In SERI’s Community Practice Notes we document the socio-economic struggles of community-based organisations in different settlement contexts in South Africa.

Slovo Park: Some Gains At Last

second edition
Informal Settlement Series

This is the second edition of a community practice note initially published in 2014. Researchers Tiffany Ebrahim and Thato Masiangoako updated the progress made by the Slovo Park Community Development Forum (SPCDF) from 2016 - 2019. Alana Potter (director of research and advocacy), Maanda Makwarela (senior researcher), Lauren Royston (senior associate) and Nomzamo Zondo (executive director) edited the note.

The Informal Settlement Series was SERI’s first community practice note series on informal settlement struggles for development. The series documented and analysed the relationship between evictions, development, community organisation and mobilisation, local politics, protest and the use of courts. It documents the strategies and tactics of Community Based Organisations (CBOs) in four informal settlements.

The four CBOs profiled were: Makause Community Development Forum (Macodefo) in Ekurhuleni Metropolitan Municipality (Gauteng), Rooigrond Committee in Mahikeng Local Municipality (North West),Thembelihle Crisis Committee (TCC) and Slovo Park Community Development Forum (SPCDF) in the City of Johannesburg (Gauteng).

The second edition of the Slovo Park community practice note expands on the SPCDF’s struggle for incremental service delivery through the implementation of a court order.

Cover photos: Tiffany Ebrahim and Two Spinning Wheels

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Some Gains At Last is the second edition of Slovo Park: Twenty Years of Broken Promises, which is the fourth in SERI’s Informal Settlement Series of community practice notes.

This is the first updated community practice note that examines the strategies and tactics of the Slovo Park Community Development Forum (SPCDF). The leadership body was established in 2007 and advocates for basic incremental and inclusive service delivery in the Slovo Park informal settlement.

The first edition of the community practice note, Slovo Park: Twenty Years of Broken Promises, summarises key events in the history of Slovo Park from 1991 – 2014. It draws attention to community engagements between the SPCDF and government officials and politicians over a 20 year period to improve living conditions at Slovo Park, leading up to the community’s decision to litigate against the City of Johannesburg in 2015.

The second edition of the community practice note, Some Gains At Last, is a continuation of Slovo Park’s story since receiving a High Court Judgment from the Gauteng Local Division that ordered the City of Johannesburg to upgrade Slovo Park in situ. This edition documents the SPCDF’s strategies and tactics to implement their court order in collaboration with government through the establishment of a multi-stakeholder Task Team that facilitated the installation of electricity and continues to engage around the upgrading and layout plan.

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Slovo Park informal settlement is located in the south of Johannesburg adjacent to an industrial area in Nancefield, between Eldorado Park and Bushkoppies. It was established in 1991 and is named after anti-apartheid activist and the 1995 Minister of Housing Joe Slovo. The settlement is 47 hectares large and situated on the remaining extent of Portion 33 of the farm Olifantsvlei, ERF number 316 - IQ. Slovo Park is situated between a wetland area and a hub of factories, with a power line running through its centre. The majority of the land is owned by the Gauteng Provincial Government, with smaller portions owned by the City of Johannesburg (“the City”) and private owners. Home to approximately 3734 households and between 10 000 and 15 000 residents (as at 2017), the settlement is within walking distance of employment opportunities, schools and clinics in Nancefield, Eldorado Park and Bushkoppies. From a socio-economic survey conducted by the City in 2017, 1655 households were employed, of which 1626 households earned less than R3500 per month.

In terms of basic services, 3393 households have access to water from 1076 taps. Access to sanitation is facilitated through 1076 pit latrines and 34 flush toilets. A single truck desludges the pit latrines in the settlement once a month. On average, 3-4 households (or 10 – 15 people) share a single yard-based toilet and residents share day-to-day cleaning responsibilities of toilets. The City’s refuse service collects garbage from the settlement on average once a week. From Slovo Park’s establishment until July 2018, there was no municipal provision of electricity to the informal settlement.
Households relied on the use of candles, wood fire, paraffin and self-connections to neighbouring factories for light, warmth and cooking. Since City Power’s electrification of Slovo Park in 2018, the number of shack fires in the settlement has significantly decreased. Previously, residents dealt with at least four deadly shack fires per year.
The following figure summarises the key events in the struggle for upgrading at Slovo Park informal settlement.

**Key Events**

- **1994**
  - Slovo Park residents are earmarked for inclusion in a housing project. This doesn’t materialise.

- **2003**
  - The National Department of Housing (NDOH) and Gauteng Department of Local Government and Housing (GDLGH) hold a meeting at Slovo Park and undertake to build 950 houses there.

- **2004**
  - The Premier and Member of the Mayoral Committee (MMC) for Housing promise Slovo Park residents that construction will begin in September. iNtatakusa is appointed to conduct a feasibility report on Slovo Park.

- **2005**
  - The feasibility report is published. It states that Slovo Park should be upgraded to yield 1 150 stands.

- **2006**
  - Arcus Gibb replaces iNtatakusa as project consultant.

- **2007**
  - Geotechnical studies are conducted at Slovo Park. Nemai Consulting (Nemai) is appointed to undertake an Environmental Impact Assessment (EIA). The SPCDF is formed.

- **2009**
  - Nemai submits the EIA report to Gauteng Department of Agriculture and Rural Development (GDARD), recommending a layout of 629 to 663 stands at Slovo Park. Residents protest after the MMC for Housing fails to attend a meeting about development at the settlement.

- **2010**
  - The SPCDF works with ISN on a water connection project. The City presents a plan to provide 575 stands at Slovo Park, with the remaining 2500 households to be relocated to Eldorado Park.

