The information in this brochure is taken from an analysis of the perspectives and experiences of civil society organisations about access to urban land by the poor. This was based on a series of workshops undertaken during May and June 2007 as part of the Voices of the Poor project for Urban LandMark. Workshops were held in Port Elizabeth, Cape Town, Pietermaritzburg and Johannesburg and hosted by urban development NGOs active in the region. In all, 105 participants from more than 30 different civil society organisations participated. A full copy of the report is available on the Urban LandMark website.

The project was co-ordinated by Warren Smit of Development Action Group. Other members of the Voices of the Poor team included Mercy Brown-Luthango (DAG); Ardiel Soeker (DAG); Susan Carey; Mzwanele Mayekiso; Clive Felix (USG); Adré Bartis (USG); Vijoya Harri (USG); Pat Zondi; Cameron Brisbane (Built Environment Services Group); Khulekani Mfeka (BESG); and Vanessa Chetty.

Some of the findings that came out of the Voices of the Poor workshops were expected, such as the importance of urban land for livelihoods. Other findings were more surprising, such as the number of informal settlement communities still struggling for basic services and the right to stay close to jobs and social networks, and the deep mistrust of certain sectors of local government.

Another unexpected finding was the commonality of people’s experiences and perspectives in different areas. Different concerns did emerge in different centres, such as the concerns about inner-city rental housing in Johannesburg and the importance of urban-rural links in Pietermaritzburg.

Municipalities vary in their strategies and their effectiveness. However, there was remarkable consistency between the experiences and views of community organisations in all the workshops. A recurring theme was a deep antipathy to the way the formal land market works. Some community representatives saw the very existence of the formal land market as an obstacle to the poor accessing urban land. Some community representatives saw the potential of increased access to credit from financial institutions, and even recognised the opportunities for emerging estate agents. However, the solution to increasing access for poor people to urban land was overwhelmingly seen in non-market terms, with the state or community-based organisations delivering subsidised housing.

The importance – and weakness – of civil society organisations was another theme. A few non-governmental organisations are working in the sector but are hampered by a lack of resources. A great many community organisations have sprung up around urban land issues. These are of different sizes, both local and national. In general, they are weak and fragmented, and lack information and resources.

What was clear was that communities know what they want – but are increasingly sceptical that anyone is listening to them or taking their concerns seriously.
### Perceptions of the Problem

The most frequently mentioned obstacles to access to urban land by the poor were:

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#### 1 Poverty and Unaffordability

Poverty puts land and housing in urban areas out of the reach of poor people as they cannot afford to buy, but also makes it difficult for people to retain urban land and housing, as they are often forced to sell it.

> Rates and services are unaffordable even for properties with a very low value … people are being given finance with the one hand and the government then takes it back with the other hand … in Inanda Newtown people are about to lose their properties due to non-payment.

#### 2 South Africa’s Colonial and Apartheid History

This was highlighted in the Pietermaritzburg workshop where a number of speakers mentioned that indigenous people had been dispossessed of their land during the colonial and apartheid period, and this is one of the key causes of inequality in access to land today.

> This was first raised by a member of the South African Communist Party in Port Elizabeth, but was frequently repeated in all of the other workshops.

#### 3 Existence of a Property Market, Which Results in High Land Prices

There was a feeling that the very existence of a private land market results in high values for land, which then excludes the poor. This was first raised by a member of the South African Communist Party in Port Elizabeth, but was frequently repeated in all of the other workshops.

> Market values, especially in urban areas, are set ridiculously and intentionally high. They are not accessible to the poor and working class.

> Buyers are unwilling to sell and when they are approached they want inflated prices for their land … The willing buyer, willing seller principle does not work.

> Speculation in land – people sit on vacant land for years, for example, because they know that something will be happening in the future. This results in increased land values.

#### 4 Government Policies or Implementation of Policies Not Seen as Pro-Poor

The overwhelming view of the state was negative. Officials and councillors were often characterised as corrupt or as not understanding the problems of the poor. This perceived lack of concern for the poor is seen in slow delivery. Paradoxically, many proposed solutions see a greater role for the state.

