

Client. Cold Facts
Title. Investigating land and property ownership in Alexandra Township and KwaMhlanga Town
Focus. Exploring the need for an alternative solution to land and property registration in South Africa
By. Infusion team
Date. 14 February 2023

Hello

"So land is not just an asset. It's a form of violence to say this is just an asset."

*It's actually the view of a formal capitalist economy...
land is much more than that.*

*It's a way of life. It's a form of identity. It's an anchor for
social relationships of various kinds.*

*And it means so much more, which is why people get
so upset and angry when those rights are threatened.*

*For example, chiefs entering into deals with mining
companies evicting people. It's an attack not just on
the assets, it's an attack on who they are."*



infusion.

Transforming lives.

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SUMMARY OF INSIGHTS:

Status of Land and Property Ownership using Ostrom's Institutional

Analysis & Development Framework

Informal Tenure Registry: Design Principles

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60%

... South African's land/property rights not recorded nor registered

(Advisory Panel on Land Reform and Agriculture, 2019)

Urgent steps recommended by Advisory Panel on Land Reform & Agriculture (2019)

- i. Recognise a **mix tenure model** that accommodates **multilevel ownership** on a **continuum** from freeholder to communal ownership
- ii. Promulgate **legislation and related regulations** to support a mix tenure model
- iii. Record land and property ownership especially in **peri-urban and rural areas**

Deeds Registries Amendment Bill (August 2022)

Gives effect to **Section 25(6) of the Constitution of the Republic of South Africa**

Section 25(6) states: "A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress." (Republic of South Africa, 1996)

The Bill calls for the **recordal of land tenure rights** & **promulgation of regulations** for types of documentation required

The Bill: no changes made to existing deeds registry
(**cadastral system = professionalised, complex & expensive**)

Local literature

Increasing focus on this space

Informal, community or local registers that record tenure rights exist on a small scale - these are often rudimentary and not maintained

Urgent need for a **low cost, easy to use tool that can support local communities** with strengthening their capabilities in ensuring security of tenure for their members & their engagements with authority

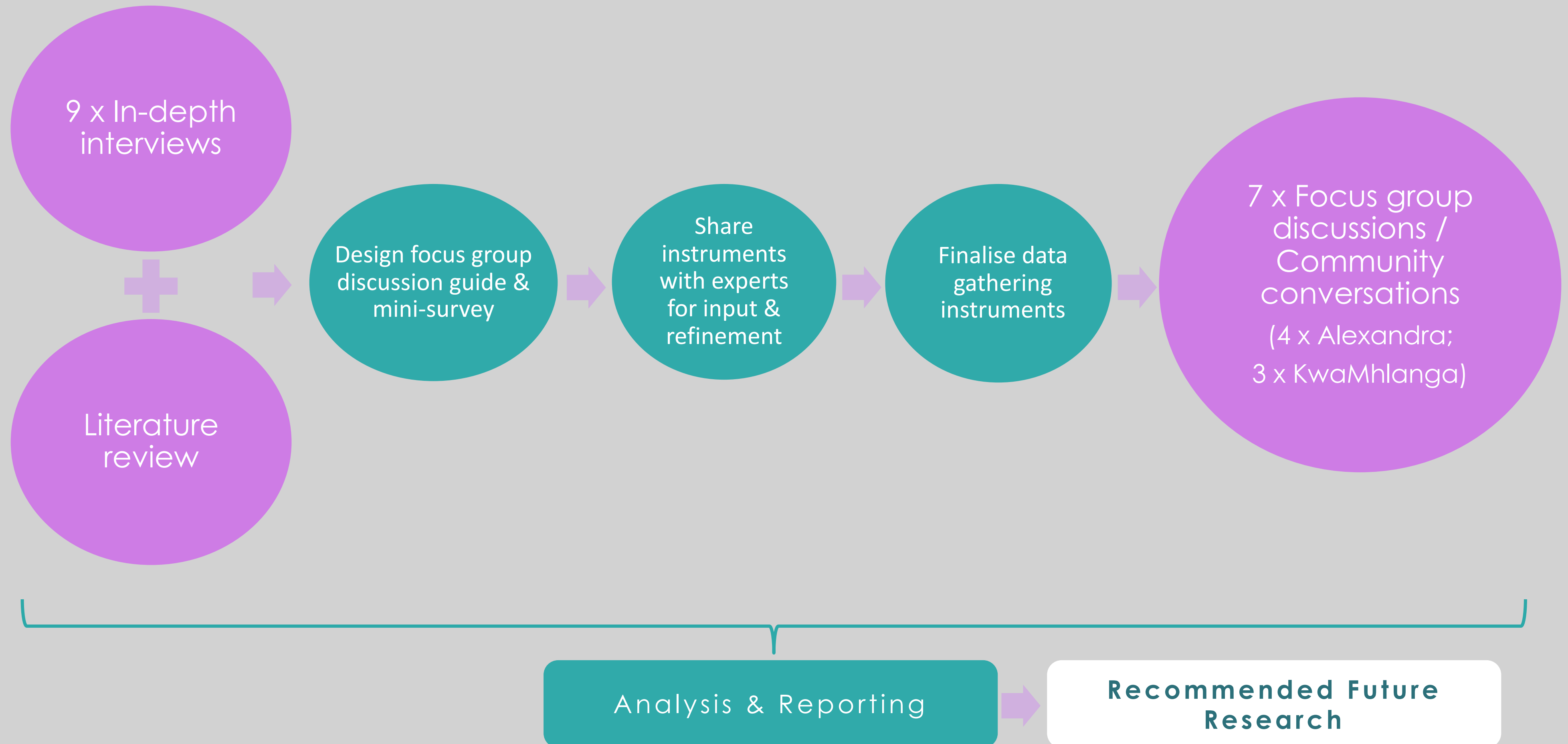
Purpose of this study

To **explore** how residents of Alexandra township and KwaMhlanga town think about **land and property** with the **intention to determine whether these communities need/want a tool** that can assist in securing tenure and if yes, **recommend design principals** for such a tool

Objectives are to understand...

1. the **categories of land & property ownership** and related security of tenure
2. the practices of **buying, selling & renting** land and property
3. the current **threats** to security of tenure & proof of residence
4. the **documents** that respondents consider important to the functioning of their everyday life

Research design



Participant profiles



Experts interviewed & Future interviews

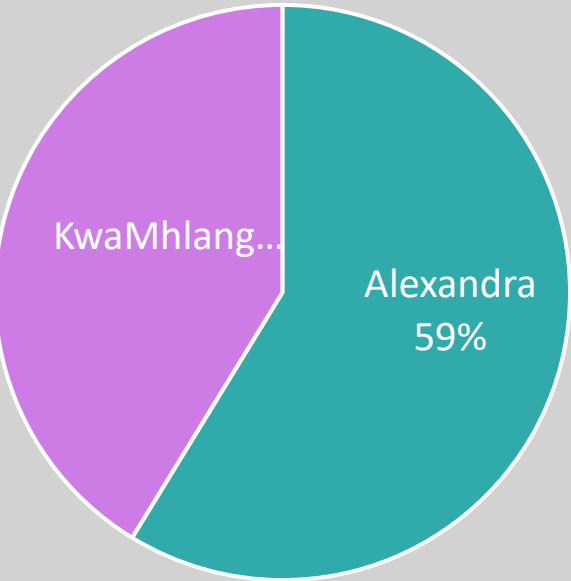
Experts	Organisation
Rosalie Kingwill	Independent / Among other Co-author: Donna Hornby, Rosalie Kingwill, Lauren Royston and Ben Cousins (eds), Untitled: Securing Land Tenure in Urban and Rural South Africa
Johan Lorenzen	Richard Spoor Inc Attorneys
Prof Ben Cousins (emeritus)	PLAAS / Among other Co-author: Donna Hornby, Rosalie Kingwill, Lauren Royston and Ben Cousins (eds), Untitled: Securing Land Tenure in Urban and Rural South Africa
Ivan Turok	HSRC: Township economies
Nolundi Luwaya	Land and Accountability Research Centre (LARC) UCT
Bulelwa Mabasa	Presidential Advisory Panel on Land Reform and Agriculture; author and co-editor of "Land in South Africa: Contested Meanings and Nation-Formation" ; author of "My Land Obsession"
Prof Mark Oranje	Town planning University of Pretoria
Ilan Guest	Town planner and Geospatial expert, SATPLAN
Ilana Melzer	Consultant, Eighty20 and 71point4

