that this will be used to relieve the housing demand.

The following are suggested by the analysis of the case studies as ways to introduce more progressive approaches to land management in the interests of the poor:

Participatory processes where the poor can directly influence decisions that affect them must be instituted or improved. That includes being transparent with regard to the City's plans, sharing information on various alternatives for the location of residential settlement and forms of development, allocation procedures etc. before any plans are finalised. It also should include serious attention to resources to improve mechanisms for participation, noting that in both locations, when the community development forums were active, there seemed to be a more inclusive process providing (at a minimum) access to information, if not real decision-making power. In both cases, too, value was added by a third party, who took responsibility for developing and running the forum.

Facilitate the rapid release of well-located land for the poor. This is merely stating the obvious, perhaps. Currently, opportunities provided to the poor for access to land are *far* outstripped by the demand. The most obvious symptom of that is the large population residing in informal settlements and backyard shacks in the City, despite the City's efforts to curb this trend – delivery of housing is simply not moving fast enough. There are serious health and safety concerns in most of these settlements but they cannot be alleviated without providing safe, viable, and affordable *alternative* living spaces for the poor. Also, if land made available to the poor is not well-located with respect to economic opportunities, poor people are forced to prioritise economic opportunities and will continually seek even extremely poor accommodation that gives them an opportunity to earn a living without incurring high transportation costs. So, land for settlement by the poor in proximity to economic nodes (even on high-cost land) must be identified as an urgent priority for the City, as the longer-term economic and social costs could be much higher. The role of the Johannesburg Property Company (JPC) must be seriously considered, here, as it has been suggested in more than one case that JPC does not proactively identify land for the poor. The suggestion by a City official to make land acquisition a special initiative directly under the Mayor's Office has potential to ensure prioritisation of land access on behalf of the poor.

Review policy relating to Johannesburg's urban development boundary. While it seems there is some investigation taking place on extending the Urban Development Boundary in areas of high growth pressure, such as the City's northern border around Diepsloot, it is not clear at this point if the poor will stand to benefit from possible relaxation of this boundary. The Urban Development Boundary is essentially meant to prevent high costs of extending the City's infrastructure to support sprawling development patterns. In the case of high-income development, that could be a very useful function of the UDB – but it might also be preventing consideration for acquiring land resources that could be made available to the poor. The City needs to evaluate its strategy for land use in relation to the priorities for land within the UDB, possibly introducing additional tools to increase settlement densities on existing available land, but also be willing to use its leverage to access well-located land for the poor beyond the UDB if necessary.

Adopt progressive policies regarding recognition of the rights of informal settlement residents and provide *appropriate* and *sufficient* settlement alternatives for the poor. Government should recognise the rights of current residents of informal settlements currently residing on land that does not subject them to *imminent* threat, and institute in-situ upgrading processes as a principle. There should be a major effort to identify 'safe' land in as close proximity as possible to areas where people now reside on 'dangerous' sites – for *necessary* relocations. To facilitate rapid access, the land made available could be serviced sites with security of tenure, with in-situ upgrading processes then initiated. The City should suspend its 'zero-growth' policy directive, and recognise poor people's need for mobility as a survival strategy and to accommodate lifestyle changes. Therefore, in addition to ensuring there is enough appropriate land for settlement by the poor, there must be readily accessible means to effect transfers and secure inheritance rights *in all settlement types*. Government must 'streamline' regulatory processes of titling and beneficiary registration.

Develop methods to integrate job-creation opportunities in residential areas where the poor live, without displacement. This can be done in two ways: development of appropriate, labour-intensive commercial or industrial enterprises; and encouragement and support of small, home-based enterprises (which argues against restrictive zoning). However, new commercial or industrial development should not occur in the absence of visible and substantial movement toward addressing the housing needs of the poor at the same time, or serious discontent can undermine stable governance. It should also not occur in a manner that displaces the poor, so displacement protections must be introduced. These can include minimal property rates for low-income property owners, land trusts to limit increases in the price of residential land, and provision of incentives for employing local labour in construction and in permanent jobs created through the development. Where current legislation does not currently allow for creative

approaches to promoting investment while preventing displacement, these must be strenuously advocated for at national level.

Maximise use of land resources by immediately changing the one-house/one-plot approach to low income housing and increasing density. One intervention that makes a lot of sense is the development of an adequate supply of very low-cost rental rooms – reproducing the ‘backyard shack’ opportunities that are common in low-income townships, but providing incentives for better quality construction (which also boosts the income-earning potential of the poor). Medium-density solutions that do not incur the kinds of monthly carrying charges that currently make social housing unaffordable to the poor must be devised. These could be sectional title townhouses with individually metred service connections, or single-room occupancy rental developments. Operating subsidies may be needed within social housing developments for those households that require ongoing support – this would go a long way toward making social housing projects viable as well.

The City must meet its obligations to servicing and regulating living environments in which the poor live, to uphold minimum safety and health conditions. This needs to be done with sensitivity to the needs of the poor to access services and opportunities for income generation with limited barriers to entry. The City should not unnecessarily restrict home-based enterprises or informal trading in public areas. It should ensure that free allocations of basic services are provided where needed. It should ensure free access to recreational opportunities and health and social services. Adequate police presence is essential in all settlement areas. The City should promote affordable and efficient transportation – and consider applying subsidies in ways that target the poor who depend on affordable transport. Finally, opportunities for urban agriculture for the most marginal must be supported and extended.

The Municipality occupies a pivotal position in delivering the benefits of a developmental local state to the poor, through providing access to opportunities for land and taking responsibility for effective settlement planning. Rather than competing with Provincial priorities, the City should be at the centre of decisions affecting land management, with the province in a supportive role, facilitating access to national programmes they administer. But the City must also play its part by prioritising the needs of the poor in land management decisions, and take its role in promoting meaningful participation by the poor, thereby strengthening local democracy and social stability.

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Ms P. Peterson, Ward Councilor, Ward 17

Mr M. Mtshali, Ward Councilor, Ward 19

Mr G. Ndlovu, Ward Councilor, Ward 22

Mr Marius Pretorius, JPC official

Ms Cheryl Holmes, Head of Housing Management, Joshco

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Ms Margo Weimars, Senior Specialist, RSDF Region D & E, Department of Development and Planning, City of Joburg

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RDP houses, Ward 22 – 3 interviewees

Freedom Charter Square, Ward 19 – 9 interviewees

Race Course, Ward 17 – 3 interviewees

Kliptown Focus Group Discussion

Community Based Organisations:

Environmental Affairs – 4 members

Greater Kliptown Development Forum – 1 member

Progressive Woman Movement – 1 member

Health Sector – 1 member

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Diepsloot West Ext 3 sites, Ward 95 – 3 interviewees

Diepsloot West Ext 5 sites, Ward 96 – 2 interviewees

Diepsloot West Ext 5 informal settlement, Ward 96 – 3 interviewees

Diepsloot West Ext 12 – 2 interviewees

Diepsloot West Ext 09 – 2 interviewees

Focus Group Discussion: Community Based Organisation Leaders / Representatives:

Community Policing Forum (CPF) Ext 7 – 1 member

CPF Ext 8 – 3 members

Local Development Committee – 1 member

Hope World Wide – 2 members

Mothopele CBO – 3 members

