

Frustration: FEDUP's land acquisition experience in Buffalo City

By Mike Kenyon

This article is drawn from an external review conducted in late 2012 by Mike Kenyon on Afesis-corplan's land access work. "Since 1994, more than 2.3 million housing units have been made available for nearly 11 million people. The scale of government housing delivery is second only to China, as the Banking Association of South Africa has pointed out (DHS, 2010). However, the housing backlog has grown in leaps and bounds from 1.5 million in 1994 and now stands at approximately 2.1 million.

That means approximately 12 million South Africans are still in need of better shelter (DHS, 2010). These statistics show that we are far from the visions of the Constitution and the Freedom Charter and that much work needs to be done by the Department of Human Settlements (DHS, 2010)." (Nevondwe and Odeku 2012: 339).

"Another 7.8 million people will be living in South African cities in 2030 and a further 6 million by 2050, putting pressure on municipalities to deliver services. A large proportion of new urban residents will be poor, reflecting a phenomenon referred to as the urbanisation of poverty." (National Development Plan 2012: 266)

Thus it seems that despite our relative wealth as a country, South Africa will always be racing to deliver housing. But if the experiences of the FEDUP affiliate in Buffalo City are anything to go by, we are in serious trouble.

FEDUP is a group of more than 500 households from East London who are organised into savings schemes with the intention of getting land and housing subsidies for their members. The members have been unsuccessful in finding land up to now. The organisation from which FEDUP originates was launched in 1994 by 200 savings clubs across SA. Until the early 2000s, FEDUP was known as the Homeless People's Federation (HPF). However in the early 2000s in the East London area and in other parts of the country, there was some fracturing of the HPF. One group renamed themselves FEDUP and works closely with the Community Resource Centre (CORC), an NGO in Cape Town and Johannesburg which assists with capacity building, and the uTshani Fund, a financial and project management NGO.

According to www.corc.co.za "FEDUP is the South African affiliate of Shack Dwellers International and is the primary support initiative for many urban poor movements in Africa." FEDUP is also part of the SA Informal Settlement Network. In the late 1990's already the HPF negotiated for land in the Amalinda area of East London for some of its members. In about 2006 when the new FEDUP savings schemes emerged they discovered that the original HPF savings schemes to whom this land had been allocated appeared to be no longer operational. FEDUP therefore started to negotiate with the municipality for this land only to discover in about 2009 that the original savings schemes had re-emerged and were laying claim to this land.

FEDUP then asked the municipality for advice on where they could find land. The municipality was unable to assist. FEDUP approached an estate agent for advice and he helped them identify a few potential

portions of land but these portions were too far out of town. It was at this time that Afesis-corporation started to assist FEDUP. One potential land portion identified by the estate agent was in the Dawn area behind the Johnson and Johnson factory but after more detailed investigation it was found that this land was outside the urban edge of the municipality and would be too expensive to connect to municipal bulk sanitation.

Afesis-corporation then assisted FEDUP to identify a farm up for sale on the West Bank. The land was within the urban edge about 5 km from the existing built-up area. The area between the farm and East London was identified as a future expansion area for the city. A rapid feasibility study was conducted, with funding secured by Afesis-corporation, to determine the planning and engineering feasibility. The area was suitable from planning perspective but the area could not be provided with bulk water and sanitation at that stage as the municipality still had to extend the services out into this area which was likely to take many years. FEDUP was willing to explore interim and alternative sanitation options for this land. Afesis-corporation also obtained a land valuation for the portion of land, which was valued at about R3m. However the landowner was asking much more than this on the basis that the area was planned for future residential development whereas the FEDUP valuation valued the land for agricultural use for which it was zoned by the municipality.

When Afesis-corporation first began to support FEDUP they approached the national Housing Development Agency (HDA), a parastatal established by national government to assist in the acquisition of land for housing development. HDA directed FEDUP to the Provincial Department of Human Settlements (PDHS) for assistance. PDHS was unsure of how to support FEDUP as they usually supported municipalities and not communities to get land. Initially FEDUP did not want the municipality to be involved in the land acquisition process due to the poor track record FEDUP had had negotiating with the municipality for land, but after discussions with province, FEDUP acknowledged that they would need to work with both the municipality and provincial government.