Future interviews

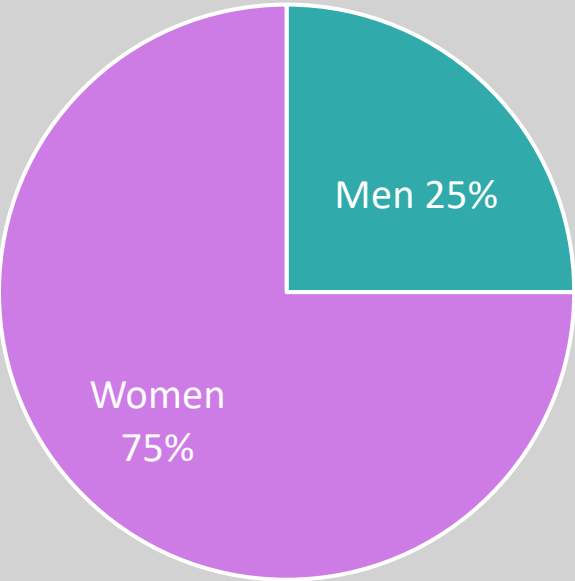
Tribal Chiefs
Royal Bafokeng
ADAPT
SA Cities Network
SALGA
Affected & Pilot Communities (SERI)
Government
Legal Experts i.e. Thembeke Ngcukaitobi (on the Presidential Panel)

