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Position Yourself Ahead of the Crowd

Land Narratives and Land Registration in State-Subsidised Housing in South Africa

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Context

- Land titling as pro-poor strategy fraught with difficulties
- South Africa facilitated more than 3 million state-subsidised houses since 1994
- Many sold off-register or sold before they are registered
- Off-register transaction creates expensive problems down the road....
 - H1: Registration too complex and inaccessible?
 - H2: Registration too expensive?
 - H3: Pieces of paper are no use or of limited use!
- What do we want our urban areas and urban –rural transition to look like in 50 years?
- Empirical work at grassroots level to explain and predict is lagging the numerous designs to “fix” the problem.
- First look for good news – what works?

Message

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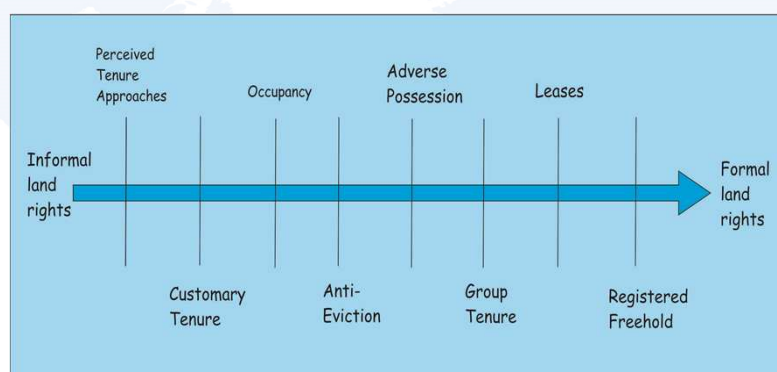
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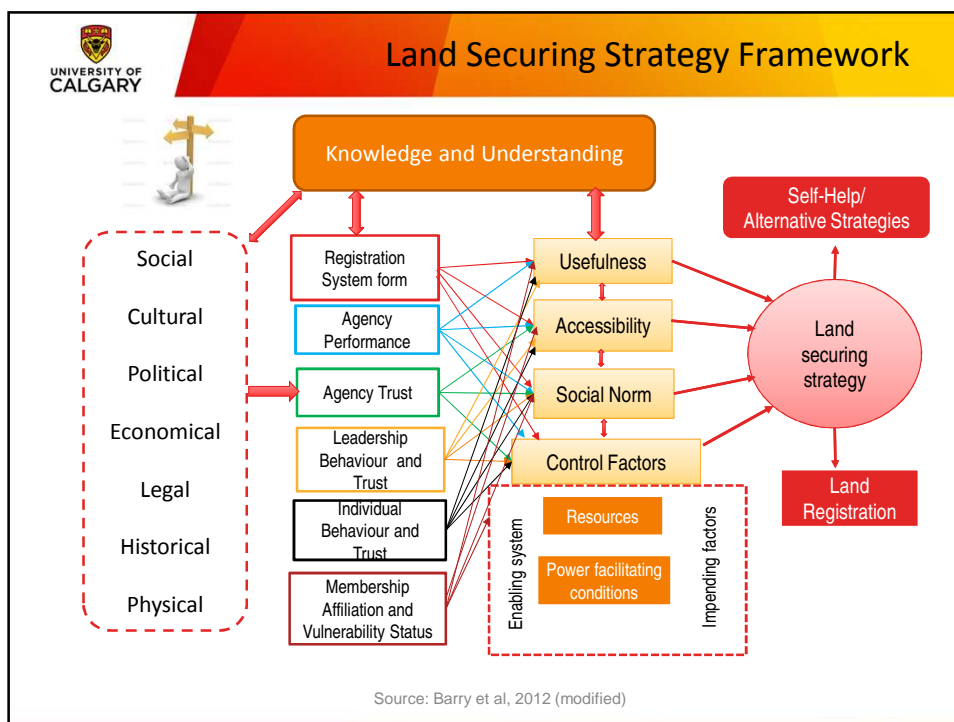
Strategic Options to Registering State-Subsidised Housing in South Africa

1. Continuum of land rights approach – a path to more and more secure tenure
 - Fit-for-purpose land administration
 - “We tried lease to ownership. A political hot potato”
 - Complexity challenges: staff, journalists and radio talk shows give out wrong information.
2. Do nothing – register and be finished – get the problem off my desk - it’s a private law matter
 - Housing consumer education is enough
3. Registered ownership with prior and follow up management by walking about – and lots of it! Visible Administration.

