



**Urban LandMark**

working towards improving access to land and property rights

**TENURE SECURITY FACILITY SOUTHERN AFRICA  
PROJECT**

**Incrementally securing tenure in informal settlements /  
slum upgrading in Southern Africa**

**Advisory Support Services – Technical Report**

**Incrementally securing tenure in  
Springvalley, Emalahleni South Africa**

**June 2013**

Tenure advisory support services undertaken for Urban LandMark and Cities Alliance by:

**Gemey Abrahams Consultants**

## **ABOUT URBAN LANDMARK**

Established in 2006 with funding from the UK's Department for International Development (DFID), Urban LandMark works to find remedies to the problems that have made urban land markets dysfunctional and habitable land unaffordable. Our initiatives aim to shift policies and practice to improve access to well-located urban land by making markets as well as land planning and management systems work better for poorer people, and giving meaning to the right to land. Urban LandMark plays a catalytic role by using research to inform policy, and by promoting dialogue between key stakeholders – government, the private sector and civil society – to find effective solutions to prevailing obstacles in accessing urban land markets.

## **ABOUT THE TENURE SECURITY FACILITY SOUTHERN AFRICA PROJECT**

Urban LandMark established the Tenure Security Facility Southern Africa project in 2012 to provide specialist technical assistance and advisory services on tenure security within slum upgrading initiatives in Southern Africa, and share lessons learnt with others in the region. The work aims to contribute to improved access to land for poorer people, which in turn contributes to improved livelihoods, active citizenship and asset creation. The Tenure Security Facility extends and expands on work Urban LandMark has undertaken since 2006. This work has made a significant contribution to recognising the need for incremental tenure in the slum upgrading process and thinking about how this should occur.

Lauren Royston managed the advisory support services which were provided by Michael Kihato in Springvalley. This Technical Report was written by Michael Kihato.

The Tenure Security Facility partnered with Planact for this work in Emalahleni Municipality, South Africa.

## **ABOUT PLANACT**



Planact is a non-governmental development organization committed to holistic development for the poor focusing on the areas of integrated human settlements and participatory governance. It has extensive experience in participatory processes in poor communities and aims to provide insight and

support towards contributing to the development and implementation of participatory informal settlement regularization and upgrading programmes.

## **ACKNOWLEDGEMENTS**

The Tenure Security Facility Southern Africa project is financially supported through the Catalytic Fund of Cities Alliance and co-funding from UKaid (Department for International Development).

The support of Planact is gratefully acknowledged. The collaboration with Mike Makwela and Farai Chapisa is particularly appreciated. Additional appreciation to members of the Springvalley Development Community and the community of Springvalley as a whole, all who made time to answer our numerous queries and enthusiastically hosted and participated in the workshops held as part of this process.

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## ABBREVIATIONS

CPF	Community Policing Forum
GLTN	Global Land Tool Network
IDP	Integrated Development Plan
NGO	Non-governmental organisation
NUSP	National Upgrading Support Program
PAIA	Promotion of Access to Information Act
PIE	Prevention of Illegal Evictions and Unlawful Occupation Act
SDC	Settlement Development Committee
ULM	Urban LandMark

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## **EXECUTIVE SUMMARY**

Many poor communities in South Africa today face threats to tenure security despite considerable legislation, and state driven housing and land programs. This project looks at one such community in Emalahleni, a rapidly growing secondary city in the province of Mpumalanga. The community of Springvalley is largely poor with limited education and skills, drawn from all over South Africa and even further across the borders. They have been drawn by the promise of jobs in a city which has experienced considerable growth on the back of coal mining and power generation. The municipality has struggled to provide housing and basic services for this influx of people. Instead the Springvalley community like many others like it now occupies a mix of public and private land in one of the many informal settlements that dot the municipality.

Not only has the municipality been slow to provide services, it and a number of private land owners have threatened to evict the Springvalley community. The community has not been helpless in the face of this. It, together with its partner Planact has undertaken many actions that have greatly assisted in resisting this threat and improving tenure security. Many of these actions have not been done within a clear road map aimed at progressive tenure improvement. This report, apart from making recommendations to enhance and strengthen many of these important steps also places them within a continuum of actions that step by step, progressively guide the community toward greater tenure security.

The approach is largely centred around actions that enhance administrative recognition, in the absence of state recognition. Given where the community of Springvalley is along the tenure security continuum, this is the most appropriate and practical. The community together with Planact and other partners should prioritise a number of actions in the short to medium term in this respect. Firstly, they must successfully resist evictions. It is only by retaining the status quo, where the community continues to occupy the land, that in situ development can be attained. This is very feasible; part of the land occupied by the community is municipal land. It is only reasonable that this is prioritised for in situ development rather than unfamiliar and disruptive alternatives sought elsewhere. Secondly, a number of actions by the community, geared at enhancing tenure through administration recognition need be implemented. These such as street addressing, a community enumeration to update the current community register, developing a system for managing enumeration data, a community mapping process, and building on local land management arrangements are critical to not only strengthen the community itself, but also to facilitate greater recognition from state authorities.

A question that looms large for the community is that of ownership over the land they occupy. The land is owned by the Emalahleni municipality as well as private individuals. Any strategy towards greater tenure security will need to tackle how this land can be earmarked for the purposes of development for the community. This not only entails obtaining clarity on all aspects regarding the land (a due diligence process looking into competing interests, endorsements and servitudes, infrastructure available, transactions data etc) but also information from the municipality on what it intends to do with its portion of the land. Ultimately, the aim of this step is to ensure the land is earmarked by the

municipality for in situ upgrade, and options such as purchase or even land swaps then exercised for the privately held portions. Finally, actions are recommended that assist the community obtain better basic services from the municipality and other state organs. All the above actions will entail some political lobbying. An all inclusive structure for this purpose has recently been proposed and it will be interesting to see if there is political commitment to make it work. Meanwhile, the community has reserved its right to peacefully protest to exert political pressure where necessary.

A number of important developments have occurred since this project started. Emalahleni municipality was placed under provincial administration in April 2013. This could be a blessing in disguise, allowing the community to engage in talks for greater recognition and better provision of services with a different, potentially more understanding administration. Secondly, the National Upgrading Support Program (NUSP) recently submitted a proposal to the municipality to provide technical assistance to develop an informal settlement upgrading strategy and programme, and do detailed upgrading plans for up to 14 informal settlements, including possibly the Springvalley community. Again this is a window of opportunity for the Springvalley community to be formally recognized, prioritised and included for in situ slum upgrading and development by the municipality through this program.

## **1. INTRODUCTION**

Urban LandMark has developed an approach to securing tenure in informal settlements largely based on incremental recognition of tenure through administrative and legal mechanisms. They have provided support in a number of sites, initially in South Africa but now also within the Southern African region. Urban LandMark's Tenure Security Facility Southern Africa Programme 2012 supported by Cities Alliance and with co-funding from UKAid is extending this initial work done in several sites by providing limited and focussed technical assistance to their partners in three South African sites namely, Springvalley Emalahleni, the City of Johannesburg's regularisation programme and Monwabisi Park in Khayeltisha, Cape Town.

The support to Springvalley has been provided through Planact, a non-governmental development organization committed to holistic development for the poor focusing on the areas of integrated human settlements and participatory governance. Springvalley is one of three learning sites that Planact has worked in over several years. The learning site approach is one in which the support organisation identifies a small number of areas it will work in over a long period, learning together with residents' organisations, relevant government and private sector agents, and other service providers.

This report is an output emerging from the process with the assistance of Planact and the community in Springvalley Emalahleni.



## **1.1 The brief**

This project involved providing technical support to Planact to assist them in their ongoing support to the Springvalley Community in Emalahleni. This entailed provision of advisory services related to incrementally securing tenure. The experience of the advisory services (content and procedural) has been incorporated in this report, and forms the basis of the preparation of a short practical practice note, another output from the larger project by Urban LandMark (ULM). There is further a booklet based on a regional guide to incrementally securing tenure combining Emalahleni and four other sites.

The brief was developed by ULM with Planact and captured in a Memorandum of Agreement between the two organisations. It specified that a number of administrative mechanisms should be the focus of the road map for the Springvalley community. These were to include:

- Community led street addressing
- Mapping existing enumeration data
- Developing a geo-spatial component of enumeration data
- Building on the local land management arrangements to develop locally acceptable rules of the game for land access, use, holding and transfer
- Developing a system for managing the enumeration data, and
- Collating forms of evidence to recognise locally managed de facto rights

These mechanisms were developed in consultation with Planact over the course of two workshops on learning about tenure and developing a tenure security strategy, respectively. Recommendations on how to implement these mechanisms have also been included in the report, and some such as mapping, developing a geo-spatial components of enumeration data, building on local land management practices and developing a system for managing the enumeration data, have been considered in considerable detail. Others, however, including street addressing and collating evidence of locally managed de facto rights may require deeper research. A recommendation has been made that a project proposal to determine how they can be carried out by the community is done. This report went beyond the menu of administrative actions developed in the early stages of technical assistance, to include a series of other actions geared towards incrementally working towards greater tenure security.