The PDHS also suggested that FEDUP consider 'piggybacking' onto an existing project that the department was involved in where it was purchasing a farm near Needs Camp to accommodate people from other informal settlements in the area. FEDUP were not too keen on this land as it was far from town but some members said they would consider it if it led to them getting land and a house. Changes to key personnel within the PDHS towards the end of 2011 led to delays in these negotiations. After negotiations recommenced with the new staff at the PDHS, the department informed FEDUP in mid 2012 that they were unable to assist them and that FEDUP would need to negotiate with the municipality for land.

A representative from the PDHS who was interviewed for this evaluation stated: "Requests for land may come from groups such as FEDUP who have identified a piece of land but we do not move ahead on our own but rely on local municipalities for the go-ahead in terms of their IDP, SDF [Spatial Development Framework] etc. The bulk of our work are requests from municipalities where we just move with pace. "The housing work is now all done through municipalities rather than through Province unless there is a capacity problem.

"... What we said to them [FEDUP] ... was that they needed to deal with the municipality in as much as the municipality is organised. We buy land to assist municipalities. We cannot buy land and say here it is, FEDUP. We are not walking away but will assist via the municipality. FEDUP would need to link up with the Provincial MEC to introduce themselves and say what they need from the Department. FEDUP and Afesis-corporation then re-opened discussions with the Buffalo City Metropolitan Municipality (BCMM) planning department in 2011/2 to try to identify land for FEDUP. Once again no clear land option could be found except for one potential option in the Cambridge area. FEDUP then opened up negotiation channels with councillors in the municipality and wrote a letter to the Municipal Manager in June 2012 asking for a meeting with the municipality to find a way forward as to how FEDUP could be supported,

including the possible Cambridge land portion. As of December 2012 (the date of the evaluation study), the Municipality had not responded to the requests for a meeting by FEDUP, and the councillors have also not been able to assist.

As a FEDUP representative said: “We went to the Planning Section of BCMM. The problem in short was the political will and political interferences from the councillors. Some of the officials were very frustrated because the councillors tell them what to do and how to do it. Some of the officials resigned. There were no other competing groups. It was chaotic. One councillor said I cannot take this letter to the city manager because it will be interpreted the wrong way. The internal fighting of the ANC is affecting this all.

“... We have gone back to the municipality, approaching the councillors. But now there is tension with the mayor and city manager. There has been no response to letters to the mayor and municipal manager. People [FEDUP members] are now not participating as they did before.”

FEDUP, with the support of Afesis-corplan, are in the process of submitting a Promotion of Access to Information (PAIA) request to the municipality to inform FEDUP of what has happened to their letters of request for support and for information on the municipality’s housing plans and for a potential piece of land in the Cambridge area.

One inference from this FEDUP story is that in a large municipality such as BCMM there are a number of different components of the municipality – planning, housing, land administration – all of which may be involved in a settlement or potential settlement project at the same or different times. Part of the negative experience of FEDUP was being referred from one section to another. It would seem the Batho Pele principles demand that the municipality clarifies for itself, its councillors and the public how to deal with the maze of departments and individuals who represent BCMM and who are spread across and in numerous offices across the metro. Public engagement with a large municipality such as BCMM on settlement issues requires a central interface with the municipality to avoid being referred from one department to another. One option would be the establishment of a “housing development front desk”.

Another issue clouding the efforts of FEDUP is the 2006 agreement between FEDUP and the national Department of Human Settlements to provide housing grants to FEDUP. Municipal officials are accountable for projects at municipal ward level and through council. They are not accountable to the national Department of Human Settlements with which FEDUP has this agreement.

There is no problem from the BCMM councillor or official interviewed with the upgrading of informal settlements or Managed Land Settlement and incremental settlement. The question still remains, why has FEDUP not succeeded in the BCMM area while it has succeeded in other provinces and in Port Elizabeth? The BCMM councillor interviewed for this evaluation indicated that it would be a good idea to get all role-players into the same room and reach a common understanding on the status of this FEDUP initiative and jointly chart a way forward. Hopefully 2013 will see the various parties coming together and finding common ground.

Between FEDUP, PDHS, BCMM and Afesis-corplan, a solution has to be found as one of a number of routes for catching up with the increasing backlog in the provision of human settlement.

References

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