

NHLANHLA NDLOVU

# Improving Access to the Socio-Economic Right of Housing in Gauteng

HOUSING SOCIAL AUDIT - June 2019

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Social Dialogue Pilot Project

Project made possible with funding from the

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## **BACKGROUND**

This document is the outcome of the project: Improving Access to the Socio-Economic Right of Housing, which is a joint project of Studies in Poverty and Inequality Institute (SPII) and the Open Society Foundation. The project has twin objectives: to pilot the use of desktop research, community based social audits and expert-level social dialogues to produce new methodology to improve people's access to their socio-economic rights in South Africa and other countries.

Section 26(1) and (2) of the Constitution of South Africa provides that 'Everyone has the right of access to adequate housing. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right'. The project examines the progressive realisation of the right to housing in the Province of Gauteng. The intention is to use the existing research results and findings of studies on the right to housing that have been conducted by the SPII over years. These studies have provided desktop policy and budget analysis as well as statistical information regarding the enjoyment of the right to housing in painting the picture of the situation and establishing the reasons behind the status quo.

The policy analysis stretches back to 1994 and the budget analysis begins in the 2008/09 financial year. The findings indicate that there has been both a reduction in budget allocations for the Department of Human Settlement and for its housing programme as well as persistent under expenditure of the allocated budgets. The effect of reduced allocations and under expenditure of the allocated budget has been the slow pace in the progressive realisation of the right to housing.

The Studies in Poverty and Inequality Institute (SPII) has recognised that the collection of scientific data on the realisation of the right to housing is not enough to effect change. There are additional interventions that must necessarily be undertaken if the situation is to

be improved and the progressive realisation of the right to housing is to be better achieved. The project intends to involve various housing stakeholders in furthering the understanding of the situation regarding the right to housing. The engagements are discussed in detail below. They include: sharing the outcome of the studies conducted by SPII; collecting further qualitative data from the communities and persons who are intended beneficiaries of access to social housing to understand their successes, shortcomings and community-developed solutions; and engaging in dialogue with housing stakeholders from government officials to builders, planners and housing innovators.

The project will conclude with identifying three scenarios of proposed options that should be looked at by the housing stakeholders in an effort to address the right to housing. Of equal importance is the fact that the project will also involve reporting on lessons learnt from the methodology of combining social audits and dialoguing towards finding solutions to service delivery challenges. If proven, this methodology can be used as a model for replication in other areas and spheres of policy development and evaluation of access to the enjoyment of socio-economic rights.

## **PURPOSE OF PROJECT**

Real and lasting social change is seldom achieved by a single organisation working in isolation. Therefore, the more organisations with shared interests in certain social outcomes that can align their work and collaborate, the more effective and sustainable their efforts are likely to be. Social change organisations, whether they see it or not, work within an activity ecosystem in which different actors influence each other and the achievement of outcomes. The principle applied purpose of this project is to build relationships among the various stakeholders in order to enhance their collective contributions towards the realisation of the right to housing in Gauteng.

## **SCOPE**

1. To conduct desktop research of the literature and write up on the access to the right to housing that summarises the issues and includes the distinct dynamics of all the 6 Gauteng Regions
2. Undertaking social audits
3. Conducting social dialogue
4. Writing up the consolidated report and recommendations of the project
5. Conducting the evaluation and development of the final report.

As part of the project documenting we shall use pictures, videos, graphs, and any other relevant media.

## **DATA COLLECTION**

### **DESKTOP RESEARCH**

The desktop research has already been conducted and relies primarily on SPII's two studies on monitoring access to adequate housing. The desktop research has also reviewed both the Integrated Development Plans (IDPs) and the Spatial Development Frameworks (SDFs) of the Gauteng Municipalities. The IDPs and SDFs have only been reviewed in the sections that deal with human settlements because of their pertinence. The outcome of the research has been used to develop questions for the social audits, which are the next steps for the project.

### **SOCIAL AUDITS**

The social audits serve as both a methodology for collecting qualitative data and the pilot of the effectiveness of using social audits to collect data.

#### ***The process of social audits entails:***

- Training social auditors
- Developing social audit tools
- Piloting the tools
- Conducting the actual social audits
- Transcribing and translation into English (where applicable)
- Collating the social audit report

### **DIALOGUES**

The collaboration between different players in society - with different interests, knowledge and skill sets - is not just a political event where actual approaches are negotiated. Instead it is an opportunity to facilitate

the learning of all these different players, create a deeper and shared understanding of the challenges, reduce potential conflicts and most importantly help to identify viable solutions. Therefore, stakeholder engagement is key to finding solutions to the most challenging dilemmas that, not only government, but society as a whole is currently facing.

This is where stakeholder dialogue comes in. Because different people have different backgrounds, interests, access to resources and capabilities, any developmental intervention must be informed by an ongoing conversation between an organisation and its constituents, partners and supporters to determine:

- What outcomes they want to achieve;
- How they plan to achieve them and what success looks like;
- Who they need to work with;
- How they learn from their experience and find better ways of working;
- And how they account to each other and to the public.

The primary purpose of stakeholder dialogue is learning - not just any learning, but learning that leads to more effective developmental processes and relationships.

The Nelson Mandela Foundation has offered their premises for the hosting of the dialogues which should free up funds to increase participation.

### Social Dialogue 1

- Identify participants
- Invite participants
- Arrange and host *Social Dialogue 1*
- Presentation of dialogue objectives and framing of discussion paper drawing on desk top research and social audit feedback
- Receive feedback and documentation from *dialogue 1* and internal evaluation of process
- Share the outcomes with participants
- Plan and prepare documentation for *Social Dialogue 2*

### Social Dialogue 2

- Discuss innovative ideas of how things might work better
- Finalise problem analysis with regard to housing provision
- Present innovations in housing provision
- Develop three scenarios of proposed improvements for stakeholders

### Social Dialogue 3

- Discuss scenarios
- Compile a report for *Social Dialogue 3*

## **REPORTING**

A comprehensive project report will be written and presented at the completion of the process. This report will have a dual function of both providing recommendations and reports on better access to social housing in Gauteng, as well as initial reflections on the potential use and changes to the methodology

for replication by SPII and partners across line departments and spheres of government. This will enable government to improve its constitutional mandate to deliver access to the socio-economic rights contained in the Constitution of South Africa.

## **EVALUATION**

An evaluation will be conducted to verify the report and to establish the veracity of the findings and conclusions of the project by:

- Conducting the evaluation;
- Reporting to funders.

## **CHAPTER 2:**

### **BASIS OF SOCIAL AUDITS**

“Social audit” as a term has been used as far back as the 1950s with a flurry of activity and interest in the last seven to eight years in India and neighbouring countries. Social audits are based on the principle that democratic, local governance should be carried out, as far as possible, with the consent and understanding of all concerned. It is thus a process and not an event.

#### **WHAT IS A SOCIAL AUDIT?**

Social auditing is a way of measuring, understanding, reporting and ultimately improving an organisation’s social and ethical performance. It helps to narrow gaps between the intended goal and the practical reality; ultimately helping understand, measure, verify, report on and to improve

the social performance of the organisation in question.

Social auditing creates an impact upon governance. It prioritises the voices of stakeholders, including marginalised/poor groups whose are often overlooked. Social auditing is taken up for the purpose of enhancing local governance, particularly for strengthening accountability and transparency in local bodies.

The key difference between development and social audit is that a social audit focuses on the neglected issue of social impacts, while a development audit has a broader focus including environment and economic issues, such as the efficiency of a project or programme.

## **OBJECTIVES OF SOCIAL AUDITS**

*The objectives of the social audit are five pronged:*

1. Assessing the physical and financial gaps between needs and resources available for local development;
2. Creating awareness among beneficiaries and providers of local social and productive services;
3. Increasing efficacy and effectiveness of local development programmes;
4. Scrutiny of various policy decisions, keeping in view stakeholder interests and priorities, particularly of rural poor;
5. And estimation of the opportunity cost for stakeholders of not getting timely access to public service.

## **ADVANTAGES OF SOCIAL AUDITS:**

- Trains the community on participatory local planning;
- Encourages local democracy and community participation;
- Empowers disadvantaged groups;
- Promotes collective decision making and sharing responsibilities;
- And develops human resources and social capital.

## **EFFECTIVENESS OF SOCIAL AUDITORS**

*To be effective, the social auditor must have the ability to:*

- Seek clarifications from the implementing agency about any decision-making, activity, scheme, income and expenditure incurred by the agency;
- Consider and scrutinise existing schemes and local activities of the agency;
- And access registers and documents relating to all development activities undertaken by the implementing agency or by any other government department.

This requires transparency in the decision-making and activities of the implementing agencies by enforcing the right to information

with regard to local development activities.

## **STEPS IN SOCIAL AUDITS**

*The steps taken in the completion of a social audit are:*

- Clarity of purpose and goals of the local elected body;
- Identification of stakeholders with a focus on their specific roles and duties. Social auditing aims to ensure a say for all stakeholders. It is particularly important that marginalised social groups, which are normally excluded, have a say on local development issues and activities as well as on the actual performance of local elected bodies;
- Definition of performance indicators which must be understood and accepted by all. Indicator data must be collected by stakeholders on a regular basis;
- Regular meetings to review and discuss data/information on performance indicators;
- Follow-up of social audit meeting with the panchayat body reviewing stakeholders' actions, activities and viewpoints, making commitments on changes and agreeing on future action as recommended by the stakeholders;
- Establishment of a group of trusted local people - including elderly people, teachers and others who are committed and independent - to be involved in verification of information and to judge if the decisions based on the social audit have been implemented;
- And the findings of the social audit should be shared with all local stakeholders. This encourages transparency and accountability. A report of the social audit meeting should be distributed for auditing and key decisions should be written as public notices and communicated orally.

## **KEY FACTORS FOR SUCCESSFUL SOCIAL AUDIT**

*There are three key factors for the success of a social audit:*

- Sufficient information shared with and involvement of stakeholders,

particularly of the rural poor, women, and other marginalised groups;

- Commitment, seriousness and clear responsibilities for follow-up actions by elected representatives;
- And involvement of key facilitators in the process.

### **HOW TO ENHANCE LOCAL CAPACITIES FOR SOCIAL AUDIT**

- Organisation of a mass campaign to increase public awareness about the meaning, scope, purpose and objectives of social audit;
- Establishment of a team of social audit experts in each district who are responsible for training social audit committee members (stakeholders);
- And implementation of training programmes on social auditing methods - conducting and preparing social audit reports, and presentation at meetings.

### **SOCIAL AUDITS**

*In undertaking the social audits, SPII set out to do the following:*

- Target of 6 community based social audits;
- Training of adult, female facilitators and outcomes capturers;

- Hosting of social audits to determine:
  - Verification of socio-economic rights trend analysis over time;
  - Subjective experience of the enjoyment of the right to housing;
  - Descriptions of real violations;
  - And capturing of suggested innovations.

### **SCENARIO PLANNING STAGE**

*Objective: To see new ways of doing*

- 3 two-day facilitated sessions
- Participants:
  - Carefully selected from national, provincial and local government;
  - Social audit facilitators;
  - Housing design innovators;
  - Big construction tenderers and sub-sub contractees (coalface builders)

### **BACKGROUND TO THE SOCIAL AUDIT ON HOUSING**

The intention of the social audit on housing is to draw on our socio-economic rights research, social audits and scenario planning with the goal of piloting a new methodology for popular replication. Through this process we can identify and potentially resolve myriad challenges in the effective provision of decent housing in Gauteng.

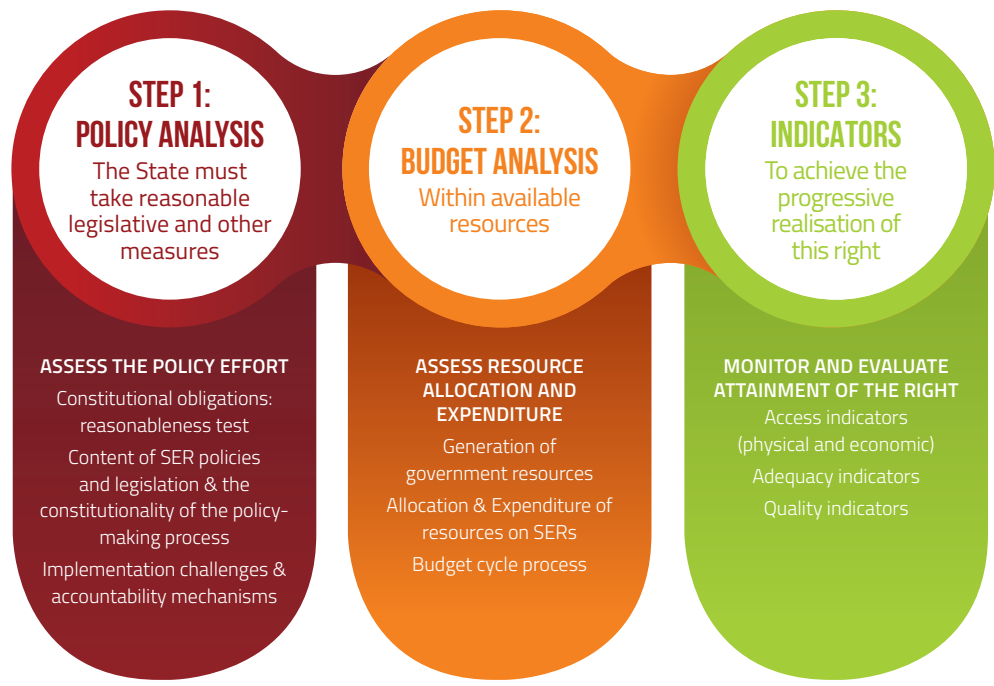
## **SECTION 3: SOCIO-ECONOMIC RIGHTS RESEARCH FRAMEWORK**

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The research framework for this process is separated by socio-economic right, in this case the right to housing, using budget and indicator data traced back as far as possible to 2002. The national data is aggregated and provincial is disaggregated, while district level is included where relevant and available.