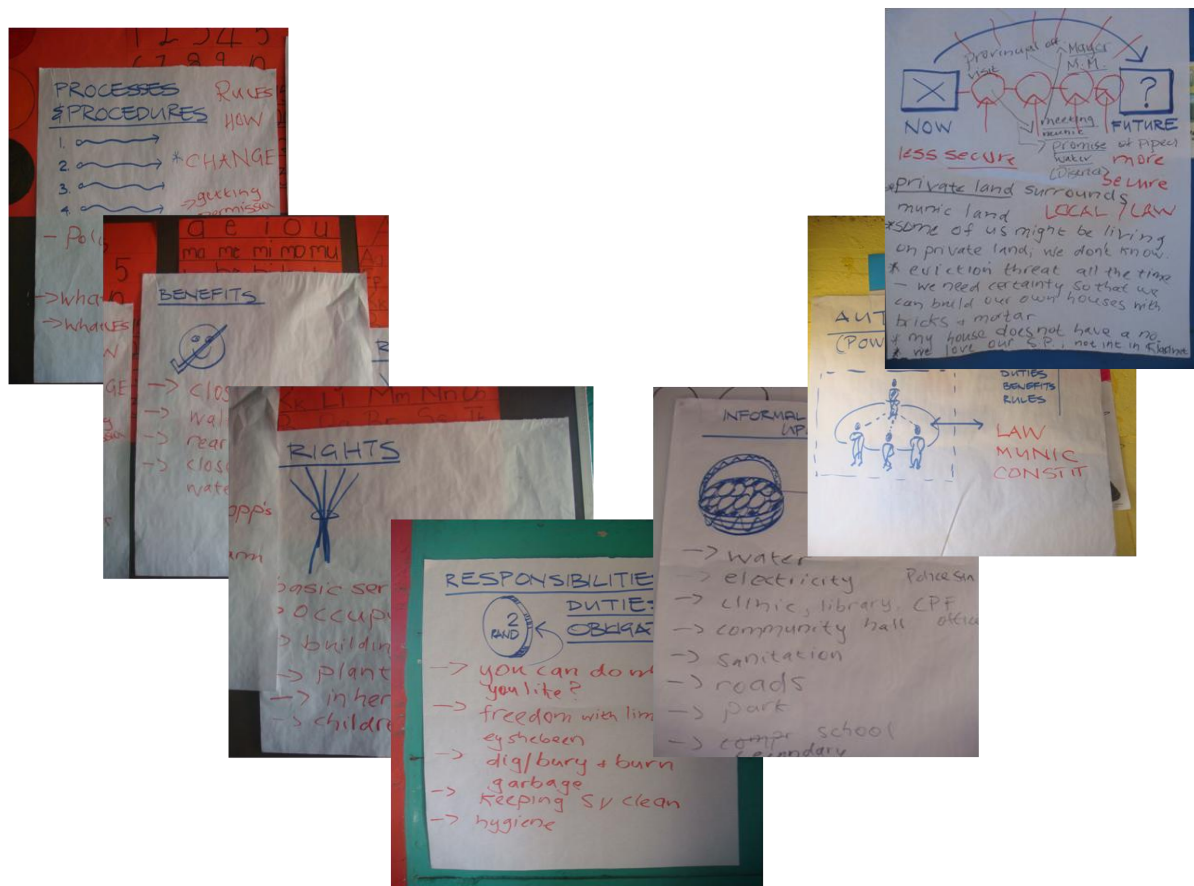
## **1.2 The methodology**

### ***Planact's engagement with SV community***

Planact's technical assistance began in 2011 when Urban LandMark visited the municipality and the settlement and developed a thought piece for Planact reflecting on tenure issues in Springvalley. Following on from this Urban LandMark held two workshops with Planact. The first was a tenure learning workshop to discuss the meaning and concepts of tenure security. The idea of developing a tenure "work stream" in the Springvalley engagement was discussed. At the second workshop the idea of the tenure work stream was further developed and elements of a route map toward more tenure security were identified.

In a subsequent round of technical assistance covered in this report, the elements of the tenure route map were developed in detail and extended. The methodology involved interaction with Planact and the community representatives through two workshops on 9 March and 11 May. A formal workshop was held with Planact on 28 March where its inputs were sought on a draft of this report. The intent of these was to obtain information on what actions they have performed over the years towards securing tenure security, solicit their opinion on various recommendations on the way forward, as well as provide technical support and advise around issues of tenure security. A focus group meeting with the leadership of the community, the Springvalley Development Committee (SDC) was likewise held on 11 April. This was to undertake a preliminary mapping of elements of the governance mechanisms involved in accessing, holding and transacting in land.

**Figure 1: Some poster pictures from the technical support process for the Springvalley Community**



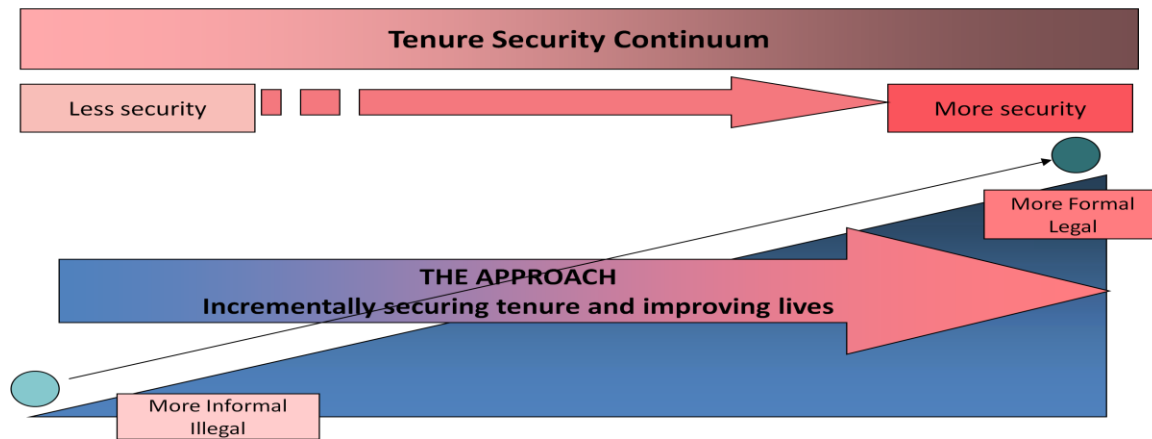
Planact has also created and collected a considerable amount of literature and information on various matters pertaining to its struggle for tenure security on conjunction with the community over the years. This was invaluable for the desktop work for this project. This information was supplemented by literature that deals with implementation of various administrative mechanisms for incrementally

securing tenure, from practice across the world. The bibliography at the end of this report provides references to this literature. Finally, a search was done at the deeds registry to determine basic ownership information on the land in question.

## 2. AN INCREMENTAL APPROACH TOWARDS GREATER TENURE SECURITY

The recommended approach and way forward for the Springvalley community is based on an incremental and progressive improvement of tenure security. There are various ways of representing this, all which describe it as a continuum, from less secure to more secure tenure. For instance ULM (2010) has the following graphic illustrating the concept.

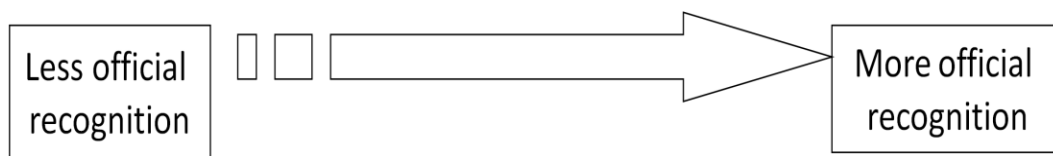
**Figure 2: The incremental tenure continuum concept, based on security and legality**



At one end of the continuum, according to the diagrams is less secure occupation of land characterised by informal, illegal and less recognised forms of occupation. On the other is more security, with more formal, legal and recognised forms of occupation.

Royston (2013) provides another simpler and equally effective representation of this continuum, with emphasis on less and more recognition.

**Figure 3: The incremental tenure continuum concept, based on recognition**



The idea is to progressively move from less to more official recognition over time. It is not a linear process, and actions necessary to move from one end of the continuum to the other are not standard actions that are applicable to all situations. In fact the process is very context specific depending on the players and the environment. This report makes recommendations based on this continuum. With the assistance of Planact, the community is already along this path and has progressed towards greater security through its own actions. The report recommends a number of actions, aimed at further enhancing and strengthening these practices. It also recommends a number of additional practical measures towards strengthening tenure security.

## **2.1 Administrative recognition as part of an incremental approach**

ULM (2010) provides that administrative recognition starts with a decision being made by a municipality or provincial government to make a decisive intervention which will lead to the settlement:

- Being relocated: either in the near future or in the medium term
- Remaining and being upgraded.

Certain practices by the community can hasten, enhance and improve their chances of this. Payne (1997) refers to these as “administrative practices” that are “perceived *de facto* tenure”. This represents first steps on the road to greater official recognition . They are steps along a continuum from complete illegality to formal tenure and property rights, and are to be made on an incremental basis.

Communities need to review and work on these to enhance them and progress towards their quest for secure tenure. Administrative processes are part and parcel of an incremental process of securing tenure, often at the earlier stages of a continuum towards more official forms of tenure.

According to ULM (2010) incremental processes are important because:

- Such approaches give communities the opportunity to consolidate their settlements and to clarify conflicts via internal processes which may have substantial legitimacy.
- They allow government to develop the technical capacity over time to properly institutionalise new approaches.
- They allow for the sorting out of social dynamics and claims to land ahead of settlement upgrading.
- They assist in making many social processes and transactions more transparent, thereby making the land market work better for the most vulnerable.
- Complete ownership through titles is not always advantageous. It can increase insecurity and bringing additional costs, cause gentrification and downward raiding and be a mechanism for exclusion.

This report and the actions it recommends focus on these administrative actions, given the status of the Springvalley community.

Administrative actions aimed at strengthening tenure security are most effective when they may “lock in” to formal state processes. Thus for example, while enumerations and mapping processes are useful

to the community in themselves, they are also intended to be part of and recognised by the local state. Also, the local municipality should ideally use a community enumeration as the basis for slum upgrading, or use the mapping process for formal township creation, declaration and development. In this case, because important state institutions such as the local municipality do not recognise the Springvalley community, the practices of administrative action recommended here are more geared towards internal community benefits such as clarifying conflicts and social dynamics and making internal community processes more transparent. This can happen while local government is lobbied to recognise the settlement. This is the most practical and useful approach towards enhancing tenure security for the community.

### 3. BACKGROUND TO THE SPRINGVALLEY COMMUNITY

There is considerable information dealing with the Springvalley community, available from Planact. A particularly useful summary is the report *Anatomy of a right for the fight to the city* which points to the broader contextual issues surrounding the community. This report will only highlight some important issues.

#### 3.1 The community

Springvalley is a community of informal dwellers, largely poor falling within the state housing subsidy program, earning below R 3500. The housing they live in is largely poor, although there are some examples of improvements done by some members of the community.

