Towards a Synthesis of the Political, Social and Technical in Informal Settlement Upgrading in South Africa:

A Case Study of Slovo Park Informal Settlement, Johannesburg

Socio-Economic Rights Institute of South Africa (SERI)
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I About SERI

The Socio-Economic Rights Institute of South Africa (SERI) is a non-profit organisation providing professional, dedicated and expert socio-economic rights assistance to individuals, communities and social movements in South Africa.

SERI conducts research, engages with government, advocates for policy and legal reform, facilitates civil society coordination and mobilisation, and litigates in the public interest. Our thematic areas are housing and evictions, basic services (water, sanitation and electricity) and migrant rights & livelihoods.

II Preface

This working paper presents a number of findings from ongoing research conducted by SERI on informal settlement upgrading and access to well-located land for the poor in South African cities. Some of the desktop research conducted on this topic has already been included in a comprehensive housing guide developed by SERI, entitled “A Resource Guide to Housing in South Africa 1994-2010: Legislation, Policy, Programmes and Practice”, and this paper draws from information contained in the guide. There is much literature on the myriad obstacles to impeding access to land by the poor, and on land use management practices, informal settlement upgrading, planning and environmental legislation and processes etc.

This paper incorporates such literature, synthesises available information and aims to advance the discussion and debate.

The paper also draws on SERI’s litigation experience opposing shack demolitions and evictions in informal settlements in Gauteng and KwaZulu-Natal, its participation in a number of civil society networks and workshops, and its training and education work with social movement and community leaders. The aim is for this research and its recommendations to be accessible to as wide as possible an audience – community leaders and community-based organisations (CBOs), non-governmental organisations (NGOs), academics, development professionals and practitioners, government officials etc - and this has shaped the way in which this paper is structured and written.

The working paper serves a number of purposes. The first is to provide a detailed case study of the numerous attempts of a well-organised and well-established informal settlement community in Johannesburg to upgrade. Indeed, the case study of Slovo Park informal settlement (‘Slovo Park’) is the paper’s main focus. However, the paper raises a number of broader issues around the ability of organised communities to engage around land and informal settlement upgrading, problems with planning and environmental assessment processes and finally, the influence and impact of politicians and politics on informal settlement upgrading.

While the situations of informal settlements across the country, and even within the same municipality, often differ from each other, shackdwellers across the country share similar experiences and problems. As such, the Slovo Park case study is used as a ‘way in’ to discuss these broader problems around informal settlement upgrading and access to land by the poor and marginalised in South Africa more generally.
III Acknowledgments

Thanks go to Mohau Melani, Johannes Mthembu, Frank Mapara, Phiwe Makubu, Naledi Ntoane and other members of the Slovo Park Community Development Forum (SPCDF) for all their assistance; the students from the University of Pretoria Architecture Department for sharing their project information with SERI; Lauren Royston (theme coordinator, Urban LandMark) and Marie Huchzermeyer (associate professor, School of Architecture and Planning, University of the Witwatersrand) for their useful insights into Slovo Park and informal settlement upgrading more generally; and finally to the members of the Good Governance Learning Network (GGLN) and the LANDfirst network for their helpful inputs at various workshops and learning events. Photos of Slovo Park included in this paper were kindly provided by Michael Premo (Housing is a Human Right). This paper was written by Kate Tissington (research and advocacy officer, SERI) and edited by Jackie Dugard (executive director, SERI). SERI’s work is funded by the Atlantic Philanthropies, Ford Foundation, Open Society Foundation and MISEREOR, and their funding contribution to this research is gratefully acknowledged.

IV Abbreviations and Acronyms

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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ANC</td>
<td>African National Congress</td>
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<td>CDF</td>
<td>Community Development Forum</td>
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<td>DFA</td>
<td>Development Facilitation Act 67 of 1995</td>
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<td>DPLG</td>
<td>Department of Provincial and Local Government</td>
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<td>EAP</td>
<td>Environmental Assessment Practitioner</td>
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<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>GDACE</td>
<td>Gauteng Department of Agriculture, Conservation and Environment</td>
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<td>GDH</td>
<td>Gauteng Department of Housing</td>
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<td>IDP</td>
<td>Integrated Development Plan</td>
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<td>LeFTEA</td>
<td>Less Formal Township Establishment Act 113 of 1991</td>
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<tr>
<td>LRC</td>
<td>Legal Resources Centre</td>
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<tr>
<td>MEC</td>
<td>Member of the Executive Council</td>
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<td>MMC</td>
<td>Member of the Mayoral Committee</td>
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<td>MP</td>
<td>Member of Parliament</td>
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<td>MPL</td>
<td>Member of the Provincial Legislature</td>
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<td>PCO</td>
<td>Parliamentary Constituency Office</td>
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<td>PPP</td>
<td>Public Participation Process</td>
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<td>PRT</td>
<td>Project Resource Team</td>
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<td>PSC</td>
<td>Project Steering Committee</td>
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<td>RDP</td>
<td>Reconstruction and Development Programme</td>
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<td>RHB</td>
<td>Regional Housing Board</td>
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<td>RSDF</td>
<td>Regional Spatial Development Framework</td>
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<tr>
<td>SCA</td>
<td>Supreme Court of Appeal</td>
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<td>SPCDF</td>
<td>Slovo Park Community Development Forum</td>
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<tr>
<td>TPA</td>
<td>Transvaal Provincial Administration</td>
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<tr>
<td>TRA</td>
<td>Temporary Relocation Area</td>
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<td>UISP</td>
<td>Upgrading of Informal Settlements Programme</td>
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<tr>
<td>VIP</td>
<td>Ventilated Improved Pit Latrine</td>
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1. INTRODUCTION

There are three words I don’t ever want to hear
– dolomite, IDP and relocation.¹

It is essential to South Africa’s transformation that the urban poor have access to socio-economic rights and are included in the urban fabric. Notwithstanding the provision of 2.3 million housing units to nearly 11 million people, a figure that may well be inflated, South Africa still has a housing crisis after 16 years of democracy, with over 2.1 million households lacking adequate housing (and millions more lacking access to basic services).² According to a 2011 survey conducted by TNS Research Surveys of 2 000 people living in the 7 major metropolitan areas, 77 percent felt that housing was a pressing need in South Africa. This was second only to job creation and water, in some cases.³ Further, according to a 2010 survey conducted by the Community Law Centre (CLC) at the University of the Western Cape, “housing concerns are one of the primary drivers of civil unrest” in South Africa. According to the CLC, in the 523 documented community protests that occurred between 2007 and mid-2010: 36 percent of the time protestors complained that they did not have access to affordable or adequate housing; 18 percent of the time protestors raised lack of access to clean water; 18 percent of protests highlighted the lack of electricity; and 15 percent of protests complained about the lack of adequate sanitation.⁴

Land and housing in South Africa are deeply political, as is ‘service delivery’ more broadly.⁵ This is not only because the provision of housing and services are (or at least have been made to be) intrinsically linked to voting patterns in national, provincial and local government elections, but also because land and land use are fundamentally and deeply political issues.⁶ Income from property rates, taxes and services is an important source of revenue for municipalities, which are increasingly focused on cost-recovery, urban competitiveness⁷ and corporate governance, often in spite of the existence of pro-poor, developmental policies at the national level.⁸ Further, the administrative and technical

¹ Quote by Bhayiza Miya, a resident of Thembalihle informal settlement, at the Planact/BESG workshop on informal settlement upgrading (23 February 2011). At this workshop Thembalihle community members were surprised to find out from a City of Johannesburg official that their settlement was in Category 2: Relocation to existing projects/project-linked relocation as part of the City’s Informal Settlement Formalisation Programme.
³ According to the survey, 83 percent of blacks, 51 percent of whites, 84 percent of coloureds and 83 percent of Indians felt the most pressing need in South Africa was for houses. “Job creation ‘most pressing’ need in SA” City Press (5 April 2011) <http://www.citypress.co.za/SouthAfrica/News/job-creation-most-pressing-need-in-SA-20110405>
⁵ Rising dissatisfaction of the urban poor in South African cities relates not only to the failure to deliver material benefits, such as houses and access to water, but also to the government’s non-consultative, often extremely heavy-handed, approach to urban governance. Thus, so-called ‘service delivery protests’ are as much about the failures of local governance, and the lack of appropriate channels for communities to voice their needs, as they are about delivery of services. See, for example, Friedman S “People are demanding public service, not service delivery” Business Day (29 July 2009) and Pithouse R “The Service Delivery Myth” SACSIS (26 January 2011).
⁸ This has been particularly evident around compromised access to basic services like water, sanitation and electricity by the poor, despite progressive national legislation and policy around free basic services. See CALS,
aspects of engaging with poor people have come to dominate development, and the social, developmental and psychological aspects of engagement neglected or ignored. What has been witnessed is a lessening of democracy, a decline in local governance and public management, and a rise in hostility towards the urban poor which has resulted in a “control approach” towards them, often leading to their criminalisation.9

The pithy quote at the beginning of this section, by a resident of the Thembalihle informal settlement located in Ekurhuleni Metropolitan Municipality, sums up the key challenges and frustrations facing those living in informal settlements. Indeed, the three ‘no-go’ words succinctly highlight problematic issues and approaches. The first is “dolomite”, which refers not only to the geological phenomena of sedimentary rock under land, which can result in the formation of sinkholes, making development risky and expensive (about 25 percent of Gauteng’s surface area consists of dolomite land, with much of this occurring in Ekurhuleni)10, but also more broadly to the inaccessibility of technical processes and reports about land by communities, and the distrust towards government officials and consultants around technical issues which affect upgrading of settlements in situ. While this often relates to dolomite land, especially in Johannesburg and Ekurhuleni, it more generally relates to the existence of any phenomena that would be identified through an Environmental Impact Assessment (EIA) e.g. flood lines, wetlands, steep gradients, undermined land or other natural or man-made hazards i.e. landfills. The fact is that while these phenomena may well pose real dangers to continued occupation of the land, or may require costly rehabilitation that financially precludes the possibility of upgrading at the site, communities are left out of technical processes and discussions and have come to completely distrust government officials and consultants around these issues, viewing them as inherently political rather than technical.11

This is because generally when the word “dolomite” is used, the next word heard by communities is “relocation”. Relocation, in a nutshell, refers to the moving of individuals and households informally occupying well-located land to housing developments or temporary relocation areas (TRAs) often on the periphery of the urban edge and far from the current location of the settlement (in the case of Thembalihle, forced relocation to Lehane and Vlakfontein has occurred). Relocation has a number of perverse socio-economic consequences including loss of livelihoods caused by increased distance from work and high transport costs, lack of access to schools and clinics, and social and economic upheaval due to broken community/social/economic links and ties formed in the settlement and

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10 “Dolomite land is risky for development, but the areas of low risk can be developed for housing if special raft foundations are used and if there is a risk management plan in place. The Council for Geoscience identifies different risk categories for dolomite land: Low risk categories are generally suitable for residential development (densities of 30 to 60 dwelling units per hectare); Medium risk categories are generally suitable for low density residential development (densities of up to 10 dwelling units per hectare for some categories, and up to 18 dwelling units per hectare for some categories); and High risk categories are not suitable for residential development (but may be suitable for other activities).” Urban LandMark “Access to Urban Land: A handbook for community organisations” (August 2008) 16.

11 A recent example of this is the forced removal of the Bapsfontein community to Daveyton by the Ekurhuleni municipality, due to the dolomitic nature of the land. According to the community, as well as political party Azanian People’s Organisation (AZAPO), the municipality is lying about the dolomitic risk so that it can forcibly remove them elsewhere. See “Forced removals in Bapsfontein” Times Live (5 March 2011).
surrounding areas over a number of years.\textsuperscript{12} Acknowledging this reality, the 2004 national housing plan Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements\textsuperscript{13}, as well as the Upgrading of Informal Settlements Programme (UISP) which was developed subsequently and has recently been revised in the National Housing Code, stresses the importance of upgrading people where they are i.e. in situ, and categorically states that only “as a last resort, in exceptional circumstances, [may] the possible relocation and resettlement of people on a voluntary and co-operative basis as a result of the implementation of upgrading projects” be considered.\textsuperscript{14} This has further been affirmed by the Constitutional Court in the Abahlali case.\textsuperscript{15}

However while current housing policy and constitutional jurisprudence could not be clearer on the issue, in the past government officials at all levels have preferred relocation and have actively pursued it as a first option, not least because it is much easier to do practically and because housing officials at all levels openly admit that “informal settlement upgrading is a daunting task.”\textsuperscript{16} Indeed, “the bureaucracy knows how to build RDP [Reconstruction and Development Programme] houses”, the discourse of “eradication of informal settlements” is still pervasive, the “one shack down, one house up” mentality persists and there is little knowledge of the UISP by government officials.\textsuperscript{17} Further, it is evident from interactions with government officials (and residents/ratepayers organisations) that attitudes towards land use and ‘a place for the poor in the city’ fall far short of the progressive language contained in housing legislation and policy, and that many find the idea of poor people on well-located land inappropriate, even incomprehensible. These attitudes may well be linked to vested interests, however relate more fundamentally to the flawed idea of the “virtuous cycle of urban land management” – the harmonious and reinforcing relationship between planning, value and revenue – which provides the theoretical underpinnings of our land management practices and processes, but which does not hold in practice in post-apartheid South Africa (except perhaps in a few isolated and predominantly former ‘white’ and now middle-class enclaves in the city).\textsuperscript{18}

Ideally, informal settlement upgrading does not involve relocation but in some instances relocation to nearby land or to well-established formal areas is necessary to allow for de-densification. However relocation should always be a last resort after in situ upgrading has been properly considered, and there should be a thorough process of genuine engagement around where relocation will occur, what social and economic amenities will be available, what and when permanent housing options will be available (if the relocation is temporary).

\textsuperscript{15} Abahlali baseMjondolo Movement SA and Another v Premier of the Province of KwaZulu-Natal and Others [2009] ZACC 31 [Abahlali]
\textsuperscript{16} Thabane Zulu, Director-General of the DHS “Report on Recommendations by the Human Rights Commission Regarding its Investigations into Issues of Rule of Law” Presentation to the Portfolio Committee on Human Settlements [10 November 2010].
\textsuperscript{17} Participant at the BESG/Planact workshop on informal settlement upgrading (23 February 2011). See Huchzemeyer M “Pounding at the Tip of the Iceberg: The Dominant Politics of Informal Settlement Eradication in South Africa” Politikon 37, 1 [April 2010].
etc. It is participation by communities, transparency and access to information that is crucial and which in many cases, has been lacking in the past.

Finally, there is the Integrated Development Plan (IDP). The IDP is a single, inclusive strategic plan for the development of a municipality which links, integrates and coordinates plans (e.g. the housing plan/chapter that municipalities must now develop and include) and take into account proposals for the development of the municipality. It is meant to align resources and capacity of the municipality with the implementation of the plan, comply with the requirements of the Local Government: Municipal Systems Act 32 of 2000 (Municipal Systems Act) and be compatible with national and provincial development plans and planning requirements binding on the municipality in terms of legislation. There is a strong public participation and consultation component built into the IDP process, officially carried out through the ward committee system, however in reality there is very little opportunity for communities to substantively engage in the IDP process or get information on the status of the IDP as it relates to them once it is approved. This issue is, in essence, about access to information and access to official procedures for consultation.

Therefore, while the IDP is in theory an important document that reflects bottom-up planning and consultation around development in a municipality, it is in practice exclusionary and inaccessible to most poor communities. Often it is invoked by local councillors and politicians to describe why development is not happening in an area – “this area is not earmarked for development in the IDP” or “this settlement is in the IDP for development so you must wait” - and there is little evidence of the real benefit of active participation in the process by communities, or even capacitated NGOs. The budgeting and IDP processes are highly technocratic in nature and are driven by tight time constraints, so that poor communities “are excluded from participating in these processes from the onset.”19 Indeed, those who have attempted this kind of participation have expressed frustration and disillusionment with the experience. Even ward councillors find the process disempowering, as it is one dominated by local party politics and dependent on “who can shout the loudest” in party caucuses. Recently the Deputy President, Kgalema Motlanthe, acknowledged the myriad problems with the IDP system of participation, including the lack of capacity of ward committees and poor communication with communities. He states that

\[ \text{it is clear that there is a need for collective ownership of the development process and strengthened relations between ward committees and independent civil society formations in the promotion of meaningful engagements between local government and community members. Much attention needs to be given to establishing strengthened communication strategies that will enhance effective communication between municipalities and communities.} \]

The three general problems outlined above – exclusion of communities from technical processes and distrust around environmental issues that affect development e.g. dolomite; the continued focus of government on relocation versus in situ upgrading; and the exclusionary and inaccessible official processes of planning and budgetary allocation, most notably occurring through the IDP process - are evident in Slovo Park. It is clear that a settlement-specific analysis of how these problems manifest on the ground is necessary. The

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20 “Motlanthe says lack of community involvement hampers delivery” Times Live (22 March 2011).
Slovo Park case study outlined in this paper is thus the lens through which the above-mentioned problems are explored, along with other problems which arise, including the tension between political promises and technical/administrative reality in relation to development at a specific settlement.

An important distinction needs to be made upfront in this paper. Informal settlement upgrading can potentially be viewed or described in broad terms as any development at a settlement, which could arguably include the following: the ad hoc installation of temporary services at a settlement; the relocation of the community to a temporary relocation area (TRA) or transit camp while the construction of houses occurs at the site in terms of a project-linked subsidy programme which benefits a small percentage of households from the site (the lucky few who qualify for and are allocated a subsidy and house at the development); or a fully inclusive in situ upgrade carried out in terms of the UISP. These all belong under the broad umbrella of informal settlement upgrading. In Slovo Park, the first scenario has occurred to an extent, the second scenario is being pursued by the provincial department, and the third scenario is being advocated by the community.

Section 2 of this paper provides background to the legislative and policy framework around urban land and housing in South Africa, providing a non-exhaustive list of some of legislation and policy relating to various regulatory, financial, technical, environmental, institutional and developmental aspects of access to land and housing. This section provides a summary of the Upgrading of Informal Settlements Programme (UISP) as well as a comprehensive overview of land use planning and regulation, including the Environmental Impact Assessment (EIA) process.

Section 3 of this paper presents a detailed case study of the efforts of the Slovo Park Community Development Forum (SPCDF), an organisation comprising elected settlement residents which in effect “leads” the settlement, to engage government on development at Slovo Park. This paper touches particularly on the political and technical aspects of this engagement. It is an exhaustive study of the process from the community’s perspective, based largely on interviews with SPCDF members and an examination of documents and paper trails extending from plans to letters of grievance to political promises. While detail of memorandums and letters to government officials, as well as their interrogation of the technical aspects of development at the settlement may appear pedantic, the fact is that the “devil is in the detail” and their experience of the various processes is extremely important. Understanding the nature of participation at the local, settlement level in these ‘official’ processes cannot be underestimated, not least because this is where development ultimately succeeds or fails. Much of the information in this section comes from community leaders and SPDCF documentation, which may not be unbiased or entirely accurate. However, importantly, it represents perceptions of engagement and processes from the point of view of the elected community leadership, taken to represent the community as a whole for the sake of this paper.