Focus group participant profile

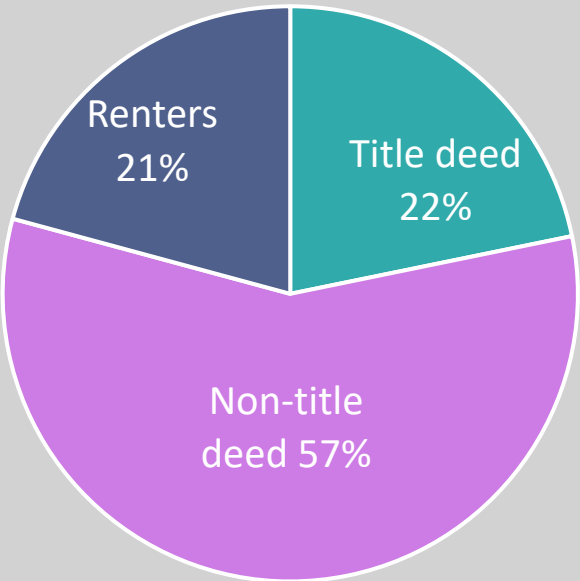
Area



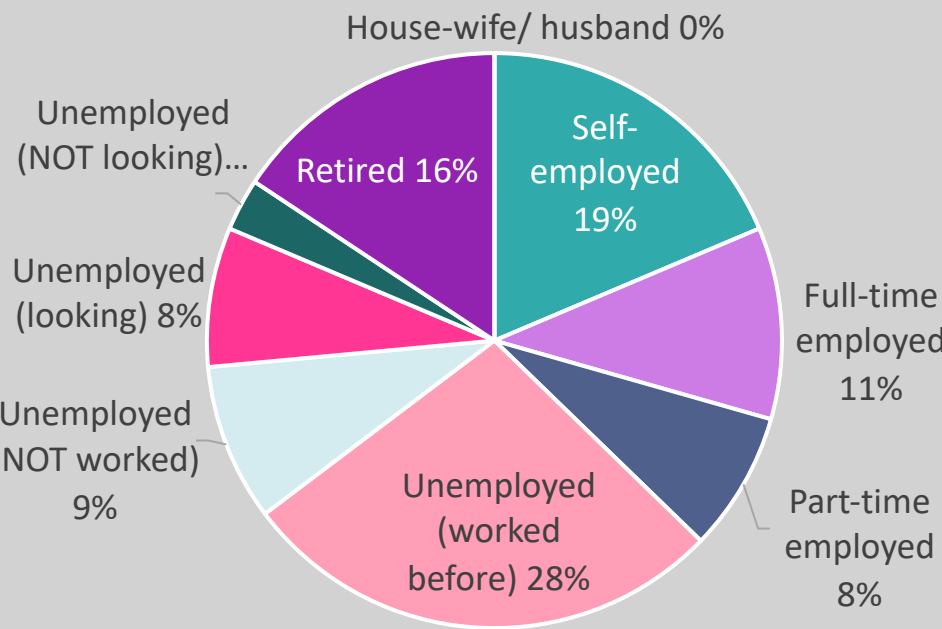
Gender



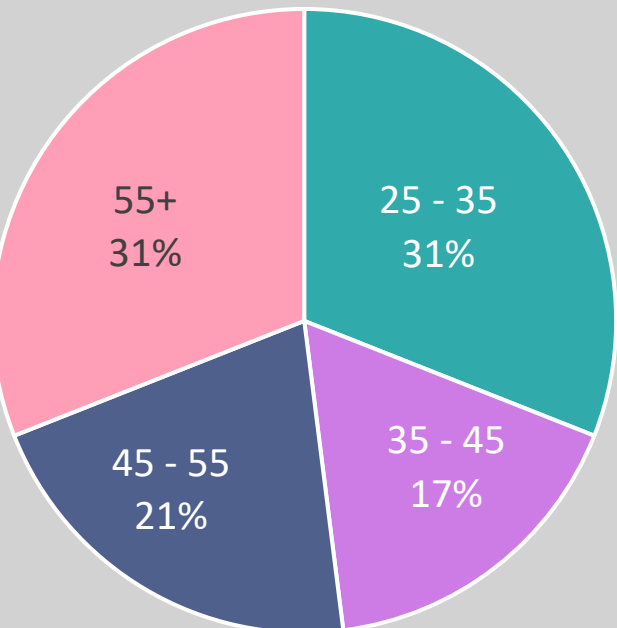
Ownership



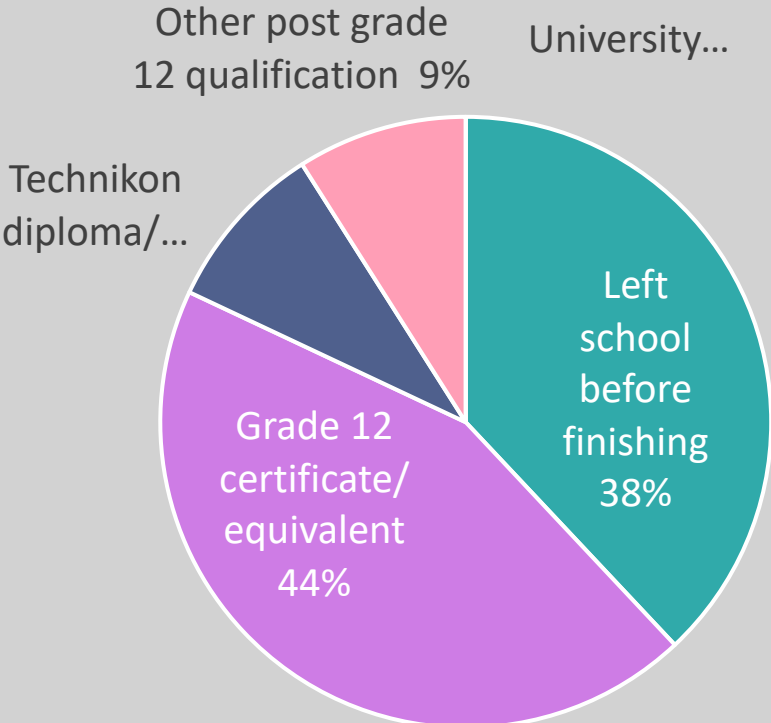
Employment Status



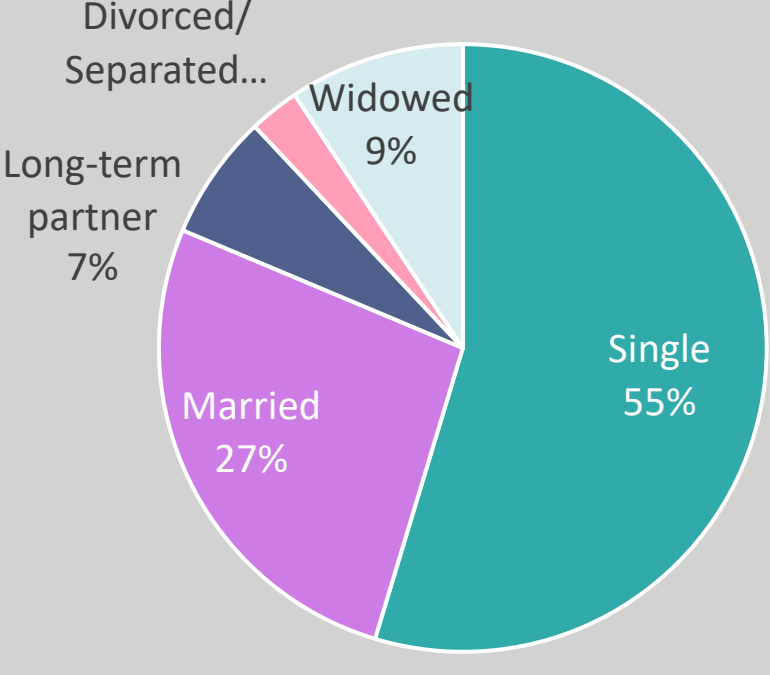
Age



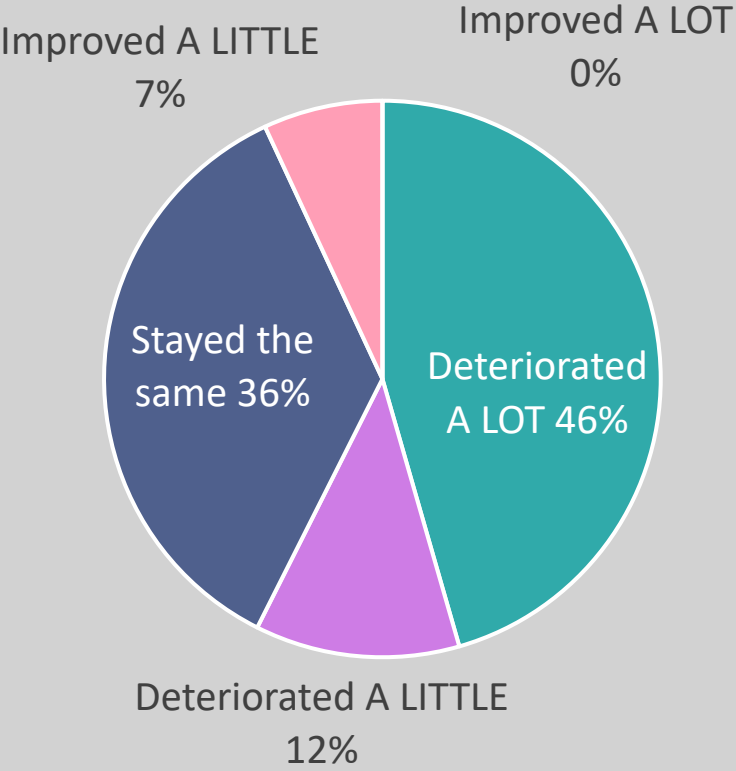
Education



Marital status



Financial Situation (last 2 yrs)



*All participants = Head of Household

Findings



- Expert interviews
- Focus groups: Community conversations



Summary of Themes to Follow...

Experts

Formal & Parallel Processes

Legitimacy & facilitative, process-driven approaches

Current Legislation is Inadequate

Promoting a Common Deeds Register

Local Government Legitimacy

Tribal Authority

Community Conversations

4 categories of land & property ownership emerged

Family-house is an important land and property institution

Renters most acutely experience insecurity of tenure compared to owners

Ownership of land & property is creating a landlord class

Extra-legal processes used for buying, transmitting & selling land and property

Brazen non-compliance with municipal by-laws regulating renovations & zoning

None of the participants paid for municipal services

Expert View: Setting the Scene

Formal Processes...

- **Cadastral system**
- Based on **free-holder** & **title deed**
- Impractical for at least 60% of SA citizens
- Few people have title deeds making it difficult to invest in property & create wealth
- Formal processes for buying, selling, renovating & (re)zoning are **complex, professionalised & expensive**
- In a formal system, **deceased estates** are difficult to administer in the **absence of a will/testament** when the land and property belong to the family
- E.g. Our systems and institutions (e.g. banks) mostly do not allow/support multilevel ownership

Parallel Processes...

- **Diverse practices** are formulated according to **context & needs** of communities
- Communities formulate **own governance structures** on land **administered by tribal authority** (varies from very effective to non-existent)
- Property-related matters are **process-driven and not rules-based**
- Important to find ways of **reconciliation rather than merely attempting to apply rules**
- **Collective (multilevel) family ownership** of land & property is **allowed and common (family-house is an institution)**
- Informal processes are accepted for buying & selling property due to lack of title deeds coupled with complex & unaffordable alternatives
- **Complexities arise:**
 - **Male custodians of family property** are more likely to take actions that may lead to loss of ownership yet women are not seen as a safer alternative. The property is lost to her husband should she get married
 - Internal evictions
 - **Emergence of an exploitative landlord class** via rentals of backyard shacks/rooms
 - **Family conflict** is rife in family owned properties

Experts stress the importance (& complexity) of working within the context of what is already taking place...

Legitimacy

- Legitimacy = Accepted because it evolved from the ground
- Extra-legal processes of buying, selling & securing land and property tenure are 'working'
- Current practices must form the basis of formulating any local security of tenure approach:

*"I think those systems are working, and I think they work for two reasons. One is that they are absolutely built from the ground up... so people are part of designing the system. And two, they have legitimacy, because they are built by the community. **They are legitimate to that community.** Whereas we struggle when developing something from outside the community. How do you get the community to buy in?"*

Facilitative approaches

- Working rules as used by local committee to govern land occupation & use must form the basis of local security of tenure approaches
- Local communities in urban/peri-urban areas draw on their experiences of land governance under tribal authority
- Be open to explore hybrid systems:

*"So you come in and you facilitate a process, but people make explicit and clear this is how we do things, here are our boundaries. If there are disagreements, then you facilitate a process to reach agreement. **So that facilitative approach is emerging as a way to provide support rather than imposing a law and saying you've got to implement it.** It's really working with local people, with local leaders, strong local institutions."*

Process-driven... not rule-based

- Customary law is **NOT rule-based but rather process-driven**
- It is robust
- In dispute resolution, customary law does not start by applying rules or case law, but begins with finding ways to resolve conflict through which rules emerge

*"If you sit down and you talk it through, sometimes a rule emerges out of that discussion. **So rules don't frame the discussion. They sometimes provisionally emerge out of a discussion and then might be discarded at a later point.** So these were very fluid systems which provided many advantages, particularly because they are low cost. Now I'm describing what I've found in rural areas, but you find many of the same ideas emerging in urban areas, particularly in informal settlements."*

Expert View: Themes

"The municipality doesn't have any legitimacy. Services are deteriorating. Sewers are overflowing because of the growing population in the townships. The municipality is struggling to cope, to maintain services and to enforce the rule of law. So, the situation is quite bad... sheer overcrowding is the ultimate source of many problems. The municipality just can't. They don't have the capability, the staff or the legitimacy to kind of try and enforce any kind of rules and regulations."