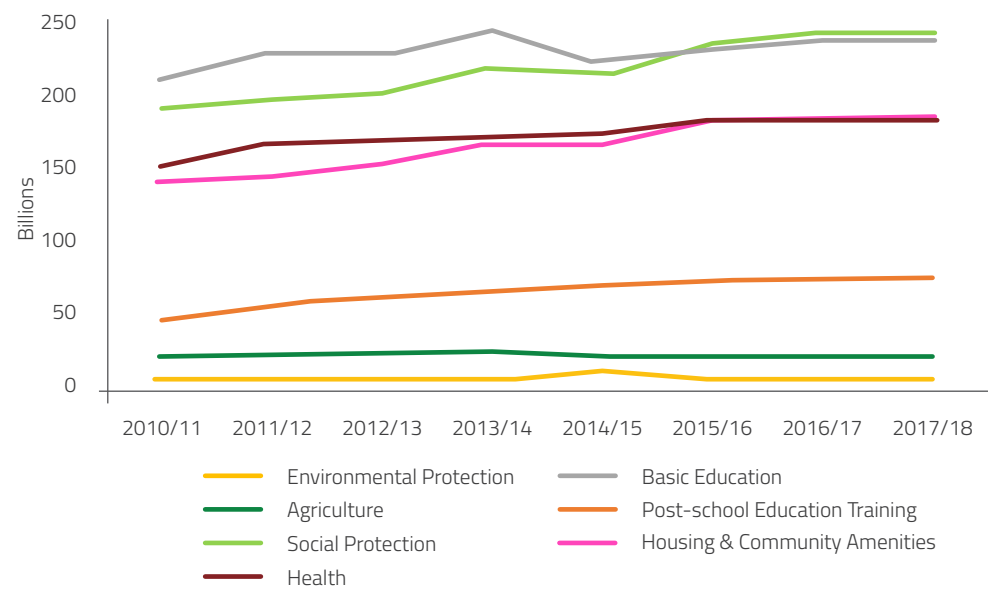
**Figure 1:**  
The SER Monitoring Tool,  
3-step methodology



**Table 1:**  
Ranking of Provinces using poverty headcount from 2001 to 2016

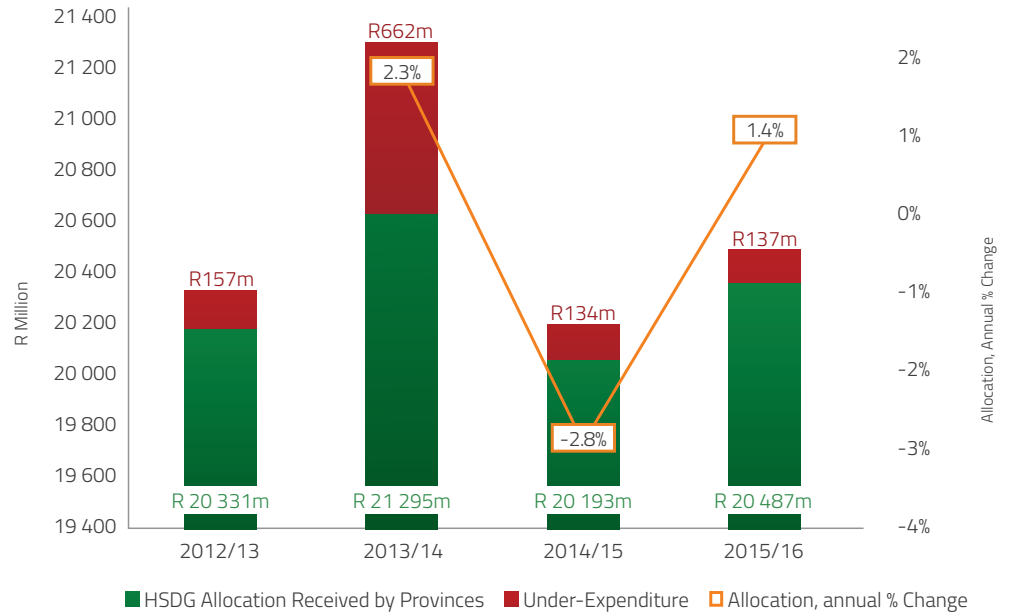
Province	2001 (Census)	2006 (IES)	2009 (LCS)	2011 (IES)	2011 (Census)	2015 (LCS)	2016 (CS)
WC	1	2	2	2	1	2	1
EC	9	8	8	8	9	9	9
NC	3	5	5	4	4	4	4
FS	4	3	3	3	3	3	3
KZN	8	7	6	7	8	7	5
NW	5	4	4	5	6	6	7
GP	2	1	1	1	2	1	2
MP	6	6	7	6	5	5	6
LP	7	9	9	9	7	8	8

**Figure 2:**  
**BUDGET:** Expenditure on specific socio-economic rights 2010/11 to 2018



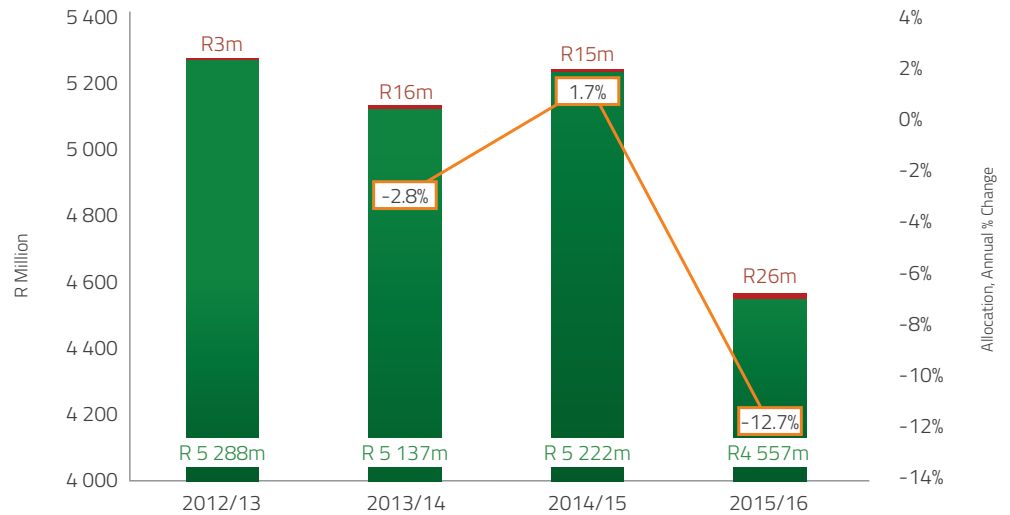
**BUDGET: Human Settlements**

**Figure 3:**  
HSDG allocation received by provinces, annual % change and expenditure by provinces, 2012/13 – 2015/16



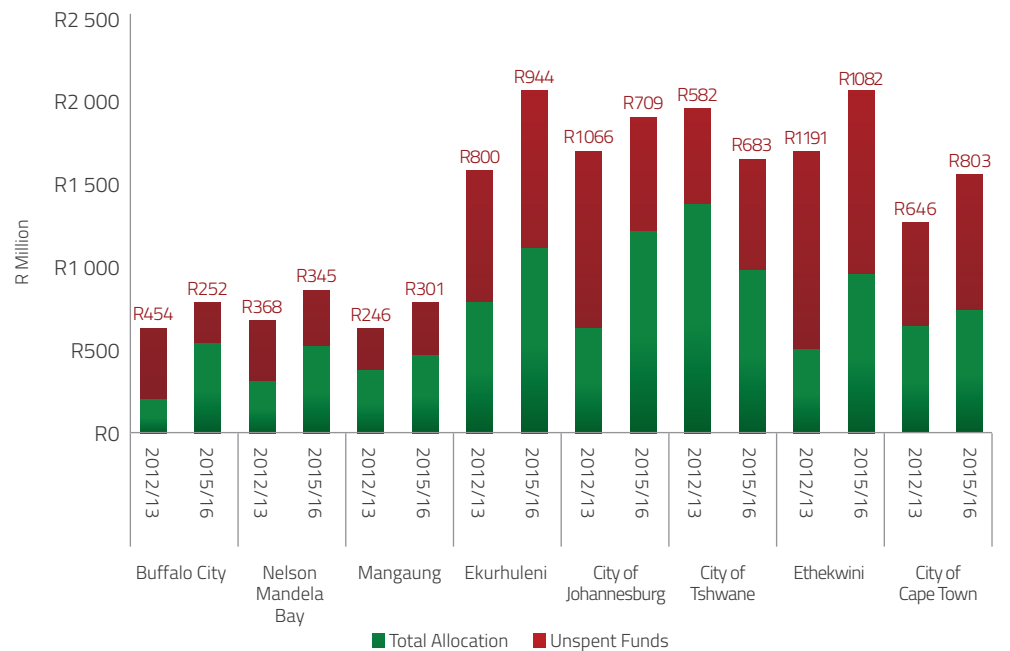
**BUDGET: Human Settlements Development Grant: Gauteng**

**Figure 4:**  
Gauteng HSDG allocations and expenditure, 2012/13 – 2015/16



**BUDGET: Urban Settlements Development Grant**

**Figure 5:**  
USDG, real allocations and expenditure, by accredited municipality 2012/13 and 2015/16



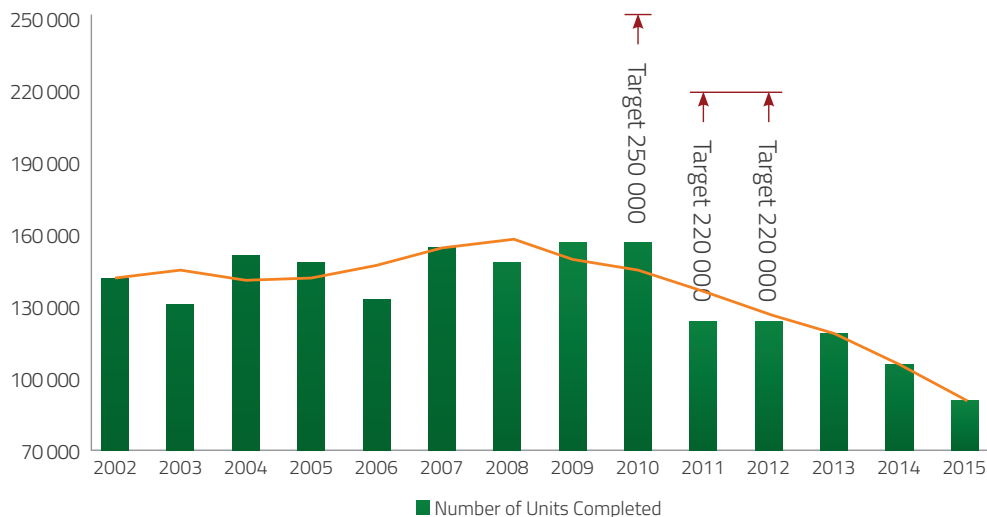
**INDICATORS: Enjoyment of Access to the Right**

**Figure 6:**

Number of houses/units completed per year, 2002 – 2015

**DATA SOURCE:**

Department for Performance, Monitoring & Evaluation (DPME), 2015



**DESCRIPTION:** This key indicator looks at the total number of separate houses and residential units developed across all of the governments housing programmes, including affordable rental and Community Residential Units (CRU). This excludes units re-built in the Rectification Programme, and unfinished or serviced sites.

As noted above, Section 26(1) and (2) of the Constitution of South Africa provides that 'Everyone has the right of access to adequate housing. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right'. The project examines the progressive realisation of the right to housing in the Gauteng Province to use the existing research results and findings of the studies on the right to housing.

**DESKTOP REVIEW**

SPII has been monitoring the progressive realisation of the right to housing between 2014 and 2018. In this period SPII has concluded two research studies: the first was published in 2014 under the title *"Monitoring the right of access to adequate housing in South Africa - an analysis of policy effort, resource allocation & enjoyment of the right to housing"*; and the second was published in 2017 under the title *"Monitoring the right of access to adequate housing in South Africa - an update of policy effort, resource allocation & enjoyment of the right to housing"*. The project was designed to rely mostly on these two research reports as well as supporting data that was collected as part of the research processes towards the completion of these reports. Further information that is specific to the municipalities in Gauteng was sourced and utilised for municipal specific information

such as Integrated Development Plan (IDP) and the Spatial Development Frameworks (SDFs) of the municipalities.

The data collected through the study on *Monitoring the right of access to adequate housing in South Africa*, is quality and reliable data. The use of the municipal information helps understand the intended the plans and the subsequent reports on the achievements of those plans. The data in SPII's possession is delineated according to municipalities in the cases of the three metros in Gauteng (Ekurhuleni, Johannesburg and Tshwane) but not where the other two district municipalities of Sedibeng and West Rand are concerned. The process of desktop review has already been undertaken on the research reports, the IDPs and the SDFs of the Gauteng Municipalities. A report of the desktop review will form part of the final report and some key findings will be presented in a summarised form here in the interest of brevity.

The studies on *Monitoring the right of access to adequate housing in South Africa* has a deliberate urban focus. Due to the urban focus of the research, it perforce concentrates on two conditional grants, rather than the Rural Settlements Development Grant. The Urban Settlements Development Grant (USDG) and Human Settlements Development Grant (HSDG) are allocated to municipalities and

provinces to fund the development and creation of sustainable human settlements. The HSDG is given to provinces and metropolitan municipalities and is primarily responsible for providing funding for the construction of housing and human settlements, in line with the constitutional right to adequate housing. This is the largest grant value allocated under the programme Housing Development Finance in the review period. The USDG on the other hand is currently transferred to 8 accredited metropolitan municipalities to supplement their capital expenditure in support of national human settlements development programmes, in particular, the upgrading of informal settlements and the acquisition of land in urban areas for pro-poor housing development.

Gauteng has received the largest share of the total HSDG budget in all the years under review. However, after somewhat steady real terms allocations, there was a severe 12% decline in allocation in 2015/16. The DHS's annual report states that about R910 million was taken away from Gauteng and re-allocated to other provinces in 2015/16, and that this was due to persistent under-spending by the provincial department. During a parliamentary briefing, the Financial and Fiscal Commission raised concerns that targets for top structures had been missed by 4.1% in 2015/16 because of the re-allocation of these funds. In a province that experiences high volumes of household migration, this is particularly problematic.

*The studies on **Monitoring the right of access to adequate housing in South Africa** made the following findings:*

- The Constitutional provision promises everyone access to adequate housing.
- South Africa's state-housing programme is almost unparalleled internationally and has expanded access to adequate housing to many poor households. Major challenges regarding broadening access to adequate housing remain, however, with a fragmented property market, settlement locations far from economic

opportunities and a complex set of affordability needs.

#### **Key Findings:**

- Obstacles to effective implementation: Across the board, the implementation of progressive policy shifts has suffered from poor planning, coordination, capacity, and monitoring, as well as in many instances, a lack of political will. These challenges apply to all areas where improvements in the state's programme for housing need to be made.
- End of the RDP era?: The delivery of subsidised houses has dropped drastically over the last few years, despite the overall budget allocation increasing considerably between 2008/09 and 2011/12. Indeed, while there has been close to optimal spending on the HSDG since 2008/09, some critical DHS housing targets have not been met in recent years.
- A broader set of housing programmes: spending has exponentially risen while providing new housing for fewer people in the context of overwhelming demand. The government is gradually shifting to a broader range of housing programmes, beginning with Breaking New Ground in 2004 as well as shifting the provision of housing from provinces to municipalities. The social and rental housing as well as the informal settlement upgrading programmes are the most significant in terms of ambition and allocations.
- Where the funds have been allocated: 8 metropolitan municipalities have been accredited to receive and spend these funds. However, research has found major issues around the USDG. Chief among these has been extremely poor spending, with over 50% of budgets in each of the two years since it was inaugurated not being spent.

Failing delivery at both local and provincial levels: the massive under expenditure of the USDG has highlighted a persistent challenge regarding the lack of clarity of roles and responsibilities and poor coordination, in particular, between municipalities and provinces.

- Sporadic attainment of realisation goals: though some targets are being met, there is a general failure to progressively realise access to adequate housing at scale or within a reasonable time period. Programmes do not always reach their intended target groups, and progress is uneven across the country.
- Lack of private sector involvement: With the construction of state-subsidised houses declining and the delayed implementation of a diversified range of housing initiatives successfully and at scale, there is a vast unmet demand for low-cost housing in South Africa. Our housing market indicators show that the failure of the private sector to move away from servicing the same middle- and upper-class market it always has means that the banks and other housing participants (construction firms, developers etc.) are not only failing to take on the potentially massive role they could play in transforming access to private housing in South Africa, but also missing a huge opportunity.

The findings of the studies on *Monitoring the right of access to adequate housing in South Africa* constituted the key input in designing the social audit data collection tools. In turn the outcomes of the social audit were also, together with the research findings, the key inputs in designing the facilitation of social dialogues. The studies on *Monitoring the right of access to adequate housing in South Africa* have a deliberate urban focus.

### **Literature on Housing In South Africa and Gauteng**

In this report, it has been established that the right to housing is enshrined in the constitution. In the past twenty-five years, the government has indeed taken legislative and other measures within its available resources to achieve the realisation of the right to housing on a progressive basis. However, these measures have fallen far short of ensuring that all South Africans have a roof over their heads that is both adequate and ensures dignity. This section will track the attempts by government to deliver on the right to housing.

