NUSP
National Upgrading Support Programme

PARTICIPANTS

Summary

Defining tenure

Tenure refers to the ways in which land or property and housing are held. The UN Special Rapporteur offered this definition in 2012 '*Tenure is **the set of relationships with respect to housing and land,** established through statutory law or customary, informal or hybrid arrangements.'* What's important about this definition is that it emphasises relationships. Tenure is not simply about the law, or about legal forms of holding land or housing. It is about the relationships that people have to land or property.

When we talk about tenure people often think of tenure **form** such as individual ownership, group ownership, rental and variations, and most often they think of individual ownership as the ideal. This is inaccurate because it assumes that title and tenure are the same thing, when title is one example of a tenure form. **Tenure form** does not bring tenure security in itself. Tenure security comes from the ability to enforce a socially and politically meaningful and socially legitimate tenure system, regardless of what type or form of tenure it is. In many ways the form of tenure is the easy part — it's much more important to consider what **functions** tenure performs, and form follows from this. The notion of **a bundle of rights** helps us understand the functions that tenure performs.

Norms and practice in respect of tenure can also differ. Practice refers to the established way of doing things or what actually happens on the ground concerning rights, duties, or benefits such as how disputes are dealt with, or how people access land and what happens if they leave, or how people use land. It is quite helpful to see practice as distinct from norms. Norms can be understood as the ideals of laws, whether these laws are legislated or locally-developed rules. When it comes to tenure, some writers have developed the idea from observing practice that laws are not the only source of rule-making in society, and that we have to look locally to see what rules exist and what informs them.

A gap between a norm or local rule and practice might exist because the norm is not responsive or adequate or appropriate in some way. It is always a signal that something is not working as well as it could; the gap could be closed by reviewing the local rule or norm so that it matches practice more closely; or the practice might not be considered socially legitimate and may need to be sanctioned.

The ability to sanction local practices depends on authority and who wields it. There are two key elements in this. The first is **authority.** This refers to the power to enforce laws and rules

concerning rights, responsibilities, and benefits. The second is the concept of **legitimacy** because it refers to authority that is socially and locally acceptable and this is what really makes tenure secure for people. In this Section we refer to this as **local recognition.**

The difference between norms and practices and the difference between authority and legitimacy are two very helpful distinctions to keep in mind for understanding how tenure is managed locally, before an upgrading project begins. It assists in obtaining clarity on what people can do with the land, and what their rights and obligations are.

Defining tenure security

In its most basic definition tenure security means protection from eviction. The Global Land Tools Network (GLTN) differentiated passive and active tenure security and offered these definitions in

2012. Passive tenure security means being free of the risk of being evicted from the land. Active tenure security means being able to perform transactions on a parcel of land for example to buy, sell or lease it. A key factor that impacts on the conditions in informal settlements is insecurity of tenure. The diagram below explains the multiple problems that insecure tenure brings.

MULTIPLE IMPLICATIONS OF INSECURE TENURE
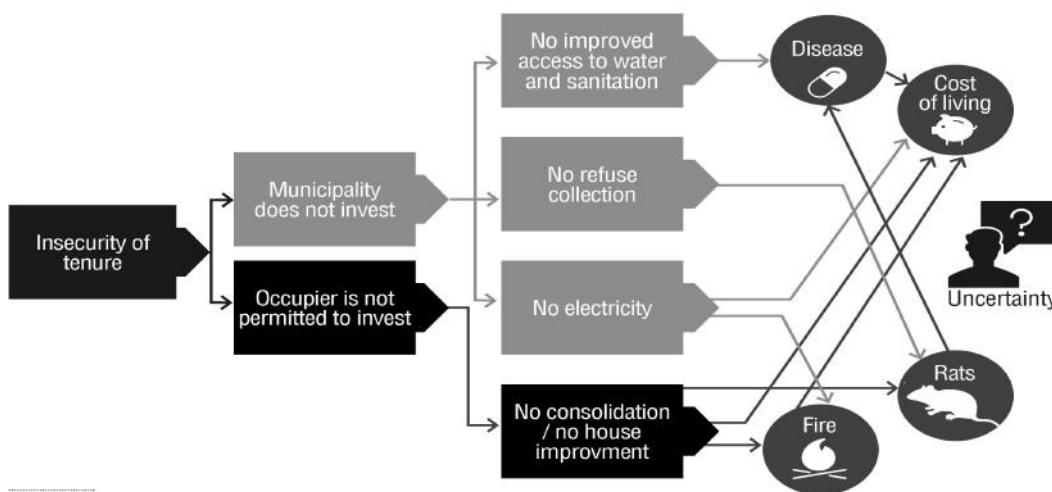
SOURCE: HUCHZERMEYER, 2013

Households need tenure security in order to make their own investments in housing, called consolidation. Many people would not be willing to invest in their property if they thought they might be arbitrarily evicted or if they were unsure about the future of their occupation. On the other hand, we often see that people invest in their properties with the aim of increasing their tenure security.

Without tenure security it is difficult, if not impossible, for people in informal settlements to get access to basic services, small scale finance and public investment in infrastructure like water services. One of our major challenges is to make sure that tenure security is sufficient to access these benefits.

In South Africa we have laws and a Constitution which offer protection against eviction. There are procedural requirements in law and if these are not followed an eviction would be illegal. Recent Constitutional Court judgements also show that municipalities must engage meaningfully with people under threat of eviction and that attention must be given to the provision of alternative accommodation. All of these provide passive tenure security. Municipalities should be aware of the tenure security that the Constitution and the case law confer on informal settlement residents.

Tenure diversity and incremental tenure

It is possible to improve tenure security in informal settlements in an incremental way, with the foundation of the constitutional rights that protect people against arbitrary eviction. But it

requires innovative thinking and a willingness to think differently and try to do things in different ways. Thinking differently about tenure is a critical part of this.

Tenure diversity refers to a range of tenure options, rather than only ownership. Until now the South African housing subsidy programme has prioritised ownership above other forms of tenure, but the UISP is an opportunity to do things differently. **From a tenure perspective the first step to take is to recognise the importance of tenure diversity.**

Recognising tenure diversity means that secure tenure does not necessarily mean individual ownership, although it might. **An incremental approach to tenure is thinking of a continuum along which progression towards tenure security is made step-by-step.**

The continuum diagram below shows two ends of a tenure continuum. On one end tenure is recognised locally (local recognition) but it is not officially recognised. On the other end of the continuum tenure is more officially recognised.

THE TENURE SECURITY CONTINUUM

Local Recognition
Lack of official recognition increases insecurity of tenure

Administrative Recognition
Progression towards more tenure security

Legal Recognition
Increased tenure security

Recognition can be local or official. **Local recognition** refers to the settlement level practices that have developed into norms over time. Norms are local rules or laws that have the force of social legitimacy. Examples of local norms include the local land transfer being witnessed by a local leader in order for it to be valid; neighbours being called in to verify authenticity of land-holding in the case of a dispute etc. **Official recognition** can be administrative or legal. **Administrative recognition** uses instruments that may arise from policies or administrative practices to improve tenure security and can provide tenure security through, for example: a

council resolution to upgrade; the categorisation of the settlement; initiating an enumeration process; preparing a list or register of occupants; or developing a spatial (or basic layout) plan that shows the structures and roads.

Legal recognition is provided when a legal process of development is initiated (e.g. township establishment) or a legal planning instrument is engaged (such as designating an area as an informal settlement through a town planning scheme amendment or zoning a settlement using the town planning scheme).

The relationship between administrative and legal recognition is flexible and is not necessarily mutually exclusive. It is entirely possible to provide forms of administrative recognition within blocks or identified areas within a settlement that has an overall legal status. So, both forms of recognition can be used in combination.

