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THE ALEXANDRA TOWNSHIP DE-DENSIFICATION PROJECT DURING THE COVID-19 CRISIS: CHALLENGES AND POTENTIAL LESSONS

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Abstract

In response to the Covid-19 (hereafter referred to as 'virus') pandemic, the South Africa government established different measures to try to slow down the spread of the virus. One of the strategies was to focus on population density, specifically in informal settlements. The argument was that high population density in informal settlements could increase the risk of transmission of the virus. The Bloomberg CityLab reported in 2020 that urban density does play a role in the transmission of the virus.¹ South Africa is no exception, as its major metropolitan areas have borne the brunt of Covid-19 infections, with Cape Town and Johannesburg classified as epicentres. However, there is debate amongst scholars and policy-makers as to whether de-densification is a good strategy, given the various ways in which urban life benefits from higher population densities, and whether density does or does not increase the spread of the virus. The Department of Human Settlement, Water and Sanitation (DHSWS) in South Africa launched its project to de-densify (or re-block)² informal settlements as a strategy to combat the virus in areas where preventative hygiene and social distancing measures are a challenge to implement. This project was launched in all three spheres of government (national, provincial and local level).

The City of Johannesburg (CoJ) Department of Housing received a budget from the national Department of Human Settlement, Water and Sanitation (DHSWS) to focus on the establishment and delivery of temporary relocation areas (TRAs) in terms of

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¹ Florida R (3 April 2020) 'The Geography of Coronavirus', available at <https://www.bloomberg.com/news/articles/2020-04-03/what-we-know-about-density-and-covid-19-s-spread> (visited 1 March 2022).

² The DHSWS uses de-densification and re-blocking interchangeably, but refers to the same process of moving people from one area to another.

the Disaster Management Act 2002 (Act 57 of 2002). The aim was to use these areas to de-densify informal settlements. The de-densification programme was to be implemented in the following informal settlements: Diepsloot, Alexandra, Zandspruit, and Soweto. This paper will focus only on Alexandra, as it was identified as a high-risk informal settlement. At the time of writing (almost a year and a half later), these projects have not been completed. The aim of this paper is to discuss corruption, the de-densification project, problems, and the lessons that could be learnt. It also discusses how the failure to complete these houses has impacted on the Covid-19 crisis.

1. INTRODUCTION

The Covid-19 pandemic³ has had devastating impacts around the world. As of 19 January 2022, the World Health Organization (WHO) coronavirus (Covid-19) dashboard reported that there had been more than 5 million Covid-19 related deaths⁴ and 114 million jobs lost, leading to \$3.7 trillion in lost labour income globally.⁵ However, there is a more deadly virus that has been in existence long before Covid-19, and that is corruption. The combination of these two has resulted in devastating outcomes such as squandering of public funds, shortage of personal protective equipment (PPE) in public hospitals and has left informal settlements with no water and sanitation.

The devastating consequences of Covid-19 could have been managed better had more countries taken actions earlier and had better systems in place, including strong national and local coordination to ensure readiness and response, tracing, testing, isolating, and care to control the spread of the virus. Most countries were not well prepared, and this resulted in more deaths and poor intervention strategies, while rich economy countries were hoarding vaccines. Furthermore, corruption exacerbated the impacts of the virus, confirming and magnifying the vulnerability of the poor and working-class and the Global South economies. In the context of cities, the Covid-19 pandemic emphasised the pressing and urgent need

³ In a media briefing on 11 March 2020, the WHO Director-General said that due to the outbreak and 'alarming levels of spread and severity and by the levels of inaction', Covid-19 was classified as a pandemic, available at <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020> (visited 1 March 2022).

⁴ WHO Coronavirus (COVID-19) Dashboard, available at <https://covid19.who.int/> (visited 1 March 2022).

⁵ International Labour Organisation (25 January 2021) *ILO Monitor: COVID-19 and the World of Work*, available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_767028.pdf (visited 1 March 2022).

to upgrade informal settlements as an intervention to slow the spread of the virus. The United Nations (UN) estimates that in sub-Saharan Africa alone, informal settlements accommodate more than 60 per cent of the urban population.⁶

Smith argues that the pandemic reaffirms that the built environment of cities is a crucial determinant of health, and also reaffirms the importance of upgrading informal settlements.⁷ In the response to the Covid-19 pandemic, it became clear that this is not only a global health crisis, but also a crisis that needs a multi-disciplinary approach that takes into consideration socio-economic factors. This pandemic exposed too that the South African government does not care about those it is governing. South Africans saw growing numbers of reports of greed and corruption. Some of the notable corruption reports include the looting of billions of rands for relief packages, temporary employee relief schemes, and emergency procurement of PPEs. The Special Investigation Unit (SIU) phase 1 of the special audit review has revealed that the City of Johannesburg (CoJ) allegedly spent more than R240 million on the procurement of PPEs and that the Disaster Management Act was ignored when awarding tenders.⁸

The national state of disaster was declared on 15 March 2020 by President Ramaphosa. Following that, the National Treasury published an instruction for emergency procurement. The purpose of this instruction was to 'prescribe emergency procurement procedures of Covid-19 PPE items and cloth masks for ease of supply by small, medium and micro enterprises (SMMEs)' and circumvent the abuse of the supply chain process. Furthermore, the national treasury instructions provided the specifications and maximum prices the organisations should adhere to when procuring the basic PPE items.⁹ *South Africa Needs Clean Hands*, a report published by Corruption Watch, revealed that the CoJ topped the list of municipalities with the most corruption allegations, receiving 700 reports

⁶ UN Habitat (2020) United Nations Settlements Programme: UN-Habitat COVID-19 Response Plan, available at Kenya. <https://unhabitat.org/un-habitat-covid-19-response-plan> (visited 1 March 2022).