**Figure 4: Pictures representing various housing typologies in the Springvalley area**

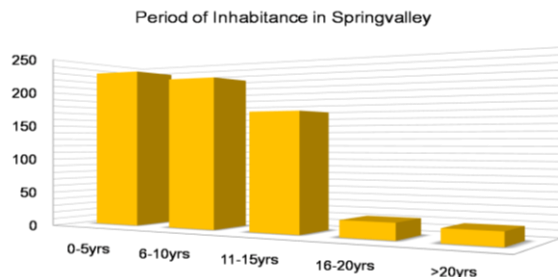


They are either unemployed or undertake manual or domestic work in the vicinity of the settlement. This is a mixed community, from Limpopo, KwaZulu-Natal and more rural areas of Mpumalanga – such as KwaNdebele, Belfast and so on. There are some who come from Mozambique and Zimbabwe as well. The community arrived in the area at various times. Dates quoted range from as early as the 60's all the way to 1986 for the older people in the settlement, and others more recently from 1993 to 1998.<sup>1</sup> There are 600 households according to the last community enumeration.

<sup>1</sup> Spring Valley Focus Group – Steering Committee Notes 29 January 2011 1300hrs.

**Figure 5: Period of inhabitation by occupiers in Springvalley**

(Planact, 2013)



The community faces the threat of eviction from the Emalahleni municipality as well as private land owners. The municipality has offered as an alternative, relocation to a development in Klarinet. The community is resisting the relocation because<sup>2</sup>:

- There has been insufficient community participation in the process of planning for and developing the new settlement.
- The new location is far from jobs and places of employment, and approximately 15 kilometers from Springvalley .
- Information provided on the relocation has never been clear to the Springvalley community and the process has not been transparent.

Instead, the community would prefer in situ development on the land it occupies. Municipal documents show that there have been previous in situ developments in other informal settlements, such as Emsagweni, Hlalanikahle, Empumelelweni, and Vezi.

Klarinet, the relocation site, is a proposed integrated settlement partially developed by provincial authorities consisting of:

- 6 300 units of government subsidised housing,
- 2 300 institutional rental apartments,
- 3 900 units of bonded housing,
- social facilities and amenities, such as schools, a clinic, a community centre and a formal taxi rank,
- businesses, including sites for a mall and.

For the poor, such as those in Spring Valley, only the first 9600 units, that is, those fully subsidised and possibly the institutional apartments can be made available. According to municipal records from 2008, 1149 households from Springvalley were to be relocated to the project, out of a total of 8000

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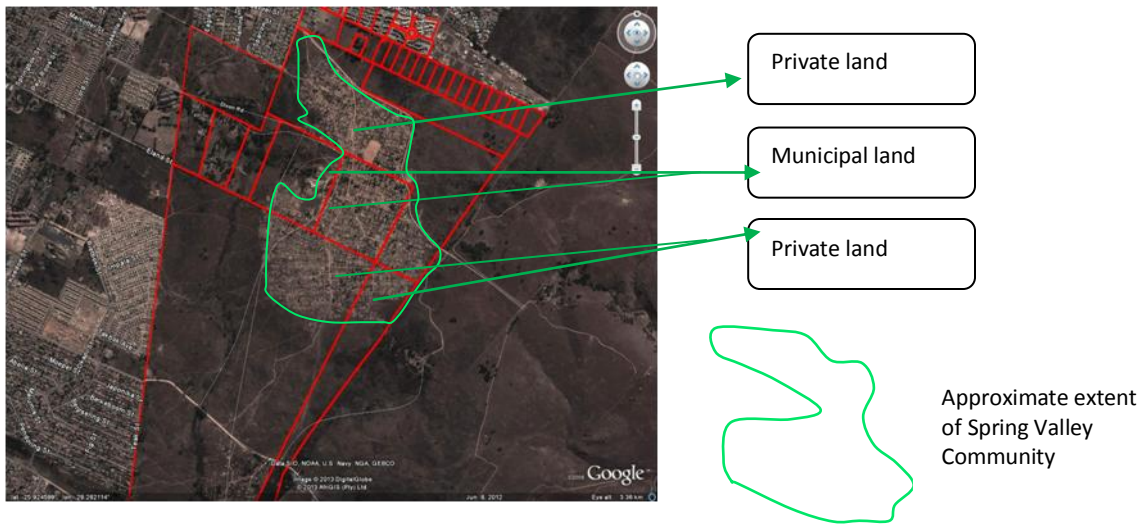
<sup>2</sup> Spring Valley Community Steering Committee meeting – 10<sup>th</sup> January 2011.

households in the municipality.<sup>3</sup> An important issue not addressed in this equation is how those who do not qualify for a housing subsidy will be accommodated.

### 3.2 The land

The land which the community occupies is a mix of both municipal and privately owned land.

**Figure 6: Aerial map of the Springvalley Community showing the extent of settlement and the ownership of land**



It is on the private land where a larger number of the community reside as is visible from above

### 3.3 The municipality

Apart from threatening the community with eviction, the Emalahleni municipality is hostile to in situ development. The Integrated Development Plan (IDP) shows that the Springvalley informal settlement is considered illegal and a local councilor has called for “municipal incorporation, moving to other suitable area” It is not clear what this means which adds to the uncertainty.

Local government in South Africa is faced with many dilemmas and this situation in many respects represents one of them. On the one hand, there is a developmental agenda where services must be extended to the poor. This must be done with minimum disruption and sensitivity to established livelihoods within these communities. Yet, municipalities are also faced with the need to be financially

<sup>3</sup> See Council Meeting extract held on 4 December 2008. Note the discrepancy in numbers between the community enumeration (600 households) and the municipality.

viable and raise taxes to sustain their revenue streams. The Springvalley community is located adjacent to a middle class suburb. There is a genuine fear that property values will fall should low cost housing be permanently developed. This would result in a drop in the rates base for the municipality. The municipal administration and the property owners therefore have a common interest in resisting in situ development.<sup>4</sup> Further, for the municipality, the land provides an attractive revenue proposition, where they can service and then sell the stands for middle income development. This has been previously done by the municipality at a different site.<sup>5</sup>

On the other hand, one cannot help and note that as a municipality, Emalahleni has its fair share of governance problems that hamper its ability to deal with this situation progressively and decisively. Poor governance has meant that the municipality was put under administration in April 2013.<sup>6</sup> There have been damning findings on the municipality from audit reports citing poor record keeping, poor investment decisions for municipal funds, increasing reliance on grant funding for capital spend, corruption, and infighting particularly between the political and administrative leadership. The municipality has also historically struggled in executing capital projects, and experiences roll-over of funds. Because of this, National Treasury has threatened withdrawal of various infrastructure grants. The financial statements of the municipality show that there have been no sums budgeted nor spent for housing in the financial years 2009/10, 2010/11, and only in the year 2007/08 was there a small sum spent. In contrast its operational budget is often over spent. The municipal capital expenditure budget likewise does not provide for any form of housing expenditure for the current financial year 2012/13<sup>7</sup> although there are sums for related issues such as water, sanitation and related infrastructure. The municipality has problems with regard to its infrastructure and service delivery such as inconsistent water supply, poorly maintained roads and poor supply of interim basic services to informal settlements. The Springv alley community for example, receives water intermittently , and has resorted to legal action to ensure better supply.

#### **4. THE SPRINGVALLEY COMMUNITY THROUGH AN INCREMENTAL TENURE LENSE**

While the Springvalley community has insecure tenure, it is in many ways already on its way to greater and more secure tenure through past actions. The community, with critical assistance from Planact has enhanced administrative recognition through a number of key actions. These actions can be broadly divided into four.

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<sup>4</sup> Evidence that the municipality is reasoning this way is provided anecdotally through interactions by Planact and the community with municipal personnel. For a similar case in Mogale City Municipality Gauteng province where the rates and property value imperative was strong, , see Berrisford S, DeGroot D, Kihato M, Marrengane N, Mhlanga Z and van den Brink, R. (2008). *In search of land and housing in new South Africa: the case of Ethembaletu* (World Bank Washington DC).

<sup>5</sup> For example Model Park.

<sup>6</sup> GCIS (2013)

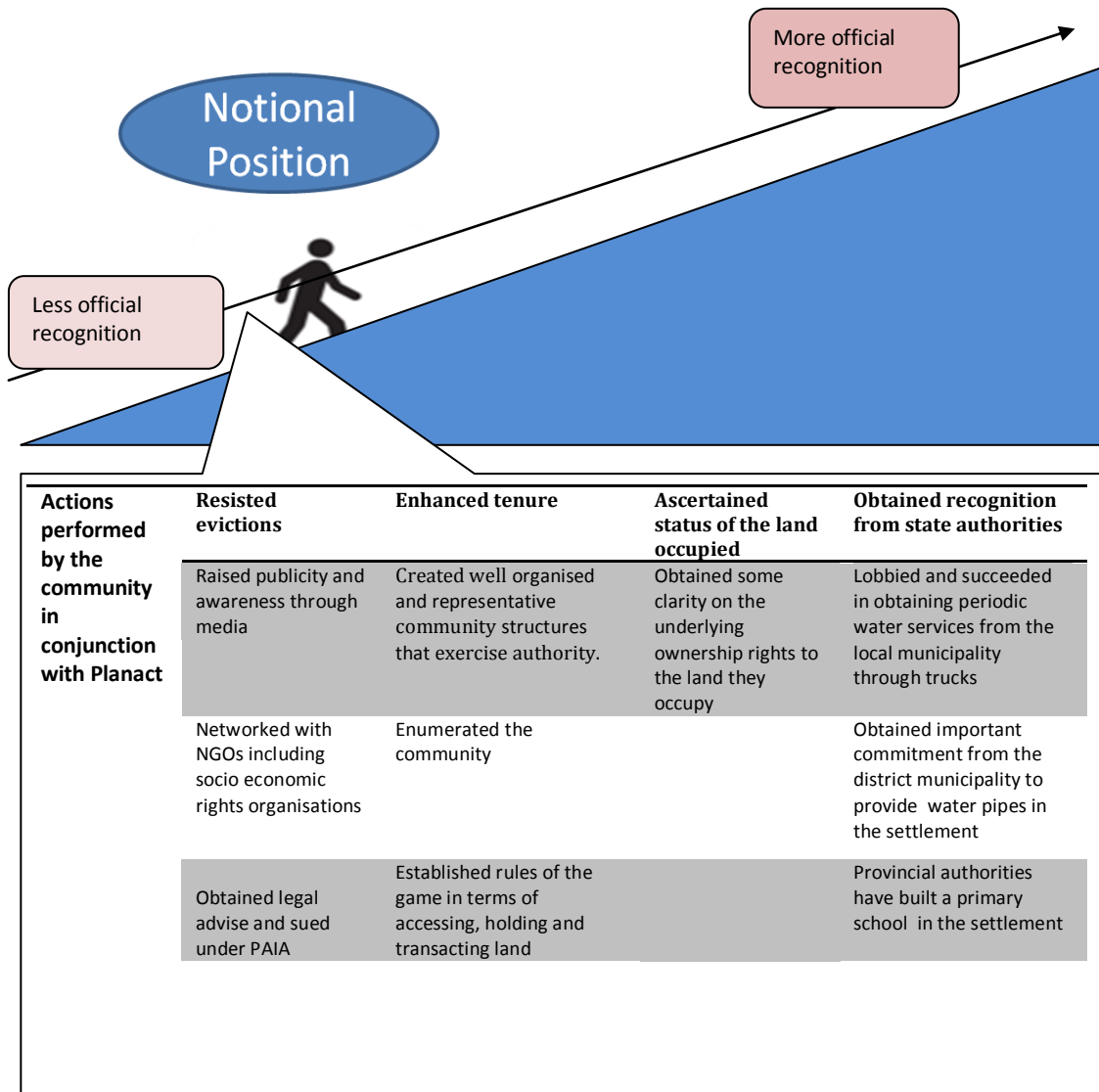
<sup>7</sup> See Draft Capital Budget Emalahleni Municipality INTERNET <http://www.emalahleni.gov.za/documents.html>



