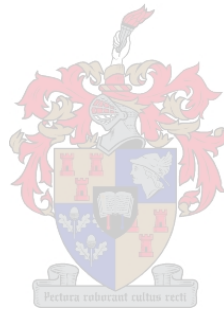


**AN EXPLORATORY STUDY OF THE EIA PROCESS
INVOLVED IN A LOW COST HOUSING PROJECT
IN THE WESTERN CAPE**

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**Thesis presented in partial fulfilment of the requirements for the degree of
Master of Philosophy in Environmental Management
in the Faculty of Economic and Management Sciences at
Stellenbosch University**

Supervisor: Mr. Henri Fortuin

March 2015

Declaration

By submitting this thesis electronically, I declare that the entirety of the work contained therein is my own original work, that I am the authorship owner thereof (unless to the extent explicitly otherwise stated) and that I have not previously in its entirety or in part submitted it for obtaining any qualification.

Date: 10.11.2014

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Abstract

This study undertakes a broad exploration of the Environmental Impact Assessment (EIA) process in South Africa through a case study analysis of the N2 Gateway Project, a low cost housing project of the new housing policy, Breaking New Ground (BNG). This study of the housing situation in South Africa is done to provide some context on informal settlements and shows why this is a significant social issue in post-apartheid South Africa. The main housing policies are discussed in order to indicate how the South African government attempts to address the housing challenges in the country, and more specifically, in the Western Cape.

The overview is useful in gaining perspective about the nature of this process, including reasons why EIAs take such a long time to complete and how the effectiveness of these are determined. The key challenges and benefits of EIAs are discussed together with an analysis of the Strategic Environmental Assessment (SEA) tool. The case study analysis reveals how the EIA was not conducted in a proper way during the planning and implementation phases of the project. Together with this, various other significant matters of the project are highlighted because of the controversial nature of this project.

The study reveals that it is not necessarily EIAs that are the cause of delays in the implementation of low cost housing projects, but that poor planning, fast tracking of the EIA process and completing the EIA too late in the planning procedure of the project are the main contributing factors causing the delays.

The recommendations given are based on these findings, which indicate that the environmental authorization processes ought to be incorporated at a much earlier stage in the pipeline of the planning procedure, as well as transparent and more clearly defined roles should be established from the start. Better project management is also required and participation and communication between all the stakeholders involved should be given due attention. The study argues that the use of SEA can be very helpful and should be used to ensure that the proper planning mechanisms are in place.

Opsomming

Die navorsing stel deur 'n gevallestudie ondersoek in na die Omgewingsimpakassessering (OIA) van 'n lae-koste behuising projek bekend as die N2 Gateway Projek in die Wes-Kaap provinsie, as deel van die regering se behuisingsbeleid bekend as *Breaking New Ground*. (BNG). Hierdie studie oor die omstandighede van die behuisingsituasie in Suid-Afrika is gdoen om konteks te gee oor informe nedersettings en te wys waarom dit 'n belangrike onderwerp in post-apartheid Suid-Afrika is. Die belangrikste beleidstukke oor behuising word bespreek om te wys hoedat die Suid-Afrikaans regering die behuisingsuitdagings in die land aanspreek, mer spesifiek in die Wes-Kaap.

Hierdie oorsig is waardevol om perspektief oor die aard van die proses te gee, wat onder andere die redes insluit waarom OIAs so 'n lang tyd neem om te voltooi en om ook te wys hoe die effektiwiteit van laasgenoemde bepaal word. Die kern uitdagings en voordele van OIAs word bespreek sowel as 'n analise van die wat bekend staan as strategiese omgewings assessering (SOA) instrument. Die analise van die gevallestudie wys hoedat die OIAs nie op die gepasde wyse gedurende die beplannings- en implementerings fases van die projek gedoen is nie. Hiermee saam is verskeie ander betekenisvolle faktore van die projek uitgelig as gevolg van die kontroversiële aard van die projek.

Die studie kom tot die gevolgtrekking dat dit nie noodwendig die OIAs is wat die vertraging in die implementering van dié lae koste behuisingsprojek tot gevolg gehad het nie. Die belangrikste faktore wat tot daartoe bygedra het, kan eerder aan swak beplanning, die versnelling van die OIA proses en die voltooiing van die OIA eers teen die einde van die projek toegeskryf word.

Die aanbevelings wat gemaak word geskied teen dié agtergrond. Dit behels onder andere dat die OIA-proses vir die goedkeuring van die projek veel vroeër in die beplannings proses gedoen moes word. Te same hiermee moes daar baie duideliker aanwysings gewees het oor wie verantwoordelikheid vir uitvoering van spesifieke take moes ontvang. Beter kommunikasie en deelname van die verskillende partye wat by die projek betrokke was, is verder 'n voorvereiste wanneer soortgelyke projekte aangepak gaan word. Die gebruik van die SOA instrument is ook belangrik en behoort in projekte soos die N2 Gateway gebruik te word sodat daar beter beplanning gedoen kan word.

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List of Acronyms and Abbreviations

AGSA	Audit General of South Africa
BNG	Breaking New Ground
CBA	Central Business Area
CBD	Central Business District
CoCT	City of Cape Town
COHRE	Centre of Housing Rights and Eviction
CSIR	Council for Scientific Information and Research
DEA	Department of Environmental Affairs
DEADP	Department of Environmental Affairs and Development Planning
DEAT	Department of Environmental Affairs and Tourism
DOH	Department of Housing
ECA	Environmental Conservation Act
EA	Environmental Affairs
EA	Environmental Assessment
EAP	Environmental Assessment Practitioner
ECA	Environmental Conservation Act
EIA	Environmental Impact Assessment
GEAR	Growth Employment and Redistribution Programme
HDA	Housing Development Agency
IEM	Integrated Environmental Management
HIA	Health Impact Assessment
IA	Impact Assessment
IDP	Integrated Development Plan
I&AP	Interested and Affected Parties

MEC	Member of Executive Council
MOU	Memorandum of Understanding
N2GP	N2 Gateway Project
NDP	National Development Plan
NHF	National Housing Forum
NEMA	National Environmental Management Act (South Africa)
NHRA	National Heritage and Resources Act
NEPA	National Environmental Policy Act (United States of America)
NSSD	National Strategy for Sustainable Development and Action Plan
PIE	Prevention of Illegal Eviction
PPP	Project, Programme or Policy
PGWC	Provincial Government of Western Cape
RDP	Reconstruction and Development Programme
RIA	Risk Impact Assessment
ROD	Record of Decision
SA	South Africa
SAHRA	South African Heritage Resource Agency
SD	Sustainable Development
SEA	Strategic Environmental Assessment
SIA	Social Impact Assessment
TRA	Temporary Relocation Area
UNEP	United Nations Environmental Programme

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CHAPTER 1: INTRODUCTION

Twenty years into South Africa's democracy, there are still numerous challenges facing the country with regards to poverty and housing. It is therefore evident that it is still necessary to reflect on where the country is at with regards to these issues. The present study seeks to do just that, by focusing on the policies, tools and procedures that have driven this reform. This study falls within the field of Environmental and Development Management and aims to do an exploratory study of the Environmental Impact Assessment (EIA) process involved in a low cost housing project in the Western Cape, South Africa.

The researcher's main interest has therefore been to focus on Environmental Impact Assessments (EIAs) their problems, challenges and effectiveness, as well as impacts that such a project would have on the environment. The researcher therefore undertook a study in order to explore these issues further.

A literature review was conducted covering the main issues that have an influence on housing in SA, and reasons for ineffective implementation of such projects were considered. The review revealed that there is evidence that serious problems exist with the implementation of EIAs, specifically where low cost housing developments are involved. The review also revealed a tension between the need to protect the environment and giving cognizance to issues of social - justice while protecting the vulnerable and poor. The details and nature of this relationship needed further investigation. The review also revealed the importance of doing research in this area, so as not to repeat the same mistakes in the future, and therefore, making a significant contribution to this field.

The researcher decided that the ideal method in which to address the research purpose was to conduct a case study about the N2 Gateway Project, of the Joe Slovo informal settlement. This method allowed for the collection of in-depth exploratory data on this controversial low cost housing project. The different strategies and policies, as well as politics behind this initiative were considered, so as to determine the reasons as to why this project was so ineffectively implemented and where they fell short. The study was exploratory and aimed to identify themes that would be able to inform further research in the field.

Hence, the current chapter begins with a general background to this study and a personal

motivation for undertaking the research. The chapter states the research problem and questions that generated the researcher's interest to carry out the study. The chapter also includes the definition of key terms used in the study, contributions, limitations, as well as the outline of chapters. These will be discussed further under the headings below.

1.1 Background to the study

During January 2014, the researcher started his internship at DJ Environmental Consultants.¹ It was here that he became aware of the importance of Environmental Impact Assessments (EIAs)² in protecting the environment, but also of the complex and different factors involved in the process of conducting this kind of assessment. Furthermore, in informal and pre-scientific conversations, the researcher became cognizant of the problems and challenges of conducting EIAs. It was when he read the reports of a specific case study of a low cost housing project in the Western Cape that it really struck him that twenty years into democracy there is still a serious problem with the implementation of EIAs, specifically where low cost housing developments are involved.

On the one hand, the researcher is convinced of the importance of EIAs, especially in the light of the fact that the population of the world is increasing and a lot of time and energy need to be invested in protecting the natural environment and limited natural resources in a country like South Africa. On the other hand, he also became aware of the fact that the EIAs add more than two years to these projects before they can be implemented, leaving the poor people disillusioned and frustrated because of the long wait to have proper housing.

The researcher's passion and interest in the protection of the natural environment as well as his concern for social justice and caring for the poor in his country of birth are in tension and are also the motivation lying behind this study. During his undergraduate studies, and more specifically, while he did his post-graduate diploma, he recognized the many paradoxes at play in his area of interest.

¹ For more information on DJ Environmental Consultants, see their website: <http://djec.co.za/>

² In the rest of the thesis the first time a concept will have a full description with the abbreviation in brackets after which only the abbreviation will be used. For a full list of abbreviations, please see page viii with the list of acronyms and abbreviations.

It is within this tension of protecting the environment, on the one hand, and the social and justice issues involved in protecting the vulnerable and poor people of society on the other hand, that he realized the importance of doing further research into the underlying factors that are involved in the problem that has been identified within a specific context.

1.2 Problem Statement

Post-Apartheid South Africa is experiencing various socio-economic problems with housing the poor people being one of the most prominent issues in this regard. There exists a serious need to provide the poor and marginalized people with housing in a country that has experienced democracy for twenty years already. The National Government is aware of the housing backlog, and makes resources available to the provincial governments and various other related departments to develop large scale housing projects to address this issue (National Development Plan (NDP) 2012:240). With available resources and suitable sites being identified, in and around main urban areas in the different provinces of our country, the next step is to conduct a full environmental impact assessment (EIA) in order to determine the various impacts that such a project would have on the environment.

An EIA is conducted to determine whether the available sites are suitable for developing such extensive low cost housing projects, and to determine what the proposed impact would be on the environment if such a project received the green light to proceed. For projects like these to materialize there are various environmental, social and economic factors that need to be considered. A full EIA process is therefore a prerequisite to identify all the above mentioned factors and to make recommendations on the findings of the assessment, which is done by a qualified Environmental Assessment Practitioner (EAP).

The problem, however, is that for a full EIA to run its course, it may take two years until completion. Two years being the minimum due to various factors that can further delay the start of development, for example, the context of the project, and the politics at play with such a project, and the effective project management all form part of the mix. The time delay associated with the EIA process normally causes a number of problems, because not only does it mean that the poor people destined to have proper housing have to patiently wait for it to materialize; but it also leads to more housing backlogs, which in itself carry threats to the

urban and natural environment, as well as various socio-economic issues associated with the expansion of informal settlements in ecological sensitive areas. The problem can be summarized in the research question that follows.

1.3 Research question and sub-questions

The basic research question of this study is: “What can the case study teach us about effective implementation of low cost housing projects and the role that EIA can play in this?”

The following are related sub-questions:

- What role does EIAs play in the delays in the effective implementation of low cost housing projects?
- Can the EIA be done differently to speed up the delivery of low cost housing projects?

1.4 Research Aims

Following from the research question and the sub-questions, the aim of this study is to explore the EIA process with regard to a low cost housing development in the Western Cape, as well as to determine any underlying factors that hamper the effective implementation of EIAs for such developments.

The intention is that the case study analysis will highlight the main challenges that could hamper the effective implementation of these types of projects in the rest of South Africa.

1.5 Research Methodology

The research methodology used in this study will be an exploratory study making use of qualitative methodology in the form of a case study of a low cost housing project in order for valuable insights to be identified through an in depth study of a specific case.³ Concerning a case study approach, Welman, Kruger and Mitchell (2005:192) write: “The units of analysis

³ The researcher is well aware of some other possible methods in conducting qualitative research. In this regard one finds in the literature methods like participant observation, unstructured in-depth interviews, focus groups and participatory and action research (cf. Welman et al. 2005:193-207).

include individuals, groups and institutions. The term case study does not refer to a specific technique that is applied”.⁴

Stake (2000:87) is of the opinion that, “Case studies are useful in the study of human affairs because they are down-to-earth and attention-holding but that they are not a suitable basis for generalization”. He further elaborates, “...case studies will often be the preferred method of research because they may be epistemologically in harmony with the researcher's experience and thus to that person a natural basis for generalization”.⁵

Qualitative case study is a valuable tool to research complex phenomena which is context specific; this approach enables the researcher to use different data sources. This is a valuable approach to use for the purpose of this study because of its flexibility in evaluating government programmes and develop interventions based on specific findings (Baxter & Jack 2008). A major benefit of this approach include that the issue which is explored, is explored through multiple lenses and the research is not conducted by using a narrow set of lenses that lead to limited variety of findings.