⁷ Smit W (2020) 'The Challenges of Covid-19 in African Cities: An Urgent Call for Informal Settlement Upgrading' *Cities & Health*.

⁸ Rondganger L (29 April 2021) 'SIU Probe into Dodgy Covid-19 Tenders Fingers Joburg Property Company CEO, CFO', available at <https://www.iol.co.za/news/south-africa/gauteng/exclusive-siu-probe-into-dodgy-covid-19-tenders-fingers-joburg-property-company-ceo-cfo-b0d8ac6b-11c7-409b-8183-5d794e94f037> (visited 1 March 2022).

⁹ National Treasury Instruction No. 05 of 2020/21: Emergency Procurement in Response to National State Disaster, available at http://www.treasury.gov.za/comm_media/press/2020/Instruction_per_cent205.pdf (visited 1 March 2022).

(16.5 per cent), and that 8 per cent of allegations were of corruption from Housing and Human Settlements.¹⁰ No sector was unaffected by this greed: it was a tale of two cities without the best of times, only the era of foolishness: 'the period was so far like the present period, that some of its noisiest authorities insisted on it being received, for good or evil, in the superlative degree of comparison only'.¹¹ The pressing question is: How will the Covid-19 pandemic and corruption shape our cities?

In this article I will discuss and analyse challenges, insights, and lessons regarding economic crimes, with a specific examination of the de-densification¹² project by the CoJ in the township of Alexandra. The de-densification project takes centre stage because informal settlements as residential areas, in which residents do not have legal security of tenure or adequate infrastructure, were the most vulnerable. Insecurity of tenure raises problems such as lack of water and sanitation, while poor shelter and overcrowding create particularly large and complex burdens of disease and high levels of risk. Informal settlements like Alexandra are vulnerable to economic shocks caused by the pandemic and its restrictions.¹³ The central questions of this discussion are why corruption matters, and why scholars are preoccupied with the ramifications of corruption.

2. DEFINING CORRUPT ACTIVITIES

To answer the above-mentioned questions, it is important to provide a definition of corruption to serve as a framework for discussion. In this regard, it is relevant to consider the Prevention and Combating of Corrupt Activities Act 12 of 2004 (PACCA), as it is the primary anti-corruption legislation in South Africa.¹⁴ The purpose of the Act, inter alia, is to strengthen measures to prevent and combat corruption and corrupt activities; to criminalise various specific corrupt activities, in addition to creating a general offence of corruption; to place a duty on certain persons holding a position of authority to report certain corrupt and/or fraudulent

¹⁰ Corruption Watch (2021) *South Africa Needs Clean Hands*, available at <https://www.corruptionwatch.org.za/wp-content/uploads/2021/08/CW-local-govt-sectoral-report-August2021.pdf> (visited 1 March 2022).

¹¹ Dickens C (2007) *A Tale of Two Cities* UK: Penguin at 1.

¹² This term refers to the process of relocating people away from their existing homes to a different location with an aim to de-densify congested informal settlements.

¹³ Smit (2020).

¹⁴ Prevention and Combating of Corruption Act 12 of 2004.

activities; and to prescribe penalties for those found guilty of committing offences in terms of the PACCA.¹⁵

The PACCA follows the same direction as the United Nations Convention against Corruption (UNCAC) by not defining corruption, but rather providing a general offence encompassing corrupt activities. The PACCA describes corruption as

a transnational phenomenon that crosses national borders and affects all societies and economies and is equally destructive and reprehensible within both the public and private sphere of life, so that regional and international cooperation is essential to prevent and control corruption and related corrupt activities.¹⁶

The PACCA classifies these corrupt activities into six categories relating to specific people: offences in respect to corrupt activities relating to public officers, foreign public officials, agents, members of legislative authority, judicial officers and members of the prosecuting authority.¹⁷ Further, the Act lists incriminating corrupt activities such as the awarding of contracts and procurement of tenders to family and friends, and bribes, gifts and donations, amongst others. According to section 3 of the Act, any person who accepts any gratification from anybody, or gives any gratification intending to influence the receiver to conduct himself or herself in a manner which amounts to the unlawful exercise of any duties, commits the offence of corruption. Furthermore, the Act provides a broad definition of gratification which includes cash, a gift, donation or loan, discount, and offer of employment.¹⁸

The PACCA recognises the link between corrupt activities and various forms of crimes such as financial, and organised crimes, and money laundering.¹⁹ The framework provided by the PACCA acknowledges that for corruption to occur one must possess enough power to carry out the act. Power is dynamic and always shifting: people can possess it and be dispossessed of it. The Act takes into consideration the transformational process of decay, which at the core of corruption is the sort of decay that leads to destruction. Therefore, its manifestations vary: it can manifest itself as bribery, fraud, or as socio-political transformations of the greatest magnitude.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

What UNCAC tries to do is to have a universal criminalisation of certain acts of corruption defined therein. Since the UNCAC is interested in identifying specific acts, it does not provide definitions. The UNCAC lobbies states to criminalise the identified acts of criminalisation in their jurisdictions.²⁰ Articles 15 to 25 of the UNCAC list the following as corruption offences: bribery; embezzlement; trading in influence; abuse of functions; illicit enrichment; money laundering; and concealment and obstruction of justice.²¹ Due to the fact that corruption as a phenomenon is difficult to define, as its manifestations vary, the UNCAC itself has the dilemma of clearly providing the precise legal articulations for these crimes. What the international anti-corruption multilateral treaty does is to move beyond the complexity of providing legal definitions of what is corruption and focus on its manifestations: how it is done, by whom and by what means. The UNCAC is interested in acts that undermine independent and democratically representative decision-making, and fair and competitive processes.²² This approach centres on the real consequences of corruption, and those who suffer the most. At the core of corruption is the betrayal of democracy, which is the assault on transparency, accountability and the rule of law both as an effect and an objective purpose.

