

Incrementally Securing Tenure: An Approach for Informal Settlement Upgrading in South Africa

Tenure Security and Informal Settlement Upgrading Conference
Urban LandMark and NUSP
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Urban LandMark

Introduction



Incrementally Securing Tenure



Common Terms

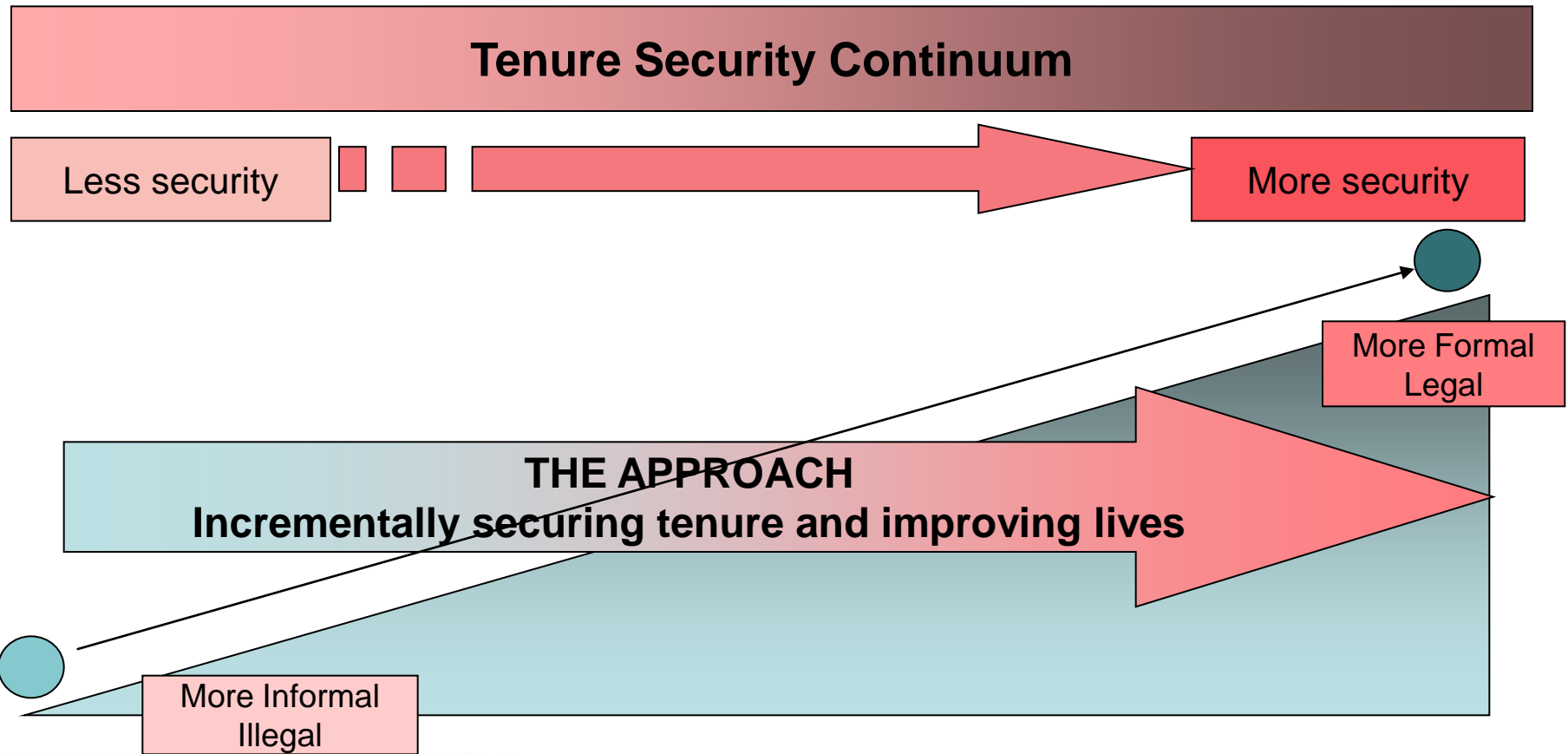


- Regularisation
- Ownership
- Tenure Security
- Amendment Scheme Procedure
- Administrative Recognition
- Legal Recognition

Tenure Security Continuum



Tenure Security Continuum



Common Terms



- Regularisation
- Ownership
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Administrative and Legal Recognition



- **Recognition** = The acceptance of an informal settlement through a range of administrative and legal interventions

ADMINISTRATIVE RECOGNITION

This uses instruments that may arise from policies or administrative practices to give residents a form of tenure security. Security derives from commitment by authorities in the form of council resolutions or administrative systems.

