

INFORMAL SETTLEMENT UPGRADING: AN INSTITUTIONAL MAP FOR NGOS





ISANDLA
i n s t i t u t e

Isandla Institute works towards the realisation and enactment of urban citizenship, for current and future generations. We seek to promote and contribute to systems and practices of urban governance that are democratic, inclusive, equitable, accountable and sustainable. Since 2014, we have facilitated a community of practice on informal settlement upgrading in Cape Town.

Postal address:

Isandla Institute
P.O. Box 53057
Kenilworth 7745
Cape Town
South Africa

Physical address:

Ubunye House
70 Rosmead Avenue
Kenilworth 7708
Cape Town
South Africa

T: +27 21 683 7903

E: admin@isandla.org.za

W: www.isandla.org.za

Facebook: [isandlainstitute](https://www.facebook.com/isandlainstitute)

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INTRODUCTION

The vision of informal settlement upgrading interventions, as articulated in the National Housing Code, is to see informal settlements transformed into sustainable and integrated neighbourhoods where residents have access to decent municipal services and social facilities. Central to this process is the role of community participation where informal settlement residents contribute their knowledge and skills in the development of their settlements.



Meaningful and sustained community participation in upgrading projects relies on the information that communities have access to and their knowledge of the governance process; including the phases of upgrading, funding flows, and government roles and responsibilities related to informal settlement upgrading. Access to such information enables communities to direct their concerns to relevant role players and articulate their needs and ideas more effectively.

Government officials often feel that expectations from communities during participatory processes are unrealistic because communities misunderstand the institutions that govern aspects of the upgrading project. In other cases, well-informed NGOs working with communities encounter government officials who have a limited understanding of the very institutional arrangements they work in. For communities and local government to work together, they need equal access to accurate information about the stakeholders involved in upgrading, funding arrangements, and the plans and processes that influence informal settlement upgrading at both a citywide and local project level.

This booklet intends to support NGOs and the communities they work with to understand the institutions involved in upgrading projects and better navigate related governance processes. It is adapted from an institutional mapping exercise of the informal settlement upgrading sub-sector of human settlements development.

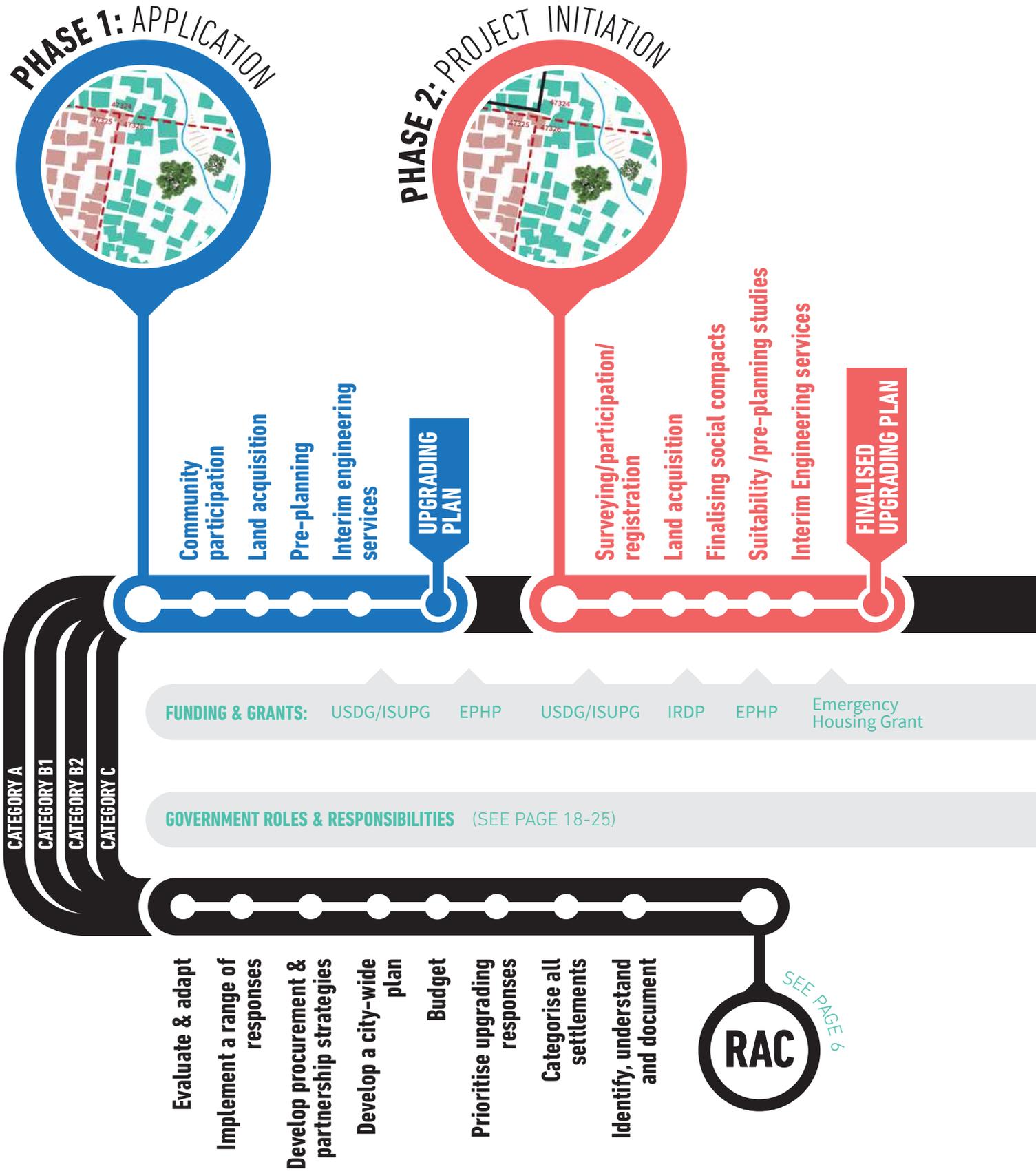
STRUCTURE OF THE BOOKLET

Following this introduction, the booklet gives an overview roadmap of the upgrading process. It then proceeds to describe the Rapid Assessment and Categorization

(RAC) process that precedes all upgrading projects to determine the developmental response that is best suited to a given settlement. A description of the four phases of upgrading according to the Upgrading Informal Settlements Program (UISP) is provided, followed by an outline of the roles and responsibilities of the three spheres of government. The booklet also describes the financial flows and grant-making instruments relevant to informal settlement upgrading, and gives information about the oversight structures that can be approached to hold various government role-players accountable during an upgrading project.

HOW TO USE THIS BOOKLET

- **Begin with the overview section to understand the upgrading process**
- **Understand how an informal settlement has been categorized and what this means for residents**
- **If your settlement is currently undergoing an upgrading project, go to the section that relates to your phase in the upgrading project**
- **Understand which grants are used in the upgrading process and where the money comes from**
- **Know which structures to approach to hold the municipality accountable throughout an upgrading project if plans do not materialise or funding has not been allocated**
- **Use this guide to ask questions and take actions where necessary**
- **Note that policy and practice do not always align, but it remains important to know the formal rules and legislation relevant to informal settlement upgrading**



PHASE 3: IMPLEMENTATION



- Project man. capacity
- Town planning processes
- Tenure/occupation/other land issues
- Installation of permanent services
- Installation of social services/amenities
- Housing support services
- Relocation assistance

PHASE 4: HOUSING CONSOLIDATION



- Project management capacity
- Finalising township establishment
- Housing support services
- Tenure/occupation other land issues
- Construction of top-structures
- Construction of outstanding social services

USDG/ISUPG

IRDP

EPHP

Emergency Housing Grant

Social & Economic Facilities

EPHP

Consolidation Subsidy

Municipalities and community members are mandated in terms of the Constitution, the Municipal Structures and Systems Acts as well as the UISP to work together to strengthen economic and social development of the community, which includes conditions of informal settlements and any upgrading plans.

RAPID ASSESSMENT AND CATEGORIZATION

Every metro should have an upgrading plan (commonly referred to as the ‘city-wide upgrading plan’) which identifies every informal settlement in the metro area and details the long-term plans for upgrading.



The key mechanism for developing the upgrading plan is the Rapid Assessment and Categorization (RAC) process.

The upgrading plan should form a key part of the Human Settlements Chapter of the metro’s Integrated Development Plan (IDP). Funding to implement the plan should be budgeted via the Medium Term Expenditure Framework (MTEF) and according to parameters of the Built Environmental Performance Plan (BEPP), specifically in relation to guidelines for informal settlements upgrading.

THE ROLE OF THE METRO

Metros are also responsible for securing capacity and partnerships (both within the community and external to it), facilitating community engagements, developing participative action plans, establishing social compacts, allocating a portion of the MTEF budget via the BEPP to cover the costs of incremental upgrading, as well as building institutional arrangements and capacity (including IGR mechanisms) for successful delivery.