- **2012**
  - The City host informal meetings with SPCDF. No concrete, inclusive plan is put on the table.
  - The SPCDF informs the City it will proceed with a High Court application to compel the implementation of the Upgrading of Informal Settlements Programme (UISP).
An application is launched on behalf of the Slovo Park residents requesting that the court compel the City to take the necessary steps to apply for funding to upgrade the settlement in terms of the UISP.

The SPCDF continues to engage the City while working on the court application. A family of four is killed during a shack fire at Slovo Park.

The SPCDF rejects this plan because it does not propose an in situ upgrade for all 3,734 households in Slovo Park according to the court order.

The High Court orders the City to upgrade Slovo Park in situ through implementing the UISP. The City is given three months from the date of the order to submit an application for funding to the Provincial Department of Human Settlements (PDHS).

The City submits a business plan to build 399 houses at Slovo Park. The SPCDF rejects this plan because it does not propose an in situ upgrade for all 3,734 households in Slovo Park according to the court order.

Sello Mothotoane is appointed the Regional Head and Informal Settlements Director of the City’s Housing Department. He redrafts Slovo Park’s funding application in collaboration with the task team.

On 6 November, the City submits the Slovo Park funding application to the Mayoral Executive Committee (MEC) for Human Settlements.

SPCDF members, Frank Mapara (Business Forum chairperson) and Tumi Masumekwane (Youth Forum member) pass away.
TIMELINE OF EVENTS

1991-1994

During the early 1990s the burning issue for Slovo Park residents is access to water at the settlement. They have to use two streams in the area or purchase water at inflated prices. In 1994 the municipal authority provides a water tank as a temporary measure, assuring residents that pipes and taps will be installed. Communal street taps are eventually installed, which are also only meant to be a temporary measure, to be replaced by individual yard taps. However these remain the only source of water at the settlement until 2010.

In 1994 the Slovo Park community is earmarked for inclusion in the Harrington Valley Housing Project, initiated by a private residential development company called Condev. Instead, a housing development called Devland Extension 27 is built nearby the settlement. Allegations of corruption and misappropriation of funds in relation to this project continue to plague Slovo Park residents and have not been resolved.

After the death of the first Minster of Housing, Joe Slovo, the community names the settlement Slovo Park in his honour.

The South African National Civic Organisation (SANCO), an umbrella body of civic organisations aligned with the ANC, organises a public meeting at the settlement. The Gauteng Premier Mbhazima Shilowa promises Slovo Park residents that they will not be moved and that houses will be built at the settlement.

1995

1998

2000

DECEMBER

The first local government election is held and an ANC ward councillor is elected in the area.

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1 SPCDF “Interview” (Slovo Park, 30 June 2010).
2 Condev “Regional Housing Board (Transvaal) Application for Project-based Subsidy: Harrington Valley, Nancefield” (31 October 1994).
3 In August 1997 the Housing and Land Affairs Standing Committee of the Gauteng Provincial Legislature investigate the project finding that “the allegations raised by the petitioner are of a serious nature and indicate, if proved true, that serious flaws have emerged regarding the procedures followed in the Devland Extension 27 development.” See Gauteng Provincial Legislature “Announcements, Tablings and Committee Reports” No 68 - 1997: Fourth Session, First Legislature (11 September 1997) 251-252.
4 SPCDF “Structure of the historical background of Slovo Park-Nancefield” (undated).
The Community Development Forum (CDF) is formed after Slovo Park residents elect individuals to lead the community. Officials from the City of Johannesburg (the City) erect a large tent at the settlement and a government official states that by September 2001 the construction of 950 new houses at Slovo Park will commence.

2001

**JULY**

Officials from the National Department of Housing (NDOH) and the Gauteng Department of Housing and Local Government (GDLGH) attend a large community meeting at Slovo Park, where several commitments to the community are made, including that Slovo Park will not be relocated, that 950 houses will be built, and that the settlement will be demarcated into Eldorado Park from Protea South and Lenasia.  

150 shacks are destroyed and two people die in a shack fire at the settlement.

The GDLGH, Gauteng Premier and Member of the Mayoral Committee (MMC) for Housing, Strike Ralegoma, erect a large tent at Slovo Park and undertake to ensure the building of houses by September 2004. The GDLGH appoints iNtatakusa Africa Consulting (iNtatakusa) to conduct a feasibility report on development at Slovo Park.

2003

**JULY**

iNtatakusa produces a feasibility report which notes that the formalisation of Slovo Park "is not only feasible but its implementation is also urgently required." The report notes that there are 5,000 residents on 1,050 stands at Slovo Park and recommends that the community be restructured into one family per an approximately 300m² stand, a necessary requirement due to the site being situated on dolomitic land. The feasibility report states that an in situ process can be followed, but that a large amount of de-densification would have to be carried out and "additional land must be identified to accommodate the surplus families." The report describes how the availability of vacant land for development and the relocation of excess families is a development constraint, and that the vacant land adjacent to Slovo Park should be investigated. The conclusion of the feasibility report is that the remaining community (approximately 3,500 households) will have to be relocated to nearby developments on vacant land.

2004

2005
MAY
The CDF sends a letter to the African National Congress (ANC) ward councillor requesting municipal services (electricity, water, sanitation and roads) are fast tracked. The letter states that: "one sees the importance of these issues as the opposition is gaining support because of lack of services/interaction from our leaders" – a clear warning from the SPCDF of potential defections from the ANC ranks. Following the letter, a meeting is organised between the community, the ward councillor and the MMC for Housing in June. At this meeting, development at Slovo Park is discussed, and the MMC promises to try to fast track the development process.