> Government does not care for the poor.

> The government seems to respond to those who have money while the poor are neglected.

> The interests of the poor are not prioritised by government, particularly local government.

> Government is more concerned with recovering rates and making money.

> Government is only interested in making money and so sells their land to those willing to pay the most rather than to the groups who need it the most.

> Government keeps on promising delivery but people are not seeing any changes. People are still getting evicted by landlords and farmers and houses continue to be given to wrong beneficiaries and government is not stepping in to help the poor.

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**Participants**

- **Umbrella organisations**: Landless People’s Movement; Coalition of the Urban Poor; Federation of the Urban Poor; Anti-Privatization Forum; Sakhumtho; Isandla Sethu and Oophindiela Co-operatives from Durban and their umbrella organisation attended Pietermaritzburg workshop.
- **Civic associations**: SANCO Langa, Cape Town; Alex Civic Organisation, Johannesburg.
- **Informal settlement communities**: Helenvale, Port Elizabeth; Walmer (Airport Valley and G-West), Port Elizabeth; Kliprand, Port Elizabeth; Moedusukkel, Port Elizabeth; Hangberg, Cape Town; Mkhondeni, Pietermaritzburg; Madiba Section, Pietermaritzburg; Sizani, Johannesburg.

**Making Urban Land Markets Work for the Poor**

[Image of a woman with the Urban LandMark logo]
Corruption is a big obstacle. Local government and provincial officials sell land to private developers for a cut, and evict poor people. Officials responsible for land look for ways to benefit from people’s needs to access land, for example, through bribes. Politicians have a conflict of interest – there are those who are either landowners themselves or want to acquire land.

Many summits have been held where people put across their views, yet these are often neglected when decisions are taken/developments embarked upon. There is a gap between the language of communities and government – communities are often intimidated by official language.

Politics gets in the way of development. Political parties use the poor for their own benefit.
Community organisations generally see the land market as something alien to the poor who do not engage with it. In the Johannesburg workshop it was noted that, “In the inner city the buying and selling is only working for those with resources (white people and people from other African countries). There is no way for poor people to buy buildings in the inner city. Similary, a participant Pietermaritzburg said, “Only white people buy and sell property”, and in Port Elizabeth a participant said, “People do not have enough money to buy land through estate agents.”

There was some debate in the Port Elizabeth and Cape Town workshops on how well the market is working for the poor. Some felt that the poor are not participating in the sale of property because of the five-year restriction on the sale of subsidised houses. It is generally accepted that people are selling their homes informally because of the need to access money, or losing their homes to loan sharks because of non-payment. These people often end up back in informal settlements or in backyard dwellings.

An informal property market is emerging in Hangberg, located in the sought-after suburb of Hout Bay in Cape Town where residents are already selling their dwellings in anticipation that they are going to own the land. The basis of the transaction is that the new occupant pays for occupation and therefore the future title. It was felt that in such a case, the buying and selling of land should go through a community structure or process like a community land register. Some participants in the Port Elizabeth and Cape Town workshops also felt that there was a possibility for estate agents to emerge in low-income areas to facilitate the buying and selling of properties: “We must exploit the benefits of the market like Pam Golding does.”

Generally the main way the poor engage with the formal market is through the Housing Subsidy Scheme. The overwhelming perspective of subsidy housing is negative. Many community organisation representatives criticised the monetary value and quality of RDP houses*. However, in almost all cases, people were waiting anxiously for their subsidised housing to come. Although there seems to be widespread awareness of the restriction on the sale of RDP houses, the informal selling of RDP houses was seen as inevitable.

People sell their houses because they are hungry and need the money. Also those that come from the rural areas sell their houses because they have another home in the rural area to fall back on, or they want to go home to retire.

RDP houses gain no value and they are not easy to sell.

RDP houses are being sold for R2 500 but effectively it means you have just paid R2 500 in rent as you never own the house. No-one really benefits from this.