CONDUCT THE RAC

Metros are required to perform the following functions:

- Identify all existing settlements within the geographical boundary of the metro municipality;
- Collect data and base information to develop profile of each settlement, including demographic profile, status of essential services, suitability of land, etc.’
- Conduct site visits to engage with community members and validate findings related to that specific informal settlement;
- Conduct desktop research to supplement gaps in research and validate findings of on-site assessments;
- Assess the develop-ability of the land and technical constraints of the settlement;
- Preliminary assessment of settlements as a whole within the metro area, highlighting specific trends and shared characteristics amongst all settlements;
- Categorise each informal settlement against the four main categories: A, B1, B2, C;
- Develop participative action plans, which focus on key priorities for the community (e.g. health and safety, infrastructure, key social services, etc.), which may involve adjusting the categorisations if need-be, and allowing for enumeration if time and resources permit;

For more information regarding metro responsibilities specific to the areas outlined above, refer to Section 2.2. of the CSP Upgrading Toolkit.



WHAT IS IN AN UPGRADING PLAN?

- **Municipal context and trends;**
- **A schedule of all informal settlements with their assigned categorisation, developmental pathway, and intended responses (with RATIONALE);**
- **A timetable for upgrading each settlement;**
- **A BEPP-aligned MTEF budget for informal settlement upgrading;**
- **A base plan showing the locality of informal settlements;**
- **A plan for establishing upgrading capacity and partnerships with local support;**
- **A procurement plan which is appropriate and realistic;**
- **Key programmatic interventions;**
- **Plan for dealing with future migration patterns;**
- **Assessment of vacant land and/or buildings; and**
- **A summarised upgrading plan for each settlement (including rationale).**

PHASES OF THE RAC

While the RAC processes in each metro will vary depending on the number, size and location of the informal settlements, the Phases outlined below should provide a useful guideline:

- 1 Project inception
- 2 Initial engagement, confirm settlement list and collect base information
- 3 Site visits and community engagement
- 4 Settlement-level assessments and categorisation
- 5 Prioritisation and cash-flows (for MTEF & HSP)
- 6 Closeout

- Create a database, which centralises all the information relating to informal settlements in the metro area.

DRAFT SCHEDULE OF ALL INFORMAL SETTLEMENTS

After the categorisation is complete, metros must then develop a schedule that includes the following:

- A list of all settlements, each with their respective “categorisation, developmental pathway, and intended responses, which must align with their assigned category;
- The rationale for designating each settlement with a specific category (this must be done for EVERY settlement in the metro area); and
- A schedule prioritising each settlement against the other in terms of upgrading which must include the underlying rationale.

DEVELOP TIME-FRAME FOR UPGRADING

- Align upgrading time-lines with developmental pathway priorities, especially with the provision of essential services, all within 5 years, and ensure equitable distribution of resources.
- Time-frames should be realistic and align with other municipal plans and budgets (specifically the IDP and BEPP), but also align with the MTEF priorities, specifically in relation to Outcome 8.

FINANCING THE RAC

Metros are responsible for funding all RAC-related processes, which will vary depending on the geographical location, population size, related economies, etc. of the particular settlement. The budget for conducting RAC in each settlement might range from R10 000 to R50 000.

Sources of funding will likely come from municipal budgets, as grants like the PHP, cannot be used for participatory processes pre-planning stages.

KEY STEPS INVOLVED IN THE RAC PROCESS

- **IDENTIFY, UNDERSTAND** and **DOCUMENT** all informal settlements in a central database. Part of documenting informal settlements should involve **ENGAGING** with communities to establish trust and communication.
- **CATEGORISE** all settlements using the RAC methodology, making sure to prioritise partnerships, participation, and the provision of essential services provision for ALL settlements
- **PRIORITISE** upgrading responses for first MTEF period covering a range of settlement categories to address the maximum number of people and an equal distribution of resources.

OTHER STEPS WHEN CONDUCTING RAC

- **BUDGET** first MTEF period including via the BEPP.
- Develop a **CITY-WIDE PLAN** for informal settlements upgrading, which is based on results of the RAC process.
- Develop **PROCUREMENT & PARTNERSHIP** strategies to ensure that the relevant skills and capacity for upgrading are retained.
- **IMPLEMENT** a range of responses in accordance with the categorises them using a RAC methodology in collaboration with communities and other relevant stakeholders.
- **MONITOR & REPORT** on outputs/outcomes of upgrading against the indicators/metrics used by National Government (NDHS, NT, DPME)
- **EVALUATE & ADAPT** the upgrading plan in response to changing needs and priorities and to account for related strategies, collaborations and institutional arrangements

INFORMAL SETTLEMENT CATEGORIES

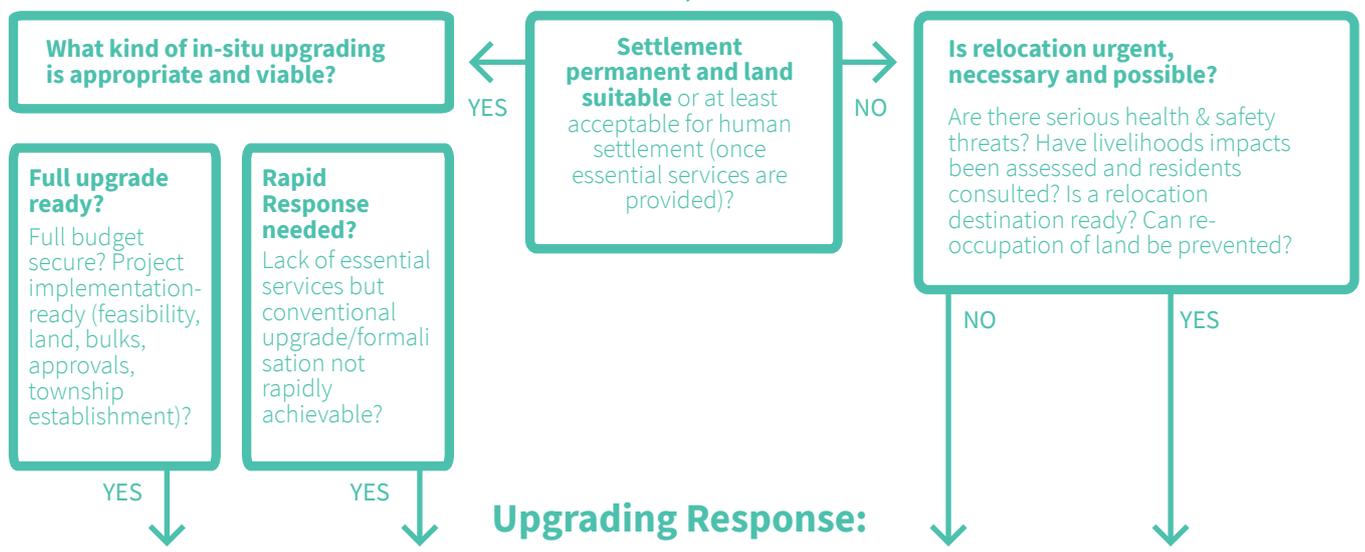
See following page.

Adapted from: A Programme Management Toolkit for Metros: Preparing to Scale up Informal Settlement Upgrading in South Africa, A City Wide Approach (2017).

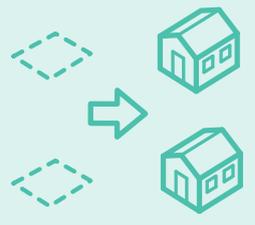
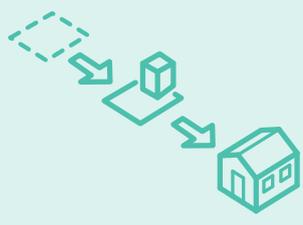
RAPID ASSESSMENT OF ALL INFORMAL SETTLEMENTS

to determine appropriate developmental pathway and response (desktop + site visits)

Decision Flow:



Upgrading Response:

CATEGORY A:	CATEGORY B1:	CATEGORY B2:	CATEGORY C:
<p>Full Conventional Upgrade</p> <p>Formalisation consisting of full services, state-funded housing, formal tenure (e.g. title deeds), township establishment. May be conventional 'RDP' or densified housing solution.</p> 	<p>Incremental Upgrade with essential services</p> <p>Commencing with comprehensive essential services package (e.g. water, sanitation, roads & footpaths, electricity, fire protection, waste removal key social facilities). Incremental tenure. People build own housing in the short term. May lead to formalisation or other permanent settlement solution.</p> 	<p>Deferred Relocation with emergency services</p> <p>Commencing with emergency services package (e.g. water, sanitation, fire protection, solid waste removal). Eventual relocation</p> 	<p>Immediate Relocation</p> <p>Rapid relocation to a prepared site [i.e. greenfields housing project, temporary relocation area (TRA), site and service (serviced land release)].</p> 

UISP PHASES OF UPGRADING

The Upgrading Informal Settlements Programme (UISP) is the guiding policy instrument for informal settlement upgrading and facilitates a phased approach to upgrading. According to the policy, upgrading for each settlement is structured into four separate phases:

Phase 1 - Application, Phase 2 - Initiation, Phase 3 - Implementation, and Phase 4 - Housing Consolidation. While the UISP espouses a linear process with clearly defined start and end points, challenges in practice demand upgrading to be a much more fluid and adaptive process. Accordingly, it is important to keep practical realities in mind when developing and implementing upgrading plans.



