

Land Governance and its Influence on Access to Urban Land

This case study is based on research undertaken into the experiences of a poor community in accessing land through formal channels in peri-urban South Africa. The research was conducted by a team of researchers pulled together by the World Bank. The work was the result of a request by Mogale City Municipality for technical assistance on the design and implementation of integrated housing and agriculture projects. (See Sheet 5 for reference details and names of researchers. Note that this case study is based directly on the report. This use is acknowledged with thanks.)

An introduction to the case study is given below. On the back of this sheet some learning and reflection activities are provided. You can do these activities on your own or in groups, as appropriate for your learning session. Look carefully at these activities before you begin so you know what to look for while you are reading.

The next part of the document (Sheets 2, 3 and 4) presents the story of Ethembaletu. The final component of this document (Sheet 5) includes a summary of key issues that were covered in the case study and recommendations arising from it.

Note: a list of acronyms is provided on the back of Sheet 4.

Learning outcomes:

By the end of this session participants will be able to:

- Describe a range of factors that make it difficult for poorer communities to access urban land in South Africa
- Suggest ways in which legislation, development planning, land-use zoning and other factors can be amended to improve access to peri-urban land for poorer communities.

Background to this case study

This case study analyses the difficulties a poor community experienced in accessing peri-urban land in South Africa. A decade ago, this community, composed largely of laid-off farm workers, wanted to buy their own farm in a peri-urban area west of Johannesburg to establish a mixed-use settlement. The name of the village would be Ethembaletu – “Our Hope” – and approximately 250 families started their own savings scheme to make their dream a reality. By 1997, they had saved enough money to make their first purchase offer. A decade later, the community’s dream has still not become reality due to numerous obstacles including three cancelled sale agreements, wrongful arrests, being sued in court, an out-of-court settlement for which community members were paid to not move into the historically white neighbourhood and large sums of their own money spent on consultants and environmental impact studies. While the community now has at least a confirmed right to eventually occupy the land in terms of an agreement with Mogale City Municipality, it does not yet legally own the land, and is still trying to get permission to build on and work the land.

Millions of black South Africans live in the peri-urban areas. However, government programmes, development planning, and environmental requirements, and the current land and housing markets do not allow them realise their aspirations.

This study provides the basis for recommendations that will help resolve these issues and make it possible for poorer people to access peri-urban land more easily and to build stable and sustainable communities.

Photo: Black Earth Consulting



Celebrations after successful negotiations to purchase land

Part of a series of case studies developed as a teaching and learning resource for studies in urban land markets. Urban LandMark Tel: 012 342 7636 Fax: 012 342 7639 email: info@urbanlandmark.org.za • www.urbanlandmark.org.za
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Learning Activities

Before you start

Before you read the case study, spend a couple of minutes noting the key factors that might prevent poorer communities from gaining access to peri-urban land for mixed-use purposes such as that proposed for Ethembaletu.

After reading the examples

In small groups, discuss these questions:

1. What does this case study tell you about urban land governance?
2. Make a list of key issues that made it difficult for the Ethembaletu community to realise their dreams.
3. Now list recommendations that could be presented to a range of decision-makers and role-players that might resolve the key issues that you listed in question 2.

Reflection

- What new, or surprising, insights have you gained as a result of this activity?
- What feelings did you experience while you were working through this story? Why these feelings and not others? Share this with others in your study group.

Ethembaletu

The story of the Ethembaletu community—now represented by the Muldersdrift Home Trust Foundation (MHTF)—begins more than 50 years ago, with the arrival of the Mphale family in the Muldersdrift area. Muldersdrift was then a white farming community west of Johannesburg. In the intervening years, the area has undergone rapid change and now lies squarely in the path of commercially-driven residential and commercial land development pushing outward from Johannesburg. Given its agricultural history, the area has a significant number of white smallholdings with farm workers and occupants who want to obtain more secure tenure and housing.

The Mphale family lived, in terms of an agreement with a white farmer, on the land surrounding and including the farm known as Portion 78 Driefontein. This farm plays a central role in the story covered in this case study. When the farmer sold his land in 1973 to another white person—as only whites had land-ownership privileges outside designated “black spots”—he gave Mr. Mphale written permission to remain on the land. The new owner, however, changed the basis on which the Mphales could remain, making it more of an informal labour tenancy arrangement rather than the indefinite right to remain on the land implied by the earlier arrangement.

Given its agricultural history, the area has a significant number of white smallholdings with farm workers and occupants who want to obtain more secure tenure and housing.