Case study research approach is based on the constructivist paradigm (Stake 1995 cited in Baxter & Jack 2008). This characteristic implies that the truth is relative and it is based on your own perspective. This in turn means that the approach recognizes the subjective nature of humans to create meaning out of something but it does not mean that it rejects the notion of objectivity (Baxter & Jack 2008). Yin (2003 cited in Baxter & Jack 2008) is of the opinion that the case study approach is applicable to use when the focus of the study is to answer “why” and “how” questions. A characteristic that is applicable throughout the research conducted in this study. Case study research is also applicable when the researcher wants to

⁴ Gomm et al. (2009:19) give the following definition for case studies: “Case studies can be used to test hypotheses, particularly to examine a single exception that shows the hypothesis to be false. Case studies can be highly statistical; institutional research and vocational counselling case studies often are. But in the social science literature, most case studies feature: descriptions that are complex, holistic and involving a myriad of not highly isolated variables; data that are likely to be gathered at least partly by personalistic observation; and a writing style that is informal, perhaps narrative, possibly with verbatim quotation, illustration and even allusion and metaphor. Comparisons are implicit rather than explicit. Themes and hypotheses may be important, but they remain subordinate to the understanding of the case”

⁵ Every research method also does have its limitations. In case studies it pertains to the fact that the unit of analysis is limited to just one case. In that sense it is dangerous to generalize but it does have the advantage of getting to an understanding of the uniqueness of a particular case in all its complexities (Welman et al. 2005:193).

cover contextual conditions which are relevant to the phenomenon under study (Baxter & Jack 2008). This characteristic is applicable to this study in the sense that low cost housing provision projects in South Africa will have similar contextual conditions.

With the background mentioned above there is a need to elaborate on some of the benefits and constraints that this approach entails in the research field. Case study research has been criticised for not having the necessary scientific rigour and general conclusions cannot be made based on findings of this type of research. Mohd Noor (2008) is however of the opinion that it enables the researcher to gain a holistic perspective on a specific phenomenon or a series of events. This approach thus provides a more round picture and not only focusing on specific attributes without providing context to it. In contrast to the critique that generalizations cannot be made by applying this approach, Nohd Moor (2008) is of the opinion that it allows for generalizations based on the fact that findings of multiple case studies can lead replication which thus enable one to make generalizations.

The N2 Gateway case study was selected as the case study for various reasons. The main reason was because this project was chosen as the pilot project for the way in which the Government's new housing policy "Breaking New Ground (BNG)," would be implementing low cost housing projects. This project was one of the first important projects that moved away from the Reconstruction and Development Programmes housing initiatives and is therefore of more importance than similar projects that were undertaken during the same period. This project was also meant to serve as a strong base for future housing programmes; therefore, this case study is of particular significance to the argument of the researcher.

Other important factors that had an influence on the choice of the case study was that this project was to be managed by different political, economic and cultural spheres of government through a joint initiative. The hosting of the Soccer World Cup in 2010 also made this project a very interesting one to analyse to gain valuable insight into how the government approached this significant project.

1.6 Key concepts

It is important for the argument of the researcher to clarify some of the main concepts that will be used in this thesis. It is also a prerequisite to define these key concepts in order to better understand the researchers own approach and understanding of these concepts. The following concepts will be defined: environment, sustainable development and systems approach.

- ***Environment***

When referring to the environment, the definition of environment as it is defined in Section 1 of the National Environmental Act (NEMA)⁶ will be used. The concept environment is defined in NEMA (1998:xxviii) as:

Environment means the surroundings within which humans exist and are made up of – (i) the land, water and atmosphere of the earth, (ii) micro-organisms, plant and animal life; any part of the combination of (i) and (ii) and their interrelationships among and between them and (iii) the physical, chemical aesthetic and cultural properties and conditions that influence human health and well-being.

- ***Sustainable development***

The concept of sustainable development (SD) is defined as, “A process that is followed to achieve the goal of sustainability. Sustainable development implies the selection and implementation of a development option, which allows for appropriate and justifiable social and economic goals to be achieved, based on the meeting of basic needs and equity, without compromising the natural system on which it is based” (NSSD 1, 2011:8). This definition was compiled by the National Strategy for Sustainable Development and Action Plan (2011-2014), which was approved by the cabinet of SA in November 2011.

Sustainable development is defined in NEMA (1998:xxix) as, “.... the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations”. Both of the definitions

⁶ In the bibliography NEMA will be found under: Republic of South Africa, 1998, *National Environmental Management Act (NEMA)*, Act No. 107 of 1998, Government Gazette, Pretoria.

quoted are similar; however, what stands out is that both emphasize that SD is to promote the so-called ‘triple bottom line,’ that is, to give consideration to the social, economic and environmental issues before deciding on an option. This is important and needs to be taken into consideration because it shows how the Environmental Assessment (EA) has evolved and how EA today, not only takes the biophysical environment into consideration but also the socio-economic issues in order to ensure that SD is promoted.

When referring to SD throughout the text, the definition by NEMA will serve as the basis for what is meant by SD. The definition is all encompassing and reflects SA’s approach to promote this type of SD, which is done via a systems approach.

- ***Systems approach***

A systems approach is one that takes into consideration the different systems of the economy, the socio-political context and the environment. These three systems are embedded within each other and are held together by governance. To promote SD, these 3 systems are integrated and ‘mutually compatible’ to help protect the environment, and address the key socio-economic challenges (NSSD 1, 2011:9).

1.7 Structure of the Research

Chapter 1: Introduction

The purpose of chapter 1 is to provide a background as to why this study was undertaken. In this chapter, the motivation and background to the study are discussed, and the main research question is formulated. Together with this, a number of sub-research questions are identified which the researcher endeavours to answer during the development of the study. Also discussed is the type of research methodology that will be used, namely, a case study that the researcher uses to gather data in order to answer the basic research question.

Chapter 2: Literature review of EIA and the concept of effectiveness

Chapter 2 begins with a clarification of some of the main concepts that will be used throughout the rest of the study. The discussion starts off by analysing the roots of where EIAs originated, and is continued by elaborating on where EIAs started in SA. The researcher also pays attention to the approach that SA decided on in applying the instrument. This

chapter further elaborates on the concept of EIA by discussing and analysing some of the most well-known definitions of the term. The role and influence that rationality plays in EIAs is also discussed by having a closer look at the way Caldwell (1991) theorized about the concept, looking at ways to understand and implement the concept.

The discussion continues with EIA and its usability, and what is meant by the notion of effectiveness in EIA and how it is applicable to the instrument and practice of EIA. A framework of effectiveness by Chanchitpricha & Bond (2013) is investigated and discussed. This framework is also relevant when the findings of the case study are discussed later in the study. The literature review on EIA is then taken further by discussing some of the major shortcomings and benefits of the tool. This is done by first discussing some of the main features of the tool, and then moving on to the benefits and challenges that are experienced when using the tool. Spinks, Luger, Shippey & de Villiers (2003) provide valuable insights into the extrinsic and intrinsic limitations of the instrument.

The role that Strategic Environmental Assessment (SEA) fulfils in the environmental assessment practice is discussed next. This is to provide some insight into how this tool can aid EIA, and how important it is to plan and implement projects in a strategic way to ensure its effectiveness. A closer look is taken at the characteristics of SEA, and how it originated as a reaction to the main shortcomings of EIA. The main features of the tool are highlighted, as well effectiveness by discussing some of its main advantages and shortcomings.

Chapter 3: Low cost housing in South Africa: Context and policy analysis

The main focus of chapter 3 is on the status of housing in South Africa twenty years into democracy. The chapter starts off by providing some context into what exactly is happening in SA with regards to housing. The researcher paints a picture of what is currently happening and identifies some of the main issues that have an influence on housing in SA. This discussion is then taken further by analysing some of the main housing policies in SA, starting with the South African Constitution and ending with the National Development Plan (NDP) 2030. The different strategies and policies that have been implemented since 1994 are examined, so as to determine where they fall short. This chapter is then concluded by

discussing what the NDP 2030 has in mind for the future of human settlements in SA, as well as discussing the role that the BNG initiative has for housing the nation (NDP, 2011).

Chapter 4: Case study analysis - N2 Gateway Project

The N2 Gateway Project is a large scale housing project which was initiated by the government in 2004 as part of their strategy to provide proper housing to the large number of residents living in the informal settlements of the area. The initial plan of the project was to provide housing to approximately 2200 people. The aim of the project was to deliver these houses at a quick rate and to avoid getting caught up in bureaucratic processes which would cause unnecessary delays. The project was managed through a joint venture initiative which entailed that the three spheres of government would work together to make the process of planning and implementation as effective as possible. Together with this, the project was planned to be implemented through three phases, the first phase being the Joe Slovo informal settlement, followed by phase 2 and phase 3. This case study is of particular interest to South Africa because it represented the flagship project through which the new housing policy, the so-called Breaking New Ground initiative, would be showcased. Hence, flagship status was given to this project; the plan being for it to serve as the example of how other similar projects would be implemented in the rest of SA.

This case study is therefore investigated in detail due to all the controversy that surrounded it. The motivation and location for the project is discussed, together with an analysis of the main issues that overshadowed the implementation of the project. The case study analysis concludes by reviewing the court judgement that took place; and what the politics and legacy surrounding the project entails. This is done in order to come to a better understanding of the main reasons for why this project was so ineffectively implemented.

Chapter 5: Findings

The purpose of this chapter is to discuss the main findings in more detail by comparing what was discussed in the literature review, and applying it to the case study. This chapter highlights the main issues which had an impact on the effective implementation of the N2 Gateway Project and helps to answer the main research question: “What can the case study teach us about effective implementation of low cost housing projects and the role that EIA

can play in this?” To finally answer the research question, the researcher pays attention to the fact that EIAs are only one process in the pipeline of procedures. This is done by applying the four categories of effectiveness to the case study and to the processes involved in implementing EIAs. Also, the researcher discusses the importance that EIA as an instrument has on the planning aspect of the project and together with this the important role that rationality plays in the decision making process of such a project.

Chapter 6: Recommendations and concluding remarks

The aim of this chapter is to provide recommendations on how a project such as the N2 Gateway could have been implemented in a better way; and where projects of a similar nature could learn from the mistakes encountered in this “flagship project”. The researcher also endeavours to point out ways in which the issues could be approached differently by applying recommendations in the planning procedure. The recommendations the researcher makes pertain to the following aspects: the planning process, participation and defining clearer roles to the role players, the place and role of politics in the process, managing the timeframe and costs involved in the project, and lastly the role that SEA as a tool could have played, preventing some of the ineffectiveness that the project experienced.

1.8 Limitations of the study

The first limitation is the time available for in depth empirical research. It was therefore decided to concentrate only on one case study in the Western Cape, that of my unit of analysis. The empirical research is therefore not first-hand data, but rather available data through the case study and applicable information obtained through research done in the public domain.

The second limitation concerns the area for the implementation of EIAs, namely the Western Cape. Each province in our country has different processes and standards for the use and implementation of EIAs. Each province also follows different approaches with regards to how they house the poor and the type and locations they decide on of how to implement the project.

CHAPTER 2: LITERATURE REVIEW OF ENVIRONMENTAL IMPACT ASSESSMENT AND THE CONCEPT OF EFFECTIVENESS

2.1 Introduction

In chapter one, the main research question is stated as, “What can the case study teach us about effective implementation of low cost housing projects and the role that EIA can play in this ?” Together with the research question, background and motivation was given as to why this question is such an important one to answer. In the previous chapter, the research objectives and aims were also elaborated on, in order to clarify some of the main issues that will be discussed with regards to the research question.

Chapter 2 will therefore specifically concentrate on EIA, in terms of the history of the concept, the effectiveness of the concept, and what the main positive and negative aspects of the EIA tool in practice are. The chapter will also focus on the effectiveness of the EIA tool. To do this the researcher will first focus on the concept of effectiveness itself, and then try to determine how effective EIAs are. The different aspects and factors that have an influence on the effectiveness of EIAs will be taken into consideration and discussed. This will be done to get an extensive background on the two main tools used in the South African (SA) approach to environmental management. The researcher will also elaborate on Strategic Environmental Assessment (SEA), which forms part of the Integrated Environmental Management (IEM) toolbox in South Africa. The origins of SEA will be explored, as well as what the tool’s main objectives are. In other words, why is this tool so useful in the environmental assessment field and why is its use being promoted? Certain key characteristics of SEA in general will be explored, as well as some of the benefits and critique of the tool will be discussed.

2.2 History of EIA

The origin of EIAs can be traced back to the year 1969 in the United States of America, where the National Environmental Policy Act (NEPA) was legislated. This policy tool received widespread attention from around the world and caught momentum with countries trying to implement “sound environmental management”. The tool received a lot of impetus since its inception in 1969 and it is estimated that by 2004 it was practised in more than 100 countries across the world (Cashmore, Gwilliam, Morgan, Cobb & Bond, 2004:295).

Morrison-Saunders & Fischer (2006:20) are of the opinion that the awareness of the instrument gathered energy because at that time in history there was no real presentation of important environmental aspects in planning procedures. Glasson, Therivel & Chadwick (2005:4) substantiate this by arguing that there is now a need to better manage proposed developments and projects so that it is in harmony with the environment.

With a growing interest in the protection of the environment, there has been a growth in the legislation to fulfil this need. New legislation has come into existence over the past 40 years, both from local and international sources. Since the inception of NEPA in 1969 the role of EIA has been promoted by the European Community directive which boosted the implementation of the tool in European member states. EIA was formally legislated in the United Kingdom in 1988, and has since then grown immensely all over the world (Glasson et al. 2004).

Since the establishment of clearer guidelines by the European Directive in 1985, together with the fall of the Berlin wall in 1989, EIA practice started to spread to countries other than Europe and the USA. During this period, EIA practice grew especially in the developing continents of Africa and South America. The growth could be seen in the various regulations and guideline documents that were starting to be documented in these countries (Glasson, Therivel & Chadwick 2004:5). The process of how EIA established itself in SA will be explored in the next section.

EIA was initially developed with the main aim of protecting the biophysical environment from human developments and projects that may cause irreversible environmental damage to the receiving environment. As the tool evolved over the years it started to take impacts other than just the biophysical environment into consideration. The tool led to the development of various other impact tools such as, Social Impact Assessment (SIA), Health Impact Assessments (HIA), Strategic Environmental Assessments (SEA) and Risk Impact Assessment (RIA), to name just a few (Eggenberg & Partidário, 2000:201).

The EIA itself has also evolved since its inception to not only focus on the biophysical environment, but also to take into consideration the social and economic aspects of a

proposed project as well. This new and wider context approach of the EIA, has led to numerous debates in the literature, which questions the effectiveness of EIAs in modern times. To prove their point, researchers, academics and practitioners in this field of study, are comparing EIAs to the time when it took only environmental issues into consideration, to how it is conducted today. Researchers in this field argue that EIAs in today's context have taken a much too anthropocentric approach to sustainable development. It has led to environmental degradation issues, which is the result of the natural environment not receiving the attention it should to ensure a sustainable future (Morrison-Saunders & Fischer, 2006:21).

