



POSITIONING A LANDFIRST PROGRAMME: ARE OPPORTUNITY SPACES EMERGING ?

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MARCH 2010

1.INTRODUCTION

This paper focuses on the strategic positioning of “LANDfirst” approaches to human settlements in the current politico-economic and “development” environment in South Africa. Afesis-corporation define a LANDfirst programme as follows :

“LANDfirst is a pro-poor approach to land access that emphasises incremental settlement development.

LANDfirst involves both:

- Informal settlement upgrading (ISU): Where people are given permission to stay where they are and basic development products are provided as a first step to upgrading and improvement.
- Managed Land Settlement (MLS): Where basic development products (explained in more detail below) are provided to a green field portion of land and households are allowed to settle on this land as a first step towards future upgrading and improvement.”

The focus of the paper will be on the MLS component (in accordance with the brief) but substantial reference will be made to the ISU component primarily because positioning the MLS component needs, in the view of the author, to be linked to a major ISU drive. The brief received from Afesis-corporation is as follows:

1. Read draft research findings and other relevant documentation prior to the workshop
2. Attend our workshop on 10 March 2010 on MLS to be held in Johannesburg (Sunnyside park hotel, Princess of Wales Street, Parktown)
3. Produce a short report within the week after the workshop that *:
 - extracts further lessons and possible recommendations from the 5 case studies and from your experiences
 - identifies similarities and differences between MLS and previous programmes like the Independent Development Trust, Upgrading Informal Settlement and other government programmes
 - begins to position MLS within present debates around sustainable human settlement development; and
 - makes specific recommendations as to how different role-players could support MLS or something similar.
4. Participate in telephone and electronic discussions with the research team to help us develop recommendations for what needs to happen into the future.

The paper is structured around item 3 of the brief. Thus the section that follows this introduction (Section 2) deals with the first two bullet points under item 3, i.e. the identification of further lessons arising from the 5 case studies and the identification and description of other similar initiatives not addressed in the case studies. Section 3 discusses the strategic positioning of MLS and spells out specific recommendations on the way forward.

2. OBSERVATIONS ON THE CASE STUDIES

The case studies are rich and provide a myriad of lessons most of which have been noted by the case study authors. My focus here is on what I will refer to as “high order” lessons. What I have tried to do is step back and assess what the findings of the case studies mean when considered in the current politico-economic environment. The following observations are offered;

- It is important to note that Landfirst type approaches have been implemented programmatically and relatively successfully and at some scale in South Africa in the post-apartheid era. It is not as though the approach has a history of failure. In this regard the Mayibuye programme is particularly important because of the scale (I would have liked to have seen some more detail on scale in the case study) of the of the programme and its implementation in South Africa’s economic heartland where urbanization and natural growth pressures have been high. Whilst the programme has not been sustained over time key aspects of the approach are still being used in major Metropolitan Municipalities such as Ekurhuleni. Moreover the Mayibuye programme is important because it was not a “fringe” activity. It was a major programme. So too was the IDT site and services programme in the early 1990’s which was not one of the case studies. This programme ,which was centrally-driven, delivered 100 000 serviced sites and associated consolidation inputs in a very short time frame. Whilst the programme had many shortcomings it was nonetheless very successful in achieving rate and scale in delivery.
- In most of the case studies the focus of the Landfirst-type initiatives was on “**speed**” in terms of getting people onto land in response either to a perception of huge urbanization and delivery pressures (Mayibuye) or in response to particular emergencies (Bardale). In the 1990’s the emphasis was on rapid delivery at scale. Thus the emphasis in Landfirst-type initiatives was on streamlining development approval and township establishment procedures (or using existing short-cut processes aggressively) as well as modifying the application procedures of subsidy instruments (usually changing the sequencing).
- The focus on speed in “procedure” referred to above is evident in the emphasis that the case study author’s give to the arrival of EIA’s in explaining the reasons why the Landfirst-type initiatives have not been sustained. In essence the argument is that EIA’s have eroded the procedural speed of the Landfirst approaches and have made the latter irrelevant.
- I am not all sure that procedural speed is the key issue any more except perhaps in emergency situations. It seems to me that the case for Landfirst projects in the future will have much more to do with the lack of funds (due to a fiscal crisis that is deepening). Moreover procedural speed at the cost of other desired outcomes in society is increasingly being questioned. City planners are increasingly pointing out the problems which have resulted from “fast-track” decision-making. The former Head of Development Planning in the City of Johannesburg, Phillip Harrison, has raised concerns

about the poor locations of some of the Mayibuye (and other fast-tracked projects) in relation to the location of CoJ's infrastructure web. Moreover he has pointed out the problems that municipalities are left to cope with of "uncompleted incremental processes". He is not opposed to incremental processes per se but warns against "short cut" approval and establishment procedures.