Section 4 of the paper highlights the broader implications of the Slovo Park case study for informal settlement upgrading and access to urban land in South Africa, providing some concrete recommendations for different stakeholders. As the title of this paper suggests, there is a need to strive for a synthesis of the political, social and technical aspects involved in informal settlement upgrading. This paper does not provide the answers on how to
achieve this, but rather problematises the status quo in a particularly settlement, offering some suggestions on what needs to be done differently going forward.
Since 1994 there have been numerous policy and statutory developments relating to land and housing in South Africa, which attests to the broad and complex nature of the terrain in the country. A non-exhaustive list of some of legislation and policy relating to various regulatory, financial, technical, environmental, institutional and developmental aspects of access to land and housing is provided below. In addition to the national legislation and policy outlined below, there is also provincial and local government legislation and policy which is applicable.

### Legislation

**Constitution of the Republic of South Africa, 1996 [Constitution]**

- Expropriation Act 63 of 1975
- Less Formal Township Establishment Act 113 of 1991 (LeFTEA)
- Development Facilitation Act 67 of 1995 (DFA)
- Land Titles Adjustment Act 111 of 1993 (LTA)
- Provincial Ordinances

**Housing**

- Housing Act 107 of 1997 (Housing Act)
- Rental Housing Act 50 of 1999 (amended by Act 43 of 2007)
- Social Housing Act 16 of 2008 (Social Housing Act)
- Housing Development Agency Act 23 of 2008
- Housing Consumers Protection Measures Act 95 of 1998
- Land Reform (Labour Tenants) Act 3 of 1996
- Interim Protection of Informal Land Rights Act 31 of 1996
- Extension of Security of Tenure Act 62 of 1997 (ESTA)
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE Act)

**Water and sanitation**

- Water Services Act 108 of 1997

**Environment**

- National Environmental Management Act 107 of 1998 (NEMA)
- Environmental Impact Assessment Regulations (Government Notice R.543 in Government Gazette 33306 of 18 June 2010)

### Local government

- Municipal Finance Management Act 56 of 2003 (MFMA)

### Inter-governmental relations and public funding

- Division of Revenue Act 7 of 2003 (DORA)
- Intergovernmental Relations Framework Act 13 of 2005 (IRFA)
- Public Finance Management Act 1 of 1999 (PFMA)

### Building control

- National Building Regulations and Building Standards Act 103 of 1977 (NBRA)

### Policy

- White Paper on Spatial Planning and Land Use Management (July 2001)
- National Norms and Standards for the Construction of Stand Alone Residential Dwellings Financed through National Housing Programmes (2007) (National Norms and Standards)
- National Housing Code (2000, revised in 2009)

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21 SERI has developed a simplified yet comprehensive guide to policies, legislation, jurisprudence and practice in relation to urban housing in South Africa. See note 2 above.
Over the past 16 years, the South African government has pursued a predominantly conventional approach to housing delivery, mainly through provincial housing departments and private developers using the National Housing Subsidy Scheme (NHSS) and the Project Linked Subsidy Programme to build individual title, standalone houses. While the allocation of over 1.5 million RDP houses to poor households is commendable, the reality is that a housing crisis continues to exist in the country and millions of poor households lack access to basic services and security of tenure on well-located land. According to the Department of Human Settlements (DHS), there are over 2 700 informal settlements in South Africa, providing informal housing to approximately 1.2 million households. Increasing urbanisation means increasing demand for adequate housing in urban areas. There are six main problems with the government’s approach to housing delivery to date: insufficient houses being built; houses badly constructed; corruption in the housing allocation process; houses are often built on poorly located land; delayed transfer of title deeds; and insufficient attention to housing via the phased in situ upgrading of informal settlements. The latter is the focus of this paper.

Despite the efforts of the NHSS to deliver housing on a scale, there have been problems with both the quantity and quality of housing delivered. Large-scale housing developments have often been located on the periphery of existing townships, on land first acquired or zoned for township development under apartheid. This perpetuates the marginalisation of the poor. What has been witnessed over the years is that RDP houses and settlements have become residential dormitories, and many beneficiaries choose to trade their houses and move back to informal settlements or other informal housing to be closer to work. According to research conducted by Urban LandMark in 2010, since 2005 approximately 11 percent of all RDP houses were unofficially traded by owners who were barred from selling their houses due to the mandatory lock-in period of 8 years. Over half of these were transactions for between R5 750 and R17 000. According to Minister of Human Settlements Tokyo Sexwale, based on a random sample consisting of 10 percent of housing units completed between 1994 and 2008, of the approved beneficiaries since 1994, 34 percent are still occupying houses allocated to them in terms of the NHSS.

In 2010 and 2011, a number of interventions have occurred which may address some of the above-mentioned problems. This paper will only focus on the informal settlement-related interventions. In March 2011, the Minister of Human Settlements accredited 5 metropolitan and 2 district municipalities to undertaken Level Two housing functions previously performed

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22 The Project Linked Subsidy Programme was contained in the 2000 National Housing Code and has been replaced by the Integrated Residential Development Programme (IRDP) in the 2009 revised Code. According to a National Treasury report, “although accurate data is not readily available, the bulk of [national housing] spending [between 1995 and mid-2008] occurs through project-linked subsidies, where developers implement housing projects at scale and a qualifying household obtains ownership of a complete residential unit.” See National Treasury “Chapter 6: Human Settlements”, Provincial Budgets and Expenditure Review 2005/06 – 2011/12 (September 2009) 96.

23 See note 2 above for a more detailed analysis of the issues outlined in this section.


26 Parliamentary Question No 2692 and reply from the Minister of Human Settlements (2010).
by provincial government.\textsuperscript{27} This means that “for the first time ever, funds will be directed straight from the national department into the coffers of these [accredited] municipalities.”\textsuperscript{28}

According to the Minister, “the municipal accreditation process is a critical tool in devolving the housing function to the local sphere, it enables municipalities to co-ordinate their housing decisions with other decisions that relate to the broader sustainability of human settlements.”\textsuperscript{29} Accreditation of municipalities to undertake housing functions, particularly in the metropolitan areas, is a potentially important development as the province-centric model has not delivered effectively in the past and inter-governmental relations have been a major stumbling block to housing delivery.\textsuperscript{30} It is hoped that giving more power to capacitated municipalities will overcome some of the bureaucratic hurdles and delays and, in particular, improve integrated planning and speed up the upgrading of informal settlements, which is a priority for national government.

To this end, in his 2011 Budget Speech, Minister of Finance Pravin Gordhan announced the new Urban Settlements Development Grant,\textsuperscript{31} which will contribute R21.8 billion in infrastructure funding over the next three years to assist the national target of “upgrading 400 000 households in well located informal settlements with access to basic services and secure tenure by 2014”\textsuperscript{32} – a target included in the delivery agreement between the Minister of Human Settlements and the President for Outcome 8 of the government’s new measurable outcomes-based approach to service delivery between 2010 and 2014. Outcome 8 focuses on sustainable human settlements and improved quality of household life. On 19 November 2010, the Minister signed service delivery agreements with his 9 MECs, and at present the identification of informal settlements for upgrading is being finalised.\textsuperscript{33}

In 2008, the DHS established a partnership with Cities Alliance, and commissioned an appraisal of 16 pilot and priority projects to assess progress in informal settlement upgrading. This assessment, plus an analysis of the overall progress in informal settlement upgrading, concluded that the orthodox approach was unlikely to meet the government’s stated ambition to “eradicate” all informal settlements by 2014, and that a “radical shift in approach was required to an increased emphasis on incremental upgrading as provided for in Part 3 of the National Housing Code”.\textsuperscript{34} The National Upgrading Support Programme

\textsuperscript{27} Level Two accreditation allows municipalities to undertake Level One functions (i.e. conduct beneficiary management, subsidy budget planning and allocation, priority programme management and administration) as well as evaluate and approve specific housing projects against pre-determined project criteria, and undertake the housing subsidy registration function for all national and provincial housing programmes. SERI (note 2 above) 76.

\textsuperscript{28} Sexwale T “Address by the Minister of Human Settlements, Tokyo Sexwale MP, on the occasion of the Human Settlements Budget Vote” (19 April 2011) <http://www.pmg.org.za/briefing/20110419-stahuman-settlement-ministers-budget-speech>

\textsuperscript{29} The accredited municipalities are City of Johannesburg, City of Cape Town, City of Tshwane, Ekurhuleni Metropolitan Municipality, Nelson Mandela Bay Municipality, Pixley ka Seme District Municipality and Frances Baard District Municipality. “Cities get new human settlement powers “, Times Live (4 March 2011).

\textsuperscript{30} Some of the problems of inter-governmental relations and the dominant role of the provinces in housing delivery include: allocation of housing subsidies by provinces on an ad hoc basis and local governments’ resulting inability to plan long-term; the lack of a mechanism to negotiate the number of subsidies allocated, and confusion over what to do to improve allocations; little control over the appointment of developers; difficulties in multi-year planning in housing development; and the lack of sufficiently long-term allocations to ensure that developments do not simply take place in peripheral areas where serviced sites are available. SERI (note 2 above) 78.

\textsuperscript{31} For more on this grant see “National Treasury Briefing on the Urban Settlements Development Grant” Parliamentary Monitoring Group (23 March 2011) <http://www.pmg.org.za/report/20110323-national-treasury-urban-settlement-development-rural-household-infras>

\textsuperscript{32} DHS “Annexure A: For Outcome 8 Delivery Agreements: Sustainable Human Settlements and Improved Quality of Household Life” (19 September 2010) 14.

\textsuperscript{33} DHS “Department of Human Settlements gears up for full delivery” (19 November 2010).

\textsuperscript{34} See the NUSP website <http://upgradingsupport.org/background.html>
(NUSP) grew out of this process, with a mandate to conduct policy refinement, provide technical support to municipalities and provincial government, and facilitate a community of practice around informal settlement upgrading. The policy instrument to be used to deliver on Outcome 8 is Part 3 Volume 4 of the National Housing Code\textsuperscript{35}, the Upgrading of Informal Settlements Programme (UISP) – formerly known as Chapter 13 of the National Housing Code. This programme is described in more detail in the following section.

2.1 Upgrading of Informal Settlements Programme (UISP)

Part 3 Volume 4 of the National Housing Code contains the revised Upgrading of Informal Settlements Programme (UISP). In this Programme, local government is the driver and municipalities take on the developer role, provided they are accredited and capacitated to do so (where municipalities are not accredited or lack capacity, provincial government assists and supervises accordingly). Municipalities - in collaboration with the provincial department – initiate, plan and formulate application for upgrading projects. These must be approved by the MEC. The Programme provides funding for interim and permanent engineering services i.e. the creation of serviced stands. The nature and level of permanent engineering services infrastructure must be determined through a process of engagement between the municipality/province and the community. Security of tenure is central to the UISP and the Programme provides for a variety of tenure arrangements, to also be defined through a process of engagement. Stand sizes are decided through a process of dialogue between the municipality/province and residents.

Community participation is acknowledged as being critically important to the UISP, and funding is made available to support social processes. According to the UISP, this participation “should be undertaken through Ward Committees with ongoing effort in promoting and ensuring the inclusion of key stakeholders and vulnerable groups in the process.”\textsuperscript{36} The UISP notes that in certain circumstances the assistance of Community Development Workers (CDWs) can be used in collaboration with the ward structures. The municipality can apply for funding for external capacity to assist in the participation processes leading up to the conclusion of the participation agreement with communities which would include undertaking the following tasks: socio-economic surveying of households; facilitating community participation; project information-sharing and progress reporting; conflict resolution (where applicable); and housing support services i.e. training and education on housing rights and obligations, capacity-building of housing beneficiaries, assistance with the selection of housing options, management of building materials, and relocation assistance.

Funding is individual-based, rather than area-based.\textsuperscript{37} However, beneficiaries include those who qualify under the NHSS criteria as well as households with incomes higher than the

\textsuperscript{35} Section 4 of the Housing Act 107 of 1997 requires the Minister to “publish a Code which includes the national housing policy and procedural guidelines for the implementation of the policy”. The National Housing Code was first published in 2000, and has recently been revised in 2009. It is available at <http://www.dhs.gov.za/>


\textsuperscript{37} There has been criticism of this provision, and there remains lack of clarity how it works in practice. According to Huchzermeyer, Chapter 13 of the National Housing Code was a shift away from the individual subsidy qualification
threshold, persons without dependants and persons who are not first-time home-owners. People who have previously received state-subsidised housing as well as “illegal immigrants” are considered on a case by case basis. Funding is provided for the creation of serviced stands, and beneficiaries must apply for top-structure funding through other national housing programmes e.g. Individual Subsidy, Consolidation Subsidy, Enhanced People’s Housing Programme (ePHP), Social Housing Programme etc. The final phase where this occurs is Phase 4. The UISP is a phased approach to development and once a project has been approved, a grant is made to the municipality or province for Phases 1 to 3.

Phase 1 funding is provided for survey, registration, participation, facilitation, dispute resolution as well as geotechnical investigation, land acquisition pre-planning and interim engineering services. Funding for Phases 2 and 3 is for detailed town planning, land surveying and pegging, contour survey, land survey examination fee, civil engineering fees, site supervision fees, permanent engineering services provision and project management. Relocation grants cover transportation and loading costs for people and household effects, social service support and relocation food support to households.

The UISP states that relocation should only be considered as a last resort and where it is unavoidable it should be based on the principle of “minimal disruption to the affected persons and to relocate the persons to a site as close as possible to the existing settlement.”

A relocation strategy must be developed in collaboration with the community.

2.2 Land Use Planning and Regulation

A critical area of failure in the past has been around poor inter- and intra-governmental relations, which undermines a number of development processes relating to planning, land development, housing and provision of services. The current Minister of Human Settlements, Tokyo Sexwale, made a recent statement that the main risk to meeting housing delivery targets is the challenge of providing bulk infrastructure to human settlements projects, caused by poor inter-governmental coordination. The following quote sums up the complicated relationship between land and housing development which holds particularly true for informal settlement upgrading and access to land by the poor:

the whole process of land identification, land release, land packaging is often very complicated. There are many issues that need to be resolved before land can be allocated successfully for housing. Things like environmental impact assessment, (re)zoning of land, the change of ownership, infrastructure and other services, township establishment are also many hurdles that lead to lengthy delays in the project development process, and often impacts negatively on development costs. Apart from these issues related to calculation of funding according to qualifying households, towards an area-based or community-based subsidy which was calculated on the actual technical cost of upgrading so as to encourage a more flexible response to diverse and changing circumstances. It was based on the recognition that standardisation of funding for informal settlement upgrading placed severe limitations in terms of what was possible for the improvement of people’s lives. The revised UISP in the updated Code focuses on funding being linked to qualifying beneficiaries, and does not give clear guidance to municipalities implementing the programme for the first time about how in situ upgrading differs from the entrenched approach of registering subsidy qualifiers and delivering housing (or serviced sites with the top structure to follow). SERI (note 2 above) 91.

39 “Sexwale concerned by rate of delivery” IOL (25 November 2010).
bureaucracy and its often seemingly incomprehensible rules and regulation, there are less tangible issues like misalignment of departments, and lack of coordination that hamper the process of land identification, land release and land packaging.\textsuperscript{40}

This section provides a summary of the regulations, processes and procedures related to land use planning, with a focus on the City of Johannesburg (as the case study involves this metropolitan municipality).

Land use planning refers to the planning of activities to ensure that land is put to the optimal use, taking into account the different effects that land uses can have in relation to social, political, economic and environmental concerns.\textsuperscript{41} It is often referred to as urban planning.

Land use management refers to the land uses that may be exercised on an erf without any permission from the municipality, those land uses that may be exercised only with permission from the municipality and also the conditions that will apply to each of these land uses. Land use regulation refers to the regulation of permitted land use through, for example, zoning, and is based on the idea of development control.

In July 2001, the White Paper on Spatial Planning and Land Use Management was passed, which holds the Minister of Land Affairs (now Minister of Rural Development and Land Reform)\textsuperscript{42} responsible for land and proposed to introduce new legislation to Parliament that provides a “uniform, effective and efficient framework for spatial planning and land use management in both urban and rural contexts.”\textsuperscript{43}

According to the White Paper:

\begin{quote}
This legislation will clear up the extraordinary legislative mess inherited from apartheid in this area of governance. The most dramatic effect of the White Paper is that it will rationalise the existing plethora of planning laws into one national system that will be applicable in each province, in order to achieve the national objective of wise land use.
\end{quote}

Box 1 below provides information on the delays around the passing of such legislation, which is known as the Land Use Management Bill (LUMB).

\begin{footnotesize}
\textsuperscript{40} Social Housing Foundation (SHF) “Land Guide: Land Identification, Release and Packaging” (2009) 1.
\textsuperscript{42} National institutional responsibility and alignment around urban planning remains a problem. According to Berrisford, the DLA (now the Department of Rural Development and Land Reform) focuses largely on rural development, and urban planning issues have struggled to receive the attention required. While nominally this department is responsible for planning law reform, “in practice many of the key steps being taken to affect the planning regulatory framework are taken by other Departments” e.g. Department of Cooperative Governance and Traditional Affairs (CoGTA), which leads policy and legislative debates and interventions around local-level development planning; Department of Environment Affairs, which leads on the regulation of land development in terms of national environmental legislation; National Treasury, wanting to create a more cost effective and efficient system of regulating and managing development; and the Presidency, interested in promoting a more efficient system of planning and coordinating government’s interventions, particularly from a spatial perspective. Berrisford S “Unravelling Apartheid Spatial Planning Legislation in South Africa: A Case Study” in Duyar-Kienast U, Kienast G, Ley A & Teschner K (eds) TRIALOG: A Journal for Planning and Building in the Third World, Special edition on “Perspectives on Urban South Africa” 104, 1 (2010) 21-22.
\textsuperscript{43} See note 41 above.
\end{footnotesize}
The IDP has been criticised for being unwieldy. In 2004 and 2008, the National Treasury commissioned comprehensive reviews of the “planning regulatory environment” with a view to its “modernisation and rationalisation”. In 2009, the Presidency commenced work on a “regulatory impact assessment” of the 2008 LUMB, which was supplemented by a detailed review of the implementation of the DFA to date. According to Berrisford, “it appears that this confluence of high-level interest in and frustration with the slow pace of planning-law reform might yield results, especially as it comes to a head at a time when the Constitutional Court has finally given clarity on some aspects of the question of which functional area of legislative competence includes the regulation of land development and land use”.

According to Berrisford, by 2004 “powerful interests” in national government, the National Treasury and the Presidency, were expressing dissatisfaction with the inability of the DLA to make progress. In 2007, the Minister of Housing, Lindiwe Sisulu, joined the criticism, arguing that her department could not be expected to deliver “sustainable human settlements” when the legislative framework for planning was “so inappropriate and unwieldy.” In 2004 and 2008, the National Treasury commissioned comprehensive reviews of the “planning regulatory environment” with a view to its “modernisation and rationalisation”. In 2009, the Presidency commenced work on a “regulatory impact assessment” of the 2008 LUMB, which was supplemented by a detailed review of the implementation of the DFA to date. According to Berrisford, “it appears that this confluence of high-level interest in and frustration with the slow pace of planning-law reform might yield results, especially as it comes to a head at a time when the Constitutional Court has finally given clarity on some aspects of the question of which functional area of legislative competence includes the regulation of land development and land use”.

In May 2011, the re-named Spatial Planning and Land Use Management Bill, 2011 (SPLUMB) was published for comment by the Department of Rural Development and Land Reform.

Municipalities utilise a number of tools to conduct strategic spatial planning, integrated development and land use management. The IDP has already been mentioned above as a local government 5-year plan, which is meant to integrate and coordinate various sector plans and set out targets and programmes. In the City of Johannesburg, in addition to the IDP, there is the City’s Growth Management Strategy which links capital investment programmes and planning instruments to desired patterns of growth throughout the city.