2.2.1 History of EIA in South Africa

Taking the short summary of the history of EIA in the international context, as well as how the tool spread to different parts of the world, taken these aspects into consideration, attention will now shift to discover the path that South Africa took to make EIA part of its national legislation. Sowman, Fuggle & Preston (1995:46) are of the opinion that SA was slow to develop the necessary procedures for EIA to be implemented. Kidd & Retief (2009:973) are however of the opinion that SA has a proud tradition when it comes to environmental management, from as early as the year 1970 when it was voluntary practice and was implemented in an ad hoc way. This created the basis for South Africa to have a formalised EA system as we experience it today.

Some of the historic benchmark events of EA in SA since 1970 include the 'South African Council for the Environment Report,' in 1976. This report was produced to provide methods and procedures that would assist environmental evaluation in SA. The Environment Conservation Act 100 of 1982, which was enacted to establish a statutory council for the environment, was instrumental in promoting the use of EIA as a tool for EA. It was, however, felt that this Act did not take environmental issues into consideration as it should have done because environmental issues were not considered to be a priority on the political agenda at that time in SA. In 1989, the Environmental Conservation Act (Act No. 73 of 1989) (ECA) was passed. This Act provided the environmental policies (section 2) and guidelines for EIA provisions (Sections 22, 23 and 26) that were necessary to regulate the decision-making

process on activities that will have an adverse environmental impact (Kidd & Retief, 2009:974).

2.2.2 Integrated Environmental Management (IEM)

The Department of Environmental Affairs and Tourism (DEAT) document was published in 2004 titled, “Overview of Integrated Environmental Management”. The definition of Integrated Environmental Management (IEM) in this document states that “IEM provides a holistic framework that can be embraced by all sectors of society for the assessment and management of environmental impacts and aspects associated with each stage of the activity life cycle, taking into consideration a broad definition of environment and with the overall aim of promoting sustainable development” (DEAT, 2004:2).

IEM serves as an important instrument to give effect to NEMA. IEM can be described as the toolbox for all the different EA tools in SA that are used to manage the environment in a sustainable manner. IEM, which can be seen as a way of thinking or a philosophy, can also be described as a source of information for various stakeholders involved in decision making to give them guidance and information about the various tools that are available to them with regards to decisions that have to be made which will have an impact on the environment (DEAT, 2004:2).

In 1992, there was a guideline series of 6 documents published by the then Department of Environmental Affairs (DEA) in SA, which proved to be instrumental in spreading the concept of environmental protection through IEM philosophy. The documents served as the basis from which the EIA developed and covered a broad range of issues stretching from the screening and scoping process of EIA to the reporting and reviewing stages of the process.

It was in 1997, after the promulgation of the Environmental Conservation Act (ECA) in 1989, that SA’s approach to environmental management really gathered momentum. In 1997, the first EIA regulations were promulgated in terms of sections 21, 22 and 26 of ECA No. 73 of 1989.

This momentum also led to the publication of the White Paper on Environmental Management Policy in 1997 and this was followed up by the publication of the Government notices R. 1182 and R. 1183 of the Government Gazette No. 18261. This in turn led to the promulgation of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA). NEMA was supported with the publication of the Integrated Environmental Management Information Series (2002-2004). With regards to EIA as a tool for more sound environmental management, it received specific consideration in S21, 22 and 23 of the ECA. This entailed that a platform be provided whereby EIA:

- identifies the activities that may have a detrimental effect on the environment
- prohibits the undertaking of identified activities without a written authorization
- leads to the refusal or withdrawal of written authorizations
- establishes regulations with regards to environmental impact reports

2.3 Defining EIA

There are various definitions describing EIA, with each one describing another aspect in the protection of the environment. The differences in the various definitions of the concept can be ascribed to the various viewpoints from which it is argued. What the tool should be used for and what the main objective of the tool should be, differs depending on the viewpoint from which one argues. The viewpoints are also influenced by the way that the term sustainable development is interpreted and implemented in each context. This section will define some of the main and most often quoted definitions of EIA, so as to get a better understanding of the concept, and to give the reader a point of reference in the development of the thesis. After explaining some of the key definitions of EIA, attention will shift to some of the benefits and constraints that have been experienced in the use of the tool in practice.

2.3.1 Definitions of EIA

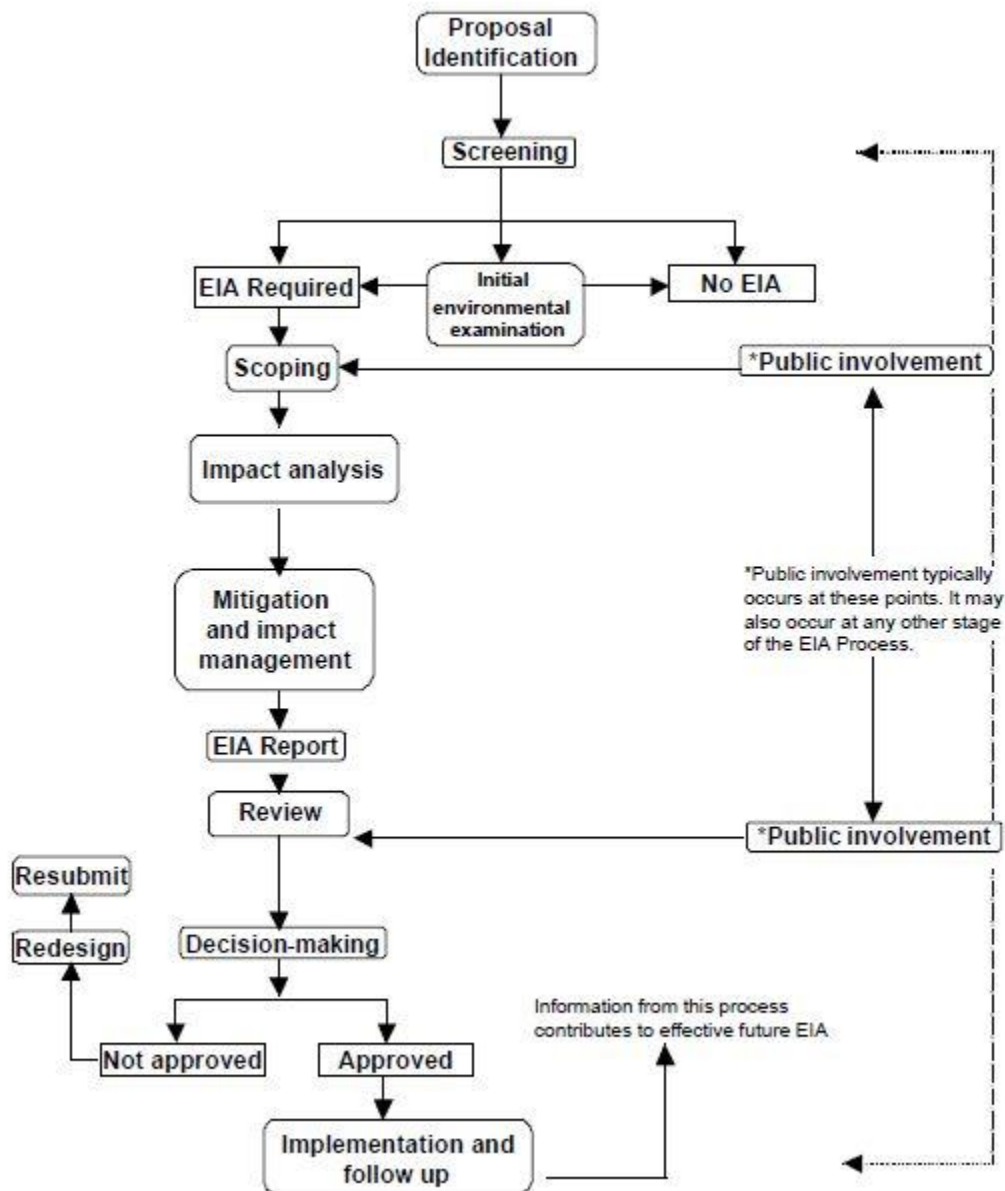
Glasson, Therivel and Chadwick (2004:295) describes EIA as “a decision tool employed to identify and evaluate the probable environmental consequences of certain proposed development actions in order to facilitate informed decision-making and sound environmental management”. A more narrow definition of EIA from the UK Department of Environment (1989:34) is, “The term ‘environmental assessment’ describes a technique and a

process by which information about the environmental effects of a project is collected, both by the developer and from other sources, and taken into account by the planning authority in forming judgements on whether the development should go ahead”.

EIA can be described as a tool that was developed to provide information to decision-makers on the impact that a proposed project or development would have on the natural environment. The aim of the tool is to provide the necessary information to decision-makers so that they can make more informed decisions about whether to proceed with the project or development. The decision to proceed depends on the sustainability of the project in the context that it is located in; in other words, would the proposed project or development be sustainable to the natural and biophysical environment? Would it cause damage that is of an irreversible nature to the environment? How are the community and people of the surrounding areas affected by the proposed project or development? Does the proposed project or development promote the social, natural and economic spheres of sustainable development?

Figure 1 is a process chart used to exemplify how an EIA is done according to the United Nations Environmental Programme (UNEP) training resource manual. This figure provides clear steps as to when and how the processes involved should take place according to best practice guidelines (UNEP, 2002:114).

Figure 1. Process Chart of EIA



Source: UNEP (2002:114), Training Resource Manual

2.3.2 Rationality in the EIA process

It is important to analyse decision-making before discussing the effectiveness of the tool and pointing out its main benefits and constraints. Caldwell (1991), who is one of the authors of NEPA, shares the opinion above and breaks EIA down to ‘a stage in a process’. This stage in the process is important when identifying a specific problem that would have an impact on the environment. EIA is then used to analyse this problem and eventually makes out to be an

input to the decision-making process, which is ultimately decided upon via a policy process (Caldwell, 1991:81).

Caldwell (1991:82) further elaborates on this subject and argues that EIA can be described as a 'political process' because the end result of the process is based on political interests together with scientific knowledge, which helps to guide the decision-makers. Caldwell (1991) is however clear in his stance that the end result is ultimately based more on the political aspect, than on sound scientific findings. EIA is used to provide clearer rationality to the ultimate decision about whether, and how, a project should be implemented. Rationality is therefore the important concept in this regard. The rationality concept is effective when it addresses the most desired ends, but according to Caldwell (1991), this type of efficiency cannot necessarily be regarded as real efficiency.

Caldwell (1991) theorises extensively about the use of EIA and how the practitioners, decision-makers and stakeholders of the United States of America have interpreted the use of the tool incorrectly. He feels that the government and important decision-makers in the EIA process have not used the tool as it was meant to be used, and that political considerations have received preference over scientific knowledge. The scientific knowledge or specialist studies that provide guidance and clarity are eventually just a step in a process of the decision being made.

There is an extensive body of literature that has been compiled to try and determine the effectiveness of the EIA. This is done to determine whether EIA did indeed have an influence on the decisions that were eventually made by the applicable decision-makers. There is no standard way of measuring effectiveness; and what is important to note is that power and politics is a very influential factor when it comes to EIA (Caldwell, 1991).

Richardson (2005) shares the opinion of Caldwell and elaborates on this by analysing how values have a very significant place in environmental management. He argues that value conflicts and rational information are actually driven by political power. Evidence from practice, obtained from a study conducted by Richardson (2005), shows that although practitioners claim the decisions they made were based on rational science, the values driving

those decisions were found to be politically driven when the rational planning process of that EIA was analysed.

Richardson's argument can be summarised as follows: EIA is an instrument that is value-laden. This means that the tool, despite claiming to be impartial, is however, not as impartial as theorists and practitioners claim it to be. Richardson (2005) feels, together with a strong body of evidence and studies completed by other theorists on this subject (Wood & Jones 2007; Wood 2003; Barker & Wood 2001; Glasson et al 2005; Sadler 1996; Cashmore et al. 2004) that the tool is based on power relations and the information used. The information based on scientific or specialized studies serves as a mere guideline to help justify the eventual decision taken. Values are determined by the society in which it operates. The values that the society sees as ethically correct (that which we ought to do and how we ought to act in society) have become embedded in our everyday lives.

The role that power plays in EA is what eventually determines the outcome of the EIA that has been completed. It is thus safe to say, according to what Richardson is saying, is that EIA is a power struggle and the stakeholders who own the most power or make the most noise have the biggest influence on the outcome of the decisions.

Jay, Jones, Slinn & Wood (2007) contribute in this sense, by drawing EIA back to its rationalist approach to decision-making and argue that decisions that are made throughout the planning process in EIA is subject to the "underlying interests" of stakeholders; political considerations comes even more into play the longer the process carries on according to Leknes (2001 cited in Jay et al. 2007:293). There is a sense that the EIA is not contributing to the outcomes of final decisions and that its influence is very limited. This is contrary to what it was meant to do when looking at NEPA and the support it received to fulfil its aim. One can conclude that the EIA and the rational approach it takes towards decision-making are not in touch with the context in which it currently operates to be regarded as effective. Jay et al. (2007:294) conclude that the EIA "should be more closely adapted to the processes that it seeks to influence". Some of the more positive effects of the EIA will be elaborated on later in this chapter; but here it is important to note that the EIA contain a lot of benefits when considering the future of the tool.

2.4 EIA effectiveness

“Agreement about effectiveness is mainly an agreement to disagree” (Cameron, 1986:539). Although EIA policy has received a lot of praise and its use has spread worldwide, there has been some criticism as to how effective this policy is in a practical manner. This debate has been thoroughly analysed by Cashmore, Gwilliam, Morgan, Cobb, and Bond (2004) and various other academics in this field. This section is going to review some of the literature in this regard, so as to try and determine what is meant by effectiveness in EIA theory, and how one can describe the effectiveness criteria used in EIA theory.

According to Cashmore et al. (2004:296), EIA cannot be labelled as ineffective just because it does not deliver what is said in the theory of EIA practice. There is more to effectiveness that has to be taken into consideration. Effectiveness has both substantive and procedural aspects. The research that has been done on the effectiveness of EIA has all been done on the procedural aspects of EIA. Cashmore et al. (2004) is of the opinion that it is the substantive aspects of EIA that must be the actual measurement of effectiveness. The reason cited for this can be traced back to when the NEPA policy came into existence, due to pressure from the general public about developments, which went ahead without taking the environmental impact into consideration, and the decision-making tools that were available to the government at that stage did not have the capacity to stop this. EIA can thus be traced back to its evolution out of a political context and not necessarily out of a sound scientific theoretical background (Cashmore et al. 2004:296).