Photo: Black Earth Consulting



Mr Molefi Selibo

The Vision

In the mid-1990s, Mr. Molefi Selibo, a community leader and long-time resident in the same area was motivated by the widespread tenure insecurity and poor living conditions of farm workers and farm dwellers in the Muldersdrift area, and began to organise families into a housing association. Beginning with about 250 families, the association started a savings scheme aimed at acquiring land in the area upon which to build their own homes and carry out small-scale farming. Their vision was clear: a village with houses, some individual farming fields, a grazing area and some common areas

for recreation. The painting done by them and reproduced on page 4 illustrates their dream.

Beginning with around 250 families—each of whom saved and contributed R50 per year, later increased to R100 per month—the association aimed to acquire sufficient land in the area to build their homes. By the end of 1997, the association was incorporated as a “section 21,” or not-for-profit company, the MHTF.

Not In Our Backyard: Sued and Arrested

In 1997 the association made its first offer to purchase land, which was successful. In March 1997 the MHTF entered into a purchase agreement with the owner of Portion 120 Rietfontein, a smallholding of 8.5 hectares in Muldersdrift. The deed of sale was also concluded. However, during the course of negotiations with the seller on the method of payment, the sale was suddenly cancelled. A group of neighbouring landowners had made a successful counter-offer to purchase the land, which began MHTF’s long battle with the not in my back yard syndrome which plagues the spatial distribution of human settlements throughout South Africa.

Photo: Black Earth Consulting



Ethembaletu members began saving money to buy land

The not in my back yard (or NIMBY) syndrome made it very difficult for the MHTF to acquire land in the Muldersdrift area. Neighbouring landowners put up a strong resistance to the purchase agreement.

The next year the MHTF made an offer on a similarly sized piece of land, Portion 77 Rietfontein, adjacent to the first plot. This offer was also initially accepted and the MHTF entered into a purchase agreement. However, the MHTF was unable to pay the full purchase price immediately and sought help from a commercial bank for a loan to cover the balance. Despite the organisation's proven saving record, they could not get a top-up loan from the bank to cover the purchase price over and above their accumulated saving. Fortunately, the seller agreed to an instalment sale for the balance of the purchase price: MHTF was to pay him a deposit of R50,000, with the balance of R104,000 to be paid in 15 monthly instalments of roughly R7,000.

Aware of the need for technical advice on how to establish their village, the MHTF used its other savings to procure the services of engineers, geo-technical consultants and a planner to prepare their application for planning approval for a combined residential and agricultural production project. In particular, the MHTF had to hire engineers and other consultants to prepare the application for "township establishment." They also submitted an application for housing subsidies to the then Gauteng Provincial Department of Housing's (GDOH) People's Housing Process (PHP) programme, which was approved in 1998 for 263 households. (GDOH is now called the Gauteng Department of Local Government and Housing.)

The MHTF, in fact, did not want to establish a typical low-income "township", but rather a low-density village where they could build their own houses, live in uncrowded conditions, have some common spaces for recreation and grazing of animals, and have the opportunity for some households to engage in small-scale farming. However, because this form of settlement is not legally recognised and the national housing subsidies are only available to formally established townships, the MHTF had to plan for a township. In late 1998, with 82 percent of the purchase price paid, the MHTF received a letter from the landowner cancelling the second sale agreement and attempting to return the sum of R126,000, which had already been paid by the MHTF towards the R154,000 purchase price. It was clear the same neighbours who had thwarted the previous purchase had influenced this seller too.

The MHTF now had to engage lawyers to protect their contractual rights to the land. This proved to be a wise decision, as in March 1999, the landowner applied to the High Court to have the sale cancelled on the basis of alleged "misrepresentation" by the MHTF. Trespassing charges were laid against the members of the MHTF as well and, on March 5, 1999, 47 MHTF members were arrested. Eventually, the South Africa Police Service acknowledged that these arrests had been wrongful and released the MHTF members. Two years after the landowner's letter, in November 2000, the matter of the contract came before the High Court. It became clear that the landowner had no legal basis upon which to cancel the sale and he, together with the representative of the white neighbours who had pre-empted the first purchase attempt by MHTF, proposed an out-of-court settlement.

