

# Informal Settlements and SPLUMA: what prospects for upgrading?

Urban Land Justice Colloquium

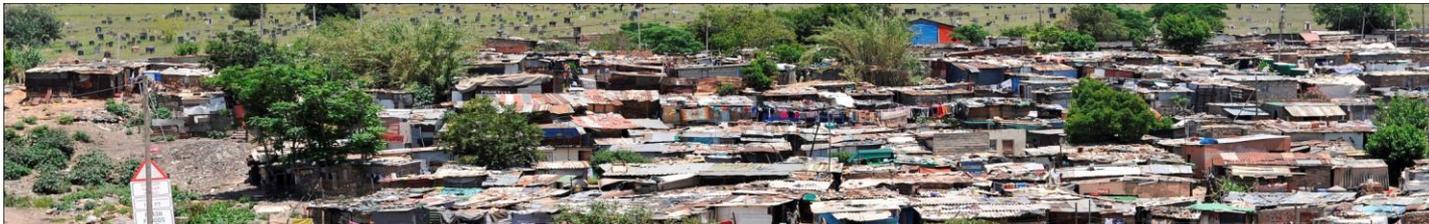
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13<sup>th</sup> October and 22<sup>nd</sup> October 2015

District 6 Homecoming Centre, Cape Town

SERI Conference Room, Johannesburg

Lauren Royston



**SERI**

socio-economic rights institute  
of south africa

# Outline

1. What SPLUMA says about informal settlements
2. What this could mean for upgrading
3. Examples of how this could work
4. What next? Agenda for action.



# SPLUMA informal settlement provisions

- Legal definition: “**incremental upgrading of informal areas**” means the progressive introduction of administration, management, engineering services and land tenure rights to an area that is established outside existing planning legislation and may include any settlement or area under traditional tenure.



# SPLUMA informal settlement provisions

- Principles: Provincial laws must include provisions that will promote incremental upgrading and tenure “... development procedures must include provisions that accommodate **access to secure tenure and the incremental upgrading of informal areas**”



# SPLUMA informal settlement provisions

- Municipal spatial plans: “Include previously disadvantaged areas.....**informal settlements, slums**...and address their **inclusion and integration** into the spatial, economic, social and environmental objectives of the relevant sphere”



# SPLUMA informal settlement provisions

- Land use management schemes: must “include provisions that permit the **incremental introduction of land use management and regulation** in areas under traditional leadership, rural areas, **informal settlements, slums** and areas not previously subject to a land use scheme”



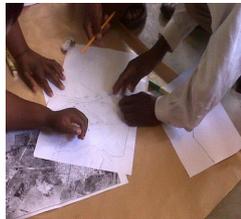
# SPLUMA informal settlement provisions

- Land use management schemes: must include “**appropriate categories of land use zoning and regulation** for the entire municipal area including areas not previously subject to a land use scheme”; may include provisions for “specific requirements regarding any **special zones** identified to address the development priorities of the municipality”



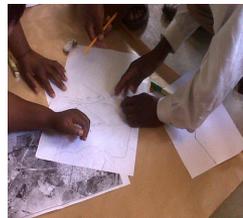
# What could this mean for upgrading?

- Legal recognition
  - When a legal planning instrument is used (such as zoning a settlement using the land use management scheme).
  - Grants legal status to an area.



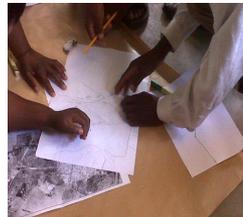
# What could this mean for upgrading?

- Legal recognition
  - Extending land use regulation over an informal settlement is a way to legalise the land use 'informal settlement'
  - Not township establishment but legal declaration allowing for public investment in services and improved tenure security



# Examples of how this could work – special zones

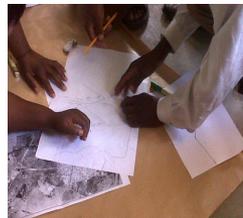
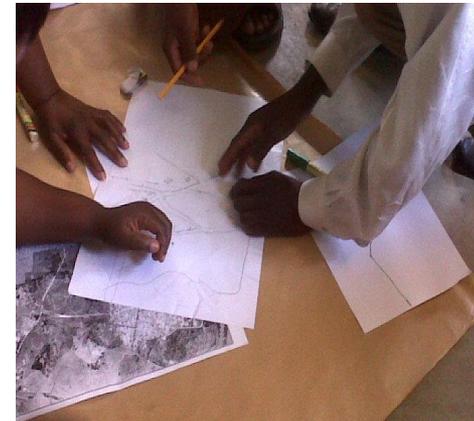
- Brazil ZEIS –Special Zones of Social Interest: flexible standards for zoning, building and tenure until it is fully part of the City
- City of Johannesburg - transitional residential settlement areas
- City of Cape Town – SR2 zone



# Examples of how this could work – special zones

Declaring the settlement area as a special area and attaching rules that will apply – City of Johannesburg

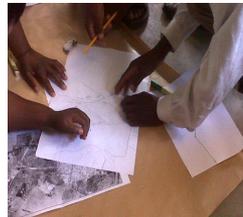
- TRSA designation
- Basic layout plan (aerial photo), roads, blocks.
- Land use conditions – building lines, density, livelihood activities.
- Building controls.
- Record of occupants.
- Certificate of occupation.
- Can later be more formalised.



# Examples of how this could work – special zones

## Zoning the informal settlement as a “single residential zone” – City of Cape Town

- SR2 Zone
- Applies over whole settlement.
- Can apply to individual plots after upgrading.
- Sets out land use conditions density, building lines, land uses.
- May include certificates of occupation.



# What next?

1. Provincial laws – do they include provisions that accommodate **access to secure tenure and the incremental upgrading of informal areas?**
2. Municipal spatial plans – do they include **informal settlements and** address their **inclusion and integration** into the spatial, economic, social and environmental objectives of the relevant sphere
3. Land use management schemes – do they include provisions for the **incremental introduction of land use management and regulation in informal settlements?**
4. Land use management schemes – do they include **appropriate categories of zoning and special zones?**



# What next?

- More practically:
  - A. Comment on municipal **By Laws**
  - B. Advocate for the development of **Guidelines**
  - C. Research on **how land use is currently managed** in informal settlements



# What next?

- **What are the existing local norms and rules?**
  - Do you need permission to build your dwelling? To extend it?
  - To develop a business on your site? Does it matter what kind of business?
  - If so, who provides it?
  - What happens if there is a dispute?
  - Do you have evidence of this permission?
- **How does this work for people?**
  - Recourse to external authority for disputes?
  - Local elites and gatekeepers?
  - Vulnerable households?