### **THE RECONSTRUCTION AND DEVELOPMENT PHASE**

There was a ten-year period between 1994 and 2004 when the major focus was on addressing the housing needs of the most disadvantaged and the poor. Of course the housing policy had other objectives too. It was also, ostensibly, about addressing the spatial structuring of Apartheid and redressing the impacts of its many racial laws, in particular laws such as the Group Areas Act and the Separate Amenities Act. This is the period that can rightfully be referred to as the Reconstruction and Development Programme (RDP) period in housing.

During this first period of implementation of the housing policy, the major focus was on the delivery of the government assisted housing while significant demographic transformation of urban spaces was also taking place. A significant number of middle income and affluent people of colour moved into areas that were historically reserved for white people only and there was also a massive in-migration by black people that could afford to live in cities. These were not particularly assisted by the government, instead they were taking advantage of the repeal of racially exclusionary laws.

By 2004, ten years into the democratic dispensation, the challenges of providing government assisted housing still persisted and, in some senses, worsened. In the first 10 years of democracy, or the RDP period according to BNG (2004: 3), the state invested R29,5 Billion into state-assisted housing, providing 1.6 million housing opportunities and allowing 500,000.00 families the opportunity to secure titles of old public housing stock. The lack of affordable, well-located land for low cost housing resulted in the housing programme largely extending existing areas, often on the urban periphery, and achieving limited racial and class integration. Post-1994 extensions to settlements have generally lacked the services necessary to enable a decent quality of life. This is attributed largely to the lack of funding and poor alignment of budgets and priorities between line function departments and municipalities responsible for providing social facilities in new communities.

The challenge of delivering housing has always been linked to the need for spatial integration. This is because apartheid planning relegated the majority of the population, on the basis of race, to places away from the city centres, also referred to as the urban sprawl. Jilian Du and Valerie Lvovna Gelman (2018:1) note that in the apartheid era, black populations were relocated to the poorly serviced areas far away from job opportunities. In the World Resources Report, Edgar Pieterse and Kate Owens (2018: 2) argue, since 1996, South Africa, and Johannesburg specifically, has dramatically increased access to basic services through rights-based subsidy programs. They continue to contend that “the provision of free housing and basic services did not create economic opportunity for the urban poor. Spatial inequality has prevented segments of the city from accessing jobs, social opportunities, and high-quality education” (Ibid).

During the first ten years, the government did not achieve its targets and objectives in delivering state supported housing. The government cites three factors as major reasons why the RDP housing targets were not met in the first ten years of democracy. According to BNG, (22-4:3), the three factors were the changing nature of demand, rapid urbanisation and increased unemployment. When referring to the changing nature of demand for government assisted housing the BNG Plan noted that the country experienced an average population growth of 2.1% per annum which, resulted in the population increasing by 10.4% or over 4.2 million people between 1996 and 2001. In addition, the country had experienced a 30% increase in the absolute number of households, where only a 10% increase was expected. This, according to the BNG Plan, was caused by the drop in average household size from 4.5 people per household in 1996 to 3.8 in 2001 (ibid).

The BNG Plan (2004: 3). also alluded to the rapid urbanisation and increasing unemployment as factors that impacted the review of the housing policy. On rapid urbanisation, the BNG noted that “the urban populations have increased as a result of both urbanisation and natural population

growth”. By 2004, according to the BNG Plan, one fifth of urban residents were relative newcomers to urban areas (i.e. first generation residents) and urban areas were expected to continue to grow at a rate of 2.7% per annum. On unemployment, it noted that the official definition leapt from 16% in 1995 to 30% in 2002, placing even more pressure on household incomes.


At its inception, the Housing Policy and Strategy of 1994 focused on stabilising the environment to transform the extremely fragmented, complex and racially-biased financial and institutional framework inherited from the previous government, whilst simultaneously establishing new systems to ensure delivery in addressing the housing backlog. According to the BNG Plan (2004: 7), the significant achievements of this programme have been recognised both nationally and internationally. Significant socio-economic, demographic and policy shifts have also occurred over the past 10 years.

Though the RDP period was ostensibly about providing housing to the poor and integrating the urban spaces in terms of land, the programme failed significantly in meeting its objectives. Alet Verster (2009: 1) argues that South Africa’s urban landscape still suffers from the spatial legacy of apartheid. Many problems need to be addressed in order to reshape our cities. According to Pieterse et al (Johannesburg Fights Inequality with TOD: 2018), though apartheid officially ended in the 1990s, the legacy of segregation remains deeply embedded in Johannesburg: the city has been struggling to confront inequalities between its predominantly black, disadvantaged areas and its historically white, prosperous neighbourhoods.

Bickford (Abstract. 2016). adds his voice on the challenges facing cities is actually a national challenge, according to him Apartheid spatial planning has defined the urban experience in contemporary South Africa. Many black people still live extraordinarily far from places of economic opportunity and are forced to commute using dissatisfactory public transport services over long distances,



**Spatial inequality has prevented segments of the city from accessing jobs, social opportunities, and high-quality education**



for many hours at high personal and household costs. Confronting the apartheid spatial pattern has consistently been at the forefront of urban policy in democratic South Africa

Bickford and Berhens (2015: 376) argue that the spatial challenges faced in South Africa are not only due to a growing dependence on the private car but, arguably and more critically, due to persistent apartheid spatial patterns where public transport dependent communities live in detached, single-unit housing on the fringes of cities. It is to this dualistic nature of South African cities, where wealthier people rely on private cars and poorer, peripheral communities rely on public transport, that Transport Oriented Development (TOD) will need to be adapted.

In 2009, the then Minister of Human Settlements Ms. Lindiwe Sisulu, in an address to parliament opined that: "the things that our people complained about most, apart from unemployment, was housing. They complained about inadequate housing, and of the quality and standards of houses. We promised them we would attend to the problem... This was part of our societal contract. We are breaking new ground to house all" (as cited in Trusler, 2009:8). She was correct then and her message is as relevant today as it was ten years ago in 2009. The findings tell us that if anything, the situation in essence remains the same.

### **THE BREAKING NEW GROUND PHASE**

The housing trend in the 25 years of democracy has been characterised by the two phases: RDP housing and BNG housing. Off course, the BNG phase is more complex because its intention is to provide housing opportunities for all South Africans, and to eradicate informal settlements. The ten-year target of 2014 for the BNG has passed and as Trusler (2009: 8), aptly puts it "the Breaking New Ground policy is achieving its goal in as much as housing is being delivered, but not at the delivery rates required in order to achieve what has been set out".

The Breaking New Ground has also transformed the language used in the

housing sector in South Africa, from just housing to human settlements. This shift is not merely a linguistic one but rather a fundamental one that recognises that the issue is not merely about the house, it is also about spatial issues, transformation of settlement patterns, amenities, social and economic opportunities and many more human requirements.

### **PEOPLE'S HOUSING PROCESS**

One of the strategies to fast track the delivery of housing in the Breaking New Ground is to promote self-provision of housing by the poor. The programme that really promotes self-provision of housing is the People's Housing Process (PHP). The PHP is a people centred process in which groups and individuals exercise direct control over delivery in a way that promotes choice over location, tenure, housing, services and amenities (Mani. 2009: 2). Through PHP, people design and manage their developmental resources to build sustainable human settlements." Mani, states. "It is a fact that in South Africa the majority of housing has not been provided by construction companies, but by families themselves using any resources at their disposal.

The People's Housing Process began to be piloted in the late 90s in South Africa. However, self-provision of housing is as old as when human beings ended their nomadic existence; as when people started to settle. John Turner (Freedom to Build.1972) became one of the first proponents of the notion that housing is a process and not a product. According to Turner, self-help housing is a process where individuals decide to do something about their housing situation in order to uplift their quality of life. According to Huchzermeyer (2001: 322) the PHP, "has been associated with sustainable housing" as it capacitates communities in many aspects of housing development. Pottie (2003:1) states that there is an element of community participation on the part of beneficiaries in contributing unpaid labour to "make their subsidies to go (sic) further and allowing them to drive development in their area".

In the PHP programme, the subsidy is given

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*the Breaking New Ground policy is achieving its goal in as much as housing is being delivered, but not at the delivery rates required in order to achieve what has been set out*

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to people who want to build or manage the building of their own homes. “Unlike the Project Linked Subsidy where a contractor builds houses for a number of people, the Peoples Housing Process allows people or beneficiaries to build or organise the building of their homes” (Mani, 2009). People are in charge of their own house’s construction process in this programme and are assisted by a support organisation. Additional funds are available to pay for the support functions. Incremental housing is a step-by-step process of building and upgrading a house. Basically, it is a process whereby households build and extend their houses on an ad hoc basis in response to their needs and the availability of resources. Generally, it is an approach used by households with low or irregular incomes, and limited or no access to credit and loans, who start by building a small affordable dwelling. The essential element of incremental housing is that it enables households to respond to their own priorities and needs, and to have a greater level of authority over their own housing solutions.

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*the Peoples Housing Process allows people or beneficiaries to build or organise the building of their homes*

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South Africa’s national programme for helping poor households to access housing is based on the premise that the government must build a house for each household. However, in South Africa and all over the world, poor people are building their own houses. The number of informal settlements around the country has grown from approximately 300 in 1994 to an estimated 2 600 in 2014 (NUSP. 2015: 1). As shown in Census 2011, approximately 1.25 million households lived in informal settlements, 700 000 households were in backyards of existing formal houses and 1.1 million were in traditional dwellings. While these structures were informal, they provide shelter and represent a significant personal investment.

The latest iteration of the People’s Housing Process is the Extended People’s Housing Process (ePHP). According to Becky Himlin (NGO Pulse, 2008: 1), the ePHP enables/ encourages communities to actively contribute and participate in the housing development process so that communities take ownership of the process and not just act as passive recipients of housing. The ePHP

recognizes that the community is the initiator and driver of the process. The programme is intended to build on existing livelihood strategies so that social capital that has been built up in a community is capitalised on “The main aim of the ePHP programme is to deliver better human settlement outcomes... based on community contribution, partnerships and the leveraging of additional resources through partnerships” (Himlin, 2008: 1). The ePHP aims to support households who wish to enhance their housing subsidies by building their own homes.

### **INCLUSIONARY HOUSING AND SOCIAL HOUSING**

According to Neil Klug, Margot Rubin and Alison Todes (Klug et al. 2013), inclusionary housing emerged in the USA in the 1970s as a civil rights movement attempt to address racial segregation, which was exacerbated by exclusionary zoning. There is a long tradition, especially in Europe, of using housing policies and programmes to promote social mix. Inclusionary housing “requires or provides incentives to private developers to incorporate affordable or social housing as a part of market-driven developments” (ibid).

In South Africa, recent initiatives to restructure cities towards greater compaction and integration include the formulation of an inclusionary housing policy, where private property developers are expected to offer some affordable housing in their developments (Klug et al. 2013).

Klug et al. state that, while national policy was awaited, some provincial and local governments began to develop their own policies:

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“In Johannesburg, inclusionary housing policy initially developed to respond to the complexities of development in Ruimsig, a predominantly white area seen as beyond the urban edge in the policies of the post - 2003 CoJ, but where development had been encouraged under a previous local government regime. While the CoJ wanted to curtail development there, in part due to the costs of bulk service

provision and the need to focus such expenditure on 'marginalised' areas (formerly reserved for Africans, with severe infrastructure deficits), private property developers were desperate to get some return on their investment. Following protracted negotiation, an agreement was reached in 2005 that developers would be allowed a level of development in return for the payment of an inclusionary housing levy" (Klug et al. 2013: 671)

Despite the early enthusiasm for inclusionary housing, the policy has never been adopted at national level (Nadine James. 2018). The policy is meant to be financially sustainable and profitable for private developers and financiers while still creating integrated, affordable, low-cost housing for residents, according to the office of executive mayor Herman Mashaba. The draft policy proposes that every new development of ten dwelling units or more must include 20% inclusionary housing.

The city's vision is that inclusionary housing, when managed privately, should cater for households with an income of R7 000/m or less or should fit into published social housing bands. The policy proposes incentives in the form of proportional bonuses in development controls, reduction in parking requirements, reductions in parks and bulk infrastructure contributions, and a rates rebate for the inclusionary units.

However, in the City of Joburg the inclusionary Housing Policy has been met with objections by **property owners**. In response to an early draft, the South African Property Owners Association (SAPOA), an organisation representing particularly large property companies, argued strongly against any form of compulsory approach, SAPOA (SAPOA 2006) in its media statement noted that 98 % of its members did not support inclusionary housing. It raised concerns about government's institutional capacity to carry through such policy, particularly given that planning and legislation remained fragmented, resulting in very slow approval

processes. It questioned putting effort into a policy with little impact on overall housing delivery.

The recent edition of the inclusionary housing policy has also been met with objections from the property owners. SAPOA believes the proposed mandatory 20% inclusionary housing requirement may negatively affect the feasibility of residential developments and is potentially burdensome to private developers already experiencing declining returns and profit margins (Nadine James, 2018).

Further, the organisation suggests that inclusionary requirements which are inflexible to the underlying economic conditions and health of the residential property market may have a detrimental impact on housing delivery. Affordability requirements, therefore, influence the feasibility of inclusionary projects from a developer's viewpoint.

#### **TRANSIT ORIENTED DEVELOPMENT (TOD)**

TOD can be summed up as mechanism or strategy to integrate transport with housing development. The challenge of integrating transport with housing development dates back to a pre-democracy period in South Africa (Wilkinson, 2006). According to Wilkinson, the newly elected democratic government understood that part of the inherited urban challenge was the poor integration of land use and transport, and the dominance of private vehicle infrastructure. It recognised that most people were captive users of very poor quality public transport services, yet public investments catered to the minority of private vehicle users. Since 1994, a clear policy shift towards prioritising public transport has occurred.

According to Bickford (2015: 376), the term 'transit oriented development' was first coined by the American urbanist Peter Calthorpe in the 1980's. While most of the TOD literature and experience is based in the North American context, the concept has begun to spread across the world to be included in urban developmental thinking in both developed and developing countries

with diverse urban contexts (Suzuki et al, 2013; Sussman and Gilat, 2002). A review of the literature highlights that the rapid increase in private vehicle use remains the primary driver for advocating TOD across all contexts (Bickford et al: 2015:376/77).

According to the South African National Treasury (How to Build Transit Oriented Cities, 2017), developing integrated public transport networks is complicated globally, but in South Africa is further complicated by the challenge of addressing a spatial legacy that has contributed to a fragmented and sprawling urban landscape. Pieterse et al (World Resources Report 2018: 15). argue that anti-apartheid urban policy of the mid-1980s promoted corridor development as an antidote to racial exclusion. They continue to argue that, during apartheid, this corridor development policy offered an alternative way to undo the formal spatial dynamics of racial segregation, oppression, and exclusion.

The South African Treasury (How to Build Transit Oriented Cities. 2017), believes that a strengthened integration of transport and land use is essential to the transformation of cities. TOD is an important tool for achieving this integration, and experiences elsewhere illustrate the value of having certain supportive factors in place. These include facilitating and enabling factors (e.g. political and institutional architecture, funding mechanisms, land use and planning tools) and operational elements (e.g. integrated ticketing and technological enhanced services). All these factors contribute to improving the quality of public transport services, which in turn increases confidence in public transport as an attractive and viable transport option and is essential to driving developer interest.