Photo: Urban LandMark



Illustrated map drawn by Ethembaletu members

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After some negotiations the MHTF accepted a settlement in terms of which the sale agreement would be cancelled and the white neighbours would put R270,000 into a trust fund, with a representative of their choice and the chairman of the MHTF as the trustees. In addition to this, the landowner refunded the R126,000 already paid by the MHTF towards the purchase price. A condition of the contract was that the MHTF could use the R270,000 in the trust fund only for the purchase of alternative land for housing, provided that this land did not fall within a prescribed circumference around the designated land of the white neighbours who had contributed to the fund, as depicted on a diagram appended to the court papers. In other words, the community would be paid R270,000 for agreeing not to acquire land in the area.

The MHTF could purchase land with this money provided that it did not fall within a prescribed circumference around the designated land of the white neighbours.

Enter the Government . . .

Bruised but not beaten, the MHTF again looked for alternative land. In 2001 the MHTF, still intact despite the difficult experiences of the past five years, made an offer on a much bigger piece of land, further away from the racially hostile environment where their previous purchase agreements had been frustrated, but still in the Muldersdrift area. In 2001 the MHTF entered into its third purchase agreement: for Portion 78 Driefontein, (roughly 31 hectares) for a price of R650,000. At the same time, GDOH agreed in principle to transfer the MHTF's 1998 successful application for PHP capital subsidies to this land. By now, the MHTF had further refined their vision of how they wanted to live.

They decided to build an eco-village to be called Ethembalethu. However, the land they now made an offer for was three times the size of the previous two farms and the purchase price of R650,000 was beyond their means. After paying for consultants and lawyers the MHTF only had about R400,000 available, R270,000 of which was tied up in the trust established after the settlement of their court case. They appealed to the GDOH for advice and the matter was referred to the Gauteng Provincial Office of the then National Department of Land Affairs (DLA) (now known as the Department of Rural Development and Land Reform).

During the course of negotiations between DLA, GDOH and Mogale City, the white neighbours of this new site got wind of the proposed project and, as had the neighbours surrounding the previous farms, began to raise objections. The spurious basis of their objections was that an environmental impact assessment (EIA) had not been completed. This was irrelevant as, under South African law, an EIA is not required for the mere act of purchasing land. Nevertheless, the officials of DLA and GDOH seem to have been alarmed by these objections and notified Mogale City that they would not be contributing towards the purchase of the land after all.

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After protracted correspondence between the three spheres of government, the DLA finally agreed to purchase the land. The full price of R650,000 was paid by DLA to Mogale City, which then acquired the land in the name of the municipality in March 2002. DLA was, however, unable to single out any one of its available programmes to suit this project: the establishment of a village. So the DLA officials devised a hybrid approach, which combined two existing programmes. These were the settlement and land acquisition grant (SLAG) and the Commonage Programme. Under this hybrid, DLA bought the property and transferred the land to the municipality.

Unfortunately, there was no contract or agreement concluded between the DLA and Mogale City as to how the land should be used once it had been transferred to Mogale City. Neither was it possible at the time the original report was written to obtain the project file from the then DLA, which would have shed more light on the precise nature of the Department's approach to either the question of which programme's funds were used to purchase the land or the terms agreed upon by DLA and Mogale City. The understanding was that it should be used to accommodate the MHTF community, and the community's claim and rights to this land should be confirmed in a "land availability agreement" (LAA) signed between the MHTF and the municipality. Such an agreement was eventually concluded between the MHTF and Mogale City. In terms of this agreement individual households will obtain title to their individual residential plots. Business plots would be released on a case-by-case basis in terms of business plans to be submitted to Mogale City.

Photo: Black Earth Consultancy



Celebrations after the DLA agreed to the purchase of land

Bogged Down in Environmental Impact Assessments

Once the land purchase was final the MHTF had to obtain two separate legal permissions through two separate legal processes to develop the land. First, a "scoping" EIA needed to be carried out in terms of the Environment Conservation Act (ECA) (1989). Second, a Development Facilitation Act (DFA) (1995) application needed to be submitted to the Gauteng Development Tribunal to obtain planning permission. These two processes were to run simultaneously. The reason for this is that there are two separate legal requirements. First, the ECA requires an authorisation by the relevant environmental authority (at that time it was the provincial Department of Agriculture, Conservation and Environment; it is presently within the new Gauteng Department of Agriculture and Rural Development) if certain specified "land use changes" occur.