- Actions targeted at resisting evictions
- Actions aimed at enhancing tenure security
- Actions geared at ascertaining the status of the land, to improve chances of securing it for in situ development
- Actions geared at obtaining basic services from the state authorities

The position of the community along the tenure continuum based on these actions is illustrated below.

**Figure 7: The Springvalley community along the tenure continuum**



The community is still in the early stages of the continuum and has some way to go before it attains full security. Together with Planact and other partners, they need to reinforce and enhance many of the actions towards administrative recognition already taken. Further, they need to take additional actions to ensure progress towards more secure tenure and recognition.

## **5. A ROAD MAP TOWARDS TENURE SECURITY**

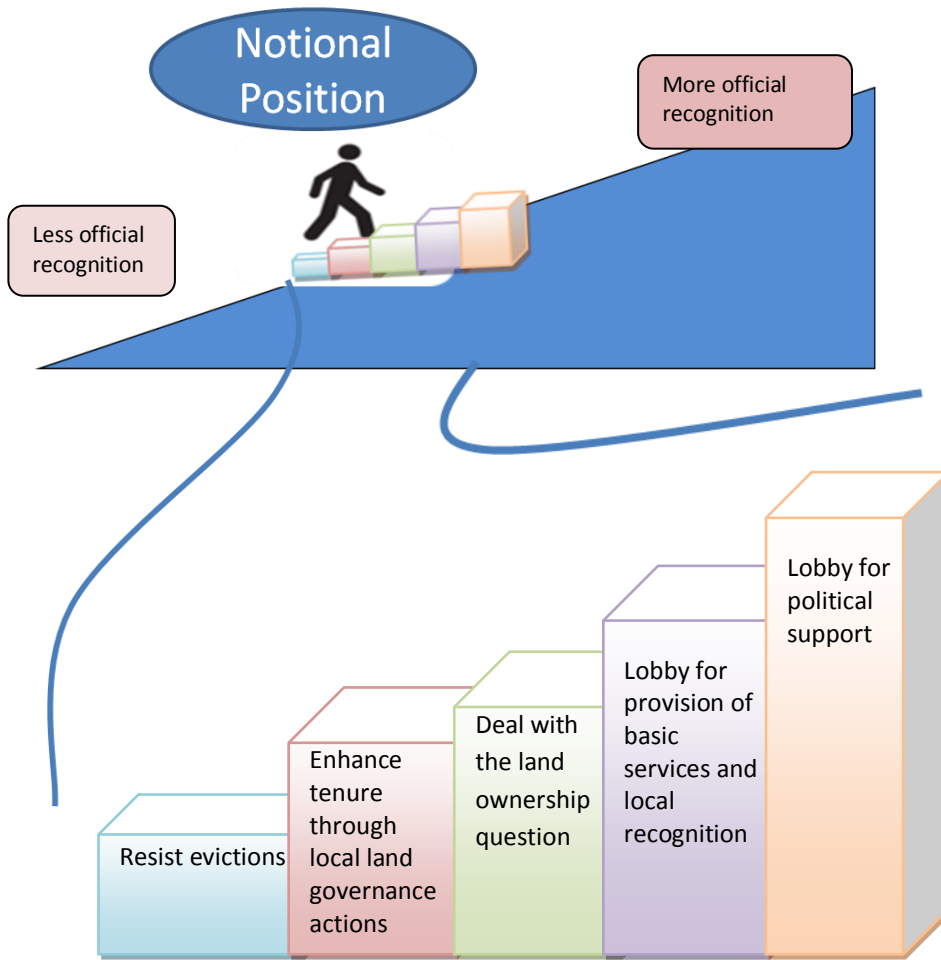
A road map is a document or plan setting out procedures or steps for achieving a goal. The tenure road map is essentially a series of steps and actions that should lead along the path to greater tenure security. It is framed within the unique composition, history and challenges of the Springvalley community.

The community needs to undertake a number of steps geared at enhancing and strengthening what has already been done, as well as a number of additional actions. These additional actions are:

- Resist evictions
- Enhance tenure through local land governance actions
- Deal with the land ownership question
- Lobby for provision of basic services and local recognition
- Lobby and obtaining political support

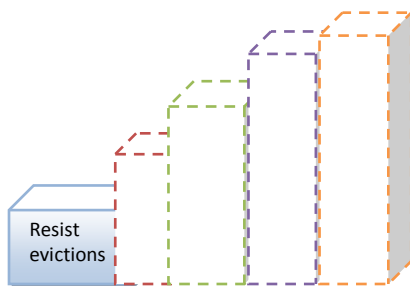
These steps can be largely classified as actions that enhance administrative recognition, with the exception of the last, which is much more practical and necessary to achieving many of the objectives of the community. Importantly, many of these administrative actions are being undertaken in the absence of formal government recognition, specifically the local municipality. For each of these steps, the road map acknowledges that there have been steps taken by the community. It highlights them, locates them within a systematic series of actions, and makes suggestions for enhancing them.

**Figure 8: Steps towards greater administrative recognition**



The road map answers the question what next, by building upon these steps, making suggestions on actions and time resources as well as specifying implementing parties. A summary of the road map and the recommended actions to achieve the steps are in conveniently summarised in a table at the end of this document.

### 5.1 Resist evictions



A key priority in securing progressive tenure is that eviction is prevented. There have been attempted evictions of the community. Requirements and legal criteria to effect an eviction are stringent and generally onerous. For example, there should be a court order, and alternative accommodation should be provided. The alternative provided in Klarinet, has been resisted by the community.

So far, the community and Planact have resisted evictions in a number of ways:

- Created publicity around the threatened evictions: Publicity reinforces tenure rights by staving off evictions through capture of public sympathy (UN Habitat, 2003). Planact has been involved in shows in local radio stations in conjunction with the Center for Development Enterprise on the subject of housing rights, highlighting the plight of the community.
- Networking with NGOs and civil society: This is a useful way of confronting and challenge the threat of evictions. According to UN Habitat (2003), when networks of NGOs and grassroots movements have confronted the government repeatedly, this can limit evictions. Petitioning the National Human Rights Commissions as well as other institutions of good governance has proved useful. In this respect, Planact has existing links with various advocacy institutions, such as the Social and Economic Rights Institute that it consults and partners with.
- According to UN Habitat (2003), when land is under litigation, settlements are known to remain undisturbed as long as the court case is live. Planact together with the community has used legal council to prevent evictions. It has also sued the municipality to compel them to provide information on what it plans to do with its portion of the settled land.

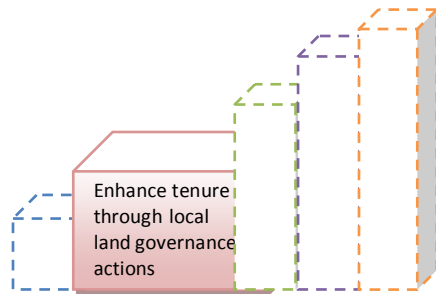
The community together with Planact should enhance and strengthen this step.

- More emphasis should be placed on highlighting the plight of the community in the public arena through the popular media including community and local radio, slum dwellers newsletters and letters to agencies dealing specifically with issues of local governance. Using institutions of good governance such as Chapter 9 institutions, for example, the South African Human Rights Council and office of the Public Protector is another possibility. This is because there are many elements of good governance that make this case of particular interest to these institutions. For example, the land occupied by the community is partly municipal land and should ideally be allocated for their use. In addition, the municipality has failed to provide the community with information despite numerous requests. Social media is a distinct possibility and networks can be created and linked..
- Planact has networks and links with various NGOs, both local and international (slum and shack dwellers international, homeless international) that can be utilised for learning and knowledge exchange.
- Continue to pursue the court case for access to information and to counter any threats of eviction. It is also important for the community to retain and keep clear records of community actions; retain a paper trail of all eviction related incidents; and have regular and organised surveillance by the community. Community briefings and progress on the legal processes facilitated by Planact should be held regularly.

### ***Time line and resources***

These actions can be done immediately and on an ongoing basis. The main cost is largely related to Planact staff time as well as administrative costs for follow up meetings, phone calls and related overheads.