Current Legislation is Inadequate

Needs to be aligned to **history of land & property ownership**, including:

- Theft of land & property during colonial and apartheid era
- **Diverse governance & administration systems** i.e. customary law, common law, and informal norms & related processes
- **Diverse categories** of land & property ownership i.e. collective ownership
- **Bundles of rights** for land occupation & use
- Have **respect for the relationship people have with the land**

Permission to occupy is NOT EQUAL TO
Title deed in current system

Promoting a Common Deeds Register

Allow for **security of tenure & opportunities for wealth creation** through property in all communities

Land & property value in poor communities may not be fungible to those in wealthier places...
May lead to homelessness

Apply responsibilities i.e. paying 'taxes' for public services
Resistance?

General view: This will take a long time & will be expensive

Local Government Legitimacy

Inadequate services in low income communities

Municipality is often absent

Need to regain legitimacy...
Build trust with communities, increase communication & councillor visibility

Urgent need for **genuine social contract** between local government and residents on respective roles & responsibilities

Tribal Authority

Diversity of ways in which roles play out - **from acting as CUSTODIANS to behaving like FEUDAL LORDS**

Alternative approaches should be localised - **informed by existing community practices**

Tribal authorities tend to **have registers** that need to be acknowledged – YET most registers are **NOT adequately maintained**

Surveying (measuring & locating existing features) of land mostly not done

Warning:

Never simplify this space... the full spectrum exists

- One expert noted that this tenure system works in small villages where the chief knows everyone but is difficult to maintain in large and growing areas where the tribal council does not have the capacity to administer it.

"It works because they've got the capacity and the skills and the resources available to do it, or the situation is small enough to be able to handle quite easily. Small little villages where you are able to keep everyone you know. The headman is able to identify every single person and household in the village mentally. It's very easy to manage something like that.

But villages where you have hundreds and hundreds of households and they're growing at a rapid rate... Many of those particular heads have been in tribal authorities. They don't have control over occupation on their land. And so you find, large parts of the tribal authority with properties that have not been developed through the customary processes. Many people don't have proof of or permission to occupy. A very complicated picture.

*Then you've got organisations, **HIGHLY RESOURCED TRIBAL AUTHORITIES, LIKE THE BAFOKENG [ROYAL BAFOKENG NATION]**... I mean, they're a real outlier. They have their own municipal administration. They've got their own civic centre. They've got their own databases that they manage. They've got staff that are running things at a very high level. So you're going to find examples across the spectrum from small scale, easy to manage just with my book and my pen, to ones that are trying to muddle their way through, to ones that have a very firm grip."*

KwaMhlanga

- **2 classes of owners emerged**
 - Born in KwaMhlanga and their families have been living there for generations
 - Moved to KwaMhlanga in seek of a better life for their families or because they were forcibly removed from farms and received permission from the chief and tribal council to occupy land in KwaMhlanga

- **Deep affinity to the town (even for people renting) = ...**

Quiet + Build homes according to needs + Everyone knows/supports one another
+ Don't pay for municipal services (water & waste removal) + Gradual improvements in the town i.e. building of roads, installing street lights & constructing shopping malls

- **Challenges = ...**

Service delivery (infrastructure development) is slow + Limited work opportunities + Corruption in welfare services + Crime (as a recent problem)

"It's (crime) quite new. It started this year. It's something we are not used to.

They mugged me not so long ago also."

*"I was working at the time so my boss found me a place at the hostel. At the hostel the rule was when you have a baby and s/he turns six months you have to move. I had to go and sublet somewhere. That part was painful because when you sublet you must clean - they make you clean even their toilet... I decided to move to the shacks nearby the hostel to rent there where they used corrugated iron to partition into smaller rooms. When I was living there, I got a call that there was space in the new flats because Alex people didn't want to move to the flats. I got an apartment like that. **I WAS SO HAPPY.** I moved from that shack with only a mattress, a pillow and a suitcase. I used a sheet to cover the window. Since we were the first people to move here, people who came to view came to our flats and what they would find there was a mattress laid on the floor, no chair, no table, nothing. **We were just glad that we had somewhere to lay our heads.**"*

Alexandra

- **3 classes of owners merged**

- Title deeds owners with properties registered in their names
- People living in the family-house
- First generation occupants of municipal social housing projects

- **'LOVE-HATE' relationship with Alexandra**

Owners know everyone who live close by and rely on their help & support = safe

Don't pay for municipal services including electricity

Food is cheap

Rich social and cultural tradition

BEST LOCATION – closer to opportunities

Crime is at unbearable levels

Too dense - Limited space for living, social & recreational facilities

Municipality is absent

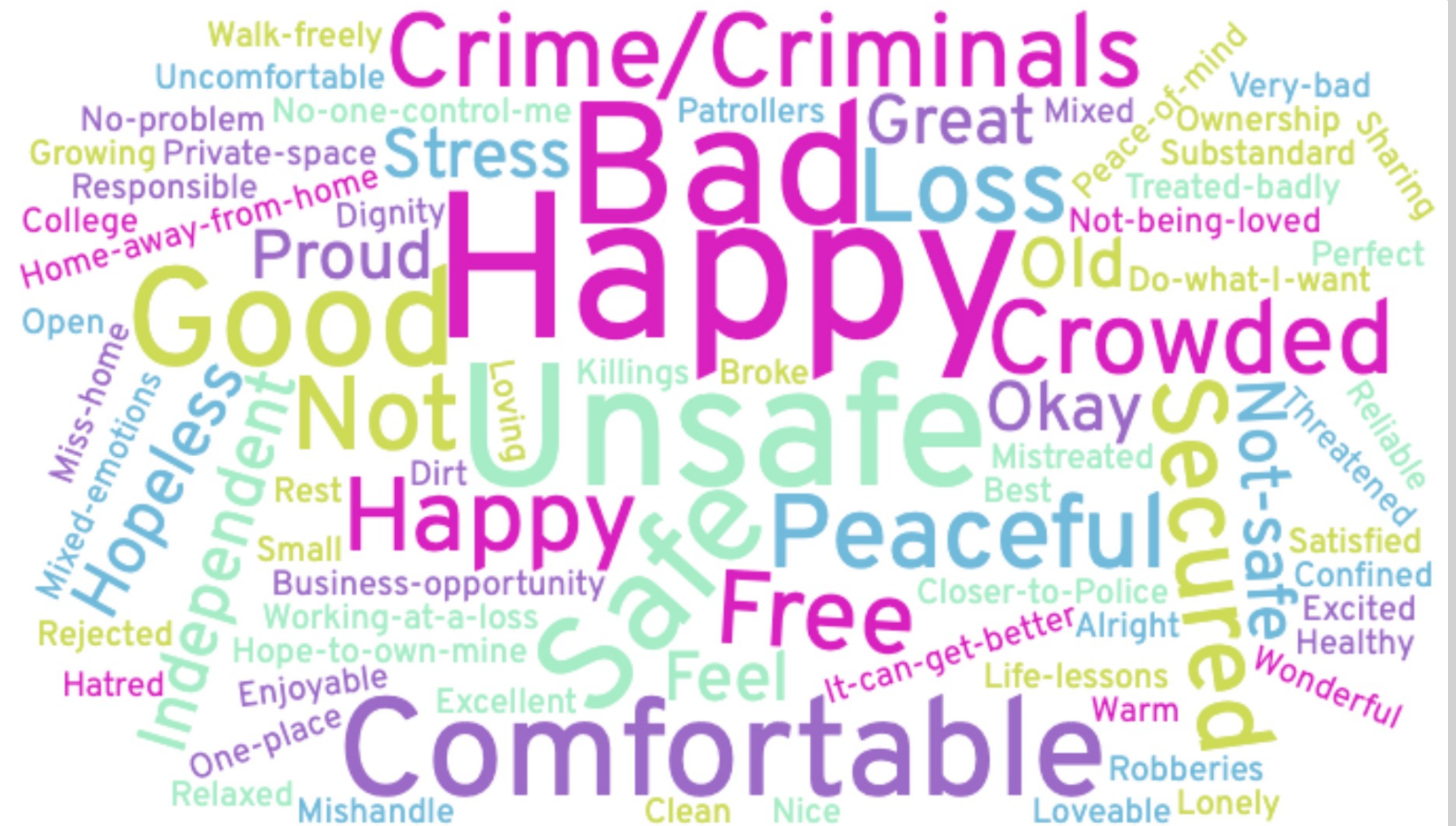
Lack of ongoing maintenance of infrastructure and services.