There is a lot of illiteracy about how buying and selling works. People don’t understand that you need a title deed. Government has not provided enough advice for people demonstrating why they should keep their house.

Houses that are built for the poor are made of inferior material and always end up leaking.

The RDP houses that are being built are too small for families – it is an insult that father, mother, son and daughter should all have to sleep in one room.

The main forms of informal tenure identified are inner city tenants, informal settlements and backyard rentals.

INNER CITY Inner city tenants frequently live with insecurity and face being evicted or moved out if the property is renovated. In Johannesburg groups of people are also occupying empty factories, such as in Bertrams, where they live inhuman conditions. They use cardboard boxes to divide the space and have no water, electricity or toilets.

Initially people staying in the inner city had formal lease agreements and were paying rent. With the transition to democracy in 1994 landlords started becoming scared of the political changes and so although they were collecting rent, they stopped paying for services. Things got bad after this as buildings were no longer maintained and the City of Johannesburg cut water and electricity. Landlords disappeared and those that were left were not able to negotiate to be reconnected to services. Government is partly to blame as it allowed owners to run away. This had led to informal arrangements which are not working for the poor as they are under constant threat of eviction. Now rich people are coming back and buying buildings for little money on the condition that they can renovate them. Informal arrangements are again being made formular but at the expense of the poor, as the poor are not able to afford the new rental payments and therefore have to find alternative accommodation. In the inner city tenants get evicted when the buildings get sold and need to be renovated. Once renovated the new rentals are too high. It then becomes unaffordable for the poor to stay in the inner city. Even those that earn between R3 000 and R10 000 can’t afford to stay in the renovated flats.

JOHANNESBURG WORKSHOP PARTICIPANT

* RDP houses come from the government’s former Reconstruction and Development Programme. The acronym has taken on a life of its own and refers to houses delivered under the Housing Subsidy Programme.

PUSHED OUT

Making Urban Land Markets Work for the Poor

Urban LandMark
INFORMAL LAND MARKETS

INFORMAL SETTLEMENTS
Two types of informal settlements were identified: those that came about through occupation, where some form of community structure is usually responsible for monitoring access to the settlement; and shack farms, where people rent a plot from a landowner. All the informal settlement communities have stories to tell about the deprivations they suffer. Moeggesukkel has no toilets, water or electricity, people have to pay 70 cents for a two-litre container of water from neighbours, and an illegal electricity connection from a neighbouring house is R100 a month. Kliprand in Port Elizabeth has one tap and one toilet for 500 families. Many informal settlements are under threat of relocation.

The threat of relocation from well-located areas to poorly-located areas also seems to be a constant threat to informal settlements. In the Johannesburg workshop it was noted that the City of Johannesburg has changed its approach from forced relocation to “voluntary relocation”, but now uses dolomite as a reason for relocating people. Many informal settlements in Johannesburg face relocation because of alleged dolomitic soil conditions, even where only a small part of the settlement is on dolomite.

A participant at the Cape Town workshop is a representative of a community that was relocated from Joe Slovo, a well-located informal settlement, to the poorly-located area of Delft, to make way for the redevelopment of the Joe Slovo site. As a result of “miscommunication”, the residents who were relocated to Delft were under the impression that they were going to Delft temporarily and would then be coming back to Joe Slovo. For most of residents this is not the case.

People from Airport Village (an informal settlement in Port Elizabeth) were relocated to Walmer Township in 1998 due to it being privately sold to a Brazilian developer. This sale however never went through and in 2000 it was put up for sale again. In the meantime people were staying on the land again and had to be removed again. This time they were going to be relocated to Chatty in the Northern Areas. The community was however not informed of this new turn of events. The land that was available for housing in Walmer was being sold off to private developers.

BACKYARD INFORMAL RENTAL
Informal rental was seen as something inevitable, both because of the desire to earn income from rent and the need for accommodating people coming to urban areas.

This will continue while people need to earn a living. Once people are allocated a space they can use this to make money. While this works for providing an income it means that even when a settlement has been upgraded it continues to be an informal settlement because of all the of the shacks that are erected.