A review of the literature highlights that the rapid increase in private vehicle use remains the primary driver for advocating TOD across all contexts. According to Bickford (Abstract: 2016), TOD has gained much traction globally as a concept which can provide strengthened alignment between public transport systems and urban development patterns, fostering more sustainable and livable city fabrics. TOD

is increasingly being drawn on in South Africa as an approach to more sustainable and socially integrated development, evidenced through its explicit inclusion in the National Development Plan 2030 which calls for the 'internationally accepted principles' of TOD to be applied.

Jillian Du and Valeria Lvovna Gelman (Johannesburg Fights Inequality with Transit-Oriented Development. 2018), argue that after apartheid, the democratic national government focused on anti-apartheid planning efforts by expanding access to basic services. Spatial isolation of the urban poor and the mismatch between housing and jobs in cities is not unique to Johannesburg. Cities in Brazil, Mexico, Chile and Colombia, face similar problems. To address this spatial mismatch between jobs and housing, is it better to bring jobs to people, or help people get to jobs more affordably and efficiently.

***The literature highlights that the following have become recognised characteristics of TOD:***

1. An efficient, integrated and reliable public transport system;
2. A high quality public realm which prioritises pedestrians and cyclists over
3. vehicles and ensures high accessibility of the public transport station;
4. A mix of residential, retail, commercial and community uses;
5. Medium- to high-density development within comfortable walking distance of
6. the transit station (i.e. the TOD precinct); and
7. Reduced rates of private car parking.

The international literature highlights that understanding the physical design principles of TOD, and their benefits, is relatively straight forward. What has emerged as arguably more important is understanding the many challenges which surround efforts to implement TOD. TOD outcomes have been disappointing when implementation issues have not been thought through and addressed. Land development issues, in the form of political, institutional, financial and stakeholder dynamics are often stated as the

most significant barriers to TOD development (Suzuki et al, 2013; Sussman and Gilat, 2002, Ditmar and Ohland, 2004, Hook et al, 2013, Belzer and Autler, 2002). These issues are often the defining aspects of TOD projects, but surprisingly are seldom included in attempts at defining TOD principles.

As far as Pieterse et al (2018:2) are concerned, the Corridors of Freedom (COF) program, launched in 2013, was one iteration of a long-term policy process to overcome apartheid planning. Its aim was to use the Bus Rapid Transit System (BRT) to offer more equal economic and social opportunities to the urban under-served. The COF provided detailed site plans across the city that increased public space, offered social services, increased residential density, and integrated retail and commercial space into new development. It also aimed to reorient private investment towards the new public transport service.

The COF reflected the anti-apartheid urban policy focus on corridors to overcome racial segregation. When investment surrounding the World Cup in 2010 made it possible for Johannesburg to build the Rea Vaya BRT system, there was a huge opportunity to reorient the city's development investments and policies. Local and international planning and policies bolstered this momentum by providing support for a transit-oriented approach to restructuring the city's economy. Yet progress was hindered by entrenched inequality in land ownership that makes radical transformation incredibly difficult. Furthermore, the concept of mixed-income housing was untested in Johannesburg, making it difficult to achieve widespread and rapid market uptake. Institutional fragmentation and changing city leadership also made it difficult to maintain full support for the COF.

According to Pieterse et al (2018: 5), Johannesburg's metropolitan area has slightly less than 5 million inhabitants, or 1.85 million households. However, Johannesburg sits within the Gauteng Province, which includes two neighboring metropolitan councils, Tshwane (Pretoria) and Ekurhuleni, which together have 12.3 million people, or 23.7 percent of South Africa's population. Johannesburg has the country's highest migration rates, which contributed to the city's dramatic population growth between 2001 and 2016.

Jillian Du and Valeria Lvovna Gelman (Johannesburg Fights Inequality with Transit-Oriented Development. 2018), contend that redevelopment has not been without controversy and criticism. Wealthier neighbourhoods in priority zones have complained about potential overcrowding and "undesirable changes." The plan has also stirred debate over whether redevelopment benefits the most under-served populations. While some believe it is better to concentrate public investment in impoverished areas, advocates of the Corridors of Freedom caution against reinforcing the NIMBY (Not-in-My-Backyard) mind-set and further isolating the urban poor in disconnected areas.

In the National Development Plan (NDP), the National Planning Commission (NPC, 2011:285) drew on TOD explicitly as an element of the spatial vision to achieve socio-spatial transformation stating "new urban development and infrastructure investments should be focused around corridors of mass transit and around existing and emergent economic nodes, applying internationally accepted principles of transit-oriented development". However, the NDP does not go further to explain what this might mean, nor does it provide any sense of the need to adapt TOD to local contexts, as suggested by Wilkinson (2006).

## CONTEXTUALISING THE FINDINGS

The approach of collecting information through social auditing as indicated in the section on the methodology, was used for the first time by SPII. It is being piloted with the intention of either learning lessons and improving its usage for the future or completely abandoning it if it proves to be inappropriate for the purposes that SPII intended for it. The methodology itself requires more than one session over a period of time. For example, it is advised that the social audits must be scheduled three or four times over a year. This allows for the first session to be about addressing all the issues that each constituency might have with one or more of the other constituencies. In this way the first session becomes about allowing each constituency to raise its issues, including those that the constituency has been wishing for an opportunity to vent about or even have protested and raised several times without getting a resolution. In other words, the first session can be about disposing of the issues that divide the constituencies and dealing with matters that may create distrust amongst them so that the subsequent sessions become about fully understanding the issues and developing strategies to solve them.

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*There were anticipated challenges even before the audits were arranged, but time and resources did not allow for more than one session per region.*

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In the case of this social audit, the research team, from the onset, set out to have a single social audit in each of the Gauteng Regions. By implications, the process of getting constituencies to trust one another and to buy into the methodology was intertwined with the actual business of social auditing in a single session. There were anticipated challenges even before the audits were arranged, but time and resources did not allow for more than one session per region.

The other consideration was whether all the stakeholders would be available to meet at the social audit sessions that were planned. Unfortunately, not all the social audits had the representatives of all the stakeholders that were identified. In Sedibeng, the social audit was attended by only two constituencies, namely the council representatives and the community representatives. Furthermore, the community representatives were not very

diverse because it was almost exclusively the group of intended beneficiaries of the RDP housing programme and their community based organisations.

In Johannesburg, the social audit was made up of representatives of human settlement service providers, researcher institutions, government and government agencies. By default, the session was made up of elites with neither representatives of the affected communities nor of the intended beneficiaries of the housing programmes and their organised formations.

In Tshwane, the audit enjoyed the participation of non-governmental organisations (NGOs/NPOs), community based organisations (CBOs), local business people (SMEs) and the civic association. The Tshwane social audit was therefore the most well attended but the representation was almost exclusively from a single constituency: that of community organisations and community members without the presence of Government officials or agencies.

In the West Rand, instead of social audit, the conversation took place with two officials of the municipality dealing with human settlements, transport, roads and infrastructure. The two gentlemen were extremely knowledgeable but the conversation cannot be deemed as a proper social audit because it was just sharing of information with expert civil servants.

Human settlements or housing is very topical issue in South Africa and it is even an electoral issue over which political parties contest for votes. The social audit took place prior to and during the national and provincial elections. In three of the Gauteng Regions, there were housing service delivery protests during the period of the social audits. Despite expectations that there would be strong interest in participating in discussions about such a pressing social issue, the interest fell far short of the expectations. Other factors, detailed later on, also compounded the issue of lack of adequate participation.

The most important finding on the methodology was that for social audits to draw the participation of the intended stakeholders, the stakeholder that is responsible for the outcomes that are under discussions, should be the one that convenes the social audit. In the case of human settlements, the social audit has to be convened by the Municipal Department of Human Settlements in order for it to be attended by the intended stakeholders. Participants want the institution that is responsible for the development outcome or development performance to be the one that convenes the social audit. The reason is that stakeholders want to be assured that their views will be heard by the relevant organisations and incorporated into the process of improving development performance and development outcomes. This is the view that was communicated expressly by various participants in all the social audits.

The second finding that relates to the methodology is that the venue for the social audit matters. The community based groups

were constrained from attending the social audits in town, in both Johannesburg and Tshwane. They cited lack of resources to transport themselves to the venue as an issue. In the case of Tshwane, where the venue was a township hall, the more elite participants did not attend because they cited fear of their safety in the townships of Mabopane. The issue about venue was communicated ex post facto in all the cases, which made it difficult to mitigate the perception and to address the challenges. The research team would have provided transportation or transport fare for community based groups and individuals had they received prior notice.

The third finding is that different stakeholders have much to say with various issues to raise and myriad proposals to make to improve housing delivery. The three social audits, in Sedibeng, Johannesburg and Tshwane, and the discussion in the West Rand underscored the point that people in the housing field have extremely diverse opinions about the housing situation and the possible solutions to the housing challenges. These are presented below and analysed in the analysis section.

## **SEDIBENG DISTRICT MUNICIPALITY SOCIAL AUDIT**

The Sedibeng social audit was the first audit to be held on the 20th February 2019. It was attended mostly by community based groups and a member of the Mayoral Committee (MMC) for Human Settlements, Councillor Madisebo. The Sedibeng social audit indicated clearly the lack of understanding of the social audit methodology, because instead of getting on with the process the MMC councillor questioned the appropriateness of holding the audit when not all the stakeholders were represented. After an explanation was provided the MMC councillor was okay with continuing but still indicated her wish for a follow up session with all the stakeholders from Human Settlements in the Sedibeng District represented.

The MMC councillor indicated that she was not aware of the dialogue invitation and apologised for the apparent miscommunication in her office. She then agreed that the social audit could continue but that she would not make any decisions

as she was required to invite the other stakeholders who would be affected by the social audit outcomes. She then advised that SPII must send future invitations directly to the Mayor who would then suggest who needs to be part of the meeting, including from the provincial and local offices. At the end of the session the MMC councillor requested the research team to reconvene the social audit at a future date.

Because the social audit methodology was being piloted the researchers deemed the interaction to be adequate for the purposes of writing this report and drawing from it the lessons on how future social audits should be planned and actually organised. The information presented here is of the conversation that took place in the social audit in Sedibeng, further attempts to reconvene the social audit on another date were unsuccessful. The inability to reconvene on another date is the reason why not all the social audit questions have been answered.

## **FINDINGS**

When the social audit finally proceeded the first major finding was that the first social audit could be adversely impacted by the lack of constant engagement amongst stakeholders. Instead of the social audit process being about discovering stakeholder responses to a set facilitation plan, the social audit became a venting and argument session. The community groups saw the occasion as an opportunity to express their accumulated discontent and pent up anger over service delivery promises that have not been fulfilled over a period of time.

### **WHAT IS THE UNDERSTANDING OF THE STAKEHOLDERS OF THE RIGHT TO SHELTER?**

The participants at the Sedibeng social audit expressed the understanding of the right to shelter as a constitutionally guaranteed right to all the South African citizens. They argued that the state according to the constitution is obligated to ensure that all citizens access and enjoy this right while also acknowledging that the right is limited by the availability of resources. They stated that it is because of the resource constraints that there are waiting lists for housing, which some of them have been on for more than a decade.

### **HOW IS THE EXPERIENCE OF BENEFICIARIES OF THE PROGRESSIVE REALISATION OF ACCESS TO THE RIGHT TO SHELTER?**

The first finding on the experiences of beneficiaries was that there are challenges regarding the waiting list. The beneficiaries believe that there is corruption in the management of waiting lists. According to them, the lists are interfered with and people are improperly shifted around. Secondly, they believe that even if you are approved for a house it can take years to get the house.

The social audit also found that the municipality does not proactively communicate with the beneficiaries of the housing delivery programme. One community member, that had been on the waiting list for what was previously known as an RDP house and now referred to as Breaking New Ground (BNG) house, stated to the MMC councillor that she was approved for the house 2

years ago but she has yet to hear from the department. In responding to the question, the MMC councillor said that, if people receive information that they have been approved, they must come to the department to check the status of their houses. The intended beneficiaries were not aware that the onus was on them to follow up on their housing status and voiced the opinion that two years was too long a waiting period after approval for a house. The fact that the municipality has said nothing to them for two years underscores how poor the sharing of information and communication is between the municipality and beneficiaries of social housing programmes.

Another participant indicated that the delivery of the right to housing discriminates against people with disabilities. The participant said that people who mention their disability status on the application get houses at a slower pace because the houses need to be built with special consideration of the relevant disability. The MMC councillor acknowledged the complications around beneficiaries with disabilities, highlighting specifically that as the department they face challenges with people who don't disclose their disabilities. She stated that when they apply for RDP houses they don't state on the application that they are disabled, they get normal houses and complain after receiving their houses.

### **WHAT HAS BEEN THE EXPERIENCE OF THE DELIVERY OF THE RIGHT TO SHELTER?**

All the supply side information about delivery of housing came from the MMC councillor.

#### ***There are four areas that she spoke about:***

1. Information and communication
2. The bulk infrastructure
3. Building materials supply
4. Land availability.

The MMC councillor acknowledged that the information and communication with beneficiaries is flawed. The issues that were raised in the social audit indicated clearly that there is scope for improvement in communication and information sharing.

For example, on information she argued that the beneficiaries have an obligation to make follow up inquiries regarding their status on the waiting list. She argued that a person should not wait idly for more than a year to get feedback on the process of delivering a house to them when they already know they are approved for it. She also acknowledged that the municipality itself has to communicate better with the citizens whether they are on the waiting list or not. The other area of improvement is communicating and sharing information about constraints that the municipality experiences outside of the availability of funding. The constraints sometimes have to do with land availability or lack of land that caters to the demand for housing causing further delays in the delivery of housing. The other constraints include material availability for specific needs such as those of people with disabilities. As far as the MMC councillor is concerned, perceptions can be changed just by communicating better and sharing information more.

With regard to bulk infrastructure, the MMC councillor cited the example of sewer infrastructure that in some housing projects have limited the delivery of housing. In the example she provided, financial resources were not an issue to deliver more housing stock but it was the sewage infrastructure that limited the number of houses that could be built.

On the topic of building material supply, the MMC councillor made specific reference to materials to build for special needs beneficiaries or what is called universal access. The MMC councillor said that the

contracted companies take longer to get the special building materials for universal access construction. The MMC councillor gave no further explanation on why this is the case. Participants pointed out that there has been twenty-five years of building RDP housing and that issues of universal access have, since 1994, been part of the delivery mandate. With this in mind, there was a reasonable expectation from the beneficiaries that contracted companies should by now be aware of and have access to supplies of special needs building materials.

On the availability of land, the MMC councillor argued that the number of housing units that are delivered at any given moment is dependent on the availability of land. She said that in some instances the land that they get can only accommodate about 4000 RDP houses where they have 6000 people on the waiting list. In instances such as this they are forced to move the 2000 to other allocated areas. She said in these instances, the implications may be that the remaining 2000 people will be on the waiting list for an extended period of time, which leads to further discontentment and, on occasion, the mobilisation for protest action.

The Sedibeng social audit did not cover all the topics of the social audit facilitation plan. The MMC councillor advised that a follow up session be arranged and all the stakeholders be invited. The time frame did not allow the research team to convene a second session and therefore the findings in the section are limited to the areas that the social audit was able to discuss.