A key principle in implementing processes to provide tenure security is to work with what tenure arrangements already exist at a local level in an informal settlement. The local arrangements

> For more details see Section 7, item 2.2

introduce some kind of security and legitimacy at grassroots level that agencies of the state have not been able to create. When an upgrading project begins you need to know what these existing, local tenure arrangements are. With more insight into how things currently work in local practice, it becomes possible to look at how these arrangements can be officially recognised.

> For more details see Section 7, item 3.1

The legislative and policy context for tenure security

Government policy has shifted from ideas of eradication and removal of informal settlements towards in situ upgrading of settlements. Providing tenure security is a key element of the upgrading of settlements approach. It is important to have a general understanding of the legal basis for providing tenure security as it is laws that create the obligations of government. At a very broad level there are three main categories of laws that guide and support the provision of tenure within the upgrading process in informal settlements:

> For more details see Section 7, item 3.2

- Laws that protect rights of occupation for example Section 26(3) of the Constitution and the Protection of Illegal Evictions Act (PIE).
- Laws that set the framework or principles for tenure within the housing environment for example the Housing Act 107 of 1997
- Land development and land use laws

Development planning law has been undergoing significant legal reform in the past few years. The town planning ordinances set out procedures to develop land. There were historically four ordinances, but due to planning reform, each of the nine provinces has, or is

busy preparing, their own provincial planning laws that will govern land development. There was also the Development Facilitation Act 67 of 1995 and the Less Formal Township Establishment Act 113 of 1991, both of which will be repealed by the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA) which was introduced into law in August 2013.

The former homelands also had laws that were used for development and to give deed of grant and permission to occupy certificates. These are likely to be repealed by provinces as they bring in the new planning ordinances.

SPLUMA is a national framework legislation that sets out a new spatial planning and land use management system regime for South Africa. It gives guidance to provincial planning laws and to municipal planning by-laws so that they will be consistent and aligned to SPLUMA. Broadly SPLUMA provides development principles and norms and standards; guidance on the spatial planning system and land use management system and limited guidance on land development applications (LDAs) and procedures.

SPLUMA takes a clearly supportive position on informal settlements and incremental upgrading. Its provisions make explicit reference to informal settlements, unlike any pre-1994 planning legislation, creating a set of legally-binding obligations on government.

With SPLUMA informal settlements can no longer remain outside of municipal planning processes, instruments and regulation. Spatial development frameworks (SDF) and municipal spatial plans must include them. They must be included in land use schemes (LUS) and hence become areas that will have zoning and require management by the municipality. The municipality must develop and apply suitable zoning and management rules. These zoning and management rules should include tenure arrangements such as occupation certificates, especially if full individual title is not going to be the end goal. Land development procedures need to be innovative to allow for incremental development, for example to accommodate block development, and these procedures must be built into new provincial planning laws.

Addressing tenure security in the upgrading process

The UISP process indicates that secure tenure must be provided through the upgrading process and that various types of tenure security must be considered. However, it does not explicitly provide guidance on how tenure is secured during the upgrading process.

When a municipality develops a programme to upgrade informal settlements, it will identify the settlements and categorise them according to their ability to be upgraded in situ immediately or in the future, or be relocated.

The possible tenure approaches for each category of settlement upgrading is as follows:

- Conventional formal full upgrading (Category A): Formal

township establishment leads to registered title. There might be opportunities in the development process, depending on how long it takes, to introduce some administrative security mechanisms along the way.

- Incremental full upgrading (Category B1): In this option tenure builds on the local recognition that already exists. Tenure in this category can be incrementally secured using a range of options including basic servicing or basic layout planning, council resolutions, officially recognised registration of occupants, evidence such as letters or certificates, special zoning and legal declaration at a blanket or block level

- Deferred relocation (Category B2): Should fit with the holding pattern of deferred relocation, so it should recognise existing occupation at the site, provide for recognition of the right to be relocated in future and include engagement/consultation with existing residents and the municipality on that relocation.

- Immediate relocation (Category C): In the case of immediate relocation, residents and the municipality should engage on the relocation itself and tenure should be secured at the relocation destination on a full, incremental or interim basis depending on the nature of development that takes place there.

The following guidelines are intended to assist you to make incremental recognition of tenure more practical:

> For more details see Section 7, item 5.1 & 5.2

- A starting point in making it practical is to be pragmatic. You need to work with what you have, and with what currently exists. You should avoid a clean slate approach. This means you should work with existing strategies, policies and laws. It also means you should use existing local practices at community level to guide your work.

- In the participation process, you should actively negotiate for achieving a better fit with the body of local practices in informal settlements. Consider how to adapt existing community practices to achieve more tenure security benefits.

- Bear in mind that there is no blue-print for doing this work. However, there are practical examples from Southern Africa, doing things differently, which can be used and adapted to fit your context.

- You need to look at how you can do things differently. Be willing to innovate. One key area of innovation will be looking at SPLUMA and how it can be used to improve tenure security. The solution you develop can be an example and a model for other local authorities: what is innovative today becomes tomorrow's business as usual.

The key funding mechanisms for initiatives to enable tenure security are:

> For more details see Section 7, item 5.3

- UISP: If security of tenure is being provided as part of an upgrading project, there is funding available for land acquisition, pre-planning, detailed town planning and land surveying.

- IRDP: If security of tenure is being provided as part of a project, there is funding available for land acquisition, pre-planning, detailed town planning and land surveying.
- Municipality: It is assumed that the municipality will need to cover the costs of the other initiatives if neither of the above scenarios applies.

Content

1. Understanding tenure security

1.1   Defining tenure

There are various kinds of tenure such as individual ownership or rental. The word tenure comes from the French verb *tenir*, which means to hold. So tenure refers to the ways in which land or property and housing are held. The UN Special Rapporteur offered this definition in 2012:

*Tenure is **the set of relationships with respect to housing and land,** established through statutory law or customary, informal or hybrid arrangements.*

What's important about this definition is that it emphasises relationships.

Customary and informal arrangements are where tribal or traditional common rule or practice has become an intrinsic part of the accepted and expected conduct in a community and is treated as a legal requirement

- Tenure is not simply about the law, or about legal forms of holding land or housing.
- It is about the relationships that people have to land or property.

This definition also shows that tenure is established in different ways, of which statutory law is one. Others are customary and informal arrangements. A fourth way is through hybrid arrangements. This is important because it draws our attention to what happens frequently in practice. Often you will find that tenure is established through a combination of statutory law and custom or informal arrangements, rather than a single element.

Tenure form and function

When we talk about tenure people often think of tenure **form** such as individual ownership, group ownership, rental and variations, and most often they think of individual ownership as the ideal. Sometimes you will find that people use the terms tenure and title interchangeably.

This is inaccurate because it assumes that title and tenure are the same thing, when title is one example of a tenure form. Thinking of tenure and title as the same thing is problematic because it:

- Ignores a whole range of existing tenure arrangements,
- Shuts down possibilities for improving tenure incrementally, and
- Focuses policy and practical attention on getting everyone into registered title, which would take decades to achieve.

Tenure form — whether registered, individual title, or something else — does not bring tenure security in itself. Tenure security comes from the ability to enforce a socially and politically meaningful and socially legitimate tenure system, regardless of what type or form of tenure it is.

As you can see, the tenure definition we are using here does not start with the form of tenure, because tenure is about much more than form. In many ways the form of tenure is the easy part — it's much more important to consider what **functions** tenure performs, and form follows from this. The notion of **a bundle of rights** helps us understand the functions that tenure performs.

Tenure rights

Some writers developed the idea of a bundle of rights and of rights as sticks in the bundle. There are many definitions about what the sticks are. This concept of a bundle of rights is taken from a research project which was trying to better understand how people's tenure rights work in practice, especially in a context of local recognition. The example below shows how the rights were experienced in practice in one settlement they worked with. The left hand column shows the bundle of rights and represents what we would commonly associate with ownership rights. The right hand column shows how the right or stick was experienced in practice in that settlement.