The actual reason people prefer outside toilets is to facilitate the practice of renting out backyard shacks with access to toilet facilities.

PERCEPTIONS OF INFORMAL TENURE

Although feelings about informal tenure are generally negative, these arrangements were generally seen as being quick and flexible. In the Cape Town workshop, participants agreed that informal tenure arrangements can work well. If there are strong community organisations in place that can monitor and control access. On the other hand, perceptions of informal tenure arrangements are closely linked to perceptions about life in informal settlements – uncertainty regarding the future, a lack of access to services and unsafe living conditions.

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INFORMAL LAND OCCUPATION

Informal arrangements are much quicker as people are allocated a space and then build a house for themselves. In formal processes people have to wait forever because they are not just given a piece of land but have to wait until the land is serviced and houses are built and this takes forever.

Informal arrangements work in the context of people coming and going. When relatives come from the rural areas you will find a space for them until they find work and are able to find something better for themselves. Or relatives may lose a job where they had accommodation and now they need somewhere to stay. There is therefore a constant flux of people coming and going so you need to be able to accommodate these people.

People don’t know when they will be moved or what the conditions at the place they will be relocated to are like. There is no sanitation. There is no water. There is no electricity.

THE STRUGGLE FOR LAND

Land occupations are not as spontaneous and unplanned as they are sometimes portrayed by the media and others. Sites are often carefully chosen and the occupation is planned in advance. Land occupations involve a constant struggle for the right to stay and access to services and housing. At the Port Elizabeth workshop, the representative of the Moeggesukkel community pointed out that their name means “tired of struggling”. Informal arrangements are much quicker as people are allocated a space and then build a house for themselves. In formal processes people have to wait forever because they are not just given a piece of land but have to wait until the land is serviced and houses are built and this takes forever.

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ACCESS TO FINANCE

The dominant view is that poor people, by definition, are unable to access finance from banks because they can’t afford it. One participant highlighted a common reality – that extended families place greater demands on income earners than the typical western notion of the family, and this consumes the earner’s disposable income. Some community organisation representatives, however, felt that finance was available from banks for lower-income people, but that the poor were not aware of these or did not know how to access them. The lack of a national housing finance institution to provide finance to those not able to obtain finance from banks is seen as a gap.

Although there was often an implicit desire for greater access to mortgage finance, views of mortgage finance were generally negative. SANCO Langa in Cape Town devotes much of its energy to acting as intermediaries between people in Langa who are unable to repay their mortgage loans and the financial institutions – it assists in renegotiating the payment terms. In many other areas in Cape Town, however, people continue to be evicted because they fail to keep up with mortgage loan repayments. Views of informal finance were even worse. Informal credit was blamed for some people ending up owning many houses.

| People are not educated, they don’t know how to use this money – therefore they misuse the money. More education is required. |
| There are poor people who are living in bond houses who are forever paying but they never own the house because of the interest. |
| After getting a bond it’s so hard to pay it off you end up in the informal settlement again. |
| Loan sharks take ownership of your house when you can’t pay them. |

URBAN LAND AND LIVELIHOODS

Community organisations overwhelmingly link access to urban land and livelihood. Many informal settlement communities are fighting for their right to stay close to jobs and facilities such as schools, and are resisting relocation by the state to peripheral relocations where there are no jobs or facilities.

Relocated communities are often badly affected. Relocating people to the periphery is seen as also becoming a problem for government because of the increased cost of infrastructure and the need for increased transport subsidies. Participants noted that when planning to occupy vacant land and establish an informal settlement, they would carefully look for access to jobs and facilities. Communities do a careful cost-benefit analysis of the location of the land. People often locate themselves near to family members or other social networks which can assist with water, electricity and security.

With the Hangberg informal settlement in Cape Town, people deliberately occupied a piece of land which allowed them to maintain their existing social networks and family support systems. Community representatives of the well-located Ndabeni Trust in Cape Town have a vision of an integrated development that would include shops, schools and other facilities. Participants in the Pietermaritzburg workshop emphasised the importance of playgrounds for children, as this is something that is scarce at present.