The Johannesburg Metro social audit was the second social audit to be held on the 15th of April 2019 at the Johannesburg Human Settlement Offices in Smit Street, Braamfontein. It was attended mostly by NGOs, academics, the South African Human Rights Commission, Statistics South Africa and the City of Johannesburg, Human

Settlements Officials. The social audit was initially scheduled for the 11th of April but was postponed to the 15th of April as requested by the MMC Councillor Meshack van Wyk. On the 11th of April the MMC councillor indicated that he would like the social audit to be postponed and that his team should share the database of the stakeholders with



the SPII research team. The intention was to invite more stakeholders so that there would be more diverse representation at the social audit of the 15th of April. However, on the 15th, the date that the MMC councillor had proposed for the reconvening of the postponed social audit, the MMC councillor and key members of his team could not attend the social audit.

The meeting held on the 11th of April received a presentation of the social auditing as a methodology that is used to collect qualitative stakeholder data and the findings presented in this section are of the social audit that took place on the 15th of April. The presentation on the methodology itself was well received by the MMC councillor and the City of Johannesburg officials. The comments by the Director of Policy, Planning and Research for the City of Johannesburg Housing Department, Ms. Lungile Mtshali, on the meeting of the 11th of April was that the City would like to get the feedback from its Housing Stakeholders. Ms. Mtshali welcomed the decision to have the social audits and indicated that the City of Johannesburg Housing Department would particularly like to get the feedback from marginalised constituents. It was Ms. Mtshali that shared the database of the City Housing stakeholders.

It is important to note that the City of Johannesburg Housing social audit took place less than a month before the National and Provincial elections. The MMC councillor indicated that there are challenges regarding his availability for the social audit because of his involvement in election campaigning for his party. It is also important to note that at the time of holding the Johannesburg social audit, the community of Alexandra Township was involved in a lengthy protest over housing and township renewal. Attempts to get the community of Alexandra to participate were not successful. Furthermore, there were representatives from other communities that were invited and confirmed their intention to participate who ultimately didn't attend. These were community leaders in areas such as Joe Slovo Settlement, Soweto and other townships. It was only after the social

audit had taken place that the confirmed participants all indicated that they were unable to attend the social audit due to lack of transport money.

## **FINDINGS OF THE CITY OF JOHANNESBURG SOCIAL AUDIT**

Because of the class composition of the social audit and a preponderance of numbers of non-beneficiary representatives, the audit barely discussed the experiences of the RDP Housing beneficiaries. Although the participants were able to comment about all aspects of the Housing Policy and its implementation at both a national and city level, they were not equipped to engage thoroughly on the RDP housing nuances because of their social distance and lack of lived experience.

### **WHAT IS THE UNDERSTANDING OF THE STAKEHOLDERS OF THE RIGHT TO SHELTER?**

The finding on the understanding of the right to housing was that the participants were very aware of the right being a constitutional and bill of rights provision as well as it's being limited by the availability of resources and therefore being realised progressively.

The social audit also found that there are questions regarding the right with one participant arguing that the right to shelter is not clearly defined because of the people who are disqualified to receive shelter. When the policy was drawn a lot of people and issues were left out. It is people that qualify (who are South African citizens, get paid below R3500 and who register for housing subsidies) that the state is required to deliver shelter to. It is not the homeless that will receive houses due to limited resources. The participants noted that in cities like Johannesburg there will always be a challenge of delivering the right to a full extent. This, they argue, is because the City of Johannesburg attracts new migrants on daily basis. Of the migrants, according to participants, there is a significant number that can provide for the right on their own through renting and through buying their own houses. However, according to participants, there might be an equally significant number

of migrants that cannot afford to provide themselves with adequate housing who end up building temporary structures in the city sprawl or join the large numbers of the homeless in the inner city and downtown. The latter category of migrants who are pulled to Johannesburg by the promise of either finding employment or opportunity to pursue some form of economic activity, end up either regularising temporary structures into informal settlements or move to the inner city becoming permanent homeless people in the city.

The participants noted that the constitution ties the right to housing to the right to dignity and they argue that the constitution was well thought out in this regard. By tying dignity to the right to housing, the constitution is cognisant of the fact that the house performs various purposes beyond just shelter. A house according to the participants has other functional purposes such as a place to rest, prepare food, provide for personal hygiene and enjoy privacy. They argue that in Johannesburg the levels of homelessness demonstrate how those that have no access to housing also lack dignity because they are bereft of basic necessities such as amenities to relieve and bathe themselves.

#### **HOW IS THE EXPERIENCE OF BENEFICIARIES OF THE PROGRESSIVE REALISATION OF ACCESS TO THE RIGHT TO SHELTER?**

The participants say that over the 25 years of democracy they have observed the lack of proper coordination of the right to shelter with the affordability of owning a house. They say that there are a number of people that can afford building their own houses but are constrained by lack of provision of well-located and serviced land and stands. They argue that to most officials of the department of housing the right is interpreted as having to do with candidates of RDP housing. As far as the participants are concerned the right extends to all categories of the population. It extends to the poorest of the poor, it extends to the working poor, the low income earners, the students, the middle income earners and the all the way to the most affluent.

The experience, as far as the participants

have observed, indicates that there's extraordinary focus on the RPD housing candidates and therefore slows down delivery to other candidates of the right to housing such as those who can build for themselves and those that require well located and affordable rental stock.

Another issue that the participants flagged for attention is the notion of adequacy of a house. They say adequate housing is not well defined and it depends on the hierarchy of needs. They indicated, for example, that a student, a young first time worker, and a family migrating from another town will all have different definition of what is adequate for their needs.

#### **WHAT HAS BEEN THE EXPERIENCE OF THE DELIVERY OF THE RIGHT TO SHELTER?**

According to the social audit participants, the City of Johannesburg struggles with management. The participants argue that the City has good policies and has a lot of well-located buildings that can be used for densification and gentrification. However, the participants contend that the reason there's a slow translation of good policies to action is because the City struggles with management in the Housing Department. They stated that the various departments need to integrate and work together more efficiently.

According to the participants, South Africa boasts of a lot of well thought out policies but the implementation of them all is dismal. They argue there's a failure by government to look at and take into consideration the market dynamics to the right to housing. They argue the housing market dynamics include issues such as land tenure security, supply and demand issues and a house as property that can be bought and sold. The poor who are recipient of housing operate in a space where they can be influenced by the market dynamics to sell a house just like any other category house owners. "The government needs to look at houses not as a consumption good but as an economic asset", they argue.

Another point that was raised was that the homeless are completely disregarded in

housing provision. One participant, whose organisation works with the homeless, says they are not given better or even decent sleeping areas. The number of homeless people has increased due to land lords demanding extortionate rates even when renting bed for bed. The participant argued "the homeless are usually helped by Faith Based Organisations and NGO's. Social development should intervene: "we should engage with The Street People's Network for better enlightenment regarding issues of the homeless". There is a high level of vagrancy in the inner city of Johannesburg because of the pull factor of possible income generation and the housing provisions don't deal with vagrancy.

According to some participants the idea of ownership is an unrealistic one because of limited resources. They suggested that the government should rather introduce the idea of renting. The participants noted a trend of formal and informal renting that takes place in Johannesburg. By informal, they meant situations where one person rents out a flat and then sublets out a room or bed in order to meet their rental rates.

According to the participants, housing should allow economic access. Where a house is placed should allow a person to easily access transport, place of work, malls etc.

The participants argue that areas and their needs differ and therefore both policy and plans should take that into consideration. The participants say the City of Johannesburg should pay attention to the deep down market and informal economy. They say the housing provision doesn't deal with vagrancy, it only deals with registered beneficiaries. To ensure that the deep down market (in the context of the research this is understood to mean the low end market or the market of the most disadvantaged groups) and vagrancy is accommodated in housing and shelter provision, the City needs to categorise the people in the city according to their specific needs. They argue that the deep down market - or the homeless - needs to be covered by government provision of housing

even if it also means provision of temporary shelter. The provision of temporary shelter right now is a function that is performed almost exclusively by NGOs and FBOs.

The participants felt that in spite of existence of legislation and policy on Social Housing, government is not doing enough to provide for this. They argue that social housing requires political will and championing by political leadership. They further argue that currently the social housing component of the housing policy is responsible for the smallest component of housing delivery. It is constrained by regulations and lack of availability of both well located land and funding.

The participants argue that while the government has, since democracy, focused on RDP and BNG housing, in recent years the focus has shifted to the Mega Housing Projects. The participants are of the view that the shift to Mega Housing Projects is occasioned by the public relations worthiness of these large scale projects. They argue densification projects and other housing delivery mechanisms that are entailed in the draft inclusionary housing policy require genuine progressiveness in both the city political leadership as well as the administrative staff in the department of housing in the city.

The social audit found that there are many innovations in financing for social housing in Johannesburg, however, the City is not building partnerships with these innovators in order to improve on housing delivery. The participants argue that the City has a bias towards, and provides land to, developers. According to the participants, developers have neither a political nor a social mandate and it is outrageous how they succeed in their zoning applications. The participants cite examples of zoning such as that of the Waterfall Development in Midrand, where zoning was approved for an exclusionary, upmarket development. This, they argue, happens at a time when mixed land use is already an established policy and mixed housing provision is a reasonable expectation.

## **ON LAND**

The participants are of the view that sprawling has continued to be commonplace in the City of Johannesburg. They argue that most of the housing developments have continued to support apartheid spatial planning where the most disadvantaged are provided land and housing in the city sprawl. The presence of the disadvantaged in the city is as a result of either taking advantage of affordable rentals in red zoned areas of the city or because of homelessness.

There is a massive housing rental stock in areas of the city such as Hillbrow, Berea, Yeoville and Rosettenville. There is a sizeable population of disadvantaged and low-end dwellings in these areas. The social audit participants argue that these areas are inhabited by the poor and the lower working class because they were neglected and fell to red zoning. It is not as a result of a deliberate policy to provide well located and well managed housing in well located areas.

## **RECOMMENDATIONS TOWARDS IMPROVING ACCESS TO THE RIGHT TO HOUSING**

According to the Johannesburg social audit participants there needs to be fair distribution of well-located and well-managed land and housing regardless of political climate. Housing provision should respond to the needs of the people instead of concentrating on housing as an electoral issue on which to gain votes. Housing should take into consideration the specific needs of those who require shelter. A student that is in the city for a few years has to be accommodated just like an unskilled labourer just needing a place close to town with its economic opportunities. The key difference is that their housing needs differ and must be addressed differently. The participants believe that all the people that need housing should be part of a registry that categorises them according to their needs.

The participants acknowledge that there are resource constraints to the provision of shelter and because of this the provision of housing should move away from always

They also argued that most of the human settlements that have sprung in suburban areas have been the result of land occupation as opposed to properly planned land release and integration.

The participants argue that there is a need for political will to counter sprawling. Well located land and well managed housing can be achieved through political leadership and a change of attitude towards the poor. The thinking that the poor bring with them crime and grime is delaying the realisation of integrate and mixed housing development in many areas of Johannesburg. There are big sections of land that are not appropriately used in suburban areas as well as the tacit belief that mixed housing - where the poor are allocated land closer to upmarket housing - leads to a drop in property value. The participants believe that these ideas will only be tempered by political leadership that is prepared to enforce progressive policies of integration.

thinking in terms of ownership but also provide funding for rental alternatives. This provision can be used to take into account the temporary housing requirements of the homeless in the city.

Regarding funding, the government should finance smaller businesses that make smaller but more impactful changes. The programmes that are making a difference should be scaled up and replicated. Bigger businesses should mentor smaller businesses and smaller businesses should partner so they can qualify for mega projects. Johannesburg City Municipality needs to look at NPOs that are already implementing projects that respond to social development issues in innovative ways.

The last recommendation was that the housing policy should be implemented in full with added focus on the People's Housing Process (PHP). The PHP is useful according to participants in that it is predicated on

the notion of people providing housing for themselves. The participants argued that in the PHP, people value their houses more as assets. Because the people are involved in the building of their own houses they are more likely to hold on to such assets

than those that are just given a house. One participant summed up the social audit by saying, "If we can change the way we think, we can improve the way we live, the way we run our businesses, and the way we manage government departments".

## **TSHWANE SOCIAL AUDIT**

### **WHAT IS THE UNDERSTANDING OF THE STAKEHOLDERS OF THE RIGHT TO HOUSING?**

The social audit of Tshwane found that the participants have a fairly good understanding of the right to housing. One participant, in response to the question regarding the right to shelters, argued that, "It's a need, just like education or health and as a right everyone

should have a roof over their heads". The participants acknowledged that although housing is a right, the government's ability to deliver on the right is dependent on the availability of funding and resources. They argued it's not an "unlimited right", it is a right that is expected to be realised over time and is dependent on the affordability and the availability of resources

### **EXPERIENCE OF BENEFICIARIES**

The participants argued that the access to the right to housing has been slow for the last twenty-five years of democracy owing to a number of reasons. According to them, the last Census indicated a change in demographics in the shape of a youth bulge in the population.

either by corrupt government officials or by beneficiaries of the RDP Housing who then sell the properties.

Regarding location, according to the participants, the issue of where housing is located is important. "It is pointless to say people have a right to housing and then turn around and give them houses far away from their places of work or from economic opportunities".

The social audit participants also found that gender is now comprehensively addressed in this right because it's not only about men, but rather for all South Africans to enjoy. A participant argued that the right to housing should also facilitate access to other rights like right to health, "my wife has to travel outside our ward to go to the clinic because there is no clinic in my ward and in neighbouring wards'. Even in metropolitan municipalities, people live in areas that are severely under-serviced resulting in them needing to travel long distances to access services such as schools and medical care.

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*"my wife has to travel outside our ward to go to the clinic because there is no clinic in my ward and in neighbouring wards'.*

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"When we consider the fact that the waiting list for housing was developed in the 1990s and updated in 2000 a person who was 11 years old in 2000 is 30 years old this year and now has their own kids. In 2000, it made sense to register them as a beneficiary under their parents but the same cannot be said 19 years later. This 30-year-old is now a candidate for their own house. The problem is when the government restructured the programme they stated that no under 40 should receive RDP housing. Most of the people who need houses today are not necessarily over 40, I'm just assuming given that the youth are a majority in the population".

The social audit participants also stated that foreign in-migration impacts the right to housing by forming an informal and sometimes illegal market. According to the participants, foreign migrants get government housing when the houses are being sold

Sharing their experience one of the participants related the following story: "If there's six of us in a household, there is only one person working, there is power relations that emerge with the working person being the one who wields power and the other five

holding some resentment on the way that power is exercised. That time we are all grown up but someone rules over you just because you're jobless." According to this participant, overcrowding and economic dependence can become a major interpersonal issue and result in conflict. According to another participant, on the one hand unemployment is a major social problem while on the other hand, community facilities such as the skills centres are not adequately fulfilling their mandates. "They should be training people in trades that will give them the skills that can enable them to get jobs or be self-employed".

Participants contend that the challenge of unemployment is compounded by foreigners; "In Tshwane, we have a problem of foreigners occupying all the business spaces. The shops are people's houses but they are now rented out to foreigners... South African Citizens are now made to depend on tenders, whilst real enterprises are run by foreigners." The social audit found that there is a lot of resentment towards foreign nationals because of perceptions that they compete for opportunities with South African citizens. In the final analysis, according to participants, "xenophobia is fed by lived experiences".

Participants contend that there is a bias towards the foreigners who are willing to pay bribes. They further contend that they are subjected to poor treatment by law enforcement agencies and personnel. According to them councillors are selling houses to foreigners and view their actions as corrupting the housing system. They believe that it is indebtedness, caused by unemployment and a disparity in income and expenses, that leads to beneficiaries selling their houses.

