

The National Department of Human Settlements
South Africa

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By email

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To whom it may concern

Comments on the White paper for Human Settlements (November ver 2023)

Thank you for the opportunity to make comments on the White Paper for Human Settlements (November ver. 2023) that was published in the government gazette (Volume 702, Gazette No. 49895, 18 December, 2023)¹. The white paper has been long anticipated; so we are very excited that a draft has finally been published.

Afesis (formally known as Afesis-corplan) is a developmental non-governmental organisation that has, since 1983, contributed to community-driven development and good local governance in South Africa and continues to be committed to improving basic service delivery and strengthening good local governance across the country.

We are grateful for the extension given to us to comment on the document, but we are unsure of what processes the department has put in place to reflect on and incorporate all of the comments that we and others are making. We believe that sufficient time needs to be set aside for the white paper to be significantly revised and for those that have made submissions to see if and how their comments have been accommodated and to make further comments if necessary. Note also that Afesis was part of a group of organisations that wrote a joint letter to the minister (dated 16 February 2024) motivating for the white paper to be significantly revised to address the issues raised in the joint letter.

¹ <https://www.dhs.gov.za/content/request-comments-draft-white-paper-human-settlements>

We would like to make six main points related to the content of what we believe should be prioritised programmatic focus areas under the policy options sections of the White Paper for Human Settlements. These are:

1. Managed Land Settlement
2. Self-help housing support
3. Land identification and development
4. Community development
5. Livelihood development
6. Social cohesion and urban safety

We would also like to make two additional points relating to:

7. Innovation and experimentation
8. Community participation

1. Managed land settlement

The draft white paper correctly identifies the upgrading of informal settlements as a key focus area for future human settlement intervention. This provides a mechanism to incrementally upgrade and improve the living conditions of people who have already occupied land without authorisation; however, it does not provide a mechanism to significantly slow down the continued occupation of land for those people who have nowhere else to live.

In the same way that the upgrading of informal settlements is identified as a key policy option in the white paper, **managed land settlement (MLS)² needs to also be introduced as a complimentary policy strategy as part of a two-pronged incremental approach to settlement development.** The upgrading of informal settlements is a 'reactive' incremental settlement approach that starts from a position where people have already occupied the land, while MLS is a 'proactive' incremental settlement approach that starts from a position where people are still seeking an 'empty' piece of land to occupy.

The white paper, in section 3.4 dealing with the upgrading of informal settlements, already states that *"a concerted effort of making sufficient land available in time [on which human settlement development can occur], connected to tenure security is imperative"* (page 50). This commitment needs to find its way in future into a new dedicated proactive incremental settlement subsidy programme. Existing initiatives like the Gauteng Rapid Land Release Programme are an important indication of the commitment of government to move in this direction. However, government needs to expand programmes like this to not only make land available for people who can afford to get building plan approval to build a formal house on this land using funds they have been able to secure; but government must also allow people to build temporary houses (not necessarily with building plan approval) on this land. The majority of people who would want to acquire a piece of land to build their own

² this terminology is used here but other terminology like site and service, or rapid land release could also be used as long as these terms are defined in the same way as MLS is defined in this submission.

house cannot afford to build formal structures all at once. In effect most people will only be able to initially build 'shacks' (or what can be called temporary structures) on this land. This is a reality that needs to be acknowledged and needs to be accepted.

In effect this means there are two forms of pro-active incremental settlement approaches: the first 'site and service' approach provides a formally registered site with title deeds and water and sanitation services to the boundary of the site and then requires people to build a formal permanent housing structure on this land that has building plan approval; the second 'plot and basic service' approach provides a plot (i.e. a demarcated portion of land that does not necessarily have title deeds but can have some form of interim tenure recognition) and at least access to some form of communal water and sanitation services. Drawing on the terminology of the phases of the existing upgrading of informal settlement programme, but starting from an empty piece of land, 'site and service' would correspond to phase 3 while 'plot and basic services' would correspond to phase 2.