There is also the Spatial Development Framework, which provides city-level strategic planning, and the Regional Spatial Development Framework (RSDF), which outlines area plans for the different regions and sub-areas e.g. Sub Area Three of Region G. The Urban Development Frameworks provide specific plans for priority areas within the city. The RSDF and Urban Development Frameworks are meant to guide decision-making on development applications within the city. As with the IDP process, the RSDF process also has a strong public participation component, at least in theory. In all these planning processes, public participation is facilitated through the ward committee system.

In the City of Johannesburg, as in all other cities and towns in South Africa, there is a Town Planning Scheme, also called a Land Use Management Plan, which is a legal document governing the use of all land in the city and specifying the development rights and controls in relation to each property (erf). Each property is zoned for a particular land use e.g.

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46 Ibid 47.
agricultural, residential, business etc. This is recorded at the Surveyor General’s office and recorded with the Registrar of Deeds. In order to change the zoning or land use rights of a particularly property or piece of land, a highly regulated process is required to take into account potential impacts on surrounding properties, the neighbourhood and city as a whole. Municipal town planners are responsible for dealing with land use changes e.g. division of land, removal of restrictions, rezoning etc. In the City of Johannesburg, the Department of Development Planning and Urban Management is responsible for managing the use and development of land within its jurisdiction. If a property owner wants to change development controls on their land, they are required to submit a consent use application. If they want to accommodate any new or unanticipated use, a rezoning application is required. This is a more complex procedure.

When a property owner wants to develop a new area, typically on agricultural land or on existing small-holdings, an Application for Township Establishment is required. This is a complex application that requires professional expertise, often a team including a town planner, surveyor, architect and attorney. The provision of engineering services (water, sewerage, electricity) is an important part of township establishment and requires buy-in from a number of city departments, municipal-owned entities and other groups e.g. Eskom. Approval from those responsible for the provision of internal (on-site) and bulk engineering services is required before an application is approved a new township proclaimed.

Figure 1 below, taken from the Outcome 8 delivery agreement, shows the processes involved in housing development - from land assembly to transfer and handover of houses - including constraints and time-frames.

Figure 1: Flowchart of Housing Development Process

![Flowchart of Housing Development Process](image)

Figure 2 below illustrates the typical process for township establishment, which is clearly a complicated and time-consuming one.

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48 Ibid 68.
49 Ibid 78.
50 DHS (note 32 above) 13.
The legislation governing land use regulation is outlined below. It is important to note that in 2010, the Constitutional Court effectively declared unconstitutional two pieces of national legislation designed to fast-track these processes – the Less Formal Township Establishment Act 113 of 1991 (LeFTEA) and the Development Facilitation Act 67 of 1995 (DFA). This is explained below.

- **Provincial Ordinances**

  The provincial Ordinances are pieces of apartheid municipal legislation that survived into the post-apartheid era. Originally they were only applicable to former white,
coloured and Indian areas; however, they now cover all areas within the municipalities under which the Ordinances apply. The provincial Ordinances confer on municipalities the authority to regulate land use within their particular municipal areas. They are used for the preparation, approval and amendment of town planning schemes; the subdivision and consolidation of land; and township establishment. In the City of Johannesburg, the relevant Ordinance is the Transvaal Provincial Town Planning and Township Ordinance 15 of 1986.\footnote{The other provincial Ordinances are the Townships Ordinance 9 of 1969 (Orange Free State), Town Planning Ordinance 27 of 1949 (Natal) and Land Use Planning Ordinance 15 of 1985 (Cape Town).}

- **Development Facilitation Act 67 of 1995 (DFA)**

  The DFA was introduced in 1995 primarily to fast track low-income housing developments. It is one of a few routes available for land use planning and development in South Africa. However, the passing of the DFA resulted in the creation of two separate bodies responsible for land use planning in the same area: Development Tribunals (provincial organs created by the Act) and municipalities themselves. The City of Johannesburg challenged this situation and declared a dispute with the Gauteng Development Tribunal, instituting an application in the South Gauteng High Court challenging the constitutional validity of the Act and seeking a review of two of the Tribunal's decisions.

  The matter was appealed to the Supreme Court of Appeal (SCA) and then to the Constitutional Court and, in June 2010, the latter ruled that the powers to rezone land and to approve township establishment applications are components of “municipal planning”, a function assigned to municipalities in terms of section 156(1) of the Constitution of the Republic of South Africa, 1996.\footnote{City of Johannesburg Metropolitan Municipality v Gauteng Development Tribunal and Others [2010] ZACC 11 (22 September 2009).} The Court found that Chapters V and VI of the DFA are unconstitutional, in that they assign parallel powers to the provincial sphere of government in the form of Development Tribunals. The order of validity was suspended for two years (until June 2012) in order to allow Parliament to rectify the defects in the Act or to pass new legislation.

- **Less Formal Township Establishment Act 133 of 1991 (LeFTEA)**

  The Less Formal Township Establishment Act 133 of 1991 was passed to provide for shortened procedures for land development and township establishment, similar to the function of the DFA. As in the case of the DFA, the decision-making authority lies with provincial government. The same constitutional shortcomings that apply to the DFA, as highlighted by the Constitutional Court, similarly apply to LeFTEA. However, this Act has not yet been formally challenged.
2.3 Environmental Impact Assessment (EIA)

In addition to applying for the rezoning of land or the establishment of a township in terms of land use regulation, a developer or applicant must also consider the environmental impacts of a proposed activity or development, as well as alternatives or mitigating measures that will reduce environment harm. This process is required in terms of the National Environmental Management Act 107 of 1998 (NEMA), which came into effect in July 2006 when Environmental Impact Assessment (EIA) Regulations were gazetted in accordance with section 24(2) of NEMA. Recently, in August 2010, new EIA Regulations were gazetted.54

Following the EIA Regulations, a registered Environmental Assessment Practitioner (EAP) must be appointed to undertake either a Basic Assessment or a Scoping and Environmental Impact Assessment (EIA), depending on the nature of the proposed activity and its listing in the Regulations. EAPs must be “independent and have expertise in conducting environmental impact assessments, including knowledge of the Act, [the] Regulations and any guidelines that have relevance to the proposed activity.”55 In the case of a housing development, a full Scoping and EIA process is required. The EIA Regulations provide requirements for EAPs. The EIA process provides the public with an opportunity to understand and comment on the proposed activity, and there are minimum requirements for public participation. “Interested and Affected Parties” can make legal objections which can stall or halt development. Often, specialist studies are commissioned by the EAP.

The EIA process is meant to provide government decision-makers with information to assist them in deciding whether to approve or deny the Application for Environmental Authorisation to proceed with the activity. The Gauteng Department of Agriculture, Conservation and Environment (GDACE) deals with EIAs for development in the City of Johannesburg. An application takes at minimum 6 months to complete; however the process often takes much longer than this, and can be stalled by public objections and other obstacles.

Box 2 below outlines the Scoping and EIA process in the City of Johannesburg. The fractured and complex nature of planning and environmental laws and policies is highlighted in the Slovo Park case study, outlined in section 3 of this paper.


Box 2: Scoping/EIA Process in the City of Johannesburg

Appointment of EAP

Application Form to GDACE

Public Participation: Scoping Report
Notice boards, written notices, newspaper advertisements and public meetings for all Interested and Affected Parties

Scoping Report
Format prescribed by the GDACE and content must include activity description and background, description of environment, applicable legislation, account of public participation process and identification of specialist studies required

Public Review
30-day review period where Scoping Report is lodged in various public places for comment

Submit Scoping Report
Scoping Report submitted to GDACE

GDACE Review Report
GDACE reviews and accepts Scoping Report and gives the go-ahead for the EIA Report

Public Participation: EIA Report
Notice boards, written notices, newspaper advertisements and public meetings for all Interested and Affected Parties

Prepare EIA Report
EIA Report includes findings of specialist studies, comparative assessment of alternatives, assessment of environmental issues and also includes an Environmental Management Plan.

Public Review
30-day review period where EIA Report is lodged in various public places for comment

Submit EIA Report
EIA Report submitted to GDACE

GDACE Review Report

GDACE Decision

Notify Interested and Affected Parties
3. CASE STUDY OF SLOVO PARK INFORMAL SETTLEMENT

This section is a detailed case study of the recent history of the Slovo Park informal settlement, providing a history of engagement with government and development processes since the formation of the settlement in 1991. The section further provides information on recent developments at the settlement, as well as summarises some key issues arising from the case study.

3.1 Location, Size and Formal Status

Slovo Park informal settlement consists of over 5,000 households living on 1,052 informal stands. Each stand is approximately 250 m² with multiple households living on each stand. The settlement is situated next to the Nancefield Industrial Area between Nancefield, Eldorado Park and Bushkoppies in Region G, Johannesburg. According to the City of Johannesburg’s “Regional Spatial Development Framework 2010/2011: Administrative Region G” (RSDF), Slovo Park is situated in Sub Area Three of Region G, which consists of the Greater Eldorado Park area (Eldorado Park Extensions 1–10), Eldorado Estate, Nancefield, Nancefield Extension 1 and half of Kliptown (the other half is in Region D, which borders on Region G and includes a large portion of Soweto). Figure 2 below shows a satellite image of the settlement and Figure 2 shows the grid layout of the settlement.

*Figure 2: Satellite image of Slovo Park informal settlement (taken from Google Maps)*

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56 In terms of density more generally, one-house-on-a-plot developments typically range in density from 20 dwelling units per hectare (freestanding houses on 250m² plots) to 75 dwelling units per hectare (double-storey row housing on 80m² plots). Densities of up to 120 dwelling units per hectare can be achieved with 3 and 4 storey blocks of flats (walk-ups). Research shows that higher density settlements can provide a better living environment than conventional low-density suburbs. Urban LandMark (note 10 above) 17.
Slovo Park is situated on the Remaining Extent of Portion 33 of the Farm Olifantsvlei 316 IQ, which borders on the N12 Moroka Bypass to the north, Cavendish Street to the east and Stockwell Avenue to the south. The settlement covers approximately 47.4632 hectares [ha] and most of the occupied land is publicly-owned, with much of the surrounding land owned by the Gauteng provincial government. The settlement has approximately 4 communal standpipes per informal street, and 1,050 Ventilated Improved Pit Latrines (VIPs). According to the SPCDF, VIPs were installed in 2005 in each yard, with residents being told that they were temporary and would be convertible to flush toilets when formal development occurred at the settlement.

The 2010/2011 RSDF provides some illuminating information on the current formal status of the settlement within the urban management framework, including its categorisation as per the City’s informal settlement formalisation programme. In terms of the latter, Slovo Park is placed in Category 1: Informal Settlement Upgrading, with the status quo as “Draft Layout Plan.” The RSDF puts the number of households at Slovo Park at 1,052. The RSDF further notes that Slovo Park is located next to the Nancefield Industrial Area and that low-cost housing as well as informal settlements compete with business for industrial land. According to the RSDF, “in this Sub Area informal settlements have located themselves on prime vacant land right on the boarder of the Nancefield Industrial Area. Thus expansion and intensification of the

57 1 hectare [ha] = 10,000 m²
58 There is some controversy over the ownership of portions of Slovo Park land by a long-time resident known as “Mr Kurt” (also known as “Cat”). The SPCDF allege that provincial government officials illegally transferred land to him and his ownership has no social legitimacy in the community.
60 VIPs are a form of on-site dry sanitation commonly used in informal settlements.
61 The City of Johannesburg as part of its priority formalisation programme of 180 informal settlements, has categorised all informal settlements in the city into six categories as follows - category 1: informal settlement upgrading; category 2: relocation to existing projects/project-linked relocation; category 3: regularisation of informal settlements; category 4: programme-linked informal settlements; category 5: informal settlement not linked to a project of programme; and category 6: informal settlements finalised/cleared/eradicated.
Industrial use is constrained.”\textsuperscript{63} The RSDF further states that “geotechnical studies have revealed dolomite in the area. Thus half of this sizable informal settlement (Slovo Park) will have to be relocated, as housing can only be provided for approximately 700 units on the developable land available.”\textsuperscript{64} Further on in the document, a number of key issues and priorities for the Sub Area are identified including “the relocation of Slovo Park Informal settlement residents due to dolomite and subsequent use of the land”\textsuperscript{65} and the need to “identify the availability of suitable land to fast-track the relocation of Slovo Park settlement from the high-risk dolomitic land.”\textsuperscript{66}

\begin{figure}[h]
\centering
\includegraphics[width=0.5\textwidth]{image}
\caption{A VIP toilet in Slovo Park informal settlement (By Michael Premo)}
\end{figure}

\begin{flushright}
\textsuperscript{63} Ibid 124.
\textsuperscript{64} Ibid.
\textsuperscript{65} Ibid 125.
\textsuperscript{66} Ibid 129.
\end{flushright}
3.2 Community Organisation and Leadership

Slovo Park is organised through a structure called the Slovo Park Community Development Forum (SPCDF). The SPCDF was formed in 2007 by the community. Before 2007 it was called the Community Development Forum (CDF), a structure that dates back to 2001 when Slovo Park residents elected individuals to lead the community. This paper will refer to the SPCDF when referring to both the current and earlier incarnations of the community leadership forum. The SPCDF is affiliated to the Informal Settlement Network (ISN), which was formed in 2008. Elected members of the SPCDF come from different political parties, and according to the current chairperson Mohau Melani, political affiliations are not seen as important. Rather, what the people want. Melani was elected as chairperson in 2007 and also serves as an elected office-bearer in the Johannesburg structure of the ISN. In 2009, Melani ran in the municipal by-elections as an African National Congress (ANC) candidate for ward councillor, however was unsuccessful and a Democratic Alliance (DA) candidate won.

Elections for the SPCDF are held annually and, according to Melani, there is strong buy-in from the entire community. There are a number of different portfolios within the SPCDF including: Health; Sports, Arts and Culture; Economic Development and Savings; Housing; Local Economic Development; Safety and Security; Environment; Youth; Women; Communication; Poverty; and Education. The SPCDF gets financial support from the community in the form of ad hoc donations (e.g. to pay for busses for marches), and has also received non-financial support from ISN and CORC. There used to be 15 representatives; however there are now about 36 representatives - four people from each block in the settlement are elected. The SPCDF meets once a week on a Tuesday at Frank Mapara’s house at the settlement (Mapara was part of the early leadership of Slovo Park).

In 2010, SERI was approached by Melani and members of the SPCDF to investigate the non-implementation of a housing project that had been promised to the community of Slovo Park informal settlement since 1994. Over the years community leaders had compiled a detailed history of the settlement, including a dossier of issues, and had recorded all correspondence with government departments and politicians, and kept copies of their numerous memorandums and resolutions. They also had copies of recent documents that had been generated as part of an official process that began in 2005 to upgrade the settlement, but which, six years on, has still not materialised into concrete improvements for the community.

Indeed, the SPCDF has been extremely proactive in soliciting assistance from various ‘professionals’ in recent years. For example, it had engaged a legal NGO in the past around securing access to interim services at the settlement as well as more recently partnering with ISN to secure students from the University of Pretoria Architecture Department to research and design an upgrading and development plan for the settlement and to build a community hall there. The community has tried as many routes as possible to ensure expedited development at the settlement. For many years their preferred route of engagement was political. In recent years, engagement has shifted from the political terrain

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67 The Informal Settlement Network (ISN) was formed in 2008 and is an alliance of settlement-level and national-level organisations of the poor operating at city-level in Cape Town, eThekwini (Durban), Johannesburg, Ekurhuleni, Nelson Mandela Bay (Port Elizabeth), Mid-Vaal, and Tshwane (Pretoria). See <http://www.sasdialliance.org.za/about-isn/>
to the technical – with planning and environmental consultants appointed by the Gauteng provincial government engaging with the community over a proposed development at the settlement. Most recently, the community has decided to explore the legal route, as the other two ‘official’ avenues have yielded no concrete results to date.

3.3 Historical Overview

The history of Slovo Park is a complex and fascinating one, and has been well-documented by the community over the years. It is clear that the SPCDF has a palpable sense of the past (particularly past promises made to them by the government), and that this informs their view of the present and current developments at the settlement. There is a strong sense that ‘the community never forgets’, while it seems likely that there are many others – politicians, government officials etc - who might prefer to forget. This sense of the past has directly influenced the way that current development processes have been received by the community. This paper does not delve deeply into the early history of the settlement. But important information is highlighted where it is relevant to the broader scope of this paper. Much of the information in this section comes from a dossier on the historical background of the settlement, compiled by the SPCDF and frequently sent to government officials and politicians over the years, as well as from interviews and discussions with current SPCDF leaders during 2010 and 2011.

3.3.1 Formation of the settlement in the early 1990s

Slovo Park was established in the early 1990s by Johannes Mthembu and a number of other people who moved to the site in search of land close to where they were working. During the final years of the apartheid and the dawn of post-apartheid South Africa, declining control over land and movement of people led to many people entering cities in search of employment. Many of these people settled on land that they did not own. In Nancefield, people were living at factory premises in the Nancefield Industrial Area or in backyard rooms in the neighbouring, former ‘coloured’ areas of Eldorado Park and Bushkoppies. Some of these residents wanted their own place to live where they were not dependent on another household or struggling to access services, so they identified a piece of vacant land and occupied it. In 1993, people moved from the original site, which was dangerous and flood prone, to the current Slovo Park site. Before they moved they told Transvaal Provincial Administration (TPA) officials that in some cases there were more than three families per site and that if each was allocated a site they would undertake not move back to the original site. According to the SPCDF, permission was granted from TPA officials to occupy the land and a number of community members, including Mthembu and Mapara, were assigned as

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68 There is, nonetheless, scope for more research on the relationship between the community and business elites in Nancefield, the relationship between civic and political movements in the area more generally, the relationship between the community and officials at different levels of government, particularly in the early years of the settlement, as well as the local politics in the settlement and different vested interests.

69 In Johannesburg, informal settlements outside proclaimed municipal areas were governed directly by the former Transvaal Provincial Administration (TPA), which the 1993 Constitution subsequently replaced with the Gauteng provincial government. See Swilling M and Hutt D “Johannesburg, South Africa” in Onibokun A (ed) Managing the Monster: Urban Waste and Governance in Africa (IRDC, 1999) 13 <http://www.kwikwap.co.za/ecopartners/docs/Waste%20issues%20in%20South%20Africa.pdf>
surveyors for the area. They designed the layout and cut stands at the site. According to the SPCDF, these community members copied the layout of Eldorado Park Extension 7 and replicated it at Slovo Park. The site was initially referred to as Nancefield Township; however after the death of Joe Slovo (the first Minister of Housing in post-apartheid South Africa) the community renamed the settlement Slovo Park in May 1995, in Slovo’s honour.

### 3.3.2 Early struggles around access to water: 1991 - 1994

One of the initial “burning issues” for those living at the settlement was around water, and struggles for access to water continued from 1991 to 1994, with residents having to use two streams in the area or purchase water at inflated prices from the residents of the neighbouring residential areas or factories. According to the SPCDF, “the struggle for water united them” and they, together with a number of other civic organisations in the area, engaged with local officials around the water issue at a meeting held in Kliptown in 1994. According to residents, “the media” came to the settlement and covered the story of lack of access to water, and it was on the front pages of local newspapers. In 1994, the municipal authority suggested that the residents purchase a water tank, providing money for them to do so, and told the community that the tank would be a temporary measure for nine months. The community was that told after this period pipes and taps would be installed, however, the nine months lapsed and after 16 months they still had only the tank. Eventually communal street taps were installed, which were also only meant to be a temporary measure for 18 months, to be replaced by individual yard taps. However, these have remained the only source of water at the settlement, until the community themselves installed yard taps in 2010 as part of a project undertaken with the assistance of ISN and partner organisations (see section 3.4 below).