According to participants there have been cases that have indicated that though policy is correct when it comes to practice, corruption circumvents policy. The concept of "double parking" was brought up, which was described by participants as a form of corruption where people bribe officials for ownership of more than one house. If a person has a relationship with housing officials, through bribes they are allowed to have more than one house and

during registration of the house they can sell them to other people at a profit. In addition to double parking, participants asserted that the officials provide information to their friends about which informal settlements are going to be developed into RDP housing and advise them how to get onto the list of beneficiaries. Once these are built and transferred the corrupt beneficiary simply sells the property and repeats the process.

In addition to perceived corruption, the participants feel that there is no consequence for non-delivery, substandard construction (including non-completion of structures) or the building of unserviced housing. They also believe government inadequately and ineffectively communicates about housing with the people. They argue that non-delivery and corruption in housing will never end because of the shifting around, instead of termination, of non-performing and corrupt politicians. However, they also acknowledge that the beneficiaries are in some cases culpable because they sell their newly allocated RDP houses and return to living in a shack.

Participants really decried corruption, arguing that it is rampant in housing. They stated that the waiting list takes so long that some beneficiaries die before they receive their house and when a person on the waiting list dies the house gets corruptly sold to someone else. The participant bemoaned "you can wait forever". There have also been reports of houses built but not being allocated and ending up being vandalised. They claim that the indecision is occasioned by corruption and fear that there may be violence if allocation is done and contested. In these instances, it is claimed, officials opt for inaction and the investment goes to waste when the houses are vandalised and the infrastructure becomes dilapidated.

### **TITLE DEEDS**

On title deeds, the social audit found there are a number of houses in the townships that are owned by the elderly with grown children who consider these houses a family home. The participants argue that these

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It is pointless to say people have a right to housing and then turn around and give them houses far away from their places of work or from economic opportunities.”

family home arrangements collapse once the original beneficiary passes on and the house has to be inherited. In law, there is no provision for family ownership of the title deed. The law requires that a single person should inherit the home once the parents pass on and conflict amongst the siblings often begins, especially in instances of no will. According to the participants, women are being dispossessed, under the guise of culture and tradition, by male siblings who assume that the oldest or the youngest male sibling will inherit. According to the participants, culture and tradition still expects women to be married off and, therefore, have no justifiable right to homes.

The participants argue that there are challenges in securing of rights for children and grandchildren once the inheritance of the house is determined. In many instances, the one that inherits the house evicts all the children and grandchildren. The participants say there's no readily available information or knowledge of how to remedy or contest these situations. They argue that, siblings may go as far as killing each other for the right to inherit. The participants argue that there's a need to simplify the change of ownership process.

In the case of the Pretoria North Townships, according to participants, the Northwest Housing Corporation still holds many of the title deeds. Most of the Pretoria North Townships were demarcated under the North-West Province and when these townships were transferred to Gauteng, according to the participants, the title deeds remained in the North-West. According to the participants, the provinces are failing to deal with this property ownership issue for both businesses and residences.

### **TENDERS**

Government in all spheres still depend on contracting out to construction companies to deliver housing. The policy shift from RDP to BNG hasn't changed much where the delivery mechanism is concerned. The Tshwane participants in the social audit were scathing in their criticism of the tender or procurement system. The very first respondent argued

that the government should do away with tenders. The participants continued to argue that tenders breed corruption.

In an example of corruption, a participant related that in his experience one contractor will be awarded up to five tenders. Another participant said that tender competition leads to murder and violence. He argued that people who compete for tenders have informal armies that were initially organised as security to protect their businesses against community agitation. But these security arrangements have morphed into gangs that terrorise anyone who questions the way tenders are granted.

One participant, who is an SMME owner, argued that questions will be always raised because there is 30% set aside for local SMME procurement in construction contracting. The participants argue that the money set aside does not involve the communities and that tendering is prejudiced against community businesses. According to one participant the tender system creates tribal and geographic competitions. He says that although Tshwane is cosmopolitan, the people in Tshwane mostly originate from provinces such as Limpopo, North-West and Mpumalanga. So when tenders consistently go to the people from Limpopo, the other groups see it as a pro-Pedi bias and prejudice against Tswanas, people who originate from the North-West and so on.

The participants acknowledged that tenders have significantly empowered some black businesses. The challenge is violence and corruption involved with tenders. In the context of declining employment, both government tenders and public employment programmes are seen as a reprieve for people who hold no hope of employment in the near future. The example cited by a respondent is that of Roslyn, an industrial base where there's been factory retrenchments every year in the recent past.

### **ACCESS TO LAND**

In Tshwane, according to the participants of the social audit, most of the land was subject to a land claim by a traditional authority.



The land includes immense tracks of land that cover most if not all of the Pretoria North areas. According to participants the government owes the traditional authority a lot of money for townships and businesses that have been developed on their land. This has a lot of implication for land availability in the Pretoria area, particularly in the Northern Townships. The landowners are also said to be standing between the people and issuing of title deeds. According to the participants, the previous ANC led metro council held public meetings to explain the issue of the landownership and its implication for the availability of land but since the metro was taken over by the DA they have received no new updates.

The participants argued that, though there are significant levels of unemployment in Tshwane, there are still a lot of people who simply require serviced stands or appropriate land to build on their own. They argue that until the land ownership issue and the debt the government owe to the traditional authority is resolved, they doubt that the municipality can issue stands or land. The participants indicated frustration about the land issue in Tshwane. They argue that the interaction between the municipality and landowners reflects a lack of transparency and overall poor communication.

The participants say the matter of land is aggravated when arbitrary decisions on land use are made such as the allocating housing or communal open land to churches. This, according to participants applies to land that is available and is owned by the municipality. They argue the municipality needs to facilitate land and access to land for people who have

income so that they can build housing for themselves. The key according to them is that the land should be well located in terms of economic opportunities, transport and other amenities and should be serviced with bulk infrastructure. One participant, summed it up by saying "government must issue serviced land and allow people to build for themselves. Provision of serviced land could help because the land is yours and you develop it using your own resources at your own pace and you can keep extending the house as the family needs change". In conclusion the participants argued that land information exists in bits and pieces and for the full picture to emerge and the stated issues to be resolved, further research is needed.

### **SAFETY AND SECURITY**

The participants of the Tshwane social audit indicated that one of the major issues related to housing is that of safety and security. They indicated that there are many well-known crime spots in their neighbourhoods with the most unsafe spaces in the community located near open spaces. Parks and open fields were identified as particularly dangerous places at night times. One participant from Mabopane indicated that one of the most dangerous places is next to the prison. She argues that the prison has inadequate security and too much land that is not regularly patrolled. Criminals jump the fence of the prison yard and when people pass through the area they regularly get robbed. They say this situation is aggravated by poor treatment from law enforcement agencies and personnel. They argue that police simply don't care and the preponderance of crime has made law enforcement agencies completely desensitised to crime.

### **RECOMMENDATIONS TO IMPROVE SERVICE DELIVERY**

There is a myriad of recommendations contained in the findings above. However, when it came to discussions of how the government in general and the municipality in particular should deal with the progressive realisation of the right to housing, the participants made the following suggestion. The participants argued that the existence and access to reliable and up to date

information was critical. One participant cited the issue of updating the waiting list as an example. This participant says he is certain that on the list he is included as his mother's beneficiary but now, 20 years later, he has his own housing requirements.

All the participants agreed that there is a need for reliable and verifiable information.

They argue that the Department of Home Affairs Population Register should be utilised to ensure that the information is relevant, reliable and up-to-date. This, they argue, will also help track migration from one province to another so as to ensure that a person who has benefitted from RDP housing in one province does not benefit again in another province. Secondly, the municipal department of housing, should have up-to-date information through research. According to one participant, Home Affairs should help keep track of who lives where and their movements. The participants also argue that the Census counts by Statistics South Africa should be utilised as an important source of information regarding household sizes, in-migration and age demographics.

The participants say the realisation of the right to housing is a moving target. People

attain adulthood while on the waiting list for RDP housing and others die because of old age, natural causes and accidental causes. So, the departments of housing and human settlements in all spheres need to have up to date information. According to participants the country needs to have a database of all South Africans and know who has a house and who doesn't.

The participants also recommend that the government must acknowledge that there are people who can build for themselves and the government only needs to assist them to build. In this regard, the participants, recommend that the government should provide land and bulk services. The Tshwane social audit was concluded by a participant who enjoined government at all levels to stop thinking of people as beneficiaries but rather as partners in development.

### **SECTION 3:** THE GAUTENG SOCIAL DIALOGUE WITH PROVINCIAL GOVERNMENT OFFICIALS, STAKEHOLDERS & EXPERTS

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The Provincial social dialogue between the provincial officials of the Department of Human Settlements, municipal officials, stakeholders and experts took place at the Nelson Mandela Foundation (NMF) on the 3rd of June 2019. The social dialogue was part of the process of Piloting Methodology on Social Audits and Dialogues to assist stakeholders to improve implementation of constitutional mandate of the right to housing. This section is a presentation of the record of the social dialogue and its recommendations.

#### **STATE OF ACCESS TO HOUSING IN GAUTENG**

The social dialogue began with the reflections on the state of access to housing in the Gauteng Province. The participants felt that there are great policies, planning, infrastructure, but disappointing implementation and unfortunate underperformance. According to the participants, it does not matter which policy in the housing programme is being implemented, the plans are always good, the infrastructure exists and even resources are readily available. The constant issue is execution.

One participant expressed the view that the City of Johannesburg could be a great leader. It could be doing well in issuing well located land for housing. It could be a leader

in densification and gentrification with the purpose of transforming the city both demographically and functionally. He argued that the CoJ was the first city in the country to implement both the Bus Rapid Transit and Rail Rapid Transit systems. In terms of the policy and plans these are closely linked with Transport Oriented Development (TOD). However, in practice the TOD components of the transport strategy have not come to pass except sporadically with people densifying areas closer to transport nodes rather than a deliberate plan to do this.

The participants also felt that the implementation of housing programmes is often political. According to the participants when political leadership changes, with it comes changes in both policy emphasis and

programme priorities. It seems like each politician or political party has areas that they pick and choose instead of prioritising overall delivery. The participants also questioned whether it is solely the role of the state to deliver housing. They argue that both the law and the policies intentionally and deliberately view delivery of the right to housing as not merely the responsibility of the state. Instead it is a responsibility shared with the people providing for themselves, business playing their role in private permanent delivery, availing rental stock and partnering with government. According to the participants the demand is always a shifting target, therefore the right will not be fully enjoyed by anyone in the immediate future and the systemic failures and other constraints worsen, instead of ameliorating, the situation.

The social dialogue acknowledged that internal migration impacts the achievement of the right to housing. In the City of Johannesburg in particular, and the other metros in general, we see a huge amount of internal and cross border migration. This increases the demand for housing and puts pressure on the municipality to always cater for new and increased demand.

### **CHALLENGES: POLITICAL ISSUE**

The social dialogue also discussed the political issues relating to the realisation of the right to housing. Some participants noted that politics affects the realisation of the right both positively and negatively. The impact of political shifts on delivery due to leadership changes within state bodies is felt significantly. This has occurred in both Tshwane and Johannesburg, with a participant arguing, "we are currently at a new space".

The participants also noted the complexity involving multiple spheres of government and posed the question: how can local government be capacitated to deliver optimally? The view is that there are capacity deficits where local government is concerned in delivering housing. Some capacity deficits have to do with optimal coordination of the relevant departments to deliver different services in human settlements.

The issue of accessing land was also raised with participants arguing that land is central and critical. "Accessing land in optimal and well located places and spaces for development of housing is almost impossible". This is an issue that needs to be addressed before we can embrace the radical spatial transformation that is crucial for economic integration.

An official from the West Rand District Municipality argued that peripheral local governments feel especially burdened. The official argued that the peripheral municipalities are completely dependent on provincial government for resources, to build houses and for access to title deeds. She argued that the inter-governmental relations aspects of housing delivery are not well understood by the public. For instance, there has to be a proclamation of township before the housing process is approved, there also has to be provision of the bulk services. However, the province by-passes all these requirements, approves a housing project and leaves the challenges of complying with all the regulation requirements to the municipalities. When there are challenges with the delivery, owing to outstanding administrative and regulatory requirements, causing delays in delivery of housing, the communities direct their protests to the municipality, instead of province. "Communities protest to us, but we have no authority to deliver".

The social dialogue also heard that there are spatial planning challenges and challenges regarding the visions for radical housing delivery.

### ***These were characterised by multiple complexities:***

- Tenure;
- Location;
- Services;
- Neighbourhood;
- And security.

According to the participants the challenge occurs when combining theory with practice - praxis. The policies say one thing, but in implementation does not meet the intended goals. For example, Megacities combine

multiple income levels, but are located too far from economic opportunities.

### **THE QUALITATIVE IS AS IMPORTANT AS THE QUANTITATIVE**

The dialogue discussed the importance of looking beyond numbers when assessing the realisation of socio-economic rights including the right to housing. The participants argued that the focus should not be solely on numbers, rather the “what” and where” delivery occurs. According to one participant at the social dialogue “It’s important to be clear as to what are we measuring? SER SPII introduces more complex indicators but these are still quantitative, need to identify qualitative HR based indicators; transformation of house from brick and mortar to human needs.

#### ***Housing needs change over lifetimes.***

- Who should deliver housing; government; private sector; or civil society?
- Where should housing be located so it doesn’t become a burden?
- Services, utilities and other social needs - such as education, healthcare, transport - also require consideration.”

The participants argued that the discussion of home ownership versus rental requires serious consideration because of issues of tenure security. On rental and rent-to-buy, the participants argue that this has been shown to be wholly fictitious. Instead of rental leading to ownership, it mostly ends up being just rental.

On affordable housing, they ask who defines affordability? In the final analysis, the social dialogue heard that it is really hard to deliver housing, and so huge amounts of money are handed back to National Treasury.

There is a matter of where housing developments are erected: green field versus brown field delivery. By greenfield housing development the participants meant, undertaking new housing development in areas that do not have services and infrastructure. By brown field they mean

building houses in areas and spaces where the services and infrastructure is already in place. Green fields housing development are known to be costly because they require extension of bulk infrastructure and services before houses are built.

On the People’s Housing Process: people organise their own housing plans and finances, but then government steps in to frustrate these processes. This causes obvious conflict. According to a participant from the housing cooperative, “government cannot provide free housing for ever and it now wants people to get involved in the process - see the SONA, but there are practical problems such as zoning of land, skills training for building, production of production inputs in self housing provision. Regulation and accreditation is a real challenge. Location of self-provision projects is also a challenge, whether they should be located in the Inner city, in the urban sprawl or in rural areas.”

The Provincial Dialogue took place after most of the municipal local audits were concluded. There was already available data and information coming from the social audits. The data and information on land availability, the necessity to continue with RDP housing as well as information on title deeds for both the RDP and the old housing stock, was presented to the dialogue participants. The respondents felt that from a community housing perspective, access to good land is a problem. One participant opined that “housing needs to be integrated into multiplier developmental spin-offs”. By this the participant meant that issues such as provision of educational, transport, health, water and sanitation services and infrastructure can become spin-offs of housing development. However, according to the participants for these spin- offs to be realised “we need a well-coordinated government approach”.

On the People’s Housing Process policy, the participant from a housing cooperative said “we were negotiating with government to have the use of this process as a success indicator for the state. Huge misunderstanding of

this process exists, between PHP and BNG – the former does not need a contractor, it is the community that catalyses the process. Ownership through sweat equity also discourages the subsequent selling of houses for profit. Some people, it is claimed, have large houses elsewhere and so they are happy to have shacks rather than invest in building their homes here”.