DECEMBER
Shortly before the local government election in March 2006 a large meeting is held at Protea South. Slovo Park residents are bussed into the gathering, which is attended by the MMC for Housing, the MEC for Housing and the Mayor. The MEC states that the same type of housing being built at Protea South will be built at Slovo Park. Further, the Mayor states that he would put money into Slovo Park by March 2006 for the building of houses and "no further questions should be asked by the community about Slovo Park".

2006
Arcus Gibb, a large engineering consulting firm, replaces iNtakakusa as the consultant on the Slovo Park housing project. Arcus Gibb, on behalf of the GDLGH, commissions Moore Spence Jones to conduct a dolomite stability assessment at Slovo Park.

According to the City of Johannesburg’s 2005/2006 Annual Report, the City’s Department of Housing appointed the Johannesburg Property Company (JPC) to finalise the purchase of privately-owned land to make provision for the establishment of new subsidised housing projects. For the Slovo Park development, "six properties were to be acquired for a 1,055 stand township to be established."

2007
The SPCDF is formed out of the existing community structure at Slovo Park. According to the SPCDF’s draft constitution, its primary aim is "to help unite the community behind the Developmental Agenda given to the SPCDF" from the community. It also has a number of secondary goals and states that it will "collaborate with any interested party willing to assist the community, political or non-political."

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9 CDF “Letter to Councillor Manack” (23 May 2005).
10 SPCDF “Structure of the historical background of Slovo Park-Nancefield” (undated).
**MARCH**
Arcus Gibb informs the Slovo Park community that they are in the advanced stages of the township establishment process, which is due to conclude in early July 2007 after geotechnical studies are conducted. Geostrategies, a consulting firm of geotechnical engineers, environmental scientists and land surveyors, is appointed to do this work. The community is told that development will proceed by September 2007, but that the number of houses being constructed would be reduced from 950 to 821 because of dolomitic conditions in the area.

**JUNE**
SPCDF representatives, together with the Proportional Representation (PR) councillor and a delegation from the local ANC branch, meet with the MMC for Housing to discuss the fast tracking of development. The MMC states that development will begin in July 2007.

**JULY**
The community has heard nothing about the geotechnical study, the perceived last hurdle to development at Slovo Park, and decide to protest. On 10 July residents blockade the N12 highway. Police officers arrive and arrest a number of protesters.

A dolomite stability assessment for Slovo Park recommends that a minimum stand size of 350m² will be necessary, as the site is classified as dolomite risk class 4. Nemai Consulting, an independent environmental assessment practitioner, is appointed to undertake an environmental impact assessment (EIA) at Slovo Park.

**AUGUST**
Arcus Gibb visits the Slovo Park community and says that development will commence in November, but that only 660 houses will be constructed.

**SEPTEMBER**
On 11 September community members march to the Union Buildings in Pretoria to “introduce the community to President Mbeki” and to call for electricity, water and sewerage at the settlement. They present a memorandum which includes the following short-term demands: improvement of service delivery, installation of electricity, installation of permanent taps in individual yards, sanitation flush toilets, and tarred roads and pavements. Long-term demands include: 2 500 five-room houses and recognition of Nancefield Township.

**2008**
During 2008 the SPCDF engages with various government officials, technical professionals and high level ANC politicians about development at Slovo Park. The latter include the Office of the Mayor, Office of the Speaker, MMC for Housing, MEC for Housing, the Premier and the ANC Chief Whip.

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14 SPCDF “Memorandum” (11 September 2007).
MARCH
A public meeting is held at Slovo Park Hall to discuss the EIA process with the community and other interested and affected parties. The SPCDF, ward councillor and representatives from Arcus Gibb, GDLGH and Nemai are present.\textsuperscript{15}

APRIL
The SPCDF organises a protest march to the Office of the Mayor to submit a memorandum of grievances pertaining to development at Slovo Park.\textsuperscript{15}

SEPTEMBER
The Informal Settlement Network (ISN) is formed in a number of provinces after a series of informal settlement dialogues during 2008.\textsuperscript{17} SPCDF becomes an active member of the ISN.

OCTOBER
The SPCDF, frustrated with failed attempts to engage political channels, approaches the Legal Resources Centre (LRC) for assistance.\textsuperscript{18} On 17 October, the LRC addresses a letter to the City of Johannesburg about lack of access to services at the settlement.\textsuperscript{19}

DECEMBER
An application for the Establishment of Nancefield Township Extension 4 in terms of the Town-Planning and Townships Ordinance Act 15 of 1986 is received by the City from the GDLGH. The application is for a township with 640 residential stands.\textsuperscript{20}

2009
During 2009 a number of public meetings are held as part of the EIA public participation process. Slovo Park residents articulate concerns with delays in the development process and the reduction of the number of houses to be built.\textsuperscript{21} During 2009, the SPCDF also continues to attempt to engage with politicians and government officials around development at Slovo Park.

JANUARY
The notice of the township establishment process is published in the Government Gazette inviting people to inspect the particulars of the application from January to early-February.