2. Self-help housing support

In both the reactive incremental settlement approach (i.e. upgrading of informal settlements), and the pro-active incremental settlement approach (i.e. site and service or plot and basic services), people are expected to use their own resources to build residential structures on the land that they are able to secure. In line with section 26 (1) and (2) of the constitution, government still has a constitutional obligation to progressively (i.e. step by step over time) realise people's right to adequate housing. This means that government cannot just stop at the provision of a serviced site and claim they have assisted people to achieve their right to adequate housing.

The white paper correctly includes reference to other human settlement policy focus areas, such as section 3.6 dealing with affordable housing (page 54 to 56), where it is indicated that government will cater for "low-income households" through "public housing delivery arrangements". One way for government to progressively realise the right to housing is through what has come to be known as the housing subsidy programme where grants are made available to build top structures for those households that earn below a certain income bracket (along with other eligibility criteria). The number of people however that potentially fall under the category of low-income households significantly exceeds the number of people that government will be able to reach and cater for through direct housing subsidy programme instruments within available total human settlement budgetary constraints. Grants for the direct provision of top structures should only be considered for people who are 'deserving' and/or unable to arrange the development of their own top structures such as military veterans and the destitute. Government needs to therefore consider alternative policy interventions and programmes that can be used to help people build their own houses.

It is recommended that government **introduce a new policy focus area or subsidy programme, specifically related to (self-build) housing support**. The "transactional support centre" programme introduced in section 4.3 on market support and facilitation (pages 62 - 63) is one example of what could be included in such a housing support programme. However, the housing support programme needs to go beyond just helping people improve

their living environments through accessing housing through transactions in the market. Government needs to provide ways for people, especially at the very low end of the market, using their own resources, to build their own temporary and/or permanent structures, and progressively, using what limited resources they are able to muster, improve these structures over time. Examples of the components of such a self help housing support programme include 1) the establishment of material bulk buying and/or voucher schemes, 2) the provision of template house building plans, 3) training and advice on how to contract and employ local builders and service providers, 4) training and support in how to build better quality temporary housing structures, 5) support in setting up local savings (and credit) clubs and schemes, 6) the creation of databases and platforms where people can get reliable information on affordable and quality building materials and building service providers (like plumbers, brick layers, etc), and more.

Government should also **consider introducing an intermediary top structure subsidy that people who benefit from a site and service or plot and basic service are able to access.** This could be similar to the temporary accommodation structures and voucher schemes etc. that were introduced in the revised emergency housing subsidy that the DHS introduced in 2023³.

Note that the self-help housing support programme proposed in this section is very different to the (enhanced) Peoples' Housing Process (PHP) that has existed in the past and is referenced in the policy document. The PHP is where government provides direct grant funding (a subsidy) for people to buy material and services to build a top structure. The housing support programme that we are proposing does not provide direct funding to build a top structure, but rather, more indirectly, provides funding to set up programmes as described in an earlier paragraph, that households can use to help them build their own houses/ top structures using their own funds. If government does continue with a subsidy instrument similar to the PHP subsidy, those households that are able to access these funds can still then use the components/ elements of the self-help housing support programme to help them spend the PHP housing subsidy they acquire from government. It is envisaged however, that the majority of people who will benefit from the products and services provided by the self-help housing support programme would be people who will only have access to limited resources that they have been able to secure for themselves to build some form of temporary structure that they are then able to slowly and progressively improve over time.

3. Land identification and development

If government introduces the proposed proactive incremental settlement development programme as recommended in the managed land settlement section (section 1) above then the identification and development of land becomes fundamentally important to ensure that there is sufficient appropriately located land that can be used. The sections in the White Paper dealing with spatial planning and demand management (section 3.2: pages 40 – 43) and dealing with land for housing and human settlement (section 3.3: pages 43 –

³ For more information on governments new approach to emergency housing see <https://www.dhs.gov.za/sites/default/files/u16/Directives.pdf>

47) do address the important aspects of ensuring well located land is identified and that this land is then speedily and affordably acquired and made ready for settlement development.