According to the Gauteng Provincial government official in the social dialogue, issues around land ownership and expropriation are difficult. The official says although there is a lot of talk about land expropriation, the provincial department has not even begun to do land research in the province. And as far as the official is concerned the municipalities have not undertaken land audits and land research either.

On the PHP the official argued that the government acknowledges that there is no way government can provide housing for all. As a result government, recognises the potential of the self-build and the need for the provision of serviced stands. According to a provincial government official, there have been pilots in Palm Ridge and other regions in Gauteng of the self-provision programmes.

## **LAND**

In the discussions about land, communities claim that government does not allocate good land without the community first occupying it. According to the provincial department official: “Some unemployed graduates read our plans for land and then grab those areas of land so that they get better value. The community have unemployed graduates that are able to read complicated documents. They have a sketch of the land. They investigate beforehand who owns the land. They read the Gauteng Spatial Development Framework, they read the municipal RDP and go and grab the land that is identified for housing development or Mega Projects. Land grabs don’t happen in isolation and without knowledge of the plans. The community occupy the land knowing the future plans of either the province or municipality. When we look at the location of housing project, we must not overlook the land grabs”.

Another provincial government official argued that some people own and rent out multiple shacks: “it is a business”. He cited a case that the provincial department of human settlements found in its own research about RDP housing, of a person who had a shack in Zandspruit, went on to build another shack next to Ruimsig Golf Course whilst they had a house in Cosmo City. According to this official “this person has been trying to get as many RDP houses as he can lay his hands on and later sell them for profit”.

An expert participant argued that housing and land cannot be divorced from restitution and redistribution. “There’s a need to consider stands as part of giving land to the people. Less than 6% of the budget for RDP house is for land, hence RDP cannot be built in well located land purely as a budget matter”. The view is that there is no strategic land available in well located areas. Lack of knowledge by the government of Transnet and SANDF land in well located areas is also a challenge, according to one respondent. When information exists about government and state owned companies’ land, the land cannot be given away because this land is in the balance sheets of the state owned company.

The social audit also heard that there is also land that is well located and lying fallow because the local government does not know who owns the land. Sometimes ownership is not even reflected in the records. Public works also own well located and valuable land but lack political will to give it up for low cost housing. Land is a municipal competence and it’s the municipality that must buy land but most municipalities in particular Metros cannot compete with private developers and the objections from affluent residents to building low cost housing in their neighbourhoods.

According to the social dialogue participants some local governments are still not managing this process because of land policies relating to land for housing. “Less than 6% RDP budget allocation is for land. Land is not free, so the only land that you can find for that amount of money is in the

outskirts. Where do we find land for large scale projects too?”

According to a housing expert, in Cape Town private developers found no problem finding land for their interests. On the other hand, government was unable to do the same because it is not spending enough on land. Government owns large areas of land – through departments and SOEs. But now cannot transfer that land as it is an asset on their balance sheets and they have to get fair value for this. Land should be seen as part of city growth and should be subject to more than just market considerations.

### **TITLE DEEDS**

According to the NDP review: less than 13% of black people have assets including title deeds. At a community level this is a major problem, especially for inter-generational inheritance.

With regard to RDP housing policy, participants believe that by the time the owner takes occupation, they should have the title deed. In reality the ownership of houses often change through private sales but those ‘sales’ don’t go through the proper channels, and so the deeds registry does not register the transfer. In instances where the original beneficiary dies, subsequent transfers and sales are ignored. People see this as the result of them not being able to afford conveyancers.

According to the participants, the title deed challenges are not the same between the old stock housing and the new RDP and BNG housing. According to the officials the title deeds for RDP housing are easy to solve. The official argued, give the people the title deeds when you give them the key to their new RDP house. In fact, that is the intention of the housing policy. The official continues to relate experiences they encounter as government officials. She argues,

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“a person applies for an RDP house and gets registered in the waiting list, together with their children. After

some years they get approved, now their children are grown to being adults. The person gets the RDP house and is already no longer having work in Gauteng and in fact, she has moved back to Limpopo in a village somewhere. She comes back to collect the key to the house without the title deed in tow. She sells the RDP house to another person and still not transfer ownership. When she dies, the grown child knows that they were listed as a beneficiary and all that he does is to go to the housing office and demand the title deed and gets it because he is listed as the beneficiary. Meanwhile the person who is occupying the RDP house, who bought it from the mother believes he has a house that is his because he bought it.”

She argues “the conflict ensues with the occupant refusing to leave the house despite [ the fact that] the child of the official beneficiary has proper documentation that the house is rightfully theirs”. According to her the policy intent is to ensure that this is averted by simply issuing the title deed together with the house key.

The situation with old stock is completely different, according to the officials. The information about houses built before 1994 is stored at old municipal offices. “The people who are entitled to title deeds come in different forms”. According to the officials, “it is easy to solve the title deeds matter if the person who inquires is the rightful owner. All the department does is to update the information and issue the title deed. Even if the claimant of the title is the descendant of the deceased rightful owner with proper death certificates and a will, the process proceeds smoothly. However, for most families, there are multiple descendants and all have a claim to the house. Of course the claims are fraught with gender and age entitlements and conflict. The claimants sometimes invoke culture to bolster their claims to the inheritance. Male descendants attempt to sideline their female siblings by

citing culture as a determinant of inheritance. The oldest and the youngest of male siblings always feel entitled based purely on the being the first born or the last born.

The gender issues play themselves out more in contests over old stock than in RDP housing claims. What compounds the problem according to the officials is that people in townships really believe that there is a provision in the law for communal ownership of a family home. But in fact, the Roman Dutch Law used in South African jurisprudence has no such a provision for family ownership unless the family has a legal entity incorporated or a trust. The officials argue there is a pressing need for education about wills and title deeds. "If there's no will, government can't do anything and the siblings need to go figure it out in court". The dialogue participants posed the question: why is there no allocation for something called a 'family home'? And in response they argue that the law should be changed to accommodate the family home provision and avoid serious conflicts within families.

Another challenge closely related to the issuing of title deeds is that of completion by contractors. According to the officials, housing projects have milestones for payment. One of the milestones is meant to be on registration of ownership. Contractors might leave the site with 80% of payments received, and decide that the challenge for registration is not worth it. Transfer costs are a small portion in the RDP milestones and contractors make the bulk of their money in the actual construction process and sometimes leave the project before it is completed to avoid the burden of transferring them.

To address the matter of title deeds, the Gauteng Department of Human Settlements has appointed the Estate Agency Affairs Board to assist with the transfer of titles. The process is called the Title Deed Restoration Project. In the West Rand District Municipality, MNS Attorneys have been appointed as conveyancers. According to the official, the conveyancers find themselves spending a large amount of time finding out who lives in the house today because of a dearth of up-

to-date information. Government officials contend, there will always be a problem with title deeds, but that does not need to be a hinderance to the settlement of easier title deeds.

An example of CAF Khayelitsha - that assists with formal business plans, providing title deeds, and settling intergenerational disputes - was cited as an approach required in Gauteng. Officials argue that the matter of educating the public about title deeds and legal wills can go a long way to sort out the title deeds challenges. However, there is a strong view that the accommodation of family ownership of the house could also ameliorate conflict amongst siblings in township families. The matter may require some serious advocacy.

The dialogue conversation ended with a provincial government official asking, "why are South Africans so obsessed with ownership? Other countries, families can rent same property for multiple generations of secure tenure rental."

## **DISRUPTIONS, INNOVATIONS AND SOLUTIONS.**

### **Planning:**

According to the social dialogue participants, planning in Gauteng is fragmented with each of the departments that are supposed to play a role in housing project planning and budgeting separately. In some cases, the provincial departments have separate plans from those of the municipalities in the province. So, as far as participants are concerned, there is a challenge of coordination in planning. The first challenge of coordination is the horizontal one, where all the departments involved in housing such as the Department of Human Settlements, the Department of Infrastructure, the Cooperative Governance and Traditional Affairs Department (CoGTA), the Department of Health and the Department of Education are supposed to coordinate their plans for delivery. Currently, there is an expectation that the Department of Human Settlements will do the coordination, however, in practice this kind of coordination rarely takes place.

The second challenge is a vertical one, which, entails coordination of plans and budgets between the province and the municipalities within the province. The participants are of the view that there are many housing developments that have taken place without adequate coordination between the two spheres. In fact, the vertical coordination challenge also includes the National Government, because according to the social dialogue, it too is not coordinating well with the Province and municipalities.

The social dialogue heard that politicians often have different goals from their developmental mandates. An example was given that sometimes the politicians are driven by the desire to be seen to deliver so as to boost their political support, both within their parties and within government.

The challenge of coordinating planning, according to participants, extends to political hierarchies of Ministers and MECs. According to participants, if all political actors are on the same hierarchical level, it makes coordination (amongst equals) difficult. The same extends to the administrative staff, according to provincial government participants in the dialogue, it is difficult to coordinate with other departmental staff who view them as equals. The coordination responsibility, according to the social dialogue, would best be served if the Premier's Office was doing the coordination. The Premier's Office is better positioned in the hierarchy than the line function departments.

The proposed solution is to drive coordination through the Department of Human Settlements and involve CoGTA and all the other involved line function departments. At a political level the MEC of Human Settlements should coordinate with the MECs for the other implicated line function departments. It is worth noting that this is not a new nor a ground breaking proposal. It is merely a proposal to do what current policy expects of government.

On Town and spatial planning, the dialogue proposed that the principles of transformation of the cities should underpin new developments. The proposal is that new

developments should address the apartheid spatial patterns where race is concerned. Densification should be pursued through refusing to approve zoning for developments that are exclusionary, such as exclusively upmarket housing developments with no mixed housing components. The province and the cities should desist from planning and approving costly developments in greenfields that have no services and therefore costly to develop. One of the proposals included densifying along the transit nodes to realise TOD: "follow the transport corridor with the money".

According to participants, provincial and local government planning happens separately. The proposed solution is to have the planning process coordinated between the province and local government. Policy, according to government officials at the dialogue, has an objective of ensuring that there is coordination in planning and delivery; and the coordination is not merely between the Provincial and Municipal Departments of Human Settlements, but between all of the relevant role players. The proposal is to implement policy prescripts in order to ensure compliance and to improve performance.

Another proposal was to use the existing building stock in the city to expand housing and reduce transport problems. The proposal is for the use of the existing housing stock to foster inclusionary housing, densification and to support social housing. The cities in South Africa, just like anywhere else in the world have advanced infrastructure and are well located near social and economic opportunities. The proposal to densify the cities and making them inclusionary is not a South African invention, it is a global spatial integration mechanism. The cities in South Africa could do well if they used the available space in the city to foster densification, mixed land use and mixed housing.

On Spatial Development Frameworks, the participants felt that currently the SDFs often fall prey to malicious compliance. This subsequently means they fail to drive decisions and priorities for cities. However, the participants believe that, used with the



correct intentions, the SDFs could be real tools for envisioning a different reality. For this to happen, issues such as the energy future and the integration of the fourth industrial revolution have to be included in the SDF. Already, the insecurity of energy supply is impacting our cities adversely. They should be integrally involved in planning their future energy requirements and defining their role in reducing carbon emissions. The future of energy is green, the cities have to be defining their transition to cleaner, greener and more economically viable energy solutions.

On the fourth industrial revolution, the cities are bound to experience major disruptions. There is a move globally towards smart cities. In South Africa the process is sporadic and fragmented with cities apparently doing as little as possible. The SDF could be used to envision the cities of the fourth industrial revolution in South Africa. The social dialogue proposes that there should be widespread access to SDF processes. All the city stakeholders' voices need to be heard and all the stakeholders should be involved in the SDF planning and implementation.

## SECTION 4: ANALYSIS OF THE FINDINGS

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This project was informed by two processes that SPII had already undertaken as part of its socio-economic rights programme as outlined in the methodology section. The two processes are the policy analysis and the budget analysis. The social audits and the social dialogue, constituted the third step of the SPII socio-economic rights framework, which is Monitoring and Evaluating the Attainment of the Right. For ease of reference the analysis of the findings will, in the first instance cover the analysis of the findings of the social audits and in the second instance it will cover the analysis of the findings of the social dialogue.

*The analysis of the findings of the social audit and the social dialogue will discuss the following topics:*

1. Verification of socio-economic rights trend analysis over time.
2. Subjective experience of the enjoyment of the right to housing.
3. Descriptions of real violations.
4. Capturing of suggested innovations.
5. Blockages in current delivery.
6. Global innovation:
  - Design;
  - Rights;
  - Participation;
  - And financing.
7. Three ways to proceed.

### **SUBJECTIVE EXPERIENCE OF THE ENJOYMENT OF THE RIGHT TO HOUSING.**

In 2009, the then Minister of Human Settlements, Ms Lindiwe Sisulu, said: "the things that our people complained about most, apart from unemployment, was housing... inadequate housing, and of the quality and standards of houses. We promised them we would attend to the problem... This was part of our societal contract... we are breaking new ground to house all" (cited in Trusler, 2009:8). Her message is as relevant today as it was ten years ago in 2009. The findings tell us that if anything, the situation has "changed to remain the same."

### **Progressive Realisation of the Socio-Economic Right to Housing**

On the progressive realisation of the socio-economic right to housing, the findings were that people have been exceedingly patient. The people are aware that the right to housing is a constitutionally guaranteed right. They are aware that by virtue of the right being constitutionally guaranteed, they are entitled to receive state-supported housing delivery. The people, in particular the poor and the unemployed, through their individual submissions and through their organised formations, have in the social audit and the social dialogue, expressed the kind of patience that belies the perception that people feel entitled. There are people who have been on the waiting lists for about 20

years and are still patiently awaiting their turn. The ordinary people are the first to acknowledge that the state is constrained by resources to deliver at the levels and pace that would provide housing for everyone and eradicate informal settlements.

In analysing the findings, it is important to note that frequently when housing service delivery protests have taken place, there has been a strong link with corruption, whether perceived or real. People don't engage in service delivery protests just because they are demanding housing out of the blue. There are cases where houses were built and given to people that are not in line to receive them. In cases like these, the community is usually well aware of who is entitled to the houses according to the list. Sometimes service delivery protests are occasioned by government failure to complete a housing development. The people always perceive the failure to complete the housing project as either occasioned by corruption on the side of the contractor or by government failure to provide and manage the financial resource appropriately. In the final analysis, the constitutional right to housing does not make people feel entitled and apathetic. This view incorrectly characterises the government as a paternalistic parent and the people as immature children who do nothing but wait for the parent to provide for them.

### **Human Dignity - Section 10 of the South African Constitution**

Where human dignity is concerned, the social audit captured so many anecdotes that referred to the ways in which lack of access to adequate housing, the indignity of homelessness and of living in overcrowded and inadequate housing, undermined people's dignity. People related that poor housing causes a collapse in values. A participant in Tshwane related how his lack of privacy meant he had copulated in the presence of his children, subsequently exposing them to sexual activity too early. Another stated that basic hygiene cannot be observed when there is overcrowding, because every space in the house is occupied, one cannot even move items to clean properly. These are just a couple of the many stories shared. It all boils down to

one thing- that when people live in conditions that strip them of dignity, they are constantly and continuously aware of the lack of dignity they suffer through and are aware that decent people should not be living the way they live.

### **State-Supported Provision versus Self-Provision**

As already indicated in the section analysing the progressive realisation of the right to housing, people don't feel entitled. People with income argue that they are willing and able to provide for themselves. Employed people want the state including the local government to provide them with land and to extend bulk services to this land. They argue that they can build their own top structures and can draw the services from the streets to their homes.