## **5.2 Enhance tenure through local land governance actions**



### ***Strengthen community structures***

At the heart of local tenure arrangements and their administration is local community structures that are recognised, setting rules, and enforcing them (Royston, 2012). This authority governs and mediates access to rights to land as well as manages use within the community. The Springvalley community has a diverse range of structures including:

- The Springvalley Development Committee (SDC) which in terms of a rough hierarchy is at the apex of decision making, including dealing with land. It includes a disciplinary committee.
- Community Policing Forum (CPF)
- Ward Committee
- Home Based Care
- Ministers Fraternal Organisation
- Creche organisation
- Spaza owners organisation
- Shebeen owners organisation
- Youth Forum
- Local ANC political structure

Without in-depth interaction with the community, it is not possible to say with absolute certainty how legitimate and credible these organisations are. However, on the face of it, the organisations specifically the first two which are pivotal to tenure issues seem generally accepted. The SDC has basic rules of structure and operation, as well as a written Constitution. Most members in the SDC have served for around 3 years, and membership includes women. There are generally good records of meetings, resolutions, programs, strategies being pursued for reference in future processes of administrative recognition. The SDC has a letter head and issues correspondence clearly identifiable as emerging from

the Springvalley community. In conjunction with other structures, it holds regular meetings, and drives local initiatives such as tree planting, clean ups, street naming and so on. The SDC, together with Planact drove the community enumeration, livelihoods analysis and community visioning process. The SDC is also the face of the community to the outside world, and interacts with local government and other organs of state.

On the face of it, the community structures are relatively strong and well organised. A number of disagreements were noted in the limited interactions with the community, although these did not seem anything out of the ordinary. There are thus no recommendations regarding the structure going forward.

### ***Update of the community enumeration and register***

Enumeration is a critical part of establishing community consensus and negotiating inclusion (ULM, 2010). Generally, a house number, correlating with a register as well as a spatial component confers greater security. The success is not only in enumeration, but likewise the common understanding and increased dialogue that the community members attain about their relationships with their living space. Self-enumeration by communities allows them to generate and control their own information, upsetting the knowledge hierarchy and putting communities in a better position to negotiate with government and outside agencies. The enumerations often serve as the most useful data on informal settlement dwellers for local governments.

A community register emerging from the enumeration process can be the precursor to a municipal register, which enhances and confers a greater level of recognition and tenure (PPT 2010). Further, it serves to:

- Regulate uncontrolled additional influx into the settlement
- Limit increasing and problematic densification
- Facilitate the allocation and re-allocation of sites
- Enable residents to get a letter from the municipality / ward councilor confirming their de facto residence in the settlement, which can in turn assist in gaining access to employment, schools, and health care.

The processes of enumeration also enables communities to develop a better understanding of their own assets and needs and can serve as a capacity building process, if the community is involved.

As it stands, there was an enumeration in October 2011 by the community through the SDC and in conjunction with Planact. The enumeration fields in the database are:

- A stand number, determined through a community accepted numbering system
- Length of stay
- Why they chose to live in Springvalley
- Whether they would chose to live outside Springvalley given a choice, and reasons

- Number of rooms in the dwelling
- Whether there are people subletting (y/n) including how many families and rental
- Source of livelihood
- Number of persons residing in the dwelling, including gender and age
- Citizenship status
- Possession of ID including if not, why
- Ability to access grants including type of grant
- What services they have access to in Springvalley
- Monthly income
- Employment status, and place of employment

This first enumeration process was largely successful. However, a number of issues were raised with regard to it that point at some actions going forward:

- “The information gathered was not entirely conclusive as the percentage is lower than what was expected” (Planact, 2012:26), hinting at the fact that there were some aspects of the enumeration they thought should have been better done.
- The enumeration was done more than one and a half years ago, and has become dated in many respects, something which the community recognises.
- Vulnerable groups in the community (sick, young, elderly etc) were touched on in the enumeration (age and grant fields) but greater emphasis could have been paid to obtaining this. This has special significance preventing eviction and making the case for in situ development.
- The enumeration did not consider community assets. According to UN Habitat (2010), enumeration of assets is a powerful tool for change. It prompts members to view their communities from an assets-based perspective and become advocates for the transformation of the spaces they live in. It, according to the report, raises self-esteem of participants, fosters a sense of environmental and community responsibility, and facilitates civic mindedness. Any enumeration process should thus include assets enumeration, including community facilities to open spaces, churches, shops, shebeens and so on.

The community, in conjunction with Planact should embark on a new enumeration to update the community database. This will serve as:

- An update to the current enumeration data fields by updating and adding any new details with regard to households.
- An opportunity to include community assets.

Any new enumeration should try and include the participation of local and provincial state authorities, in an attempt at getting recognition of the process.

#### *Time and resources*

This can be done immediately, using community volunteers and Planact staff time.

### ***Develop a system for managing the enumeration data***

A system is required to manage (effect changes and update) to the community register as rights to land evolve, and as changes occur in the community. At the heart of the credibility of a community database is the fact that it is truly reflective of the community. Processes that call upon this information, such as interaction with the local municipality, provincial housing authorities, the courts etc will hinge on the ability of the community to say, with certainty who and what they are, something that the register provides.

As it stands, the register is an excel document that sits in the Planact offices. It is not a living document in the community, which they have control over. There is no process of keeping community details up to date, recording community milestones and events, keeping community up to speed with changes within and monitoring growth/decline in the settlement. There has been a broad discussion between Planact and the SDC on this issue but no resolution arrived at.

Literature such as UN Habitat et al (2012) gives examples of local records of land transactions being retained and updated through the creation of localised land offices. These are based on simple paper based systems. The community should test the feasibility of this over a period.

- Structures such as neighbours at block and street level should keep tabs on community household developments. They can provide regular updates (monthly possibly) to a central organ (eg the SDC).
- The update provided should be paper based (a template with the details needed) or oral, with the main database enumeration data fields needing update for simplicity (eg name, and stand number).
- The central body (possibly the SDC) should file these in an orderly manner. The SDC will also have to impress on the community to provide the data to feed into the system on a regular basis.

#### ***Time and resources***

Basic filing material for the central level (SDC) records on changes in the community and basic paper based templates for block or street level monitoring. Some time and resources to create these simple templates. These actions can be done immediately.

### ***Community Mapping Process***

Mapping and providing a spatial component to an enumeration strengthens and enhances the process, particularly for the subsequent process of slum upgrading and development. The current enumeration lacks a spatial component. There was a mapping process during the enumeration where,



Community members (including SDC members) were asked to draw a map of the current settlement layout including key landmarks, amenities and non-residential spaces (using a large sheet of paper) (Planact, 2012:5).

This spatial component was not translated and embedded into the enumeration. To remedy this, the following two steps are recommended.

- Mapping existing enumeration data; and
- Developing a geo-spatial component of enumeration data

There are many useful resources on community mapping processes done around the world and available online. Some of these have been included in the reference section at the end of this document. Additionally, any mapping process would benefit immensely from a visit from communities members who have been involved in the process in other countries. Apart from the fact that this will be shared hands on practical experience, it provides credibility and greater acceptance to such a process.

The two components namely, mapping existing enumeration data, and developing a geo-spatial component of enumeration data are clearly inter linked. They are about understanding the community spatially.

As a way forward, the community, in conjunction with Planact should embark on a community mapping process. Such a process will create a comprehensive map of the current community. It will entail:

- Using and incorporating current data from the updated enumeration database with the “stand number” as the linking key to the mapping
- Generating a geo-spatial reference for households. This can be a GPS coordinate or other reference.

A detailed methodology of how to go about the mapping process is provided in Appendix A of this report.

#### *Time and resources*

Community resources needed are largely the members of the community and their time. Some monetary and other capacity resources are also required depending on the mapping process. These are for:

- A GIS and mapping specialist, with computer and necessary software. This will deal with both the mapping and database components of the project. Such a person is critical including in the early stages of work-shopping. The process of translating GPS into maps also needs to be explained, and people need training on the use of GPS machines
- GPS units, including training time for their use
- Facilitating implements: flipcharts, pins, pens, sticky tape, etc
- Paper and pens for the mappers.

- The use of other informal settlement organisations and federations that have already gone through the process can be extremely useful and these are always willing to share. If possible, an exchange from another community that has undergone the process already (Shack Dwellers International country branches for example)
- If possible, local University planning students in their third and fourth years, with one assigned to each mapping team.

The timelines for these efforts largely depend on how fast the necessary resources can be assembled. It can however be done immediately.

### ***Community led street addressing***

Street addressing makes it possible to identify the location of a plot or dwelling on the ground by using a system of maps and signs. By its very nature, street addressing is also a mapping and surveying process. According to Farvaque et al (2005), street addressing in slum areas better integrates them into the city by strengthening their place in the larger community. This is enhanced if it is recognised by authorities.

As a way forward, the community, in conjunction with Planact should embark on a street addressing process for the community. These street addresses will be part of the final community map. The basic procedure involves a community process, generating street names and numbers, and inputting them into maps. Community members are taken through the process of identifying their stand numbers, identifying the streets they are on, and importantly taken through a process of providing street names and addresses. As far as possible, this processes should “mimic” formal processes of street addressing for incorporation into the municipal formal systems, when recognition occurs. The generated address can be included as part of the community registry. To ensure that the addresses are retained, the community can mark out the names and addresses on available surfaces. This report recommends a project to explore this question in depth including methodology and approach, on the most useful and beneficial method for addressing.

### ***Build local land management arrangements***

According to UN Habitat (2003), customary and other rituals and practices form an integral part of *de facto tenure*. Incremental processes to tenure are important to social processes, enhance transparency in transactions within the community as well as sort out social dynamics related to land ahead of settlement and upgrading. Royston (2012) in discussing local tenure arrangements and how secure they are provides that a number of things need to be examined:

- *Rights*: Clarity on who holds rights, where, when, how and on what basis.
- *Processes*: Known and used processes for application, transfer, adjudication, evidence and land use regulation. That processes do not discriminate unfairly (e.g. against women, refugees) is important.

- *Authority:* Clarity on where authority resides.
- *Recourse:* There are accessible and known places go for recourse, and people use these.
- *Law and practice:* There are not major contradictions between law and practice.