Land for urban agriculture was also seen as being important. The Qophindlela Co-operative in Durban focuses on housing and agriculture. Because of difficulties in accessing land they have resorted to getting permission from schools to use school land for agriculture. In the Johannesburg workshop it was noted that even in inner city areas it is possible to have roof gardens for urban agriculture.

Although not explicitly raised as a livelihoods issue, it was also clear that the rental of backyard shacks was seen as a form of income generation.

The choice of land, however, is often constrained by a range of factors, so not all informal settlements are necessarily well-located.

| The government did not consult with us before we were relocated. As a result, most of us have to pay more money to get to work. There is only one primary school in the area and no shops, churches and childcare facilities. |
| Communities are taken away from areas that they are familiar with. Away from schools, taxi routes, neighbours. More financial strain is being put on families, for example, people now have to take three taxis to the hospital instead of one. |

URBAN-RURAL LINKS

Links between urban and rural areas remain strong. In Pietermaritzburg, in areas like the France settlement, some residents live there only during the week, and return to their rural homes on weekends. In other areas movement is less frequent – and sometimes there is no movement at all, just a sense that one’s real home is in the rural area.

The influx of people from rural areas, and also from outside of South Africa, is a worry. Some participants felt it was unfair when new migrants got access to land and housing quickly while people who had been living in an area for decades were still waiting.

The influx of farm dwellers into urban areas was highlighted at the Pietermaritzburg workshop. These people are being either being evicted by farmers or being persuaded to seek off-farm housing. However, life in the urban areas is considerably more expensive than in the rural areas and people are often worse off than they were when they were living on the farm.

The key implication of the prevalence of urban-rural links was seen as the need to provide rental housing in urban areas.

| The township is not our home, it is just a house. |
WHAT COMMUNITIES WANT

IDENTIFICATION, ACQUISITION AND RELEASE OF LAND
All the workshops saw the need for a land audit to identify vacant and underused land as crucial. Conducting a land audit was generally seen as the responsibility of the municipality, but communities need to be integrally involved.

There were calls to scrap the willing buyer, willing seller approach to land acquisition by the state. Many participants felt that the state should expropriate land more frequently. Others favoured the state restricting land prices to make it more affordable for the poor. There were also calls for the state to set aside land and housing for the poor to ensure that when land or buildings were sold or when rental housing units were allocated, that a certain percentage be set aside for the poor.

"Government needs to assess land ownership and force people to sell at reasonable prices."

GENDER
Community organisations’ views on gender differences in relation to access to urban land were mixed. Many participants felt that women’s rights had improved considerably since 1994, and that women’s property rights now had a great deal of protection. In the event of the break-up of a family, the court would allocate the property to the woman as she would be usually looking after the children. It was noted, however, that the court decision is not based on gender alone: “the partner who leaves the house loses their right to the property, whether it’s the man or the woman.”

It was also noted that RDP houses are mostly owned by women. Some participants saw this as unfair and as being against cultural traditions of men being the household head. Others felt that this was fair discrimination as women usually have to take care of dependents.

Inheritance of property by the spouse and children was highlighted at the Johannesburg workshop. Child-headed households being dispossessed of property by “relatives/friends of the family who often pretend to have the children’s interests at heart” was a concern.

GREATER STATE INTERVENTION IN LAND RIGHTS
There were calls for greater state intervention and control when granting land rights.

“Land markets must be regulated so that land is affordable to all.”

STRENGTHENING CIVIL SOCIETY
Community organisations need to speak on their own behalf and engage with government directly around increased access to urban land. Resources are needed to assist community organisations to network and share experiences and strategies relating to urban land, so that connections can begin to be made between small isolated struggles regarding urban land. Community organisations also need support to develop and implement advocacy and lobbying strategies. Building capacity and education are seen as imperative for strengthening civil society.

“CBOs must be strengthened in order to be able to engage government and in order to build their structures and their capacity to mobilise. 
Toyi-toyi is the only language the government understands.”