Section 3.2 of the white paper can be used to ensure land secured for proactive incremental settlement development (and other forms of human settlement development) is appropriately located in terms of contributing towards the spatial transformation of our settlements away from sprawling and disjointed settlements to higher density and integrated settlements, as articulated in numerous policy documents including the Integrated Urban Development Framework⁴ and the National Spatial Development Framework⁵. While section 3.3 of the white paper ensures that not only is appropriate land identified, but that there is a sufficient 'pipeline' of (bulk serviced and planned) land being made available at a rate that allows government to reach a stage where it is able to proactively provide sufficient land for people in need of land and housing and they do not have to resort to the unauthorised occupation of land. In support of this argument the White Paper states that “[m]echanisms shall be developed to curb the prevalence of unlawful occupation of land through appropriate strategies which shall include, amongst others, pro[active]-land development initiatives by both public and private land owners as well as site and service schemes/ rapid land release projects so as to pre-empt unlawful occupation of land” (pages section 3.3: pages 46 – 47).

The white paper needs to give much more attention to how funding will be secured and managed for this spatial planning and land development to occur. Section 4.2 dealing with funding models and financing does not adequately address the issue of funding for land identification and development. The findings from the research paper developed by the Department of Human Settlements in August 2020 on “*Land assembly policy for the human settlements sector; draft for consultation*”⁶ provides a good starting point for picking up on options for how funding for land identification, acquisition, and development can be incorporated into the white paper.

4. Community development

The human settlement white paper needs to commit government to **explore, develop, implement and continually refine and improve a new dedicated ‘Community Development Programme’** where communities involved in human settlement projects (with or without support from non-governmental organisations), working in collaboration with government are able to access funding to undertake community development interventions that have been identified by and are being driven by the community and government working collaboratively.

The white paper provides opportunities for government and the private sector to play leading roles in various human settlement programmes and approaches but does not provide clear opportunities for people in communities themselves, especially in low-income communities, to take the lead in establishing and managing human settlement interventions and projects. If we as a country are to seriously address the human settlement challenges

⁴ See <https://iudf.co.za/>

⁵ See https://www.gov.za/sites/default/files/gcis_document/202302/47999gen1594.pdf

⁶ Available at: <https://www.ukesa.info/library/view/land-assembly-policy-for-the-human-settlements-sector>

we face then the capacity and resources of people from all sectors of society will be required to ensure everyone has access to adequate housing and our human settlements are transformed to better serve the needs of all. Communities themselves have shown, through the informal settlements and other self-help housing approaches they have followed, that they have the ingenuity and capacity to contribute towards the achievement of our human settlement goals. With support from government this capacity can be channelled in positive directions that systematically and progressively improve people lives.

National Treasury, through the Cities Support Programme and the Neighbourhood Development Partnership Grant programme have already started and are continuing to explore and pilot the development of such a Community Development Programme. It is not clear yet what an initial community development programme will look like as further research and consultations are required before agreement can be reached with communities and others as to where to start piloting such a programme. It is likely to take a few years for more clarity to emerge as to how best government can support community development. Government must however commit to a policy intent to work with communities to develop a new dedicated community development programme.

Government needs to begin to fully promote and endorse opportunities for Civil Society Organisations and Community Based Organisations to participate in meaningful partnerships if they are to effectively reduce the housing backlog facing the country. Essentially this means that the state needs to begin fostering and promoting programmes that shift the focus from 'state-led' physical planning to 'state-guided' community planning models that empowers citizens to play a significant role in their own development initiatives.

5. Livelihood development

The human settlement policy vision in the white paper (section 1.5.1: page 16) makes reference to "livelihoods" but this concept is not picked up in any significant way in the rest of the document. In the existing upgrading of informal settlement programme, livelihood development is identified as an important aspect of incremental settlement development. The livelihood development approach that is adopted is based on an asset-based community development perspective that looks at how existing natural, physical, social, financial and human (e.g. knowledge, skills, and health) assets can be used to improve the livelihoods of people living in settlements that are being upgraded.

