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The National Upgrading Support Programme is a programme of the National Department of Human Settlements



RELOCATION PLANNING

Relocations are considered where development is impossible or not desirable. Because relocations have to be on a voluntary and cooperative basis, they require many hours, weeks, months and sometimes years of community liaison and communication. So even with the best planning in place, and because we are dealing with human beings, it is a very complex and sensitive process.

In order to obtain an adequate profile of the settlement and site in question, adequate up-front preliminary assessment work must be completed. The NUSP approach and methodology to planning for the phased in-situ upgrading of informal settlements emphasises effective categorisation and the selection of an appropriate developmental response. The project classification guideline consists of four categories:

i) A - Imminent Full Upgrade: Site viable and appropriate for long-term upgrading (land, bulk services, topography, environmental considerations, geotech, etc. are all in place). Project is implementation-ready (land secured or imminent, town planning approvals / township establishment secured or imminent, all project funding secured)

ii) B1 - Interim basic services (eventual full upgrade when resources and timing permit): Site viable and appropriate for long-term upgrading. Project NOT implementation-ready.

iii) B2 - Emergency basic services (eventual relocation when time and resources permit): Site NOT viable and appropriate for long-term upgrading. NO urgent need for relocation (e.g. material and immediate threat to safety through flooding, slope instability, toxic waste exposure, etc).

C - Imminent relocation: Urgent need for relocation (e.g. material and immediate threat to safety through flooding, slope instability, toxic waste exposure, etc).

Category C has been added to the list for obvious reasons of urgency. The additional category was identified after experience in providing technical assistance support for planning and preparatory work in various NUSP municipalities (e.g., Westrand District). It was found that most municipalities do not have the necessary capacity to deal with relocations, hence NUSP support has been extended to support such municipalities with the development of **relocation plans and strategies** for priority settlements that are earmarked for relocation.

A relocation plan or strategy includes the following key deliverables:

- Development scenarios
- Enumeration / statistical results of affected community
- Database indicating the number of households, settlement conditions, including maps that demonstrate the different variables
- Results of consultative processes with communities, consolidated from the social facilitation process
- Land availability analysis and relocation schedule
- Anti-invasion mechanisms and risk-mitigation measures
- Resettlement costs and budget outline



KwaZulu-Natal Land Tenure Issues

In 2014, the HDA embarked on a series of workshops on incremental tenure options with a particular emphasis on informal settlements that are situated on tribal land and / or communal land. The final output of the process will be a land tenure document.

Land tenure is the means of ensuring empowerment of disadvantaged communities and ensuring security of the livelihoods of residents in a sustainable manner. As such, it is a critical component in the process of informal settlement upgrading.

Post the assessment and categorisation of informal settlements situated on tribal land, practitioners (in many instances) encounter a number of complexities in terms of the provision of basic services and the formalisation of the settlements.

Workshops have been held in all provinces and more recently in KwaZulu-Natal. The main objectives of the workshops was to explore the specific challenges, as well as provide possible recommendations for securing tenure in informal settlements situated on traditional authority land/communal areas.

Issues of alternative land viewpoints were discussed at great length with regard to the Ingonyama Trust Board and their role in the process. Furthermore, implications around planning legislation SPLUMA were also investigated.

Future engagements are necessary with the relevant sector departments (Rural Development and Land Reform as well as the Council for Traditional Leaders).

KZN Land Tenure Workshop Highlights

- The manner in which an informal settlement is defined and characterised needs to be clarified for all relevant stakeholders, as well as having a uniform definition among all municipalities.
- A thorough land investigation/land rights enquiry is an activity that needs to be undertaken by all municipalities before any developmental action can be initiated.
- It has been established during engagements in the workshop that municipalities have different methods and mechanisms of ultimately ensuring that they are able to deliver services to communities despite the challenge that is presented by tribal authority administration.
- Perceptions around land ownership and land rights are not uniform among all stakeholders in the developmental process, and this ultimately hinders constitutional obligations and development objectives as well as land acquisition processes.
- The rate of delivery of services to communities ultimately results in a competition between tribal authorities, municipalities, private stakeholders and the community members themselves.
- In a case where a municipality forges ahead with delivery of basic services, they are hindered by process of registration of servitudes in land that is under tribal administration.
- In the context of KwaZulu-Natal, the Ingonyama Trust Board (ITB) takes prominence.
- The ITB is referred to as 'private land owners' and this is the manner in which municipalities perceive this particular tribal authority, and unfortunately this has negative implications for the role that municipalities are obligated constitutionally to fulfil.
- Under engagements on basic services provision, reference was made to Eskom and the manner in which they go about providing electricity timeously, even on land that is under tribal administration and the procedures they follow in the registration of their servitudes.
- In the context of tribal authority land, the Department of Rural Development and Land Reform (DRDLR) is mentioned as the landowner, hence such land belongs to the Minister of the DRDLR and the state.
- Businesses that seek to operate under tribal authority land actually approach the DRDLR and get all the necessary documentation in the form of long-term leases.
- In the case of provision of basic services, the DRDLR has the capacity to register servitudes.
- The Communal Tenure Bill is being revised and various engagements around this Bill are going to take place soon.

Participatory Planning Publication

The Participatory Action Planning for informal settlements upgrading publication is complete and can be accessed via the NUSP website (www.upgradingsupport.org) or the HDA's website (www.thehda.co.za).



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