Clearly defining corruption crimes is useful, and the study of corruption requires that there should be a simple formulation. According to Liberati,

corrupt activities are serious criminal offences and are a threat to the rule of law, human rights and democracy because they undermine good governance, social justice, distorts competition and hinders economic development, endangering the very founding principles of democratic institutions.²³

The World Bank defines corruption as 'the use of public office for personal gain'.²⁴ The Organisation for Economic Co-operation and Development (OECD) defines it 'as the abuse of state or private resources for personal gain'.²⁵ The definition

²⁰ United Nations Convention against Corruption. Adopted by the General Assembly of the United Nations on 31 October 2003.

²¹ Ibid.

²² Ibid.

²³ Liberati EB (200) *Inquires, Prosecutions and Penalties in Corruption Cases*. 5th European Conference of Specialized Services in the Fight against Corruption, 15-17 November 2000, Istanbul (Turkey).

²⁴ World Bank (1997) *Anti-corruption Policies and Program: A Framework for Evaluation* Washington, DC.

²⁵ Organisation for Economic Co-operation and Development (1961) *Corruption: A Glossary of International Criminal Standards*. Signed in Paris 14 December 1960, available at <https://www.oecd.org/corruption/anti-bribery/39532693.pdf> (visited 19 September 2021).

provided by the OECD does not limit corruption to the public sector but includes the private sector and non-governmental organisations. Transparency International (TI) considers corruption to be 'the abuse of delegated or assigned power for private gain'.²⁶ This broadens the scope of the definition to include types of corruption involving all persons entrusted with power, be it the executive mayor, ward councillor or an official.

3. CORRUPTION AND GOOD GOVERNANCE

The reason scholars are occupied with the question of corruption is that it can lead to sustained and unethical behaviour by the government and/or public officials. As a result, it becomes a culture or the norm. Moreover, this virus has demonstrated that pandemics deepen and expose existing social inequalities.²⁷ Corruption by its nature is polyvalent as it can manifest in a variety of actions, done by a variety of actors in various contexts. The polyvalent nature of corruption makes it difficult to provide a definition that will capture its versatility. However, its purpose is clear and monovalent: its purpose is the betrayal of good governance and the destruction of transparency, accountability, and the rule of law. Corruption occurs where private wealth and public power overlap. The ramifications of corruption include economic loss and inefficiency, poverty and inequality, dysfunctionality, and failures of the public and private sector. Various case studies show that corruption increases inequalities and decreases accountability and political responsiveness. The capacity of the state becomes diminished by corruption, and political systems become incapable of addressing social problems, resulting in polarisation among citizens.²⁸

This requires a critical examination of the ways in which those entrusted with power exercise it both formally and informally. This is important as it shows how institutions function, and how states relate to societies. Here, the question of good governance intersects with questions concerning ethical leadership and public integrity. Governance in this discussion is interested in the relationship the state has with institutions, citizens, power, justice and equity – the process of wielding power. Good governance here refers to the process through which public institutions conduct public affairs and manage public resources in a manner that

²⁶ Transparency International (2018) Corruption Perception Index 2018, available at <https://www.transparency.org/en/cpi/2018/index/dnk> (visited 19 September 2021).

²⁷ Smit (2020).

²⁸ Grindle MS (2017) 'Good Governance, R.I.P.: A Critique and an Alternative' 30(1) *Governance* 17 – 22 at 19.

promotes the rule of law and the realisation of human rights. The conduct of public affairs has to be legitimate, accountable and effective, ensuring that public power and resources are not misused. Good governance is linked to the rule of law, transparency and accountability, and embodies partnerships between government and its citizens.²⁹

To assess good governance, the United Nations Office of the High Commissioner for Human Rights (OHCHR) asks the following questions: Are institutions of governance effectively guaranteeing the right to health, adequate housing, sufficient food, quality education, justice and personal security?³⁰ The World Bank defines good governance by assessing the processes through which governments are elected, monitored and replaced, the capacity of the government to effectively formulate and implement sound policies, and the respect of citizens and the state for the institutions that govern economic and social interactions among them.³¹ Smith insists that African cities must strengthen urban government processes in order to be able to upgrade informal settlements. This will ensure that local government is well resourced and positioned to work with stakeholders to upgrade informal settlements in a participatory way, as this approach will aid in reducing risk.³²

4. COVID-19 AND THE DENSITY DILEMMA

At the start of the outbreak, the pandemic was framed as a health issue, but, as cases rapidly increased and the death toll mounted, it became evident that a multi- and transdisciplinary approach was more appropriate. The pandemic has revived debate on density and urban settlements. Smith argues that the pandemic is indeed an urban crisis: 'cities affect the epidemiological characteristics of infectious diseases and infectious diseases also shape cities'.³³ According to UN-Habitat, cities were the epicentres of the virus.³⁴ In all countries, including South Africa, non-pharmaceutical interventions were at the core of national strategies to contain the

²⁹ Richard R & Peiffer C (2019) *Bad Governance and Corruption* Political Corruption and Governance Book Series: Springer Nature at 35 – 41.

