

# 4. RECOMMENDATIONS

## 4.1 General Comments

The recommendations that conclude this report reflect the starting point of the study which is to answer: *“What might a land management system look like that takes seriously questions of inclusive citizenship, rights to land, and social vulnerability?”*. Part of what must be mentioned at this point is the fact that the national government and the City of Johannesburg are aware of some of the issues that have been discussed in earlier sections. They are also both trying to move towards a more developmental and progressive state in some ways. However, none of the spheres of government are completely cogniscent of the impacts of their policy, and reports such as these help keep in mind questions and issues that may otherwise fall off the radar as other political and economic priorities take precedence. In keeping with this question the recommendations are divided into a number of key sections that try and address this question at a variety of scales. The first section attempts to put in place principles that need to be considered when thinking about a land management system that may usefully include all sectors of society, their needs, ambitions and strategies, whilst ensuring a competent and efficient set of policies and programmes that reflect such thinking.

## 4.2 National Policy Principles

There is a sense from some commentators that the most beneficial path to be taken when considering a new land management system would be the “conscious rejection of existing land use practise across the spheres of government” (Ovens, et al, 2007). There is also the acknowledgement that some of the systems are functional and do provide workable, if not perfect, ways of managing land. The City of Johannesburg is not unaware of the issues confronting it and is certainly in the process of attempting to restructure South African cities through some innovative project planning and policy. Unfortunately, what has been demonstrated is that the present system simply does not consider the wide variety of people’s, households’, and communities’ needs confronting it. As such the next section presents some thinking about how to make the land management paradigm a better fit to the current realities of urban South Africa.

### 4.2.1 Principles for Land Management:

- The current system has too many policies, pieces of regulation, ordinances and schemes. A coherent system, which has at its foundation a common understanding of land management and its intentions, needs to be put in place.
- A balance needs to be consistently struck between managing the public realm and enabling people to realise their rights within these spaces (particularly the poor segments of our society).
- Informality in its wide variety of manifestations should be considered as part of the national economy, which should be supported without necessarily being formalised.
- Reconsider the privileged position and role that property ownership has in the canon of land rights. As such the existing cadastre could be recast in light of a system in which ownership is considered to be just one in a number of land management rights.
- Use rights by individuals, households and communities who are engaged with productive use of land and property but who are not necessarily owners need to be creatively supported and entrenched.
- There needs to be a consistent acknowledgment that planning and land management is not neutral and makes physically manifest the existing ideology of the state.
- Land needs to stop being confused and conflated with housing. Although integrally linked and it is important to understand the impact that housing policies and programmes have on land use, they are not one and the same thing and by conflating the two, vital issues are missed.

## 4.3 National Recommendations

- Review land management policies and regulations at all spheres of government, old policies that contribute to spatial dysfunctionalities need to be amended or disposed of.
- The entire system needs to be simplified and unified to get rid of spatial inequities inherent in current land management systems.
- Integrate all land use planning so that land management can include considerations of transport, communication and infrastructure at a strategic level. This may be a matter of getting the existing IDP and RSDF systems to work more efficiently and to be concerned with greater technical details.
- Capacity needs to be built at all levels of government in order to:
  - -effectively engage with the technicalities of land management;
  - -constructively negotiate with the private sector in a manner that allows for the city to extract “planning gains” from the private sector; and
  - -understand the complexities of the communities in which they work.
- Well-located land needs to be released for the utilisation of the poor from State-owned entities, parastatals and the private sector. Mechanisms and systems of attainment and release must be established.
- Participatory processes must be developed whereby all land users and owners can directly influence the shape and nature of land management systems and how they are implemented. Decisions taken around land by government must be transparent and open to debate before they are finalised and implemented.
- Monitoring of the impact of land management by neutral parties is essential in order to ensure that the goals, aims and hopes of the citizens and the authorities are actually being met by the programmes and policies that have been put in place.
- Reconsider urban densities and encourage mixed land use zoning in order to ensure settlements have a good distribution of income generating opportunities as well as re-thinking the one house one stand policy.
- Support individuals and households who are being introduced into formal systems for the first time. Households that are receiving formal title for the first time or who have received title and are now using formal transaction processes such as banks and estate agents need to be empowered by the process rather than left feeling powerless and disenfranchised through these processes.

