

Increasing tenure security in informal settlements in South Africa: legal and administrative recognition in Monwabisi Park, Khayelitsha - Kathryn Ewing, Sustainable Urban Neighbourhood Development

a. Background and approach

Kathryn Ewing is Workstream Leader of Planning and Design: Informal Settlements for the Sustainable Urban Neighbourhood Development's (SUN Development's) programme, which is a partnership driven between her organisation and the City of Cape Town Development Services. The partnership offers a revised approach to upgrading informal settlements and is attempting to move from an 'only infrastructure' focussed approach to a holistic approach focussing on the incremental improvement of the living environment. They intend to ensure an improvement of quality of life and the built environment through mainstreaming the tested and proven VPUU methodology and principles that they have developed. They are working on a number of projects in parallel but the presentation focussed on just a few aspects of their work including the VPUU and the VPUU methodology.

b. The VPUU methodology and its application

Ewing described how this methodology has three components: social contracting; infrastructure operations and maintenance; and lastly, monitoring and evaluation. It provides a new way of looking at how to work with municipalities and communities. The project started with the Social Compact theme and established the safe Node Area Committee (SNAC), which discussed the issues and needs of the community and devised a community action plan; this process took 6-8 months to achieve. The action plan was signed by the community and the Mayor of Cape Town. The community also developed a spatial re-design plan for the area. Both had to be developed into community action plans to operationalise them. There were a number of components to these plans, such as dwelling sub-division and tenure plan, all of which were linked to a larger tenure strategy that looked to incremental tenure and land recognition options for the community. They worked very closely with the ECD and maintenance strategies and understood that each component was crucial to the others.

The Monwabisi Park settlement where the project is taking place is divided into four areas: A, B, C, and M and is home to 25 000 people, most of whom are below the age of 40 with a large number of children under the age of 6. The organisation and its partners spent a lot of time mapping existing conditions which they used to draft the Dwelling and Subdivision Plan. This plan was linked to the Land Recognition, Land Management and Tenure Strategy and presented to the community through their leadership by means of workshops in 2011. The plan was approved, and this led to the next phase of the project, which was an investigation into the aspects of legal and administrative recognition. SUN Development looked at it in terms of a few stages, such as a preliminary phase, which involved introductory research and making contact with city officials and land tenure specialists. After this they looked into the existing legal framework, the options available, and finally what was taking place on the ground. They also engaged in community enumeration and developing a process of legal recognition and seeing what they could and could not do legally and financially.

The study of existing conditions in the area indicated that it borders a biodiversity area, owned by the province and city and whose status is considered undetermined. The study also revealed previous upgrading and regularisation attempts: in 1997 the South African Council for Non-

Governmental Organisations (SANGCO) compiled a book of residents and residents had to pay a ZAR5 fee for a plot. The registration was very controversial as residents needed to be part of a particular political party to be able to access the book. There were also limited services and in 2000/2002 delivery cards were given to certain residents to claim services; however, the origins of these delivery cards remain obscure, no one claims responsibility and they have no legal standing. In 2008, the City and the community agreed that no additional structures could be built in the settlement.

To establish an agreed list of current residents in Monwabisi Park, a community audit was undertaken which had four key areas that were put onto a register: households were enumerated and social data was collected; households' locations were geocoded; existing tenure arrangements were collected and existing skills that were available in the community were tallied. All of this information fed into different processes and were the responsibilities of different departments, partners and programmes. SUN Development set up a nine-step process with local leadership for enumeration and started surveying through GPSs. The team also took households and community leaders through conflict mediation training in anticipation of later contestations. In Phase 1 of the enumeration process, the teams were able to capture 90% of the households. In Phase 2 they are setting out to get the remaining 10% and at the same time confirm the data that they received in phase 1, after which they will then view the list as complete and will add no further names. They also mapped electrical connections and 'GPS'ed' who does and does not have access to electricity and who needs it so that the community could start making decisions about who gets power first, as there is not sufficient funding available for everyone to get electricity immediately.

c. Legal recognition: investigating alternatives

Currently the team is looking into legal recognition but are not convinced that the conventional route of zoning, sub-division, consolidation and township establishment with individual title is what is needed or wanted by residents. Thus they are working closely with Urban LandMark to look into the administrative and legal aspects of incremental tenure. On the roadmap for legal recognition they have just gotten past the first step and have had the area demarcated and proclaimed. This means that they can start putting in services, without needing full recognition and formal tenure, and therefore have more flexibility to do further upgrading work. The layout is based on the spatial re-development plan where a small area is proclaimed first and services and electricity is put in, after which they can start subdividing into blocks and allocate addresses. They are, however, looking at all of the available options because they do not want the legal situation to limit what can be done. Such an approach also allows various tenure options, which is especially important considering that 30% of tenants are foreign nationals.

d. Further projects and programmes

SUN Development also looked towards replicating this process in Lotus Park in Gugulethu and has been approached by the Post Office to work in partnership with them. They have started with a spatial reconfiguration plan in which an enumeration process was carried out, 'GPS'ed' the households, with the participation of the Post Office and the community. As part of the process households were allocated house numbers to ensure that they had complete postal and physical addresses. As a result the community started putting up their own street names and numbering

system. This process is quite different to what is happening in Monwabisi Park, Khayelitsha, but both of these processes are able to start informing legal and administrative frameworks.