The Place I Stay

KwaMhlanga



Alexandra



"You can become a member of that community even though you come from somewhere else. By approaching people in an area and say, 'I would like to move here'. You talk to the traditional leader, convene meetings with neighbours. **If the neighbours find you acceptable and say, 'I can fit you in' things progress.** Later in the process, you might have to go to the tribal office, to the chief's office to get the stamp of approval."

Community Insights

4 categories of land & property ownership emerged

INDIVIDUALLY OWNED

Title deed registered in the person's name
Participants from Alexandra township

PERMISSION TO OCCUPY

Permission from the chief & tribal council
Participants from KwaMhlanga town

FAMILY-HOUSE

Grandparents/parents had title deeds, letters/permission to occupy from the chief & tribal council and local municipality
Participants from both Alexandra & KwaMhlanga

ENTITLED

First generation occupants of municipal social housing projects
Participants from Alexandra township

- **Permission to occupy:** System works in small villages where the chief knows everyone but is difficult to maintain in large, growing areas where tribal council lacks capacity to administer it
- **Entitled:** People believe they own the social housing units yet there is confusion and fear around the substance of their ownership

"We sat down and spoke and said look, we all come from the same place. No one came here with brick and mortar. Mind your business and I will mind mine. Even the former MEC [Member of Executive Council] Danny Mbovu, said, 'You know what, we know we made a mess so for now, each one look after your own house, we will come back to you.' It's been close to 15 years now since we abandoned that rule."

"That gives me sleepless nights because I know we don't pay. Sometimes I imagine the Red Ants evicting us."

- **Multiple properties with different arrangements**

"I have got a house in Limpopo. My retirement house. That's where I'll go when I want to retire but at the moment, Alex is a home for everybody."

"I live here in Alex because I don't know any other place or township besides Alex. I was born here, grew up here. I went to school here. I have lived all my 53 years of life here in Alex. And I have most of my relatives here, so I am in my comfort zone... I am comfortable here, even though, same as her I have another house in KZN because that's where my father was born. KZN is my hometown, I have a house there as well."

The ‘Family-house’

Family-house is an important land and property institution

Central to the discussion - Institution of the ‘family-house’

Land and property belong to the first person who moved in and the generations that follow; belonging to the past, present & future generations (this is in conflict with the cadastral system)

Serves as, 1) a legacy of the family name, 2) a bequest to future generations, and 3) a place for vulnerable members of the family to stay

Inadvertent outcome = title deeds/permission to occupy letters still in the name of the first generation owner

While valued, in the context of a housing crisis, there is growing conflict within families about rights to the family-house

- Bequeathing a family-house - children accept the home belongs to all; they are not allowed to sell/mortgage it and that the offspring who has not moved out of the family-house is considered its **CUSTODIAN**

*“I will not decide who will get the house. Assuming I have five kids like you say, out of the five, one will decide to move out because s/he is working and feels the space is small, then s/he moves out. He moves out to buy or rent somewhere. What usually happens is that those that are able to move out do so and the one who is unable to, is the one who will remain. **The one who remains is left knowing that it’s not his property, it’s a family-house.**”*

- This practice relates to bond & social housing as well...

“You know this thing of speaking to people and telling them who you are. I spoke to a guy who told me there’s a room in the yard where he stays, and the municipal bill for that room has the same surname as myself. I decided to go and check it out and I discovered that the bill is in my late father’s name. I had no prior knowledge of my father ever owning a room in Alex so I decided to do some investigations. The bills are coming out but we were not even aware that my father had a place in Alex. I did some finding and the guy said he bought the place. I said okay you bought the place so why are the bills still in my father’s name?”

So, I made a call back home to say I am struggling with accommodation in Alex and you’re not telling me that my father has a place. The grannies said no they weren’t aware that the place still exists. So, we broke in and moved in. That’s where I live even now. But then there were threats that I will be evicted but luckily the lady in the main house has my back. She told me to relax, that there’s nothing they can do.”

- Complexities around the ‘family-house’ deeply undermines the spirit of the family-house institution

“Before we even buried my dad, his children started mushrooming from everywhere. It was clear that they were coming forward so that they can benefit in whatever he left behind. My elder sister eventually had to make them understand that originally, mom and dad moved here together. They had a child together, so I was the third person here. Then everyone else was born after me. In the event of my passing, I will leave the property to my siblings and their children. The issue is still very much alive and unfortunately my dad isn’t around to answer for himself. There is still that back and forth but my sister has said she will fix it.”

- The NGO ‘ADAPT’ helped to resolve a ‘family-house’ dispute - they facilitated a reconciliation between two siblings after the brother intended to ‘evict’ nieces and nephews

The ‘Family-house’ (continued)

20%

of participants in this study have a will/testament

*(Expert view) “...there's a massive problem of deceased estates. These are people who were given an old house, subsequently died, and there was no will and no formal arrangement made to transfer the property, the right to their relatives, to their children and so on. And so this is a source of enormous complexity to try to unravel, because you would have multiple children trying to get access to the property. In this system it is very difficult for anybody to inherit the property. **It requires a will that requires somebody to go through a complicated procedure.** So the net result is that many, many people now in townships don't have rights simply because their relatives passed away and there was no will... that's a huge complication.”*

- **A woman in Alexandra shared that she intends to draft her will/testament to secure her children's rights to the family-house**

“I am about to go do one [a will] so that if I die, my kids don't get kicked out. It's a family-house yes, but my siblings have their own places. We own the house in three equal portions so it's only fair that my kids live in my percentage for as long as they need to live there.”

YET ALL DO NOT AGREE...

“A will causes a lot of disputes. Imagine a situation like ours at home. If my parents had left a will leaving the property to one of us, what would happen to the rest of us? When there's no will, the family home remains a home for everyone.”