Second, municipalities are unable to extend municipal services to an area that is not a proclaimed township. This can be achieved either through the DFA processes (an application to the provincial Development Tribunal), or through the old Transvaal Provincial Ordinance for Town Planning & Township Establishment, 15 of 1986 (which entails an application directly to the municipality). The scoping EIA which was conducted during 2002 revealed more robust opposition to the proposed development from the neighbours. The EIA scoping report submitted to the then Gauteng Department of Agriculture, Conservation & Environment (GDACE) was formally accepted by them in 2003. However, department officials indicated that they were not prepared to support the project as it stood then, and required that a full EIA be done in addition to the completed scoping report. The department also stipulated that a number of specific aspects be dealt with in the full EIA, primarily through additional specialist studies.

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Where a housing development takes place within an already developed urban area an EIA is seldom required, as there is no “change of land use,” but it is a common requirement wherever “greenfields” housing development is undertaken, especially outside already built-up areas.

In all cases the cost of the EIA has to be carried by the applicant. A portion of the housing capital subsidy is earmarked to cover these costs, up to a predetermined ceiling. In May 2003, the DFA application for planning approval of the proposed project was submitted to the Gauteng Development Tribunal. At the tribunal hearing in October 2003, the application had to be withdrawn due to various procedural and technical flaws. There was no evidence that the tribunal members were unhappy with its content. Nevertheless, this represented a substantial setback to the project.

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Following this withdrawal of the DFA application, the project’s momentum dwindled because of lack of funding for the various studies required: a full EIA and a resubmission of the DFA application for planning permission. Worse, the environmental and planning consultants who had done the bulk of the preparatory work for the EIA and DFA processes could not be paid by the Gauteng Department of Housing, because, legally speaking, after the withdrawal of the DFA application, the MHTF housing project was no longer a “housing project.” Moreover, the GDOH said they would not be able to make these payments until there was a proper LAA signed between the Mogale City Municipality (the landowner) and the MHTF. This agreement was only signed in mid-2005. Subsequently, the project has enjoyed renewed support from the GDOH, presumably on the grounds that the provincial government was satisfied that the land rights of the intended beneficiaries were now secured. The consultants were paid later in 2005 for their work on the earlier applications and reappointed to resume work on new applications. In the second half of 2005, the preparation of the EIA and DFA applications restarted in earnest.

In August 2005, it became clear that provided both processes moved without interruption, they would probably only be completed by about September 2006. Then, the GDOH raised concerns about the budget and fees for consultants, despite having accepted these projections two months earlier. The percentage of the total allocation from the NDOH set aside to cover these professional fees had been nearly exhausted in the earlier applications. There were, as a result, insufficient funds left to cover the costs of the full EIA report and the new DFA application.



Enlargement of illustrated map drawn by Ethembaletu members

These developments caused concern with the municipal officials and consultants working on the project. The consultants said that they would not be prepared to continue with the project if they could not bill for the amounts of time required to complete the two processes, and the municipal officials felt that the process of appointing new consultants— at lower fees—would both delay and compromise the quality of the two applications. This impasse was eventually broken and the application for an environmental authorisation was submitted in 2006. However, it was rejected by the relevant department (see paragraph below), and by late August/early September 2007 the DFA application was still to be heard by the Development Tribunal.

Another unexpected obstacle that arose in early 2007, however, was the issue of the proposed buffer zone around the Cradle of Humankind World Heritage Site. The World Heritage Site was confirmed by UNESCO in 1999 and the Gauteng provincial government was designated as the Management Authority in terms of the World Heritage Convention Act (1999). Subsequently, the Gauteng government embarked on a master planning exercise for the World Heritage Site. This resulted in the demarcation of a proposed buffer zone around the designated World Heritage Site, in which “township establishment” would be prohibited. The buffer zone does not yet have any legal status, although the Gauteng government is seeking to change this. Now that the two outstanding authorisations (the EIA and the DFA applications) must be decided by organs of the Gauteng government, the project may still be denied the necessary permissions to realise the hopes and aspirations of the MHTF community.

The final EIA submitted to the provincial Department of Agriculture, Conservation & Environment in 2006 was rejected by them in 2007, and they requested yet another set of reports and studies. An exasperated community and their environmental consultant then pursued political channels by trying to set up a meeting with the provincial minister responsible for agriculture, conservation and the environment.

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End-note, 2009: Since the original report was written concrete progress has been made. Approval for an initial phase of 150 houses has been granted, Mogale City has appointed a contractor to install external services and the provincial Department of Housing is poised to appoint a contractor to build the houses pending availability of funding in the new financial year (April 2010). The new MEC for Rural Development has tasked her officials to develop a set of recommendations to enable the second phase of housing construction to go ahead. The MHTF is actively seeking funds for social and recreational facilities to complement the infrastructural and housing development work that is being provided by the state.