- If procedural speed is a lesser issue now, it follows that less emphasis in future needs to be placed on the apparent procedural blockages to settlement and more emphasis should be placed on "getting ahead of the game" by assembling land and dealing with establishment procedures well ahead of settlement demand. It is interesting that most of the case study examples did involve relatively formal planning and establishment approval anyway. Accepting that "quality" of planning and establishment procedures is important does not however necessarily translate into imposing individual freehold tenure across the board.
- I would argue that the major reason why Landfirst type initiatives have not been sustained has more to do with the perceived political exposure associated with government producing products which are seen as "slums" particularly if such criticism emanates from the recipients of the programmes themselves. A number of recent "service delivery" protests have occurred in locations which have historically been managed land settlement sites (e.g. Orange Farm) and where residents are now attacking government for the kind of environments they have created. Government is very vulnerable to attacks of this kind—and unless Landfirst approaches become a "popular" demand it unlikely that politicians will buy into at scale. Officials in Ethekewini's Metro Housing department, for example, developed a sophisticated rapid land release programme in the mid 1990's (and found the funds for it), but were never allowed by politicians to implement it for the reasons articulated above. What this suggests is that greater attention needs to be given to the "demand side" of Landfirst processes. All of the case studies are essentially supply side responses to perceived pressures. The supply side nature of the Mayibuye programme is revealed in the comments by the authors of the Mayibuye case study that one of the reasons for the demise of the programme was the departure of certain key officials. If the approach had a "social movement" base, it would not be as vulnerable to the departure (or not) of key officials.
- Arguments made by Landfirst proponents (such as housing officials in Ethekewini in the mid 1990's) that failure to pursue Landfirst strategies would result in blossoming informal settlements have not been supported by what has happened over time. Land invasions and informal settlement creation in most municipalities has actually decreased over time (although the safety valve provided by traditional land in some cities may have mitigated these impacts). The truth is that municipalities have "controlled" informal land settlement via effective "squatter control" processes. Urbanisation and natural growth pressures have been absorbed largely via backyard shacking in townships and crowded living in inner city areas. The delivery of 2.7 million new RDP houses has also increased absorption capacity via backyard shacking. Whilst circumstances will vary from one locale to another (Rustenburg for example presents very different challenges to those experienced in Nelson Mandela), it is not clear to me

that the kind of circumstances which made Mayibuye possible in the 1990's are present today. In the early 1990's political instability associated with the transition made successful land invasions possible. This in turn created the environment in which it was possible to argue for Landfirst approaches. The current in-fighting and fracturing within the ANC, along with increasingly militant service delivery boycotts, may create conditions under which land invasions will occur again but at present this seems unlikely.

- It is also important to note that whereas rate and scale in delivery was the emphasis of the national housing programme in the 1990's, since 2004 the emphasis has shifted to a focus on sustainable human settlement creation. Such a shift does not necessarily support the Landfirst approach particularly given the SHS aversion to urban sprawl. It is doubtful that a Mayibuye programme would have been implemented if it was introduced into the contemporary environment. To what extent the new Human Settlements Minister is committed to a sustainable human settlements focus is unclear as he has given little indication of future direction.
- The relative success of the Cape Metro's Accelerated Managed Land Settlement Programme is instructive. Putting in place similar a bridging finance facility at National or Provincial in order to help municipalities implement Landfirst type initiatives may well be a very practical way to give financial impetus to a Landfirst initiative. I will return to this later.