- **‘INTERNAL EVICTIONS’**

- Expert opinion... internal evictions are growing and in the main perpetrated by male family members
- Trend towards nominating women as custodians of the family-house to secure the asset for the family and hold true to the essential meaning of a ‘family-house’

YET IT IS A CONTESTED SPACE...

“If I leave the house to my daughter... So this is a Xaba home. If I leave the house to her and she goes and gets married, this home then belongs to a different family.”

“It's democracy that has us wanting to put women in the forefront. Not that I am undermining them; they have their place, just like men. They are very important but... when it comes to property, if you are leaving a legacy, you cannot leave your property to your girl children according to our culture.”

Renting Property

"We are assisting and developing other people to be middle-class and yet we are also aspiring to be in the middle-class. They don't work. The landlords of Alex don't work. I can tell you. They are making money out of us."

Renters most acutely experience insecurity of tenure compared to owners

Owners feel relatively secure in their tenure because of title deeds and permissions to occupy

- Nonetheless, they report cases and threats of internal evictions from the family-house by relatives

The entitled category of owners seek title deeds to allay their anxiety of eviction

- Most are confident that municipality will not evict them for fear of mass protests

Renters are most insecure

- No rental agreements
- Often desperate for a place to stay

Ownership of land & property is creating a landlord class

Renters in Alexandra report they are contributing to creating a landlord class

Confirmed by an academic researcher where landlords charge up to R5 000 for a shack in the informal settlements around the city

- **Experts noted the challenges of renters...**

"You know you can pay R5 000 for a shack... There are large numbers of Zimbabweans and Malawians living in five or six shacks on one single property owned by a South African. So, you know, capitalising on the property is often very exploitative. You're creating a landlord class at the expense of other people."

*"You could see a lot of that... what was backyard housing now is small scale rental units... **people are building blocks of flats basically either in their backyards or they're demolishing their property, their own house and building across the whole site...** And it's very lucrative, this business."*

- **No rental agreements reported - ONLY payment of rent guaranteed tenure**

"Here, the only thing that guarantees you space is paying your first month's rental. Once you pay, you are guaranteed that you have a room. We don't sign any contracts. We secure our residence by paying."

...however, some people do take action against potential eviction...

*"I had an experience of losing a job and the landlord expected me to pay even though I didn't have money. **I had to go and report to a councillor so that I follow procedure.** I told him that before my current situation I had been paying for five years. **I am very law-abiding. Which simply means that when I have a problem I should be given a chance to sort my finances out.***

Then he said he will give me three months' notice to settle my finances.

*When the three months' notice expired, I went back to the counsellor and asked that **before I get evicted, I should be given a place that I can move to.***

The counsellor intervened and I ended up staying for about a year without paying. When I moved out from that place, it was a big place and nice place, and I had pets, I had to give my dogs over to SPCA and lose my relationship with them."

Buying & Selling Property

Extra-legal processes used for buying & selling land and property

PUBLIC: Witnessed by a public figure of authority i.e. police officer or ward councillor

INFORMAL: Transfer is not registered in the deeds registry

Process = Quick + Inexpensive

No requirement for a title deed

“How most of these people sell these houses... they go to the police station and make an affidavit. After that they go to the municipality and tell them that they are transferring the house. Not that you are transferring but changing ownership names.

The municipality tells the seller that they won't get another RDP house. When you say it's okay they insert the buyer's name. They put money in the bank... the phone notification goes off...

then things are sweet.”

- **Expert opinion...**

“People are trading property informally because it's much cheaper than to go through a lawyer and to go through the deeds office.”

- **The ‘family-house’ institution and the social housing also contributes to complexity in sales agreements**

“Let me tell my story. Remember I told you I rent a family-house. When I moved in I was made to believe that the lady had been nominated to oversee the family-house. As I got to know her I proposed a rent-to-buy deal as I understood that she won't need to move back at any point. We agreed that I would pay my normal R500 for rent and top up with R1000 towards the purchase every month. After paying for about 6 months, I learnt that there was another who was a co-owner and according to him, the place was not for sale. He told me he wasn't aware of the pending sale because it's a family-home. I had no clue that the lady was sharing ownership with her family member because here we don't get municipal bills where I would have picked up the multiple owners. We don't pay for water or services here... That was my experience renting a family-house. I am affected by the misunderstanding within the family.”

“We see people moving out [of a social housing unit] with furniture and others moving in with furniture. How they do it we don't know. It's only a matter of money exchanging money. They don't go to the bank or anywhere else. Maybe they just go to the police station to do an affidavit. **And they don't say its selling.** They just say I am leaving this person here because I am moving elsewhere.”

"They [residents] practice whatever it is that comes to their mind, in their own way. Some out of hunger and instability within the family."

Brazen non-compliance with municipal by-laws regulating renovations & zoning

Residents in Alexandra ignore the by-laws regulating renovations and zoning

Example of outcome = building on bulk infrastructure which makes maintenance thereof difficult

Blame this situation on an absent municipality

Situation confirmed by experts

In addition, adhering to formal processes will be expensive and requires a title deed (UNFREEDOM)

Local Government & By-laws

- **Experts interviewed blamed noncompliance on two factors:**

- *no deeds*
- *council approval is expensive*

- **Contradiction in the system... few people have title deeds YET title deeds are required by local government to begin process of approval**

"It is very sophisticated. It's expensive to apply for planning permission for your building. If you want to build an extension, it's very expensive. You have to hire an architect, quantity surveyor and all that and fill in lots of lots of detailed forms. So we need to simplify the procedure to make it easier for people to abide by the rules to comply with the regulations and the by-laws."

- **Many participants are engaged in micro-enterprises from home without permission from local municipality / tribal council**
- **They are aware that they need consent from the authorities and without authorisation their enterprises are at risk of being closed and they can't access funding**

(Expert opinion) "The net result, huge numbers of people have no title deeds which limits their ability to raise capital if they want to start a business..."

"You can't use this property as surety. We don't have anything. When we want money from the bank to put our children through university the banks tell us 'you don't have anything'."

"I also used to pay for electricity and people started saying I am the sell-out. Myself and my neighbour's wife who works with me were the last people paying for electricity. After a while we saw that we were the only ones so we stopped."

Local Government & Non-payment

None of the participants
paid for municipal
services

Alexandra: Defaulting on municipal bills
including rates & taxes, water and
electricity usage as well as waste removal

KwaMhlanga: Not expected to pay for rates
and taxes, water usage & waste removal,
only for electricity consumption

Benefit of non-registration? Would
registration be associated with payment of
services?

- **Challenges related to non-payment was raised in the case of communal housing, such as bond houses**

"I want to comment on the payment of services here in Alexandra. It's not the people's fault that they are not paying. It's the system itself.

I live in the old Alexandra houses, we have communal taps. There [are] no meters or anything. So how do they bill us? How can they tell who has used what? It's the same with electricity. I may be able to pay because I am in the main house but what about the one who builds a shack close by and connects to my electricity? How does that get billed? Why should I pay for that person?

That kills our spirits because truly, long ago, Alex people were paying for services but now that things have changed, it's difficult to pay."

- **As stressed in the expert interviews as well... LOCAL AUTHORITIES NEED TO REGAIN THEIR LEGITIMACY**
- **Begin to genuinely engage with residents on a social contract to prevent laissez faire approaches, resulting antisocial behaviour i.e. dumping garbage on the street, stealing electricity and more**
- **Local government must become visible, genuinely engage with citizens and regain their trust**

"But it all starts with the councillors. If they were proper, everything would be proper - right up to the government. When the councillors get something from the government, they hide it and they don't provide for the people. We don't know if the government send money but we believe they do and it vanishes into thin air."