Example: How rights were experienced in a particular informal settlement case

Right in the bundle	Experience
Residential use	Yes, people in this case had occupation rights.
Productive use	No, people were not meant to use the land productively, or for economic or financial uses, but in practice, or unofficially, commercial activities did take place, such as spaza shops and hair salons.
Rent, sublet	No, according to the local rules people were not meant to rent out space.

Control access	Yes, access to the settlement was not free for all, there were local rules in place for how new people got permission to settle.
Sell/buy or inherit	Yes, your children could inherit if you died and no, people were not meant to sell or transfer, but unofficially some transactions did take place.
Develop or improve	Yes, households could make investments in their property to improve it, such as building a new room, or incrementally building in brick (called consolidation).
Realise a benefit or return from selling	No, people were not meant to make a profit from the sale of their place as the local rules did not permit sale.
Access to services	Varied, because the settlement was not upgraded, people had made their own arrangements in some cases.
Access to formal credit	No, the research did not identify anyone with access to formal credit, although informal loans might have been available.
Claims to future development	Some rights holders, with evidence to prove their claims, were having their rights upgraded to title.

Tenure: norms and practices

As well as giving you more insight into the idea of a bundle of rights, this example also shows you how **norms and practice can differ.** For example, the local norm or rule was that people were not meant to use their land for non-residential purposes, but they did.

- Practice refers to the established way of doing things or what actually happens on the ground concerning rights, duties, or benefits such as how disputes are dealt with, or how people access land and what happens if they leave, or how people use land. It is quite helpful to see practice as distinct from norms.
- Norms can be understood as the ideals of laws, whether these laws are legislated or locally-developed rules. When it comes to tenure, some writers have developed the idea from observing practice that laws are not the only source of rule-making in society, and that we have to look locally to see what rules exist and what informs them.

A gap between a norm or local rule and practice might exist because the norm is not responsive or adequate or appropriate in some way. It is always a signal that something is not working as well as it could; the gap could be closed by reviewing the local rule or norm

so that it matches practice more closely; or the practice might not be considered socially legitimate and may need to be sanctioned.

Tenure: authority and legitimacy

The ability to sanction local practices depends on authority and who wields it. There are two key elements in this:

- The first is **authority.** This refers to the power to enforce laws and rules concerning rights, responsibilities, and benefits. In practice a great deal of authority is socially derived, although conventional thinking about tenure tends to see the law as a source of authority and does not recognise local practice.
- The second is the concept of **legitimacy** because it refers to authority that is socially and locally acceptable and this is what really makes tenure secure for people. In this Section we refer to this as **local recognition.**

The difference between norms and practices and the difference between authority and legitimacy are two very helpful distinctions to keep in mind for understanding how tenure is managed locally, before an upgrading project begins. It assists in obtaining clarity on what people can do with the land, and what their rights and obligations are.

1.2   Defining tenure security

What is the meaning of tenure security? The Global Land Tools Network (GLTN) differentiated passive and active tenure security and offered these definitions in 2012:

- Passive tenure security means being free of the risk of being evicted from the land.
- Active tenure security means being able to perform transactions on a parcel of land for example to buy, sell or lease it.

Tenure security is about more than not being evicted, which is the definition of passive tenure security, so we need to look at what active tenure security means. Active tenure security raises the important issue of why tenure security is important. What is tenure security meant to achieve? Why does tenure security matter?

A key factor that impacts on the conditions in informal settlements is insecurity of tenure. The diagram below explains the multiple problems that insecure tenure brings. Note that there are many ways of securing tenure, freehold titling being only one of these and not essential for tenure security.

MULTIPLE IMPLICATIONS OF INSECURE TENURE
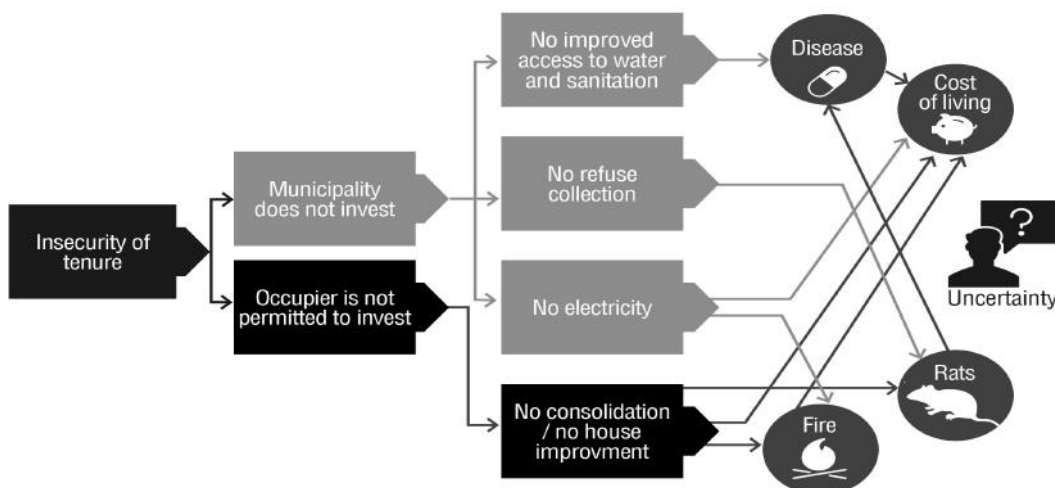
SOURCE: HUCHZERMEYER, 2013

To understand the importance of tenure security it is useful to draw a distinction between **wealth accumulation** and **livelihood security.**

- **Wealth accumulation** is where owning a property enables you to increase the amount of money you have. An example would be the concept of the housing ladder where you sell your house for more than you bought it and use the profit to buy a better house (larger or in a better neighbourhood) or open a business. As a result, selling the property can make you wealthier.

- **Livelihood security** is where owning a property enables you to make a living or to benefit from social capital, such as providing accommodation to family members who rely on and support each other. Many people view a house as a family asset which they would never sell. In reality selling your property if you are poor in South Africa where the demand for housing far outstrips the supply, more often than not means moving down the ladder, back into informality, not up the ladder. Accordingly people use their house as a way of earning a living (either through rental, running a business or growing food to eat) or assisting other family members who are unemployed.

We need to broaden our thinking about the benefits of property, and especially of tenure security, beyond the wealth accumulation mind-set. A critical factor here is that households need security in order to make their own investments in housing, called consolidation. Many people would not be willing to invest in their property if they thought they might be arbitrarily evicted or if they were unsure about the future of their occupation. On the other hand, we often see that people invest in their properties with the aim of increasing their tenure security.

Without tenure security it is difficult, if not impossible, for people in informal settlements to get access to basic services, small scale finance and public investment in infrastructure like water services. One of our major challenges is to make sure that tenure security is sufficient to access these benefits. In many places local authorities are reluctant to provide these services unless a township is established and title deeds issued. This is one of the key areas

where more innovation is needed. Later in this Section we will explore some practical examples of tenure mechanisms that can be used to open up informal settlements to investment and services, before title deeds are available, and in some cases even instead of them.

Passive tenure security

In South Africa we have laws and a Constitution which offer protection against eviction. There are procedural requirements in law and if these are not followed an eviction would be illegal. Recent Constitutional Court judgements also show that municipalities must engage meaningfully with people under threat of eviction and that attention must be given to the provision of alternative accommodation. All of these provide passive tenure security. Municipalities should be aware of the tenure security that the Constitution and the case law confer on informal settlement residents.

Current residents in informal settlements, regardless of the lawfulness of their occupation and irrespective of how they are assessed and categorised, possess a range of substantive and procedural protections that impose obligations on municipalities, private land owners and the occupiers themselves.