## 4.4 Specific Recommendations

In certain of the case study areas very specific recommendations have been made regarding the areas in question:

### 4.4.1 Kliptown



Kliptown demonstrates the conflict that can arise when the urban regeneration agenda directly confronts the basic needs paradigm. A greater balance needs to be struck between what is considered good for the city and its image and what the local community is stating that they need or want. These two outcomes are in no way mutually exclusive, and through open conversation and participation both needs can be satisfied. In Kliptown there is still time to bring the local community more into the heritage and urban regeneration programme and to see if there is some way for all parties to benefit.

#### 4.4.2 Diepsloot



The impact of the Urban Development Boundary on the low-income communities of Diepsloot needs to be seriously considered. Although intended to curb urban sprawl and the costs associated with the extension of infrastructure it may well end up ensuring that the low-income community associated with this area is not sufficiently serviced. In addition the constant disagreement between the main actors as to where the UDB should be located mean that the potential of Diepsloot residents being able to swiftly access government services is being denied.

#### 4.4.3 Hillbrow/Berea



The Hillbrow/Berea team came up with very strong recommendations to identify appropriate buildings for a pilot project that would test to see how an amendment to the City's Indigency Policy would impact on the residents of the identified buildings.<sup>4</sup> It is recommended that such a project be monitored on an on-going basis and that between the various departments the study is continuously funded. The sense was that such a project could be useful in understanding the dynamics of land use in high-density areas and the potential that policy has in impacting on low income and vulnerable residents.

<sup>4</sup> The full recommended process and discussion is too long for this report but appears in Silverman and Zack's 2007 case study.

#### 4.4.4 Diepkloof



The stringent formalisation and upgrading tack that has been undertaken in the area has not necessarily allowed the residents of the area to feel fully integrated into the City. Nor has it supported the current need for many households to operate home-based enterprises, which are integral to the survival strategies and upward mobility of many households. The needs of the community regarding land and its use could be effectively supported by a system that takes the informal into account and sees it as a contributing component of life in the settlement and not as something to be controlled and formalised. At the same time, the manner in which land and the land tribunal have dealt with issues in the area is a useful model that could be documented and considered for replication, with appropriate adaptations, in other areas.

#### 4.4.5 Fourways



Fourways is extremely traditional in its consideration of land management and land rights. At present it ignores the vast numbers of people who are formally or informally employed in the area but whose needs are not being met by the current formal transport, recreational or commercial activities. The reality is that there is a thriving informal sector in the area, which is stable and productive; some serious thought and consideration should be given as to how the area can partner with its informal sector to increase growth, improve safety and ensure sustainable productivity for everyone who uses the area and not just the residential and commercial property owners. A set of further recommendations, mentioned earlier, centre around the need for capacity to be built at all levels of government in order to ensure that the government and private sector negotiate from positions of equal power.

## 4.5 Concluding Remarks

The land management study has attempted to examine land management, in all of its incarnations, through a pro-poor and inclusive lens. Effectively the study has attempted to see what is and what is not supporting the lives, livelihood strategies, and aspirations of low-income households within land policy. The findings of the various reports seem to indicate there are significant issues that must be addressed if land management is to be a significant tool in restructuring the spatial order of cities and the social and economic divisions within society. Much of what is necessary is a serious re-thinking of how some fundamental concepts are regarded. The existing planning schemes, zonings and the cadastral system are in many ways exclusive of the needs of low-income households and communities and seem to result in the disempowerment and alienation of those that they intend to include and empower. The recommendations contained in this series of reports provide both a range of general principles that could be used to guide land policy thinking, as well as site-specific recommendations for each of the case study areas.

Although this work constitutes a useful study when thinking about land management, there is a great deal more work that needs to be accomplished for other metros and urban centres in South Africa. Alternative land management systems could also be usefully explored and piloted in order to see what the potential impact of other kinds of land management could be in the progressive project, which is seeking to make cities more integrated, inclusive and socially aware spaces that are able to effectively meet the needs of all their citizens.



# REFERENCES

Beavon, K.S.O., 2004: *Johannesburg: the making and shaping of the City*, Unisa Press, Pretoria

Berrisford, S., 2006: *Towards a JIPSA Business Plan for strengthening urban planning skills in South Africa*, draft report prepared for the JIPSA Planning Working Group

Bollens, S.A., 2005: *Urban Planning and intergroup conflict: confronting a fractured public interest*, in B. Stiftel and V. Watson (eds), *Dialogues in Urban and Regional Planning*, Global Planning Educational Association Network, Routledge, London and New York, 209-246.

Central Witwatersrand Metropolitan Chamber, 1993: An Interim Strategic Framework for the Central Witwatersrand. Document 2: Policy Approaches, Johannesburg.