List of Acronyms

DFA	Development Facilitation Act of 1995
DLA	National Department of Land Affairs
ECA	Environment Conservation Act of 1989
EIA	Environmental Impact Assessment
GDACE	Gauteng Department of Agriculture, Conservation and Environment
GDOH	Gauteng Department of Housing
LAA	Land availability agreement
MHTF	Muldersdrift Home Trust Foundation
NIMBY	Not in my back yard
PHP	People’s Housing Process
SLAG	Settlement and Land Acquisition Grant

Summary and recommendations

Before we look specifically at a summary of points from the Ethembaletu case, it is useful to look more generally at issues around access by poorer people to urban land.

The state has an important governance role in relation to urban land, and especially peri-urban land. The state can influence both supply and demand for urban land, and so can also influence prices. This case study shows how the state has struggled to make peri-urban land available for a poor community, and it is the contention here that the state - local, provincial and national - can change the way it exercises these powers in ways that make the urban land market work better for the poor. Three types of state power that are important here:

- The power to regulate the use and development of land, primarily through 'town and regional planning' legislation;
- The power to tax land value, primarily through municipal property rates; and
- The power of the state to transact in land through both acquisition and disposal.

The supply of rights to use and develop land is directly determined by the legal processes created in terms of planning laws. Each time a farm is rezoned and subdivided for urban development the supply of urban land is increased. Each time a planning authority declines an application to develop such a farm, the supply of land is effectively constrained. In both cases there is a direct impact on land prices, and so on the extent to which poor people are able to access urban land. Each time an 'urban edge' is established around a town or city in terms of an Integrated Development Plan, the supply of urban land is immediately curtailed and, in the absence of a simultaneous increase of development rights within the urban area (for instance through densification) the overall price of land in that town or city goes up. Existing land owners within the urban area benefit from rising land values and those who do not hold such land are less able to access it.

These two examples show how decisions which may well be well-motivated in 'planning' terms can have a negative impact on poorer people's access to land. In both cases it is quite possible to mitigate those negative impacts but if the law does not require such mitigation it's highly unlikely to happen.

Another illustration of the way in which the application of planning laws affects urban land markets relates to the rules contained in such laws governing compensation to land owners whose land values might have dropped as a result of a planning decision. In South Africa these rules tend to protect the landowners very effectively, with the result that the rezoning and development of land for low-income housing on well-located land inevitably fails as a result of protest and objection from surrounding land-owners who claim that this development will lower their land values.

It follows, then, that the fact that the Ethembaletu community is still uncertain of accessing land after more than a decade of struggle is not only the result of apartheid. It also stems from the current policy vacuum in peri-urban land reform and land development, as well as a system of government laws, regulations, programmes, and implementation procedures that is too complex and in which key institutions are uncertain of their roles and responsibilities.

Policy development alone will therefore be insufficient to address these issues. It will have to be supplemented by the development of effective financial and legal instruments to implement the new policy as well as effective capacity to do this. Improved policies and programmes should enable the government to guide, and intervene in, the land market to ensure that land is identified and acquired for land reform and housing delivery.

The co-existence of a number of (often unacknowledged) land use management processes suggests that if urban land use management is to be made to work better for poor people it is useful to bring these processes and rights into a common framework.

The following table presents a number of key action areas to address the main issues emanating from this case study. The table acts as a summary of key points raised by the case study as well as a synthesis of recommendations made in the full report. The recommendations have been highlighted in order to draw particular attention to them.