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70 Meeting with the SPCDF at Slovo Park (30 June 2010).
71 Ibid.
3.3.3 Controversy over early housing project in 1994: Devland Extension 27

According to the SPCDF, there was supposed to be a project in 1994 to build 950 houses for Slovo Park residents on their land, but this never happened and money that was collected for this purpose disappeared, with nearby Devland Extension 27 built instead. The SPCDF has a copy of the original application for the project in their possession. In 1994, Condev (Transvaal) (Pty) Ltd\(^{72}\) allegedly invested R26 900 000 to build 2 500 five-room houses between 1996 and 2000. The subsidy-based project was supposed to be completed in 2001, however according to the SPCDF, the money was transferred to Devland Extension 27 - which was constructed by Condev nearby in Freedom Park. There is controversy surrounding this development, which was a European Union (EU) funded, subsidy-based project, and the role of specific individuals.

According to an October 1994 proposal entitled “Regional Housing Board [Transvaal] Application for Project-based subsidy: Harrington Valley, Nancefield”\(^{73}\), Condev and the Nancefield Community Development Association of Johannesburg (NCDAJ)\(^{74}\) entered into a Cooperation Agreement (inclusive of a Social Compact/Record of Understanding between various groupings comprising the NCDAJ) for the construction of the Harrington Valley housing project, which was to comprise 2 500 residential stands and 13 non-residential stands.\(^{75}\) The agreement between NCDAJ (represented by Henry Lesar, Chairman) and Condev (represented by Thomas Karl Buckle, Managing Director) states that the latter would establish a residential township on the land commonly known as Nancefield in terms of the Land Availability Agreement, would provide engineering services and would apply to the Regional Housing Board (RHB) for approval for the project and the provision by the RHB of capital subsidies in favour of the beneficiaries.\(^{76}\)

According to the proposal, the NCDAJ approached Condev in July 1994 and a number of meetings and discussions took place resulting in the cooperation agreement was concluded between the community-based partner and Condev, inclusive of the Social Compact (Record of Understanding). The two portions of land identified for the project included the Remainder of Portion 33 Olifantsvlei 316 and various erven of Nancefield Township. The former was identified as being zoned residential despite being a farm portion. The proposal identified dolomite as a low-risk factor and the risk of sinkholes as minimal. However, it identified the possibility of an extra R1 500 per stand being required for reinforced raft foundations. The proposal outlined how typical residential erf sizes would range from between 150 m\(^2\) and 250 m\(^2\) and the township layout would include education, business,

\(^{72}\) Condev is the residential development arm of Murray & Roberts and refers to itself as a “well-established leader in the provision of affordable housing to the lower income market.”


\(^{74}\) Ibid 6. The NCDAJ comprised a number of groupings including: Section A-D Informal Settlement Nancefield, Nancefield Small Holdings Tenants Association, Nancefield Ratepayers Eldorado Estates and United Civic Association. Slovo Park was Section A of the Informal Settlements. The Record of Understanding was between all signatories of NCDAJ as well as SOWEJOCA and Freedom Park Association.

\(^{75}\) Ibid 5. The area was described as “already occupied by at least 1 700 informal squatter families who have been arriving over the last 3 years. There is very little formal infrastructure in the area but currently the Health Department provides water and sanitation services on an ‘ad hoc’ basis. In addition there are no schools or other forms of social infrastructure”.

\(^{76}\) Ibid 4.
community and recreational stands. The proposal states that consultants would be identified (some had already been chosen) to look into town planning; land surveying; civil, electrical and geotechnical engineering; conveyancing and social facilitation. The proposal requested a project-based subsidy for 2,500 beneficiaries at a total subsidy amount of R26,900,000 (calculated as 2,500 subsidies x R10,760 average).

According to the SPCDF, small houses were built at Devland Extension 27 with subsidies meant for Slovo Park residents and money collected by the community. The SPCDF still refers to the 950 subsidies which were meant to be allocated to Slovo Park residents. Indeed, Devland Extension 27 seems to have been the subject of controversy in relation to procedures followed regarding the allocation of stands; pricing structure of the land development costs and the final selling price; manner in which disposal agreements were completed; sales commission of R500 requested by an Eldorado Park representative; and performance of Eldorado Park representatives regarding the allocation of stands more generally.

Allegations of corruption and misappropriation of funds in relation to the Devland Extension 27 project continue to plague the Slovo Park community and have never been resolved, at least in the minds of community members and leaders. The allegations directly influence the manner in which the community engages with current attempts at development at the site, and there remains the collective view that “there are 950 subsidies meant for us which were allocated elsewhere.” This claim is to be repeated many times to government officials, politicians and consultants in the course of the next 16 years, and SPCDF believes that development has been protracted because of the need to cover-up the corruption involved in the Devland Extension 27 project.

3.3.4 Politicians and promises: 1998 – 2004

It is clear from the detailed documentation kept by the SPCDF that there has been much political interest in Slovo Park and its residents over the years. According to one community leader, “everyone wanted access to those living at Slovo Park” and a number of political organisations approached the leadership for access to Slovo Park residents in the early years of the settlement. According to the SPCDF, in the early 1990s there was a scramble for power by political organisations, who wanted to gain a foothold in informal settlements and townships before the 1994 election. There appears to have been some divisions at the settlement along ANC and the Azanian People’s Organisation (AZAPO) party lines. However, the first chairperson, Mapara, was allegedly not interested in allowing divisive politics in the settlement, which led to tension within the leadership and possibly compromised

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77 Ibid 8. Different projects with different stand sizes, levels of service and structures were proposed i.e. 1,500 stands at 150 m²; 700 stands at 250 m²; and 300 stands at 250 m² or greater.
78 Ibid 10.
79 A petition regarding the Devland Extension 27 development was lodged with the Gauteng Provincial Legislature and in August 1997 the Housing and Land Affairs Standing Committee held a hearing to gather all necessary information regarding problems raised in the petition. The Committee found that after looking at all the evidence “it was not possible with the limited resources at their disposal to test the veracity of the evidence, and therefore all the allegations cannot be verified at this point” however “the allegations raised by the petitioner are of a serious nature and indicate, if proved true, that serious flaws have emerged regarding the procedures followed in the Devland Extension 27 development.” See Gauteng Provincial Legislature “Announcements, Tablings and Committee Reports” No 68 - 1997: Fourth Session, First Legislature [Thursday 11 September 1997] 251-252 (copy with author).
80 Meeting with the SPCDF at Slovo Park (30 June 2010).
development in the area. Since 1998 (and before) there have been a number of promises and undertakings regarding development at Slovo Park made by politicians and government officials at various meetings, imbizo and forums. According to the SPCDF, these have almost always referred to the building of 950 houses.

Some of these political promises and undertakings are summarised below, with the dates of elections provided in italics (the SPCDF directly links political promises and imbizo to upcoming elections).

- **1998** (exact date unknown) – The South African National Civic Organisation (SANCO) organised a public meeting and the Premier of the Gauteng Province, Mbhazima Shilowa promised Slovo Park residents that they would not be moved, that houses would be built at Slovo Park. He apparently stated that if anyone contradicted this statement they must say “the Premier said so”.

- **April 1999** – National and provincial government elections

- **5 December 2000** – Local government election

- **July 2001** – City of Johannesburg Metropolitan Municipality officials and others erected a huge tent and a government official states that by September 2001, building would commence of 950 new houses at Slovo Park.

- **25 July 2003** – Officials from the National Department of Housing and the Gauteng provincial government attended a big meeting (complete with large tent) at Slovo Park, where several commitments were made, including:
  - Slovo Park would not be relocated elsewhere,
  - 950 houses would be built in the area, in line with the Social Compact of the area done in 1994, and
  - Slovo Park would be demarcated into Eldorado Park from Protea South and Lenasia.

- **2004** (exact date unknown) – Gauteng Department of Housing (GDH) led by Premier Shilowa and the Member of the Mayoral Committee (MMC) for Housing, Strike Ralegoma erected a large tent at Slovo Park and the Gauteng Chairperson stated that the MMC would ensure the building of houses as of September 2004.

- **April 2004** – National and provincial government elections

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81 For example, in November 1995 Eskom arrived with “samples of electricity” and promised that they would return in early 1996 to install electricity to the community in what would be a community-led project. The electricity issue became politicised between those leaders who were affiliated to African People’s Organisation (AZAPO), and those to the African National Congress (ANC). In a public meeting it was decided that the community “did not want electricity from AZAPO” and only wanted “ANC electricity”, and the electricity project was stalled. This controversy led to the resignation of the chairperson Mapara in March 1996. Meeting with the SPCDF at Slovo Park (30 June 2010).

82 SANCO was formed in 1992, with the intention being to establish an umbrella body of civic organisations. SANCO was initially conceived as being independent from the African National Congress (ANC) as an “autonomous, non-party political movement in civil society.” However, after 1994 many SANCO leaders were coopted into government positions and the ANC currently has a close alliance with the organisation, which has distanced itself from other social movements and CSOs. See Fakude T “Backlash against Neo-liberalism and globalisation? Examining the New Social Movements in South Africa” Masters Research Report, University of the Witwatersrand (2 June 2008) 12-13.

83 SPCDF dossier entitled “Structure of the historical background of Slovo Park-Nancefield”.

84 A single metropolitan government was finally established in 2001, following the local government election in 2000. Prior to this, in 1995, the Greater Johannesburg Metropolitan Council and four Metropolitan Local Councils were established to replace the Central Witwatersrand Metropolitan Chamber, which had been formed as a policy-making body in 1990 in a pre-interim phase of local government transition. See Tomlinson R, Beauregard R, Brenner L and Mangcu X (eds) Emerging Johannesburg: perspectives on the post-apartheid city (Routledge, 2003) 9-10.

85 Letter addressed to President Jacob Zuma from the SPCDF on 2 December 2009 (copy with author).

86 Strike Ralegoma was the MMC for Housing from 2003 until June 2009, when he became political advisor to Mayor Amos Masondo after a portfolio reshuffle. He is a member of the ANC’s Regional Executive Committee (REC) and Regional Working Committee. See <http://www.joburg-archive.co.za/2006/pdfs/profiles/mayoral_committee.pdf>
The timeline above clearly shows that there was much happening in the way of promises and undertakings by the various levels of government in relation to development at Slovo Park. Some promises went as far as stipulating the number of houses to be built and when construction would commence. After ten years of promises, in early 2005 it appeared that development was eventually coming to fruition, with the appointment of consultants by the GDH, as outlined below.

### 3.3.5 Feasibility Study for Slovo Park in 2005: development at last?

In 2004, the GDH appointed iNtatakusa Africa Consulting\(^\text{87}\) to conduct a feasibility study on development at Slovo Park.\(^\text{88}\) In March 2005, iNtatakusa produced a Feasibility Report, which notes how Slovo Park has been in existence for 13 years and that formalisation would not have a negative effect on the surrounding land uses, rather that the formalisation of people in this area will be a “positive spin-off for the revitalisation of the industrial area as proposed by the RSDF”.\(^\text{89}\) The Feasibility Report describes how the settlement is well established but has inadequate infrastructure: rudimentary water supply, VIP toilets, no formal disposal system, rudimentary street lighting etc. Its concluding recommendations are that “the Slovo Park project is not only feasible but its implementation is also urgently required.”

The Feasibility Report (which is more a desktop study outlining possibilities for the settlement, rather than an in-depth technical study identifying specific constraints) states that there are 5,000 households on 1,050 stands at Slovo Park and that the average income of Slovo Park residents is R1,400 a month, and that they required subsidised housing (as opposed to rental or bond housing). The recommendation was that the community be restructured into one family per approximately 300 m\(^2\) stand, a National Home Builders Registration Council (NHBRC) requirement due to the site being situated on dolomitic land. This would result in there being 1,150 stands available (similar to a layout drawn up in 1992 by community members - inclusive of 1,052 residential stands of varying sizes, a church and sports field and 12 m\(^2\) road reserves). The Feasibility Report further states that an in situ process could be followed, but that a large amount of de-densification would have to be carried out and “additional land must be identified to accommodate the surplus families”.\(^\text{90}\) The report describes how the availability of vacant land for development and relocation of excess families is a development constraint and that “there is vacant land adjacent that should be investigated.”

The conclusion of the Feasibility Report is that the remaining community (approximately 3,500 households) would have to be relocated to nearby developments on vacant land. The report states that, for the excess families, the alternative land for relocation is firstly Nancefield Proper Township to the east (which can accommodate 850 stands) and the Remainder of Portion 37 of the Farm Olifantsvlei 316 IQ, and that these two

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\(^{87}\) iNtatakusa Consulting (Pty) Ltd provides civil, structural and electrical engineering, as well as programme and project management consulting services. According to the company’s website, from 2002 to 2005 iNtatakusa “had an appointment as part of the RPT [Regional Professional Team] working for the Gauteng Department of Housing. Under this appointment iNtatakusa project manages the entire township establishment and development process from land identification to the transfer of ownership to beneficiaries.” See <http://www.intatakusa.co.za/service_management.htm>

\(^{88}\) iNtatakusa [note 59 above].

\(^{89}\) Ibid 28.

\(^{90}\) Ibid 29.
recommendations have been supported verbally by relevant town planning and environmental authorities.\(^9\) The Report further states that land adjacent to the Remaining Extent of Portion 33 of the Farm Olifantsvlei 316 IQ (on which Slovo Park is situated) is owned by the National Housing Board, Gauteng Provincial Housing Authority Board and 19 smallholdings, and should be investigated. More specifically, it recommends that “the 19 smallholdings belong to individuals and should be bought.” The report states that Slovo Park should be a high priority for \textit{in situ} upgrading or relocation.\(^9\) The following is noted in the report in relation to development rights, existing land use, development constraints and planned land use:\(^9\)

- **Site 1 – Remainder of Portion 33 Olifantsvlei 316 IQ (Slovo Park):** Current zoning for Remainder of Portion 33 Olifantsvlei 316 is agricultural therefore township establishment process should be followed to obtain the correct rights for a residential township. The farm is currently occupied by an informal settlement at a density of approximately 106 units per ha, as some families are settled two or more families to a stand. Although an \textit{in situ} process can be followed here, a large amount of de-densification will have to be carried out. Additional land must be identified to accommodate the surplus families. The availability of vacant land for development and relocation is identified as a development constraint; however there is land adjacent to the site which should be investigated for relocation purposes. At the site, approximately 1 150 families can be accommodated, which means that 4 000 families (depending on the percentage of qualifiers) would be relocated.

- **Site 2 – Nancefield Proper:** Nancefield Proper is a proclaimed township with residential zoning with a number of restrictions. In order to obtain the rights for a low-income township, applications for road closure, rezoning, consolidation and re-subdivision will be submitted. Although a majority of these erven are vacant, 20 erven accommodate varying formal and informal structures. There is a stream flowing through this area which should be taken into consideration. According to the RSDF, Nancefield Industrial Area should be revitalised, and the erven targeted for this development are already residential in nature. The residential erven measure 43.8 ha and could accommodate about 850 families on 300 m\(^2\) stands.

- **Site 3 - Remainder of Portion 37 Olifantsvlei 316 IQ (Water Works):** Remainder of Portion 37 Olifantsvlei 316 IQ (Water Works) is zoned agricultural therefore a township establishment process will have to be followed in order to obtain correct residential rights. Apart from the Johannesburg Water Works, the land is mainly vacant however its suitability is under question. Only a small portion of the land, measuring approximately 16 ha may be suitable for residential development, subject to further geotechnical and environmental studies.

According to the Feasibility Report, should there be vacant land which can be released for development, the Town Planning and Township Ordinance 15 of 1986 or the Less Formal Township Establishment Act 133 of 1991 (LeFTEA) would be the \textit{modus operandi} to pursue in

\(^9\) Ibid i.
\(^9\) Ibid 20.
\(^9\) Ibid 21-25.
this regard. Through this an "ordered settlement of one family on each formal planned stand would be achieved i.e. 1 150 on the original site and 4 000 relocated".94

The Feasibility Report states that EIA would need to be completed on the Reminder of Portion 33 of Farm Olifantsvlei 316 for zoning change, and that the following should be taken into account as part of the EIA process:

- Geology: specialist study to ascertain dolomite and make recommendations about construction methods (limited risk which can be mitigated);
- Hydrology: groundwater specialist brought in;
- Social-economic aspects: as required by the Gauteng Department of Agriculture, Conservation and Environment (GDCAE), a Public Participation Process (PPP) should be undertaken during the EIA process. Socio-economic aspects are to be addressed with the community, community leaders and councillors during the PPP (limited risk which can be mitigated);
- Solid waste removal;
- Buffer zones for industries, sewerage treatment works, landfill sites and mine dumps.

The Feasibility Report concludes that:

detailed studies are required to determine those areas suitable for development. Unfortunately inadequate data is available to provide detailed comments and recommendations...Conclusions concerning the suitability of the area for residential development are based on preliminary data and are speculative. Consequently, it is essential that funds be secured to execute detailed dolomite stability investigations, allowing for the provision of definitive recommendations on areas of safe development.95

According to the City of Johannesburg’s 2005/2006 Annual Report, the City’s Department of Housing appointed the Johannesburg Property Company (JPC) to finalise the purchase of privately owned land to make provision for the establishment of new subsidised housing projects. For the Slovo Park development, “six properties were to be acquired for a 1 055-stand township to be established.”96

3.3.6 Development delayed, political engagement and protest

Despite the numerous promises by politicians and government officials since 1996, as well as the favourable 2005 Feasibility Report by iNtatakusa (detailed above), from 2005 to 2008 there was no concrete development at Slovo Park. While official processes involving housing development are inevitably protracted, the community leadership was not satisfied with promises or excuses, and mobilised in various ways to push for development. On 23 May 2005, the SPCDF sent a letter to the ANC ward councillor Aboobaker Manack (who was

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94 Ibid 25.
95 Ibid 48.
elected after the 2000 municipal election). The letter requested the ward councillor to put in more effort to fast track municipal services at the settlement including the following:

1. Electricity (burning issue)
2. Tap per yard and proper sanitation
3. Upgrading of roads
4. Housing
5. Clinic (health services)
6. School
7. Hall
8. Sports and recreation

The letter further states: “one sees the importance of these issues as the opposition is gaining support because of lack of services/interaction from our leaders” - a clear warning from the SPCDF of potential defections from the ANC ranks. Following the letter, a meeting was organised between the community, ward councillor and MMC for Housing, Strike Ralegoma, in June 2005. At the meeting, development at Slovo Park was discussed, and the MMC promised to try to fast track the development process “even if he had to take from another area to Slovo Park he will do that”.

In an article published by the Johannesburg News Agency on 13 July 2005, which highlighted the City of Johannesburg’s “Housing Master Plan” - a five-year plan developed to address the housing challenges in the City – the City stated that in the 2005/2006 financial year it expected to formalise 29 informal settlements around the city. According to the City, the Master Plan aimed to have “established formal townships, among others, in the informal settlements of Sophiatown, numbering 1 168 shacks, Freedom Charter A and B with a population of 9 908 shacks and Slovo Park, comprising 1 052 shacks in 2006 and 2007” [emphasis added].