PHASE 1: APPLICATION

In Phase 1, metro municipalities accredited in terms of the National Housing Act of 1997, submit applications to the relevant grant-making authority at either a national or a provincial level for funding, depending on the directives of the specific grant. Most grant applications involve submission of the metro's upgrading plans (often referred to as Interim Business Plans (IBPs)), which are drafted by the municipality and must include information about the metro's Housing Chapter in the IDP, as well as the feasibility of the particular project.

At a minimum, the IBPs should include the following:

- Details of the Metro IDPs: (a) description of the scale and number of informal settlements in the municipality; (b) rationale for prioritising selected settlements (and their categories) for upgrading; and (c) a plan to address future land release and securing requirements to minimise growth of informal settlements; and
- Pre-Feasibility Details: (a) age and history of the settlement; (b) ownership status of the land; (c) initial scoping of the geotechnical suitability of the land; (d) desktop scoping of the environmental suitability of the area for upgrading; (e) location of the settlement in relation to transportation nodes, employment and social amenities; (f) estimated number of households; (g) estimated number of households to be relocated; (h) identification of illegal immigrants; (i) preliminary work plan for the project implementation; and (j) preliminary budget for the project.

Applications are measured against criteria provided for in the Guidelines and Rules for Implementation in terms of the UISP, and if it receives approval by the MEC, the Project will proceed to Phase 2.

The prescribed funding allocation for Phase 1 under the National Housing Code makes provision for interim services, even though the language of the legislation suggests that Phase 1 is limited to the Application process. Accordingly, during Phase 1, the following services may be provided:

- Survey, registration, participation, facilitation, dispute resolution (at 3% of the project cost before project management fees are added);
- Geotechnical investigation;
- Land acquisition;
- Pre-planning; and
- Interim engineering services.

PHASE 2: PROJECT INITIATION

In Phase 2, municipalities undertake a range of activities to prepare for implementation of the project in Phase 3, such as acquiring land, providing a clear socio-economic and demographic profile of the settlement, installing interim services, conducting pre-planning studies to determine geotechnical conditions and environmental impact and developing a final business plan. While policy prescripts advise that activities take place over a period of 8-12 months, the reality in practice is that very few settlements make it beyond Phase 2 due to the complications that arise in securing land, installing interim services, assessing the suitability of the land.

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More specifically, during Phase 2, the following activities are eligible to receive funding and support:

- acquisition of land of private land, through negotiation or expropriation;
- acquisition of public land, which should be made available free of charge (where possible);
- surveying and registration of households within the settlement to develop a clear socio-economic and demographic profile of the settlement;
- finalising social compacts between the municipality and the community on participation and consultation processes; and
- enrolling the project with the National Home Builders Registration Council (NHBRC) to confirm that the land is suitable for housing development and that precautionary measures have been taken to ensure houses meet enrolment criteria for Phase 4.

PHASE 3: IMPLEMENTATION

Phase 3 should begin with approval of the final upgrading plan, which replaces the IBP and addresses the planning, commencement and the time-frame for Phase 4. At a minimum, the final upgrading plan should cover issues relating, but not limited to:

- total number of households;
- details of negotiations with the land owner, including status of purchase and purchase price;
- details of the community participation process;
- details of tenure arrangements;
- township layout and design;
- standards for permanent municipal engineering infrastructure;
- social and economic infrastructure;
- a revised work plan linked to the release of funds for implementation of the project;
- strategy for relocations;
- alignment to other sector plans and budgets; and (k) a monitoring and evaluation framework.

The final approval of the upgrading plan comes from NDHS who makes the decision

according to a series of selection criteria. NDHS will decide to either approve, approve with conditions, partially approve or decline, and then register the approval of the project on the Housing Subsidy Database, before authorising the release of funding to support implementation of the upgrading plan.

Upon approval of the final upgrading plan, the metro will receive funding for the following activities:

- Project management capacity;
- Housing Support Centres to support households on the construction of housing typologies in accordance with their needs, means and aspirations;
- Acquisition of land;
- Initiation of the planning process;
- Resolution of any disputes;
- Land rehabilitation;
- Installation of permanent municipal engineering infrastructure, such as water, sanitation and toilet structures, roads, storm water and street lighting
- Acquire full project enrolment status from the NHBRC; and
- Construction of social amenities, economic and community facilities.

Upon completion of Phase 3, metros are to finalise the planning and project applications for the implementation of Phase 4 – Housing Consolidation, which are to be prescribed by the directives of the relevant housing programmes, (e.g. individual subsidies, rental, social housing, etc).

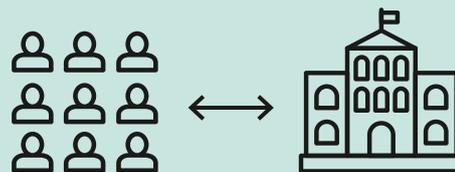
PHASE 4: HOUSING CONSOLIDATION

According to the UISP, once Phases 1 through 3 have been completed, Phase 4 should focus on finalising township establishment, ownership registration, housing construction, and any outstanding social amenities. A variety of options will be available for the implementation of Phase 4, which includes but is not limited to: People's Housing Projects, individual ownership options, contractor built houses, rental accommodation and medium density options that may include rental and individual ownership options.

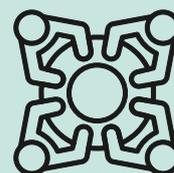
A person's eligibility for housing benefits will depend on a variety of factors, including: immigration status; previous ownership of residential property; former access to a state financed housing subsidy; child-headed households and minors; single persons without financial dependents; and persons earning more than R3 500,00 per month but comply with rest of Housing Subsidy Scheme requirements. Additionally, the following factors must also be considered: (1) movement of households within settlements; and (2) the demolition of informal structures.

Partnerships need to dignify, empower and capacitate communities.

WHAT COMMUNITIES CAN DO



Find ways to partner with municipalities. Government has a constitutional, statutory and policy mandate to facilitate community participation in all aspects of local planning.