\textsuperscript{16} SPCDF “Memorandum of Accountability: Presented to the Office of the Mayor (18 April 2008).
\textsuperscript{17} ISN is a “bottom-up agglomeration of settlement-level and national-level organisations of the urban poor” in South Africa. See http://sasdialliance.org.za/about/isn/
\textsuperscript{18} The Legal Resources Centre (LRC) is a public interest human rights law clinic. See http://www.lrc.org.za/
\textsuperscript{19} The Legal Resources Centre (LRC) “Letter to the City of Johannesburg: Slovo Park/Nancefield Settlement-Services Rendered” (17 October 2008).
\textsuperscript{20} Government Gazette “Notice of Application for Establishment of Township: Nancefield Extension 4 Township” Notice 51 of 2009 (7 January 2009).
Nemai makes the Slovo Park EIA report public for comment. The report states that the dolomite study revealed that a minimum stand size of 350m² is required at the site, and outlines a number of other possible impacts and proposed mitigations. The report further states that the formalisation of Slovo Park is “strongly recommended from an environmental point of view” as the current settlement has an “uncontrolled impact on the surrounding environment”. The report recommends a layout of between 629 and 663 stands at Slovo Park.

The SPCDF sends a letter to local Parliamentary Constituency Offices (PCOs) and Members of Parliament (MPs) in order ‘to strategically target the newly elected representatives’. The letter refers to ‘empty excuses from everyone since 2001’ and describes how the Slovo Park community has been trying for over 10 years to get basic services: “electricity, water, sewerage, to prevent more shack fires from the community, hence saving the lives of the poor. We are currently not aware how long we are going to maintain the pressure from the community members. Houses, whenever they arrive, will be a bonus for the community.”

JULY

The SPCDF sends a letter to the ANC headquarters at Luthuli House, the GDLGH, the Office of the Speaker, Gauteng provincial legislature, Department of Provincial and Local Government (DPLG) and the Department of Human Settlements (DHS). In the letter the SPCDF expresses a number of concerns that highlight their mistrust and concerns at the possibility of a repeat of the failed 1994 project, including a concern that “the Housing Department is only going to start with building 660 houses but others from Protea South have been promised and where will the 5 000 Slovo park residents go?”

SEPTEMBER

Local government by-elections are held for a number of wards in Gauteng, including ward 18 (under which Slovo Park falls). SPCDF’s chairperson Mohau Melani contests the by-election as an ANC candidate, however a Democratic Alliance (DA) candidate wins the ward with 59% of the vote.

DECEMBER

Slovo Park residents protest after the MMC for Housing fails to attend a meeting about development at the settlement. Community members blockade the N12 highway with burning tyres.

The following day the new MMC for Housing Ruby Mathang attends a meeting at the Eldorado Park Civic Centre which is also attended by the local ANC branch chairperson, the DA ward councillor and SPCDF representatives. At this meeting, the MMC allegedly promises that development of the area will begin in March 2010.

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24 SPCDF “Letter to ANC Luthuli House, Gauteng Provincial Government, City of Johannesburg, Office of the Speaker, Gauteng Legislature, DPLG and Department of Human Settlements” (5 July 2009)
25 See IOL News “ Burning tyres used to block roads” (7 December 2009); IOL News “Drivers stoned near Lenasia” (8 December 2009).
MAY
The SPCDF sends a letter requesting a meeting with the MEC for Local Government and Housing, Kgaogelo Lekgoro. In the letter the SPCDF states that the meeting is necessary to “discuss the blockages around the development of the area, and hopefully break the deadlock on the project”.27

JULY
The SPCDF’s engagement with the ISN leads to the implementation of a water connection project at the settlement. SPCDF leaders compile a skills audit in the community and identify people with knowledge and experience in plumbing and drainage. It is agreed that a main pipeline will be installed from existing water standpipes to every street in the settlement so that individual families can make household connections to the main line. 1 050 households are provided with water connections.28

AUGUST
The LRC sends a letter to the City’s Housing Department detailing the Slovo Park housing development process to date and requesting a meeting. The letter states that “the community is deeply hurt and uncertain. They feel, and in our view rightly so, that they have been pushed from pillar to post over the years. Exacerbating their disappointment is the fact that around them, developments and townships spring up and they watch their friends and colleagues from other communities settle into safe, hygienic and functioning environments.”29

SEPTEMBER
A meeting is held at the offices of the GDLGH, attended by SPCDF members, LRC representatives, officials from the GDLGH, as well as Argus Gibb consultants. Arcus Gibb and GDLGH officials explain why the housing project has been delayed, and the numerous challenges faced. An amended layout plan is presented which provides for 575 stands at the settlement, with the remaining 2 500 households to be relocated to Eldorado Park.30 The SPCDF rejects this layout.

OCTOBER - NOVEMBER
Through the SPCDF’s collaboration with ISN and the Community Organisation Resource Centre (CORC),31 the community partners with the University of Pretoria’s Architecture Department to design and upgrade the community hall, using the skills of various community members (e.g. bricklaying, tiling, plumbing, welding, etc.) and donations from surrounding businesses. In November, the community hall is officially opened.32 Two officials, one from the City and the other from Ekurhuleni Metropolitan Municipality attend the launch as well as senior lecturers from the University of Pretoria.

27 SPCDF “Letter to MEC for Local Government and Housing Kgaogelo Lekgoro” (17 May 2010).
29 LRC “Letter to City of Johannesburg Housing Department: Slovo Park/Nancefield Settlement” (31 August 2010).
30 LRC “Minutes of the meeting held on 30 September 2010” (2010).
31 CORC is an NGO that supports the social processes of community-based organisations that want to work for themselves, by facilitating engagements with formal actors like the state. CORC supports the SDI rituals of savings, enumeration, and community-led development strategies. See http://www.sasdialliance.org.za/corc/
32 For more on this project and the partnership between the University of Pretoria’s Architecture Department and the Slovo Park community see http://slovo-park.blogspot.com/
2011

JANUARY
After the SPCDF approaches the Socio-Economic Rights Institute of South Africa (SERI) to investigate the non-implementation of the housing development at Slovo Park, SERI assists the SPCDF to write up the history of Slovo Park and to investigate the political, social and technical dimensions of the settlement.