There is generally an understanding of the practices necessary to acquire, hold manage and transact rights to land within the community.<sup>8</sup> There are likewise rules and practices around operation of liquor outlets and shebeens (operating hours and location) and the selling of shacks. These have not yet been translated and documented and Planact has indicated its intent to do this. The community has further indicated its intention to create a “settlement management process plan” to among others “minimise mushrooming of shacks and have proper control of those who come to settle.” According to this, it will encompass rules regulating entry by friends or relatives from other areas. It will also encompass current practices such as those requiring that the “CPF identify open spaces inside and on the edge of the settlement and alert neighbours to keep vigil.”

An example of some of these procedures and processes relating to land access, management and transactions are provided below.

*Procedures and practices: acquiring, holding and managing and transferring rights to land*

To obtain some details on practices, the community SDC was required to provide a step by step indication on how typical “rules of the game” with regard to land are implemented in the community. The SDC is the accepted authority with regard to land matters.

Acquiring rights to land in the community

There is a long waiting list – as many as 300-400 - people who would like to gain entry and live in the community. The SDC controls this process of access. Currently, there is a moratorium on access to land by outsiders within the area. This is because of current negotiations with the municipality on recognition and provision of services. They community considers a moratorium necessary not to jeopardise these talks. Another important factor is availability of space. Requests are considered against vacancies created by previous occupiers who have moved or died. Currently according to the SDC, there are no empty spaces within the settlement.

The generic process is:

**Step one:** the person wishing to access land approaches community members, who then communicate this to the SDC. Other community structures, such as the CPF also receive requests.

**Step two:** The SDC receives the request, and schedules hearings, which happen every Tuesday.

**Step three:** The SDC in deciding takes certain factors into consideration, such as availability of space.

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<sup>8</sup> These are known to the community and were related during a community workshop held on 9 March 2013 and a focus group meeting with the SDC on 11 April 2013.

**Step four:** the SDC allocates the land. If it is a newly demarcated plot of land, there is a rudimentary process of ascertaining the borders of the plot using “beacons” consisting large boulders painted in white.

#### Holding and managing rights to land

The SDC again is the primary authority on issues of land holding and management. As an example, issues such as a border disputes are handled in the following way:

**Step one:** The CPF reports any such dispute to the SDC when it comes across it in its operations

**Step two:** The SDC hears the matter and resolves it through a process of mutual agreement and understanding between the members

It is noteworthy that the process of plot demarcation and allotment is done by the SDC, through a rudimentary process of surveying and delineation of boundaries. There are no records however, and border disputes are resolved by a process of reconciliation and give and take, rather than referring to any records.

In the case of layout planning including roads and infrastructure, again the SDC is pivotal. ULM (2010) provides that agreeing on a block layout with the community and provision of basic services is an important form of administrative recognition. Currently, as part of the SDC strategy there is a re-blocking process envisaged to improve the layout of the community. A community visit is scheduled for an informal settlement in Ruimsig, where the community will learn how this is done.

Anti-social activities in the community are likewise arbitrated by the SDC. It will initially receive a report from the CPF or individuals. It then refers the matter to a disciplinary committee (a structure of the SDC) that issues a decision. For example, in the case of a shebeen that is a nuisance, they can as a remedial measure require that it close from certain times, or even completely. Activities that are criminal in nature are referred by the CPF directly to the police.

#### Transfer of land rights

Sale of land is not authorised, and payment is only made for improvements to the land. The buyer and seller reach an agreement on how much should be paid for materials and improvements. As noted, there is a moratorium for external entry into the settlement. According to the SDC, when an empty space previously occupied is available from the death of the occupier, the land is “not really empty” as the family of the previous occupiers is given first priority to determine what happens to the land. Further, many land occupiers rent land, and upon vacating the land, they are next in line to be allotted the land, after the family.

In line with this, a number of things need be done. Planact, in conjunction with the community should start the intended process of codifying, assessing and adapting the current rules with regard to land access, management and transacting. These should become part of the community record. It will include rules on:

- Acquiring rights to land, including criteria, qualification, structures involved, and basis for decision making.
- Practices and procedures to hold and manage land occupation (basic land use control, community dispute resolution, emergency procedures, health and safety) should be laid out and if necessary created if they are not already in existence.
- Practices and procedures to trade and transact in land including inheritance of land.

For each element (access, management, and transactions) a series of simple questions based on typical scenarios would be used and the process explained in simple language including translated into local languages. The rules can be publicised through a workshop.

*Time and resources*

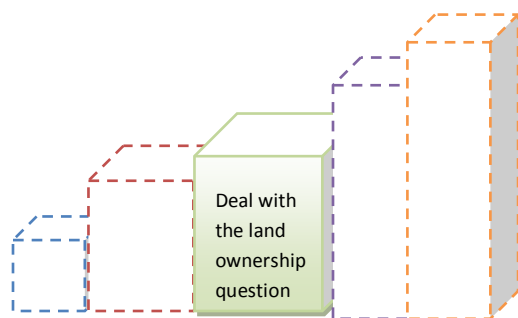
This will need a comprehensive proposal to be developed including approaching potential funders for this project. Planact in consultation with the community should drive this process.

***Collate and compile forms of evidence to recognise locally managed de facto rights***

Royston (2012) notes that where tenure is administered locally, it needs to be clear that what people use to defend their claims is socially and locally legitimate and is recognised externally. This evidence can be both at a settlement level as well as at an individual and household level. This provides tangible evidence of current and existing rights to the land, asserts community membership and can be linked and inform formal ownership forms in later processes.

During this project, no evidence of records on locally managed de facto rights by the community were identified. However, there is scope to delve into this further. It is suggested that this is included in the project proposal to build on local land management arrangements above.

**5.2 Deal with the land ownership question**



The community and Planact need to engage with the private as well as the municipal land owners with the ultimate goal of achieving in situ development on the land they occupy. There is a possibility that the

municipal land can be allocated for this as part of the municipality's developmental obligations under slum upgrading. On the other hand, the privately owned land can only be acquired for development if financial compensation is provided (that is it is bought) or possible land swaps are provided by the municipality.

Actions that have been taken by the community with the assistance of Planact in this step are:

- Information on land ownership has been obtained.
- A process through the Promotion of Access to Information Act (PAIA) to obtain information on what is intended of the land by the municipality has been initiated. According to municipal records, a land audit has been done in the municipality as well. Information from this should also form the basis of the PAIA application.

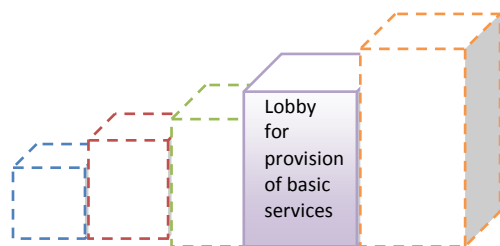
Future actions by the community and Planact need to include the creation of a comprehensive strategy for engagement over the land. This should include the following elements:

- Obtaining greater clarity on all aspects of the land through a process of due diligence including:
  - All competing interests to the land, mapping out owners including any possible bank bonds
  - All endorsements, servitudes, encumbrances
  - Defining the true extent of the various pieces of land through the cadastre
  - Mapping out the bulk infrastructure available for the land, including where it is located and how it can be accessed
  - Transaction data over the recent past, useful in estimating the market value of the land
- Clarify what is intended of the municipal portion of the land. The litigation aspect through PAIA currently being pursued is useful and should continue to be pursued.
- Approaching the private land owners separately to gain an understanding of what their intentions to the land are, and whether alternatives such as compensation and land swaps are possible.

#### *Time and resources*

Drafting a strategy dealing with the land ownership questions can be driven by Planact. The strategy will specify the resources, including technical support needed to conduct the actions mentioned above. The strategy should also include a funding proposal.

### **5.3 Lobby for provision of basic services and recognition**



Legally in terms of the Constitution, every South African has a right to health care, food, water, social security, a basic education, access to adequate housing and an environment that is not harmful to their health or well-being. According to UN Habitat (2003) perceived or de facto security of tenure is often provided through the provision of basic services including roads, water, electricity, sanitation and other services, and is important to progressively secure tenure. Lobbying state authorities for services is therefore necessary and should be part and parcel of any actions going forward.

Progress by the community with this step included:

- They have successfully had a school built by the provincial government.
- There is provision of water by the local municipality through trucks that fill installed community water tanks. This service is not always regular and consistent.
- The district municipality has promised to install bulk supply of infrastructure for water, and is currently exploring for water to dig a borehole. One of the problems they are encountering in bringing water from an external source, according to them, is the private land owners who are averse to pipes going through their land. This is a problem that can be overcome, by creating a servitude over the land if it already does not exist.

Therefore, various state organs have played a role in provision of services because the onus to provide these services is shared among them.

#### **Box 1: The structure of South African government spheres and their functions**

The Constitution of South Africa creates three distinctive spheres of government. Each of these spheres is allotted different powers and functions in terms of providing basic services. Between national and provincial government, they are tasked with providing housing, education, health and welfare services (such as social grants). Implementation of housing and school projects is usually carried out by provincial government, with national government more concerned with legislation and policy. Through a process of accreditation, municipalities can also be tasked with housing provision. Emalahleni municipality in December 2008 received level 1 accreditation to deliver housing. This is the lowest form of municipal accreditation to deliver housing. It allows the municipality to commission, produce, and implement housing strategies, plans and budgets, but without full transfer of programme management and financial administration. Local municipalities are also the implementers of the National Upgrading Support Program (NUSP) for slums, and are important in providing local services such as electricity, sanitation, water, refuse removal and municipal roads. The state power utility Eskom also provides electricity in many municipalities. Municipal planning functions (including legal recognition through formal declaration of areas) are performed by local government. There are three types of local government; metropolitan, district and local sharing these functions. The Springvalley community falls in a district municipality (Nkangala) and local municipality (Emalahleni). While it varies depending on the district and local municipality in question, the general rule is that district municipalities are charged with providing the bulk supply of electricity water and sewage.

Going forward, it is important that all these spheres of government are engaged.