In December 2005 (shortly before the municipal election in March 2006) a large imbizo (meeting) was held at Protea South, with the MMC for Housing, the MEC for Housing and the Mayor in attendance. Slovo Park residents were bussed into the gathering where the MEC stated that the same housing being built at Protea South would be built at Slovo Park. Further, the Mayor stated that he would put money into Slovo Park in the next financial year by March 2006 and “no further questions should be asked by the community about Slovo Park.”

In November 2006, the SPCDF handed over a petition, with over 2 000 signatures from Slovo Park residents, to City Power and the newly elected Democratic Alliance (DA) ward councillor, Norman Duncan. The petition requested electricity at the settlement. According to the SPCDF, the Inkatha Freedom Party (IFP) assisted with the petition and the

97 Results for Ward 10 (Lenasia) after the 2000 municipal election are available at <http://www.elections.org.za/content/Pages/LGE_NPE_Reports/LGE_NPE_Reports_Search.aspx?EEtypeID=3&id=1427&name=Elections>
98 Letter from the CDF to Councillor Manack on 23 May 2005 (copy with author).
99 Note 83 above.
100 Dlamini N “Housing plan looks at homeless blues” Johannesburg News Agency (13 July 2007).
101 Note 83 above.
102 For results of the 2006 municipal election for Ward 18 (Eldorado Park) see <http://www.elections.org.za/content/Pages/LGE_NPE_Reports/LGE_NPE_Reports_Search.aspx?EEtypeID=3&id=1427&name=Elections>
SPCDF had “allowed the opposition to dominate because we do not have the powers as the foot soldiers of the ruling party on the ground to turn the empty promises that were made by our leaders.”

According to the current chairperson of the SPCDF, the previous chairperson of the CDF belonged to the IFP, hence the political leaning of the petition. During 2005 and 2006, Slovo Park residents and the CDF worked with Johannesburg Water, who installed VIPs at the settlement. According to the SPCDF, residents initially rejected the VIPs, requesting the installation of flush toilets; however, residents accepted the VIPs after they were told that the toilets were temporary and would be convertible to flush toilets when formal development occurred at the settlement.

According to the SPCDF, after the December 2005 imbizo, the community undertook to “ask no further questions” and little occurred until, in early 2007, the layout plan of Nancefield Township was brought to the community and they were told that the township establishment process was underway. On 12 March 2007, the community was introduced to Arcus Gibb representative, Rantao Moeti, who told them that he and his team were in the advanced stages of the township establishment process, which was due to conclude in early July 2007. He stated that geotechnical studies were still to be conducted on the area, and that these were to take place in May 2007 by Geostrategies. The community was told that development would proceed by September 2007, but that the number of houses being built would be reduced from 950 to 821 in the new layout because of dolomitic conditions in the area.

On 3 June 2007, Slovo Park representatives, together with a delegation from the Bill Jardine ANC Branch and the local PR councillor, met with the MMC for Housing at his office. The meeting was held to discuss the fast tracking of development, using the 1994 document as a guideline “due to the fact that the community members are saying that the government is redoing the old processes.” The MMC stated that the proposed document for Nancefield Township was outdated and the only thing left to be done in order for development to start was the geotechnical survey. By July 2007, the community had not heard anything about the geotechnical study, the perceived last hurdle to development, and decided to protest.

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103 Note 83 above.
104 Johannesburg Water was established in January 2001 as an independent company providing water and sanitation, with the City of Johannesburg being the sole shareholder. It runs on the same model as the City’s other municipal-owned entities, City Power and Pikitup, which were formed as an outcome of the iGoli 2002 transformation plan embarked on by the former Greater Johannesburg Metropolitan Council.
105 Arcus Gibb is a large South African engineering consulting firm which has a human settlements component. As Professional Resource Team (PRT) appointed by the GDH, Arcus Gibb undertakes project management for the housing development. Arcus Gibb took over from iNtatakusa in 2007.
106 According to a letter sent from the GDH to the Democratic Alliance (DA) ward councillor Norman Duncan on 7 November 2007, the department had issued an Instruction to Work (ITW) to Arcus Gibb in 2007 to do a layout plan for Slovo Park, which has yielded “821 stands instead of the 1 150 due to the dolomitic conditions in the area.” See note 119 below. This was confirmed by Vusi Radebe, the current project manager at Arcus Gibb, in a telephone interview conducted on 19 April 2011. According to a “Preliminary Design Report for Nancefield Extension 4” compiled by Arcus Gibb for the GDH in May 2009, Arcus Gibb had been appointed by the GDH in 2007 “to provide engineering infrastructure with a view to formalizing the settlement.”
107 Geostrategies is a consulting firm of geotechnical engineers, environmental scientists and land surveyors. According to the Geostrategies 2007 report to Arcus Gibb, the company received instructions from Arcus Gibb on 11 May 2007 to proceed with this investigation, and on 29 May 2007 fieldwork commenced at the settlement. According to the report, “from 29th to the 31st May 2007 a total of 22 trial holes were excavated, profiled and sampled where necessary and then loosely backfilled. However, after intervention of the local residents, and consultation with Mr Rantao Moeti of Arcus Gibb, Geostrategies were advised that an incorrect site plan had been issued by Arcus Gibb, and consequently the trial holes had been excavated at the wrong site. On the 1st June 2007, a revised drawing was issued to Geostrategies and work resumed at the correct site.” Geostrategies “Phase 1: Geotechnical Investigation of Slovo Park” (July 2007) 1.
108 ANC branches are commonly named after prominent ANC members.
109 Note 83 above. See note 73 above for the 1994 document referred to by the SPCDF.
On 10 July 2007, the Slovo Park community led a protest, which formed part of a spate of so-called ‘service delivery’ protests in informal settlements around Johannesburg during 2007. According to a media report, in the early hours of the morning Slovo Park residents blockaded the N12 highway near Eldorado Park, protesting about the lack of water and electricity as well as RDP houses. Members of the South African Police Service (SAPS) and Johannesburg Metro Police arrived and arrested a few protesters. According to the SPCDF, some people shot in the face with rubber bullets fired by members of the SAPS, and a complaint was subsequently laid by the forum. A media report quotes Gauteng MEC for Local Government, Dorothy Mahlangu, as saying that plans were in place to develop the area, but this depended on government resources.

In July 2007, Nemai Consulting was appointed as the independent Environmental Assessment Practitioner (EAP) to undertake an EIA. Nemai is part of the PRT consortium appointed by the GDH. Arcus Gibb, on behalf of the GDH, had commissioned Moore Spence Jones in 2006 to conduct a dolomite stability assessment at Slovo Park. A report produced on 25 July 2007 by Moore Spence Jones entitled “Report to Arcus Gibb PRT and Gauteng Department of Housing on Dolomite Stability Assessment for the Remainder of Portion 33 of the Farm Olifantsvlei 316 IQ (Proposed Slovo Park)” expanded on the July 2007 geotechnical report conducted by Geostrategies. The recommendations made following this investigation were that a minimum stand size of 350 m² would be necessary, as the site was classified as Dolomite Risk Class 4.

In August 2007, Lintle Maliehe from Arcus Gibb approached the community after they had protested, and said she had taken over from her colleague Moeti, and was extending the deadline for development to occur from September 2007 to November 200. She further stated that the number of houses to be built would be 820. According to the SPCDF, she then “left for Lesotho” and was replaced by Vusi Radebe from Arcus Gibb, who resolved that services in the area would commence in November 2007, but that only 660 houses would be built at Slovo Park. According to the SPCDF, the community continued to assert that they wanted Nancefield Extension 3 to be taken as Phase 1 of the development and that there was no need to apply for Nancefield Extension 4. However, the project manager at the GDH also “disappeared” and it is unclear as to the response to this request. The issue of Nancefield 3 versus Nancefield 4 has plagued the community, and the SPCDF believe that the establishing of a new township “on top of an existing one” is being done to cover up corruption that occurred in 1994 with Devland Extension 27. The SPCDF believes that development could have occurred much sooner if there was not the need to proclaim a new township.

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112 A complaint against the SAPS was laid with the Independent Complaints Directorate (ICD), who acknowledged receipt of the complaint on 8 August 2007 in a letter addressed to the chairperson of the SPCDF (copy with author).
113 Note 111 above.
114 Nemai Consulting is an environmental, social and occupational health and safety consultancy with offices in KwaZulu-Natal, Gauteng and the North West Province. The company has been providing environmental engineering and management services to private and public sector clients since 1999. See <http://www.nemai.co.za/>.
115 Moore Spence Jones is a consulting practice of professional civil and geotechnical engineers, engineering geologists, hydrogeologists and geologists. See <http://www.geotechafrica.com/index.htm>
116 See note 107 above.
On 11 September 2007, the community marched to the Union Buildings in Pretoria to “introduce the community to President Mbeki” and to call for electricity, water and sewerage at the settlement. Advisor to President Thabo Mbeki, Elias Ndlouv, signed and received the memorandum. The memorandum includes long- and short-term demands. Short-term demands include: improvement of service delivery; installation of long overdue electricity; installation of permanent taps in individual yards; sanitation flush toilets; and tarred roads and pavements. Long-term demands include: 2 500 five-room houses and recognition of Nancefield Township as the township that it is for the purposes of these houses. On 18 October 2007, the community received an acknowledgment of receipt of the memorandum from the Minister of Housing, Lindiwe Sisulu.

On 7 November 2007, a letter from the GDH was sent to Democratic Alliance (DA) ward councillor Norman Duncan regarding Slovo Park (Nancefield), and passed on to the SPCDF. The letter stated that the department had issued an Instruction to Work (IPW) to Arcus Gibb to do a layout plan for Slovo Park, which has yielded “821 stands instead of the 1 150 due to the dolomitic conditions in the area.” The letter stated that, at a Project Steering Committee (PSC) meeting held on 2 November 2007 at Eldorado Hall, it was indicated to the community that those beneficiaries who will be affected by the new layout will be relocated to the “Eldorado Park Development”. The reason for relocating the community was based on “recent positive outcomes of the feasibility report done there.” According to the letter, “the Department is hereby confirming that the affected beneficiaries will be relocated to Eldorado and basic services will be provided.”

During November 2007, a meeting scheduled with the SPCDF community leadership and the DPLG, however this meeting did not occur. An email sent to the Slovo Park leadership from the Free Basic Services and Infrastructure Branch at the Deputy Director-General’s Office at DPLG, confirmed that the matter had been referred to Ben Cele at the Public Participation and Empowerment Directorate of DPLG, and that the community should liaise with his office to set up and appointment. Despite various follow-up from the SPCDF, this meeting never happened.

From 2008 to 2009, the community engaged with various government officials, high level figures in the ANC and technical professionals around development in the area (this was not confined to meetings or letters and erupted in another protest march in April 2008). During this period there were overt expressions of dissatisfaction and disappointment with the ANC and political deployees at the MEC and MMC level, who had failed ensure development at Slovo Park despite the many promises made to the community. Both subtle and overt political scare tactics were used by the community leadership. For example, on 10 March 2008, following further non-action after undertakings made at an ANC Zonal Meeting held on 24 August 2007, the Slovo Park leadership addressed a letter to the Bill Jardine ANC Branch. The SPCDF sent similar letters to the Regional Secretary of the ANC Johannesburg

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117 SPCDF “Memorandum” 11 September 2007 (copy with author).
118 Letter of acknowledgment sent from Lindiwe Sisulu (REF 58/09/07) on 18 October 2007 (copy with author).
119 Letter sent from the Head of Department at the GDH to Councillor Normal Duncan on 7 November 2007 (copy with author).
120 Email from Zodwa Mabuza at the Free Basic Services and Infrastructure Branch, Deputy Director-General’s Office, DPLG to Daniel Moalahi on 19 November 2007 (copy with author).
121 The ANC operates at several levels: National, Provincial, Regional and Branch level. Any three or more branches within a Region may be formed into a Zone at the instance of the Regional Executive Committee (REC) after consultation with the relevant branches, or on application to the Provincial Executive Committee (PEC), by at least two branches within an area of a proposed Zone. The meeting attended was a Zone 3 meeting.
Region and the Deputy Chairperson of the Provincial Executive Committee (PEC) Nomvula Mokonyane. The letters assert that at the ANC Zonal Meeting, the MMC for Housing Strike Ralegoma had stated that development processes were at an advanced stage and the “only thing left is to engage the leadership to see what is implementable in that particular area.” The letter questions “what has the ANC in the region done for us?” and states that “15 years is a long time to wait for promises after promises?” The letter further states that as the fourth national election nears, the community wants to know what the ANC has done for them. Another letter addressed directly to the MMC for Housing poses the following question:

when are you and our MMC and ANC MEC member going to deliver according to the promises you made in our area? Which recruitment mechanism do we utilise now for the purpose of the elections? Do you have the interest of the poor at heart comrade MMC?

On 17 March 2008, the SPCDF sent a letter to the Minister of Housing, stating how they were still waiting for feedback as promised on 18 October 2007 (in the Minister’s acknowledgment of receipt letter sent to the SPCDF after the 11 September 2007 march on the Union Buildings), and that they “are under immense pressure from the community so please supply us with progressive feedback ASAP.” Further, the SPCDF sent memoranda and letters to the Office of the Speaker, the President and the MMC for Housing.

### 3.3.7 EIA and Township Establishment

On 19 March 2008, a public meeting was held at Slovo Park Hall to discuss the EIA process with the community and other interested and affected parties. The SPCDF attended, along with ward councillor Norman Duncan and representatives from Arcus Gibb, the GDH and Nemai. At this point in the EIA process, the EAP was doing public participation prior to the Scoping Report going out for review (which would then be submitted to the GDACE and finally the EIA report would be prepared). Public notices were put up publicising the EIA for a project involving the construction of low-cost housing for the residents of Slovo Park informal settlement. The public meeting was called to discuss the potential environmental impacts that the development may cause and to “focus on the future of the development of Slovo Park and try not to focus on the past problems and delays of the project.”

At this meeting, Maliehe from Arcus Gibb gave a presentation describing the project background and process. She highlighted some of the key findings from the 2005 Feasibility Report conducted by iNtatakusa, the previous PRT, and explained that Arcus Gibb had been appointed as the new PRT and that there was a project team in place that would undertake project management, area planning, geotechnical and dolomite investigations, EIA and engineering services. According to Maliehe, in terms of township establishment, the dolomite study, geotechnical investigations and layout plans were completed, and the EIA was ongoing. At the public meeting, a representative from Nemai also gave a presentation on

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122 Letter sent from the CDF to the Bill Jardine Branch on 10 March 2008 (copy with author).
123 Letter sent from the CDF to the MMC for Housing Strike Ralegoma on 10 March 2008 (copy with author).
the EIA, outlining the legal framework as well as the process and public participation component (see section 2.3 above for more on the EIA process).

At this meeting the community raised a number of issues, including the history of the project, timeframes and repeated false promises. The information contained in Box 4 below is taken from the minutes of the public meeting, and reflects comments from the community and responses from the project team (quoted verbatim from the meeting minutes).\[126\]

Box 4: Minutes of EIA Public Meeting

(19 March 2008)

Comments from the community
1. Why has nothing been finalised regarding the promised development prior to this meeting?
2. Why has the government given the Slovo Park residents false promises? They were only concerned about their vote. They were aware that it was a sensitive topic to ask questions, but there had been a lot of false promises and these had been false.
3. Would Slovo Park get the development?
4. Why was the development taking so long in this area? The EIA process would take one year, why could it not be complete in six months?
5. How far along was the environmental analysis, and what were the shortfalls?
6. How many studies had been done, and at what stage was the process?

Responses from the project team
1. Although the consultants were aware of the history of the project, they have been appointed to carry out the process according to legislation (e.g. EIA). The consultants were only here to explain, and give the current status of the process. They would remain independent. It was important to note that the EIA process has to be followed and carried out according to legislation to be considered legitimate. Otherwise, it would have to start all over again, and this would result in further delay. (GDH)
2. Noted. The residents of Slovo Park were asked to be patient for a short while longer.
3. The EIA process had started, which meant that the planning was complete, and it was now being assessed, but the final decision rested with government. (GDH)
4. The process needed to be followed, according to timeframes of legislation, and this was the same for all developments. (GDH)
5. Prior to houses being built, it had to be established that the conditions were safe and the environmental impacts assessed. All findings of the Scoping Report would be made available for public review. (GDH)
6. Some studies were complete, others were still needed. The process was currently at the Scoping phase, and the current public participation was an important part of this phase. (GDH)

On 3 April 2008, the SPCDF contacted the GDH requesting the detailed budget of the housing department for Region G in order to “have access to government information; community updates and participation and for record purposes.”\[127\] On 7 May 2008, a response was received from the Chief Financial Officer (CFO) of the GDH, Anthony Green. This letter stated that “the Department does not allocate its budget in terms of various sub-regions however the overall allocation in respect of Housing Subsidy Grant for 2008/2009 is R2 579 973. The budget is allocated per regional office of which our Johannesburg Regional Office has been allocated R722 million for the 2008/09 financial year...your request should have been directed to the Johannesburg Metropolitan Municipality Housing Department and not the Gauteng Provincial Housing Department.”\[128\]

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\[126\] Ibid.
\[127\] Letter from SPCDF sent to the GDH on 3 April 2008 (copy with author).
\[128\] Letter sent to the chairperson of the SPCDF from the GDH on 7 May 2008 (copy with author).
On 9 April 2008, the SPCDF sent a notice of intention to march on the Office of the Mayor on 18 April 2008 in order to submit a memorandum of grievances pertaining to service delivery and development at Slovo Park (Nancefield Township Extension 1). This notice was sent to Mayor Amos Masondo, MEC for Housing Nomvula Mokonyane, MMC for Housing Strike Ralegoma and Premier Mbhazima Shilowa. The march, according to the notice, was “for accountability, given all the promises.” According to the SPCDF, this march was also to request that Nancefield Township be recognised, rather than proposing a new township.129

On 18 April 2008, the community duly marched, and the leadership handed over a petition and a Memorandum of Accountability to the Office of the Executive Mayor and Office of the Speaker, asserting how their “constitutional rights were being ignored” and demanding “socio-economic rights and recognition of Nancefield Township”. The memorandum states: “we demand the housing project for Slovo Park to start as soon as possible not next year after the elections.” It further states:

> We remind Mayor Masondo that in 2005 [he] promised our community that ‘I will put money by March 2006 for Slovo Park housing project and no further questions about that’ in [his] statement, and we are still waiting for [his] account.130

On 19 April 2008, the City of Johannesburg Stakeholder Summit 2008 was held at Gallagher Estate, where the MMC for Housing presented on priority projects in the 2008/09 Delivery Agenda. The SPCDF addressed letters to the MMC for Housing and the MEC for Housing notifying them that resolutions had been taken by the SPCDF at the march, and that the MMC and MMC were to be given until 8 May 2008 to respond to the memorandum. According to the SPCDF letter “we do this because from July 2006 till this date we have lost 10 lives to fire (including a 3 year old and a 14 month old baby) and 30 shacks.” On 21 April 2008, the Office of the Speaker acknowledged receipt of the memorandum, stating in an official memorandum that “the Executive Mayor is awaiting a brief report from Madam Speaker to the issues raised.”131

On 24 June 2008, the SPCDF addressed a letter to the Speaker of Council at the City of Johannesburg, Nkele Ntingane, expressing concern at the lack of response to the forum’s petition and memorandum submitted at the march of 18 March 2008. According to this letter, the petition/memorandum asked for issues raised to be answered within a month, for the petitioners to be informed by the PPP Committee, for the petition be placed at the next meeting of PPP (19 May 2008), and for a site visit by the PPP chairperson. The letter states that it had been more than a month since 18 April 2008, and they have not heard a single word from the PPP committee which gives the impression that “this government and

129 Meeting with the author and the SPCDF held at Slovo Park (30 June 2010).
130 SPCDF “Memorandum of Accountability” Presented to the Office of the Mayor on 18 April 2008 (copy with author).
132 Internal memorandum from the Office of the Speaker received by the Petitions Unit at the City of Johannesburg on 21 April 2008 (copy with author).
representatives that we deployed to the state are no longer interested in the lives of the poor ‘on the ground’, particularly this Slovo Park community.”