³⁰ United Nations Human Rights Office of the High Commissioner (1 September 2020) *OHCHR And Good Governance*, available at <https://www.ohchr.org/en/issues/development/goodgovernance/pages/goodgovernanceindex.aspx> (visited 19 September 2021).

³¹ Keefer P (2004) *A Review of the Political Economy of Governance: From Property Rights to Voice*. World Bank Policy Research Working Paper. Washington, DC: The World Bank Development Research Group.

³² Smit (2020).

³³ Ibid.

³⁴ UN-Habitat (2020).

spread of the virus. These included measures such as the wearing of face masks, handwashing, social distancing, sanitising and enhanced indoor ventilation, with restrictions on domestic and international travel. Stay-at-home policies were adopted at a city and/or national scale in many countries. These stringent measures were typically followed by isolation for persons who had tested positive, and quarantine for at-risk individuals.

It is these stringent measures that intensified the debates on densification and de-densification.³⁵ Before the pandemic, cities across the world were advocating densification of urban spaces and cities. This was true for South Africa, as this was seen as a way to undo the injustices of apartheid spatial planning. Due to the uneven nature of the virus, and how it had developed in different cities, scholars became interested in the characteristics of the built environment that might have contributed to the spread of the Covid-19. After the initial cases, what was observed is that it developed in agglomerations, and urban density was suggested as a probable factor that might cause the spread of the virus within cities.³⁶ Teller argues that a 'higher urban density can be related to a higher chance of contact, exposure and interactions between people and can thereby, indirectly, cause an increase in Covid-19 cases'.³⁷

The consideration of denser environments is noteworthy since now it is known that Covid-19 circulates through airborne particles and contact with contaminated surfaces. For example, Khayelitsha and Klipfontein, informal settlements in Cape Town, reported the highest incidences of the virus.³⁸ Since we know how the virus spreads, it is logical to consider that denser communities may be associated with more frequent contacts with the virus, and that urban places are more prone to the spread of contagious and epidemic outbreaks. Further, since cities are interconnected globally, this makes larger cities vulnerable. Smith puts it forward that the pandemic is not only a health crisis but has many implications for cities including health and economic: ". . . the implications of Covid-19 for cities in Africa, particularly the informal settlements that make up a large part of African cities".³⁹ Residents in informal settlements are at greater risk of infectious diseases because they cannot implement non-pharmaceutical interventions. Informal

³⁵ Teller J (2021) 'Urban Density and COVID-19: Towards an Adaptive Approach' 2(1) *Buildings and Cities* 150 – 165.

³⁶ Ibid.

³⁷ Ibid. at 151.

³⁸ Smit (2020).

³⁹ Ibid. at 1

settlements such as Alexandra lack adequate water supply, sanitation deficiencies prevent residents from practising good hygiene, and overcrowded living conditions mean that practising social distancing is difficult.⁴⁰

Teller points out that '[t]here appears to be no consensus at this stage about the effect of density on the diffusion of Covid-19'.⁴¹ He argues that, since there is a lack of consensus and evidence, it is still too early to backtrack from previous policies that advocated for dense and compact development. However, urban connectivity appears to play a greater role in the spread of the virus. Hence, urban policies should address deficiencies that currently exist in urban areas that are at the core of the present outbreak of the virus and might persist for years to come. The debate on the impact of density on the virus should therefore be directed to putting in place strategies suitable to each urban area, taking into consideration the exposure and sensitivity to risks of the urban environment. Teller argues that 'the relationship between urban density and health issues should be framed in a vulnerability perspective, considering the interplay between exposure, sensitivity and the adaptive capacity of cities'.⁴² Evidence shows that a decrease in Covid-19 in other cities was as a result of improved health care in dense urban areas and better compliance with stay-at-home and social distancing policies.

Teller outlines six categories of factors that play a role in the spread of Covid-19. The first category of factors is related to settlement patterns and urban density, mainly focusing on the internal and external connectivity. Internal connectivity informs us about the number of connections within an urban area, while external connectivity refers to the connections between different urban cities. Teller points out that there is a correlation between urban density and external connectivity: 'addressing connectivity requires a better control of the "contact structures of individuals through local and global linkages of personal contacts"'.⁴³

The second category is the socio-economic characteristic of an urban area: this refers to the life expectancy of the population. The severity of Covid-19 is highly related to age and personal economic resources since income is associated with access to better health care, location, and the composition of the household, since we know that part of the transmission can occur between members of a family. The third category refers to the type of services available to the public in an urban

⁴⁰ Ibid.

⁴¹ Teller (2021).

⁴² Ibid.

⁴³ Ibid.

area, such as clinics and hospitals, as access to these is important to alleviate the impact of the pandemic. The fourth category is the quality of the environment; for example, air pollution is recognised as a factor in the spread of Covid-19. The fifth category refers to the variety of non-pharmaceutical interventions policies implemented by governments; these have an impact on the spread of Covid-19 since urban places are known to be more densely settled. Good governance was introduced as a factor to enable the measurement of the incidence of open government principles and transparency on the population, by non-pharmaceutical interventions policies. The final category of factors influencing the spread of Covid-19 is time – time is important since we know how rapidly the virus spreads. Therefore, governments should implement measures swiftly to halt the spread. Teller takes into consideration that literature on urban density and Covid-19 ignores the possibility of interactions between the six categories of factors, and their consequences on the incidence of the virus.⁴⁴

