





Incrementally securing tenure in slum upgrading: Reflections on promising practices in southern Africa

Adapting and strengthening local land management practices: The case of Springvalley in eMalahleni (Mpumalanga), South Africa

This Practice Note outlines the actions taken since 2012 by the Springvalley community in eMalahleni, South Africa, supported by Planact, an NGO which has an ongoing role supporting community participation in informal settlement upgrading. It focuses on technical assistance provided by the Tenure Security Facility Southern Africa and examines implications for practice.

The Tenure Security Facility Southern Africa is a project of Urban LandMark. It is funded by the Cities Alliance Catalytic Fund with co-funding from UKaid.

The context of Springvalley

Many poor communities in South Africa today face threats to tenure security despite considerable legislation and state-driven housing and land programmes. The community of Springvalley is located in eMalahleni, a secondary city in the province of Mpumalanga that has recently experienced considerable growth on the back of coal mining and power generation. The possibility of jobs has drawn people from all over South Africa and beyond its borders, and residents are largely poor with limited education and skills.

Housed in one of the many informal settlements across the municipality, the Spring-valley community occupies a mixture of public and private land. The municipality has struggled to provide housing and basic services in this area, and a number of private land owners have threatened to evict the community in order to develop the land commercially. Poor governance resulted in the eMalahleni Municipality being placed under Section 100 administration in April 2013. Nevertheless, this could provide a window of opportunity for the community to engage in talks for greater recognition and better provision of services with a different, more understanding administration. Furthermore, the National Upgrading Support Programme has recently submitted a proposal to the municipality to provide technical assistance to develop an informal settlement upgrading strategy and programme, and to develop detailed upgrading plans for up to 14 informal settlements.

The Springvalley community faces significant constraints in its struggle for legal recognition of its right to tenure because it is marginalised by the eMalahleni Municipality. The municipality is focused on the removal of the Springvalley community to Klarinet, an area approximately 15 km from Springvalley and in which only a portion of the Springvalley households will be accommodated in subsidised housing. The municipality is also predisposed to favouring private sector interests in Springvalley in the face of its need to increase the revenue base.

A number of private land owners have threatened to evict the community in order to develop the land commercially.



Nevertheless, Springvalley is already progressing on the tenure security continuum. Together with its partner Planact, the community has taken numerous actions that have helped to resist this threat and improved its tenure security through actions aimed at greater administrative recognition. Actions include resisting eviction, ascertaining the status of the land, and obtaining basic services from the state authorities.

Technical assistance

The Springvalley community has been supported with technical assistance from Planact, an NGO that has focused on helping the community achieve administrative recognition as a first step towards tenure security. A five-step strategy forms the basis for practical community-based action in Springvalley:

- 1. In resisting evictions the community and Planact have publicised local concerns through community radio and newsletters, and have networked with other civil society organisations to challenge the threat of eviction on the basis of socioeconomic rights. The community has also taken legal advice to prevent any evictions. More work is needed seeking the support of Constitutional Chapter 9 institutions such as the SA Human Rights Commission and the Office of the Public Protector. The community should also continue to pursue the court case to counter any threats of eviction.
- 2. Local land management can enhance tenure in a number of ways:
 - Strengthen community structures such as the Springvalley Development Committee (SDC) and the Community Policing Forum, both of which seem generally accepted as credible and legitimate structures.
 - Update the enumeration conducted in conjunction with the SDC and Planact in 2011 to ensure that it is conclusive, documents community assets and includes all vulnerable groups in the community. Develop an enumeration data management system updated by the community as land rights evolve and changes occur.
 - Undertake a community mapping process to understand the community spatially, in order to begin the process of administrative recognition for any future process of slum upgrading and development. The community, together with its partner Planact, needs to pursue a number of projects: firstly, a community-led street addressing process, secondly, mapping existing enumeration data and finally, developing a geospatial component of enumeration data.
 - Document local land management practices involved in acquiring rights to land, the practices and procedures used by the community to hold and manage the land, and the procedures necessary to transfer rights to land.
- **3.** Engage with private as well as municipal land owners to **deal with the land ownership question** and achieve *in situ* development through municipal slum upgrading. For this it is necessary to develop a negotiation strategy around the private land.
- **4.** Lobby for the provision of basic services and recognition in order to achieve *de facto* security of tenure through the provision of access roads, water, electricity, sanitation and other services.
- **5. Continue to lobby for political support** for claims to tenure security through collective and individual political leadership at all levels of government.