3. SPECIFIC RECOMMENDATIONS ON POSITIONING A LANDFIRST PROGRAMME

Whilst it is apparent from the case studies and other initiatives Landfirst programmes of the MLS kind are not new in South Africa. However the consideration of the case studies in relation to contemporary politico economic and development dynamics suggests that it would be unwise in the current conjuncture to "lead" with MLS type initiatives. Political support is unlikely to be forthcoming. However I am certainly of the view that a major new "governance and incremental upgrading initiative" is not only on the cards but also sorely needed. The contextual dynamics favouring this have to do with the increasing frequency and the increasingly violent nature of service delivery protests. Many of these service delivery boycotts are (unsurprisingly) emanating from existing informal settlements. Most of our existing informal settlements are 20 years old (or older) and there is often a big gap between the emergence of informal settlements and their actual formal upgrading via the national housing programme. Typically informal settlements are "stabilized" (controlled) by municipalities, provided with emergency services and the largely ignored.

I am of the view, especially given the current unhappiness on the ground and the local government elections in 2011, that the timing is excellent for the introduction of a major programme which I have referred to elsewhere as "Operation Inclusion" (OI). I am also of the view that new MLS initiatives could be attached to the OI programme.

What I have in mind is the introduction of a “semi-intensive” care programme for informal settlements ahead of full-fledged and subsidy-driven physical upgrading. The idea is to shift the emphasis away from physical intervention (as the fix-all) to an emphasis on inclusion via participative governance, improved tenure security and improved service delivery (across the full range of services). The initiative should have national recognition and should be formally designated as a national programme. Such a programme should provide funding support for municipalities who in most instances would be the implementing agencies of the programme.

Whilst the design of such a programme is beyond the scope of this paper, it is envisaged that “Operation Inclusion (OI)” would be comprised of the following major elements:

- A commitment to rolling out OI interventions in all informal settlements in the country within one year. Within a year engagement with every settlement ought to have happened and delivery on commitments needs to have begun
- A focus on engagement with local communities and the formation of governance partnerships which would have to be tailored to local circumstances. Such partnerships should as a general rule fully recognize and incorporate already existing local initiative and survival strategies (unless existing social relations are clearly pernicious and socially regressive).
- An explicit separation of the programme from formal housing delivery. It follows therefore that the programme should not be led by housing departments in local authorities but rather by urban management or urban planning (or by the municipal managers office).
- The participative identification of a few key issues that need immediate resolution in each informal settlement and the design of measures to deliver on these (which should also include community contributions).
- The participative formulation of development vision for the settlements
- The participative formulation of shorter term urban management strategies across the full range of municipal responsibilities. Such strategies should include community contributions.
- The incorporation of incremental approaches to tenure security as articulated in the Technical Proposal.
- The incorporation of partnership based approaches to managing ongoing territorial social relation (particularly in respect of tenure and land use).
- A focus by all line function departments in both municipalities and Provinces on service delivery interventions that can be introduced (or improved).
- A particular focus on key economic and social service provision within a “pro-poor” framework. Local economic development programmes should be developed and implemented in every settlement.

- A requirement that every settlement ought to have an OI strategy and implementation plan.
- Provision for **MLS initiatives in those informal settlements where de-densification is necessary** or where a case can be made such initiatives (as part of the OI initiative).
- The establishment of a bridging finance facility at national or provincial levels to assist local authorities in financing the OI programme. The precise design of the financial support mechanisms for the programme is however beyond the scope of this paper.

Discussions with municipal officials and inputs received from workshops, suggest that incremental approaches to tenure/housing and MLS type initiatives have a much better chance of materializing if incorporated into a broader OI initiative. I will return to specific recommendations in this respect later in the paper.

Before making detailed recommendations I would like to first focus on the issue raised in the previous section in respect of moving in the direction of more “demand-driven” MLS initiatives. It will be recalled that substantial emphasis was , in the previous section, given to the non-sustainability and political unpopularity of supply-driven MLS interventions. It was also noted that unless MLS approaches had support from the ground, politicians were unlikely to back them. This of course raises the question of precisely how such support from the grass-roots is to be achieved. Two directions are proposed in this regard . The first has to do with bringing both the OI initiative and MLS approaches into mainstream political discourses. At present Landfirst type approaches do enjoy support from social movements in SA (such as SA’s Slum Dweller’s International affiliates) but that these social movements are relatively peripheral politically and even in informal settlements. It is important therefore to take the discourse to the political mainstream and this implies making it part of ANC Branch and Region discourses (particularly ahead of the 2011 elections).