Cashmore et al. (2010:371) describes the current measurement of effectiveness to have taken an “anti-ideological turn”. Currently, policy making is different to what it was 40 years ago. Today, policies are made on the basis of scientific findings, in other words, policies are made on the basis of what works and how it can be proved that it works. This type of approach is developed so that it can be reviewed in order to determine what the policy has achieved and if it is not up to standard someone has to be accountable for it. This then implies that if it is not delivering the expected results it will be adapted or changed so that it will lead to more effective outcomes. EIA has failed to reach certain goals as set out in the theory, and has been subject to criticism due to policy reviews.

According to Cashmore et al. (2010:372), EIA has been under the spotlight for some time now, given the context explained above. There has been research done on how EIAs can become more competitive by making it a more simplified legislative process, and thereby, gain more economic competitiveness. Cashmore et al. (2010) elaborate on the subject of effectiveness of EIA by analysing the influence that politics has on impact assessment. Politics influences the practice of EIA, in the sense of how impact assessments are designed and used in different political contexts.

Environmental Assessments have been described as being “inherently and inescapably political” (Cashmore et al. 2010:372). Politics, in the context of this study can be described as “who gets what, when and how” (Laswell 1935 cited in Cashmore et al. 2010:373). This can further be interpreted as who has the influence to exercise power to determine the processes of social policy decisions to be made. This in turn implies that politics as such, is at play at different levels, ranging from the local level of municipalities, to the top of international levels. To summarise this paragraph in order to continue with the debate, politics is about who has the power and influence to make decisions.

Cashmore et al. (2010:373) identify three political characteristics of EIA. Firstly is the fact that people’s values are undergoing changes. The values that are changing were underpinned by previous policies and implemented in that context. Impact assessments require that policy, which forms part of the basis of the people’s value, change the way in which it is formulated. The change can be described as taking into consideration the overarching goal of SD. This requires, according to Cashmore et al. (2010:373), an integration of policy tools to work towards this goal of SD.

Secondly, EIA tools make clear the boundaries that a government draws with regards to certain issues and norms. In other words, the government determines what issues are considered to be part of the eventual policy. The type of policy that the government decided on represents what the government’s relationship is towards the policy they determined.

Thirdly, the issue of distributional justice and the fact that this aspect is centrally located in EIA makes it political. When referring to distributional justice, the author refers to who gets

what resources and when and where they get it. A country's EIA policy thus has to incorporate the aforementioned issues, and the design of the specific policy has to be able to justify why it follows such an approach. Runhaar and Driessen (2007:3) supports this argument by mentioning that the role players and influential decision-makers in the environmental assessment process "values and interests" are one of the main drivers in deciding on the eventual policy.

Cashmore et al. (2010:376) investigate several case studies of how the political context of a country has an influence on the effectiveness of environmental impact instruments. They come to the conclusion that the political constitution of a country does indeed have an influence on the effectiveness of how EIA is used and whether it is effective in its application. The reason why this aspect is so important is because EIA represents itself as a neutral tool in theory but evidence suggests the opposite; that cannot necessarily be ascribed to the tool itself but rather to the political context in which the tool is applied.

Returning to the quest of conceptualising effectiveness with regards to EIA, the role that politics and power plays in determining effectiveness should be taken into consideration, as well as the complex dynamics that comes with the politics and power and should all be considered before making judgements on the effectiveness of environmental assessment instruments.

2.4.1 Framework for effectiveness

Chanchitpricha and Bond (2013:66) elaborate on the debate of effectiveness by trying to clarify a better understanding of how effectiveness is reached. They make use of a four-category framework, namely, procedural, substantive, transactive and normative effectiveness, to measure the effectiveness of impact assessment instruments.

The researcher will now elaborate on the contested definition of what effectiveness means before moving towards the different categories of effectiveness that one finds in the literature of environmental assessment. Sadler (1996:37, cited in Chanchitpricha & Bond 2013:56) is of the opinion that effectiveness in the environmental assessment field can be defined as "how well something works or whether it works as intended and meets the purposes for

which it is designed”. A more general definition of effectiveness in terms of the context of impact assessment is that it can be considered as being effective when it had a clear influence on which decision was eventually made and that the decision which received consensus did in fact select the most appropriate alternative with regards to the proposed project, programme or policy (PPP) (Chanchitpricha & Bond, 2013:56). What is, however, very important and always has to be taken into consideration is the context in which the decision-making takes place; and whether there has been effective participation from influential stakeholders in that specific context.

Focus will now shift to the categories of effectiveness and the way in which Chanchitpricha and Bond (2013:57) made use of existing literature to systematize their own categories of effectiveness. The four categories that will be considered are: ‘Procedural’, ‘substantive’, ‘transactive’ and ‘normative’ effectiveness. These will briefly be elaborated on below and factors influencing that specific category of effectiveness will also be discussed.

- *Procedural Effectiveness*

Firstly, procedural effectiveness is described as how well the procedure that makes up part of the bigger process can be identified and applied in practice. Sadler (1996, cited in Chanchitpricha & Bond 2013:37) contributes by mentioning that procedural effectiveness can be measured by how well the specific assessment tool “complies with acceptable standards and principles”. Secondly, a factor that may have an influence on this category entails the policy framework in which the impact assessment tool has to operate. The policy framework, in other words, sets the scope for the impact assessment to be applied. The scope refers to documents like a national plan or guideline documents; this will have a definite effect on the eventual outcome of the assessment procedure and will thus influence the quality of the work to be delivered. As mentioned already, the political context in which the assessment takes place has an influence on the decision that is made. Thirdly is the factor that influences the effectiveness of the procedure namely the availability of resources. It is a logical assumption to make that the more financial resources that are available, the better the quality of the study will be, and thus, the more effective the processes. Lastly, the role that stakeholders and the public play, as well as the experience that practitioners have in the impact assessment

procedure, are also influential factors in determining the effectiveness of procedures of impact assessment.

- ***Substantive Effectiveness***

Substantive effectiveness can be described as how well the aims and objectives of the Impact Assessment (IA) tool that is analysed have been reached, and how well the tool performed in reaching its goal in practice. There are a lot of factors that can have an influence on this criterion of effectiveness. Chanchipitra and Bond (2013) suggest that these factors include the regulatory framework of the IA tool in focus, the way that public participation takes place, and whether it takes place at all. The quality of the impact assessment report is also of importance to substantive effectiveness.

- ***Transactive Effectiveness***

Transactive effectiveness can be described as when the resources required for the project to reach its outcomes are kept to a minimum but the outcomes are still reached efficiently. When referring to resources in the above-mentioned definition, the authors refer to human resources, as well as the cost and time utilised in the process of reaching the goals that were set. EIA, being an expensive and protracted process can become very costly; it is therefore of utmost importance that the effectiveness concept is well planned in order to reach transactive effectiveness (Chanchipitra & Bond, 2013).

Retief and Chabalala (2009) completed a study in which they attempted to determine the cost of EIA in South Africa. The study was done by analysing a detailed survey of 149 EIAs that were conducted in the Free State, North West and Northern Cape Provinces. The study specifically showed that the direct cost of the EIAs was not as high when compared to the international context. What is interesting, however, is that when the EIA is compared to the cost of the proposed project as a whole, the SA EIAs are expensive compared to the international context.

- ***Normative Effectiveness***

Normative effectiveness refers to the norms of people and is therefore something the wider society accepts. In other words, it refers to principles that society accepts to form part of their

patterns for everyday life. Cashmore et al. (cited in Chanchitpricha & Bond, 2013:69) argue that incremental changes made to the “institutions, organisations, philosophy, science and culture of the given society” can be included in normative goals. These incremental changes referred to above, have the ability to change a society over the long term. For example, the concept of SD serves as a good illustration of how incremental changes in a society have led to the promotion of SD in practice and we now have various tools, measures and processes that drive this quest for sustainability.

Bond, Morrison-Saunders and Howitt (2013) elaborate even further on the effectiveness aspect in this regard; they identify how the goals of normative effectiveness consist of social and individual norms. Normative effectiveness, as described by Chanchitpricha and Bond (2013:69) can be referred to as social and individual norms. The attitude that people of a society has towards these norms cause them to act upon it. In other words, people will act on impact assessments by taking part in them and wanting to be actively part of the process. In doing so, they enable themselves to learn from the process to such an extent that they (people of the society in that context) will realise how impact assessment tools and processes can be of use to them in bettering their own lives, thereby, being informed about what it means to have a sustainable lifestyle.

Chanchitpricha and Bond (2013:69) make it clear that it is the context of society in case, which has the biggest influence on normative effectiveness. The rules and processes that are embedded within a society to a large extent determine the norms that the society will value. Normative effectiveness is reached, based on the definition within the context in which the tool has been used. The achievement of it can be when there is a lesson learned from practical experience; lessons learned could be reflected upon by looking at the incremental changes that took place among and between the stakeholders involved, as well with institutions and organisations that have an influence.

When trying to determine the effectiveness of EIA as a tool to manage the environment, the literature placed a lot of emphasis on the procedural effectiveness of the tool. Cashmore et al. (2004) argue that attention should shift to the substantive effectiveness. Most of the studies that have been done on the substantive and transactive effectiveness of EIA came to the

conclusion that the concept of effectiveness needs further clarification in order to make valuable judgements about the effectiveness of EIA.

The four-category framework of Chanchitpricha and Bond (2013:70) aims to bring together the four categories discussed, in order to provide a “comprehensive, criteria-based framework” which measures the effectiveness of EIA. This will provide a good basis from which the effectiveness of EIA can be researched in the future. Figure 2 illustrates the checklist, which can be used to determine the effectiveness of the tool that is analysed.

Figure 2. Evaluation checklist to determine the effectiveness of IA tools

Evaluation checklist for the effectiveness of impact assessment (IA) tools.

Procedural effectiveness criteria	Substantive effectiveness criteria
P1. <i>Relevant policy framework and procedures for SEA/IA processes</i> – Existence of national plan on health, regulations or guidelines or standard performance for SEA/IA processes, procedure implementation in SEA/IA processes, and licensing	S1. <i>Regulatory framework</i> on implementing SEA/IA in decision-making
P2. <i>Institutional infrastructure</i> – Existing environmental monitoring network, disease surveillance network, and role of government	S2. <i>Incorporation of proposed changes</i> – most or all proposals for changes and/or additions to the draft emanating from the SEA/IA were taken into account in the final version of the programme
P3. <i>Integrating SEA/IA in planning process</i>	S3. <i>Informed decision-making</i> – the use of all mandatory documents produced as part of the SEA/IA process coupled with continuous dialogue between the parties involved in the process of informed decisions on the final version of the programme
P4. <i>Identification of financial funds for SEA/IA practice</i>	S4. <i>Close collaboration</i> – there was communication and a high level of collaboration between those producing the HIA and those producing the programme
P5. <i>Involvement of stakeholders in the process</i>	S5. <i>Parallel development</i> – the SEA/IA and policy/plan/programme developed alongside one other with considerable cross-cutting between the processes
P6. <i>Capacity of SEA/IA in presenting as a sound and clear, understandable evidence for decision-making process with validity of predictions, argumentation, and understandability</i>	S6. <i>Early start</i> – the SEA/IA process was initiated at the very first stages of programme development to aid decision making
P7. <i>Delivering the report to participating stakeholders</i>	S7. <i>Institutional and other benefits</i> – there is strong evidence of better departmental relations, development of otherwise absent expertise, learning, new partnerships and better public-private-voluntary sector communication as a result of SEA/IA when it is implemented in decision making
	S8. <i>Successful statutory consultation</i> – the statutory consultation bodies had a fair opportunity to contribute and their views and comments were taken on board
	S9. <i>Successful public consultation</i> – the public consultation bodies had a fair opportunity to contribute and their views and comments were taken on board
	S10. <i>Satisfactory/comments in using SEA/IA in decision-making process</i>
Transactive effectiveness criteria	Normative effectiveness criteria
T1. <i>Time</i> – SEA/IA was carried out within a reasonable time frame without undue delay or within a very short time period (as compared to old ex-ante mechanism, where applicable)	N1. <i>Adjustment of relevant policy framework</i> concerning the normative goal achieved in term of changes of views
T2. <i>Financial resources</i> – carrying out the SEA/IA did not entail excessive spending	N2. <i>Learning process, perception, and lesson learnt from SEA/IA</i>
T3. <i>Skill</i> – the acquiring of skills and personnel required for the SEA/IA did not contribute a big burden and these were easily accessible	N3. <i>Development or changes in relevant institutional policies and policy choices</i>
T4. <i>Specification of roles</i> – responsibilities were clearly defined and allocated and tasks were undertaken by the most appropriate subjects.	N4. <i>Improvement of health and quality of life</i>

Source: Chanchitpricha & Bond (2013:70)

2.5 The shortcomings and benefits of EIA

Here, I will discuss the shortcomings and challenges of EIA. This will be achieved by first elaborating on some of the main features of the tool. To be able to discuss the effectiveness of EIA, the researcher will first elaborate on some of the main features of the tool. This will be done by analysing some of the limitations and shortcomings of the tool; and then comparing these to some of the main benefits or advantages of the use of the tool. Against the backdrop of the above mentioned definitions of EIA, a clearer and more rounded picture will emerge concerning the effectiveness of the tool.

Developing countries across the world have made great strides to incorporate the practice of EIA as part of their legislation, in their quest to more effectively manage the natural environment and to sustainably conserve the limited stock of natural resources. Certain developing countries, like South Africa, have been more effective in advancing EIA practice than some other countries in Africa. This trend can be ascribed to a lot of factors and will be elaborated on later in this thesis. However, developing countries that have not fared as well in this regard have been subject to pressure from international donor agencies and major international institutions and organisations. They put pressure on these countries to make use of EIA procedures for developments and projects, in turn for the support they provide. This is achieved by the donor agencies like the World Bank providing resources and financial means to fund the project. They make the EIA process a prerequisite for the project to be completed (Alshuwaikhat, 2005:308).