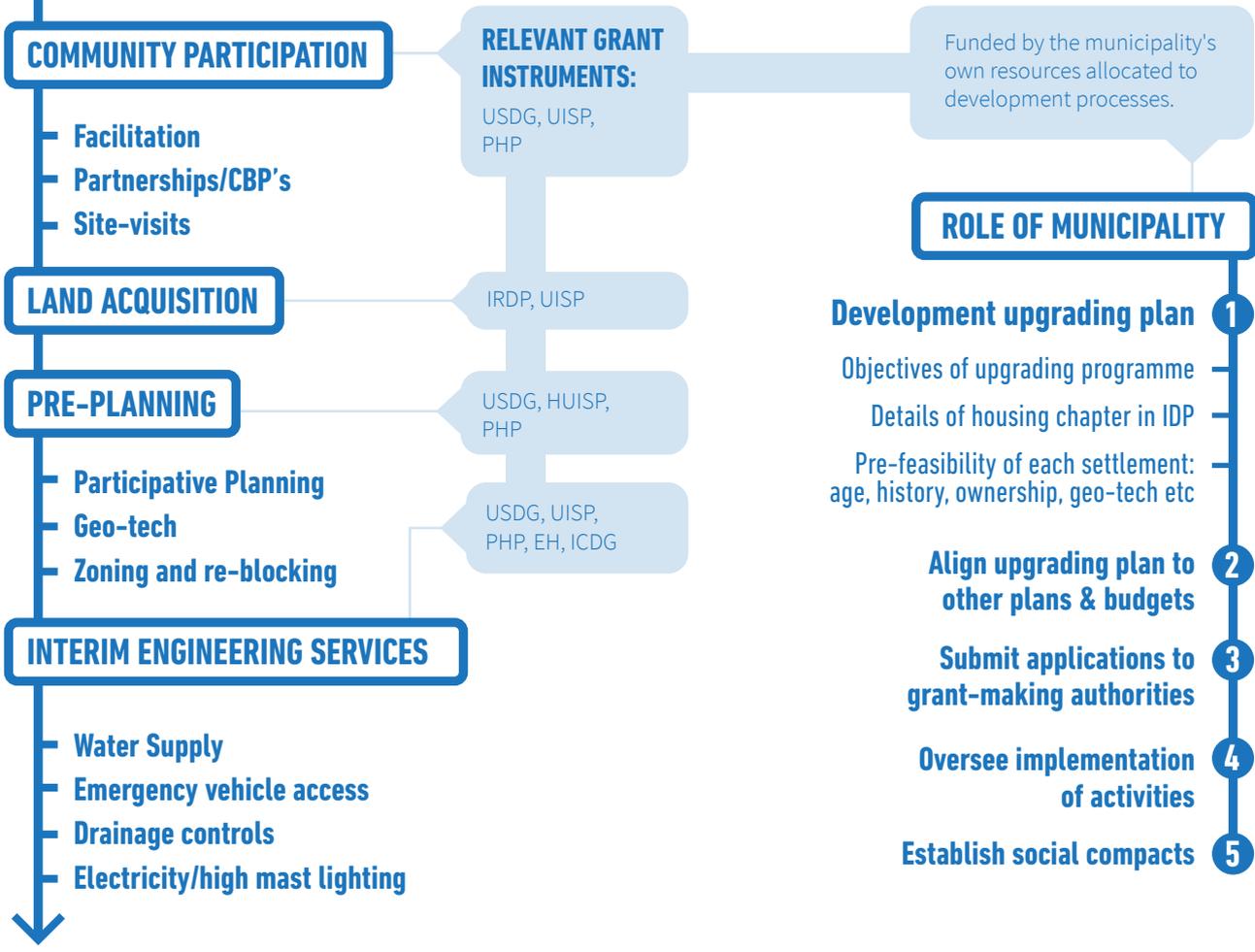


Ensure that partnerships are developed in a way that dignifies, empowers and capacitates you to become 'co-producers' of your own communities.



Many municipalities do not have the adequate skills or capacity to meet the needs of informal settlement residents, so building partnerships with local communities is an effective way to address shortfalls in capacity (social and technical) and increase the efficiency of an upgrading project.

PHASE 1: APPLICATION



OUTCOME:
UPGRADING PLAN



ROLES:

-  Municipal Human Settlements Dept.
-  Engineering Dept.
-  Community

RELEVANT GRANT INSTRUMENTS:

UISP, USDG, PHP

UISP, IRDP

UISP, USDG, PHP

UISP, USDG, PHP

USDG, PHP, EH, ICDG

PHASE 2: PROJECT INITIATION

SURVEYING/PARTICIPATION/REGISTRATION

Develop a socio-economic and demographic profile of settlement

Engage in & validate findings

LAND ACQUISITION

Identify land & work with Council to acquire

Engage in & validate findings

FINALISING SOCIAL COMPACTS

Social compacts that were established in Phase 1 should be finalised

SUITABILITY /PRE-PLANNING STUDIES

Geo-technical & EIAs

Participative planning

Participate in processes

INTERIM ENGINEERING SERVICES

Roads & storm water, water, sanitation & electricity

Settlement planning & participation

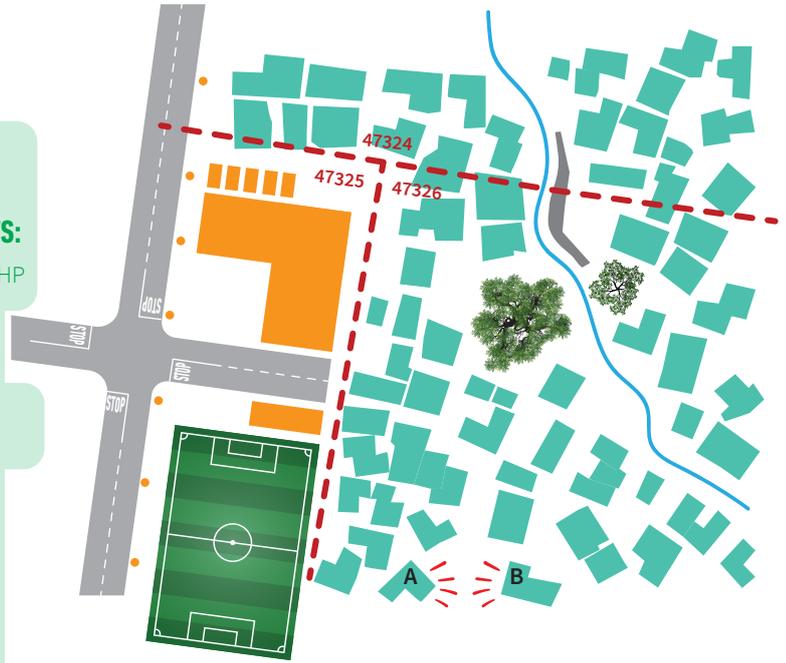
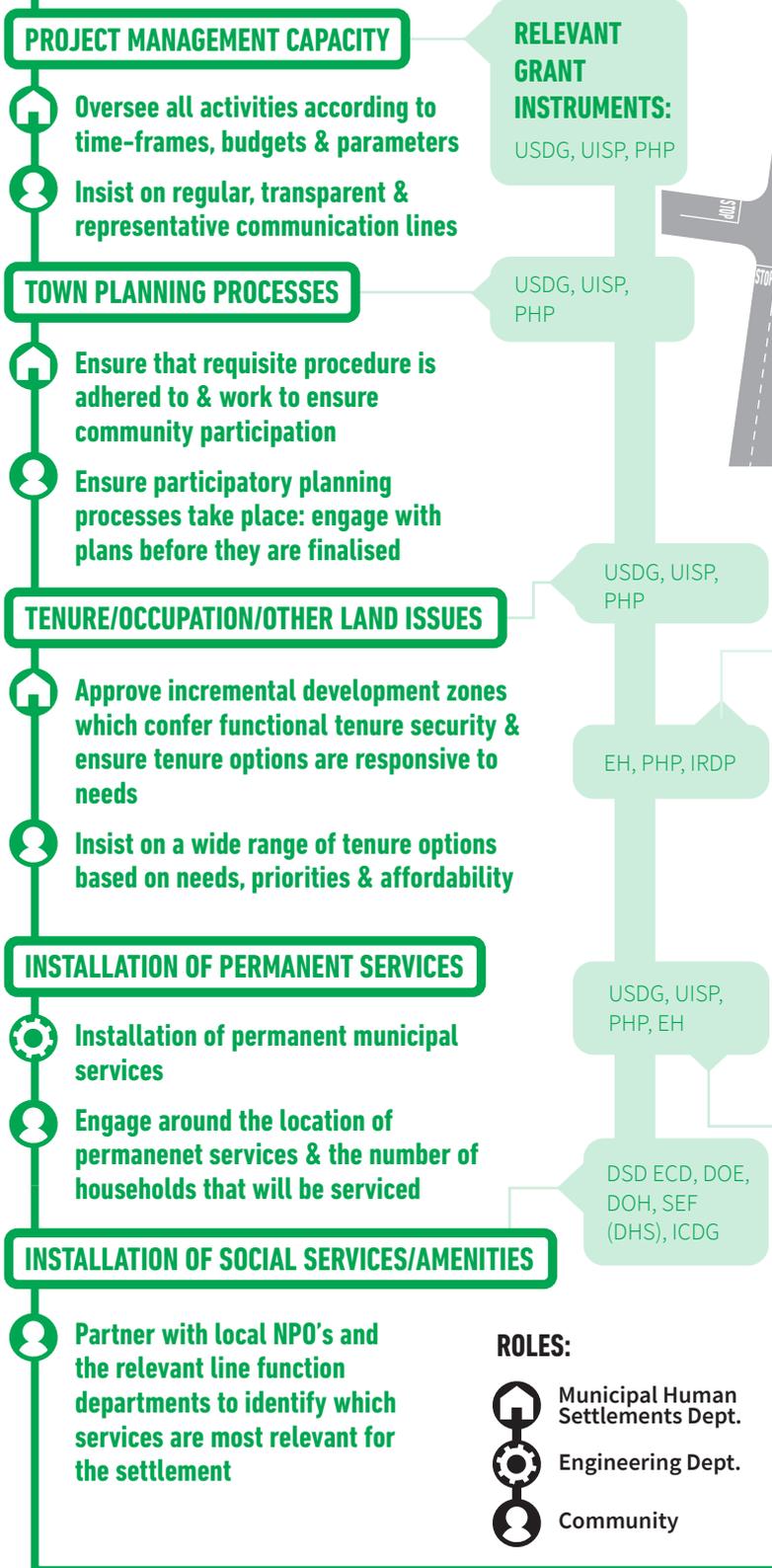
Partner in the operations & maintenance of services



OUTCOME:
FINALISED UPGRADING PLAN



PHASE 3: IMPLEMENTATION



RELOCATION ASSISTANCE

- Relocation & planning in partnership with Engineering Department
- Installation of permanent municipal services & installation of social amenities
- Partner with the municipality to develop a relocation strategy. Ensure that sufficient notice & assistance is given

HOUSING SUPPORT SERVICES

- Secure & pay the cost of qualified professionals to facilitate housing support services
- Insist metros educate communities on their housing rights, obligations & eligibility criteria

PHASE 4: HOUSING CONSOLIDATION



While municipalities play an essential role in regularising settlements, formalising tenure & providing basic services, as well as a facilitative role for top-structure development, this must be used as a platform upon which households take responsibility for mobilising resources to construct or improve their housing over time.