On 26 June 2008, a letter was sent to the ANC Chief Whip of Council, Bafana Sithole, raising concern about lack of infrastructural development at Slovo Park. The letter states that the purpose of the letter:

> is not because we want to become difficult, not because we are anti-government, not because we are power-mongers but for one particular reason – to mobilise our community behind the ruling party in preparation for the upcoming elections...we appeal to you to provide us with the political direction as we have been preaching that one day something will actually happen to residents of Slovo Park right here where we are. We have prepared the soil...for the next National Elections, but it is going to be a fruitless exercise if we do not motivate our people with implementables."


In December 2008, an Application for the Establishment of Nancefield Township Extension 4 in terms of the Town-Planning and Townships Ordinance Act 15 of 1986 was received by the City of Johannesburg Metropolitan Municipality. In January 2009, this was published in the Government Gazette, inviting people to inspect the particulars of the application from 7 January to early-February 2009. The application was for a Township with “640 residential stands, 2 business stands, 1 education and 11 for public open space.”

### 3.3.8 Attempts to access interim services through the legal route

In late 2008, totally frustrated with political channels, the SPCDF decided to approach the Legal Resources Centre (LRC) for legal assistance. On 17 October 2008, the LRC addressed a letter to the City of Johannesburg’s Office of the Speaker about services in Slovo Park. The letter acknowledged that:

- their clients had been living on property since 1994;
- the settlement currently consists of 5,000 people, an average of five people per household;

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133 Letter from the SPCDF addressed to the Speaker of Council at City of Johannesburg, sent on 24 June 2008 (copy with author).
134 Letter from the SPCDF sent on 26 June 2008 to ANC Chief Whip of Council Bafana Sithole (copy with author).
136 The Legal Resources Centre (LRC) is a legal NGO which offers free legal assistance to poor communities. See <http://www.lrc.org.za/>
137 Letter sent from the LRC to the City of Johannesburg on 17 October 2008 (copy with author).
there are only 9 taps installed on the property for the 5,000 people, who “use approximately 30 litres of water per day”;

the sanitation system consists of ‘pit toilets’ which are drained every five months, and the occupiers have taken it upon themselves to drain the sewerage, exposing themselves to “ill health and diseases”;

their clients have no electricity.\textsuperscript{138}

The letter goes on to state that “our clients have instructed us, as we hereby do, to demand that that their plots be upgraded to receive adequate access to water, electricity and proper sanitation services.” The LRC further requested all information pertaining to the allocation of RDP houses as well as: the 2007 Phase 1 Geotechnical Investigation by Geostrategies; the 2005 PRT Johannesburg North Feasibility Report for Slovo Park done by iNtatakusa; the Environmental Impact Record; and the 2007 Report to Arcus Gibb PRT and Gauteng Department of Housing on a Dolomite Stability Assessment for the Remainder of Portion 3 of the Farm OliFantsvlei 316 IQ (Proposed Slovo Park) by Moore Spence Jones. After receiving no response, the LRC sent a follow up letter to the City of Johannesburg on 2 February 2009, re-attaching the initial letter and stating that should the City “fail to respond by no later than Tuesday, 10 February 2009, we will have no option but to pursue with an application in terms of the Promotion of Access to Information Act 2 of 2000.”\textsuperscript{139}

On 24 June 2008, the SPCDF sent a letter of concern to City Power, raising the fact that two households at the settlement “owned by other racial groups” had been provided with electricity by City Power Region G. The forum asked what it would take for other households at the community to have electricity installed. Letter from SPCDF to City Power Region G Management sent on 24 June 2008 (copy with author).

138 On 24 June 2008, the SPCDF sent a letter of concern to City Power, raising the fact that two households at the settlement “owned by other racial groups” had been provided with electricity by City Power Region G. The forum asked what it would take for other households at the community to have electricity installed. Letter from SPCDF to City Power Region G Management sent on 24 June 2008 (copy with author).

139 Letter sent from the LRC to the City of Johannesburg on 2 February 2009 (copy with author).

140 Letter from the City of Johannesburg Office of the Speaker sent to the LRC on 18 February 2009 (copy with author).

141 City Power was created in 2001 as the first ring-fenced electricity utility in South Africa. It is a separate company run on corporate principles, which is wholly owned by the City.

On 18 February 2009, the LRC received a written response from the Office of the Speaker.\textsuperscript{140} The letter stated that the Slovo Park/Nancefield settlement had not been proclaimed, which meant that City Power\textsuperscript{141} could not provide services to the area; however City Power was providing street lights to which the residents were “illegally connecting” (implying that the City is not obligated to provide electricity at the settlement, but has provided street lights to which residents have illegally connected). Regarding the provision of water and portable toilets, the response states that Johannesburg Water had installed 1,060 VIP toilets as well as 7 chemical toilets (installed as a result of flooding in 2007 when people were relocated to a nearby sports field) and that “the VIP toilets are serviced upon receipt of complaints logged, and the additional chemical toilets are cleaned regularly in terms of the service contract schedule.” In terms of the provision of water to the area the response stated that “there are 7 sets of communal standpipes housing, between 1 and 4 taps per location.” The letter did not mention anything about the proposed housing development. After this initial intervention by the LRC, the case tailed off until, in August 2010, the SPCDF contacted them to investigate lack of interim services and the stalling of development. This is detailed in section 3.4 below.

On 22 February 2009, a meeting was held with the community, Bill Jardine ANC Branch and the MMC for Housing, Strike Ralegoma. A report-back meeting was held on 8 March 2009. According to a letter from the SPCDF addressed to the MMC (unknown date), the forum had attempted to negotiate with the Office of the MMC, and the MMC in particular, and a number of promises had been made between 1998 and 2009 to “fast track” development.
The letter states that:

while the fast tracking of the development of our area is done behind closed doors, our community members are feeling the pressure on the ground and have reported to you that they are not willing to go to the polls come 22 April 2009.

The letter further questions the township establishment process (the SPCDF stated that it had given this three years to complete and were now being told to wait a further 21 months to complete it anew) as well as the number of houses being built, referring to the undertaking made that the development of 950 houses was due to start in July 2001. The letter states that the SPCDF is “being accused of having eaten the investment of R11 186 000 allocated which was given for the purposes of the project by the Gauteng Provincial Government”.

3.3.9 Unpacking the EIA process and Report: May-June 2009

On 15 May 2009, a “Residents Association Meeting” was held at Slovo Park Hall with representatives from the GDH, Nemai, Arcus Gibb and the Slovo Park community in attendance. The purpose of the meeting was to “discuss the concerns that the residents of Slovo Park had with the project”. According to minutes of this meeting, the project team communicated to the residents that they “had identified five portions of land owned by the City of Johannesburg in Eldorado Park to take the overflow of people from Slovo Park, but some would have to be bought at market-related prices, and this process would take time. A budget would be needed for this”. They further communicated that the township establishment application had to go through all departments of the City and its parastatals for comment. The process began on 19 November 2008, and most comments were received by 8 May 2009, except for the following: Traffic Impact Study, City Power and Eskom (who want to know how much power is needed); and the Passenger Rail Agency of South Africa (PRASA).

Box 5 below contains comments from the community and responses from the project team, included in the minutes of the public meeting (quoted verbatim from the minutes).

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142 Letter from the SPCDF addressed to the MMC for Housing Strike Ralegoma (copy with author). According to the City of Johannesburg Draft Integrated Development Plan Review 2008/2009, a number of Gauteng Provincial Government projects were approved by the MEC; Finance for the 2008/09 financial year as Capex projects. Listed is a project in Ward 18 called “Slovo Park - project linked” with an allocated budget of R11 186 000.

143 Nemai “Minutes of the Residents Association Meeting held on 15 May 2009” (copy with author).
Box 5: Minutes of Resident’s Meeting
(15 May 2009)

Comments from the community

1. Requested a copy of the final report.
2. Requested a schedule of relocation.
3. How were the people that would be relocated from Slovo Park, be expected to pay rent or a bond on these properties?
4. Had not received minutes from prior meeting with Vusi Radebe (mid-March), and wanted to know what progress had been made since that meeting.
5. Commitments not kept by project team. Problems need to be defined, where after discussion agreement on the resolution thereof is reached, and the agreed timeframes kept. The community must be given feedback.
6. It was suggested that a memorandum of understanding be produced and signed, explaining why the number of stands were reduced and the need to move people to other areas.
7. Wanted to know when the meetings for the government organisations were called, and asked if representatives of Slovo Park could be invited as observers, so that they could better understand the process. The residents did not want to feel as if they were being “brushed off”, and for the project team to be unaware of their plight.
8. Could certain departments responsible for delays be targeted to speed things up?

Responses from the project team

1. The final environmental report would be available for public comment for a month before submission to the GDACE. (Nemai)
2. This would be provided when the project progressed to the construction phase. The project team had identified 5 portions of land owned by the City of Johannesburg (COJ) in Eldorado Park to take the overflow of people from Slovo Park, but some [others] would have to be bought at market-related prices, and this would take time. A budget would be needed for this. (Arcus Gibb)
3. Residents would need to investigate what options they had regarding subsidies or qualification for RDP houses. (Arcus Gibb)
4. Arcus Gibb explained that the township application has to go through all departments of the COJ and parastatals for comment. He gave an account of progress to date, explaining that the process began on 19 November 2008 and most comments had been received by 8 May 2009. However, they were still awaiting comments regarding:
   - The need for Traffic Impact Study
   - City Power and Eskom, who wanted to know how much power was needed for the project; and
   - Comments from the Passenger Rail Agency of South Africa (PRASA) regarding the unproclaimed servitude and station which could impact on the site.
5. It was not always possible to stick to an agreed time or other commitments, as situation often changed this.
6. Memoranda of understanding are usually reserved for agreements between government departments, and this was not a process of public interaction.
7. Arcus Gibb would take the request forward.
8. Arcus Gibb would take the request forward.

On 21 May 2009, a public meeting facilitated by Nemai was held to present to the community the findings of the Scoping Report, and to explain the EIA Report phase (as required by the EIA process). The EIA process had been ongoing since July 2007, when Nemai was appointed as the EAP to undertake the EIA. In March 2008, the EAP had conducted public participation prior to the Scoping Report going out for review (it was eventually approved by the GDACE in March 2009). At the 21 May 2009 meeting, Nemai presented on the project background and EIA Report process going forward. A revised layout for Slovo Park was presented. In a report compiled by Arcus Gibb for the GDH in May 2009 entitled “Nancefield Extension 4: Preliminary Design Report (Rev 3) (660 Units)”, a layout was proposed that included 660 residential stands.144

144 The author has possession of a layout map from May 2008 [included in the EIA Report] for the proposed Nancefield Township, which shows 660 residential erven. See Annexure 1.
A number of issues were articulated by the community at this public meeting, including: why only 660 houses to be built, where the overflow of people would be relocated, when building would commence, what other facilities were planned etc. Nemai outlined to the community what stage processes were at – the public participation phase before the EIA Report is prepared – and informed them that it would take until approximately November 2009 for the GDACE decision to come back after the EIA Report is submitted, and for all the parties to be notified. This was almost two and a half years after the EAP was appointed.

Box 6 below quotes from the minutes of this meeting, describing comments made by the community and responses offered by the project team.

**Box 6: Minutes of EIA Public Meeting (21 May 2009)**

**Comments from the community**

1. Why had it taken so long from their previous discussions with Arcus Gibb for the residents to get an answer?
2. When would the houses be constructed? Where was the GDH representative to answer this question?
3. Would a school be included as part of the development?
4. Understand that there were only about 660 houses to be planned for, where there any other community facilities planned?
5. A request was made to supply basic needs (water, sewer) before the building of houses commenced?
6. Understood that only 660 houses would be built, and queried which other areas the remainder of the 5,000 residents would be relocated to, as the resident didn’t want to move from the Slovo Park area.
7. Would electricity be supplied as part of the development?
8. Requested the presence of Vusi Radebe to answer questions with regards to the development. Understood that Nemai was only involved in the environmental processes.

**Responses from the project team**

1. Arcus Gibb and the GDH were involved in discussions with the community leaders prior to this meeting. (Nemai)
2. Only the GDH can give the answer to that. However, the time left for the issue of the environmental authorisation was approximately 4 months. The GDH representative had sent his apologies. (Nemai)
3. Yes.
4. The school, as mentioned, and two business stands. Several areas of public open space were planned for as part of storm water control, and these would provide park facilities for the community.
5. It was suggested that the request be taken to the ward committee and councillor.
6. Could not give an answer as this was outside Nemai’s brief for this project. Suggested that residents approach the ward councillor who could bring this up with the City of Johannesburg.
7. This was not known, but Nemai would check with the project team. (Nemai)
8. He had sent his apologies, however he would be contacted regarding this. (Nemai)

Subsequent to the May 2009 meeting, the SPCDF expressed its confusion as to what the EIA was supposed to achieve as there had been research conducted before at the settlement, and they questioned whether Nemai would investigate what happened to the promise of 950 houses so as to “close the gap between what had been promised for the last 13 years and their appointment as consultants.”145 According to the SPCDF, Nemai should consider the adjacent land for relocation purposes (to accommodate the balance of 5,000 people and the 660 houses that will be built), in line with the 2005 Feasibility Report. The SPCDF

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remained adamant that Nemai should be looking at the history of the area so as to “correct some mistakes” and requested that Nemai acknowledge that the SPCDF is the representative of the community and not the “Slovo Park Residents Association” that had signed a previous document in 2009 (and who actually represent “those living in neighbouring bond houses.”)\textsuperscript{146}

In June 2009, Nemai made public the “Environmental Impact Assessment Report: Slovo Park Housing Development”, opening it for public review from 24 June to 24 July 2009. The EIA Report included the “Environmental Management Plan for the Proposed Slovo Park Housing Development”, also conducted by Nemai. The EIA Report states that “the Gauteng Department of Housing identified the need to upgrade Slovo Park informal settlement on the Remaining Extent of Portion 33 of Farm Olifantsvlei 316” and that Nemai was appointed as the independent EAP in July 2007 to undertake the environmental investigation for the proposed Slovo Park Housing Development. The scoping phase was completed and the Scoping Report approved by GDACE in March 2009; however, the layout for the development had to be revised in order to incorporate information gathered from specialist studies undertaken and additional engineering input i.e. the Geotechnical Investigation by Geostrategies in 2007, the Dolomite Stability Assessment by Moore Spence Jones in 2007, and the Wetland Delineation Survey by EnviRoss in 2008.

The EIA Report outlines how the dolomite study revealed that a minimum stand size of 350 m\textsuperscript{2} is required at the site, and outlined a number of other possible impacts and proposed mitigations. The EIA Report stated that “formalisation of Slovo Park as a residential area is strongly recommended from an environmental point of view. The current informal settlement has an uncontrolled impact on the surrounding environment”.\textsuperscript{147} The EIA Report further states that:

> to leave Slovo Park as an informal settlement is potentially dangerous to residents due to the possible formation of sinkholes. Quality of life will not improve for people living there, and their impact on the environment will continue to worsen. The eviction of all residents is also unfeasibly and unlikely, and will be stiffly opposed, as Slovo Park has been extant as an informal settlement for approximately 7 years.\textsuperscript{148}

Two potential layouts were proposed:

- Alternative 1 (preferred and most up-to-date option) yielding 629 stands;
- Alternative 2 (relies on incomplete information) yielding 663 stands.

Box 7 below provides a timelines of some of the important planning, technical and environmental interventions at Slovo Park from 2004 to 2009, outlining which consultants were involved.

\textsuperscript{146} Information contained in a SPCDF document [copy with author].
\textsuperscript{147} Nemai (note 124 above) 30-31.
\textsuperscript{148} Ibid.
Box 7: Timeline of important planning, technical and environmental interventions at Slovo Park from 2004 – 2009

- **2006/2007** – Arcus Gibb replaces iNtakakusa and is appointed as PRT by the GDH.
- **2007** – Instruction to Proceed with Work issued to Moore Spence Jones by Arcus Gibb on behalf of the GDH, to conduct a dolomite stability assessment of the Slovo Park settlement.
- **12 March 2007** – Slovo Park community introduced to Rantoa Moeti from Arcus Gibb.
- **27 March 2007** – Geostrategies submits a proposal for a Phase 1 geotechnical investigation at Slovo Park to Arcus Gibb.
- **11 May 2007** - Geostrategies receives instructions from Arcus Gibb on to proceed with the dolomite stability investigation.
- **29-31 May 2007** – Geostrategies conducts fieldwork at the wrong site.
- **1 June 2007** – Geostrategies submits a revised drawing to Arcus Gibb and work resumes at the correct site.
- **July 2007** – Geostrategies submits “Phase 1: Geotechnical Investigation of Slovo Park” report to Arcus Gibb.
- **July 2007** – Moore Spence Jones begins fieldwork at Slovo Park.
- **July 2007** - Nemai Consulting appointed as the independent EAP to undertake an EIA.
- **25 July 2007** – Moore Spence Jones submits “Report to Arcus Gibb PRT and Gauteng Department of Housing on Dolomite Stability Assessment for the Remainder of Portion 33 of the Farm Olifantsvlei 316 IQ (Proposed Slovo Park)”. 
- **19 March 2008** – Public meeting convened by Nemai and Arcus Gibb at the Slovo Park Hall to discuss the EIA process with the community and other interested parties, as part of required public participation prior to the Scoping Report going out for review to GDACE.
- **August 2008** – Nemai appoints EnviRoss to undertake a wetland delineation survey pertaining to the proposed Slovo Park development.
- **September 2008** – EnviRoss hands over report to Nemai entitled “Proposed Slovo Park development, Soweto: Wetland Delineation Survey”.
- **December 2008** - Application for the Establishment of Nancefield Township Extension 4 in terms of the Town-Planning and Townships Ordinance Act 15 of 1986 received by the City of Johannesburg Metropolitan Municipality.
- **4 March 2009** – GDACE accepts the Scoping Report and allows Nemai to proceed with the EIA Report.
- **15 May 2009** – GDH, Arcus Gibb and Nemai hold a “Residents Meeting” at the Slovo Park Hall to discuss concerns of Slovo Park residents about the project.
- **21 May 2009** – Public meeting held between the community and Nemai to present on the findings of the Scoping Report, and to explain the EIA Report phase.
3.3.10 Renewed political lobbying: mid-2009 to early-2010

Throughout 2009 and early 2010, the SPCDF continued to engage (or attempt to engage) with politicians in government and high-level ANC officials around development at Slovo Park. These attempts to engage are detailed below. On 1 June 2009, the SPCDF sent a “Letter of Complaint Re: Service Delivery” to the Local Parliamentary Constituency Offices (PCOs) and local MPs. According to the SPCDF, this was to strategically target the newly elected representatives. The letter describes how the Slovo Park community:

- have been trying for over 10 years to get basic services for community;
- it takes 30 minutes to an hour to get water from a standpipe;
- they depend solely on petrol and batteries for television;
- life is more expensive i.e. having to pay for petrol;
- they spend more on food because they do not have fridges; and
- how they are required to take buckets to fill up the VIP toilets and on a monthly basis to open up VIPs and stir the waste.