Continuum of Land rights



Common representation



Outline

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- Three ethnographic case studies – historically so-called “coloured” housing projects in the Western Cape – legacy of racially based spatial planning
- People who had long exposure to using official systems and very little, if any, influence from customary traditions
 - Case 1 close to metropolitan Cape Town. 37 residents door-to-door; 21 key informants.
 - Case 2 in a seaside town some 130 km from Cape Town; 53 door to door; appr 15 key informants
 - Case 3 some 150 km in the interior of the Western Cape. 31 residents door-to-door; 19 key informants
 - Key informants include officials, lawyers, politicians, community workers, business owners.

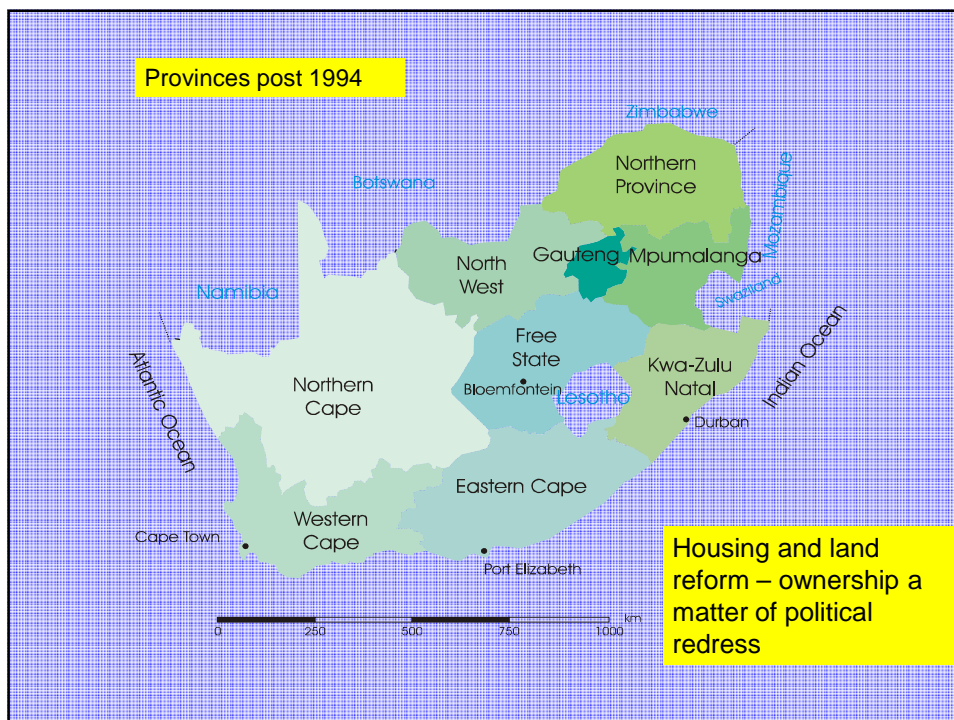
Questions

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- Is registration suitable? If not, then what is suitable?
- Door to door interviews plus key-persons, newspapers, documents and deeds registry data:
 - What has worked well here? How did you get here?
 - Have you experienced problems personally? E.g. ...
 - Are you aware of other people experiencing problems?
 - Are you aware of transactions? How did they happen? (official or off-register)
 - What would you do if someone said this house is not yours?



Project97



Beneficiaries 660 households from
waiting list dating back to 1976 & 100
from informal settlement



Lawyers held detailed sessions on rights and obligations of home ownership, importance of documents, what to do when selling, claimed she drew up simple will for some.

Space to Expand



Project97

- Comparably smooth project schedule
- Houses built and registered in two years
- Some houses invaded before occupation
- 5 Households driven out of homes in 2001
- No street committees
- Xenophobic attacks in 2009-10.

Qualitative Methodology



Friedman 2002
- 6 households
- Official

2009-2011

37 households in Project97
8 households in adjacent projects
21 key-informants
Newspapers back to 1954.
Council minutes
Deeds Registry data.