The second direction in which it may be possible to develop grass-roots support, is to develop initiatives which involve identifying and developing a community of future beneficiaries upfront . Usually some kind of effort (e.g. savings or constituting a housing club etc.) should be required from beneficiaries in order to become part of the beneficiary community. Beneficiaries then work out in advance the rules under which they want their new settlement to develop and then agitate for this to be allowed by governance. This would include rules about the kinds of structures that will be allowed, the time frames within which structures must be upgraded, land use, servicing etc. What such an approach does is that it shifts the axis of the debate away from an often acrimonious critique of what government has delivered, to community demands for projects (MLS or otherwise) to be developed in a particular way. There are examples of initiatives of this kind in South Africa (e.g. Cato Manor’s housing clubs and

Homeless People's Federation's Newland's East project). Projects of this kind may have real potential given the fiscal crisis and a likely recognition by communities that this may be the only way in which they will be able to access housing opportunities.

The more specific recommendations for action are directed at the Landfirst network of civil society organizations who actively advocate for Landfirst initiatives. The analysis presented above suggests that in the current context the Landfirst programme should be advanced on a number of fronts simultaneously. To begin with there is work that needs to be conducted on the home front, i.e, work on the Landfirst approach by the Landfirst network itself. It will be necessary to make some changes to the conception of Landfirst's MLS component. More specifically the approach needs to be re-conceptualized with a much stronger emphasis on the demand side. Further research on demand-driven approaches by beneficiary communities of interest both in South Africa is warranted but this should not delay the relatively rapid amendment of the basic approach within the network itself. Moreover work is needed in packaging the MLS component of Landfirst as a component of the OI approach described above. This should be done with key strategic allies and the City of Johannesburg is suggested as a key partner here.

CoJ's Development Planning Department has been developing a "regularization approach" which incorporates many of the elements of a Landfirst programme. Having CoJ as part of a strategic alliance will make discussions with government at all levels much easier. Moreover there are opportunities to innovate and deepen our understanding via the CoJ initiative. For example the City of Johannesburg's "scheme amendment" approach as a mechanism for legally recognizing existing informal settlements is both creative and practical. Whether or not the same approach could be used to proactively recognize and "zone" land for incremental settlement is a channel worth pursuing insofar as it pre-empts the need to get into complex rezoning processes. Staff consulted at CoJ are of the view that this may be stretching the bounds of what can be achieved by amendment, but suggest that it is worth looking into further. In any event it seems that the Landfirst network could help develop nascent approaches in municipalities in a way which could have impacts beyond the bounds of the particular municipality.

The second key front on which the Landfirst approach should be pursued is the "community front". As previously noted support from the ground for MLS approaches is weak and emanates largely from social movements which are peripheral (but which in time will become more important). Whilst relationships with supporting social movements must be continued it is important to make inroads into mainstream politics and processes at the grassroots levels. In this regard working with COSATU, ANC branch committees and civic organizations is in my view very important. COSATU should probably be approached at a national level with a view to

discussing with leadership the best way to get the message down to the grassroots (including working with ANC branch committees). As far as ANC branch committees are concerned It is proposed that the network should target 3 or 4 municipalities and test the dynamics of working at this level. Future strategy would then be dictated by what is learned in these pilot initiatives. Obviously it will be important to take the reconceptualised version of Landfirst MLS into the process (the model which emphasizes working with a beneficiary community of interest up-front).

The third front is government. Given my view that the moment is right for a national OI programme, it follows that national government should be the main target, but other spheres need to be addressed as well. Dealing with national government first it is proposed that the engagement be multi-prong in character. The OI programme described above needs support across many line functions but engaging with several points within national government also has the advantage of not putting all one's eggs in one basket. It is suggested that a start be made with officials and advisors in the Presidency (and most particularly Khetso Gordhan and Hassen Mohammed). Engagements with other key players in government will be much easier if Presidency support is forthcoming. Treasury has also recently been showing interest in alternative ways of thinking about the housing issue. They also Chair a Committee of City Treasurers and City Engineers of the major metropolitan municipalities. A consultant to Treasury and an ex Afesis-corporation employee, David Savage, has indicated in telephonic discussion that Treasury is ready for an engagement. Moreover he points out that the Committee referred to above may be a good way to engage with key decision-makers in metropolitan municipalities.