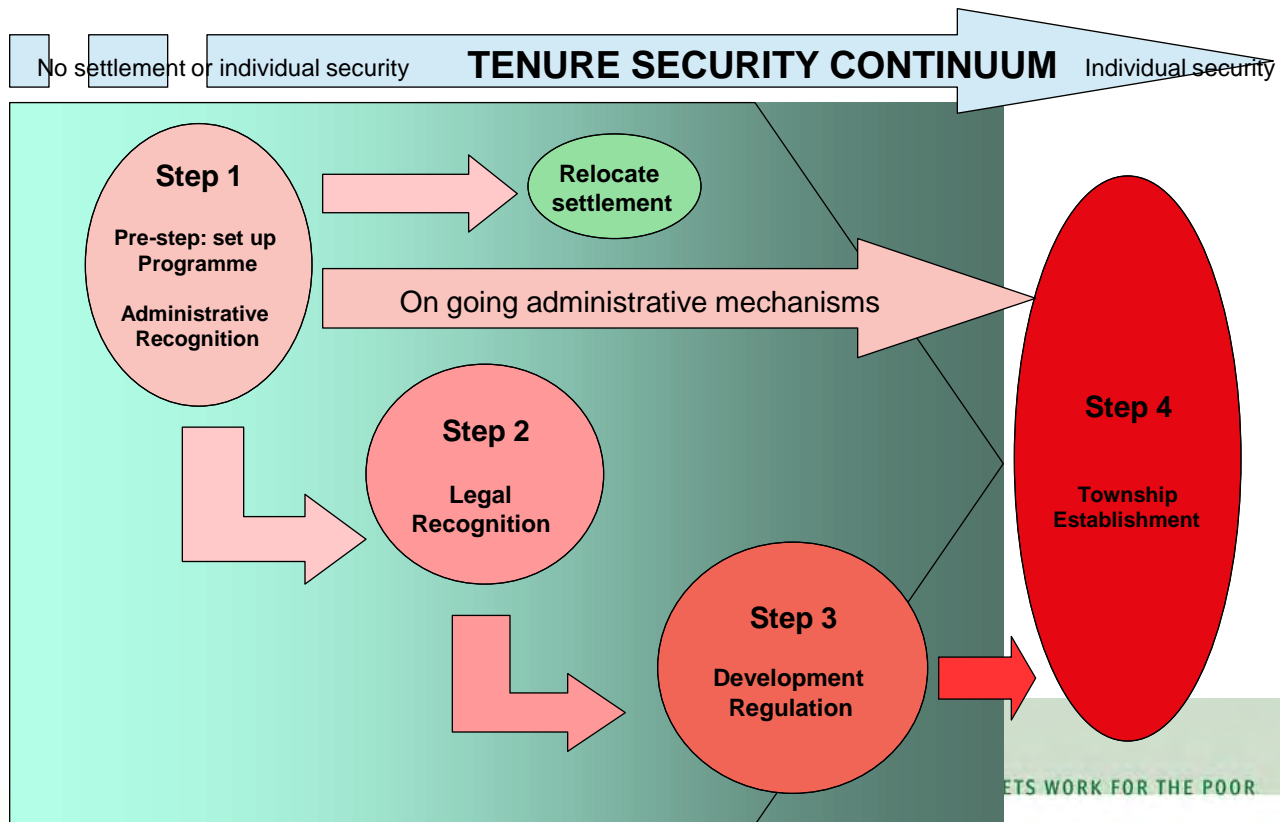
Occupation letter, Register, Shack enumeration, Block layout

LEGAL RECOGNITION

This uses a legal procedure, in terms of some recognised law, to grant legal status to an area. It usually results in declaring the area in terms of this law (a settlement area, an area zoned for informal housing, etc).

Amendment Scheme, LFTEA Ch 1, DFA Ch 5

The Approach: Step by Step



Step 1: Administrative Recognition



- **Pre Step:** Obtain high level Council support for interventions in informal settlements; develop an overall Informal Settlements Programme (ISP); get approval for ISP; find a clear institutional 'home' for the ISP
- **Decisive decision to Intervene in informal settlements**
- **Information gathering on informal settlements (physical, planning, legal, infrastructure, tenure, social)**
- **Prepare status quo reports**
- **Categorisation of settlements and definition of future actions (stay or relocate)**
- **Administrative interventions - name settlement, base mapping, household enumeration, acknowledgement of occupation, emergency services**

Step 2: Legal Recognition



- **Decide on mechanism for legal recognition**
- **Declare it legally: different avenues and different levels of requirements, for example,**
 - **LFTEA – Chapter 1**
 - **DFA**
 - **Amendments Scheme**
 - **Rezone – Town Planning Scheme**
 - **Other**
- **Settlement has ‘blanket’ legal recognition**

Step 3: Development Regulation



3 main emphases:

- **Early interventions**
 - **Ongoing community consultation and implementation**
 - **Later interventions**
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- **Important to adopt an incremental approach**

Step 3: Development Regulation

Early Interventions	Ongoing Community Consultation on:	Later Interventions
Basic layout plan – site plan, blocking	Forms of tenure evidence	Layout plan – individual erven
Block addresses, entry into municipal data bases per block	The nature of the record and its role. Possible land office	Leases or individual certificates or bills
Incrementally improve services	Building advice and management	Register to record transactions
Open record/register of households per block	Boundary definition for individual sites	Establish land office. Ongoing land management of area

Step 4: Township Establishment



Depending on the route used to grant legal recognition, need to formalise the settlement using planning legislation:

- Prepare application
- Secure undertakings to move households to implement layout plan, if necessary
- Approval of township by authorities
- Handover of register information, approval of GP and opening of register
- Implementation – pegs, roads, other services
- Individual title deeds

Step 4: Township Establishment

Step 2 Status	Requirements to get to Step 4	Step 4 Legal Route Options
Amendment Scheme (Transitional Residential Settlement Area)	Need to do full township establishment	Ordinance LFTEA Chapter 2 DFA application
Rezoned Special Residential Area/Informal settlement Area ito TPS	Need to do full township establishment	Ordinance LFTEA Chapter 2 DFA application
By Law	Need to do full township establishment	Ordinance LFTEA Chapter 2 DFA application
DFA Land Development Area	Do not need another application – must satisfy conditions of establishment to open register	DFA compliance with Conditions of establishment (especially Deeds Register and General Plan)
Less Formal Settlement ito LFTEA Chapter 1	Will need to comply with Land Survey and Deeds Registry Acts to open township registers	Conversion of settlement to a township. Can do a Chp 2 application

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- Detailed report on the Approach
- Local Land Office report
- Slides on COJ – Amendment Scheme Procedure

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- Dan Smit and Gemey Abrahams
- National Upgrading Support Programme
- National Department of Human Settlements