Summary of Threats: Security of Tenure

Lack of history of transactions on
buying & selling land and property to
help resolve conflict

Loss of family-house when there is no
recording of it within the family and/or
publicly

Contestation by family members of
property transactions, especially those
using extra-legal processes

Internal evictions from the family-
house by relatives

Arbitrary evictions of tenants by
landlords

Potential eviction of entitled owners
from council flats and bond houses by
the municipality

My Documents

Identity documents were top-of-mind

Identity documents, followed by education certificates, record of land and property ownership, birth certificates, receipt/registration of assets, title deeds, policy documents, and wills/testaments are considered important documentation for everyday life

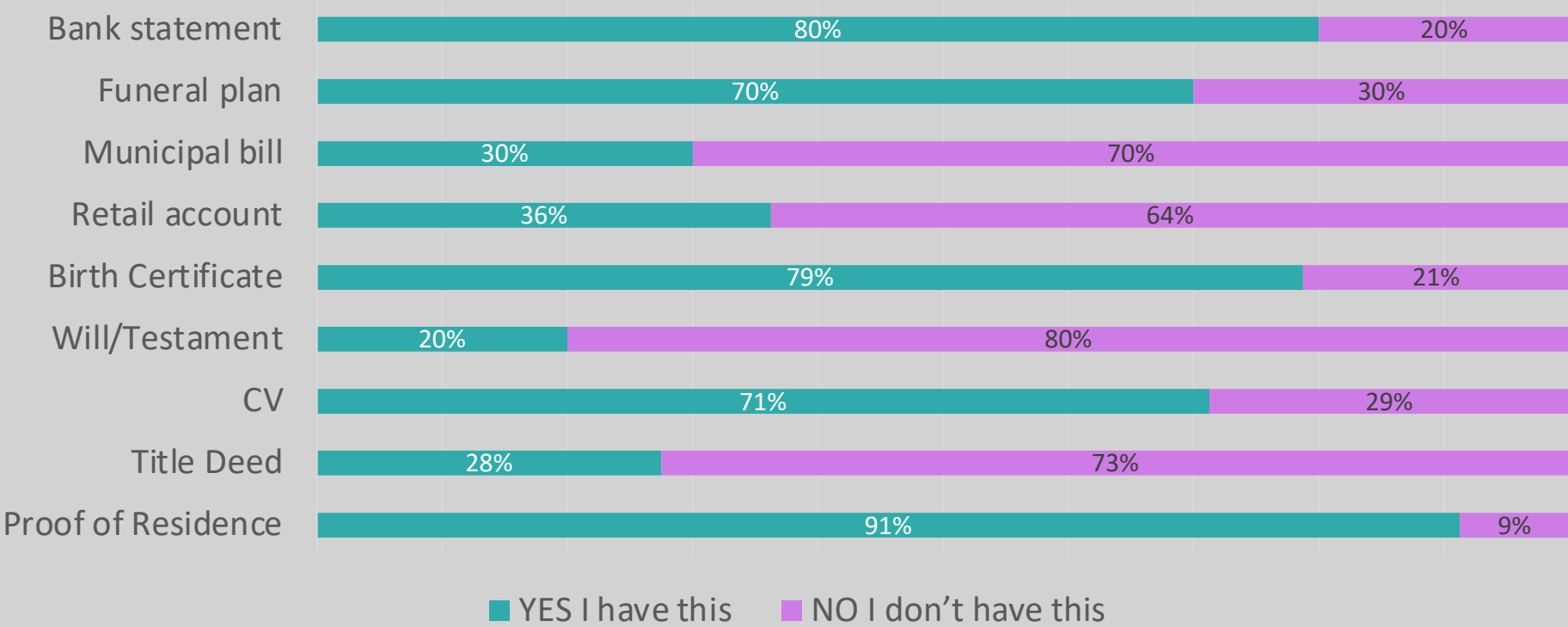
Participants do not struggle to get proof of residence

Generally people use letters from the chief/tribal council and local councillors as proof of residence

Mostly people did not pay for this document in this study

People who paid, paid an average of R50,67

Rank	Important Documents	Rank	Important Documents
1	Identity document (including passport)	9	Driver's licence
2	Education certificates (matric certificate, diplomas, etc.)	10	Marriage certificate
3	Record of ownership/occupation (permits from municipality/chiefs)	11	Business administration (registration)
4	Birth certificates	12	Eskom prepaid connection/installation
5	Asset ownership (car, receipts of goods)	13	Bank account
6	Title deed	14	Divorce decree
7	Policy document (funeral, financial)	15	Curriculum vitae
8	Will/Testament	16	Gun licence



Conclusion & Way Forward

- SUMMARY OF INSIGHTS

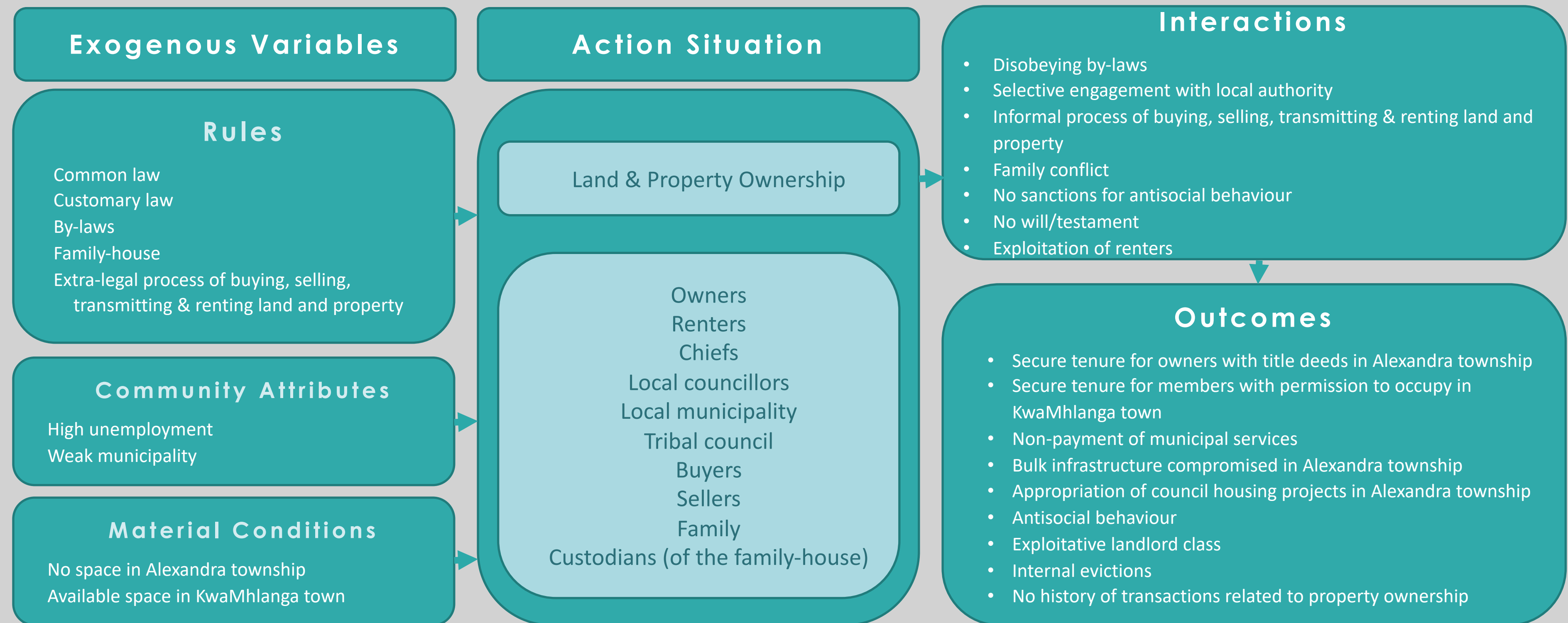
- Status of Land and Property Ownership using Ostrom's Institutional Analysis & Development Framework