The human settlement policy needs to ensure that all settlements that benefit from human settlement interventions are also able to develop livelihood development programmes where more than lip service is provided to support livelihood development. Specific **funding needs to be made available to support and facilitate communities involved in human settlement development to be able to also plan for livelihood development**. These plans need to highlight how livelihood strategies can be funded and supported, drawing on funds, resources and assets from all stakeholders including the communities themselves, civil society organisations, the private sector and all government departments and structures at all levels.

And further, ring-fenced funding needs to be set aside by the Department of Human Settlements so that communities, working with their municipalities and others, are able to immediately implement some local livelihood development interventions without having to rely on other government departments. The existing Social and Economic Amenities (Facilities) Grant provides one example of how funds can be channelled towards livelihood development. Much of the funding for livelihood development will however come from other government programmes like the Community Work Programme, various skills development programmes, social welfare grants, and others. The livelihood plans that are developed will provide a mechanism to ensure that the various livelihood programmes of government (and others) are coordinated as part of a systematic process of improving livelihoods in specific human settlements.

6. Social cohesion and urban safety

The White Paper acknowledges (under section 1.4 (page 16)) the prevalent lack of community and civil engagements, coupled with mistrust in government's ability to deliver on its promises. The absence of a detailed strategy to address these issues raises concerns about the effectiveness of human settlement policies in promoting social cohesion. Social cohesion is identified as a crucial element for harmonious coexistence, social progress, and overall well-being. However, the policy falls short of providing a clear roadmap to bridge the existing gap in community trust and engagement with this broader social cohesion goal.

Insufficient social cohesion directly exacerbates economic challenges, particularly unemployment. Communities that are relocated to new human settlements often encounter difficulties in generating sustainable employment opportunities, perpetuating cycles of poverty and discontent. Additionally, the inadequate provision of housing further strains social cohesion, as residents perceive a disconnect between their needs and the government's responsiveness. The rise in crime and violence within informal settlements can be attributed, in part, to the lack of social cohesion. Disorganized communities are more susceptible to criminal activities, as residents often resort to informal means of governance due to a perceived absence of effective state intervention. The absence of a shared vision and community engagement exacerbates security concerns, creating an environment where criminal elements can thrive.

The relationship between human settlement policies, social cohesion, and safety is a complex and interwoven challenge in South Africa. While the White Paper acknowledges existing issues, effective implementation demands a more detailed and targeted approach. Prioritizing community empowerment, civic education, responsive housing services, and collaborative security measures can enable the South African government to make strides toward building resilient, cohesive, and safe communities.

In summary, the white paper needs to commit the DHSs, through a comprehensive public participation process, to **develop a national social cohesion and urban safety strategy that outlines what the department will do to promote safer and more socially cohesive neighbourhoods and communities.**

This strategy needs to emphasise community empowerment initiatives that will economically empower communities, foster self-sustainability, and reduce reliance on government support. The development of comprehensive civic education programmes will bridge the gap in understanding between communities and the government, fostering mutual trust and cooperation. Furthermore, prioritizing a more incremental approach to settlement development as suggested in point 1 above will contribute to addressing the dynamic needs of communities living in informal settlements and in new areas established as part of more proactive incremental settlement development approaches ensuring that new infrastructure keeps pace with (and even exceeds) new household formation. Establishing community-driven security initiatives in collaboration with law enforcement agencies will also help address crime and violence fostering a sense of collective responsibility for safety.

7. Innovation and experimentation

The human settlement policy and programmes that emerge through this policy development process will not be the final word on how we as a country plan to approach human settlement development. We cannot claim that these policies and programmes will be the answer to solving our human settlement development challenges. We can also not predict what the key human settlement challenges and their solutions will be in the future. The human settlement policy therefore needs to open up opportunities for new solutions to be explored. Government needs to provide opportunities for people to experiment and try new approaches and products associated with all aspects of human settlement development (over and above building materials and engineering services). It is only through experimentation that we will be able to test different approaches and products to see what does and does not work.