Services should be funded by relevant provincial line departments, but some municipalities may be able to use other sources.

DSD ECD grants, DOBE, DOH, SEF (DHS), ICDG

RELEVANT GRANT INSTRUMENTS:

USDG, UISP

PHP, EH

USDG, PHP

PHP, EH

PROJECT MANAGEMENT CAPACITY

- Oversee all activities according to time-frames, budgets & parameters
- Ensure households receive adequate assistance for housing subsidies
- Get involved in drafting a framework that will govern the movement of persons during the upgrading project

FINALISING TOWNSHIP ESTABLISHMENT

- Ensure that township established processes are adhered to
- Ensure that participatory processes take place: Review & comment on layout & design

HOUSING SUPPORT SERVICES

- Secure & pay the cost of qualified professionals to facilitate housing support services
- Insist municipalities educate communities of housing rights, obligations & eligibility criteria

TENURE/OCCUPATION OTHER LAND ISSUES

- Ensure that tenure options are responsive to needs & associated costs covered
- Engage on a range of tenure options & insist that municipalities explain rights & obligations of tenure options

CONSTRUCTION OF TOP-STRUCTURES

- Ensure construction aligns with the parameters of the final upgrading plan
- Insist that municipalities ensure the requisite capacity for construction and top-structures
- Insist that municipalities create opportunities for community ownership

CONSTRUCTION OF OUTSTANDING SOCIAL SERVICES

- Identify outstanding social services & amenities that need to be built
- Partner with local NPO's & line function depts. to identify which services are still outstanding & most relevant to the settlement

Consolidation subsidies are best aligned to fund the construction of top-structures, but other sources are critical

ROLES AND RESPONSIBILITIES OF GOVERNMENT AND INTERGOVERNMENTAL FORUMS FOR COOPERATIVE GOVERNANCE

While the Constitution recognises the separate and distinct spheres of government, the complexity of building sustainable human settlements – in particular, the upgrading of informal settlements – requires a coordinated, multi-sectoral response that considers and accounts for the full range of people’s needs. The very nature of democratic governance demands that all sectors and spheres of government cooperate with one another in mutual trust and good faith, specifically on matters of common interest and towards the progressive realisation of people’s socio-economic rights.

|||||

EXECUTIVE AUTHORITY OF LOCAL, PROVINCIAL AND NATIONAL GOVERNMENT

Municipalities are obliged to provide democratic and accountable government for local communities; facilitate the involvement of communities in the affairs of local government; and structure and manage its administration as well as its budget and planning processes to prioritise delivering basic needs of the community.¹ Municipal competencies especially relevant to upgrading, include, but are not limited to – municipal roads, public places, street lighting, fencing and fences, cleansing, local amenities, licensing, etc. – as well as municipal planning, municipal health services, municipal public transport, municipal public works, child care facilities, firefighting services, etc.²

Provincial competencies related to upgrading, include, but are not limited to disaster management, education (not including tertiary), environment, health services, housing, police, population development, property transfer fees, public transport, public works, regional planning and development, urban and rural development, soil conservation, welfare services, etc. – as well as provincial planning, provincial recreation and amenities, provincial roads and traffic, etc.³

National and provincial government have concurrent competencies, which includes, but is not limited to – disaster management, education (not including tertiary), environment, health services, housing, police, population development, property transfer fees, public transport, public works, regional planning and development, urban and rural development, soil conservation, welfare services, etc.⁴

If one sphere of government is unable or unwilling to perform an executive obligation in terms of the Constitution or other piece of legislation, then another level of government may intervene. For example, if a provincial department fails to fulfil a statutory duty or function in relation to the UISP, Section 100 delegates national government with the constitutional authority to take ‘any appropriate measures to ensure fulfilment of the obligation’ which may include assuming responsibility for that particular function in the province. Similarly, if local government fails to perform a statutory duty or function in terms of the UISP, Section 139 of the Constitution delegates provincial government with the constitutional authority to intervene in its affairs and to assume responsibility for that specific function in the relevant municipality (local, district or metro).

RESPONSIBILITIES OF ACCREDITED METRO MUNICIPALITIES

Where metro municipalities are accredited to administer national housing programmes in terms of the National Housing Act [No. 107 of 1997], many of the functions that fall within the traditional responsibilities of the Provincial Department of Human Settlements (PDHS) are transferred to the metro. These are in addition to the usual set of responsibilities delegated to local government in terms of delivery of basic services and local development. Metros are obliged to

- Set housing delivery goals in their respective jurisdiction;
- Identify and designate land for housing development;
- Create and maintain an environment conducive to housing development that is financially and socially viable;

1: Constitution of the Republic of South Africa, Chapter 7, Section 152

2: Constitution of the Republic of South Africa, Chapter 7, Part B of Schedules 4 & 5

3: Constitution of the Republic of South Africa, Chapter 6, Part A of Schedules 4 & 5

4: Constitution of the Republic of South Africa, Chapter 5, Part A of Schedule 4

- Promote the resolution of conflicts arising in the housing development process;
- Initiate plan, co-ordinate, facilitate, promote and enable appropriate housing development in the metro area;
- Provide bulk engineering services, and revenue generating services that are not provided by specialist utility suppliers;
- Plan and manage land use and development.
- Additionally, accredited metros may also expropriate any land required for housing development for any national housing programme.⁵
- Additional provincial responsibilities delegated to accredited metro municipalities include:
 - Engaging directly with the National Department of Human Settlements and National Treasury in the application and approval of upgrading plans and projects as well as reporting on the progress thereof;
 - Managing the administration of financing for the national housing programmes in the metro area (such as the UISP);
 - Approving and overseeing the implementation of all upgrading-related projects; and
 - Determining upgrading priorities, which then must align with the directives of both provincial and national housing policy.⁶

5: Constitution of the Republic of South Africa, Chapter 5, Part A of Schedule 4

6: National Housing Act [No. 107 of 1997]

Although accredited metros assume an additional set of responsibilities in terms of building sustainable human settlements, they must be regularly reviewed by Members of the Executive Council (MEC) responsible for Human Settlements to ensure they are meeting the performance criteria for accreditation. If an accredited metro fails to perform, the MEC can intervene to ensure adequate performance with respect to its duties, in accordance with Section 139 of the Constitution.

OBLIGATIONS OF METROS UPGRADING INFORMAL SETTLEMENTS

It is the responsibility of metro municipalities to determine whether living conditions in a particular settlement meet the requirements for assistance under UISP. If the metro finds that certain settlements require assistance, the municipality is then required to develop an upgrading plan, which identifies and outlines the developmental pathways for every settlement in the metro area. In addition to developing plans and securing sufficient funding for upgrading of informal settlements, metros are also responsible for coordinating inter-sectoral actors in each of their respective roles when building sustainable neighbourhoods.

When it comes to the upgrading of informal settlements, different actors within the metro have different responsibilities. Generally, line function departments within the metro are primarily responsible for planning and coordination amongst each other and with respect to their functional area, while Ward Development Committees are responsible for engaging directly with community members and their leadership structures.

Accordingly, line function departments within the metro that are dealing with health, human settlements, planning, engineering services, disaster management, etc. need to:

- coordinate and plan for the upgrading of informal settlements across the metro in partnership with communities and other key stakeholders;
- secure sufficient budgetary provisions from conditional grants, the metro's own funding, and securing allocations from relevant provincial line departments;
- deliver essential municipal services (water, sanitation, refuse removal, roads, electricity, etc.) and operational services (e.g. fire protection, disaster management, solid waste, etc.); and
- coordinate with IGR structures and mechanism as well as relevant provincial line function departments regarding the provision of essential social services (i.e. schools, clinics, ECD, hospitals, etc.).

In terms of community engagement, Ward Development Committees need to communicate closely with Community Development Committees (CDCs) and Community Based Partnerships (CBPs) as well as other community-based structures on issues relating to the upgrading of informal settlements in the area. Such engagements may involve: (i) facilitating opportunities for communication and engagement with upgrading structures (i.e. forums) in the city and with metro line departments; (ii) resolving communication and/or other planning blockages; (iii) developing recommendations relating to the upgrading of informal settlements; and (iv) informing the prioritisation of certain informal settlements for upgrading purposes.