APRIL
SERI publishes a working paper based on information provided by the SPCDF. According to an Arcus Gibb project manager, development at Slovo Park is being stalled by unexpected problems with the bulk sewerage connection, which is the responsibility of the City. According to him, until the bulk infrastructure issues are sorted out, the application for township establishment is suspended. He also states that the unsuitability of land adjacent to the settlement for relocation, and the unwillingness of Eldorado Park residents to accommodate Slovo Park residents in the area, has stalled the development.33

MAY
On 18 May the local government election is held. Slovo Park is demarcated into a newly created ward which includes Bushkoppies and Freedom Park. It is no longer in the same ward as Eldorado Park.

DECEMBER
SERI on behalf of the Slovo Park residents, addresses a letter to the MEC for Local Government and Housing, the Executive Mayor and the Executive Director of Housing for the City, setting out the various undertakings made to Slovo Park residents over the years about development at the settlement. The letter states that the residents “require a coherent, inclusive and comprehensive plan for the upgrading of Slovo Park” and that the obvious instrument for developing such a plan is the UISP.34 No response from the MEC or the City is received.

2012

APRIL - JUNE
The City hosts two informal meetings with SPCDF, the newly-elected ward councillor and SERI representatives. The City notes that the layout approved by the GDLGH will only accommodate 475 households, as the minimum stand size is 350m² due to the presence of dolomite. The City states that it would have to challenge this process as it is unable to build such large stands and has a policy to increase densification. The City discusses an alternative model whereby all households would relocate to a piece of state-owned land and the community would establish a cooperative; however the proposal is vague and there is no firm commitment from the City.35

33 Argus Gibb project manager “Telephonic interview” (19 April 2011).
NOVEMBER

The South African Bureau of Standards (SABS) publishes the new SANS-1936 standards for the development of dolomite land, which potentially allow more scope for residential development on dolomitic land.37

2013

During 2013 the SPCDF continues to engage with the City, technical professionals and lawyers about upgrading the settlement. The community embarks on a process of resurveying their stands and negotiating with each other to shift boundaries so that all stands are at least 350m², as per the EIA recommendations and the new SANS-1936 regulations pertaining to dolomite.

SEPTEMBER

On 19 September SPCDF representatives meet with City officials to discuss ideas for the upgrading of Slovo Park. The City requests that the SPCDF produce a more concrete plan, and expresses concerns that the whole community is not behind the initiative. At the same time, the SPCDF together with SERI works on building a case to compel the City to apply for the UISP to be implemented, if engagement proves unsuccessful.

A family of four is killed during a shack fire at Slovo Park.38

2014

JANUARY

An application is launched in the Gauteng Local Division (the High Court) on behalf of the Slovo Park residents. It requests that the court compel the City to take the necessary steps to apply for funding to upgrade the Slovo Park informal settlement in terms of the UISP. Included as respondents in the application are the City of Johannesburg, Executive Mayor Parks Tau, MMC for Housing Daniel Bovu, Executive Director of the City’s Housing Department Thabo Maisela, the MEC for Local Government and Housing and the Minister of Human Settlements. The MEC and the Minister do not oppose the application.

JUNE

The City responds to the application by launching an application disputing the lawfulness of the power of attorney authorising SERI to institute proceedings.

36 Ibid.
38 N Mtshali “Family of four killed in shack fire” IOL News (2 September 2013).
The City challenges SERI’s power of attorney to represent Slovo Park residents. The court is presented the names of nine residents who dispute SERI’s power of attorney. The hearing is postponed for five months.

The SPCDF call a public meeting to regain consensus amongst residents about whether litigation should proceed and if residents accept SERI’s power of attorney. The majority of residents vote to continue the court case and accept SERI’s legal representation. The SPCDF submit an affidavit to withdraw the names of the nine residents who dispute SERI’s power of attorney.

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The Slovo Park case resumes before the High Court. The City argues against developing the settlement, arguing that it is located on dolomitic ground. The City proposes to relocate residents 11km away from Slovo Park.

Residents reject the relocation because their existing access to jobs, social amenities and social networks are based in and around Slovo Park.

On 5 April, the High Court prohibits the City’s relocation of residents to Unaville and orders the in situ upgrade of Slovo Park, in accordance with the UISP. The City is given three months from the date of the order to submit an application for funding to the GDHS.

The City submits a business plan to build 399 freestanding houses in Slovo Park and relocate the remaining households to Unaville. The SPCDF instruct SERI to write a letter to the MEC for Human Settlements to reject the City’s business plan because it displaces the majority of households from Slovo Park and the City failed to engage residents.

The MEC invites the SPCDF, the City and the GDHS to a meeting. The MEC confirms their rejection of the City’s business plan. The SPCDF propose that a multi-stakeholder Task Team be established to support the City in redrafting their funding application to upgrade Slovo Park. All parties agree to the formation of the Task Team.

The City appoints consultants, Urban Dynamics, to conduct feasibility studies in Slovo Park and to design a layout plan.
**JUNE**
Mayor of Johannesburg, Herman Mashaba, announces in his State of the Nation Address that Slovo Park will receive his “dedicated and focused intervention” for “electricity, water and sewerage connections”.