Taking into consideration the above-mentioned background of the EIA in developing countries, there is still the worrying aspect that EIA is not fulfilling its role in these developing countries. The fact of the matter is that EIA is not producing the sustainable results that were aimed for and not producing enough results for efficient SD practice. There is still constant degradation of the natural environment in developing countries, even with the existence of well-developed and advanced guidelines and legislation. This creates a very worrying picture for the use of EIA, as well as for the promotion of sustainable development in developing countries. The rest of this section will thus focus on some of the arguments regarding the limitations that have been identified in the EIA practice. Here, the researcher

seeks to point out some of the main limitations as have been identified in the literature which are applicable to this study.

Alshuwaikhat (2005:308) provides a good summary of the early work of Glasson, Therivel, and Chadwick (2004) on the limitations of EIA. The limitations include that EIAs are reactionary in their nature, implying that they do not have the ability to be proactive in their approach to steer a development project. The cumulative effect of various projects that are taking place in a certain environment cannot be efficiently determined by EIAs. Although EIAs have the ability to try and prove some of the impacts from a single project in an area, they fail to predict the cumulative impact of various projects in a wider area. This makes the environment more vulnerable than what was initially anticipated.

Spinks, Luger, Shippy and De Villiers (2003) agree with the above-mentioned, although the cumulative impacts of a project are recognised in S24 (7) of NEMA, EIAs have struggled to effectively manage cumulative impacts. To limit the cumulative impact which is derived from the broader environmental, biophysical and social impacts, arrangements need to be made at the institutional level because the project-based EIA does not have the capacity to address these broader types of issues.

EIAs sometimes do not have the desired outcome for the preservation of the natural environment: firstly, because it has to be completed in a short period of time due to the expensive cost of completing an EIA. Secondly, a project can be planned very well in advance and certain decisions can be made before an EIA has been done, which leads to 'irreversible decisions' are being made. By planning a project well in advance without the input of an Environmental Assessment Practitioner (EAP), the project team may make certain decisions that eliminate potential alternatives, which could have been useful in mitigating the environmental impact of the proposed development. With major development projects having to do an EIA, it is possible that there is indirect and induced activities taking place that are not accounted for in the EIA process and have a severe impact on the environment.

Spinks et al. (2003) identify the limitations of EIA a bit differently to some of the other researchers in this field of study. There are, however, also some limitations that are the same

as the above-mentioned limitations. They differentiate between intrinsic and extrinsic shortcomings of the practice of EIA. Intrinsic shortcomings refer to limitations of EIA, which are well documented and well understood by practitioners who have experience in the field of environmental assessment. Spinks et al. (2003) argue that for the intrinsic limitations to be addressed and changed, there would have to be major restructuring of the basic assumptions that stakeholders have of EIA practice in general. Together with a change in the basic assumptions, there would also have to be legal reform that is appropriate to address these intrinsic limitations.

2.5.1 Intrinsic limitations

Intrinsic limitations, according to Spinks et al. (2003), include a lack of commitment. Lack of commitment in this sense applies to everyone that is involved in a proposed project or development. Spinks et al. (2003) argue that every stakeholder is enthusiastic at the beginning of a project and emphasize their commitment to minimize the direct impact of the development on the environment, as well as the impact it will have on the surrounding natural environment. However, as the project picks up momentum the enthusiasm turns out to be mere 'lip-service,' rather than actual implementation. This lack of real commitment translates into a lack of political will at the different levels of government, which in turn leads to poor practice of EIA because poor decisions are being carried out on different levels of decision-making and not just by the stakeholders involved in the project.

EIAs are project specific and reactive. This means that an EIA is done for a specific project and those specific EIAs cannot be repeated for other projects. The projects might be similar in nature, but the differing contexts will mean that there are various other factors that will have to be taken into consideration. The reactionary traits of EIAs are regarded as a limitation because the practice of EIAs will not have an influence on which projects are chosen and when and where they will be completed. It is rather the opposite of the above, the project is decided on and then an EIA is carried out, this means that EIA does not have the influence on planning and decision-making that was hoped for when the tool was designed (Spinks et al. 2003).

Spinks et al. (2003) are of the same opinion as Alshuwaikhat (2005) when referring to the timing of when EIAs are conducted. Spinks et al. (2003) add to the criticism of it being done too late in the planning and decision-making cycle, making changes to the project plan and design much more complex and expensive to do. Developers and stakeholders thus tend to view EIA as a “stand alone” process, which acts as a hurdle for the development to go ahead. The developers get frustrated with the EIA process because it does not seem to fit in with the planning and decision-making process of the project.

Another limitation that always seems to creep into the cycle of a project is the subjectivity element, which determines what is important to take into consideration throughout the project with regards to conserving the environment. The subjective nature of EIAs should not always be deemed as a limitation, but rather as a positive attribute that can count in the favour of the efficient practice of EIA. This line of thought will be discussed further on under the section which elaborates on the positive aspects of EIAs.

2.5.2 Extrinsic shortcomings of EIA

Looking now at some of the extrinsic limitations of EIAs one has to take into consideration that these limitations may differ from the context in which the EIA applies. These limitations are also not as well recognised as the intrinsic limitations that were discussed in the previous section.

EIA in South Africa is a requirement of the law and legislated in NEMA. In most of the countries using the EIA tool, it forms part of the legislation of that country. SA is no different in this regard. An EIA is required if one or more regulations/listed activities in section 2 of NEMA are triggered. This feature of the tool in itself serves as a limitation. This is because it immediately takes away the flexibility that might be required to do an effective EIA. Legislation means that it has to adhere to strict guidelines and standards, but that it is possible that it misses the main point of protecting the environment or promoting SD. EIA legislation can thus be described as restricting the practice of EIA. Also, when applying the rules there might be instances where there is an impact that takes place that falls outside the realm of the legislation. This is an area of concern, because the responsibility to mitigate the impact is not

required by law but now rests solely on the consciousness of the developer and thus becomes a voluntary action (Spinks et al. 2003).

Time delays have been a big frustration in the practice of EIA. It is often the case that the involved authorities in a development project delays the project from going ahead because they do not own the capacity and skills to deal with the volume of applications, as well as the content of the applications of the EA process to make accurate decisions. This creates a negative attitude towards the authorisation processes with regards to environmental assessment practice, and thus leads to a negative attitude towards the process and actors involved as a whole. The delays do not only stop the project from making progress but it also leads to an increase in the development costs, which in the end, if all the delays are taken into consideration, can become a very expensive and protracted process (Spinks et al. 2003:309; Steenkamp, 2009).

The lack of co-operative governance in the environmental assessment field causes frustration among all the stakeholders involved. The lack of an integrated process takes place because there are no clear and well-defined channels of communication between the different spheres of government. This problem is not only applicable to the different spheres of government but is also prevalent within the different departments involved in a project. What makes this situation even worse is the high staff turnover in the government because of a lack of human and financial resources. The lack thereof leads to staff being overworked; and thus, they decide to embark on another journey or move to another department. As a result, there is seldom a good relationship built between the different role-players which hinders consensus and having a negative effect on relationships.

The above-mentioned situation may lead to further frustrations because of the duplication of procedures that are taking place, running the same course but in two parallel ways instead of being streamlined, causing contradictions between authorisation processes (Spinks et al. 2003: 311; Steenkamp, 2009:36).

2.5.3 Benefits of EIA

Taking the above-mentioned overview of the various challenges, shortcomings and negative issues into consideration, attention will now shift to some of the more positive aspects that have been experienced with the use of EIAs to create a more sustainable future. The positive attributes will be compared to the negative attributes to give a more balanced picture of why EIA as one tool of the IEM toolbox has been so influential and applied in more than 100 countries over the world. Weaver, Pope, Morrison-Saunders and Lochner (2008:91-97) argue from an environmental practitioners viewpoint, claiming that the EIA is not all bad and they look at ways in which practitioners can contribute to the effectiveness of EIAs.

EIA has been described “as one of the more successful policy innovations of the twentieth century” (Bartlett 1988 cited in Weaver et al. 2008:91). Not only is EIA also used in more than a hundred countries across the world, it is currently the only useful tool that can be applied in different contexts to manage the environment. There is no other tool that does what EIA has been doing with such an influence on protecting the environment for a more sustainable future. SEA has come to the fore, but it evolved due to some of the shortcomings of EIA; it is thus a reaction to EIA and not a new innovative tool such as what EIA was and still is.

2.5.4 EIA as an aid to decision-making

One of EIAs main functions is to act as an aid to decision-making. Glasson, Therivel and Chadwick (2004:8) promote the use of EIA because of the tool's ability to be of aid to decision-makers. According to Glasson et al. (2004:8), the notion that EIA acts as a hurdle to the proceeding project is not a valid assumption to make. The EIA is an instrumental document for decision-makers that eventually decide on the validity of a proposed project. It provides the decision-maker with the necessary information about what trade-offs are being considered before heading blindly into decisions and not considering the impact that it will have on the environment. Glasson et al. (2004:8) makes a valuable interpretation of EIA in stating that it has the ability to become a ‘negotiating tool’ between the different stakeholders. With negotiating tool is implied that a balance will be reached where the most rational option will be decided and agreed upon by everyone involved in the process.

The notion that EIA acts as hurdle for development and that it is a time-consuming and costly process that hinders progress from being made is not an accurate assumption to make. To the contrary, EIA should be seen as an instrumental tool that is of benefit to the developers and in actual sense saves them time, money and resources. The reason is that it has the ability to consider the locality of a development and it will have an influence on which design is chosen according to the locality, as well as taking into consideration critical environmental issues which will have an influence on the development of the project.

The prevention of a potential problem or issue is better and more efficient than the curing or solving of something further down the development path. By identifying the critical issues early in the project cycle, adaptations can be made to smooth the planning and implementation process, rather than hinder progress. Issues that are clearly identified at an early stage will lead to a development that is environmentally sensitive and it will help improve relations between different stakeholders. It will eliminate confusion that may create conflict and avoid instances where stakeholders voice their concern at a later stage, leading to more meetings and inquiries that eventually hinders progress from being made.

Weaver, Pope, Morrison-Saunders and Lochner (2008:93) elaborated on the debate about the positives of EIA by using the phrase: “Pushing the vectors”. By referring to “pushing the vectors,” they argue that EIA contributes to sustainable development by not only trying to restrict the possible negative environmental impacts of a proposed project, but also by adding value to SD through enhancing the positive impacts that might materialize because of the project. Positive impacts refer to the three spheres of SD (environment, social and economic). The main objectives of EIA have thus been transformed to not only preserve the environment from adverse effects but to also enhance the SD objectives of a project. Spinks et al. (2003:308) support this argument by saying, “The EIA process must add value by ensuring that the environmental quality of any development is enhanced for both the developer and the affected community, thereby maximising the triple bottom line returns and ensuring no net loss of biodiversity and ecosystem units”.

This has transformed the practice of EIA, making it a much more complex tool which has to take a lot more factors into consideration. This has not necessarily been the case in the past.

The critique is thus so much more due to a complex social dynamic environment, resulting in the situation that EIA immediately gets the blame for failures if it did not take into account all the factors of a proposed project, programme or policy. According to Cashmore et al (2004), EIA is always going to fail due to the humans' inability to accurately predict the future of the complex natural environment. There are always indirect consequences in the science of trying to predict future environmental impacts and that implies that EIA is always doomed to fail.

To return to the point of EIA and pushing the vectors of SD, it implies that EIA must be used to take the SD objectives into consideration when making decisions. The context in which the proposed project is supposed to take place has the most influence in determining what the vectors are that have to be pushed. Pope et al. (2008:93) indicate that the aim of the above mentioned must be to try and make the difference in the sphere where it is needed most. In the South African context, the difference will lie in the provision of houses to the urban and rural poor people. This is where the researcher feels the focus must be centred.

Weaver, Pope, Morrison-Saunders & Lochner (2008) mention that Environmental Assessment Practitioners (EAPs) should play an integral role in a project cycle of a proposed PPP. One of the ways in which this important role can be fulfilled is to make stakeholders that are perceived to be against the implementation of the project, part of the project, by taking their concerns into consideration. For example, in a proposed low cost, mixed housing development site, which is situated in a sensitive natural landscape where there is a wetland or Conservation Park close by, the EAP must make the sensitive landscape part of the design, which incorporates this resource by conserving it. This line of thought must be well communicated to all the stakeholders who work with the EAP. It must be made clear that the aim is not to degrade the environment but that the natural resource can act as an asset that can help in promoting the social and economic aspects of the environment and conserve the natural environment in doing so.

In other words, utilise the situation to such an extent that it will contribute to SD by not only conserving the environment but also by adding value to the social and economic aspect of the environment. This will not be possible in all cases, but it is the responsibility of the EAP to

be innovative in its quest to promote SD; the vice versa is also applicable when the EAP should not promote the proposed development because it will cause irreversible environmental damage.

Weaver, Pope, Morrison-Saunders and Lochner (2008) substantiate this line of argument by using the term ‘environmental offset’. This implies that an environmental resource, such as a wetland for example, can be used as an asset that will not only enhance its own value but also offset into the social and economic arenas. This can only be successful if the EAP seeks “synergistic opportunities” to integrate the different values the resource has to offer (Pope et al. 2008:91).

An interesting observation is made by Wilkens (2003:42) when he mentions that one of the main critiques that EIA has received over the years must actually be seen as a positive aspect of EIA. The point he is talking about is the critique of the lack of subjectivity in the EIA process. Spinks et al. (2003) made reference to this in their criticism of EIA and emphasized that it is impossible for EAP’s to be subjective and that the general consensus are that EAP’s are always for the development to receive the go ahead. This is done so that the EAP cannot only build a good reputation as a good practitioner, but also so that the practitioners can keep on working on the project and see it through until the end. By being involved with a project over a longer period of time ensures revenue to the EAP.

To return to the point of Wilkins (2003:402), the argument is that EIA should be seen as a tool for environmental management that has the ability to develop social values and a tool whereby the concept of SD can be promoted. This is done by engraining the knowledge of the informed decisions made via an EIA, so that it becomes a part of the everyday lifestyle. Subjectivity, which is evident in EIA, is thus of aid to the process of promoting SD and should be seen as a benefit to the procedure rather than a hindrance to the practice of EIA.