RESPONSIBILITIES OF THE PROVINCIAL EXECUTIVE

When it comes to accredited metros, the role of the provincial executive is quite limited given that metros assume most of the Provincial Government responsibilities in the administration of national housing programmes. Nevertheless, provincial line function departments are still required to work closely with metros in the upgrading of informal settlements, given the inter-sectoral nature of upgrading, as well as different departments' interest in ensuring alignment with provincial policies, strategies and budgets. Accordingly, provincial line function departments outside of the Department of Human Settlements (such as the Department of Health, Department of Social Development, Department of Education, Department of Transportation, etc.) need to be integrated in the planning and implementation of informal settlement upgrading projects and programmes.

Provincial government is responsible for making sure plans for informal settlement upgrading programmes and projects within metros have vertical alignment with national and provincial policies, strategies and budgets. In this regard, Provincial Policy Managers are responsible for

ensuring alignment to provincial policies and guidelines, which should accordingly align with national policies and guidelines, including province's 5-year strategic plan for building sustainable human settlements in the province.

OBLIGATIONS OF THE PROVINCIAL EXECUTIVE IN UPGRADING INFORMAL SETTLEMENTS

When it comes to accredited metros, the provincial executive has a distinct, yet limited role to play with respect to the upgrading of informal settlements. Generally, provincial line function departments are the primary mechanism for engaging the provincial executive through the relevant line function departments responsible for a particular component of upgrading, such as the provision of Early Childhood Development (ECD) Centres, healthcare clinics, schools, police stations, etc. In addition, these engagements with provincial line function departments and officials should be used to ensure that city-wide upgrading plans are aligned with provincial plans and strategies (in relation to **all** aspects of upgrading), and more specifically to budgets, time-lines and targets.

In addition to metros reaching out to provincial line function departments in the development and alignment of upgrading plans, provincial line function departments have a complementary duty to work closely with metros. They are to ensure sufficient budgeting for upgrading projects, align upgrading plans with provincial plans and priorities, support and assist the provision of services within the metro area and those that will form part of upgrading initiatives.

In addition, the provincial Department of Human Settlements is responsible for reporting to the National Department of Human Settlements on performance of the province in relation to the UISP, both in terms of policy and programme, which will invariably include progress relating to upgrading projects and plans in accredited metro municipalities.

RESPONSIBILITIES OF THE NATIONAL EXECUTIVE

The National Department of Human Settlements is responsible for developing a sustainable national housing development process, which includes the policy framework for upgrading informal settlements (i.e. UISP) and for creating various funding schemes that can support such projects/initiatives through National Treasury. In addition, other branches of the national executive, namely the Department of Monitoring, Planning and Evaluation (DPME), are also responsible for measuring progress towards the Outcome 8 of the National Development Plan (NDP), which necessarily includes the upgrading of informal settlements in metro municipalities, including those that are accredited.

Although a separate and distinct sphere of government, the national executive (acting through the Minister of Human Settlements), may intervene in the affairs of provincial government if it fails to fulfil an obligation in terms of the National Housing Act [No. 107 of 1997] or other statutory obligation, in accordance with Section 100 of the Constitution.

OBLIGATIONS OF THE NATIONAL EXECUTIVE IN UPGRADING INFORMAL SETTLEMENTS

National government has a significant role to play in the upgrading of informal settlements in metro municipalities. In most instances, metro municipalities will be responsible for reporting directly to the National Department of Human Settlements and National Treasury on their progress in relation to the UISP.

Beyond overseeing the performance of accredited metros in relation to the upgrading of informal settlements locally, National Department of Human Settlements is responsible for the following:

- determining national policy regard upgrading of informal settlements, including national norms and standards;
- setting national targets and facilitate the setting of provincial (and local) government housing delivery goals;
- monitoring the performance of all spheres of government in relation to upgrading;
- capacitating provinces to exercise their powers and perform their duties;
- supporting municipalities in managing their affairs, exercising powers and performing duties in relation to upgrading;
- promoting consultation between the national government and: civil society; the sectors supplying/financing housing goods or services; provincial and local governments; and any other relevant stakeholder;
- promoting effective communication regarding upgrading;
- developing a multi-year strategy for upgrading of informal settlements;
- allocating funds to provinces and accredited metros for the administration of national housing programmes;
- obtaining funds for land acquisition, infrastructure development, housing provision and end-user finance;
- instituting and financing national housing programmes;
- establishing national institutions for housing development and overseeing their mandate with respect to upgrading;
- evaluating performance of the sector against goals and targets specific to upgrading; and



PROVINCIAL EXECUTIVE SUPPORT FOR METROS IN THE UPGRADING OF INFORMAL SETTLEMENTS

- 1. ECD Centres:** social workers inspect centres (mainly NPO-operated), facilitate conditional registration and ECD operational grants, and work closely with municipal Environmental Health Practitioners (EHPs)
- 2. Healthcare Clinics:** collaborate with metro to optimise existing provincial clinics in the metro and possible new clinics where there are deficits relative to population demand
- 3. Schools & Hospitals:** collaborate with metro to optimise existing provincial facilities in the metro and possible transport solutions where learner access is poor and assessing where there are deficits relative to population demand
- 4. Police Stations:** collaborate with metro to optimise existing police stations in the metro and identify where there is a gap in the delivery of police services, specifically in areas with a large population demand and high levels of crime and violence
- 5. Provincial Roads:** collaborate with metro where there are implications for provincial road planning arising from city plans for informal settlements upgrading

Social compacts are agreements between the metro and community regarding its developmental pathway that aim to support and operationalise a functional relationship between the community, metro and other key role-players in all aspects of upgrading

- taking any necessary steps to: create an enabling environment for provincial and local governments, private sector, communities and individuals to achieve upgrading goals.

Furthermore, with respect to the UISP specifically, NDHS must:

- Actively participate in project conceptualisation, and assist with applications and evaluations;
- Maintain the policy and programme, and assist with interpretation;
- Monitor programme implementation;
- Negotiate the apportionment of funding and allocate such to provinces for project execution and release allocated funds on a cash flow basis; and
- Provide implementation assistance.

In addition, NDHS is responsible for reporting to DPME on progress of the country in relation to against the indicators for Outcome 8 of the NDP, both in terms of policy and programme, which will invariably include progress relating to upgrading projects and plans in accredited metro municipalities.



WHAT COMMUNITIES CAN DO

Build strong relationships with provincial officials to learn about provincial plans and priorities, and to identifying opportunities to inform the provincial departments of upgrading in the metro.

Use **social compacts** to facilitating productive engagements with metros. They typically set out the roles and responsibilities of primary signatories (i.e. metro and community), including how and when communication and collaboration will occur (e.g. use of a steering committee, quarterly meetings, etc.). They may also include the roles and responsibilities of secondary signatories, such as NGOs, WDCs, provincial line function departments, and implementing agents (IAs) contracted to deliver on a specific project or programme.

Find out what intergovernmental forums are established in your city and province, and which municipal councillor is designated to them.



COOPERATIVE GOVERNANCE AND INTERGOVERNMENTAL FORUMS

Chapter 3 of the Constitution obligates all spheres and sectors of government to work together to preserve the well-being of people in South Africa, which necessarily includes the upgrading of informal settlements as part of the state's broader legislative imperative to develop sustainable human settlements for people in South Africa. The Intergovernmental Relations Framework Act of 2005 prescribes a set of IGR mechanisms at the national, provincial and local levels to enable various sectors to have conversations about issues that are of common interest. In this regard, IGR forums can be a useful mechanism for strengthening principles of cooperative governance and for advancing an integrated and holistic approach to the upgrading of informal settlements.

LOCAL GOVERNMENT FORUMS

The City Support Programme's Upgrading Toolkit for Metros in South Africa suggests a series of institutional arrangements and forums that can facilitate intergovernmental planning and coordination within metros on matters related to upgrading, such as:

- City-Wide Upgrading Strategy Forums;
- City-Wide Upgrading Technical Forums;
- City-Wide Upgrading Consultative Forums;
- Area-Level Upgrading Coordination Forums;
- Project-Level Project Steering Committees.

Through these forums, metros can coordinate policies, strategies and budgets; ensure upgrading projects feature in the metro's budgets (namely the BEPP priorities); develop innovative solutions (e.g. flexible planning zones, incremental tenure options, and flexible building standards). Additionally, they can respond to technical issues such as procurement, contracting, project blockages,

expenditure and cash flow; as well as identify challenges and/or issues across settlements and escalate/refer to other IGR forums when necessary.

INTERGOVERNMENTAL FORUMS

IGR forums that not only exist but are also functional are key to promoting a coordinated and coherent system of governance and can thus be a useful mechanism for elevating concerns relating to the upgrading of informal settlements in metro areas to both provincial and national spheres of government.

PROVINCIAL INTERGOVERNMENTAL FORUMS (PIF)

The Intergovernmental Relations Framework Act of 2005 provides for two types of IGR forums situated at the provincial level, which can be used by local government to elevate issues relating to upgrading and to promote a coordinated, inter-sectoral response to developing sustainable human settlements.