Box 1 Community-led enumeration

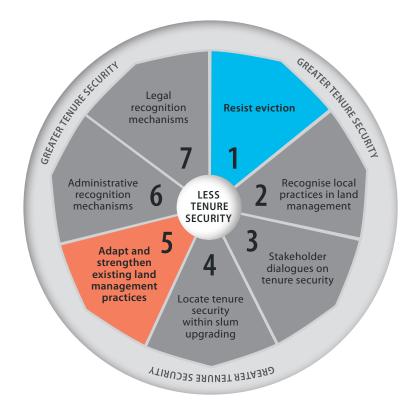
Community-led enumerations often provide the most useful data on informal settlement dwellers. The enumeration process generates a house number, correlating with a register with details of the dweller, as well as a spatial component. This information is often adopted and used by local governments, providing administrative recognition and conferring greater security. Self-enumeration by communities also enables residents to generate and control their own information and strengthens their ability to negotiate with government and outside agencies.



Implications for practice

The experience of Springvalley holds important lessons in respect of two routes that can advance a community's efforts to work incrementally towards tenure security (see the diagram below).

Diagram Key routes towards securing incremental tenure in Springvalley, eMalahleni



Resisting eviction is a critical first step for the community in the process of incrementally obtaining tenure security. The Springvalley experience shows that the community is well organised and that established community structures have the credibility and legitimacy necessary for unified community action against eviction.

Route 1 in the diagram is concerned with **resisting eviction**. Resisting eviction is a critical first step for the community in the process of incrementally obtaining tenure security. The Springvalley experience shows that the community is well organised and that established community structures have the credibility and legitimacy necessary for unified community action against eviction. The land occupied by the community is partly municipal land and should ideally be allocated for the community's use. Despite this, the municipality has failed to provide the community with information, which they requested, to find out what it intends to use the land for. In order to strengthen its position, the community needs to continue seeking legal recourse through its court case for access to information. It should also go through the courts to resist any future attempts at evictions. Community briefings on these legal processes facilitated by Planact can contribute to community solidarity in the face of eviction threats. Finally, Chapter 9 and other institutions should also be contacted because elements of the Springvalley case will be of particular interest to these bodies concerned with good governance.

In preparation for an upgrading process, Route 5 in the diagram focuses on adapting and strengthening existing land management practices, which serves as a precursor to Route 6, gaining administrative recognition. This is done by the community

updating its enumeration data, which can build consensus and inclusivity. Undertaking a community mapping process and documenting local land management practices can make visible the community's intention of developing a 'settlement management process plan' to regulate future settlement in Springvalley, the selling of shacks and operation of liquor outlets and shebeens. The inclusion of local and provincial state authorities in the enumeration process would hasten the process of gaining administrative recognition. It also becomes easier for the community to lobby for service delivery, which is another critical strategy for gaining administrative recognition.

The challenge for the Springvalley community is thus to work towards greater administrative recognition from the municipality by performing actions that are geared at incrementally securing tenure.

In preparation for an upgrading process, Route 5 focuses on strengthening existing land management practices, which serves as a precursor to Route 6, gaining administrative recognition.



© Urban LandMark 2013 www.urbanlandmark.org.za

This practice note is based on the following technical report compiled for the Tenure Security Facility Southern Africa: Kihato M (2013) Incrementally Securing Tenure in Springvalley, eMalahleni, South Africa. Available online at www.urbanlandmark.org.za.

Edited by Helene Perold and Philanie Jooste for Helene Perold and Associates Design, typesetting and proofreading: COMPRESS.dsl | www.compressdsl.com