2.5.5 Conclusion

This section of the chapter elaborated on the concept of effectiveness with regards to the EIA tool. The concept of effectiveness was analysed to get a clearer picture of what is meant by the word effectiveness. Different types of effectiveness were discussed to illustrate that it is a

complex concept which requires extensive interpretation before making judgements about where something can be described as being effective or not. The different factors, for example the political factors at play, and the context in which EIA is applied has an influential role in the effectiveness of the tool. These aspects were discussed in detail. A framework for effectiveness was discussed. This entailed describing four categories of effectiveness, namely: procedural, substantive, transactive and normative effectiveness. Each was discussed and the factors that have an impact on them were also looked at before examining the criteria based framework by Chanchitpricha and Bond (2013) through the use of a logic model and a suitability test. This particular framework will be used later in the study, when the case studies of two low cost housing developments in the Western Cape will be analysed.

2.6 Strategic Environmental Assessment (SEA) in South Africa

2.6.1 History of SEA in South Africa

The first important aspect to realise about SEA is that it developed as a response to the limitations that were experienced on project level EIA in environmental assessment practice. The limitations of EIA were explored earlier in this chapter. The basis of SEA can be traced back to NEPA (National Environmental Policy Act) that was formulated in 1969 in the United States of America. NEPA was formulated so that an environmental impact statement should be prepared for “actions” that affect the environment. The word ‘action’ is used because NEPA did not make distinctions between a policy, programme or project; this led to the situation that there was no real difference identified between what should happen at strategic level and what should take place at project level (Govender, 2005:31).

Thus, NEPA was in this regard more centred on specific project developments and did not give proper attention to broader strategic plans and projects. The above-mentioned practice kept on evolving and the term environmental impact assessment was eventually coined to describe the process. The practice of EIA gained a lot of momentum and provisions were made in the legislation of the USA to make it a mandatory process before a project could receive the go ahead (Fischer, 2002). This process also gained momentum on the international front and provisions were made in various countries’ legislation that required them to complete an EIA. A lot of countries already had a specific way of land use planning;

and thus, made adaptations to their current systems and policies to incorporate the practice of EIA.

According to Sowman et al. (1995), South Africa lagged a bit in incorporating EIA as part of legislation. It was the Environmental Conservation Act (Act 73 of 1989) that played an instrumental role in requiring that provisions should be made to the current environmental policy. The provisions that were introduced entailed that the practice of EIA should be incorporated into environmental policy to make it a requirement for projects. South Africa published a document titled, Integrated Environmental Management (IEM) in 1989, which was intended to promote EIA in the sense that it should “guide” the decision-making process by making use of the prepared environmental reports. South Africa’s Department of Environmental Affairs published several documents and guideline documents after the above-mentioned transitions that were intended to place emphasis on the development phase of development, but not much consideration was given to the environmental management aspect of IEM and also not to the monitoring of project implementation, during and after project implementation (Govender, 2005).

The limitations of EIA have already been elaborated on earlier in this thesis, but it is important to understand that SEA originated from some of the limitations that were experienced with EIA. With the critique of EIA taken into consideration, the philosophy of EIA as such was starting to be questioned. Some practitioners felt that there is a need for other planning tools that should play a more influential role and that can support the practice of EIA to not have such an anthropocentric approach to a proposed PPP. EIA especially placed focus on the effect that the development would have on the environment but did not take into account the effect that the environment should have on development projects. There was general consensus that planning should be integrated better before an EIA is just undertaken because it is required by the law.

Strategic Environmental Assessment (SEA) thus came into existence. Govender (2005:33) argues that SEA became an important tool in environmental assessment because “it was developed to focus on the environmental opportunities and constraints for development”. SEA, thus, has a more concentrated focus on incorporating the principles of sustainable

development into planning procedures early in the project's life cycle in comparison with EIA.

South Africa is considered to be one of the leaders when it comes to SEA practice. Retief (2007a:85) argues that one of the reasons for this state of affairs is because SA has conducted SEAs since the mid 1990's on a voluntary basis; together with this, proposals were made for the introduction of SEA into planning at the same time.

SEA policy developed in 1996 with the publication of a report named, 'SEA Primer'. The report was a product of the Council for Scientific Information and Research (CSIR). The report was produced in order to take the first step to show the benefits that SEA can have on EA in South Africa. The report contributed to the current debate at that time and emphasised the role that integrated planning should play in a proposed PPP. The report was followed up by several SEAs being conducted on specific case studies; this was in turn followed up with another publication which identified the main set of principles of SEA, also written by the CSIR.

At that stage, the few SEAs that were conducted happened without a well-defined methodology and limited understanding of the main aims of SEA. South Africa (SA) made use of SEA in various case studies and through this practical experience of conducting SEAs, a generic set of principles came into existence that evolved to such an extent that there is now a general approach to SEA in South Africa (Rossouw et al. 2002:219). SEA is thus currently used as a support decision tool that has rooted itself firmly in the EA field, and is very useful to make more informed decisions in a proposed PPP earlier in the decision-making process. SEA is considered to be one of the two main tools in the IEM toolbox.

2.6.2 Conceptualising SEA

The history of how SEA came into existence gives a good indication of the role that SEA has to play in EA in the quest to reach SD. The concept of SEA itself will now be elaborated on and the researcher will delineate a broader understanding of what SEA exactly is, what it tries to achieve and how it tries to achieve this. The researcher will explore the role that SEA has to play in the future of EA and why this tool is so instrumental for the sustainability of South

Africa and the rest of the world with regards to the ever increasing population and expansive development and consumer trends in the post-modern world.

One very important aspect of SEA in South Africa is that SEA takes a proactive approach to a proposed PPP, in other words, SEA does not intend to focus on the impact that a proposed PPP will have on the environment but rather on what the environment has to offer the PPP. What opportunities are there on offer from the environment to the PPP is the important question (Govender, 2005:33)? SEA is different in that sense from EIA and it further differs from EIA practice by being undertaken much earlier in the project cycle. SEAs are undertaken at a strategic level, this approach is followed to ensure that strategic assessments are done before any specific goals or objectives are identified. Rossouw et al. (2000:219) support the above-mentioned by stating that, “The goal of SEA is the integration of social, biophysical and economic aspects into plans and programmes to promote sustainable development”.

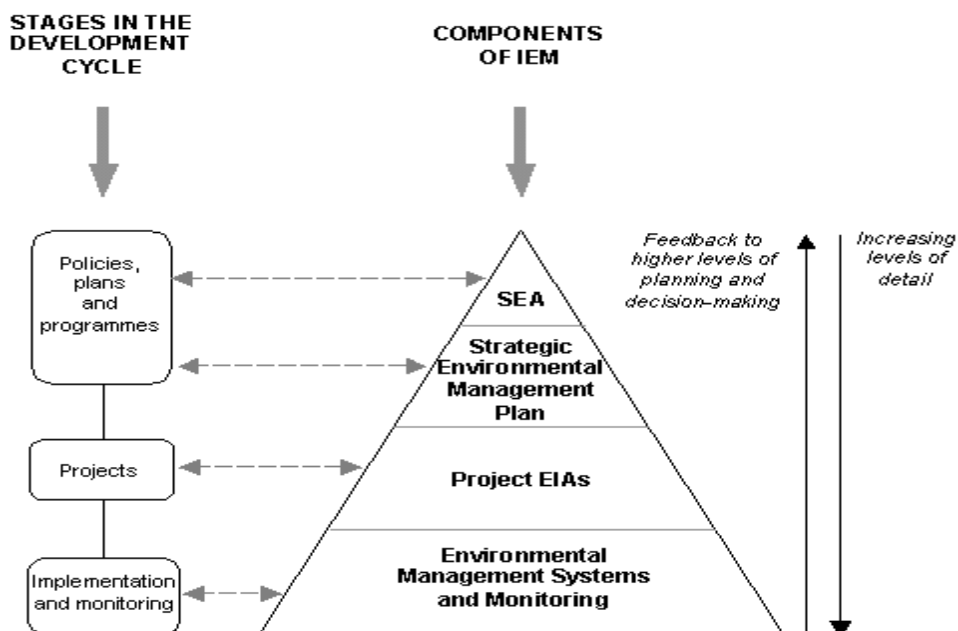
There is not one well-defined definition of SEA, although various definitions of the concept exist. One definition would tie the concept of SEA down to a single context, while it operates in a more complex and diverse context of decision-making than most of the other instruments in the EA toolbox (Retief, 2007:83). Against this background, the researcher will attempt to interpret and define SEA. SEA is defined differently in different parts of the world. The difference of SEA between a developed and developing country is itself a separate subject for study. For the purpose of this thesis, not too much attention will be given to this; instead, the researcher will rather focus on the interpretation of SEA as a concept, be that SEA in the developed or developing world.

One of the earliest experts in the field of SEA and a person who has studied the tool extensively is Dr Riki Therivel. In her book, *Strategic Environmental Assessment in Action*, published in 2004, she defines SEA as, “A process that aims to integrate environmental and sustainability considerations in strategy” (Therivel, 2004:3). She is, however, of the opinion that the most useful and well defined definition of SEA is that of Sadler and Verheem (1996) who define SEA as, “SEA is a systematic process for evaluating the environmental consequences of proposed policy, plan or programme initiatives in order to ensure they are

fully included and appropriately addressed at the earliest appropriate stage of decision making on par with economic and social considerations in decision-making” (2004:3). Therivel (2004) is of the opinion that most of the other definitions of SEA are similar to the one mentioned above or are a variant of it.

SEA in South Africa follows a somewhat different approach from that of the international community’s approach. Rossouw et al. (2000:219) substantiates this statement by arguing that SEA in SA follows a proactive approach to try and determine what the capacity of the environment is for different types of development. SEA thus tries to provide information that is useful to the planning procedure at the appropriate time. SEA is one instrument that forms part of a whole set of instruments, all falling under the general term of IEM. SEA, as already mentioned, takes place at a strategic level; if it is done competently, it creates a strong base and context for the lower levels of planning and implementation to take place efficiently, thus giving valuable inputs to strategic planning, higher levels of planning and decision-making. This theory elaborated on above can be better understood when looking at figure 3 provided below.

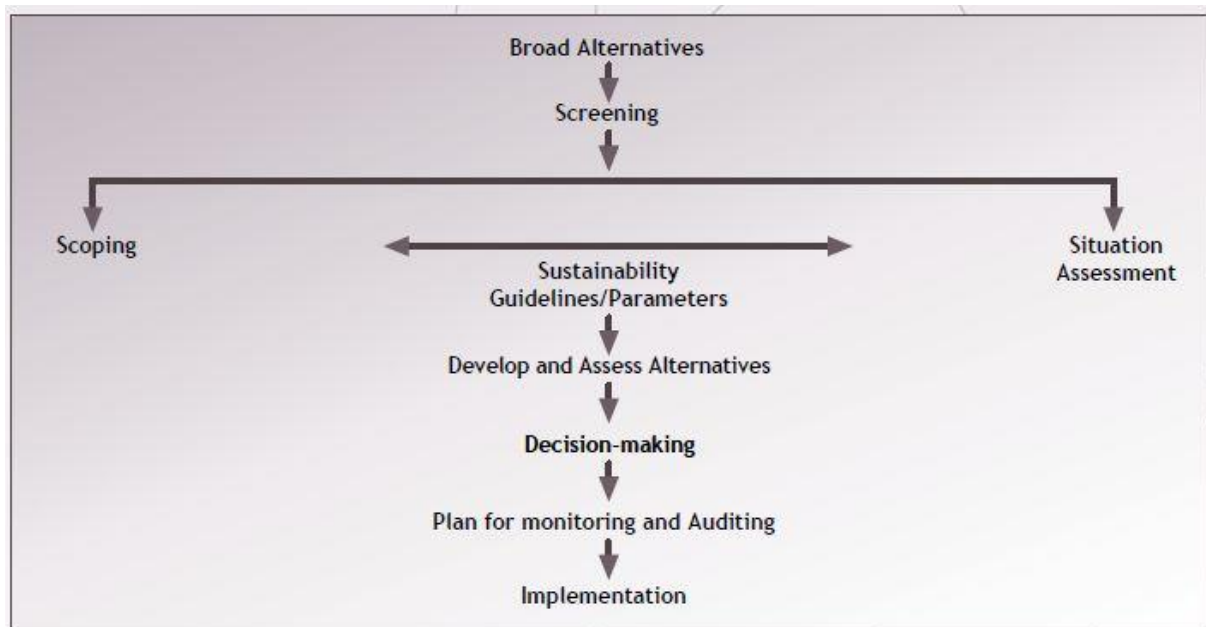
Figure 3. Tiered approach to SEA and EIA in South Africa



Source: DEAT and CSIR (2000:23)

The overarching aim that guides SEA is to provide information to decision-makers of the proposed PPP at an early stage so that it can be integrated into the decision-making process for the purpose of working towards the overarching theme of SD. The role of SEA, according to Alshuwaikhat (2005:310), is to improve policies and strategies that are more sustainable. Therivel (2004:7) also mentions that the overall aim of SEA is to help protect the environment and to make sure that SEA integrates the environmental issues when it comes to decision-making. This is achieved by creating a policy which is based on perspectives that is much wider and more context specific than was the case in the past. A trickle-down effect is applicable when it comes to SEA, the sustainability principles that are used at the higher levels of decision-making trickles down to development projects at ground level and forms part of different programs and sectors. The process mentioned above can be better understood by looking at Figure 4.

Figure 4. Process chart of how SEA is completed



Source: DEAT and CSIR (2000:24)

2.6.3 Effectiveness of SEA in South Africa

Determining the effectiveness of SEA is a challenge in itself. Retief (2007:84) is of the opinion that the biggest challenge in this regard is that there has not been enough empirical research done in this area to make substantive conclusions about it. With little research being

completed and the fact that SEA is a complex tool, used in complex situations, where there are a lot of variables at play, makes the task of improving the effectiveness of SEA an immense challenge. Therivel and Partidario (2000:278, cited in Retief 2007:84) argue that the most applicable criterion to determine whether SEA is effective is to try and determine if it had an impact or change on the strategic actions of the proposed PPP under scrutiny.

The fact that there is not a quantifiable way in which to measure the practice of SEA, can be damaging to the image of environmental assessment practice as a whole. This is especially true in countries that do not have such a well-developed EA background, which is the case in a lot of developing countries. When you take South Africa as an example, there is a general consensus that EIA is perceived as a thing that slows down development and acts as a hurdle that hinders the process of the development of a project. South Africa is also in the unfortunate position that there is a shortage of personnel in government departments which has to complete the authorisation processes of EIAs and other EA tools that makes part of IEM.