• Provincial Intergovernmental Forums

The Premier of a province can establish a Provincial Intergovernmental Forum for any functional area affecting the province to promote and facilitate effective and efficient intergovernmental relations between the province and local government. In light of the silo approach that is often taken when it comes to the upgrading of informal settlements – specifically from the standpoint of PDHS – establishing a PIF for sustainable human settlements could be a useful entry point for articulating the multi-sectoral nature of upgrading and the specific concerns around informal settlements. A designated municipal councillor can sit on the PIF to raise matters of provincial interest which are also relevant to informal settlements, such as: (a) progress towards the objectives of the UISP and implementation of the NHA in metro municipalities; (b) draft policy and legislation relating to informal settlements in metro areas across the province; (c) concerns regarding lack of coordination between metro and provincial development planning processes to facilitate cohesive planning

as a whole; (d) alignment of strategic plans and priorities at a metro and provincial level; (e) and any other matter of strategic importance affecting the performance of local government in the province.

Furthermore, because the Premier is responsible for the Provincial Executive, he/she also has the constitutional authority to require other line function departments to participate in these forums and to demonstrate their performance in any of the areas relevant to upgrading. In addition, if communities are struggling to get metro municipalities to invest resources in upgrading of informal settlements, the PIF can be a useful forum for vocalising their concerns, *only if* the Premier sets up a mechanism for civil society and communities to participate and make an active contribution during meetings of the PIF.

- **Interprovincial Forums**

The Premiers of two or more provinces can establish interprovincial Forums to coordinate on issues related to informal settlements. Representative(s) from local government in each province can sit in on the Interprovincial Forum to ensure all the relevant issues concerning upgrading are discussed and to identify points of common interest and strategic importance.

NATIONAL INTERGOVERNMENTAL FORUMS

In addition to the IGR forums available at a provincial level, the IGRFA also provides for two key forums at a national level, which local government can strategically use to advance issues relating to the upgrading of informal settlements.

- **President's Coordinating Council**

The Premier of each province and a designated municipal councillor must sit on the President's Coordinating Council (PCC), which is a consultative forum that sits in the national sphere. The PCC aims to: (a) raise matters of national interest with provincial and local government; (b) consult on the implementation of national policy and

legislation, the coordination and alignment of priorities across national, provincial and local government, and other matters of strategic importance; (c) discuss performance in the provision of services, identify areas of defective performance, and take corrective and/or preventative measures where necessary; and (d) consider reports from other intergovernmental forums on matters affecting national interest and other issues affecting provinces and municipalities.

Hence, both the Premier and the municipal councillor's participation on the PCC can be used to: (a) elevate issues faced metros in the upgrading of informal settlements; (b) consult on the implementation of UISP and Housing Act in metro municipalities; (c) discuss the provision of service in relation to upgrading of informal settlements; and (d) consider reports on issues relating to upgrading from other IGR forums on both a provincial and municipal level.

- **National Intergovernmental Forums**

If a member of Cabinet establishes a National Intergovernmental Forum (NIF) to promote intergovernmental relations in a functional area, the member of the Executive Council in each province responsible for the specific area must participate in the NIF. This would be a critical entry point for elevating matters relating to upgrading of informal settlements to a national, intergovernmental platform. A designated municipal councillor must also sit on the NIF to: (a) raise matters of national interest relating to informal settlements with provincial and local government; (b) consult provincial and local government on the implementation of UISP and other related matters and the coordination thereof, as well as alignment to other plans and progress towards goals and objectives; and (c) discuss the provision of service in relation to upgrading.

FUNDING AND GRANT INSTRUMENTS

The Upgrading of Informal Settlements Programme (UISP) aims to address the unique developmental challenges of informal settlements by providing a series of grant-funding mechanisms that can be used by municipalities to address the financial implications of upgrading (both *in situ* and those requiring relocation) in a structured manner.

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The process accredited metros must follow depends on the source of funding and the rules of the particular grant. In addition, significant changes to the grant-making instruments are expected to come into effect in 2021/2022; therefore, it will be critical for NGOs to stay informed of any upcoming changes in grant-making instruments, especially ones directed specifically to metros.

There are a number of additional grants that may be used to fund certain aspects of upgrading (at least in theory); however, the primary source of funding comes from the National Department of Human Settlements (NDHS), primarily under the UISP, and flows directed to metro municipalities that are accredited to administer housing programmes under the National Housing Act of 1997 (NHA).

FINANCIAL FLOWS

Funding is allocated by National Treasury to the Minister of NDHS, which then transfers allocated amounts to Provincial Departments of Human Settlements (PDHS) in terms of the both the National Housing Act (NHA) and the Division of Revenue Act (DORA). In the case of accredited metros, however, funding usually flows from NDHS directly to the metro municipality in light of the transfer of responsibilities from the Provincial Department of Human Settlements to metros in terms of the administration of national housing programmes. (The MEC may, after consultation with the relevant Provincial Department of Human Settlements, only allocate the number of funds as he/she considers necessary.) The accounting officer for the relevant fund must then transfer the money to the accredited metro to administer the Housing Subsidy Scheme under the NHA and any other national housing programme. Accredited metros must carry out the policy directives for the UISP, and report on all its activities relating to the administration of the programme when requested to do so by the MEC.

GRANT-MAKING INSTRUMENTS

Given the multiple sources of funding available for upgrading of informal settlement projects, it is best to optimise various funding opportunities by taking a programmatic approach with relevant grant-making instruments. There are two main sources

Funding aims to assist metros in expediting pre-planning processes and community surveying, geotechnical investigation, land acquisition, as well as the provision of basic municipal services, security of tenure, social and economic amenities, and engineering fees, amongst others.

Funding also supports and facilitates the integration of community residents in housing development processes that are directly relevant to them. Each year, the Director-General of the NDHS will annually announce the funding guideline amounts for the UISP programme.

of funding: the National Department of Human Settlements (DHS) and the National Department of Cooperative Governance and Traditional Affairs (COGTA).

Metro municipalities can apply for funding from COGTA under the Integrated City Development Grant (ICDG), which aims to support the development of more inclusive, liveable, productive and sustainable cities by incentivising metro municipalities to focus their investment on Integration Zones in terms of the UISP. Accordingly, the ICDG can be used to fund catalytic public investment projects located 'inside' the Integration Zones of the metro's Built Environment Performance Plan (BEPP) where upgrading projects are identified.

The following table summarises the primary grant instruments from DHS that are used for upgrading. In 2020/2021, the Informal Settlement Upgrading Partnership Grant (ISUPG) will replace the Urban Settlements Development Grant (USDG) (a grant instrument from National Treasury).

GRANTS & SUBSIDIES	APPLICABLE SETTLEMENT CATEGORIES	UISP PHASES	WHAT IS FUNDED?	BENEFITS & LIMITATIONS
Urban Settlements Development Grant (USDG) (likely to be replaced by UISPG from 2020/21 onwards)	B1 & B2	1; 2; 3	Municipal engineering services (water supply, roads, sanitation, etc.)	Flexible, decentralised grant with significant MTEF allocation ideal for rapid provision of essential municipal services. Does not require up front land acquisition and rapid move towards formalisation. Streamlined application and project delivery process. Programmatic orientation.
Informal Settlement Upgrading Partnership Grant (ISUPG)	A, B1, B2	1; 2; 3	Bulk and link infrastructure Municipal engineering services. Land provision upgrading Subsidised housing. Mixed use developments. Public and socio-economic amenities. Access to interim basic services.	Specialized window to fast track the planning approval processes for informal settlements upgrading projects. Flow of capital is contingent on the submission and alignment of prepared municipal plans (USDG, BEPP, SDBIP, IDP), which fosters a prioritised, programmatic, inclusive and municipality-wide approach to the upgrading of informal settlements.
Integrated Residential Development Programme (IRDP) Grant	B2, C (Relocation site) A, B1, B2, C (Partial relocation site) A (Top structures – but UISP preferred)	2:3	Municipal engineering services, land acquisition, top structures, etc.	Slow process. Requires extensive relocations.
Enhanced People's Housing Process (EPHP) Grant	A, B1		Top-structures and associated PHP social, planning and capacitation processes.	Incomplete implementation guidelines has led to underutilisation. Limited support for the planning stages. May not be suitable for less-formal incremental full upgrades.
Consolidation Subsidy	A	4	Top-structures.	Excludes those who do not meet the usual subsidy criteria. Only viable for formal upgrades.
Emergency Housing Grant	B2 & C for emergency basic services and top-structures C for urgent relocations A & B1 in case of temporary or permanent relocation	2; 3	Emergency housing and basic infrastructure.	Most essential and most utilised for temporary relocation areas (TRAs). TRAs become inadvertently become permanent settlements. Typically underutilised.
Social and Economic Facilities	A, B1, B2	3	Medical care facilities, community halls, parks and playgrounds, sports facilities, taxi ranks and small business facilities.	Uncertainty regarding accessibility. Only addresses supplementary types of facilities.