INFORMATION
Access to information was seen as crucial. Communities want information in their vernacular language and identified the need to “simplify” official language. Information was requested on:
- people’s rights (for example, the right to land, the right to housing, the right to development, the right to participate and the right of access to information)
- vacant land, including tenders for land. It was noted that government tenders were usually only advertised on the internet and in newspapers and do not reach the poor
- government procedures, which would make it easier to engage with government.
- the Housing Subsidy Scheme, credit from banks and how to access it
- the property market.

GREATER PARTICIPATION
Increased participation by and consultation with communities in decision-making was seen as important to ensure that decisions take communities’ real needs into account.

“Second, we need government to come closer to the people, not through indabas but through sharing the daily challenges and problems that communities are suffering from.”

COMMUNITY-BASED DEVELOPMENT
A trend towards communities taking responsibility for addressing their own needs emerged. Because of fears about the trustworthiness of the state, suggestions included increased ownership of land by community organisations, for example communal land trusts and non-profit housing organisations.

“Poor people must come together and start businesses and development projects.”

OCCUPATION OF VACANT LAND
Repeated calls for communities to occupy vacant urban land and then to negotiate were made. Only one participant, at the Cape Town workshop, explicitly disagreed with this approach saying that “one can’t right a wrong with another wrong” and that there needs to be negotiation with the government around access to vacant land.

HIGH-DENSITY INNER-CITY HOUSING FOR THE POOR
Concerns were raised about poor people increasingly being excluded from the inner city, particularly in Johannesburg. Additional concerns in Johannesburg focused on people being ‘forced’ to live in flats. Although flats are seen as appropriate for young people temporarily living in the urban area, it is not possible to perform certain cultural traditions in flats. It was, however, also noted that culture is not static and can change with time.

“There must be densification in the inner city (but not for elderly people; and cultural practices must be accommodated, and there must be communal courtyards and greening of the inner city).”

Voices of the Poor OCTOBER 2007
FEEDBACK At all of the workshops, the question of feedback came up. Participants were wary of the workshop being another meaningless talk shop that they would never hear anything about again. Community organisations are now sceptical about policy and research processes and the motives of the organisations involved in them. Feedback to community organisations after engaging with them and reimbursing any costs they incur, such as travel costs, is essential.

There are too many researches and workshops but less implementation and change on the ground.

After lying like a wet dog in my house last night (there had been heavy rains the night before), I did not want to come up to yet another workshop that promises to end all my troubles.

MAKING POLICY WORK FOR THE POOR

ENHANCING AND EXPANDING THE HOUSING SUBSIDY SCHEME The Voices of the Poor project uncovered great unhappiness about the difficulty of getting subsidised housing. It also emphasises the importance of the Housing Subsidy Scheme. For many people, it is their only hope of ever getting formal access to land and housing. The Housing Subsidy Scheme could be improved by recognising the link between urban land and livelihoods when locating land for housing; accepting the different regional patterns of rural-urban movement, which may mean increasing the amount of rental housing; and accepting that the pre-emptive clause preventing the sale of the subsidised house within the first five years is unenforceable. Alternative ways of ensuring that recipients of subsidised housing units are able to retain them need to be explored.

DEVELOPING PRO-POOR MUNICIPAL LAND STRATEGIES As part of their Integrated Development Plans, all municipalities need to have proactive strategies to ensure that sufficient vacant land for low-income households is identified, acquired and released, and upgrade informal settlements wherever possible.

INCREASED COMMUNITY PARTICIPATION IN URBAN LAND ISSUES One of the biggest obstacles to the poor accessing well-located urban land is the divide between communities and decision makers. It is essential that communities participate and make their needs known, for example, in the proposed relocation of informal settlements.

Urban LandMark was set up in May 2006 with funding from the UK’s Department for International Development. Urban LandMark aims to play a catalytic role in bringing people together for dialogue. It aims to influence policies and practices in South Africa to improve poor people’s access to well-located urban land.

MAKING URBAN LAND MARKETS WORK FOR THE POOR

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Voices of the Poor

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