Further, this problem is worsened by the fact that there is a lack of skills and capacity in the above-mentioned departments, which make the task of evaluating effectiveness of SEA an even more daunting task. This point has been elaborated on under the discussion of the limitations of EIA but is also applicable when comparing it with the practice of SEA. The lack of political will and high staff turnover in these departments means that there are not enough experienced personnel who can guide the more inexperienced staff when complex issues arise.

SEA, also being a more recent tool than EIA, because it evolved in answer to some of the main deficiencies in the EIA process, does not have as much data available to determine the performance evaluation areas where it needs attention to be improved. The current debate about the improvement of SEA is that it rather makes use of lessons learned from specific case studies than from empirical research about the subject.

Retief (2007a) completed a study of SEA in which he analysed case studies and their key performance indicators and key performance areas. The study came to the conclusion that

SEA is not as effective as it is perceived to be in theory and the literature in this field of study. SEA does not achieve its objectives in the SA context. There is, however, positives that Retief drew from the study and this includes that SEA does have a lot of unintended or indirect consequences which came to the fore. These consequences would not have been identified when it was analysed against the criterion used in the study, but does however have an influence in promoting SD.

The consequences included that SEA had the ability to point out deficiencies that existed in the applicable policy of the proposed project or programme. It identified shortcomings in capacity building and played an incremental role in providing the stakeholders with the necessary information, which enabled them to share it as well.

Retief (2007b:98) suggests that practitioners that make use of SEA should define more clearly what SEAs purpose is and how it should be applied. Better understandings of the different components or factors that have a negative influence on the outcomes of SEA, are necessary to make SEA a useful environmental tool.

2.6.4 Benefits of SEA

To be able to discuss the benefits that are associated with the use of SEA one has to look at what the SEA processes can be used for. According to the Integrated Environmental Assessment Guideline Series of DEAT of SA in 2007, under the SEA chapter, the benefits of SEA can be summarised as the following:

SEA has the ability to integrate various considerations, these consideration are then formulated into PPP's which in turn is helpful in the assessment and implementation of it. This enables SEA to steer the development and determine in which the direction it has to move to be eventually considered to be sustainable. SEA processes also has the ability to streamline EIA and to address potential issues of conflict at an early stage. SEA not only has the ability to identify the issues but can also address them and help formulate the PPP to adjust to the context in which it operates (DEAT, 2007:2).

Other potential benefits that are useful when making use of SEA includes that a wider range of alternatives may be considered; together with this, the opportunities and constraints that are considered have the potential to be wider in scope and thus, the environment that is considered to be impacted, is bigger. This eventually leads to possible future projects being filtered down to such an extent that only the projects that will be sustainable to the environment would be considered. SEA have a better ability to define the environmental quality it want to achieve; this is also applicable when considering that SEA is in a better position to avoid certain causes of environmental impact rather than just mitigating it. Improved participation and stakeholder engagement can also be expected when making use of this tool; and this participation will also take place at the strategic level which means that it will definitely be taken into consideration when it comes to the planning and policy making processes (DEAT, 2007:2).

The fact that SEA is not only a useful tool when it comes to EA but that SEA practice can also be useful in other areas of expertise and applied in different sectors makes this tool even more valuable (Alshuwaikat, 2005:313).

Therivel (2004:14-17) offers well-elaborated research about the advantages that SEA provides. The most obvious one is that it happens much earlier in the project cycle, this enables SEA to influence the type and kind of project that will eventually be implemented. EIAs on the other hand are reactionary and only have an influence after the most important planning and strategic actions have been decided on. SEA, as already mentioned in the previous section, has the ability to take cumulative impacts into consideration. It does not focus on impacts that will take place at project level the way EIA does, but also takes synergistic implications of a proposed PPP into account. The fact that it focuses on bigger impacts and issues means that it can also play an instrumental role in environmental issues and impacts that are bigger in nature.

The alternatives that are considered in SEA practice are much more and its scope is much wider than EIA for example. Instead of adapting to the issue at hand, SEA has the ability to provide alternatives that reduce the demand for the issue because of the fact that there are more alternatives available to choose from. Public participation is thus a very big aspect of

SEA. With SEA, it is not whether the public will be involved in strategic decision-making but rather how much they will be involved. This makes the process whereby decisions are made and planning is done a more transparent and watertight process. When decision-making like the above-mentioned are taking place, the room for unintended consequences are drastically narrowed. This also has a positive influence on timeframes because superiors, inspectors and auditors approve this kind of work much quicker. The trickle-down effect that takes place due the tiering characteristic of SEA means that decision-making is streamlined, and that duplication and repeated planning is avoided, making the process more efficient.

2.6.5 Challenges of SEA

As with all tools in the EA field, each one has its limitations, challenges and problems. SEA is no different in this regard and some of the main points of critique will now be discussed. SEA is an all-encompassing tool. This implies that for SEA to be done effectively there has to be a lot of resources and the necessary time to accomplish it. SEA, as already mentioned, takes place very early on in the strategic action and if it does not receive the necessary time to make informed decisions, the planning will move in a direction that might not be the most sustainable and transparent.

SEA is still a relatively young process and not as well established as EIA. The data available to make well informed decisions and refer back to are thus not as easily available; this will have an influence on the quality of decisions being made and the planning that goes with it. The planners and all the stakeholders involved with a proposed PPP, still have to go through a learning curve before it can classify itself as a well-established tool with a broad base of data available to help with making informed decisions.

Another aspect that might pose problems is that, because SEA deals with decision making at such different levels and it is used in a broader context than EIA, it means that there is lot more variables that can have an impact. These variables, some of which there is no control over has the potential to cause time delays. A positive aspect that was mentioned in the previous section was that SEA is a transparent and robust process, but when these variables come into action it will mean that decision makers will have to make quick and uninformed

decisions on certain matters. This implies that SEA has to be flexible and able to adapt which in turn means that the process might not be as robust and transparent as initially thought.

SEA requires a lot of effort and it takes a lot of skills, time and money to complete it. This is done, despite the fact that it may only have one input or impact into the entire planning process. White and Noble (2013:63), however, point out that although it may seem that SEA will not have the desired influence it should have on a specific PPP, it does enable institutional change, as well as transformational learning, which supports the role that SD has to play in the future. Changes in policy might not always take place, but stakeholders involved get to have a better understanding about SD and may change some values and attitude people hold towards the environment because they now have a better understanding of what SEA is trying to accomplish and the direction it is trying to work towards.

Another point of critique is the perceived boundaries that exist between citizens who participate in the SEA process and the experts and planners who drive the SEA process. SEA has not yet evolved to the point that citizens feel they are equal in the participation process. This issue can however only be addressed by continuing with SEA practice and creating an environment whereby citizens feel comfortable to participate in the process. The transformational and institutional change which has been elaborated on will be significant in helping communities to become informed about what SEA tries to achieve and how SD can be promoted (Bonifazi, Rega & Gazzola, 2010:10).

2.6.6 Why SEA?

Having discussed both EIAs and SEA's extensively, critical questions that have to be asked are: What is the future prospect of using SEA, and how should SEA contribute to the use of EIA? Is SEA only used as a way in which the EIA process can be made more effective and streamlined? Or is it an instrument that has a crucial role to fulfil in the environmental decision making area to promote SD?

2.7 Conclusion

This chapter elaborated on the history of EIA, where it began, how the tool spread to different parts of the world and how the tool found its roots in SA. The legislative

background of how EA and the use of EIA in SA has transformed, was also expanded on. The key concepts of the environment and SD were discussed and placed into the context of how it should be read with regards to the text.

EIA as a tool itself was discussed and attention was given to how the tool is defined in the local and international contexts. Some of the key limitations, as well as the main benefits of EIA practice, was researched and discussed, so as to provide the reader with a clearer picture of what EIA is and where attention and research should be focused on in the future of EIA. With the above-mentioned background of EIA taken into consideration, the effectiveness of EIA was then discussed in more detail. This was done by first analysing what is meant by effectiveness, and then the four different types of effectiveness of EIA by Chanchitpricha and Bond (2013) was researched and discussed, so as to provide a framework against which the EIAs of two low cost housing projects in the Western Cape will be discussed.

The next section focused on SEA, what SEA is and where SEA originated from, why it originated and the process of how it evolved to become a well-recognised tool as part of IEM in SA. SEA as a concept was researched, as well as what the main aim of the tool is and what it does to fulfil that role. Attention was also given to the main benefits and shortcomings of the tool.

This literature review was written to give the reader clarity with regards to what SEA and EIA are, and how important these two tools are for a more sustainable way of managing the environment. The next chapter will focus on low cost housing and how low cost housing projects are used to address the housing problem in SA. Some of the main policies and legislation of housing in SA will be discussed and the researcher will attempt to give the reader a transparent background as to why EIA has an influence on the process in the provision of low cost housing to the poor. Focus will also shift to determine whether this influence is indeed necessary to help protect the environment from degradation.

CHAPTER 3: LOW COST HOUSING IN SOUTH AFRICA

3.1 Introduction

The shortage of housing in South Africa is one of the main issues that hinder the country from advancing to a society where the constitutional rights of everyone are acknowledged. With the celebration of 20 years of democracy in 2014 and the 4th national democratic elections having taken place on the 7th of May 2014, there has been a lot to reflect on with regards to housing in SA. Two of the main issues that came to the fore in every debate and protest prior to the elections were the issue of the shortcoming of housing for the citizens of SA and the poor service delivery of the government to communities. This culminated not only in heated public discourses but there were also several protests (violent and non-violent) across SA, driven by poor people, showcasing their anger and frustration with regards to housing delivery, as well as with regards to the provision of basic infrastructure services in their communities (Source).

When discussing this shortage of housing the researcher is referring specifically to the poor and marginalised population groups of the country. Central to the housing issue and the questions that surfaced the most leading up to the previous elections were: Why is there still such a backlog in the provision of housing for the poor? Why are there still long waiting lists where some people have to wait for 30 years to get a house? These key questions will be addressed in this chapter. Linking them to the research question of the thesis: What can the case study teach us about effective implementation of low cost housing projects and the role that EIA can play in this? Here, the researcher will elaborate on the specific issues which contribute to the above-mentioned problems.

With these questions in mind, various issues will be analysed to give the reader a comprehensive background about housing in SA, especially with regards to the provision of low cost housing for the poor and marginalised people of SA. In the first section of this chapter, the researcher will define some of the key concepts with regards to low cost housing. In the next section, some context will be provided on the current housing issues; this will go further to analyse how SA makes use of the low cost housing provision to approach the issue of housing. This will be followed up with a discussion on some of the main policies and

legislation of the housing strategy in SA. Only selected policies and legislation will be discussed because the literature with regards to this is too expansive for the scope of this thesis. The most important and basic aspects will, however, be touched upon. The problem of delays with regards to the provision of low-cost housing will be next in line. Followed by another section that will elaborate on the negative environmental effects that the ever-expanding informal settlements have on the environment. The different viewpoints from the literature will give justification to show that the delays in the provision of housing are causing severe environmental degradation together with various other socio-economic challenges.

3.2 Context of the current situation in South Africa

Since the start of democracy the country has experienced different types of transformations and transitions from the pre apartheid experience before 1994. This included transitions in the political, socio-economic and spatial aspects of the country. This transition has been none more evident than in the main cities of the country. With regards to the politics, each citizen aged 18 or older, from any race has the right to partake in elections and have a stake in the future of the country. When looking at the economy, it is hard not see the development of a new black elite which has taken place. Together with this, people of all races can pursue any employment opportunities they wish to pursue in any direction possible. This has brought a transition in the sense that SA now has people from all race groups working in the public and private sectors compared to the previous era where the above-mentioned positions were predominantly held by white people (Landman & Ntombela, 2006:3).

There have, however, been aspects that have not experienced the same tempo of transition as the ones mentioned above. Two of these are the large percentage of black people and other minority groups still experiencing poverty and finding themselves entrenched in pockets of poverty across the country (Landman & Ntombela, 2006:3). The other aspect being housing. Housing is a very sensitive issue because of the manner in which the newly elected ANC government in 1994 based their election manifesto on the provision of houses to the poor. This was done through the promotion of the Reconstruction and Development Programme, which served as the base document on which the ANC planned to develop SA (Charlton & Kihato, 2008).

The government tried to fulfil the housing needs through the use of subsidies and social welfare grants. The demand for housing was, however, much larger than the capacity of the state owned, to fulfil this demand. The poor, thus, had to be happy with placing their names on a waiting list in order to receive a Reconstruction and Development Plan (RDP) house after a certain period of time. Other socio-economic transitions that also took place were that job opportunities were very limited for black people and the growth in employment was not as high as initially hoped for as indicated in the theory, which was set out in the RDP document. There was a sharp increase in urbanisation in the major cities of SA, this was considered as one cause of the growth in crime and violence that took place and is still taking place today (Landman & Ntombela, 2006). Below, the main socio-economic and urban transformation aspects that have had an impact on the housing provision in SA will be discussed in more detail.

3.2.2 The population issue

South Africa, being classified a developing country, has a large growing population number which keeps on growing. It is estimated according to a survey done by Stats SA in 2013 that the South African population has grown past the 50 million figure, and was estimated to be 52, 98 million in 2011 (Statistics South Africa, 2011). This figure is already a year old, implying that the number is more now than it was a year ago. This figure also does not reflect the large amount of refugees who have settled in SA; who refrain from being counted out of fear of exposing themselves and might then be forced to return to their country of origin (Palmary, 2002). Taking the context of the population figure of SA into consideration, one can imagine the huge challenge that exists in attempting to provide shelter for each and every one of these citizens, as it is every citizen's right to have access to housing as enshrined in the Bill of Rights of the Constitution of the Republic of South Africa (1996).

SA is however, different from other developing countries when analysing the composition of the population. This difference can be attributed to the role that apartheid played in shaping the country. SA is one of the most unequal and racially stratified countries in the world. The legacy of apartheid policies caused the settlement patterns in SA to be unsustainable and developed an infrastructure where the poor and marginalised people of SA were pushed to

the periphery of the cities (Landman & Ntombela, 2006:5-8). The role that apartheid played in creating the gap between rich and poor are also evident and the worrying aspect is that the gap between the rich and poor is constantly widening with the rich becoming richer and the poor keep on finding themselves entrenched in poverty.

The previous attempts by the SA government to provide bulk low cost housing were through the Reconstruction and Development Programme, as well as through the Growth Employment and Redistribution Programme (GEAR) policies, but both were unsuccessful in fulfilling the housing need. The reason for their failure, as well as the failure of a variety of the other housing policies and programmes, will be elaborated on later in this chapter.