Main action areas	Key issues	Consequences	Recommendations
Overcome reluctance and resistance	<p>“Not In My Municipality” resistance</p> <p>Associated with non-payment of services; loss of income foregone from “high-end” land use, constitutionally mandated service standards.</p> <p>“Not in my backyard” (NIMBY) resistance of land owners and neighbours</p>	<p>Municipalities are reluctant to set aside suitable land for low-income groups</p> <p>Poor communities encounter resistance from neighbouring communities to acquisition of suitable land</p>	<p>Demonstrate revenue potential of low-income settlements</p> <p>Provide guidance for interpretation of constitutional rights</p> <p>Mount a public information campaign about benefits of undoing geography of apartheid and establish racially integrated neighbourhoods</p> <p>Use expropriation of land where NIMBY resistance is insurmountable</p> <p>Combat culture of non-payment, where this exists, through media campaigns</p>
Make land use planning pro-poor	<p>“Urban Edge” definition is not appropriate for combined housing and agricultural uses</p> <p>No use of IDP or other instruments for proactive designation or acquisition of land for low income groups</p>	<p>Almost no land available for such combined uses</p> <p>Almost no land available for low income groups</p>	<p>Revise the urban edge policy to take account of the desire and need of poor people to combine agriculture and housing near jobs</p> <p>Enable municipalities to propose and implement such changes via their IDP</p> <p>Develop models and guidelines for IDPs that are explicitly pro-poor with respect to land use and housing</p>
Restructure the land market	<p>Difficulties in subdividing land</p> <p>Regressive land taxation</p>	<p>Insufficient land available in small parcels suitable for poor people</p> <p>Poor incentives to dispose of under-used land</p> <p>Regressive taxation of agricultural land in former Transvaal</p>	<p>Implement the 1998 Repeal of the 1970 Subdivision Act</p> <p>Department of Agriculture</p> <p>Develop guidelines for municipal property rates act that promote access to land and housing for the poor</p>
Realign planning processes	<p>Two parallel processes are required to plan and implement housing development: Township Development and Environmental Impact Assessment</p> <p>EIA involves too many steps</p> <p>Difficulties of establishing a township: There are three options with implications that are difficult to understand</p>	<p>Wasteful duplication and complexity of processes stifles capacity of all actors and reduces ability of poor people to acquire and develop land</p> <p>Leads to a lengthy process and discourages decision-making by officials</p> <p>Lack of transparency of how to go about establishing a township</p>	<p>Merge legal procedures for all projects involving land and housing development in peri-urban areas into a single process</p> <p>Streamline the EIA process, and further decentralise approval of most EIAs</p> <p>Eliminate the “Less Formal Township Establishment Act”</p> <p>Adjust the two remaining options to make room for mixed use villages, and simplify their requirements</p>

Design a programme for peri-urban areas	<p>Accessing programmes for mixed land use and housing for poor people who want to engage in “multiple livelihoods” is complex</p> <p>Inappropriate standards for infrastructure</p> <p>Inappropriate standards for housing</p>	<p>Communities such as the Muldersdrift Home Foundation Trust cannot develop their own “villages”</p> <p>Constitutional guarantees for basic service delivery are interpreted to imply excessively costly infrastructure, which pushes low-income housing projects to remote locations, where land is cheap, so as to bring total costs down</p> <p>Poor people are not able to use housing subsidies to build their own houses</p>	<p>Develop an integrated programme that helps poor people acquire land, housing and agricultural and other business support and finance</p> <p>Set more affordable standards to promote mixed use settlements in locations closer to work and commerce</p> <p>Simplify housing standards</p> <p>Include option for own construction by poor people</p>
Re-engineer programme implementation	<p>It is unclear which national department has overall responsibility for land development and use planning</p> <p>Over-centralisation of decision-making</p> <p>Money flows in “silos”</p>	<p>Confusion and overlapping mandates lead to lengthy and frustrating processes of land acquisition and development for poor people</p> <p>Expertise of lower levels of government not exploited</p> <p>Planning and financing of an integrated village community becomes an impossible task for poor people</p>	<p>Clarify roles and responsibilities of different departments and levels of government</p> <p>Using subsidiarity principle, decentralise decision-making to lowest possible level</p> <p>Unify financing and access requirements for the new programme in peri-urban areas and other housing and land reform programmes</p>
Free up and build capacity	<p>The complexities of requirements</p> <p>Lack of legal and implementation capacity among public sector lawyers and project managers</p> <p>Inadequate involvement of NGOs and other private sector providers to support groups seeking mixed-use land</p>	<p>Existing capacity is overwhelmed and disempowered, giving a false appearance of lack of capacity and unwillingness to help the poor</p> <p>Uncertainties reduce willingness and ability of officials to take action</p> <p>Poor communities requiring land do not get adequate support</p>	<p>Develop easily understandable guidelines and manuals</p> <p>Promote inclusion of these issues in university and other courses</p> <p>Design and implement capacity building programme for public sector lawyers and programme managers</p> <p>Beneficiaries should get grants large enough to hire NGO and other expert support</p> <p>Municipalities should outsource more support functions to NGOs and other providers, and focus more on monitoring</p>

Reading list

The primary source document for this case study was:

Berrisford S, DeGroot D, Kihato M, Marrengane N, Mhlanga Z and van den Brink R (2008) *In Search of Land and Housing in the New South Africa: The Case of Ethembaletu*. World Bank Working Paper No. 130. The International Bank for Reconstruction and Development/The World Bank, Washington D.C.