



RECOGNIZING INFORMAL SETTLEMENT AND TENURE SECURITY

Towards more inclusionary land use management

INTRODUCTION



- Methodology : 3 phases
- The Team

METHODOLOGY PHASE 1

DEVELOPING AN APPROACH



- Initial fleshing out of incremental tenure/special zone idea
- Research Cameo's/Interaction with key informants (lit. review; churn; policy and legislative; local land offices; regional contacts)
- Testing incremental tenure/special Zones approach and emerging thinking with a Municipality
- Continuing to engage with CoJ
- Internal Consultant's Workshop
- Phase 1 Report and Process Plan

Phase 2



- Follow-up Land Office Research and Design (Design and testing) (with government, civil society and private sector)
- 2nd Special Zone Testing with Municipality
- Continue CoJ Interaction
- 2nd Public Workshop
- Finalise Approach and Write Up

Phase 3



- Implementation Proposal for local land office pilot
- Develop Learning and Presentation Materials

THE TEAM



- Dr. Dan Smit : Dan Smit Development Capacity
- Gemey Abrahams: Gemey Abrahams Consulting
- Thulani Mthembu, Basil Sikhekhane and Ernest Shelembi: Development Interface
- Annette von Riesen : Atelier von Riesen
- Peter Rutsch : Peter Rutsch Incorporated
- Clive Forster : Development Management Services
- Mark Misselhorn : Project Preparation Trust KZN

PHASE 1: MORE DETAIL



Research Cameos : Fleshing out incremental tenure/special zone idea

- Fishing expedition for ideas
- However an attempt will be made up-front to flesh out the Special Zone idea (more central place for incremental tenure). The initial basket of fish.
- Alternatives will also be developed. (Other baskets)

RESEARCH CAMEOS : RECOGNITION AND TENURE SECURITY



- Very practical orientation
- Focus on space provided by existing legal and institutional frameworks.
- Scan international research/best practice (Geoff Payne 2008)
- UN Habitat: the standardized Core Cadastral Model (CCDM)
- ZEIS in Brazil

RESEARCH CAMEOS : RECOGNITION AND TENURE SECURITY

- Consideration of any alternatives identified via regional scoping exercise
- Review of existing ULM research
- Identify limited number of local initiatives/examples via networking)
- Potential for application under existing laws
- Potential for inclusion in a new LUMA
- Design a range of alternative special zone “models”

RESEARCH CAMEOS: CHURN



- Relation of tenure/recognition to “churn”/turnover/tradability.
- Interview key informants
- Scan of literature

RESEARCH CAMEOS: LOCAL LAND OFFICES



- Identify and evaluate pertinent experiences
- Systematic policy driven initiatives : IDT, or DLA Pilot Land Reform Offices
- Area Based Initiatives : CMDA
- NGO/ CBO Initiatives (Phillipi Housing Support Centre)
- Telephonic interviews with key informants
- Legal context of operation (in relation to municipality, deeds registry etc.)

RESEARCH CAMEOS: KEY DEVELOPMENTS IN THE POLICY AND LEGISLATIVE ENVIRONMENT



- LUMB
- NEMA
- Provincial Ordinances
- National Upgrading Support Programme
- Ch 13 of the National Housing Code
- Expanded People's Housing Process
- Second Economy Strategy Project (War on Poverty)

RESEARCH CAMEOS: REGIONAL EXPERIENCE



- Scoping exercise
- Angola, Namibia, Mozambique, Lesotho, Botswana, Swaziland.
- Network approach
- Key informants
- 10 telephonic interviews
- Literature scan/follow up

TESTING SPECIAL ZONES IDEA WITH MUNICIPALITY



- Inception Workshop: Identification/counterpart identified.
- CoJ participation/Province
- Documentation
- First Testing Session
- 4 weeks : Counterpart leads concept development and implementation testing
- Second Testing Session

Continued Interaction with CoJ



- ULM Support – up to July 2008
- Steering Committee (internal departments and Gauteng Province)
- Learning through development and application
- Continued ULM /CoJ interaction
- Documentation

INTERNAL BRAINSTORMING WORKSHOP



- The provision of basic infrastructure once settlements have been recognized : what are legal and procedural impediments to servicing ;
- Specifying how recognition via the mechanism triggers municipal and other interventions which promote “inclusion”
- The relationship between ‘non-formally registered’ form of tenure and formally registered tenure and how can this non-registered form can lead to registered tenure;
- The firming up of the scheme clauses: terminology, intent and scope
- Ongoing management of the scheme clauses;
- How to do this in a pro-poor way but still manage externalities and to achieve normal goals of land use management;
- Moving from rezoning to upgrading;

INTERNAL BRAINSTORMING WORKSHOP



- Regulating building standards and compliance;
- Legal status of rezoned settlements: a broad-brush identification of issues (rather than a detailed legal analysis);
- Implications for underlying land status;
- How to deal with land use change;
- Initial land status implications;
- Complying with environmental and other sector legal requirements;
- Securing non-residential uses and promoting investment on them under this system.

PROCESS PLAN AND APPROACH REPORT



- To be developed at Workshop
- Phase 1 culminates with report on Approach

PHASE 2: MORE DETAIL

Follow-Up Land Office



- Follow-up research
- Internal team workshop
- Feasibility testing with :
 - a. 1st and 2nd municipality
 - b. CoJ
 - c. NGO/CBO
 - d. Private Sector (Cosmo City)

Testing Special Zones: Second Municipality



- Identify
- CoJ /2nd municipality/Province participation
- Documentation
- First Testing Session
- 4 weeks : Counterpart leads concept development and implementation testing
- Second Testing Session

PHASE 3 : MORE DETAIL

Implementation Proposal for Local Land Office



- Internal Workshop of most implementation experienced members of the team

Training and Learning Materials



- Workshop with Client
- Training Course : Special Zones
- Training Course : Local Land offices
- ULM Website