INTERNAL AND EXTERNAL MECHANISMS OF OVERSIGHT

Oversight is a cornerstone of constitutional democracy and a key mechanism for creating a transparent and accountable system of governance. Structures and mechanisms of oversight operate at different levels of government, depending on their specific powers and functions. They are used to ensure that actors within government are fulfilling their legislative mandates with respect to informal settlement upgrading as well as their imperative to work together to achieve the progressive realisation of peoples' socio-economic rights.⁷



It is useful to think of oversight in terms of two types: internal and external. It is advisable to exhaust all mechanisms of internal oversight before approaching oversight structures that sit externally to metros or to the National Department of Human Settlements (NDHS), not only because that is what is required from most external oversight mechanisms, but also because internal institutions tend to have the most specialised knowledge for the particular area. Accordingly, only when all internal mechanisms have failed, should communities approach external oversight institutions with their grievances.

INTERNAL OVERSIGHT

Internal oversight mechanisms can sit within different spheres and sectors of government, depending on the scope of their mandates and the nature of the particular issue.

Given that most metro municipalities are accredited in terms of the National Housing Act of 1997 (NHA) to assume several of the responsibilities of provincial government in

terms of upgrading informal settlements, the following oversight structures are situated at the local and national spheres of government.

METRO MUNICIPALITIES

There are only a few structures that sit within metros that can be used to exercise oversight over the municipalities, specifically in relation to the upgrading of informal settlements and community participation in the affairs of local government. While the internal oversight structures that are available to communities will vary, every metro municipality is nevertheless required to establish mechanisms for receiving and investigating complaints made by community members.⁸

For example, the City of Cape Town has established an Office of the City Ombudsman, which is able to receive and process complaints related to the performance of the city in the execution of its powers and functions, which includes allegations of abuse, unfair or unjust decisions or behaviour, as well as corruption or maladministration. In addition, the Ombudsman can also receive complaints relating to lack of responsiveness, failure to prevent corruption, and lying or intentionally misleading the public. Therefore, communities can use the Office of the Ombudsman as a mechanism for lodging grievances against metros for failing

7: Sections 24, 25, 26 and 27 of the Constitution.

8: Section 17 of the Municipal Systems Act [No 32 of 2000]



TYPES OF OVERSIGHT STRUCTURES

Internal oversight speaks to the structures and mechanisms that exist within institutions to monitor their own performance and to hold individual actors within a specific sector or sphere of government accountable for their actions, such as the Office for the City Ombudsman or the Human Settlements Ombudsman. Mechanisms of internal oversight are typically a first point-of-call for communities to raise an issue or file a complaint about the actions (or inactions) of government, but do not always generate the types of responses desired by communities and are often criticised for their lack of independence.

External oversight refers to structures and mechanisms that sit outside institutions but are delegated with the legislative authority to monitor and investigate the actions (or inactions) of a specific sector or sphere of government, such as the South African Human Rights Commission. Because these structures sit external to the institutions they are mandated to monitor, they are considered more independent than internal mechanisms of oversight and are therefore more independent from institutional agendas, at least in theory.

to comply with its policy directives under the UISP, its legislated mandate in terms of the National Housing Act (NHA) of 1997, and its constitutional imperative to prioritise the needs of the poor.

The primary mechanism for internal oversight in metro municipalities falls under the role of Executive Committees of the Metro Council (ExCo). ExCo's are primarily responsible for monitoring the performance and administration of the metro to ensure services are provided to communities in a sustainable manner. They are also required to annually report on the involvement of communities in the affairs of the metro and the effect of those consultations on the decisions of the Metro Council.⁹ When monitoring the performance of the metro, the ExCo must take into consideration whether the city has fulfilled its legislative mandate to facilitate community participation in terms of Chapter 4 of the Municipal Systems Act [No 32 of 2000], as well as Section 42, which requires the metro to involve communities 'in the development, implementation and review' of the municipality's performance management system.

NATIONAL EXECUTIVE

At a national level, there exists a Human Settlements Ombudsman, which aims to provide an alternative mechanism for redress in the human settlements sector and reduce the number of complaints made directly to the Minister of Human Settlements and external parties/institutions, such as the Office of the President, Office of the Public Protector and the courts. The Ombudsman is responsible for resolving disputes that arise in the human settlements sector, is not limited to but includes:

- Complaints between communities and metro municipalities or provinces;
- Complaints between spheres of government in the human settlements sector;
- Complaints between government entities and their service providers in the human settlements sector;
- Home ownership disputes in respect of houses provided by government (title restoration); and

- Complaints between individual homeowners and the government entities.

EXTERNAL OVERSIGHT

Various structures for external oversight over metro municipalities are available to members of the community, depending on the nature of the particular issue relating to informal settlements and the mandate of the particular oversight institution. Most external mechanisms of oversight will require complainants to demonstrate that all internal mechanisms were used prior to approaching the particular institution.

The following primary mechanisms of external oversight include, but are not limited to, Chapter 9 Institutions.

CHAPTER 9 INSTITUTIONS

Chapter 9 of the Constitution provides for the establishment of state institutions to support and strengthen constitutional democracy, and consequently serve as essential tools for external oversight, specifically in relation to monitoring the performance of all spheres and sectors of government. Those that are relevant to the upgrading of informal settlements are detailed in the subsequent paragraphs.

SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)

Section 184 of the Constitution provides for the establishment of the SAHRC and sets out its primary functions as follows: a) promote respect for human rights and a culture of human rights; b) promote the protection, development and attainment of human rights; and c) monitor and assess the observance of human rights in the Republic. When executing its functions, the SAHRC therefore has the power to receive complaints from individuals and/or organisations, to investigate and report on adherence to human rights by both public and private persons (juristic and otherwise), to secure redress when human rights violations have occurred. Because the upgrading of informal settlements necessarily involves socioeconomic rights under Sections 24, 25, 26 and 27 of the Constitution, the SAHRC will be key in determining whether metros have

9: In addition, ECOM are responsible for: (1) identifying the needs of the metro; (2) reviewing and evaluating those needs in terms of priority; (3) making recommendations to the Municipal Council on how to address priority needs using the city's Integrated Development Plan (IDP) and in light of the Medium Term Expenditure Framework (MTEF); and (4) determining the best methods and approaches for delivering programmes and services to the maximum benefit of the community.

taken reasonable measures to ensure the progressive realisation of these rights as a collective.

OFFICE OF THE PUBLIC PROTECTOR

Section 182 of the Constitution sets out the functions of the Office of the Public Protector, which aims to strengthen and support a transparent and accountable system of governance by establishing an office to look into allegations of corruption on maladministration in public affairs in any sphere of government. Accordingly, the OPP has the power to: a) investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice; b) to report on that conduct; and c) to take appropriate remedial action. Furthermore, because the Office of Public Protector is constitutionally mandated to be accessible to all persons and communities, each provincial office has the power to receive complaints from individuals and organisations.

AUDITOR GENERAL (AGSA)

Section 188 of the Constitution provides for the powers and functions of the AGSA, which is to provide financial oversight by auditing and reporting on the accounts, financial statements and financial management of all spheres of government, including metro municipalities as well as any other institution or accounting entity required by law. Audit reports are submitted to any legislature that has a direct interest in the audit as well as any authority that is prescribed by national legislation.



WHAT COMMUNITIES CAN DO:

Identify which structures the city provides to receive complaints from local communities and to use them to communicate grievances relating to upgrading.

Take note of the sources of information relied upon by the ExCo when assessing the performance of the metro during a particular year, to ensure that actions relating to informal settlements are also considered.

When lodging complaints with the HSO and SAHRC, **provide sufficient information about the nature of the particular issue** (documentation, statements, etc.), and demonstrate what actions, if any, were taken to resolve the disputes directly with the metro.

Complaint forms are accessible online and submitted directly to the HSO's head office in Pretoria or the SAHRC office in the relevant province.

The Office of the Public Protector is considered to be a measure 'of last resort', so it will be necessary to **exhaust all internal mechanisms before filing a complaint** (which can be found online) and submitted to the relevant provincial office.

The AGSA does not have the power to receive and investigate complaints, however, communities can access all of its reports. In this way, they provide a key avenue of financial oversight and monitoring by the community.



This booklet is informed by an institutional mapping exercise, which has produced a number of detailed spreadsheets on the RAC and UISP Phases (1, 2, 3 & 4). Each of these spreadsheets summarises the issue, provides an overview, outlines roles & responsibilities of the state as well as relevant finance and grant instruments, and identifies the role of communities.

To access the spreadsheets that have informed this summary booklet, please scan the following code:



<http://bit.ly/isandla-isumap>