4.1 Densification and de-densification: Policy framework

McFarlane argues that it is important to take note that both densification and de-densification are relational processes driven by political, economic, and social change and conditions. It is a relational process as it involves various stakeholders, and entails factors such as budgets, investments or disinvestments, ideologies of planning and design, ideals of modern living, social differences of gender and race, and many other factors. He argues that the processes are ‘shaped by history and place, and in turn, are productive of space and time ... they bring together different temporal trajectories and places across the city, region and world’.⁴⁵

Densification as a policy framework has denominated the majority of South African spatial planning and housing policies. Post-1994, the democratic government had to deal with the consequences of spatial and development apartheid that was created and enacted by the apartheid government. The focus of the new government was to densify cities by building houses near places of work, and a functional transport system that would shorten commuting time. Since then, South Africa has had various policies and legislation regarding city space, urban sustainability and integration after apartheid. The process to undo more than a century of draconian planning laws which were aggressively and violently built on

⁴⁴ Ibid.

⁴⁵ McFarlane C (2020) ‘De/re-densification: A Relational Geography of Urban Density’ 24(1-2) *City* 314 – 324.

the concept of segregation, implemented in large part through the Group Areas Act,⁴⁶ has not been easy.

The South African government, in its policy standpoint and in the transformation of the built environment, has not been clear on the definition of densification and de-densification. Density and densification were immediate post-apartheid policy solutions for housing to redress the spatial injustices of the past. Over time, this evolved into a more nuanced campaign to provide shelter within sustainable and dignified human settlements. Municipalities deployed densification as a tool to engage with the operational viability of urban places. The first policy post-apartheid was the Reconstruction and Development Programme (RDP), introduced in 1994. The goal of the policy was 'breaking down apartheid geography through land reform, more compact cities, decent public transport and the development of industries and services that use local resources and/or meet local needs', and 'densification and unification of the urban fabric'.⁴⁷

Following that, in 1995 the Development Facilitation Act (DFA) was enacted. The Act was passed to repeal all existing apartheid planning legislation.⁴⁸ The DFA recognised that key land development objectives should relate to, among other things, 'the overall density of settlements, with due regard to the interest of beneficial occupiers'.⁴⁹ The Housing Act of 1997 was enacted in order to provide principles for the development of sustainable housing, as well as the roles of all spheres of government. The Housing Act further provided a framework for financing the national housing development programme. The Act contradicted itself and other policies in that it prioritised provision of housing instead of the creation of settlements. Section 2(1)(e) of the Housing Act in passing makes mention of higher density regarding housing developments to ensure the economic utilisation of land and services. The Act failed to indicate the parameter by which density might be measured. The Housing Act was not successful in producing human settlements in which housing could be a valuable asset in well-located areas. This failure was mainly caused by the continued emphasis in the discourse on housing in the abstract sense.⁵⁰

⁴⁶ Group Areas Act 36 of 1966.

⁴⁷ Reconstruction and Development Programme (RDP) (1994).

⁴⁸ Fataar R (n.d.) Densification and the Ambition for a Democratic City. Our Future Cities NPO.

⁴⁹ Development Facilitation Act 67 of 1995.

⁵⁰ Housing Act 107 of 1997.

As a result, there emerged an apparent need for a human-settlements policy that would give effect and content to what had previously been abstract objectives of 'densification'. The Breaking New Ground policy (BNG) was then introduced in 2004 to eradicate all informal settlements by 2014. This did not happen. Regarding densification, the policy wanted to introduce new funding mechanisms to achieve the delivery of medium-density social housing. The policy then tasked municipalities with the responsibility of identifying areas for densification within their Integrated Development Plans (IDP).⁵¹ The BNG policy was not firm on financing methods or timeframes of when these identified areas would be developed. Similarly, to the Housing Act, the BNG focused on housing instead of human settlements development. The BNG introduced new grant instruments such as the Upgrading Informal Settlements Programme (UISP) to promote a phased, holistic and developmental approach to upgrading human settlements. Unlike the BNG programme, which aimed at eliminating informal settlements nationally over a specific period, the UISP took the bold decision to legitimise the existence of the majority of informal settlements. The UISP was preoccupied with improving living conditions where high and often unsustainable densities were in place. This was a response to the backlog, rather than an obligation to harnessing the potential of sustainable densification. From a policy standpoint, this was the first time that South Africa recognised that the majority of informal settlements are in poor condition and dense; the solution was to improve living conditions through de-densification.⁵²

The Spatial Planning and Land Use Management Act (SPLUMA) of 2013 was enacted to replace the DFA of 1995. The aim of the SPLUMA as a legislative instrument was to regulate spatial planning and land use management in the country. Therefore, all municipalities were required to draft Spatial Development Frameworks to include an estimation of housing needs over the long term, with the identification of planned locations and densities of future housing. SPLUMA was different from previous policies in the sense that it made it mandatory for municipalities to submit these draft Spatial Development Frameworks together with implementation plans such as financing, institutional and partnership arrangements.⁵³

⁵¹ National Department of Human Settlements (2004) Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements.

⁵² Fataar (n.d.).

⁵³ Spatial Planning and Land Use Management Act 16 of 2013.