- The promise of water infrastructure and a borehole from the district municipality should be pursued by the community and Planact. Specific documentation such as budgets and plans as

well as the intent in writing should be sought. The local municipality still remains a crucial, and in many ways the most important sphere of government to lobby for services such as better water supply, sanitation, electricity and municipal roads. They are also pivotal to any in situ upgrading process. This is because they can formally and legally recognise the community through legislation as well as implement any in situ slum upgrading project.

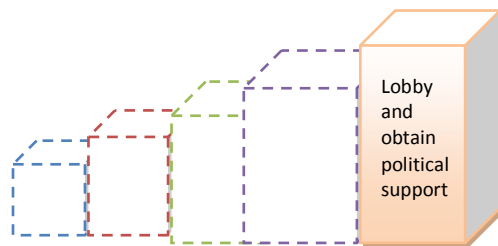
- The national NUSP team has submitted a proposal to Emalahleni to provide technical assistance to develop an informal settlement upgrading strategy and programme, and to do detailed upgrading plans for up to 14 informal settlements, including possibly SpringvValley. These settlements will be identified from an initial assessment process during the strategy and programme stage. It is important that the community and Planact lobby the municipality that the Springvalley community is included. Formal contact should also be made with the NUSP team at national level.
- Provincial prioritisation for community projects in terms of health should likewise be pursued.

The current status of the local municipality under administration by provincial government is a big window of opportunity to obtain many of these, including recognition as well as better services.

#### *Time and resources*

This task can be implemented immediately and pursued continuously. Costs are largely staff time and travel resources for Planact as well as the community

## **5. 4 Lobby and obtain political support**



Political support can give de facto support for claims to tenure security (UN Habitat 2003). ULM and UN Habitat (2011) add that political patronage and protection provide slum inhabitants some modicum of security. On a much more practical level, political support is crucial as a first step towards greater provision of services, greater recognition and implementation of in situ slum upgrading.

Planact and the community have been very active in this. They have approached individual and collective political leadership at both district and municipal levels. The community has also held peaceful demonstrations to pressure the leadership. These actions have resulted in political support at the district level. In their latest interaction with the municipality, it was resolved that:



A political structure is created to pursue important issues regarding the Springvalley community. The political structure will consist various governmental spheres including:

- Senior leadership from the local and district municipality
- Senior leadership from province including housing, land, social services and public works
- Representatives of the Springvalley community through the SDC
- Planact and any other partners.

The composition of the structures should be monitored to ensure that sufficiently senior political leadership is part of the process. This structure will set up a technical committee to look into various issues regarding the Springvalley community. Terms of reference for the structure as well as time lines are yet to be drafted. It is proposed that this document forms the basis for terms of reference and outputs of the structure, and include at a minimum:

- The need to stop evicton threats to the Springvalley community by the municipality
- Resolve the question of how the land can be obtained for the purposes of in situ development for the community, including the portion under private ownership
- An implementation plan for the provision of more regular basic services including water, refuse removal, sanitation and health
- Provision of information from the municipality regarding its plans for the land it owns and occupied by the community
- A new enumeration and mapping of the community, including local and provincial government inclusion in the process.

The community together with Planact besides using these formal proposed structures to pursue political support have also resolved to pursue informal approaches to politicians and decision makers from all the organs of state. Further, peaceful protest action has proved to be effective in shining a spotlight on the communities plight and will be pursued when the formal structures fail to yield results.

## **6. CONCLUSION**

This tenure road map highlights actions that need to be carried out by the community of Springvalley in conjunction with its partners. They revolve around five general steps namely, resisting evictions, actions aimed at enhancing tenure through local land governance, actions dealing with the land ownership question, lobbying for basic services provision and finally, lobbying for political support. A summary of the steps, including the actions contained in each are summarised in the tables at the end of this report. The actions as recommended are largely aimed at obtaining greater administrative recognition for the community. They are focused on the community's own actions assisted by Planact and otherwilling partners. It is not in doubt that the Springvalley community has progressed along the tenure security continuum and has already performed many actions that enhance administrative recognition. This strategy looks to enhance and strengthen these actions as well as recommend others.

Administrative recognition is ultimately about a decision made by state authorities to intervene and upgrade the settlement. While the measures recommended in this report are in themselves useful in strengthening the community, they are ultimately intended to increase chances of formal and legal recognition by the municipality. This recognition has happened to a small degree with regard to the district municipality which has agreed to supply water infrastructure. However, the municipality, the most important entity in this regard has resisted recognition. As these actions are implemented, it will increasingly be important that recognition from the local municipality is obtained to “lock in” to formal processes such as slum upgrading. Recently, the municipality of Emlahleni was placed under administration. This is an important event that has the potential to hasten municipal recognition in these processes. The community and Planact should engage with the interim administration.

Generally, all the actions recommended can be implemented in the medium to short term. For the medium term, a number of project proposals including funding need to be created by Planact. They will:

- Deal with enhancing tenure through local governance action. This includes projects to build local management practices, as well as compile forms of evidence to recognise locally managed de facto rights.
- Deal with the land ownership questions. Such a proposal will specify actions and resources to tackle due diligence on the land as well as negotiations with the municipality and the private land owners and must include a technical support component.

Many of the other actions are short term and largely tied to operational costs for Planact on an ongoing basis. It is hoped emerging from the recommendations a practical plan to inform the community and Planact going forward has been provided.

There are a number of important lessons that have emerged from this process. The Springvalley community is at a particular point in the tenure security continuum. As part of the broader ULM project, the other four sites are also uniquely positioned along this continuum. This means that actions to attain greater tenure security going forward will vary greatly, depending on where they are on the continuum. What is clear from the Springvalley study is that given state - primarily local government - recognition has not happened, actions largely revolve around community initiatives, with minimal state involvement. These will assist in internally strengthening the community. They are also in many ways practical actions required to deal with immediate needs such as prevent evictions and obtain basic services. However and importantly, the state needs to continue being lobbied, to increase the chances of recognition, and to “lock into” formal administrative processes, that ultimately should lead to slum upgrading. The municipality is currently under administration, and while this in many ways is a reflection of why it has been so difficult to obtain positive action with regard to the settlement, it is also a window of opportunity to obtain formal recognition (such as for instance a council resolutions or commitment from the highest level) from a different administration.

An important lesson is that the poor are vulnerable in the face of land markets. The Springvalley community resides on land that is very valuable. In the face of weak and intransigent municipalities, it is

difficult for innovative and pro-active plans geared at meeting both social and economic objectives to be formulated and implemented. Instead, the land becomes a site of contestation in a zero sum game, with options starkly positioned between slum-upgrading which results in perceived loss of revenues from potential middle-income development and loss of property values in the neighbourhood, versus complete eviction of the community with its attendant negative effects on the poor.

This vulnerability in the face of active and valuable land markets is in the context of considerable policy and legislative frameworks intended to protect the poor, and more importantly ensure that they can benefit from the land market. South Africa's land reform program is hinged upon three pillars: land redistribution, restitution and tenure reform. The last is implemented by a series of laws and policies that are intended to ensure tenure security of the poor as well as ensure in situ development, for example through legislation such as PIE and policies and programs for slum upgrading. Housing programs such as the national housing subsidy program which has conferred millions of house and free hold titles to the poor, has at its core providing tenure security to the poor, and potentially a valuable asset. Further, local government has an explicit developmental mandate enshrined in the Constitution. This more than anything else should act as an incentive to deal with situations such as this in a manner that considers the plight of the poor. Yet all this policy and legislation is not enough, as has been seen.

The role of NGOs such as Planact is extremely valuable in mobilising the community and providing support in what are often complex and drawn out processes of fighting for small cumulative gains towards greater tenure security. Planact has brought to bear its networks and resources, such as pro-bono legal firms, media and publicity, and links with other informal settlements and communities. It also has a staff compliment of experienced and well informed personnel, who despite having limited resources have been important in assisting the community. These NGOs should be supported financially and technically going forward.

**Table 1: Summary of steps and actions towards greater tenure security for the Springvalley community**

<b>Steps in the road map</b>	<b>Resist evictions</b>			<b>Enhance tenure through community actions</b>			
	Publicity and awareness	Networking with NGOs and civil society	Pursue legal action	Update the current enumeration data, including community assets	Develop a system to manage the enumeration data	Community led street addressing	Create a geo-spatial component to the current enumeration data
<b>Actions</b>	Shows in local radio stations Writing in slum dwellers newsletters Writing to agencies of good governance Joining or using existing social media networks	So far done fairly well Writing to institutions of good governance such as Chapter 9 institutions, for example, the SAHRC and office of the Public Protector.	Already secured pro bono services of a legal firm Retain and keep clear records of community members;. retain a paper trail of all eviction related incidents. Have regular and organised surveillance by the community	An update to the current enumeration data fields by updating and adding any new details	Create localised sites for updating h/h information at block and street level including allotting duties Create simple and easy update procedure Schedule periodic updates to the SDC which then files the updates Schedule general reviews and updates to database every 6 months	Community mapping process incorporating geo spatial reference through GPS	Generating street addresses
<b>Who should carry out the activity</b>	Mainly Planact updating community on progress	Planact, and constantly updating the community on progress	Community and Planact	Community in conjunction with Planact	Community led by the SDC Planact	Community in conjunction with Planact	
<b>Time line</b>	Immediate	Immediate	Immediate	Immediate	After the enumeration update A test period (6 months) is required to assess feasibility and practicability	Immediate subject to resources	
<b>Basic resources required</b>	Minimal, largely writing time by a	Planact staff time; administrative costs for follow up	Small. The big cost item litigation is being done pro bono. Some resources are	Community volunteers and Planact time	Basic filing material for the central level (SDC) records on	Community volunteers A GIS and mapping	Paint to put in street addresses Facilitating