The third and perhaps most obvious line function department to engage at national level is the Department of Human Settlements. Here it is proposed that an effort be made to liaise directly with the new Minister and attempt to influence his thinking. As far as officials are concerned it is suggested that the National Upgrading Support Programme (NUSP) be targeted. The programme is supported by a team of external experts funded by the World Bank and which lends substantial strength to the Department. ULM is already in a strategic alliance with NUSP and it is suggested that Landfirst do the same. Finally it will also be useful to target the Department of Cooperative Governance and Traditional Affairs (COGTA).

It is worth noting that the Presidency is currently spearheading a process which aims to finally deal with a new Land Use Management Act for the country. There is an opportunity to get Landfirst principles and procedures incorporated into the Act and this opportunity should be taken. ULM is strategically very well placed to help achieve this outcome given the assistance it is providing the Presidency. This process is also especially important because it seems that there is a significant initiative to incorporate the provisions of the National Environmental

Management Act (NEMA) into the new planning act so as to streamline and align development approval and establishment processes. Given the importance accorded to NEMA as a major determinant of the demise of Landfirst initiatives in South Africa (in the case studies), it follows that Presidency process is an important opportunity.

Whilst a national government focus is warranted, it is proposed also that Landfirst liaise systematically with the Human Settlements departments in each of the Provinces and with the Metropolitan municipalities. Thus even if liaison at national level does not yield much, it is possible that an OI programme with a strong Landfirst component could be launched by provinces.

It is worth noting that some Provinces, most notably KZN and the Western Cape, have begun to talk about implementing an incremental approach to housing delivery because of a concern about subsidy funds drying up. What is being proposed, it seems, is not dissimilar from a Landfirst approach and it may be opportune to liaise closely with these provinces and advise on a way forward.

But perhaps more importantly, informants within the National Department of Human Settlements indicate that significant work is being done within the Policy Directorate on developing an incremental Landfirst type approach. The motivation they argue is not the fiscal crisis but rather a desire, in the light of increasing militance on the ground, to reach more people as quickly as possible. The model they are touting involves land and basic service provision up-front as well as a basic form of tenure recognition. Full-fledged township establishment and topstructure construction would follow later. Apparently the model has been discussed with the new Human Settlements Minister and he is apparently broadly in favour of it but wants further discussion on some of the “political contradictions” of the approach. The main concern is that whilst an incremental (or “width-orientated”) approach brings political advantages of wider reach it also brings potential political criticisms of the product produced. The key to addressing this contradiction as previously noted, would be a greater focus in policy and implementation on the demand-side. It should also be noted that the Department has articulated a new set of delivery targets which will be tightly monitored by the Presidency (a special M&E unit has been established in the Presidency) and the target does not necessarily require the delivery of formal houses.

Informants from the National Department of Human Settlements are of the view that emphasis at the moment ought to be placed on getting the incremental approach accepted politically rather than focusing on the “detail” of any programme. They do however think that an incremental/Landfirst approach could be implemented via existing subsidy programmes, but think that it is likely that a special incremental housing delivery subsidy programme will be devised if the green light is given to the ideas that are currently on the table.

In sum then it is proposed that :

- The Landfirst network should work with CoJ in drawing up the more detailed content of a broad semi-intensive care (OI) programme for informal settlements (ahead of housing subsidy driven physical upgrading) and lobby support for it across a range of stakeholders. The MLS component of the OI programme should be premised on a demand-driven approach.
- The Landfirst network should liaise with the COSATU national office, and also with ANC branches and civic organizations with a view to getting ground level support for an OI programme.
- The Landfirst network (including ULM) should jointly seek separate audiences with the Presidency , Treasury, the Department of Human Settlements, and the Department of Cooperative Governance and Traditional Affairs. The Landfirst network and COJ should seek to persuade these players to design and implement a National OI initiative with a MLS component and offer support in the execution of such an initiative. To the extent that the National Minister of Human settlements and some Provinces are entertaining such an approach, lobbying by the Landfirst network may help reinforce the positive inclinations that are emerging.
- Landfirst (including ULM) and COJ should collaborate to raise the profile of the current work being undertaken on Landfirst related issues. Such elevation should include the use of newspapers, TV and radio to popularize what is being done.
- Landfirst should build a strategic alliance with NUSP especially if an incremental approach is to be taken forward by the NDHS.
- Landfirst, ULM and NUSP should jointly advocate that any broader “National Informal Settlements Operation Inclusion” should be driven by NUSP with support from ULM and the Landfirst network.