Charlton, S., 2006: *Making Urban land markets work for the poor: Synthesis Paper*, Urban LandMark Synthesis Position Paper, prepared for the Urban Land Seminar, November 2006, November 2006.

Charlton, S., and Kihato, C., 2006: *Reaching the poor? An analysis of the influences of the evolution of South Africa's Housing Programme*, in U. Pillay, R. Tomlinson and J. Du Toit, *Democracy and Delivery, Urban Policy in South Africa*, HSRC Press, Cape Town.

Crankshaw, O., 1993: *Squatting Apartheid and Urbanisation on the Southern Witwatersrand, African Affairs*, Vol. 92, No. 366, pp.31-51.

Gotz, G., and Simone, A., 2003: *On Belonging and Becoming in African Cities* in R. Tomlinson, R. Beauregard, L. Bremner, and X. Mangcu (eds), *Emerging Johannesburg: Perspectives on the Post-Apartheid City*, Routledge, New York.

Himlin, R., Engel, H., and Mathoho, M: 2007 Land Management and Democratic Governance Issues in Kliptown and Diepsloot, Johannesburg, Commissioned by Planact and Cubes, Ford Foundation

Hoosen, F. and Mafukidze, J., 2007: *Land Management and Democratic Governance Issues in Diepkloof, Johannesburg*, Commissioned by Planact and CUBES, Ford Foundation Project

Kihato, M., and Berrisford, S., 2006: *Regulatory systems and making urban land markets work for the poor in South Africa*, Urban LandMark Position Paper 4, prepared for the Urban Land Seminar, November 2006.

Klug, N., and Naik, T., 2007: *Land Management and Democratic Governance Research Report, Fourways, Johannesburg*. Commissioned by Planact and CUBES, Ford Foundation Project

Mahubane, M.P., 1998: *New Land Use Management: as an appropriate mechanism to achieve integrated and coordinated development for Gauteng*, Unpublished Research Report, MSc Development Planning, Faculty of Architecture, University of the Witwatersrand, Johannesburg.

Marx, C.E., 2006: *Conceptualising 'the economy' to make urban land markets work for the poor*, Urban LandMark Position Paper 3, prepared for the Urban Land Seminar, November 2006.

McCarthy, J., 2006: *Land Use Differentiation, class differentiation, housing and the urban land market – international and SA frameworks in MMW4P perspective*, Urban LandMark Position Paper 6, prepared for the Urban Land Seminar, November 2006.

Morkel, M., 2005: *Resource Report 6: Public Sector Owned Stock, Research into Housing Supply and Functioning Markets*, Banking Association of South Africa: Housing Workstream Group Prepared for Banking Association of South Africa, December 2005

Mpondo, 1999: *Towards a flexible and integrated land use management system with an emphasis on public involvement*, Unpublished Discourse, BSc Town and Regional Planning, Faculty of Architecture, University of the Witwatersrand, Johannesburg.

Ovens, W., Kitchin, F., Parnell, S., and Williams, A., 2007: *Land Management and Democratic Governance in Five South African Metropolitan Areas: Overview Report*, commissioned by Urban LandMark, Planact and CUBES, with Ford Foundation Funding.

Parnell, S., 2007: *Urban governance in the South: the politics of rights and development*, in Cox, K, Louw, M and Robinson J (eds.) *Handbook of Political Geography*, Sage, London.

Royston, L., and Narsoo, M., 2006: *Land, markets and informal settlement policy in South Africa*; Colloque international "Les frontières de la question foncière – At the frontier of land issues", Montpellier, 2006