Planact staff member	meetings, phone calls and related overheads.	required for administrative processes following up cases, writing letters and attending meetings.	changes in the community . Basic paper based templates for block or street level monitoring	specialist, with computer and necessary software . GPS units, including training time for their use	implements: flipcharts, pins, pens, sticky tape, etc Paper and pens for the mappers
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<b>Enhance tenure through local land governance actions</b>					
<b>Steps in the road map</b>	Build local land management practices	Compile forms of evidence to recognize locally managed de facto rights	Deal with the land ownership question	Lobby for provision of basic services and recognition	Lobby for political support
<b>Actions</b>	The community structures wielding authority are sound and need no further action Codify, assess, and adapt rules of the game regarding land access, holding and management Use common typical everyday situations to give examples Publicise the rules through workshop and make them available in writing	As for building land management practices	Create a land engagement strategy proposing effort and resources required to tackle due diligence on the land, negotiations with the municipality and the private land owners. Clarity on land ownership available Continue pursuit of PAIA case in court Possible contact private landowners Planact should draft the strategy	Pursue the promise of water infrastructure from the district municipality Continue lobbying for services such as better water supply, sanitation, electricity and municipal roads Lobby the municipality that the Springvalley community is included in the NUSP program Formal contact should also be made with the NUSP team at national level	Pursue and participate in the formation of the current proposed political structures with various government organs for Lobby individual politicians at all spheres of government to champion the community cause Peaceful protest.
<b>Who should carry out the activity</b>	Planact and the community should write a project concept and project proposal for the task, including seek funding for the process.	As for building land management practices		Planact and the community	Planact with the community
<b>Time line</b>	Medium term over the next year.	Medium term over the next year.	Immediate to medium term	Immediate to be ongoing	Immediate to be ongoing
<b>Resources</b>	A project proposal will need to be created, largely by Planact. This to seek resources from donors to drive the project.	A project proposal will need to be created, largely by Planact. This to seek resources from donors to drive the project	Planact will need to fund raise to implement the strategy around the land ownership component.	Largely staff time and travel resources for Planact as well as the community.	Largely staff time and travel resources for Planact as well as the community.

## APPENDIX A: HOW TO GO ABOUT THE COMMUNITY MAPPING PROCESS

A comprehensive mapping process will involve broadly:

- Producing a map of the entire Springvalley Community as is. This can be obtained from Google Earth or similar sources. If possible, obtain accurate cadastral information to overlay on this initial map. This is to among others locate critical information that can lock into municipal systems into the future.
- Using GPS units and cameras together with chosen community members, going through the entire community to map it.
- Include in the mapping of community households, roads and streets the settlement boundary as well as community assets
- In the mapping process, use the current database stand numbers to link to a GPS coordinate, and take a picture of all the stands
- Create the draft map with updated community details, including assets as well as geo-spatial GPS references

This process therefore does a number of things:

- It provides a geo-spatial component to the current database, using GPS.
- Enriches the current database with a number of additional components, namely, a site picture and description, not currently available.
- Since it entails going through the community again, it will provide opportunity for the community members to update the current information already available on the database.

The community mapping process can also potentially be combined with a street mapping process if desired.

**Table 2: Sample of *additional* fields to be included in the current database through the community mapping process** (Adapted from UN Habitat, 2010).

Stand number	Site details	Time	GPS coordinate	Pictures
<b>Already exists. This will be the link with the new information and used in the mapping process to locate the community in space</b>	New. This is a description of the site including whether it is a household or community facility and if the latter what kind of facility it is. This has been introduced because of the assets approach to enumeration where not only households but also other valuable community things are enumerated and mapped.	New. This is largely for purposes of matching pictures taken and stand numbers. It is essentially the time the team visits and takes details of the site.	New. This is the important geo-spatial locator that was lacking in the previous database.	New. These can be embedded in the database. The mapping process needs to have a time setting to every picture taken to match it with the stand.

## **Practical steps in the mapping process: an example (Based on UN Habitat, 2010)**

A series of workshops to mobilise the community and prepare for the mapping process needs to be done. They would include some basic content revolving around:

### ***Mapping fundamentals:***

- Introduction to mapping: this is participatory process whose purpose is to identify the group's objectives and aims. It will among others:
  - Determine the initial level of understanding of mapping among members of the community including gauge familiarity with maps, experience in using them, what they think would be valuable to map within the community etc.
  - A discussion on why mapping should happen, and what makes the exercise useful.
  - Defining what is being mapped. Here, goals and objectives and what are measures of a successful mapping process should be workshopped. Some methods of mapping such as personal asset mapping will require that the community understand what an asset is before they undertake it.
  - Photovisioning fundamentals, including a brief photography workshop.

### ***Practice mapping***

In the Springvalley case, maximum use should be made of existing structures to do the mapping as the community is well organised. The community will be divided into teams and provided with small maps for a practice run in a selected area. Tasks are allotted in each group (eg documenter, time keeper, GPS mapper, photographer, etc) and a facilitated discussion upon presentation of the data by the groups.

### ***Community mapping process***

#### ***Initial stages***

Here the sites to be included in the mapping process are decided upon. In the case of Springvalley, this will be households and community assets. Each mapping team will be provided with a map, the list of sites and then split up among the sites.

#### ***Table top mapping:***

This is mapping, by marking the sites with a sticky dot or a felt marker on the base map. Each team should include at least a documenter, a mapper, and team leader/time keeper. The enumeration register of the community should be used and form the basis for the exercise. Each household is located with pins or sticky paper on a map of the area. In the last enumeration these were about 120 sites and are thus manageable. It should however not be forgotten that that data is not complete (no community assets) and may have changed.

Practical tips include:

- That each point is clearly identified on the map and corresponds easily to the information that is recorded on the documenting sheet.
- Teams are given time to regroup and talk about the information that they have gathered after the day's mapping.



The larger group is then led in a facilitated discussion about the next steps in the mapping process.

### ***Field mapping***

Each team is provided a GPS unit on which they have practiced. One person is designated as the GPS mapper to ensure consistency in marking the points and recording the data. Each team should also include, at least, a documenter and a team leader/time keeper. At each site that is mapped, the GPS coordinates used to mark the site with the GPS unit should be clearly recorded on the documenting sheet along with the other information. Further, site data should include an update of the community enumeration database, with information updates on the other fields. Additionally, the borders of the community need to be mapped. For this, one team will need to walk all the way around the settlement passing through hypothetical way points and obtain GPS coordinates as they go. A facilitated debriefing session from all the teams should then be done.

#### **Box 2: Should the community map individual plot boundaries?**

The mapping process can include individual plots occupied by households as part of the overall process. In such instances, armed with tape and paint, members physically verify boundaries of each plot. Where boundaries are not visible, they have discussion with neighbors to ascertain where these were and mark them on the maps. This inevitably leads to conflicts and a process of resolution is required to ensure whatever is captured in the map is acceptable. The Springvalley community already through the SDC has a process of conflict resolution in case of boundary disputes. However, for now, they are not willing to handle multiple disputes arising out of a single process. It is further a more intensive and time consuming process, and more useful if part of an actual slum upgrading with the state authorities, where formal standards necessary can be incorporated into the process. As it stands, the boundaries could be further changed when formal layout standards are implemented in a future process of slum upgrading, rendering any prior process a waste of time and resources.

### ***Final map creation process***

The results of the mapping exercise and database accompanying it will be presented at a community gathering. Importantly, maps are not final, and are added to and changed. They can lead to a process of dialogue about certain particular issues and aspects in the community

### ***Sharing the information***

Thereafter, larger poster printouts can be displayed in common areas (the Springvalley community meeting office for example). There are some creative ways that have been used to represent the maps. For example in Kibera Nairobi, paintings on walls within the community have been used.

**Figure 9: A community map on a wall painting in Kibera, Nairobi**

(Source Mapkibera)



### **Box 3: Some tips and pointers on community mapping**

(Consolidated from lessons from UN Habitat 2011; Arcer et al (2012); Biti-Chitekwe et al (2012); Livengood et al (2012); Muller et al (2012)).

- GIS as a basis for decision making by external users can limit the scope of negotiation to that prescribed by experts; GIS has the potential not to show **how** the data was gathered and **why** it was selected
- When government is a sole user of GIS, it can become a tool of coercion rather than participatory decision making.
- During the mapping process, initially brainstorm a list of group norms at the outset. These are rules and expectations that all the participants agree to follow (for instance, no interrupting, and/or, arrive on time).
- In taking pictures, record the time of the picture taken on the database to correlate this with the picture. This helps identify which picture belongs to which stand number.
- If using GPS units, cloudy days provide GPS readings that are hard to take.
- Mapping involves a lot of walking, often in the hot sun. It is physically demanding and should only be planned for half a day. Break up project so that mapping is not for more than 3 or 4 hours at a time, and provide lots of water.
- Always allow time at the end of the day to discuss and share experiences in the community.
- Transferability of technical skills is important. Liberal use of students from local universities and community members in partnership with community organisations should be prioritised.

### ***An alternative mapping process***

A less intense mapping exercise can be adopted as well. This especially if resources and time necessary for the more involving process are not available. Here, the process will largely be table top, with:

- A map of the entire Springvalley Community produced initially. Again, this can be obtained from Google Earth or similar sources.
- Mapping the current database specifically the stand number on the map, with the community, locating them with sticky notes and pins.
- Mapping other useful community assets items

- With the help of an expert, and in conjunction with the community, convert the located items into a map. Google Earth allows users to identify sites on satellite maps using icons and then add the information online.

Both approaches will develop geo-spatial components of the data. The more intense process will create much more accurate and detailed geo-spatial references using actually taken GPS coordinates, pictures and greater mapping information layers identified and digitised during the process. The latter process will be less accurate but still have a basic indication of spatial locations.

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## **Community meeting minutes and notes**

- Springvalley Focus Group – Youth Group 22SPRINGVALLEY FOCUS GROUP – YOUTH GROUP
- 22<sup>nd</sup> JANUARY 2011 – 10h: 00
- Springvalley Situation Analysis Report A summary responses by three focus groups (Youth, Adults and Community Steering Committee) 22<sup>nd</sup> /29<sup>th</sup> January 2011
- Springvalley Community Meeting 31<sup>st</sup> October 2010: Springvalley Informal Settlement

## **Council documents**

Council Meeting extract, held on 4 December 2008

## **Other useful resources**

Mapkibera.org