There are many people who live in rented houses in all demographic categories. The perception that people want to own and scoff at the idea of renting is really not supported by evidence. Of course, ownership makes the house an asset that can be traded, and can be bequeathed to the next generation. It is no wonder then that when forced to align their living situation to their current financial resources, people do opt to rent but when planning their long-term future and security of assets, they aspire to own. This is a dynamic also seen in the middle class. People in the lower-middle class, such as recent graduates, are not opposed to renting and sometimes are compelled to rent by the very force of circumstance. There is a middle class that rents because they don't qualify for housing loans while also not qualifying for state-supported housing. They are referred to as the missing middle. These too, by sheer force of circumstance are thrown inevitably to the rental market. But with all categories, as incomes improve and the circumstances allow, they aspire to own their own houses.

### **Tenders**

Tenders in housing require their own research in order to do justice to the complex issues and tangential dynamics associated with the matter. There is a real and economically transformative element to tenders. Many black entrepreneurs have benefitted and have



The preponderance of corruption has reached the point where it is considered as just part of doing business.

found opportunities to participate positively in the economy through tenders. There are a number of black business people whose fortunes have been changed by the existence of tenders as a business model. However, in housing they have become very negatively associated with graft and even reckless and dangerous corruption. The simplistic response by social audit participants was to call for completely doing away with tenders. Our analysis is that there are positives and negatives to tenders. The corruption associated with them seems to be well known, the culprits are known both within government and amongst the contractors. Instead of doing away with tenders, there's a need to put a spotlight on them with the aim of research and improvement.

There is a need for punishment of the culprits and other forms of consequent management. According to Provincial officials, often contractors do 80% of the work and take the payment and leave the 20% incomplete (as reported in the above section dealing with the findings of the Provincial Social Dialogue). The government, as contracting party, should manage its contracts through consequence management, including its existing policy of blacklisting the delinquent contractors, and, where possible, should consider recovery of money, and bring criminal charges against contractors who are doing wrong. However, this requires diligent contract management. There are still reports of contractors that do not get paid on time, although they have completed. So, government has to fulfil its obligations and close any loophole, if it is to administer proper consequence management.

### **Corruption**

Corruption has to be considered as one of the major social ills in South African society. It is said to be eating at the social fabric of our democracy. In housing, its effects are pernicious and they take from the most vulnerable, the most disadvantaged and the most downtrodden. The net effect costs the country a lot of money and still falls far short of addressing the challenges the resources are meant to address.

Corruption requires a political leadership that

is completely intolerant and unyielding. There has to be consistent and forceful consequence management. The preponderance of corruption has reached the point where it is considered as just part of doing business. Communities are of the view that any body who gets contracted to build housing and services, is paying someone a bribe either a politician or an administrator and in some cases both. The scourge of corruption has reached endemic proportions. Both the people and officials have examples and cite incidents of how corruption manifests. The perception is that if an official doesn't participate in corruption, they stand the chance of losing their job. This situation is untenable, it requires immediate and decisive action.

### **Safety and Security**

There are serious complications where safety and security is concerned. A lot of criminal activity and behaviour cited in the findings are not only due to police failings. There are many incidents that are characterised as "things people do to each other" and, therefore, can be framed as social disintegration. Visible policing and the provision of safe and secure environments, heightened night time visibility through the provision of street lighting and securing hotspots in communities re all mentioned as easy to implement ways to restore some faith in the police service.

The major issue however where crime is concerned is that there are places that are generally unsafe. The informal settlements are notorious for lack of safety and security. Just eradicating the informal settlements is bound to improve safety and security exponentially. The reason why residents of affluent places are opposed to mixed- use densification that includes low income housing is partly because of the fear of that it may bring with it crime and grime. Of course there are other issues that have to do with the history of racial segregation and a deeply divided society, but current concerns about safety exist too.

### **Land**

Land is a key factor in housing provision. There is less and less land in well located

and well serviced places. In this project the findings are that there are also difficulties in accessing land in areas that all along were thought to have fewer challenges such as townships. Both the Tshwane and Sedibeng social audits, found that it's difficult for residents to find land in the township to build. It also doesn't help that political leadership doesn't do all it can to extend land rights to the people. The land question is racially and politically polarising in South Africa. The spotlight on urban land has shown that for 25 years there has not been a deliberate process of providing land in well located and well serviced places. Nor has there been a deliberate plan to give people land even in the sprawl and outlying areas. A lot of land that people have gained access to has been through occupation and land grabs.

The urban land question and the aspects that have to do with housing need urgent attention. There is an element of persisting racial segregation in access to land. As the literature shows that inclusionary housing programmes have been adversely affected by interest groups that lobby in favour of demographic changes that remain within the elite categories. All the attempts at inclusionary housing policies in Joburg have met resistance from property owners who feel that there need to be limits to densification so that it doesn't impact negatively on their property market value. This can be seen as the prioritisation of property rights over the socio-economic right to adequate housing.

The BNG document anticipated that well- located land owned by State Owned Companies (SOCs) would be made available for the development of housing in well located places. Unfortunately, the plan to make available SOCs land has not come to pass. It is not clear whether this is in reaction to resistance from any sector, but the reality is that it is not happening. Other available land in well located places is subject to competition with private developers who pay more for the land.

There is an urgent need for government to do two things. Firstly, government needs to take action to access the land that is owned by the

SOCs and use it for housing development. Secondly, government has to review its expenditure on urban land acquisition including considering both the compensation of land owners as well as where possible expropriate urban land without compensation (especially in cases where the owners have long abandoned the land).

### **Title Deeds**

Title deeds have been found to be a high risk factor for family and social cohesion. The range of contentions range from the easy to resolve matters to very complex challenges. We submit that the contentions relating to title deeds for RDP and BNG housing stock are easily resolvable, and that in fact, the intention to deliver hundred percent of title deeds for RDP housing within five years is achievable. In Gauteng, there is political will to issue title deeds for RDP houses as demonstrated by the call by Premier David Makhura for the rectification of the issue. What has been lacking is commensurate administrative action that matches the political talk and rhetoric. The Premier and the MEC for Human Settlements in Gauteng must lead, but Municipal MMCs also need to be engaged and to participate in the issuing of title deeds to the housing beneficiaries of post-apartheid housing programmes.

This research process has indicated that there are challenges that require pro-active measures to be taken by the housing political leadership and officials. These challenges have mainly to do with the informal sale of RDP housing. The research suggests that there is a preponderance of cases where RDP housing recipients have sold their houses through informal means. By using the word informal we mean there was no proper engagement of the legal process and in most cases the owners sold the houses before they themselves were in possession of title deeds. In cases such as these, the children of the initial beneficiary (the parent), who are now grown-ups or adults are in a position to dispute the propriety of the sale and to demand the title deed for themselves.

In anticipating the challenges relating to RDP title deeds and the informal housing sale, the officials together with political

leadership need to be prepared to resolve the contestation over home ownership. The succession of ownership within families and the inheritance of RDP housing is already flagged as a source of entropy. In dealing with this government needs to tread carefully and ensure that it has a resolution strategy to deal with the disputes that arise.

### **The People's Housing Process.**

The PHP simply requires the implementation of the Breaking New Ground Plan.

There is a need to establishing a new funding mechanism for PHP, adopting an area or community wide approach as opposed to an individual approach. In particular, this revision should ensure that resources and support for beneficiary-level capacity building and organisation building are made available from local government in partnership FBOs and NGOs in accordance with locally-constructed social compacts.

The existing framework for the development of institutional support for the PHP is insufficient. This aspect will be addressed during the redefinition phase where consideration will be given to establishing accreditation and institutional support mechanisms whilst expanding and enhancing the existing facilitation grants in support of PHP (Breaking New Ground: 2004).

Conceptually the PHP, is a mechanism that human beings throughout history and all over the world, have used to provide shelter for themselves and their families. South Africa is going through a long period of state funded housing delivery. In the future the state funded housing delivery may stop. However, people will still need to provide shelter for themselves and their families. The

PHP, should be made a priority mechanism for self-provision of housing. There are many challenges in the PHP mechanism right now. The challenges range from institutional support, the financing mechanism, the training needs and requirements etc. All these challenges can be addressed and innovative solutions can be generated when the PHP is implemented vigorously. A community of practitioners with in-depth knowledge can arise out of actual practice, these can in turn enrich the PHP greatly.

### **Transit Oriented Development**

The three metropolitan cities of Gauteng are leading in the implementation of the Bus Rapid Transit Cities. The City of Tshwane, the City of Ekurhuleni and the City of Joburg are already linked through the speed rail system. Along both the bus and the rail nodes there is a number of land parcels that could be used for TOD. There is a need to follow the huge investments that have been made in transport with the equal investments in housing. The intention should be to ensure that the principles of TOD are applied which entails mixed land use, mixed housing with densification along the transport use, as well as ensuring the implementation of inclusionary housing strategy.

The City of Joburg had started with the Corridors of Freedom under the previous administration. The programme of COF was a relevant and progressive innovation. The change of ruling political party should not lead to complete discontinuing of the COF programme. All the Metros of Gauteng are part of the Cities of the World and they need to learn to move with the times in ensuring that they implement home grown TOD strategies that respond to the local needs.

## SECTION 5: RECOMMENDATIONS AND CONCLUSIONS

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The goals of this study were two folds, in the first instance it was to pilot the Social Auditing as a methodology of engaging with housing stakeholders. In the second instance the goal was to propose three innovative ideas to support the realisation of the right to housing. In this section we provide our recommendations and conclusions regarding the two Goals.

### **SOCIAL AUDITS PILOTING**

The methodology of Social Audits has been proven to be a very useful methodology for engaging various stakeholders. The methodology allows for the organization interested in a development outcome to engage its stakeholders and constituents. The methodology allows for ongoing engagements over a determined period of time. In the case of government, in all spheres, the social audit can be used throughout the term of office. The term of office is five years and the social audit can be utilized as a methodology of engagement for the entire five years. The institution undertaking the social audit can determine the frequency of engagement between three or four times a year.

The main conclusion from the study where social audits are concerned is that it has to be arranged, hosted and facilitated by the organization that is responsible for implementation and the achievement of the development outcome. The SPII undertook the social audits not as the key deliverer of housing but a development research organization. We contend that some of the limits in participation and the ability to convene some of the social audits were as a result of SPII being a third party. When the social audits were arranged together with the department of human settlement the responses to invitations and participation increased significantly and the stakeholder profiles varied.

### **Three Innovative Solutions**

The study proved the refrain that has become commonplace in the South African policy discussions; that the policies and legislation is great and enabling, the only challenge is implementation. This study arrived at the same conclusion, that there is no new policy that requires invention, the task is only to

translate the policy to action. In this regard we propose attention to three programmes in housing:

1. The rapid land release programme
2. The PHP programme
3. The Transit Oriented Development programme

### **THE RAPID LAND RELEASE PROGRAMME**

The study found that the availability of well-located and serviced land in the Metro Areas, is extremely limited. Where well-located and serviced land is available there is competition between private developers, who are well resourced and need the land for profitable business, and the government that needs land for service delivery in particular housing. The study found that there was dearth of research on the land availability and therefore there is no reliable data on land. The recommendation is that the Provincial and all the Municipalities should develop a plan of action that start with research and data collection and ends with release of the land. The principle of rapidity in the rapid land release programme should be adhered to and never be compromised. Land reform in urban spaces will go a long way in transforming urban land ownership and availing land as an asset, in particular for black people and women.

The Rapid Land Release programme is addressing a matter that has in the past polarized South African society and it continues to be an extremely contentious matter. Both rural and urban land has become an issue over which political parties contest election and canvass support from the electorate. The promise of speedily addressing the urban land challenges, is in turn a promise to address a pressing

national imperative and redressing apartheid imbalance on land ownership in urban areas. The study began with the presentation of data about the usage of the Housing Settlement Development Grant (HSDG) and the Urban Settlement Development (USDG). The performance in spending the HASD was shown to be poor and unfortunate given the fact that it is meant to address a serious service delivery challenge and to provide a service that in turn bestows dignity to beneficiaries. The USDG expenditure was shown to be completely abysmal and in the years under study, it was almost completely not spent. Both the expenditure on the HSDG and the USDG can benefit much from the rapid land release programme. The availability of land will make it easy to build both the breaking new ground housing as well as the eradication of informal settlement programme.

### **THE PEOPLE'S HOUSING PROCESS (PHP)**

The PHP has to be seen as the modern day mechanism of delivering shelter through a process that is predicated on historical tradition of self-provision. Self-provision has been practiced since human began to settle and require structured accommodation. The PHP builds on this timeless tradition and modernises it to be in line with housing requirements of the present period. The idea that government will always provide housing for all the poor people is both undesirable and unrealistic. This study has shown that the demand for housing is a moving target and gets impacted upon by various factors. Factors such as population growth, migration and resource availability determine the achievement of the objective of universal provision of housing. South African population has kept on growing since the advent of democracy and it shall continue to grow because of the demographic transition.

The government has to and in fact shall continue to provide government subsidised housing. On the other hand it has to support and promote alternative ways of ensuring that families and households can provide their own shelter. The PHP is one programme that can ensure that people can provide

housing for themselves and their families. This helps people take charge of improving their living conditions, as and when they can afford to. The people get directly involved in improving their housing circumstances rather than waiting in poor conditions until a house is delivered by government. The PHP is also developmental in that it provides the homeless or inadequately housed people, the skills to participate actively in the construction of their homes. The skills gained from training can be used in future in similar projects.

The PHP can also go a long way in the eradication of informal settlements, through using the labour of the informal settlement dwellers. In so doing two needs if not more are addressed. The need for housing and the need for economic participation through skilling and actual building. The South African Economy has done badly since the inception of democracy. There are many people who have never afforded to build their own homes. But the people of South Africa have a hope that the economy will improve in their lifetimes and they can at that time be able to pay for their needs. The PHP allows households to invest constantly in improving and increasing the size of their homes. When the economy improves, people can use their PHP knowledge to improve their homes as labourers in building and as investors in the home improvement process. This way, the government can use its funds to improve services.

### **TRANSIT ORIENTED DEVELOPMENT (TOD)**

The persistent spatial fragmentation of communities, in particular along racial lines makes TOD a real solution. In Gauteng three municipalities are implementing the Bus Rapid Transit (BRT) System or the Rapid Integrated Public Transport Network (RIPTN). Ostensibly, this system is not just a mere transport solution but a mechanism through which the cities are attempting to address the human, the spatial and connection challenges. The TOD system already have various elements in place in Gauteng and the implementation of the Corridors of Freedom (CoF) in Joburg was already a way of implementing a comprehensive TOD strategy as discussed in the literature review section.



The recommendation is that the TOD and all its principles and elements should be pursued rigorously. The implementation of TOD should concern itself with addressing the physical elements (people, place, connections) in conjunction with implementation elements (partnerships, planning, analysis)

### **CONCLUSION**

This study has been able to establish that the Social Audit method is a viable and recommended method for government at all spheres to meaningfully and transparently engage with their constituents and stakeholders. The method fosters collaboration and understanding and it reduces tensions and distrust amongst social partners. It is also a best way of including multi-class voices in particular the insurgent voices of the marginalised. The methodology

requires commitment and proper planning and adherence to principles.

In the second instance the study has attempted to present various ways in which the government of Gauteng and the those of the municipalities in the province are trying to fulfil the constitutional mandate of the right to housing. We conclude with the need to pursue three programmes rigorously because of their transformative potential and their ability to sustain success over a long time. These programmes are the Rapid Land Release Programme, The People's Housing Process and the Transit Oriented Development. On the whole, this study shows the existence of good policies and plans and as is always said, the issue is to translate the good policy and legislation to action!

## SECTION 6:

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## NOTES

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