The Department of Human Settlements needs to set aside a dedicated innovation fund that can be accessed by all stakeholders who would like to plan and implement human settlement development interventions that do not neatly fit into recognised programmes and projects. Government needs to foster a culture of innovation and experimentation that encourages people to try new and unconventional approaches. It needs to be acknowledged that many of these experiments will fail and guardrails need to be put in place to protect those involved from the negative consequences of these failures. Lessons can however be learnt from both the failures and the successes for improving future human settlement interventions.

The innovation programme needs to provide significant flexibility in terms of who can apply for innovative human settlement funding so that as many stakeholders as possible (including individuals, communities, civil society organisations, the private sector and government) are able to bring their ideas and concepts to the fore to be tested and explored.

There will be a number of challenges in establishing such an innovation approach within government, not the least of which is that government does not like unpredictability. Government bureaucracy is geared towards standardising programmes and procedures so that it is much easier for government to account for how it spends taxpayer's money. Accommodating innovation within a dedicated programme makes it easier for

government to manage risks associated with untested, but potentially very significant human settlement development approaches.

The human settlement innovation programme needs to be linked to the continued evaluation and refinement of the broader human settlement programme over time. In this way, the human settlement policy and programme is able to adapt and change as new insights and lessons are learned as to what works and does not work in different contexts.

8. Community participation

We support the call for the establishment of a human settlements Advisory Panel (as per section 5.3.1.2 (on page 76) of the white paper) to advise the minister on any matter relating to housing and human settlement. We recommend further however that any future human settlement policy must require **the department of human settlements to facilitate a multi-stakeholder forum, that meets at least annually, to provide an opportunity for all identified stakeholders to also engage in national human settlement policy review and development processes.**

And further, provincial departments of human settlement must also be required to facilitate provincial multi-stakeholder forums to provide a space for all stakeholders to input into provincial and national policy review and development processes.

The human settlement policy needs to state that **human settlement plans need to be included as specific chapters of the municipal Integrated Development Plan, and guidelines need to be provided as to what the content of these human settlement plans need to contain.** This includes, for example, information on land identification and development for human settlement development, what type of human settlement programmes and projects will be prioritised and supported, how funding will be secured to undertake these programmes and projects, as well as the allocation procedures for who will benefit from human settlement interventions.

Over the years the Department of Human Settlements has committed itself to working with NGOs with the signing of social compacts aimed at strengthening the commitment and accountability of all role players in a joint effort to achieve national human settlement development goals. However, Afesis along with other NGOs and CBOs feel that the concept of social compacting is not enough as past experiences of social compacts for Civil Society Organisations have not been positive with very little actually materialising from these processes.

Far more attention needs to be given to finding ways to turn the good intentions from the social compacts into actionable projects This may include for example: -

- Providing subsidy instruments that civil society participants are able to access to be able to conduct social facilitation in informal settlements, backyard rental accommodation, residents in hijacked buildings, transitional relocation areas, etc.

- Establishing partnerships with international donors to explore funding arrangements that provide alternative opportunities to innovate in project planning and implementation.
- Contracting civil society organisations to assist in research and gathering of data to better inform policies.
- Establishing a repository of Civil Society led Built Environment/Human Settlements Programmes and Projects that is accessible to provincial and local government departments that can be used to help identify opportunities to capacitate, fund, support, and/or offer insights into all forms of human settlement projects.

We would once again like to thank you for the opportunity to comment on the draft human Settlements White Paper. Please contact us if you have any questions or comments related to our submission. We are also able to share (on request) previous articles and reports that we have written on the above mentioned topics.

Keep us updated on what the next steps are.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R Eglin', with a stylized flourish at the end.

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