Results

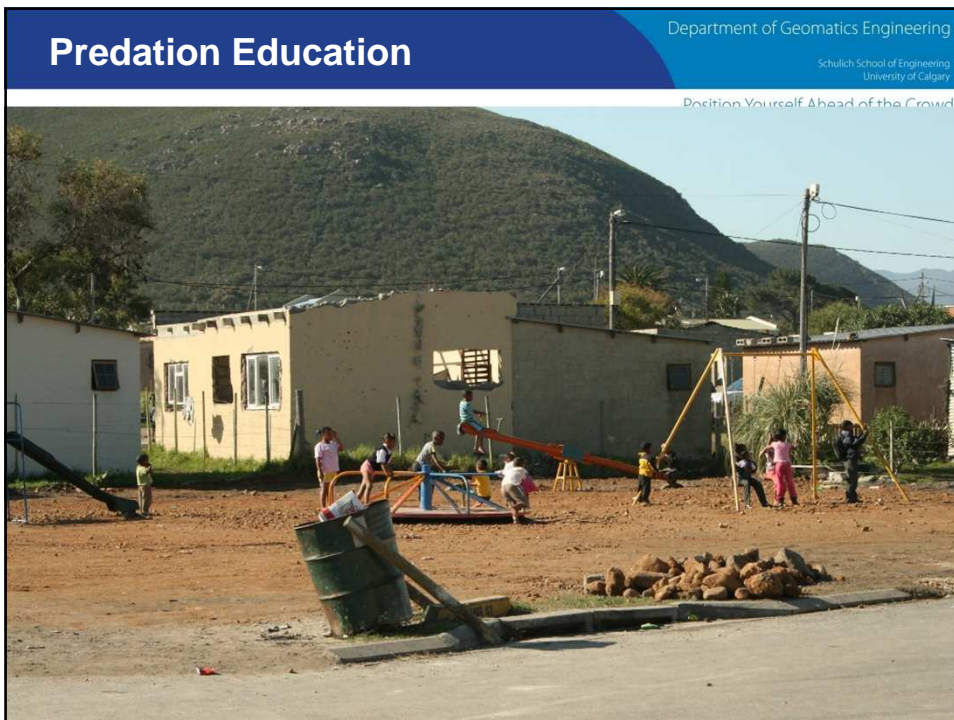
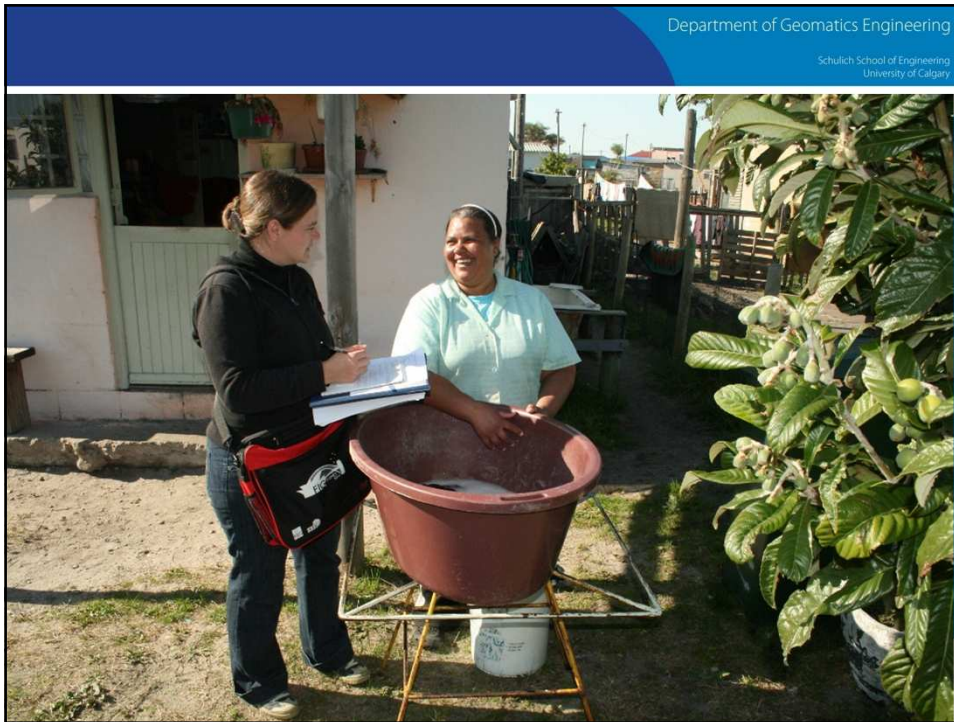
- Houses are major positive for beneficiaries.
- Up to 6 possible off-register sales, perhaps none, perhaps more. What people said were off-register – often not the case.
- Anecdotes of property portfolio building.
- Allusions to gangs and drug dealers – scared to talk!