Under instruction by the SPCDF, SERI writes a letter to the Mayor, welcoming his public announcement to install basic services as part of implementing the court order. The letter further requests that the Mayor follow through on his commitment and engage the task team to guide the City’s implementation, especially since “electricity has been an urgent priority for Slovo Park for over two decades”.

**AUGUST**
The City presents its layout plan of Slovo Park to the SPCDF. The business plan proposes the construction of 385 freestanding houses, 1,084 apartments and the relocation of 2,265 households.

**SEPTEMBER**
The SPCDF engage their technical team on the City’s upgrade and layout plan. The Centre for Built Environmental Studies (CUBES) at the University of the Witwatersrand and 1:1 Agency of Engagement dispute the limited building typologies envisioned for Slovo Park. The SPCDF reject the business plan developed by Urban Dynamics because it is not UISP-compliant.

**OCTOBER**
The City places Slovo Park’s upgrade and layout plan developed by Urban Dynamics on hold.

**DECEMBER**
The City’s Head of Region G Housing official, Grace Moganedi, resigns and the contract of the City’s consultants, Urban Dynamics, lapses.

2018

**FEBRUARY**
Acting Head of Region G in the City’s Housing Department, Ewarts Malope, is appointed. The SPCDF emphasise the importance of regaining Task Team momentum to rework a UISP-compliant upgrade and layout plan for Slovo Park.

**MARCH**
City Power confirms their funding to electrify Slovo Park. The SPCDF agree to manage the City’s sub-contracting of residents to work on the electrification project.

No progress is made by the Acting Regional Head on the status of Slovo Park’s upgrade and layout plan.

A total of two Task Team meetings were held under the leadership of Ewarts Malope in 2018.
SPCDF members, Naledi Ntoahae (Executive Member) and Lebogang Malakaje (Youth Forum Member), pass away.

City Power’s electrification programme in Slovo Park is complete. Mayor Mashaba visits Slovo Park on 11 July to draw attention to the City’s electrification and to encourage residents to register in order to receive the benefits associated with the Expanded Social Package (ESP).

Sello Mothotoana is appointed as the Acting Director of the People’s Housing Process of the City’s Housing Department. CUBES hosts a meeting with the City, SPCDF and SERI at Wits University that brokers a way out of the task team deadlock. At this meeting, Mothotoana confirms that the City will take financial responsibility to re-draft Slovo Park’s layout and upgrade plan in line with the UISP.

The City presents the Task Team with a revised draft of their application to upgrade Slovo Park. Task Team members provide in-depth feedback on the draft application.

The City finalises the interim application based on the feedback. The Task Team agrees that the interim application should be sent to the Mayoral Committee for approval before it is submitted to the GDHS.

SPCDF members, Frank Mapara (Business Forum chairperson) and Tumi Masumekwane (Youth Forum member) pass away.

The City confirms their submission of the interim application to the Mayoral Committee and the National Home Builders Regulation Council (NHBRC) for approval.

The task team agree to brief the Acting Executive Director, Thabo Maisela, on the application to speed up the City’s internal approval process.

Mabune Consultants are appointed by the National Upgrading Support Programme (NUSP) to assist the City with its regional informal settlement upgrading plans. Mabune Consultants present their layout plan for Slovo Park to the task team.

The task team rejects the layout developed by Mabune Consultants because it proposes the total demolition of the settlement to exclusively construct freestanding houses and rental apartments, without a relocation plan for households not accommodated in situ.
OCTOBER

The City’s Acting Executive Director, Thabo Maisela, signs the interim application but its submission to the GDHS is delayed by internal confusion amongst City officials around UISP grant processes, in light of National Treasury’s UISP funding changes.

On 14 October, Sello Mothotoana is removed from his position as Regional Head in the City’s Housing department.

On 24 October, Sello Mothotoana is reinstated in the City’s Housing department as the Acting Regional Head.

NOVEMBER

SERI submits a letter to the City’s legal team on behalf of the SPCDF instructing the City to submit Slovo Park’s application for funding to the GDHS.

On 6 November, the City submits Slovo Park’s upgrading application for funding to the GDHS, in keeping with the High Court order handed down on 5 April 2016.
For almost 20 years the Slovo Park community was promised access to formal services and housing at the settlement. Since 1995, politicians and government officials at all levels of the state visited Slovo Park, met with community leaders, and reassured them that development was imminent. Feasibility studies were conducted, layout plans were developed, EIAs were written, steps were taken to declare a township, funding was earmarked. However, it took litigation, a progressive judgment and a three year period of negotiations to reach the point of applying for UISP funding and obtaining electrification. This section updates the strategies and tactics used by the SPCDF from its establishment through “20 years of broken promises” into the period of the court order and Task Team, electrification of the settlement and the negotiations over the layout plan, which this edition updates.
In 2007 the SPCDF was formed out of the existing community structure, with a focus on pushing for development at the settlement. Over the years it has engaged in formal political channels to apply pressure on the government to make good on the numerous undertakings to develop the settlement, while at the same time it has participated in processes initiated by technical consultants appointed to undertake various studies at the settlement. Frustration with the perceived duplication of efforts over the years, the constantly changing number of houses to be built at the settlement and the dominant role of consultants has led to the SPCDF and community members resorting to a combination of closed door political meetings, protest, self-help and litigation.