The letter refers to “empty excuses from everyone since 2001” including the MMC, Nemai Consultants, Arcus Gibb, GDH etc. Also in the letter (1 June 2009), the SPCDF outlined how they had worked with three representatives from Arcus Gibb over the years, and had witnessed the number of houses to be built go from 921 to 821 “with the reasoning being the dolomitic conditions of the land”. Because of the lack of the report, and expertise on the report, the SPCDF “allowed them to proceed” with this layout. At a meeting held in early 2009 (referring to the public meeting held on 21 May 2009), the community was told that 660 houses were to be built, “with no alternative”. Arcus Gibb admitted that they needed to include a railway station in the layout, and that this would take a few months to complete. The letter ends by stating that “we take the area we are currently living in as Phase 1 and want to see relief”, which is:

Electricity, water, sewerage, to prevent more shack fires from the community, hence saving the lives of the poor. We are currently not aware how long we are going to maintain the pressure from the community members. Houses, whenever they arrive, will be a bonus for the community.149

According to the SPCDF, at all the meetings they attended during this period, they stressed that the community wanted services, and moved away from speaking about houses or “units”. On 5 July 2009, a community meeting was held at Slovo Park Hall, where it was decided that the role of the SPCDF was “just to push the infrastructural development of our area towards a proper direction where we can minimise the continuous empty promises and mass mobilise the community to take ownership of their development.”150 On the same day, a letter was sent to the ANC headquarters at Luthuli House, the Gauteng provincial government, Office of the Speaker, Gauteng Provincial Legislature, DPLG and the Department of Human Settlements, stating:

149 Letter from the SPCDF sent on 1 June 2009 to the Honourable Members of Parliament in Region G (copy with author).
150 Letter from the SPCDF sent on 5 July 2009 to ANC Luthuli House, Gauteng Provincial Government, City of Johannesburg Office of the Speaker, Gauteng Legislature and the DPLG and Department of Human Settlements (copy with author).
We elected you and are deeply disappointed that no development has taken place. It is disappointing and dangerous to members of the community to elect people based on promises and delays indefinitely, when people do not know what the problems are and no one is articulating them.\footnote{Ibid.}

In the letter (5 July 2009), the SPCDF expressed a number of concerns that highlight their mistrust and paranoia at the possibility of a repeat of the 1994 failure (see section 3.3.3 above for more on the Devland Extension 27 project), and the fact that nefarious groups were collecting money from people in neighbouring areas (e.g. Protea South and Eldorado Park) and promising them that the Slovo Park land belongs to them and they will get houses if they pay R5 000. This letter further expressed concern that “the Housing Department is only going to start with building 660 houses but others from Protea South have been promised and where will the 5 000 Slovo park residents go?” The letter questioned “the establishment of a township on top of the existing one” and stated that they are “proven correct by the fact that this Department wants the poor, desperate and oppressed people to kill each other over their right to shelter.” The SPCDF called for assistance from all the structures addressed to intervene soon as there are “more than 8 000 desperate people targeting 660 houses and paying for them in advance, which can only lead to disaster.”\footnote{Ibid.}

In September 2009, municipal ward by-elections were held for a number of wards in Gauteng, including Ward 18 (which Slovo Park falls under, together with Eldorado Park). The chairperson of the SPCDF, Mohau Melani, contested this election as an ANC candidate; however, the DA won the by-election and Councillor Kevin Patrick Wax became the new ward councillor, with 59.3 percent of the votes.\footnote{See results of the September 2009 municipal ward by-election at <http://www.elections.org.za/content/Pages/MBEReports/MBEReports_Selection.aspx?id=1428&name=Elections>}

On 13 November 2009, the SPCDF responded to an announcement that the planning team appointed by Arcus Gibb through Vusi Radebe had restarted the layout map of the area in order to accommodate a railway station. The SPCDF asserted that it had been a mistake to agree to a reduction in the number of houses from 950 to 660 as:

\begin{quote}
  clearly what we see today is the fact that the department is not ready to commence with anything that is developmental in the area however what we see is the fact that they want us to fight with our community and to bring confusion to the community using us as the tool.
\end{quote}

At a public meeting held on 24 November 2009 at Slovo Park, the SPCDF acknowledged that:

\begin{quote}
  we have negotiated with all levels of the state regarding development of the area and nothing is working for the community members.
\end{quote}

According to a letter of demand from the community sent to the Mayor and MMC for Housing in November 2009, the official departments visited and petitioned over the years have included the Presidency, Office of the Mayor, City of Johannesburg, MEC for Housing, MMC for Housing, MMC for Energy, DPLG, and the Office of the Speaker. The SPCDF also tried several political routes and engaged the following avenues to seek a political solution including: the Branch Executive Members of the Bill Jardine Branch; Zone 3 Executive
Members; Johannesburg Region of the ANC under the leadership of Mayor Amos Masondo; Gauteng Provincial Secretary of the ANC, David Makhura; national ANC General Secretary, Gwede Mantashe; as well as deployed Members of Parliament (MPs) and Members of the Provincial Legislature (MPLs). According to the letter (25 November 2009):

*We have moved from the National Department to the Provincial Department, from Province to City of Johannesburg Steering Committee, from Steering Committee to Councillor at the local level, with the hopes of getting electricity yet still today we do not have...* 

On 2 December 2009, the SPCDF sent a letter to President Jacob Zuma which highlighted its frustration with the empty promises and the lack of progress around development at the settlement, particularly from the province. The letter refers to the promises made at the 25 July 2003 meeting held at the settlement, which included: Slovo Park would not be relocated; 950 houses would be built at the area; and Slovo Park would be demarcated into Eldorado Park from Protea South and Lenasia. According to this letter, only the latter promise was fulfilled.

In the first week of December 2009, Slovo Park residents protested. According to the SPCDF, this occurred after residents got extremely angry after the MMC for Housing failed to attend a meeting about development at the settlement. According to Melani, the MMC for Housing had failed to attend this meeting at Slovo Park as he felt the situation was too volatile. On 7 December 2009, community members blockaded the N12 highway with burning tyres. Media reports from the time labelled the action as “an apparent service delivery protest”, stating that “the cause of the protests was not yet known” (see section 4.4.3 below for more on empty government promises and protest). According to Melani, on 8 December 2009 (the day after the protest), Ruby Mathang, the new MMC for Housing (who replaced Strike Ralegoma in 2009) attended a meeting at the Eldorado Park Civic Centre which was also attended by the local ANC Branch Chairperson, ward councillor Kevin Wax and SPCDF representatives. At this meeting, the MMC allegedly promised that development of the area would begin in March 2010.

On 17 May 2010, a letter of request for a meeting was sent to the Gauteng MEC for Local Government and Housing, Kgaogelo Lekgoro. In the letter, the SPCDF states that the meeting is necessary to “discuss the blockages around the development of the area, and hopefully break the deadlock on the project”. According to the letter, a meeting was held with the community leaders, the MEC for Housing and the MMC for Housing Ruby Mathang on 3 August 2009 at the MEC’s office, where it was agreed that a “political meeting as a solution” would be held. The SPCDF proposed this meeting to take place on 12 June 2010, however according to the SPCDF this meeting never happened.

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154 Letter of demand from the Slovo Park community sent to the Mayor and MMC for Housing on 25 November 2009 (copy with author).
155 Letter from the SPCDF addressed to President Jacob Zuma on 2 December 2009 (copy with author).
156 See note 145 above.
157 See “Burning tyres used to block roads”, IOL (7 December 2009) and “Drivers stoned near Lenasia”, IOL (8 December 2009).
158 Letter from the SPCDF addressed to MEC for Local Government and Housing Kgaogelo Lekgoro on 17 May 2010 (copy with author).
3.4 Recent Developments

According to an article uploaded on the Slum/Shack Dwellers International (SDI) South African Alliance\(^{159}\) website, in July 2010, the residents of Slovo Park “after 3 years of trying to engage Provincial Government about the provision of water, flush toilets and electricity realised that the State was not going to aid them.” One of the first things the community decided to do to ‘help itself’ was to compile a skills audit and gather all the plumbers in the community to assist with installing household water connections. The community organised themselves into street clusters and decided how they would pay for the main pipe and the fittings required to install household connections, as well as how they would reimburse the plumbers for their time. According to the SDI, of the 1 152 sites, approximately 1 050 have a connected standpipe to the mains on their site through this ‘self-help’ means.\(^{160}\)

At the same time as the community was engaging in ‘self-help’ to install household water connections, the SPCDF regained contact with the LRC around the issue of access to interim services at the settlement, as well as the broader issue of stalled development. Since the letter of October 2008, sent by the LRC to the City of Johannesburg’s Office of the Speaker (and the subsequent response from this Office), there had been no further legal avenues pursued by the SPCDF. On 31 August 2010, the LRC sent the GDH a letter requesting clarity on the proclamation of the area as a township. The letter states that the following information has come to the attention of the LRC (quotes are from the LRC’s letter):

- The City of Johannesburg “confirmed that Slovo Park is in the process of undergoing proclamation”;
- A provincial housing official informed the LRC on 17 May 2010 that the “Department had a file for Slovo Park in its possession but that the file was empty”. Furthermore, “the Department did not have an application for the proclamation of the settlement of Slovo Park/Nancefield”;
- An official from the township proclamation department confirmed on 24 August 2010 that “he was aware of Slovo Park/Nancefield settlement, but the township had not been proclaimed as yet” and all further correspondence should be directed to the Head of Department at the GDH.\(^{161}\)

The letter concludes with the following:

The community is deeply hurt and uncertain. They feel, rightly so, that they have been pushed from pillar to post over the years. Exacerbating their disappointment is the fact that around them, developments and township spring up and they watch their friends and colleagues from other communities settle into safe, hygienic and functioning environments.

A request for a meeting to discuss the development or relocation of Slovo Park was proposed and, on 30 September 2010, this meeting was held at the GDH offices, attended

\(^{159}\) The SDI South African Alliance is an alliance of community organisations and support NGOs affiliated to Shack / Slum Dwellers International (SDI). There are four primary partners in the alliance: Federation of the Urban Poor (FEDUP), ISN, Community Organisation Resource Centre (CORC) and the uTshani Fund.


\(^{161}\) Letter sent from the LRC to the Head of Department at the GDH, Mongezi Myani, on 31 August 2010 (copy with author).
by the LRC together with the Slovo Park community, GDH officials and representatives from the PRT Arcus Gibb.

At the meeting, Arcus Gibb outlined the current status of the Slovo Park project. The GDH acknowledged its involvement though the MEC and the City’s MMC in the past. A GDH official undertook to organise a second round of meetings with the City of Johannesburg to address the more immediate concerns of the community – access to water and sanitation, health and safety concerns, electricity etc. Regarding the housing development, a number of developments and clarifications were raised by the Arcus Gibb representative. According to minutes from the meeting, these included the following:

- When the GDH first made contact at Slovo Park there were 1 050 households, now there are close to 5 000 which means that relocation of some households is necessary;
- Geotechnical investigations revealed some dolomite in the area which means the original building plan cannot be accommodated. Further, studies done to determine flood lines revealed a 100 year flood line, which was not anticipated and will affect the size of the development;
- Another problem not anticipated was that the PRASA raised an objection and wanted the layout plan to reflect a railway line;
- The GDH evaluated the acquisition of neighbouring private land and determined that the area was too flat on the northern side, which would interfere with the drainage of sewerage. A further obstacle was the dumping as a result of the building of the N12;
- The township establishment application process highlighted the fact that a sewer link must be designed before the township application is properly considered. According to the department, it did not foresee these challenges, which only came to its attention during the course of 2009.162

As a result of the above information, the layout plan had to be amended and the size of the development reduced to 575 stands, with the school being relocated. The GDH stated that it would have to accommodate excess beneficiaries at the Eldorado Corridor development, which would comprise RDP housing along with flats and some bond houses i.e. it would be a mixed income development. The department stated that although funding had been requested from the MEC, it was concerned whether the project would continue, due to financial and other obstacles. If the development did continue, the department stated that only 575 stands would be accommodated at Slovo Park. The department further stated that as Slovo Park had not been proclaimed a township, the City is responsible to provide interim services and the department would engage with the City on this matter.

The SPCDF made it clear at the meeting that it did not accept the department’s explanation that it could not build on the adjacent land because of flood lines, dolomite and other phenomena. Further, it stated that the department should consider the 2005 Feasibility Report, which indicated that houses could be built on adjacent land, implying that everyone in the community could be accommodated in the development.

162 LRC “Minutes of the meeting held on 30 September 2010” (copy with author).
During September 2010, another project was underway at Slovo Park. Through its collaboration with ISN and the Community Organisation Resource Centre (CORC), the SPCDF and the Slovo Park community partnered with students from the University of Pretoria Architecture Department to design and upgrade the community hall, using skills of various community members (e.g. bricklaying, tiling, plumbing, welding etc) and donations from surrounding businesses. The community hall was officially opened on 20 November 2010, with representatives from Ekurhuleni and City of Johannesburg in attendance.

As of April 2011, the SPCDF is engaging with SERI around possible litigation to compel in situ upgrading that caters for all Slovo Park residents. The SPCDF is conducting an enumeration of the settlement to ascertain the number of households and household sizes to this end. According to community leaders, they are no longer interested in pushing development “behind closed doors” with politicians, as this has not got them anywhere in 16 years. Their turn to legal avenues is as much about “exposing government processes and empty promises” as it is about securing development for Slovo Park residents.

However, according to Vusi Radebe, current project manager at Arcus Gibb, it is unforeseen planning and design issues that are stalling development at Slovo Park, in particular, problems with the bulk sewerage connection (a responsibility of the City of Johannesburg). According to him, costly interventions are required to rectify this situation, which were not budgeted for initially, and are not provided for by the subsidy amounts. Therefore, “the GDH needs to find a mechanism to fund this”, and until these bulk infrastructure issues are sorted out, the township application is suspended. In terms of purchasing of land adjacent to the settlement to relocate excess households from Slovo Park, according to Radebe, it was discovered that there is a 100-year floodline on this land which makes it unsuitable for development. In terms of the Eldorado Park development, which is proposed as the preferred site to relocate excess households from Slovo Park, it appears that Eldorado Park residents are not willing to accommodate Slovo Park residents in their area. According to Radebe, “the Eldorado Park development is very much still in the pipeline.”

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163 CORC is an NGO that supports the social processes of community-based organisations that want to work for themselves, by facilitating engagements with formal actors like the state. CORC supports the SDI rituals of savings, enumeration, and community-led development strategies. See http://www.sasdialliance.org.za/corc/.

164 For more on this project and the partnership between the University of Pretoria Architecture Department and the Slovo Park community see http://slovo-park.blogspot.com/.

165 Telephone interview with Vusi Radebe, the current project manager at Arcus Gibb, conducted on 19 April 2011.

166 Ibid
3.5 Summary of Key Issues

The spider’s web that is the Slovo Park case study highlights the serious planning gaps and deficits in official processes and these, in turn, raise serious questions about the ability of even mobilised communities to bring about upgrading at informal settlements. The problems covered in this paper broadly relate to a lack of proper integrated development planning around informal settlement upgrading, and are summarised below.

3.5.1 Temporary, insecure situations become permanent

Communal street taps were installed at Slovo Park as a temporary measure in the mid 1990s. However, 10 years later, these remain at the settlement. In 2010, the community took matters into their own hands to improve their access to water, after realising that upgrading was not forthcoming, and this self-help done without assistance from the municipality. Regarding sanitation, there are currently over 5 000 households at the settlement, yet there are still only 1 050 VIP toilets. And in respect of electricity, early on in the formation of the settlement there were discussions around electricity installation, however these failed to translate into anything concrete for the community, for various reasons. While street lighting has been installed at the settlement, in-house electrification has never been provided. Residents rely on petrol and batteries for powering televisions etc, and are unable to use refrigerators to store food. Such alternative energy sources are more expensive than paying for electricity and there is also an ever-present risk of shack fires, which have in the past destroyed hundreds of shacks and killed a number of people at the settlement.

Another problem relates to the lack of security of tenure for those living at the settlement, and the inability of households to invest too heavily in services and structures, given the lack of information on the future of the settlement, as well as the government’s unwillingness to invest in improved services. The preoccupation of the SPCDF with the current existence of Nancefield 3 – as opposed to the need for the establishment of Nancefield 4 - is premised on the fact that township establishment is an extremely lengthy process that precludes upgrading of services at the settlement as it stands. While the provision of services is the responsibility of local government, the housing development process is being managed by the provincial government; however, “communities waiting for service delivery do not care which sphere of government deliver what...all that they are concerned about is seeing services delivered effectively in their areas.”

167 Mathoho M “Intergovernmental Relations and the Voices of the Marginalised” in Recognising Community Voice and Dissatisfaction: A Civil Society Perspective on Local Governance in South Africa, Good Governance Learning Network (2011) 42. For more on intergovernmental relations around informal settlement upgrading, particularly tensions between the roles of local government of provincial government, see pp. 48 -52 of the Good Governance Learning Network [GGLN] publication.
3.5.2 Lingering effects of alleged housing corruption undermine development

Allegations of corruption and misappropriation of funds in relation to the 1994 Devland Extension 27 housing project continue to plague the Slovo Park community, and have never been resolved (at least in the minds of community members and leaders). The allegations directly influence the manner in which the community engages with current attempts at development at the site, and there remains a collective view that “there are 950 subsidies meant for us which were allocated elsewhere.” This claim is often repeated in community letters and memoranda etc over the next 16 years, and has an effect on development in two ways. First, it makes the community suspicious and focused on past unfair action against them, as opposed to potential future development. This creates tensions between the community and those engaging with the formal processes, as the latter are accused of trying to conveniently forget about the past in order to cover it up, when in fact it is far more banal bureaucratic and technical problems that are preventing development from occurring. Second, it affects the formal development processes in that whatever new plans are proposed by government or consultants for the settlement, these are benchmarked against the promise of 950 houses made in 1994 to the community, regardless of whether or not these numbers are possible for the settlement after the EIA process and other technical studies have been conducted. More broadly, the Slovo Park case study reflects a rising groundswell in South Africa pointing to endemic problems with housing subsidy allocation processes and allocation of houses, and the need for these processes to be extremely rational and transparent.

3.5.3 Empty government promises and protest

Political interest in Slovo Park and its residents over the years is evident, and there have been numerous promises and undertakings made by the Premier, MEC, MMC etc around when development will begin at the settlement and how many houses will be constructed. Part of this arguably has to do with the rise of the DA in the area, after the party won the Eldorado Park ward in the 2006 municipal election and 2008 by-election. While promises can be put down to politicking before elections in some instances, in others these promises/undertakings have been made by government officials because of direct confrontation by the community after deadlines have been missed. The SPCDF has attempted to engage with high level politicians in government at the local, provincial and national level, as well as with various ANC structures around fast-tracking development at the settlement, and the negative effect of 15 years of “promises after promises”. These engagements have unfortunately not yielded many tangible results for the community. The SPCDF’s repeated use of ‘political scare tactics’, as a mechanism to push government into fast-track development at the settlement, is interesting. These ‘scare tactics’ are sometimes subtle - e.g. the SPCDF describing to the ANC Whip of Council the need for them to “mobilise [the] community behind the ruling class in preparation for the upcoming elections” (the threat being that if development does not occur at the settlement it will be difficult to get community to mobilise) – and sometimes overt e.g. in a letter to the MMC for Housing, the SPCDF wrote that “while the fast tracking of the development of our area is done behind closed doors, our
community members are feeling the pressure on the ground and have reported to you that they are not willing to go to the polls come 22 April 2009.”