In August 2012, the National Development Plan 2030 was launched. Chapter 8 outlines the national government's plans to transform human settlements through 'a strategy to address the challenge of apartheid geography and create the conditions for more humane – and environmentally sustainable – living and working environments'.⁵⁴ The plan states:

By 2050, South Africa will no longer have: poverty traps in rural areas and urban townships; workers isolated on the periphery of cities; inner cities controlled by slumlords and crime; sterile suburbs with homes surrounded by high walls and electric fences; households spending 30 per cent or more of their time, energy and money on daily commuting; decaying infrastructure with power blackouts, undrinkable water, potholes and blocked sewers; violent protests; gridlocked roads and unreliable public transport; new public housing in barren urban landscapes; new private investment creating exclusive enclaves for the rich; fearful immigrant communities living in confined spaces; or rural communities dying as local production collapses.⁵⁵

The plan is preoccupied with reversing spatial apartheid through densifying urban areas and developing a functional transport system that will enable easy commuting from work to home. There is no explanation of the way in which this plan will be executed – it all reads like a wish-list. Ten years since the plan's launch, South Africa is not even close to achieving any of the set goals.

The Integrated Urban Development Framework (IUDF) was adopted in 2014. The policy seeks to foster a shared understanding across all government spheres and society about how best to manage urbanisation and realise the goals of economic development, job creation and improved living conditions in South African cities.⁵⁶ The IUDF advocates for densification and integration as urgent actions in the short to medium term, along with the shift in planning policy through UISP which legitimises the existence of informal settlements, as mentioned above. The IUDF encourages cities to promote densification through supporting the informal and often unregulated densification caused by backyarding⁵⁷ in townships, and outspreading options for suburban densification.

⁵⁴ National Planning Commission (2013) National Development Plan: Vision 2030.

⁵⁵ Ibid.

⁵⁶ Department of Cooperative Governance and Traditional Affairs (COGTA) (2014) *Integrated Urban Development Framework*.

⁵⁷ 'Backyarding' refers to having multiple houses per stand for the purposes of renting to generate income.

5. THE ESTABLISHMENT OF THE DE-DENSIFICATION PROJECT

Smith argues that, in the context of Africa, the demolishing of informal settlements and relocation of residents is not a new thing but ‘often the knee-jerk response to epidemics’. He elaborates that governments should move away from this ‘knee-jerk response’ and realise that the upgrading of informal settlements should be the central focus of governments, as this will help to reduce risks of infectious diseases and social inequalities in African cities.⁵⁸ CoJ in particular should have learnt from the City of Cape Town that the spread of Covid-19 was rapid in informal settlements.

Since the declaration of the national disaster, all spheres of government have had to develop plans on how to respond to Covid-19. The Minister of the Department of Human Settlement, Water and Sanitation (DHSWS), together with the Department of Human Settlement at provincial level, and the Department of Housing in municipalities, were tasked with identifying dense and overcrowded areas. The focus was primarily on informal settlements, hostels and inner cities within the jurisdiction of CoJ. Based on the analysis carried out by the DHSWS, 29 informal settlements were identified for intervention countrywide. The criteria were based on density and vulnerability. Greater Johannesburg is broad, with varying socio-economic factors. The national government reasoned that this project of de-densification fell within the scope of the DHSWS at all levels. Therefore the Minister, Lindiwe Sisulu, requested that departments and municipalities align their existing plans, such as upgrading informal settlements, to this de-densification project.⁵⁹

Smith contends, however, that plans to de-densify informal settlements such as Alexandra is history repeating itself. Even though this might be necessary, he argues that relocations do not address the real problems, but can result in unintended consequences such as increased social exclusion and residents living far away from employment opportunities and facilities, with their social networks severely disrupted.⁶⁰

⁵⁸ Smit (2020).

⁵⁹ Ministry of Human Settlements, Water and Sanitation (29 April 2020) ‘Media Statement by Minister Lindiwe Sisulu on Government’s Response to Coronavirus (COVID-19) Pandemic’, available at <https://www.gov.za/speeches/minister-lindiwe-sisulu-government-per-centE2-per-cent80-per-cent99s-response-coronavirus-covid-19-pandemic-29-apr-2020> (visited 1 March 2022).

⁶⁰ Smit (2020).

The source of funding for this project came from the Human Settlement Development Grant (HSDG) and the Urban Settlement Development Grant (USDG).⁶¹ The HSDG is a grant that is regarded as Schedule 5. The purpose of this grant is for the creation of sustainable and integrated human settlements that will improve household quality of life and access to basic services.⁶² The Division of Revenue Act 4 of 2017 provides that the HSDG must have the following outputs relating to informal settlements: first, the number of households in informal settlements provided with access to basic services (upgrading of informal settlements programme); and secondly, the number of informal settlements to be upgraded on site and/or relocated. The USDG is a substantial supplementary capital allocated to metropolitan municipalities. The purpose of the grant is to subsidise the annual revenue that metropolitan municipalities receive. One of the conditions of receiving the grant is that metropolitan municipalities must show improvement in infrastructure and services. The key focus of the USDG is sustainable human settlements and informal settlement upgrading.⁶³ The joint Portfolio Committee and Select Committee on Human Settlements, Water and Sanitation decided that funding for this de-densification project was going to be aligned with these two sources of funding. This meant expanding the Key Performance Area (KPA) and upgrading of informal settlements to include de-densification, either through re-blocking and/or relocation.⁶⁴

It is noteworthy that DHSWS does not clearly define the differences between the two terms, re-blocking and re-locating, but uses them interchangeably. Webster notes this ambiguity of terms and this project; the ambiguity makes it more difficult to grasp the scope of the project. Webster calls it 'the puzzle of 'de-densification'.⁶⁵ He writes:

De-densification announced by DHSWS in response to the likely spread of the coronavirus in shack settlements has taken on some puzzling proportions. For one, it has been difficult to establish what DHSWS means by it. There is, after all, no de-densification policy or legislation. Social movements feared it was

⁶¹ Ministry of Human Settlements, Water and Sanitation (29 April 2020).