- Informal Tenure Registry: Design Principles



SUMMARY OF INSIGHTS:

Status of Land and Property Ownership using Ostrom's Institutional Analysis & Development Framework

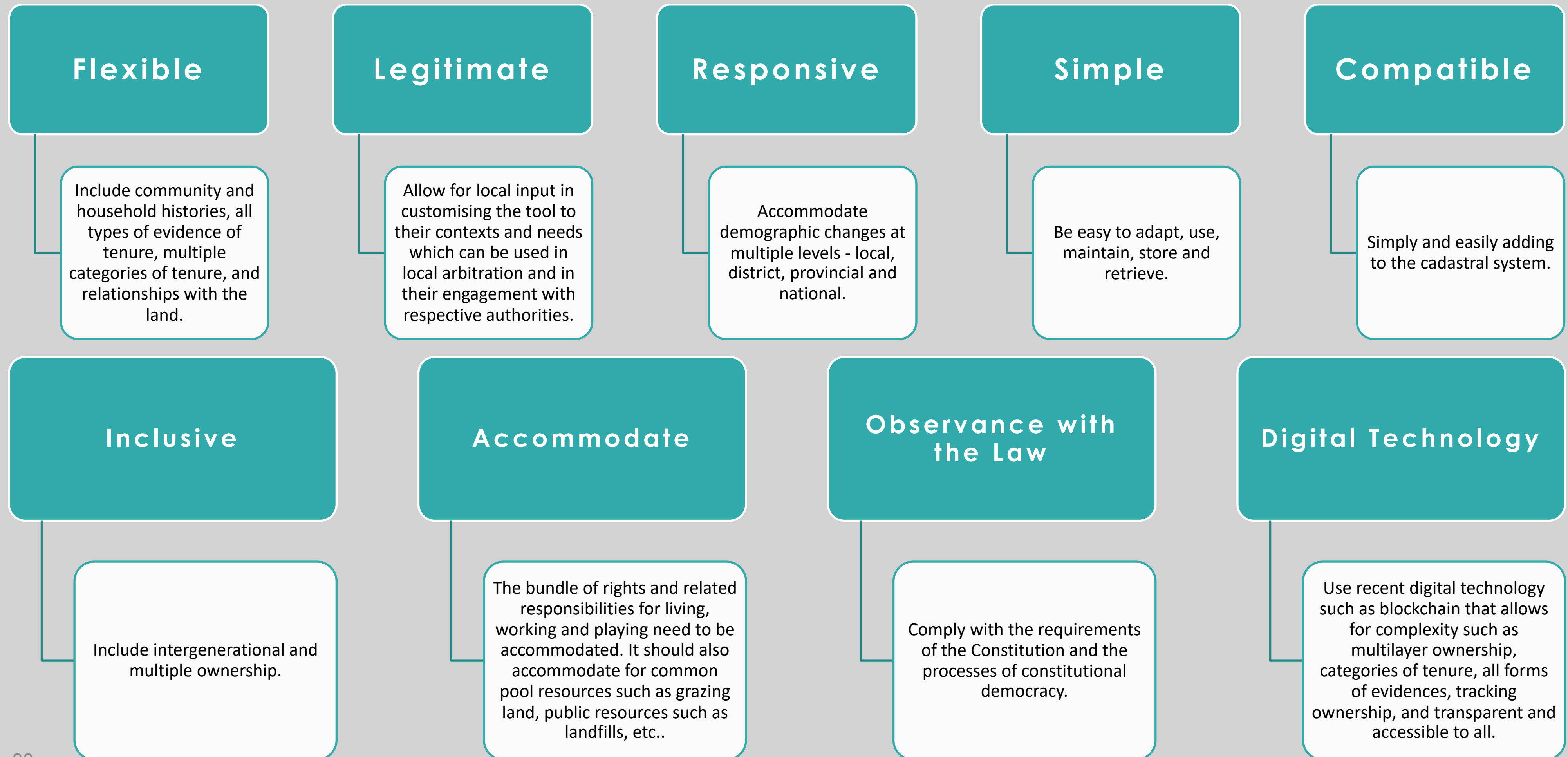


Informal Tenure Registry: Design Principles

Experts' opinion is supported by secondary data from government documents and policies that there is an **urgent need** for a **digital tool to record property and land ownership for all people**, as per the constitution, that has **authority to secure tenure**

- Currently, there are small pilots that are experimenting with community registers for formalisation of informal settlements and making the formal system work in poorer communities such as the Transaction Support Centre in Khayelitsha
- Future interviews to inform go-to-market tools...
 - Tribal Chiefs
 - Royal Bafokeng
 - ADAPT
 - SA Cities Network
 - SALGA
 - Affected & pilot communities
 - Government
 - Legal experts

Informal Tenure Registry: Design Principles



Additional design principles to consider

Sjaastad and Cousins (2008, p. 5) propose the following principles

- Be established through careful consultations with local communities
- Be managed at a decentralised, local level
- Be founded on existing local institutions
- Employ the local language
- Involve substantive downward accountability
- Minimise discretionary powers
- Permit easy detection and penalisation of abuses of power
- Avoid discrimination with respect to race, gender, or religion
- Allow free access to information
- Involve low (or no) fees to users
- Employ digital record keeping
- Permit communal, as well as individual, registration of property
- Employ technology that permits precise measurement of boundaries
- Facilitate periodical updating
- Allow easy integration with other registries
- Carefully record rights that already exist, rather than simplify or invent new ones
- Carefully solicit and consider challenges to recorded rights
- Cost almost nothing

Hull, Kingwill and Fokane (2020, p.18) draw on the Global Land Tool Network's thirteen principles:

1. Respect for human rights and dignity
2. Non-discrimination
3. Pro-poor
4. Equity and justice
5. Gender responsiveness
6. Holistic and sustainable
7. Based on effective consultation and participation
8. Subject to the rule of law
9. Transparent
10. Accountable
11. Continuous improvement
12. Affordability of services
13. Scalable approaches

Company profile



Infusion: Profile

*Infusion is a **socially conscious research and market knowledge hub** with a mission to **attract attention** to & facilitate discussion around business, market and development related **challenges facing South Africa and extensive parts of Africa***

Sustainable business in underdeveloped/unevenly developed markets = CREATING MARKETS

...via innovative systems

...continuous connections to local communities

...capitalising on ideas around intelligent business

...and a focus on smart partnerships

A WIDE-ANGLE VIEW is necessary to navigate the success

Related research conducted by Infusion:

1. Measuring stimulus effects on the South African economy: Measuring Stimulus Effects in Greater Philippi (Presidency & French Development Agency)
2. State capture in the mind of the Poor
3. Contextual research in exploring the lives people are living in unevenly developed areas
4. Monitoring, Evaluation, Research & Learning for the Skills4Life implementation at TVET Colleges (International Youth Foundation)
5. Formative Research for #FeelSafe: What are the key considerations in implementing an authentic and legitimate initiative against Gender-Based Violence and Violence Against Children

Clients:

Corporate players (Shoprite, Sibanye-Stillwater, Standard Bank, Vodacom, Sanlam, Massmart, Microsoft, SAP, MultiChoice, First National Bank, PEP), government (Presidency, FSB, Department of Health, HSRC, National Planning Commission, the dti, DPME, DAFF), SMME support agencies (The Business Place, SEDA) and NGOs (International Youth Foundation, FDA, Soul City, NID, Finmark Trust, ADD-option campaign, DG Murray Trust)

Thank you for the opportunity to
present you with these findings



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