If challenged

- Beneficiaries: Title deed is vitally important artefact along with other documents
- Lawyers & municipality important and trusted institutions
- People invaded my home before I could move in...
- Buyers “I’ll never sell off-registertoo many scams”

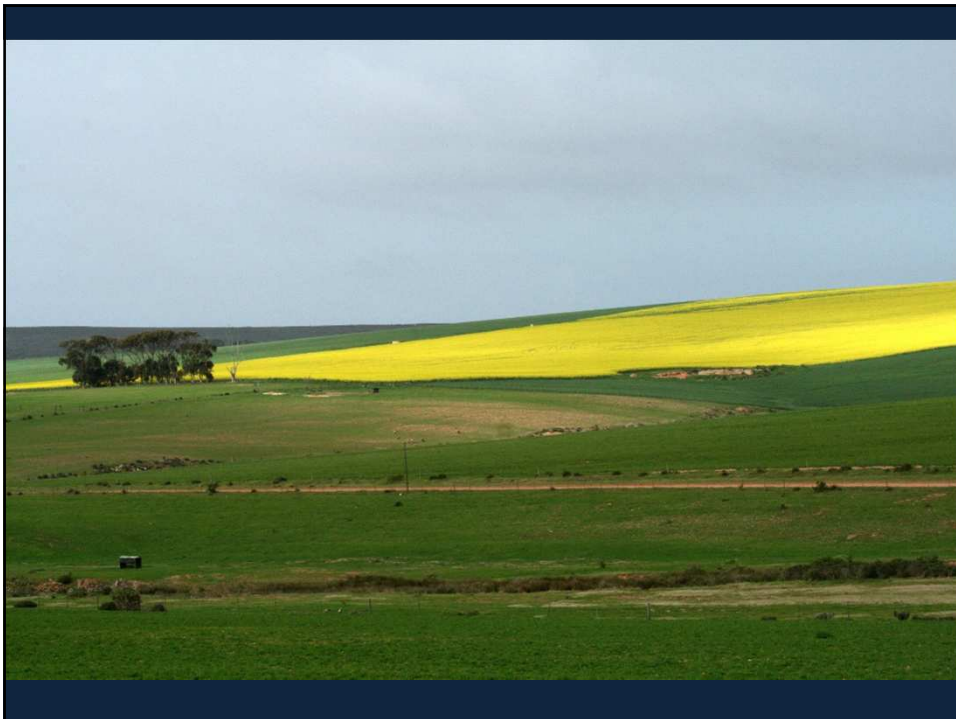
Case 2

- All the buyers interviewed had gone through a lawyer. A number of participants claimed to be aware of people selling off-register.
- People sell because of financial distress and related problems of alcoholism and drug addiction.
- Alleged off-register buyers include drug dealers, shebeen (informal bar) owners, abalone poachers and foreign nationals.
- Portfolio building and hiding assets
- The Yellow House!! Iconic & indicative of enabling forces being important – who can you approach for help?



Narratives Case 2

- “I feel safe. I know this is my house because I have the documents, the title deed, which my daughter holds in safekeeping and the erf (parcel) number is at the municipality.”
- “I have a title deed and I am not at all worried. It’s in black and white and all the documents are there.”
- Some off-register but aware of risks – I wont buy off-register again



Narratives Case 3

- 31 residents (18 original registered beneficiaries), 19 key informants
- All 18 original beneficiaries mentioned official structures as part of strategy to defend tenure.
- Only 9 registered sales occurred over 13 years– housing is scarce:
- “Selling a house is foolish”, and
- “It is craziness. Why? You only get a few cents and then you have to wander from one family member's house to another”.
- Key informants indicated they deal with about 5 cases of off-register sales per year – could not confirm this.



Concluding Remarks

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- Registration works here ...but some problems
- Official institutions were stable and trusted – community based institutions and neighbours not mentioned.
- People were used to interacting with these institutions - People understood the options available to them.
- Registration too complex? No, lawyer handles this
- Registration too expensive? No, other costs more significant
- Houses are not affordable for poor to buy – buyers were from gap market or had enabling systems available

Concluding Remarks

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- Many projects are objective driven –
 - Get out of the office
 - Manage by walking about. Prepare people for ownership, follow up with support after that.
 - Housing consumer education as a one off rain dance is not enough!