Principles regarding evictions have been established through court cases and court judgements. The evictions case law establishes principles in the following key areas:

Tenure security provision	Definition
Procedural requirements for an eviction	Occupiers and state should engage and consult on all aspects of eviction and provision of alternative accommodation, including relocation.
Meaningful engagement	On private property if homelessness would be the outcome of an eviction, occupiers acquire a temporary right to occupy until the state provides alternative accommodation or another place to live.
Access to alternative accommodation	The state must provide alternative accommodation or another place to live to the occupiers if they will be homeless due to an eviction.
Adequate alternative accommodation	Case law does not spell out what adequate alternative accommodation means, but there are some examples such as specifications for temporary relocation units (TRUs).
Accountability of municipal office	Municipal office bearers face imprisonment or a

Tenure security provision	Definition
bearers to enforce court orders	fine if they do not comply with Constitutional obligations.

In its most basic definition tenure security means protection from eviction. Threats to tenure security do not only come from government. They can also occur:

- As a result of the **community and family.** For example, where the community authority is not legitimate it can exploit the poor and vulnerable. Sometimes women and children are vulnerable to the actions of other family members.
- There can also be **market evictions,** which means that sometimes formalisation puts people into tenure arrangements that they cannot sustain due to poverty. One example is something called downward raiding where people without adequate access to housing may displace poorer people who are recipients of public subsidies because they are poor, through buying their properties, often at less than the amount the state invested.

1.3   Tenure diversity and incremental tenure

In South Africa, many people have been waiting for 20 years or more for a subsidy, without any improvements in their tenure security. This is where the Upgrading of Informal Settlements Programme (UISP) comes in. It is possible to improve tenure security in informal settlements in an incremental way, with the foundation of the constitutional rights that protect people against arbitrary eviction. But it requires innovative thinking and a willingness to think differently and try to do things in different ways. Thinking differently about tenure is a critical part of this.

Freehold is a term that is used to apply to ownership. In the South African context, it refers to registered title that is generally individual in nature and is registered in the deeds registry, which issues a title deed to property owners. There is a debate about ownership with some people seeing freehold as the best and most secure form of tenure, while others argue for tenure diversity. Tenure diversity refers to a range of tenure options, rather than only ownership. Although the debate is important, one need not to be all that familiar with it to know that ownership simply is not happening for many poor South Africans. For many people there is nothing between living in an informal settlement and a subsidy (RDP) house.

Until now the South African housing subsidy programme has prioritised ownership above other forms of tenure, but the UISP is an opportunity to do things differently**. From a tenure perspective the first step to take is to recognise the importance of tenure diversity.**

Recognising tenure diversity means that secure tenure does not necessarily mean individual ownership, although it might**. An incremental approach to tenure is thinking of a continuum along which progression towards tenure security is made step-by-step.**

2. Providing tenure security incrementally

In this Section we are emphasising context-specific and practical approaches to increasing tenure security. This means that you need to identify what would work in your context. To do so you need to identify how informal settlements can progress incrementally towards more security and official recognition of existing practices. An incremental approach can reach more settlements more quickly. It can also make sure that people do not spend decades waiting for a final form of tenure, be it ownership or rental or something else, with nothing to secure their rights in the meantime.

2.1   The tenure continuum

The continuum diagram below shows two ends of a tenure continuum. On one end tenure is recognised locally (local recognition) but it is not officially recognised. On the other end of the continuum tenure is more officially recognised. The space in between is what this Section is about.

THE TENURE SECURITY CONTINUUM

Local Recognition
Lack of official recognition increases insecurity of tenure

Administrative Recognition
Progression towards more tenure security

Legal Recognition
Increased tenure security

Recognition can be local or official.

- **Local recognition** refers to the settlement level practices that have developed into norms over time. Norms are local rules or laws that have the force of social legitimacy. Examples of local norms include:
    - o   The local land transfer being witnessed by a local leader in order for it to be valid;
    - o   Neighbours being called in to verify authenticity of land-holding in the case of a dispute;
    - o   A receipt being recognised as a legitimate proof of a land sale and evidence of an occupation right;
    - o   An affidavit signed by a local police officer as proof of occupation;
    - o   Having your name on a locally-maintained register of occupants is evidence of an occupation right.
- **Official recognition** can be administrative or legal.
    Administrative recognition uses instruments that may arise from policies or administrative practices to improve tenure security. Security derives from a commitment by authorities in the form of council resolutions or administrative

systems. Examples of administrative recognition include occupation letters, registers of occupants, shack enumerations with shack numbering, block layouts.

Legal recognition uses a legal procedure, in terms of a law, often a planning law, to grant legal status to an area. It usually results in declaring the area in terms of this law (a settlement area, an area zoned for informal housing). Examples of laws that can be used include existing provincial ordinances and their respective town planning schemes, the former DFA and the new Spatial Planning and Land Use Management Act (SPLUMA).

2.2 Working with local arrangements

A key principle in implementing processes to provide tenure security is to work with what tenure arrangements already exist at a local level in an informal settlement. The local arrangements introduce some kind of security and legitimacy at grassroots level that agencies of the state have not been able to create. When an upgrading project begins you need to know what these existing, local tenure arrangements are. With more insight into how things currently work in local practice, it becomes possible to look at how these arrangements can be officially recognised.

Over many years informal settlements develop a body of local land management practices that are not officially recognised, of which tenure is an element. These local practices could include:

- Sales, transfers and bequeathing of land, shacks on land, or both. This is an informal land market.
- Organised local processes for how people access, hold and transfer land.
- Verbal and written evidence of occupation and other rights if they apply such as inheritance, rental and non-residential uses like salons and spaza shops. An example of written evidence is a settlement level list or register that is a record of people's locally recognised right to be there.
- Systems of local leadership and authority and when it comes to tenure, the authority that local tenure arrangements draw on for legitimacy.
- Perceptions about tenure security. It can sometimes be surprising to discover that people's perceptions of how secure they are can be quite high, even in the absence of legally recognised tenure. In South Africa informal settlement residents have constitutional protections which offer them legal security. In some settlements people feel secure enough to make investments without waiting for a title deed. In others they might make investments in order to help secure their tenure.

3. The legislative and policy context for tenure security

3.1 Government policies that address tenure security

As discussed in previous modules, government policy has shifted from ideas of eradication and removal of informal settlements towards in situ upgrading of settlements. Providing tenure security is a key element of the upgrading of settlements approach. More recent government policy has introduced the view that tenure may be secured in different ways and not only through individual ownership and the delivery of a subsidised (RDP) house in a formal housing development.

- **Breaking New Ground (BNG)** introduced a new vision of sustainable human settlements and represented a shift towards a new approach that acknowledged informal settlements. This policy was translated into a new programme — the UISP.
- **Outcomes Approach — Outcome 8.** A target was set for informal settlements i.e. *To upgrade 400 000 households in informal settlements with access to secure tenure and basic services.*
- **The National Housing Code** was revised to include guidelines for the implementation of the UISP (Volume 4, Part 3). Volume 4 is important for two reasons:
  - It refers to **recognising tenure rights,** a concept that is significant for providing tenure security;
  - It promotes security of tenure as the foundation for future individual and public investment. It further indicates that the broad goal of security of tenure may be achieved through a **variety of tenure arrangements** and these are to be defined through a process of engagement between local authorities and residents.
- **The National Development Plan (NDP)** supports tenure approaches that give recognition to different forms of tenure security in informal settlements. The NDP instructs government to develop instruments to regularise informal settlements and recognise the rights of residents (tenure) in settlements. Chapter 8 urges *municipalities to examine how poorer people access land and accommodation and then develop ways to support and regularise these processes to give people more security (pg 254).* It specifically calls for the recognition of the role informal settlements play and supports efforts to*: develop legal instruments to regularise informal settlements and to **recognise** rights of residence (pg 256).* The NDP explicitly urges us to develop legal ways to deal with tenure, as well as other ways to recognise occupation rights in informal settlements.