⁶² Division of Revenue Amendment Act 10 of 2017.

⁶³ Ibid.

⁶⁴ Ministry of Human Settlements, Water and Sanitation (29 April 2020).

⁶⁵ Webster D (29 June 2020) 'Relocation Rears Its Head: Bringing De-Densification Home in Alexandra', *Mail & Guardian*, available at <https://mg.co.za/coronavirus-essentials/2020-06-29-relocation-rears-its-head-bringing-de-densification-home-in-alexandra/> (visited 1 March 2022).

shorthand for evictions; some housing officials hoped the movement might be leveraged for progressive interventions.⁶⁶

The concern was that, because this was emergency housing, there was not sufficient time to develop a policy to address it. However, the CoJ Council passed the Temporary Emergency Accommodation Provision Policy. The scope of the policy covers households and persons who are homeless due to these conditions: homelessness as a result of a declared state of disaster, acts of God/nature; communities living in dangerous conditions; households in the way of engineering services; persons who have been evicted or face evictions; demolished homes; and displacement due to civil unrest. The draft policy also states that this accommodation will only be offered for six months. According to the policy, its main objective is to provide rapid relief to persons or households who are affected by the above-mentioned emergencies.⁶⁷

The implementation of the de-densification projects is, as mentioned, twofold: first, construction of temporary residential areas where people can stay temporarily; secondly, relocating people to completed units for the provision of alternative accommodation for households that have been relocated. According to the Human Settlements Portfolio Committee, more than 3,100 hectares of land were identified and secured for this project. The plan was to prepare the land and allocate resettlement sites with demarcated stands for households to be relocated, including basic services and a settlement consolidation plan over the medium term. The plan also made provision for alternative temporary accommodation and the refurbishment of inner-city buildings, lodges and hostels, sports fields, and conferencing facilities. In Alexandra, 9,756 households were identified, with a plan to construct 2,142 immediate transitional residential units (TRUs).⁶⁸

The then Minister of Human Settlement, Water and Sanitation, Lindiwe Sisulu said in a media briefing:

As government we have stressed that apart from washing hands frequently with water and soap, our citizens need to practice social distancing. From the very beginning, my departments realized that this was not practical for informal settlements. We, therefore, came up with re-blocking as a solution (what we

⁶⁶ Ibid.

⁶⁷ Department of Housing (2019) *City of Johannesburg Temporary Emergency Accommodation Provision: Draft Policy* City of Johannesburg Metropolitan Municipality.

⁶⁸ Parliamentary Monitoring Group (21 April 2020) 'Human Settlement's Response on COVID-19', available at <https://pmg.org.za/committee-meeting/30104/> (visited 1 March 2022).

initially called de-densification). We've joined up with Civil Society Organizations to resettle residents from extremely dense informal settlements to 27 land parcels we identified and are currently preparing for resettlements. The National Department of Human Settlements has allocated R4,6 billion from the HSDG and USDG.⁶⁹

The Alexandra (Sjwetla) informal settlement was projected to yield 2,295 TRUs. Alexandra is known as the oldest township; however, the situation there is so dire that three in every ten households use bucket toilets, and the majority share portable chemical toilets. Nine in ten households got their water from a communal tap. Only 12 per cent of households in Sjwetla earned more than R3,500 a month, and 14 per cent of the households had no income at all.⁷⁰ According to Mapping of Geographic Vulnerability to the Coronavirus by the Council for Scientific and Industrial Research, the informal settlement is more exposed to infection than the township nearby.⁷¹ Madala Hostel was also identified for de-densification, with 1,233 units to be implemented by the Johannesburg Social Housing Company (JOSHCO). A total of 1,062 multi-story units were also to be constructed in the area, and the department was in the process of obtaining approval from the Gauteng Provincial Government to access provincial land. The project in Alexandra was particularly exciting as the Department of Housing was exploring the use of building materials which were new to the public sector. The Department was going to convert shipping containers to build units, a recent trend within the architectural space. This relatively new trend is argued to be environmentally friendly. Helen Joseph Women's Hostel was also earmarked for de-densification with a construction of 144 units.⁷²

At the time of writing, more than 18 months have passed and none of these projects have been completed, defeating the initial purposes of de-densification. Alexandra is still dense, and vulnerable to the Covid-19 virus. However, according to the Department of Housing 2020/21 Business Plan, the metropolitan municipality had set an annual target to construct 2,000 TRUs in vulnerable informal settlements. This project was established to respond to the Covid-19 pandemic by de-densification of densely populated informal settlements in order to slow down the spread of the virus. Yet the implementation of this project has been incredibly slow. According to the third-quarter report, the target was to

⁶⁹ Ibid.

⁷⁰ Webber (2020).

⁷¹ Ibid.