Since 1995, Slovo Park residents and community leaders have actively engaged and cooperated with housing officials at all levels around the development of their settlement. The Slovo Park community were promised access to formal services and housing at the settlement. Politicians and government officials visited Slovo Park, met with community leaders, and reassured them that development is imminent. The decision to litigate against the City in 2014 was a final resort after twenty years of broken promises and no tangible action taken to upgrade Slovo Park. As a result of frustration and a lack of development, the SPCDF sought the assistance of SERI. The High Court application launched in 2014 was yet another attempt by the SPCDF to see real progress and ensure development at the settlement.
The Court Order and Task Team

The outcome of the SPCDF’s litigation strategy was a court order in 2016 which obliged the City to upgrade Slovo Park *in situ* in terms of the Upgrading of Informal Settlements Programme. It emphasised the City working in close collaboration with residents, and Provincial and National government departments. In addition to the direct results for Slovo Park, the litigation strategy also had a wider impact: the Melani judgment confirmed that the UISP is binding on municipalities and that local government’s refusal to apply the policy was unlawful. The judgment also highlighted that the UISP applies to all informal settlements and that relocation must only be turned to as a last resort. Acting Judge Strauss said that the case implicates constitutional rights to tenure security and basic services that require effective relief.

With the court order in hand, the SPCDF’s strategy then turned to the question of how to ensure its implementation in a participative manner. To this end, they initiated a multi-stakeholder task team. Formulated in 2016, members of the Slovo Park Task Team included representatives from the City and from National and GDHS. The purpose of the task team was to ensure that stakeholder engagement and community participation processes take place in the implementation of the court order to produce and submit a funding application to the GDHS to upgrade Slovo Park through the UISP.
A collaborative and multi-stakeholder forum was a necessary mechanism to negotiate and mediate consensus for high-level decision making. The Task Team was central to facilitating open and consistent channels of communication and medium-term partnerships for residents and government officials across different spheres and departments. It also established direct lines of responsibility and accountability between Slovo Park residents, and the City, Provincial and National government. At this stage the SPCDF needed to adopt a strategy of negotiations and engagement in a formally constituted space with the holders of power and authority who, up until this point, had never delivered on the promises they had made. They negotiated *in situ* electrification of the settlement and the redesign of a layout plan for the settlement that enables development through minimal disruption.

Initially the SPCDF representatives in the Task Team anticipated that the submission of an agreed layout plan and application would be a matter of mere months. In reality, the application took three years to submit. In the process, the SPCDF were concerned about their delivery to the community. They also had to contend with the loss of key leaders and attacks on the legitimacy of their representation of the residents. They managed to secure agreement to an amended process that enabled the application phase of the UISP to be influenced by community voice and participation.
Electrification

The electrification of Slovo Park in 2018 was a significant victory for the SPCDF that was secured through the Task Team. Until July 2018, residents relied on wood fires, paraffin, candles and self-connections to neighbouring factories for light, warmth, cooking and electrical supply. The use of these methods meant that residents were prone to electrocutions and shack fires. In the process of negotiating for electricity, three important issues were uppermost for the community representatives.

The first pertained to the question of speed: they wanted to ensure electrification as soon as possible in order to both overcome the severe constraints people experienced living with unsafe connections as well as to demonstrate results to the community in order to be able to push forward the application preparation process, which was taking much longer than anyone expected due to fundamental disagreements about process and design. Secondly, the SPCDF took a decision to link the provision of electricity to
the identification of additional land. In order to electrify Slovo Park for the long-term, the question of de-densification and alternative land was firmly on the agenda, thus serving to keep the momentum on the medium-term upgrading goal. The third issue in their negotiations strategy was how to accommodate tenants living in the yards of the primary stand holders.

The SPCDF requested that City Power install one pre-paid meter to each yard in the home of stand-holders, which could then be sub-connected to their tenants. This was to plan ahead for the de-densification of Slovo Park when it is upgraded *in situ*. In the interest of ensuring electricity is provided to residents at Slovo Park as soon as possible and that additional land is secured as relocation sites, the SPCDF requested that 1076 from a total of 3734 households be electrified. This way 1076 households reserve their place to remain in Slovo Park in the long-term through the use of their three-year electricity subsidy. The remaining 2658 tenant households would secure permanent tenure on stand-holder’s land in close proximity to Slovo Park where they are expected to utilise their electricity subsidy.

To date, no progress has been made by the City in terms of securing alternative parcels of land for the de-densification of Slovo Park in spite of concerns raised about the growth of the settlement’s population since the installation of electricity. The SPCDF fear that without the City securing permanent relocation sites soon, the existing studies conducted on Slovo Park will no longer reflect accurate data on the settlement in preparation for its upgrade.
Slovo Park Layout Plan

The City’s funding application to the GDHS to upgrade the settlement was a main concern for the SPCDF and Task Team. Disagreement around the layout plan for Slovo Park has been a source of contention that delayed the submission of the City’s funding application. For the SPCDF, the layout needed to accommodate the entire community through a combination of *in situ* upgrading and de-densification. This challenge is no different in most informal settlements. Another issue around which they had to strategise was challenging the incorrect assumptions in the task team that housing subsidy non-qualifiers had to be excluded. The SPCDF was confronted with weighing up speed and process. Relying once again on a network of technical support, the SPCDF took a decision to press for a UISP-compliant (participatory process and minimal disruption in design) layout plan, even although it would delay the application submission date.

From the date of the court order, the City produced three layout plans for Slovo Park that were not UISP-compliant. Not a single layout plan catered to the full population of 3 734 households in Slovo Park, nor has alternative land been secured for a de-densification plan for the settlement. The purpose of the UISP is not to promote the sole provision of top-structure housing in informal settlements. If any of the City’s previous layout plans were approved, they would have resulted in the total demolition of existing living arrangements in Slovo Park and the displacement of thousands of residents from their homes and livelihood networks. The SPDCF had to push back on each of the
layout plans by invoking the intentions of the UISP: for incremental service delivery and community engagement for all residents, with minimal disruption to the settlements and relocation as a last resort.