Key points

- Government recognises tenure rights because of the important role these rights play in enhancing citizenship.
- Tenure security must be addressed through participatory approaches to develop appropriate arrangements acceptable to both the municipality and residents.

- However, little guidance is provided through these policies on what these various tenure arrangements could be or how one develops them during the upgrading process.
- This Section will, therefore, help you to identify different tenure options and suggest the processes to follow to arrive at tenure security in consultation with communities.

3.2   Key laws that address tenure in informal settlements

It is important to have a general understanding of the legal basis for providing tenure security as it is laws that create the obligations of government. At a very broad level there are three main categories of laws that guide and support the provision of tenure within the upgrading process in informal settlements:

- Laws that protect rights of occupation;
- Laws that set the framework or principles for tenure within the housing environment;
- Laws that determine development procedures and land use management requirements that provide legally secure forms of tenure.

Laws that protect occupation rights

Section 26(3) of the Constitution provides that no one may be evicted from their home or have their home demolished without a court order authorising such eviction after having due regard to all the relevant circumstances. The Protection of Illegal Evictions Act (PIE) expands on this requirement by stating that a court may not grant an eviction order unless the eviction sought would be just and equitable in the circumstances.

This is discussed in Section 3.

Laws that set the framework or principles for tenure within the housing environment

In The Housing Act 107 of 1997, the very first principle (Section (1)(a) and (c)(i)) states that: national, provincial and local spheres of government must give priority to the needs of the poor in respect of housing development … and ensure that housing development must provide as wide a choice of housing and tenure options as is reasonably possible. So, the Housing Act establishes the principle that tenure options must be provided. It is not explicit about whether the housing development for the poor is of an informal or formal nature.

Land development and land use laws

All formal land development is governed by land development and planning laws that set out procedures to divide the land into smaller parcels, install infrastructure services and designate uses to the land parcels, and provide the legal basis to confer formal, individual ownership rights. This is often called township establishment or land subdivision.

Development planning law has been undergoing significant legal reform in the past few years. The town planning ordinances set out procedures to develop land. There were historically four ordinances, but due to planning reform, each of the nine provinces has, or is busy preparing, their own provincial planning laws that will govern land development. There was also the Development Facilitation Act 67 of 1995 and the Less Formal Township Establishment Act 113 of 1991, both of which will be repealed by the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA) which was introduced into law in August 2013. The former homelands also had laws that were used for development and to give deed of grant and permission to occupy certificates. These are likely to be repealed by provinces as they bring in the new planning ordinances.

The next section will focus on SPLUMA and the new planning regime it will introduce because all development will need to conform to this law once it is promulgated.

3.3   SPLUMA, provincial planning laws and municipal by-laws

SPLUMA is a national framework legislation that sets out a new spatial planning and land use management system regime for South Africa. It gives guidance to provincial planning laws and to municipal planning by-laws so that they will be consistent and aligned to SPLUMA. It is important to know that planning will not be governed by only one law and that land planning and development of land will be done at all three spheres of government.

> A by-law is a law that is passed by the Council of a municipality to regulate the affairs and the services it provides within its area of jurisdiction
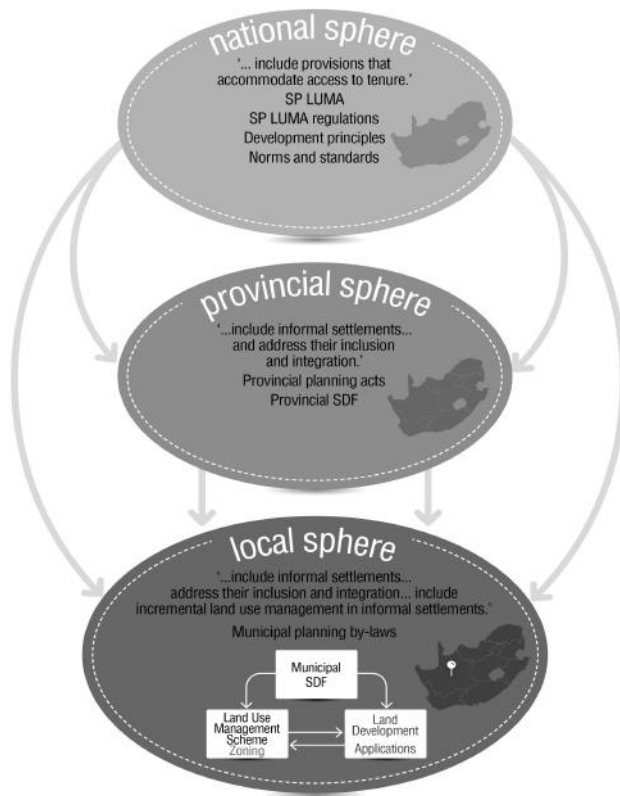
Broadly SPLUMA provides:

- Development principles and norms and standards;
- Guidance on the spatial planning system by indicating the different kinds of spatial plans, or spatial development frameworks (SDFs) and their content;

Guidance on the land use management system (LUMS);

- Limited guidance on land development applications (LDAs) and procedures as these must be detailed in the provincial planning laws and implemented by municipalities.

SPLUMA takes a clearly supportive position on informal settlements and incremental upgrading. Its provisions make explicit reference to informal settlements, unlike any pre-1994 planning legislation, creating a set of legally-binding obligations on government.

The structure of SPLUMA is illustrated in the diagram below and the table that follows highlights the key legal provisions that relate to tenure in informal settlements.

APPLICATION OF THE SPATIAL PLANNING SYSTEM TO INFORMAL SETTLEMENTS

national sphere
'... include provisions that accommodate access to tenure.'
SP LUMA
SP LUMA regulations
Development principles
Norms and standards

provincial sphere
'...include informal settlements... and address their inclusion and integration.'
Provincial planning acts
Provincial SDF

local sphere
'...include informal settlements... address their inclusion and integration... include incremental land use management in informal settlements.'
Municipal planning by-laws

Municipal SDF

Land Use Management Scheme Zoning

Land Development Applications

SPLUMA, land use management and legal recognition

SPLUMA requires a municipality to have a land use scheme that covers all the land within the municipality, including informal settlements. This means that the municipality will have to play a role in regulating and offering land use management services in informal settlement areas. Informal settlements will have zoning applying to them. Zoning is important because it legalises the land use and it sets out development rules for that zoning. The informal settlement is then legally recognised.

Thus an opportunity exists when the zoning of an informal settlement is determined, for the zoning rules and conditions to include a number of aspects to secure tenure, for example:

- A local register of occupants, so that residents are formally listed on an official record.
- An occupation permit/certificate to give residents evidence of occupation.
- Shelters linked to a spatial plan and a register through the GPS points of the shelter.
- A services card as proof that the informal settlement receives services or may even pay a nominal amount for services.

SPLUMA and land development procedures

When an informal settlement is to be upgraded, the authorities must use the law and follow its procedures if the area is to be formalised with permanent services and become included in the management and other systems of the municipality. SPLUMA provides the overall framework for these procedures, but it is the **provincial planning legislation** that will detail

the steps and the **municipal planning by-laws** that will address the implementation of the procedures.

We will not be going into all the technical and legal requirements to develop land, but it is important to know that new planning legislation should include procedures that will make the steps less onerous and expensive, and address the needs of incremental development. We don't yet have specific legislation that directly addresses incremental steps to development, but the new provincial planning laws should address this omission.

Block development

In the meantime, there are some existing development laws that could be applied more creatively to allow for incremental development and these should be given consideration. For example, the development process could be applied to formally identify the boundary of the informal settlement and the main roads and services, leaving the existing settlement blocks in their informal configuration. The land use scheme (or zoning) could then determine the rules and the tenure arrangements in particular, for the homes situated inside the internal blocks defined by the roads.