⁷² Ministry of Human Settlements, Water and Sanitation (2020).

construct 1,500 units, but the Department reports that no units were completed in this quarter and in previous quarters.⁷³ The Department has provided this update:

- Marlboro Viola – 228 containers have been delivered.
- Marlboro 12th Avenue – 87 containers have been installed on site.
- Madala Project – 22 containers have been delivered.⁷⁴

The Auditor-General's (AG) Special Audit report on the Construction of Temporary Residential Units had damning findings.⁷⁵ The preliminary findings of the report are that the plans between the three spheres of government were not aligned to the overall implementation plan of DHSWS. The report notes that majority of the projects still remained incomplete as at 30 June 2020, and this made it difficult for the AG to perform oversight on these projects. The AG's findings are that DHSWS failed to alter its monitoring processes in response to the emergency nature of this project. 'This is despite the recurring weaknesses relating to a lack of uniform deliverables and the subsequent lack of reporting on some of the sector initiatives that had been previously raised through the audit process'.⁷⁶ These weaknesses, according to the report, are related to the consolidation of provincial and municipal performance achievements. As a result, this raised reliability concerns regarding the information submitted by the DHSWS and municipalities, due to existing weakness in the processes. Furthermore, the findings of the AG show that the administration of the TRUs through the Housing Subsidies System has control weaknesses in terms of the information technology in general, and application controls regarding user administration, and segregation of roles on the system.⁷⁷

The DHSWS continues to use this system without any plan to enhance these known control weaknesses in order to prevent money from being spent on unworthy beneficiaries. Furthermore, the AG report found that non-compliance with timelines showed that there is fragmentation in the effectiveness of DHSWS and municipalities. The AG found that there is fraud risk that is informed by the knowledge that there is weak coordination and accountability between national government and municipalities concerning the allocation of budgets and the

⁷³ City of Johannesburg Housing Department *2020/2021 Business Plan*.

⁷⁴ Ibid.

⁷⁵ Auditor-General South Africa (2021) *First Special Report: On the Financial Management of Government Covid-19 Initiatives*, available at [https://www.agsa.co.za/Portals/0/Reports/Special per cent20Reports/Covid-19 per cent20Special per cent20report/Special per cent20report per cent20interactive per cent20_final.pdf](https://www.agsa.co.za/Portals/0/Reports/Special%20Reports/Covid-19%20Special%20report/Special%20report%20interactive%20_final.pdf) (visited 1 March 2022).

⁷⁶ Ibid. at 165.

⁷⁷ Ibid.

tracking of expenditure, as was incurred on this project. Additionally, the AG noted that because the delivery of these units was urgent, municipalities ran the risk of rationalising sub-standard work. The fraud-risk consideration was exacerbated by the absence of preventative measures, such as weaknesses in project management, and monitoring controls over implementing agents. The findings of the AG are that 'there are indicators of non-compliance with emergency procurement regulations, poor quality, incorrect pricing and incorrect allocations of TRUs'.⁷⁸ The audit report stated that all the projects (not only in Johannesburg) had possible findings on pricing and quality. The report concludes that 'in a disaster situation, national and provincial departments need to act swiftly. However, the speed at which the implementation of this initiative has progressed does not seem to have taken the requisite urgency into account.'⁷⁹

6. RECOMMENDATIONS

The pandemic confirms that the built environment of cities is a key factor of health, and underlines the urgent need of upgrading informal settlements. However, this should not be done as a one-size-fits-all solution, but case-by-case to reduce both the risk of infectious disease, and of forced removals. Even though there are socio-economic factors which seem similar within greater Johannesburg, this is not the case. The end goal is to ensure that quality of life is improved and to narrow social inequities. There are various ways in which the government can try to make this process less painful for the residents of Alexandra and ensure that the processes are participatory as well as intersectoral. It has become evident that the government cannot be the only responsible party and that more can be achieved if various stakeholders are invited. How can the government de-densify informal settlements in a careful and humanising way in areas that need it? As various scholars have argued, de-densification has to be personalised to cater for specific instances.

Some recommendations follow. First, the CoJ must ensure that residents have security of tenure, and that there is provision of services and infrastructure such as roads, storm water drainage, water, sanitation and streetlights. This is a big issue in Alexandra since the township is not registered, and most places, such as hostels, are still under the care (read as 'neglect') of the municipality. Secondly, overcrowding, as in the case of Alexandra, can be reduced without removing people but by building multi-storey houses. The Department of housing has

⁷⁸ Ibid. at 166.

⁷⁹ Ibid. at 168.

initiated this process, but progress has been very slow. Thirdly, informal settlements can be upgraded by delivering social and economic programmes such as pre-primary school education, adult literacy and vocational training and facilitating access by small businesses to markets and credit. This could help in generating income. Fourthly, these interventions need to be long-term and ensure sufficient provision of affordable land and housing with an aim of creating integrated cities. Fifthly, the urban governance process should be inclusive of residents in informal settlements, ensuring that they participate in the decision-making regarding upgrading of the places where they live and work. For all of this to happen, metropolitan municipalities such as the CoJ should secure sufficient budgets and ensure that officials are equipped with the skills to engage with communities.⁸⁰

It is worrisome that the residents of Alexandra are still living in a congested environment that makes them vulnerable to the virus. Furthermore, the metropolitan municipality has systems in place that it could enforce if failure to complete the projects mentioned above was due to any criminal activities. Beyond the frameworks which have been discussed above, the CoJ has a Group Forensic and Investigation service (GFIS) department whose role is to prevent, combat, investigate and resolve fraud, corruption, theft, and maladministration through cooperation with other law enforcement agencies. This department could be involved in the investigation of what caused the delay in completing all four projects in Alexandra and how the money was spent. To ensure that future deadlines are met, monitoring could be done using audits and transparency measures; this would ensure that relevant stakeholders have the necessary information to hold local government accountable. Internal and external auditors can be useful in reviewing performance and effectiveness to safeguard public funds from wasteful expenditure and corruption. The above suggestions are nothing new. The metropolitan municipality merely needs to reinforce these tools. The CoJ, under the various legislation concerning corruption, does not need to create new strategies but rather use existing mechanisms to ensure that there is adherence to all of their policies and principles.

⁸⁰ Smit (2020).