The tensions between political promises made (and broken), and technical engagement around planning and environmental processes and the nature of development at the settlement, are evident. Given these tensions, the effectiveness of participation through formal channels, or through ‘informal’ political lobbying, to expedite development is unclear. The technocratic/political split means that communities must become more savvy at mediating the divides, including working gaps in their favour.

The apparent undertaking made by the MMC for Housing to the community leadership in 2008, that “fast tracking of development is happening behind closed doors”, is unhelpful when, in fact, the MMC has no power to fast-track the development given constraints yet to be identified through specialist studies (which the community is unable to interrogate because of lack of technical expertise). The outbursts of anger and frustration by Slovo Park community members in 2007 and 2009, which manifested in protest and blockading of the N12 highway, clearly highlight the link between broken political promises and protest as a last resort to draw attention to problems faced by communities.

In South Africa more generally, this is an endemic problem, evidenced through the hundreds of so-called service delivery protests that occur in informal settlements and townships each year.168 In the case of Slovo Park, it appears that in fact the obstacles to upgrading are more banal than anything else (e.g. a conspiracy dating back to 1994), brought about by poor integrated planning and inter-governmental relations, as well as unforeseen technical constraints on the land.

3.5.4 Lack of application of the in situ informal settlement upgrading programme

It appears that in situ upgrading of Slovo Park in terms of the UISP was not considered for Slovo Park (see section 2.1 above for more on the UISP). While the settlement is ranked in Category 1 (Informal Settlement Upgrading) of the City of Johannesburg’s categorisation of informal settlements, this has a very different meaning than that envisaged in national policy. What is evident is that a conventional housing development (project-linked) model was applied to Slovo Park, and the in situ upgrading programme was not sufficiently investigated. This problem is experienced throughout the country, where in situ upgrading in terms of the UISP has been extremely limited and has systemically not been applied by government departments. Rather, an orthodox approach to housing delivery has been pursued which

has not kept pace with informal settlement growth, and which has been with fraught with problems of corruption, shoddy construction, poor location etc.

Over the past 16 years, the Slovo Park community has modified its demands, coincidentally in line with the precepts of the UISP, requesting improved services and tenure as opposed to the immediate delivery of houses. This appears to have occurred out of a sense of frustration at the hold-up in development, as well as a sense of pragmatic realism about what could be provided by the state to improve their lives while they wait for formal houses. In 2009, the SPCDF demanded that electricity, water and sewerage be urgently provided to the settlement as part of Phase 1 and that “houses, whenever they arrive, will be a bonus for the community.” This desire is entirely consistent with the provisions and processes contained in the UISP, as well as with recent undertakings by the National Treasury and DHS in relation to the Outcome 8 target of upgrading 400 000 households in well located informal settlements with access to basic services and secure tenure by 2014. Going forward, it will be imperative that this type of phased approach to development is adopted as best practice by housing officials, and up-scaled to settlements throughout the country. As the Slovo Park community has come to realise over the years, this incremental approach is the only way the government will be able to improve the lives of millions of residents living in informal settlements.

3.5.5 Role of professional consultants

Since 2005, a number of consultants have been appointed in various capacities as part of the proposed Slovo Park development. In 2007, the GDH appointed Arcus Gibb PRT to undertake an investigation towards developing Slovo Park through the process of an *in situ* upgrade. During 2007, there were a number of changes in personnel engaging with the Slovo Park community from Arcus Gibb and, according to a dossier prepared by the SPCDF, it engaged with three different consultants from Arcus Gibb over a period of months, as well as with various people deployed from the provincial department and the City of Johannesburg. In July 2007, Nemai Consulting was appointed as the EAP. Specialist studies were then commissioned including a Geotechnical Investigation of the Soil in 2007 by Geostrategies, a Dolomite Stability Assessment in 2007 by Moore Spence Jones, and a Wetland Delineation Survey in 2008 by EnviRoss. The SPCDF identified the frequent changing of consultants - in their view, the people with whom they are “negotiating” - as a challenge. The SPCDF has not always understood or been able follow the myriad complicated planning and technical processes, particularly the delineated roles and responsibilities of different consultants who are commissioned to undertake specific tasks, and yet who are the ‘visible face and available ears’ when the community wants to articulate its frustrations (at the slow progress, for example). The disjuncture between, and ‘silo-nature’ of, the different processes is evident, as is the frustration felt by the community when the “historical background” of the area is not adequately addressed in reports and when consultants associate with certain local groups and not with others.

Further, the reliance on consultants in a context of complex technical policies and processes, non-integrated planning and overzealousness of politicians, is a recipe for failure. Particularly as consultants are often ill-equipped to adequately with the myriad problems that arise, as identified in this case study, and which no doubt exist in other informal settlements around
the country. The problem is compounded when there is a high turnover of consultants and/or government officials on one project, and poor communication with the community leadership around processes and time-frames.

3.5.6 Lack of alignment of layout plan with densification/expansion of the settlement

Since 1994, there have been numerous undertakings to provide houses at Slovo Park. Yet, as the number of households has increased at the settlement – currently more than 5 000 - the number of houses the government is prepared to build at the settlement has decreased. This has occurred as more technical studies have been conducted on the land, and various stakeholders consulted during the EIA process. The number of houses to be built at Slovo Park has gone from 950 in 1994, 1 050 in 2005, 821 in early 2007, 660 in late 2007, 640 in 2008, 629 in 2009 and, finally, 575 in 2010. This is obviously problematic. While the settlement has increased over the years, currently totalling over 5 000 households, the number of houses to be constructed at the site has been reduced to 575. Related to this is the negative impact on the buy-in and trust of the community going forward in terms of negotiations around relocation, allocation of houses etc.

The Slovo Park community – as more generally apparent among poor communities in South Africa - is prepared to be accommodating and reasonable to a point, however the situation as it has unfolded at Slovo Park is unreasonable and untenable. The community feels like it has been taken for a ride in “accepting” reduced the number of stands over the years. Hence, the turn to protest, political scare tactics and legal avenues for recourse.

3.5.7 Problems around land use planning and the EIA process

The Slovo Park case study highlights the need for proper feasibility studies to be conducted on informal settlements upfront, to assess whether in situ upgrading is possible and to ascertain as soon as possible what steps need to be taken by the community and government to expedite development. The Feasibility Report produced in 2005 for Slovo Park identified that over 5 000 households were occupying 1 050 stands and stressed the urgent need for development at the settlement. The study recommended inter alia that 1 050 stands of 300 m² be developed, and that vacant adjacent land be bought so that de-densification could occur. Unfortunately, the EIA and other specialist studies were only conducted a number of years later, and a number of issues were not addressed properly upfront, only coming to the attention of the project team in 2009. These include the more pronounced problem of dolomite, a 100-year floodline, an objection by PRASA that a railway line be included in the layout, problems with the drainage of sewerage and the need for a sewer link, dumping as a result of the building of the N12 highway etc. This brought the final number of stands to be developed at Slovo Park to 575, according to an Arcus Gibb representative at a meeting in 2010.

The Slovo Park community has found itself in the middle of two parallel yet separate processes – EIA and township establishment. Both these processes involve different sets of
consultants and government officials, different objectives and different procedures and stakeholders. Both processes are also potentially extremely lengthy. In 2005, the feasibility study conducted at Slovo Park recommended that 19 smallholdings adjacent to the settlement – owned by various individuals - should be bought, as about 4 000 households would need to be relocated in order to de-density the settlement. It further recommended that a township establishment process should be followed for 1 150 stands at the Slovo Park site, which would also require an EIA process. The study flagged the need for “detailed studies” to be undertaken to determine areas suitable for development. In 2009 it emerged that land surrounding the Slovo Park settlement is allegedly unsuitable for residential development, due to a 100-year floodline, hence the land was not purchased. It is unclear whether or not this is really the case, and whether there may be mitigating measures for the land, but which have financial implications that the government is unwilling or unable to carry.

The township establishment application was only made in December 2008, three years after the recommendation. Nemai, the EIA consultants, were appointed in July 2007 and the EIA Report was made public in June 2009, two years later. Throughout these processes, the community leadership has had to contend with the fact that “community members are saying that the government is redoing the old processes,” and they maintain that there exists Nancefield 3 and hence no need to establish a new township – Nancefield 4. According to the current project manager, the township establishment process is suspended until the bulk infrastructure issues are sorted out (see section 3.4 above).

From the Slovo Park case study, there seems to be a lack of understanding and clarity at community level around the roles and responsibilities, legislative imperatives, obstacles and time-frames implicit in these land use planning processes, particularly in relation to the establishment of a new township. Indeed, this is no fault of communities, as these processes as they exist are alienating and inaccessible, as well as being time-consuming and unstreamlined. There is an urgent need to rationalise these disparate processes, given the overwhelming scale of the problem: millions still lacking basic services and adequate housing in informal settlements throughout the country.

### 3.5.8 Issues with the ward committee system and demarcation

While the current local ward councillor has been involved in the development processes at Slovo Park, there is clearly tension between the community leadership and the councillor, who represents the Democratic Alliance (DA) and who they “did not vote for.” There is currently frustration around the demarcation of Slovo Park into Ward 18 together with Eldorado Park. Slovo Park is situated between Soweto and Eldorado Park, and according to the SPCDF, the demarcation of Slovo Park into a ward with Eldorado Park has been a challenge for them, despite the fact that they pushed for this demarcation in 2003. Prior to this they had been demarcated into Ward 10 with Protea South and Lenasia (under an ANC ward councillor) after the 2000 local government elections, however this was problematic as their PCO was “far from the people” and the “whole arrangement was very

169 There have been numerous appeals for the simplification and consolidation of these processes in the context of access to urban land for the poor, informal settlement upgrading and low-income housing development etc. At the forefront of this call is the LANDfirst network, who advocate for the fast-tracking of informal settlement upgrading and managed incremental settlement development. See <http://www.landfirst.org.za/>
disadvantageous.” Hence, they pushed to be demarcated in a ward with Eldorado Park, which has subsequently been won by DA ward councillors in the 2006 municipal election and 2008 by-election. According to the SPCDF, a new ward has recently been created which places Slovo Park in the same ward as Bushkoppies and Freedom Park, and no longer with Eldorado Park. The forum is pleased about this development, particularly as Slovo Park will be in the same ward as Devland Extension 27, and they will hence be able to raise issues with this housing development and prior corruption.

It is clear that spatial (e.g. demarcation of wards) and party political issues are intricately linked to each other, and to development processes at a community level, and that these can cause tensions that hinder progress if not managed correctly. This has been witnessed at national level, with contestation and protest over the demarcation of municipalities/towns into certain provinces eg. Matatiele, Balfour and Merafong. It appears that these tensions also exist in respect of ward demarcation at the local level, and the SPCDF believes that certain areas and communities – Slovo Park being one of these - are strategically identified and demarcated into wards accordingly to further political agendas.

### 3.5.9 Lack of information

The SPCDF has struggled to access information relating to the proposed development at Slovo Park, and this has had both a disempowering effect on community leaders, as well as instilling in the community distrust of government and government processes. In 2007, the community was told that the layout for the housing development would have to be changed due to the presence of dolomite, and that those affected would be relocated to a development in Eldorado Park, where basic services would be provided. In 2009, a meeting of various stakeholders was held and the project team stated that five portions of land in Eldorado Park had been identified to accommodate the overflow; however some would need to be purchased at market-related prices and there was as yet no budget for this. In 2010, the project team informed the community leadership that excess beneficiaries would be accommodated in the Eldorado Corridor development which would not only comprise RDP houses but also bond houses and flats. No further information has been provided to the community and, to date, the SPCDF has no idea the nature of the proposed Eldorado Park development. In reality, this development is “still early on in the pipe-line” and there appears to be tension with Eldorado Park residents over the proposed relocation of Slovo Park residents to the area, according to the Arcus Gibb project manager in a discussion with SERI in April 2011.

More broadly, the Slovo Park case study highlights the often top-down, untransparent and unconsultative character of government’s relationship with communities, and the alienating nature of official processes of participation. According to Hemson et al, there are three levels of participation in local government in South Africa: the first relates to formal electoral participation in the form of voting at national and municipal election; the second type of participation is via official structure or invited spaces eg. imbizos, ward committees and IDP forums; and the third type of participation is of a more informal nature characterised by

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170 See note 83 above.
171 See note 143 above
marches, memoranda and the setting up of community structures. The Slovo Park community has engaged in all these types of participation, with varying degrees of success. However, the latter form of participation has been the preferred mechanism, as the former have proved the least successful for the community. What is clear from the case study is that access to information and decision-making processes is a fundamental part of genuine and meaningful participation by community leaders and communities in development.

3.5.10 Community organisation and leadership

Strong and capacitated community leaders are integral to successful and sustainable development. Unfortunately, many of the official processes of participation and development are inaccessible and alienating to even capacitated community leaders. The daily pressures of dealing with community problems, the pressures to engage in development processes, as well as the pressures to “report back” to large informal settlement communities, are felt deeply by leaders. On numerous occasions the SPCDF has articulated these frustrations e.g. “one sees the importance of these issues as opposition is gaining support because of lack of services/interaction from our leaders” and “[we are] under immense pressure from the community so please supply us with progressive feedback ASAP.” Repeated calls by the leadership for information, community updates, engagement and participation are evident. So too, is the increasing frustration felt by the leadership in relation to their legitimacy and standing with their community in the face of continued “promises and delays”. This begs the question: if a mobilised, empowered and capacitated community such as Slovo Park struggles to navigate the never-ending frustrations of government plans, processes and unfilled promises, how much more impossible is this for less capacitated and political connected communities? While community participation is extremely important, and is thus formally built into every official process, currently it appears too alienating and onerous for communities.

Another problem identified by the leadership is around the pressures (e.g. pre-emptive selling of houses) created by the limited number of houses being promised and the vast number of households at the Slovo Park settlement, as well as in neighbouring areas. According to a 2009 letter addressed to various departments and structures, the SPCDF called for urgent intervention as “there are more than 8 000 desperate people targeting 660 houses and paying for them in advance, which can only lead to disaster.” In response to the revised layout map presented to the community in November 2009, the SPCDF asserted that the provincial department wanted them to fight with their community “and to bring confusion to the community using us [the SPCDF] as the tool.” This attitude, cultivated over a number of years by alienating processes, political promises and lack of information and genuine participation, is understandable, yet is not conducive to ongoing engagement and participation in upgrading processes.

The case study highlights the extremely high barriers to participation in development, even by an organised and mobilised group like the SPCDF. In fact, it has been the very government processes, plans and promises meant to facilitate development, that have

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alienated the community and led them to pursue legal avenues to gain the ground perceived to have been lost over the years.

Mohau Melani, SPCDF chairperson, watches a Slovo Park resident shave using a car battery
(By Michael Premo)
4. CONCLUSION AND RECOMMENDATIONS

The issues raised in the case study of Slovo Park are neither new, nor specific to this particular settlement. Throughout South Africa poor communities, often organised and proactive, struggle to access well-located urban land, decent services, security of tenure and the means to consolidate their informal housing into something better. A case study conducted in 2007 by the World Bank on the efforts of the Muldersdrift Home Trust Foundation (MHTF) over 15 years to establish the Ethembalethu Eco-Village, clearly shows the barriers that even persistent, organised and well-connected communities face when attempting to access well-located land. Some areas for policy and programme reform identified in the Ethembalethu case study include:

- overcoming reluctance and resistance by municipalities and prospective neighbours to low-income communities e.g. Not-in-My-Backyard (NIMBY) syndrome;
- making land use planning in municipalities explicitly pro-poor;
- restructing the land market;
- realigning the planning processes i.e. the EIA and township establishment processes;
- designing a land and housing programme targeted to peri-urban areas;
- freeing up and building capacity e.g. legal, NGO, private sector etc.¹⁷³

Other problems identified in the Slovo Park case study and elsewhere, point to the following imperatives: the need to reform the urban land system and improve integrated planning; the need to develop and implement pro-poor land strategies; the need to push for in situ informal settlement upgrading and incremental settlement; the need to pursue greater participation by communities and access to information; and the importance of promoting community-based development.¹⁷⁴

With the high-level political undertaking by the President and the Minister of Human Settlements to upgrade 400 000 households on well-located land by 2014, the myriad barriers to achieving scaled-up and sustainable development will need to be seriously addressed. A different paradigm - complete with different law, processes, timelines, priorities, attitudes and outcomes – will need to be developed to achieve the ambitious and imperative task at hand - to improve the socio-economic conditions of all who live in South Africa. Drawing on the Slovo Park case study, other secondary literature on the subject as well as other applied research conducted by SERI, the following recommendations are advanced:

1. There needs to be much greater focus on incremental development, particularly in situ upgrading in terms of the UISP i.e. where access to services and security of tenure are provided before the construction of houses;

2. There is an urgent need for well-located land to be unlocked to accommodate the urban poor in cities, particularly those households who will be relocated due to de-

¹⁷⁴ Urban LandMark (note 10 above) 22-27.
densification of informal settlements once upgraded (although this should be kept at a minimum and only occur as a last resort);

3. There needs to be an open and inclusive dialogue around the issue of dolomite in Gauteng, convened as a matter of urgency;

4. Corruption or allegations of corruption around allocation of subsidies and houses have adverse short- and long-term effects, and these processes should be made extremely open and transparent;

5. Proper feasibility studies of informal settlements and the land on which they are situated should be undertaken as soon as possible, with the assistance of communities e.g. in enumeration of households;

6. Greater emphasis on proper integrated planning that ensures all government departments are streamlined to ensure upgrading happens timeously and at scale, needs to occur as a matter of priority;

7. Rationalisation and simplification of the land planning and regulation processes are critical – particularly around township establishment and EIA processes – and they should be made explicitly pro-poor and catered to the upgrading of informal settlements;

8. The (now termed) Spatial Planning and Land Use Management Bill (SPLUMB) is an important piece of proposed legislation and there should be a high-level consultation process involving a wide range of stakeholders, including CSOs and social movements;

9. Roles and responsibilities around land use planning and regulation, integrated development planning, housing development, provision of services etc need to be defined, rationalised and communicated to community leaders and social movements;

10. Continuity in the government officials and professionals who work with communities is important, particularly in relation to housing development;

11. The energy and expertise of community members and leaders needs to be harnessed in development processes, particularly as they wait for government interventions – in reality there is very little of the apathy blamed on communities, and sustainable partnerships need to be formed in order to expedite development and ensure the improvement of living conditions for the poor during interim waiting periods;

12. There should be limited reliance on consultants, and clear articulation of their mandates to communities when their involvement in development processes is necessitated;

13. There needs to be greater emphasis on training and education for community leadership around development processes and time-frames;
14. There needs to be greater buy-in and involvement of professionals on a pro bono basis in relation to informal settlement upgrading i.e. planners, architects, engineers, EAPs etc;

15. Unfounded promises made by politicians before elections should be kept to an absolute minimum, as they are not conducive to development processes when not backed up by real action - continued empty political promises will be met with protest or litigation, as in the case of Slovo Park;

16. Access to information for community leaders is critical, however information needs to be consolidated and packaged in a way that is accessible to community leaders and communities;

17. Plans that are not inclusive and do not accommodate all those living in settlements, are not rational and should be reformulated – when too few opportunities are afforded to communities, corruption and graft around allocation of housing occurs, which results in distrust of government and violence.
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Collecting water from a communal tap in Slovo Park informal settlement (By Michael Premo)
ANNEXURE 1