In summary, in order to meet the principles, norms and standards in SPLUMA and to fully address the spatial planning and land use management instrument requirements, provincial planning acts and municipal by-laws need to develop these more innovative and flexible land development procedures to accommodate informal settlement upgrading.

Key points

- With SPLUMA informal settlements can no longer remain outside of municipal planning processes, instruments and regulation.
- Spatial development frameworks (SDF) and municipal spatial plans must include them.
- They must be included in land use schemes (LUS) and hence become areas that will have zoning and require management by the municipality.
- The municipality must develop and apply suitable zoning and management rules.
- These zoning and management rules should include tenure arrangements such as occupation certificates, especially if full individual title is not going to be the end goal.
- Land development procedures need to be innovative to allow for incremental development, for example to accommodate block development, and these procedures must be built into new provincial planning laws.

The table below highlights the key legal provisions that relate to tenure in informal settlements:

	SPLUMA requirements regarding informal settlements land development applications (LDA)			
Description	Definitions These provide legal definitions of terms used in the legislation and are found at the beginning of every law.	Principles These are norms and prescriptions that must be applied to all development.	Spatial Planning A spatial development framework is a plan that indicates where and what kind of development will take place in the area.	Land Use Management Land use schemes are legal instruments that confer land use rights to land and set out development rules.
Section of Act	1(1(1))	7(a)(v)	12(1)(h)	24(2)(c)
What SPLUMA says:	… incremental upgrading of informal areas means the progressive introduction of administration, management, engineering services and land tenure rights to an area that is established outside existing planning legislation and may include any settlement or area under traditional tenure.	… and development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas.	… include previously disadvantaged areas … informal settlements, slums … and address their inclusion and integration into the spatial, economic, social and environmental objectives of the relevant sphere.	… include provisions that permit the incremental introduction of land use management and regulation in areas under traditional leadership, rural areas, informal settlements, slums and areas not previously subject to a land use scheme.
Why is this important for informal settlement upgrading?	There is a legal definition of terms which provides for clear communication.	The provincial laws must include provisions that will promote incremental upgrading and tenure.	Spatial plans of the municipality must show informal settlement so that these areas can no longer be excluded, which is a form of recognition.	Land use schemes must include provisions to manage informal settlements, which will give increased legality and secure tenure to informal settlements.

4. Addressing tenure security in the upgrading process

The UISP process indicates that secure tenure must be provided through the upgrading process and that various types of tenure security must be considered. However, it does not explicitly provide guidance on how tenure is secured during the upgrading process. Similarly, SPLUMA establishes the principles and guidance to provide for incremental upgrading and securing tenure incrementally, yet is not at a stage where these are translated into procedures for incremental upgrading.

This section, therefore, begins to link the ideas and concepts you have learnt about securing tenure to the upgrading process, to show how you can support and provide more tenure security to occupants in informal settlements during the upgrading process. The concepts are:

- Understanding the development process that settlements will go through during upgrading;
- Understanding that official recognition of settlements can be done through administrative and through legal means;
- Building on local practices and existing tenure arrangements in settlements by building on local recognition.

4.1 Township establishment and the development pathway

When a municipality develops a programme to upgrade informal settlements, it will identify the settlements and categorise them according to their ability to be upgraded in situ immediately or in the future, or be relocated.

In the case of conventional formal full upgrading (Category A), settlements can be upgraded using the formal development process of township establishment. In cases where the land is suitable for in situ upgrading, but the development pathway will be incremental towards full upgrading and possible eventual formalisation (Category B1) township establishment will take much longer and the development pathway will require incremental approaches and interim arrangements.

Areas unsafe and unsuitable for upgrading fall into the relocation categories, which are deferred relocation with interim arrangements (Category B2) and immediate relocation (Category C).

The development process involves many planning processes before the settlement can be formalised if it follows the formal, township establishment route. The early steps can result in improved tenure security to residents in informal settlements, usually through the development interventions that are undertaken, such as the provision of basic services or administrative recognition such as enumeration. These steps are all undertaken prior to township establishment, which can be a lengthy legal process with many requirements.

One stage in the development process is called pre-intervention. This is the stage before authorities get involved in the informal settlement and the community has its own established local practices, which were discussed earlier in the module.

4.2   Providing tenure security for different settlement categories

The concept of recognising tenure explained earlier, shows that recognition can be seen as a continuum from little or no recognition and hence low levels of tenure security on the one end, through to official recognition and high levels of tenure security on the other.

The tenure recognition concept also incorporates the distinction between administrative and legal recognition.

Administrative recognition can provide tenure security through, for example:

- A council resolution to upgrade;
- The categorisation of the settlement;
- Initiating an enumeration process;
- Preparing a list or register of occupants;
- Developing a spatial (or basic layout) plan that shows the structures and roads.

Shelter numbering and enumeration

Official legal recognition is provided when a legal process of development is initiated (e.g. township establishment) or a legal planning instrument is engaged (such as designating an area as an informal settlement through a town planning scheme amendment or zoning a settlement using the town planning scheme).

The relationship between administrative and legal recognition is flexible and is not necessarily mutually exclusive. It is entirely possible to provide forms of administrative recognition within blocks or identified areas within a settlement that has an overall legal status. So, both forms of recognition can be used in combination.

The development process, tenure recognition and possible tenure approaches for each category of settlement upgrading is set out below.

Conventional formal full upgrading (Category A)

Developmental pathway: Rapid formalization (i.e. land acquisition, township establishment, subdivisions, full services, formal top-structures and registered tenure such as individual title deeds or group ownership, or lease/rental).

TENURE RECOGNITION IN CONVENTIONAL FULL UPGRADING (CATEGORY A)
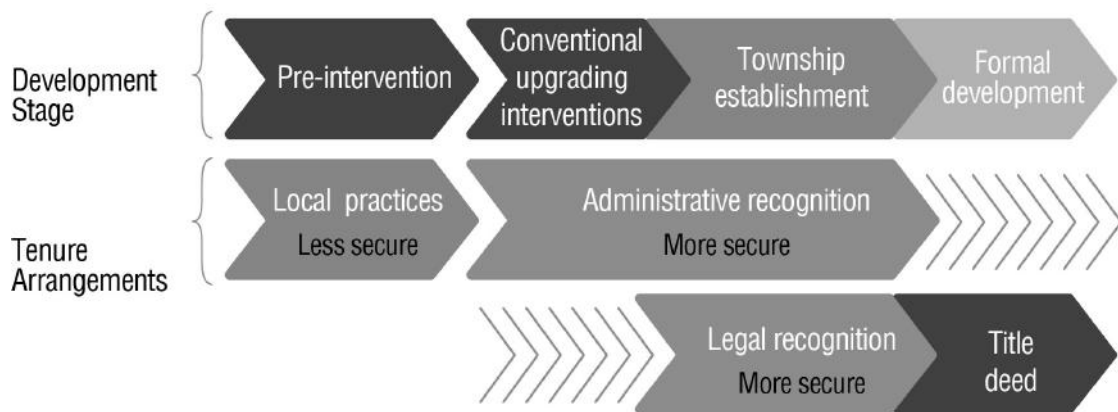
Tenure security: This is the conventional approach to tenure, where formal township establishment leads to registered title. There might be opportunities in the development process, depending on how long it takes, to introduce some administrative security mechanisms along the way.

Incremental full upgrading (Category B1)

Developmental pathway: Incremental development led by the provision of basic services and leading either to eventual formalisation or other permanent settlement solution. Full upgrading is on hold pending the resolution of limiting constraints (land, financial, technical or social). Interim arrangements will include basic infrastructural services (water supply, sanitation, road access), and redress of imminent health and safety threats (e.g. fire protection, solid waste removal).

> These types of interim arrangements are detailed in Section 6.