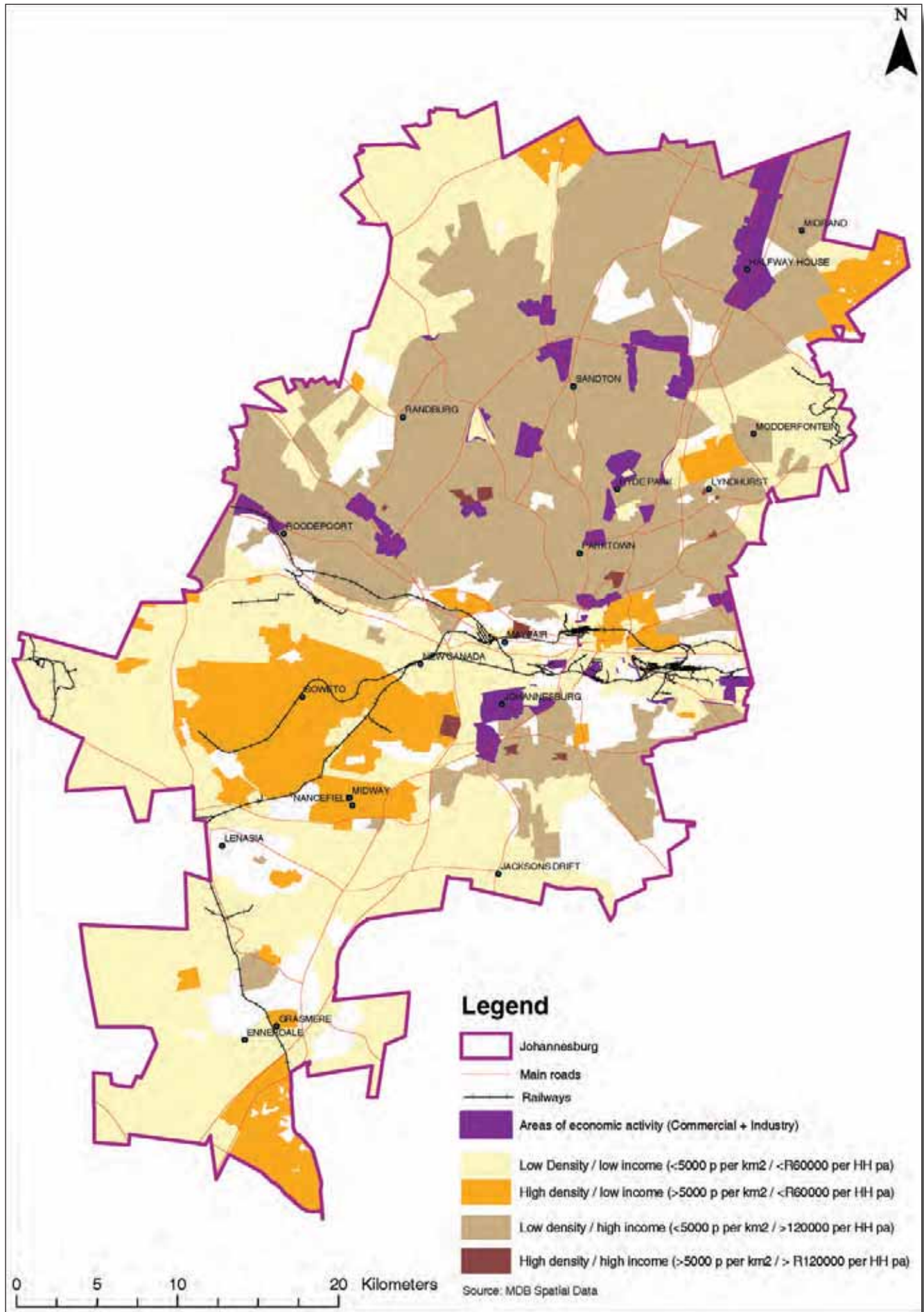
Sapire, H, 1992: *Politics and Protest in shack settlements of the Pretoria-Witwatersrand-Vereeniging Region, South Africa, 1980-1990*, *Journal of Southern African Studies*, Vol. 18, No.3, Special Issue: Political Violence in Southern Africa, pp.670-697.

Silverman, M. and Zack, T., 2007: *Land Management and Democratic Governance Issues in Hillbrow/Berea, an Inner City Area of Johannesburg*, Commissioned by Planact and CUBES, Ford Foundation Project.

Sisya, F., 1998: *The Role of Planning Law in Land Use Management Systems*, Unpublished Discourse, BSc Town and Regional Planning, Faculty of Architecture, University of the Witwatersrand, Johannesburg.

van Wyk, J., 1999: *Planning Law – principles and procedures of land use management*, Juta and Co. Ltd, Kernwyn, Cape Town.

# MAP: JOHANNESBURG, LOCATION OF INCOME GROUPS





## FORD FOUNDATION



**Urban LandMark**  
making cities and suburbs work for the poor



WITS CENTRE FOR URBAN AND  
BUILT ENVIRONMENT STUDIES

John Moffat Building Yale Road, University of  
the Witwatersrand  
Private Bag 3, Wits, 2050, South Africa  
Tel: +27 (0)11 717-7730  
E-mail: [margot.rubin@wits.ac.za](mailto:margot.rubin@wits.ac.za)



209 Smit Street, 15th Floor, Braamfontein  
Tel: +27 (0)11 403-6291  
Fax: +27 (0)11 403-6982  
E-mail: [info@planact.org.za](mailto:info@planact.org.za)  
Webpage: [www.planact.org.za](http://www.planact.org.za)