Three years on from the judgment, the SPCDF continue to utilise the Task Team as a primary forum of communication with the City. Their approach has always been to strengthen relationships between residents and officials, as a means to build a common vision around upgrading Slovo Park. The strategies and tactics of the SPCDF are focused on challenging the state’s over-reliance on greenfield development as the only response to informal settlements, and instead shift official attitudes toward engaging informality and implementing sustainable and on-site incremental service delivery.
Conclusion

The second edition of this Community Practice Note provides an overview of the SPCDF’s progress and challenges around implementing a court order to upgrade the settlement in accordance with the UISP and with full community participation.

The Slovo Park experience shows that it is essential to dedicate time and financial resources to community participation in incremental upgrading. The Slovo Park Task Team is the primary mechanism through which the SPCDF participate, engage in planning and implement the court order and the UISP.

Slovo Park’s upgrading experience thus far shows that changes in official leadership at municipal level directly impacts the progress or regression of informal settlement upgrading and quality of policy implementation. It highlights the complexities that arise in practice in multi-stakeholder forums. There are areas of contention that have not yet been resolved in the Task Team, such as the City’s inaction to acquire alternative land parcels for Slovo Park’s de-densification. However, it was through the Task Team that the SPCDF’s technical advisors were able to effectively shift municipal processes and community expectations away from greenfield development and towards *in situ* upgrading in accordance with the UISP. The incremental and bottom-up approach to *in situ* informal settlement upgrading has been a collective and iterative learning experience for all stakeholders involved.

Since 1995, Slovo Park residents and community leaders have actively engaged and cooperated with housing officials at all levels to see the development of their settlement. The Slovo Park community was promised access to formal services and housing. Politicians and government officials have visited Slovo Park, met with community leaders, and reassured them that development is imminent. Feasibility studies including geotechnical surveys, socio-economic surveys and an Environmental Impact Assessment (EIA) have been conducted, layout plans developed, steps taken to declare a township, funding earmarked. However, it took litigation, a progressive judgment and a three-year period of negotiations for Slovo Park to receive electrification and for the City to submit its application for UISP funding to the provincial Department of Human Settlements.
These gains would not have been possible without champions of the UISP working in the City’s Housing Department. From 2016 to 2019, the SPCDF engaged three different people heading the Housing Department - each of whom took contrasting approaches to engaging the Task Team and implementation of the Melani judgment. Deputy Chairperson of the SPCDF, Lerato Marole, says the number of Task Team meetings held by each Head of Housing official in the City from 2016 to 2019 is indicative of their “political will” to enable participatory upgrading of Slovo Park. The SPCDF also notes however that in their
experience, a participatory approach led by a City official does not necessarily mean that the UISP is properly implemented.

For example, under the leadership of the City’s Regional Head of Housing, 21 Task Team meetings were held in 2017 in a highly participatory manner, but the proposed layout plans developed and advocated by the City focused on top structure housing and would have resulted in the displacement of over 2,000 households. When the City’s Acting Head of Housing took over in 2018, a total of two Task Team meetings took place, resulting in a loss of momentum and an air of uncertainty and frustration prevailed. As a multi stakeholder platform however, the Task Team facilitated engagement between the SPCDF and City Power, resulting in the electrification of Slovo Park. Towards the end of 2018, Sello Mothotoana assumed the Acting Director of the People’s Housing Process position. In 2019, Mothotoana held a total of 10 Task Team meetings that made significant progress in securing an agreement to redraft the City’s layout plans and UISP application to align to minimise disruption and displacement.

Slovo Park’s story from 2016 to 2019 speaks to the ongoing struggle for informal settlement development. It draws attention to the importance of strong community-based organisation that establishes relationships with government officials at all spheres, together with independent built environment practitioners, in order to bring life to a policy which has rarely if ever been implemented with government leadership. It underscores planning gaps and deficits in official processes that compromise the ability of communities and governments to initiate sustainable development programmes in informal settlements. The City’s funding application was expected to be submitted to the Provincial Department of Human Settlements within three months of the court order. In reality, this process took three years. Litigation, although a last resort for the SPCDF, has repeatedly brought stakeholders back to the table to negotiate upgrading plans and submit a funding application.
Abbreviations and Acronyms

ANC  African National Congress
CBO  Community Based Organisation
CDF  Community Development Forum
CORC Community Organisation Resource Centre
CUBES Centre for Urbanism and Built Environment Studies
DA  Democratic Alliance
DHS  Department of Human Settlements
EIA  Environmental Impact Assessment
ESP  Expanded Social Package
GDARD Gauteng Department of Agriculture and Rural Development
GDHS Gauteng Department of Human Settlements
GDLGH Gauteng Department of Local Government and Housing
GLD  Gauteng Local Division
ISN  Informal Settlement Network
JPC  Johannesburg Property Company
LRC  Legal Resources Centre
MMC  Member of the Mayoral Committee
MEC  Member of the Executive Committee
MP  Member of Parliament
NDOH National Department of Housing
NHBRC National Home Builders Regulation Council
NUSP National Upgrading Support Programme
PDHS Provincial Department of Human Settlements
PCO  Parliamentary Constituency Office
SANCO South African National Civics Organisation
SABS South African Bureau of Standards
SAPS South African Police Service
SERI Socio-Economic Rights Institute of South Africa
SPCDF Slovo Park Community Development Forum
the City the City of Johannesburg
UISP Upgrading of Informal Settlements Programme
1:1 Agency of Engagement
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