In addition it will include a wide range of incremental upgrading responses including participative planning, re-blocking, incremental tenure (either administrative such as enumeration or council resolution or legal recognition such as special zones), settlement layouts, owner driven consolidation, so as to progress to full upgrading with or without full title being issued, improved access to key social facilities (e.g. education and health care). Interim arrangements lead to a significantly improved yet less formal development area on an interim basis prior to eventual full upgrading (when and if sufficient funding and other conditions permit).

TENURE RECOGNITION IN INTERIM ARRANGEMENTS / INCREMENTAL FULL UPGRADING (CATEGORY B1)
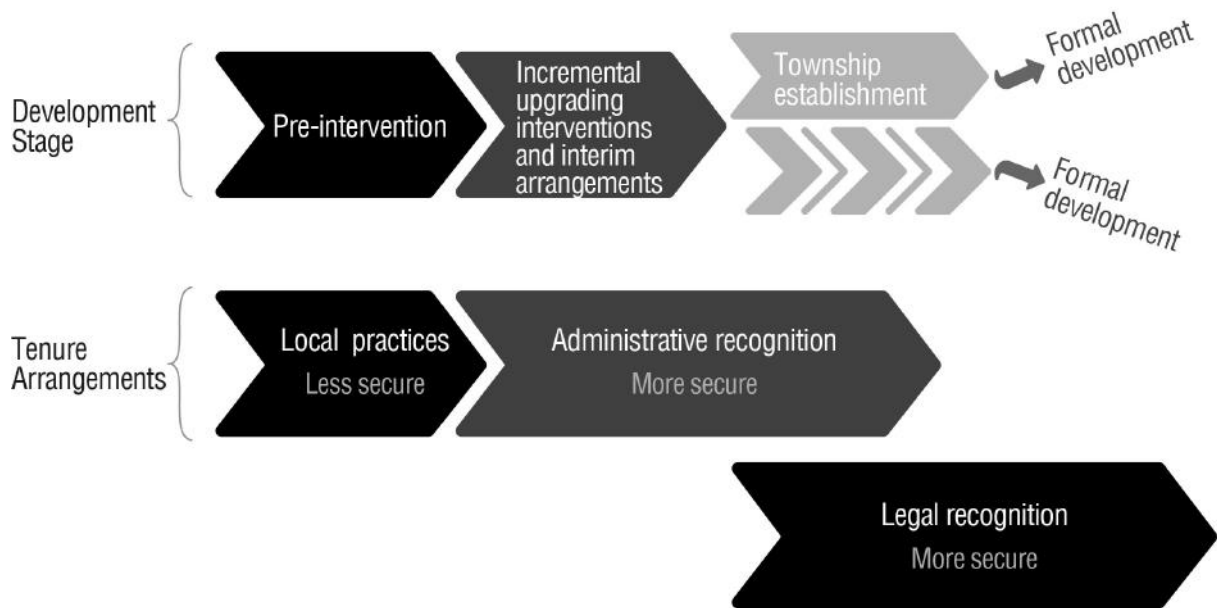
Tenure security: In this option tenure builds on the local recognition that already exists. Tenure in this category can be incrementally secured using a range of options:

- Administrative: Tenure could be secured through administrative recognition examples, such as basic servicing or basic layout planning, council resolutions, officially recognised registration of occupants, evidence such as letters or certificates;
- Legal: In this settlement type, depending on the social conditions, the best form of legal recognition may be to opt for special zoning and legal declaration at a blanket or block level, rather than an individual household scale acknowledgement. This can be done through legal declaration at the block or neighbourhood level, or through official recognition of a community register of occupants, or a settlement scale council resolution, or a special zoning and legal declaration.

Deferred relocation (Category B2)

Developmental pathway: Provision of interim/temporary basic services, but not leading to eventual formalisation or permanent settlement. Instead, this developmental pathway leads to a significantly improved less formal development area on an interim basis with eventual relocation. Relocation will occur when and if a suitable relocations site is obtained and developed and provided livelihoods and other relocations impacts are acceptable.

## TENURE RECOGNITION IN DEFERRED RELOCATION (CATEGORY B2)

Tenure security: Should fit with the holding pattern of deferred relocation, so it should recognise existing occupation at the site, provide for recognition of the right to be relocated in future and include engagement/consultation with existing residents and the municipality on that relocation. Tenure recognition in this category is of an interim nature, as once residents move to the new location, tenure options will need to be reconsidered on either a full, incremental or interim basis, using much the same rationale as for conventional formal full upgrading, incremental full upgrading and interim arrangements.

Immediate relocation (Category C)

Developmental pathway: Rapid relocation to a site which is already available or imminently available.

TENURE RECOGNITION IN IMMEDIATE RELOCATIONS
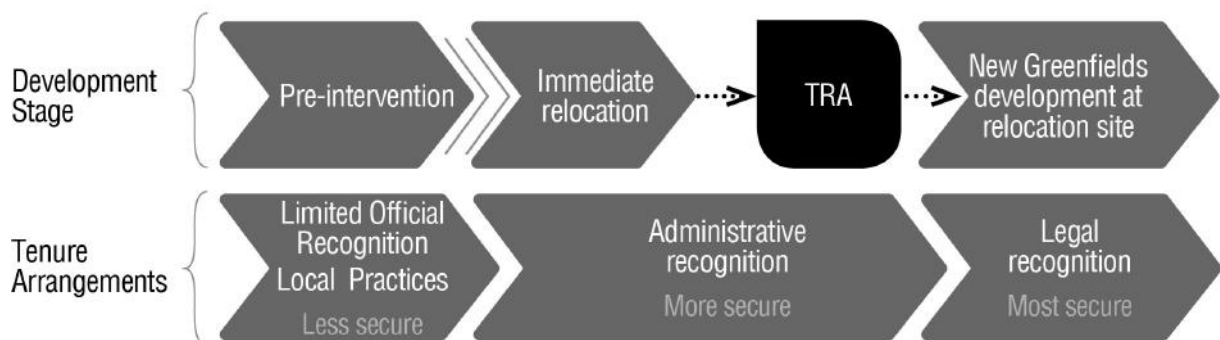
Tenure security: In the case of immediate relocation, residents and the municipality should engage on the relocation itself and tenure should be secured at the relocation destination on a full, incremental or interim basis depending on the nature of development that takes place there, using much the same rationale as for conventional formal full upgrading, incremental full upgrading and interim arrangements.

Key points

- Not all informal settlements will be upgraded using the full formal processes to arrive at individual title deeds.

- When authorities intervene, there must be acknowledgement of local practices.
- When a decision is taken to upgrade a settlement, interventions can be made that do not need to have a legal origin, but instead are administrative and can provide increasingly secure tenure.
- Legal recognition may work in combination with administrative recognition.

Shelter numbering and enumeration

Basic services (shared): standpipes and toilets

Services and social facilities

Basic layout Plan

5. Making it practical

5.1 Guidelines for implementing incremental tenure recognition

The following guidelines are intended to assist you to make incremental recognition of tenure more practical:

- A starting point in making it practical is to be pragmatic. You need to work with what you have, and with what currently exists. You should avoid a clean slate approach. This means you should work with existing strategies, policies and laws. It also means you should use existing local practices at community level to guide your work.
- In the participation process, you should actively negotiate for achieving a better fit with the body of local practices in informal settlements. Consider how to adapt existing community practices to achieve more tenure security benefits.

- Bear in mind that there is no blue-print for doing this work. However, there are practical examples from Southern Africa, doing things differently, which can be used and adapted to fit your context.
- You need to look at how you can do things differently. Be willing to innovate. One key area of innovation will be looking at SPLUMA and how it can be used to improve tenure security. The solution you develop can be an example and a model for other local authorities: what is innovative today becomes tomorrow's business as usual.

5.2 Examples of different options for tenure security

The wheel diagram is a device to assist you to apply the different options described in this Section to your context. It shows the different routes to tenure security. Some of these routes may apply in your context, while others may not.
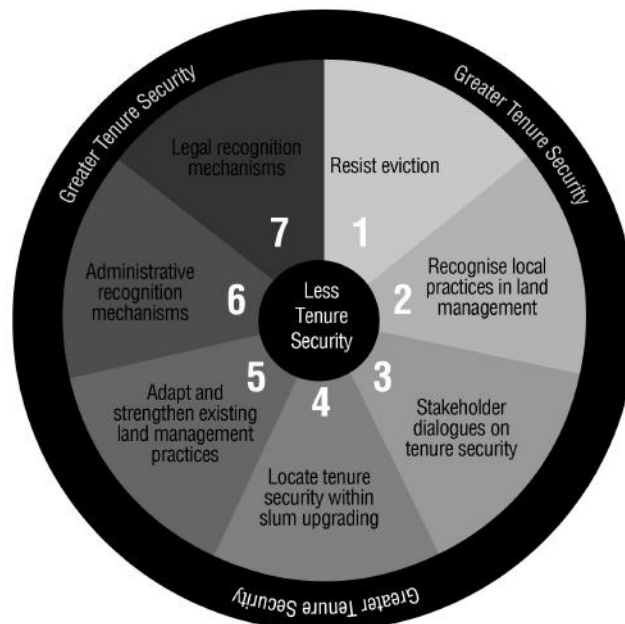
Below we provide you with examples of where these routes have been put into practice.

Springvalley: Resisting eviction and engaging on relocation

Springvalley is located in eMalahleni in Mpumalanga. The municipality wanted to relocate the settlement, but most of the community did not want to move as the settlement is 20 years old and many residents have lived there for a very long time. Those who were willing to be relocated were. The Springvalley experience shows how a well-organised community can resist an official intervention. Here are some examples of what the community did:

- Publicise: The Springvalley Development Committee created publicity around the threatened evictions, for example through local talk radio shows.
- Network: Links were forged with various advocacy and socio-economic rights institutions.

- Litigate: Legal recourse was used to resist evictions.

In many places there is a long history of efforts to engage with the state, which can sometimes lead to undertakings being given and promises being made. When these are not met over long periods of time, it leads to frustration and protests. The Community Practice Notes documented by SERI in Makause, Slovo Park, Thembelihle and Rooigrond provide examples of this.

Folweni and Mandela informal settlements: Local practices in land management and local recognition

These examples of local practices in local recognition were provided in detail in the case studies you used in Activity 7.5.

Springvalley: Adapting and strengthening existing land management practices, including tenure arrangements

This route is about adapting and strengthening the local practices to improve local recognition of tenure security. The Springvalley community had very little official recognition so their challenge was to improve local recognition and work towards administrative recognition from the municipality by performing actions geared at incrementally securing tenure. These were identified as:

- Strengthen community structures;
- Update the enumeration;
- Develop an enumeration data management system updated by the community as land rights evolve and changes occur;
- Undertake a community mapping process;
- Document local land management norms.

In more general terms adaptation and strengthening local practices to improve local recognition and hence security of tenure could include:

- Improve the accountability of the local leaders to residents, especially with regard to vulnerable groups.
- Provide a local form of evidence, such as names on a list or register, witnessing, affidavits, more widely. Even where a majority of households are in possession of the local form of evidence (their names are on a list, their land holding has been witnessed, they have a document of some sort or another), a significant number of households may not.
- Ensure that there is external recourse in the case of land related disputes, such as who inherits a place or where the boundaries are. External recourse means that there is an authority outside the community for dispute resolution that is free of internal power dynamics and also free of the patronage that external relations can bring.

- Undertake community-based planning to involve residents in plans and proposals for upgrading.

Improving local land management will vary from place to place. These examples are intended to guide you to promote local recognition, but you will have to figure out what works best in your context.

Monwabisi Park: Administrative recognition

In Monwabisi Park the administrative recognition mechanisms and community initiatives include:

- Community Action Plan endorsed by the mayor;
- An enumeration and survey;
- A community register;
- GPS, spatially linked data;
- City of Cape Town basic service provision (standpipes, toilets);
- Eskom electricity to parts of the settlement;
- Spatial Reconfiguration Plan;
- Draft Occupation Agreements.

A range of community actions and administrative mechanisms to recognise tenure are vital in providing the building blocks for legal recognition through the formal land use application.

Legal recognition

Legal recognition of informal settlements can be advanced by looking for mechanisms within existing legislation and municipal regulations. SPLUMA is an important opportunity in this regard. Experience gained in the City of Johannesburg and the City of Cape Town shows two approaches to achieving legal recognition. Both provide planning solutions outside the housing subsidy and apply special zoning to informal settlements.

City of Cape Town

SR2 -Single Residential Zone 2: Incremental Housing

This zone is defined as:

The SR2 zone facilitates upgrading and incremental housing from an informal settlement to a formal settlement. SR2 may apply to individual land units or to blocks containing an informal settlement. In recognition of the realities of poor and marginalised communities, development rules are not very restrictive and local employment generation is encouraged within this zone. Once upgrading of an area has reached an appropriate stage, as determined by council, it is contemplated that the area may be rezoned to SR1 or another appropriate zone.

> **City of Johannesburg**
>
> City of Johannesburg Amendment Scheme designation of Transitional Residential Settlement Areas (TRSAs)
>
> This allows an occupation certificate to be issued once there is a basic layout plan (based on aerial photography) and all structures have been enumerated.
>
> It says: each occupier will be issued with an "occupant permit for a residential unit" that identifies him/her as the official occupant of the building/structure and indicates what activities may be permitted on site.

These case studies are used as examples only to highlight a specific aspect or issue.

5.3   How is securing tenure funded?

The key funding mechanisms for initiatives to enable tenure security are:

- UISP: If security of tenure is being provided as part of an upgrading project, there is funding available for land acquisition, pre-planning, detailed town planning and land surveying.
- IRDP: If security of tenure is being provided as part of a project, there is funding available for land acquisition, pre-planning, detailed town planning and land surveying.
- Municipality: It is assumed that the municipality will need to cover the costs of the other initiatives if neither of the above scenarios applies.

5.4   Summary

Here are eight points of what you can do to secure tenure in incremental informal settlement upgrading.

1. **Understand** existing local practices for securing tenure and managing land.
2. **Build** from existing local land management practices, especially the local evidence being used.
3. **Adapt and strengthen** the local practices, especially the figures of authority and the access they give more vulnerable groups that are likely to include women and children.
4. **Recognise** the agency of residents and local structures in managing land.
5. **Promote the roles of NGOs** in supporting organisations of the poor to adapt and strengthen local practices in land management and to look for alternatives to evictions.
6. **Do things differently** by finding and demonstrating context-specific means for administrative and legal innovation to secure tenure through different forms of official recognition.
7. **Innovate** by applying existing laws in new ways and using the opportunities that SPLUMA provides to serve tenure security objectives.
8. **Advocate** more widely for increasing routes to tenure security.

Toolkit

You will find the following resources on the Toolkit CD:

- Practice Note City of Johannesburg UrbanLandmark and Tenure Security Facility of southern Africa Project
- Practice Note Monwabisi: UrbanLandmark and Tenure Security Facility of southern Africa Project
- Practice Note Springvalley: UrbanLandmark and Tenure Security Facility of southern Africa Project
- Promising Practices Incrementally Securing Tenure: UrbanLandmark

References and Resources

- Tenure Security Facility Southern Africa Project: 'Operation of the Market' study — findings from research in Malawi and Mozambique 2013 http://www.urbanlandmark.org.za/research/x63.php
- Handling Land: Innovative Tools for Land Governance and Secure Tenure http://www.gltn.net
- Evictions and Alternative Accommodation in South Africa: An Analysis of the Jurisprudence and Implications for Local Government http://www.seri-sa.org
- Dear Mandela video and toolkits. http://blog.witness.org/2013/02/dear-mandela-putting-a-documentary-to-work/