3.2.3 Urbanisation

Together with the growing trend in population figures, there is the rural to urban migration of people searching for a better quality of life. The main reason for this migration of people is because they are seeking employment opportunities, which are not as readily available to them in the rural areas of the country. People from rural areas all over the country, especially from areas of the Eastern Cape, leave their homes and move to the cities to try and get a better job in order to earn money so that they can look after their families back in their rural homes. One of the main reasons causing this rural to urban move is the abolishment of apartheid legislation, which enabled people to move wherever they wanted to, and the removal of legislation which restricted people to only be allowed to move into certain areas (Odindi & Mhangara, 2011:251).

Since urbanisation has become a global phenomenon, studies have been done which estimate that more than half of the world's population live in urban areas. The urbanisation of people can therefore be described as a global trend that took place. SA is however, different from this worldwide trend in the sense that the apartheid government put in place certain laws and policies which prohibited certain groups from having access to the cities. This meant that when the legislation was abolished there was a major influx of people to the urban areas of SA. Kok and Collinson's (2006) study provides figures of population growth in urban areas showing a rise from 4,3% in 1996, to approximately 56% in 2006. It is thus safe to say that SA experienced one of the fastest growing rates of urbanisation in the world.

The above-mentioned statistics is alarming because cities are overcrowded in SA and there are not enough natural resources to ensure the health and safety of all the urbanites. The pressure placed on the natural resources of the cities, together with the pressure experienced to develop the urban infrastructure, is not sustainable. Air, water and ground pollution; waste accumulation and the constant urban sprawling of informal settlements, are all factors that contribute to an unsustainable lifestyle and may lead to the collapse of systems in the near future. The availability of green space for recreation purposes, the pressure of providing electricity to informal settlements, the provision of basic sanitation services and clean water is a major challenge due to the huge amount of people that are residing in the cities of SA. To summarize, there are too many people in the cities of SA, amounting to too much strain being placed on the infrastructure of these cities. The stock of natural resources in these cities are limited and are rapidly being destroyed, and this is a major challenge in ensuring a sustainable future for both the cities in SA and the people living in these urban areas (NDP, 2011).

3.2.4 The unsustainable aspect

When looking at the rate of the population growth and the intensity with which urbanisation is taking place, one can deduce that it is growing at a rate that is unsustainable. It is unsustainable in the sense that resources are going to become very limited in the near future to ensure the health of everyone; while at the same time ensuring the environment stays healthy and natural systems are not exhausted to the point of collapse from over utilisation. Space in cities is another issue, and the constant explosion in population figures puts a lot of pressure on the systems of cities. The systems of cities in this regard are aspects like the urban infrastructure, open spaces, the availability of resources, and so forth (NDP, 2011).

3.2.5 The in-migration of non-SA citizens

One of the other main contributing factors to the shortage of housing experienced in SA is the in-migration of non-South African citizens. These illegal migrants, who settle in the informal settlements of South African cities, work their way into the city's informal and formal economy in order to survive. This trend is a problem because the government already has a problem of delivery and to try and provide these groups of people with housing as well is

placing a lot of strain on the already fragile system. One of the main contributing factors that are enabling these migrants to enter the country is the result of poor border control on the South African borders (Crush, Williams & Peberdy, 2005:1).

Many of these illegal immigrants also set up their own informal businesses and apply themselves to various trades. Some of these illegal immigrants and refugees, who have been successful in the above-mentioned, have been the victims of xenophobic attacks in the past. Groups settling themselves in informal settlements have shown to have the potential to cause conflict between different groups in the society in which they settle themselves. The migration of non-South African citizens is one of the causes of the various xenophobic attacks since 2008, which took place in the Western Cape Province and in other places across SA (Misago, 2009:4-6).

Various reasons can be ascribed to these xenophobic attacks; and a lot of social studies have been undertaken to try and understand the root cause for the hatred people show towards these immigrants. To summarise, the main reasons are that citizens feel they take the employment opportunities away from the SA citizens. It is a means of expressing their anger at poor service delivery, it is way of showing their distrust in the current national polices, as well as the lack of leadership and effective governance in the communities.

3.2.6 Informal settlements

The above-mentioned scenario, linked to factors like unemployment, limited employment opportunities due to poor economic growth, the widening gap of inequality, sharp increases in poverty and other complex social factors, has led to the increased expansion of informal settlements. The UN Habitat document, published in 2003, estimated that 1 billion people currently live in informal settlements around the world. This figure is expected to triple by the year 2030 (UN Habitat, 2003).

According to Victor (2004:1), “Informal settlements consist of non-conventional housing built without complying with legal building procedures”. One of the reasons why informal settlements have expanded to such an extent is because of the government’s inability to

provide housing to the constant growing population of SA, and the failure of low cost subsidised housing programmes provided by the state, this aspect will be discussed next.

It is estimated that at the time SA became a democratic country in 1994, there were about 1 075 000 households living in shacks. The vast majority of these were non-whites; and out of the non-white classification, most of them were predominantly black people. It was estimated that 45% of urban black people found themselves living in these types of settlements.⁷

Informal settlements are located on sites that are more strategically located to fulfil the needs of the poor. The poor, who settle themselves here, do so because they do not have other alternatives; these places also enable them to have access to the main transport routes and places of strategic location. Although informal settlements are classified as illegal, a large majority of SA's population groups resides in these settlements because they have no other option. Del Mistro and Hensher (2009:333) argue that in SA there are currently 1.1 million households that have settled in informal settlements in and around the cities of South Africa. Despite the government's intention to try and eradicate informal settlements and dwellings, the reality is that the amount of people that reside in these types of dwellings have doubled since 1994. According to a study which was done by Stats SA (2011), informal settlements were estimated to contain 1, 25 million households in 2011, which is the most recent figure available.

3.2.7 Post-apartheid housing schemes

The policy and legislation of housing in post-apartheid SA will subsequently be discussed. The aim here will be to provide a brief overview of how the newly elected democratic government tried to provide houses to the poor and previously disadvantaged groups of SA. In 1994, the government made use of the Reconstruction and Development Programme as a means to provide adequate housing to each citizen of SA. The plan was to build one million RDP houses over a period of five years. An RDP house can be described as a 30m² stand-

⁷ When referring to these types of settlements the researcher is referring to shacks and other types of informal dwellings that form part of informal settlements seen across all the cities in South Africa, as well as in the rural parts of the country (Gilbert, Mabin, McCarthy & Watson, 1997).

alone house. The programme was developed to focus on the large-scale provision of these houses, a process typically referred to as the ‘breadth versus depth approach’.

The RDP’s objective of delivery was a success if you look at the amount of houses the government built. By the year 2004, 10 years after the implementation of the RDP, the government delivered 1, 6 million subsidized RDP houses (DOH, 2004:4). Due to the factors discussed above, and the factors going to be discussed subsequently, the RDP can be labelled as a failure if you take into consideration the large backlog that still exists with housing today.

The reason RDP failed was because it can be described as an enhancement of the so called “apartheid city” where the poor people are pushed to the outskirts or periphery of the major cities and communities are shaped according to class and race. The RDP houses were also poorly built and the materials used were of a low quality, together with this the sites that the government chose to establish these projects were situated on sites that were not strategically located, meaning the site was not of good quality and it was located far away from the main transport routes and economic activities. The people that were lucky enough to receive a RDP house had to travel far to their places of employment. This meant that the houses deteriorated quickly because they were excluded from the infrastructure of the cities. The RDP communities had limited basic infrastructure such as roads, sanitary services, waste removal and recreation areas for the citizens of these communities.

RDP was replaced in 1996 with the macroeconomic policy named the Growth Employment and Redistribution Programme (GEAR). This approach was followed to kick-start economic growth with the hope that the growth in the economic sector would enable a trickle-down effect to help alleviate poverty and create a means whereby the poor could find some relief and enable themselves to provide shelter for them and their families.

3.2.8 Conclusion

To summarise, housing is a problematic issue in SA because there is a shortage. The shortage of houses can be ascribed to the apartheid policies, the growing population trend, the urban migration of rural citizens to the cities that looks for better jobs and standards of living, the

uncontrolled in-migration of non-South African citizens to the cities, and the lack of employment opportunities to earn an income. Together with this, the poor quality of low cost houses and the locality of these projects push the poor people to the periphery of the cities and subsequently lead to the constant expansion of informal settlements in areas closer to main transport routes and economic activities. These informal settlements also tend to be located in places that are sensitive natural landscapes or pristine ecosystems. All the above-mentioned factors place enormous pressure on the infrastructure of SA's cities and indicate the various challenges that exist in housing the poor and integrating them as part of the city.

3.3 History of the housing policies in South Africa

The purpose of the previous section was to give an overview of the context of the housing issues in SA. This was done by elaborating on the growth in population and the vast rate of people migrating to the cities from the different rural parts of SA. The uncontrolled in-migration of migrants from the neighbouring countries has become an issue of concern due to the negative socio-economic issues that accompany it. The legacy of the apartheid policies thus had an unsustainable impact on the urban landscape in terms of where people are located and how far they have to travel to their place of work and homes. The poor integrated planning that took place during this time, together with the poor quality and location of previous low-cost housing projects done by the government all form part of the defining factors that impact on housing in SA.

During the 20 years of democracy that SA has experienced, the housing policy has been one of the policies that have experienced the most transitions. SA's housing policy is often described as one that developed over the years into a 'multifaceted entity'. This entity is a complex one and consists out of various components (Charlton & Kihato, 2006:252). Tissington (2011:57) ascribes one of the reasons for the above-mentioned to the importance housing has with regards to the socio-economic situation in SA, as well as the role housing plays when it functions as a political imperative to earn votes in the elections. Other reasons for shifts taking place in the housing policy are because of weaknesses in the existing policy. Agenda's which are pushed is another factor and these include political parties exercising their power to pressurize decision-makers in moving into a certain direction, internal politics

which may take place within a specific department can also have an effect and ultimately lead to transitions and drastic changes (Charlton & Kihato, 2006).

One can, however, take a stance on all of the changes and transitions that have taken place in the housing policy when analysing the literature around the policy. The stance the researcher takes is that: although weaknesses have been identified, the evolution and progress of the policy did not take place through considering the most pressing needs and concerns of the poor. Tissington (2011:57) substantiates this line of thought by arguing that there has not been “a clear process of housing evolution underpinned by a rigorous conceptual framework”. Contributing to this issue is that there seems to have been a lack of continuity, this leads again to the breaking down of institutional memory and eventually the policy is unable to progress in a meaningful manner.

One of the main problems of housing in SA is that although changes are made to existing policies, and the different spheres of government feel that the policy is moving in the right direction, the policy, however, is not supported by other crucial policies that are needed to support the changes that are proposed. The other crucial policies in this regard include urban policies, such as the Integrated Development Plans, Spatial Development Frameworks, land availability, and so forth. One can only deduce that these very important elements, which can be considered as a prerequisite for the successful provision of low cost housing, have not been evolving together with housing policies. This is a sign of poor and uncoordinated planning from the various departments, together with gaps between the intention of a policy and the actual implementation of it (Tissington 2011; Charlton & Kihato, 2006).

This section will give a brief background of the different policies that SA has with regards to housing. Du Plessis and Landman (2002:63) mention that since 1994, SA has passed 29 Acts that have to do with human settlements and housing the poor; together with this, there are the same amount of Amendment Acts which are also applicable in this regard. Of course, these Acts have to be supported by various policies and different programmes and projects that give effect to them. The purpose of this section is not to analyse all of these Acts, policies and programmes. Instead, this section will look at some of the main policies and implemented

programmes to provide the reader with a broad background of housing policies and to provide insight when referring to low-cost housing developments.

The post-apartheid era in SA saw that the government took responsibility for housing the poor. It was and still is the duty of the state to ensure that each citizen has a right to proper housing, as enshrined in the Constitution and that the government should use all the resources at its disposal, be it legislative or economic resources, to ensure that the above mentioned become a reality (Botes, 2013 & Rust, 2006).

3.3.1 The Constitution of the Republic of South Africa of 1996

The following quote from the Department of Housing provides a good description as to why the Constitution of the RSA has such an integral role to fulfil when it comes to housing the people of SA,

“Government’s housing development mandates from the Constitution. It is therefore Government’s duty to work progressively towards ensuring all South Africans can access secure tenure, housing, basic services, materials, facilities and infrastructure. Government will have to apply measures of a legislative, financial, educational and social nature to fulfil its housing obligations” (DHS, 2009:7).

The next section will elaborate on what the constitution states with regards to the rights of people and what is documented in it when it comes to housing.

The Constitution of RSA (1996) must be read in collaboration with the Bill of Rights, which is the second chapter of the Constitution. The Constitution states that the Bill of Rights forms the basis of democracy in SA, and this chapter of the Constitution affirms and gives effect to the law that the government has to promote the rights of all South Africans and they should respect and protect these rights. The Bill of Rights ensure that citizens have the right of access to housing, they have rights with regards to social, economic and cultural aspects; they have the right to an environment which is not harmful to their health, and one in which they have the right to property, health and social security.

Section 24 of the Constitution states the following with regards to the environment:

Everyone has the right-

- (a) To an environment that is not harmful to their health or well-being; and
 - (b) To have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that -
 - (i) Prevent pollution and ecological degradation;
 - (ii) Promote conservation; and
 - (iii) Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development
- (The South African Constitution, 1996:1251-1252).

Section 26 of the Constitution refers specifically to the housing aspect. It states that:

- (1) Everyone has the right to have access to adequate housing; (2) The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right; and (3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all of the relevant circumstances. No legislation may permit arbitrary evictions (The South African Constitution, 1996:1254).

The above-mentioned section of the Constitution acts as the basis from which each and every housing policy and Act came into effect. With this taken into consideration, Tissington (2011:8) notes that the government has indeed applied a wide array of legislation to give effect to people's rights. Since 1994, 2, 3 million houses have been provided to the people of SA; this amounts to approximately 11 million people receiving adequate shelter. As already mentioned in the context of the housing section, there is still a growing demand for houses each year due to the reasons discussed above. It was estimated in 2011, that there is still a shortage of 2.1 million houses, this figure is very alarming and points to the fact that something has failed. It is now accepted that the government's housing policy has failed to eradicate informal settlements by 2014. Not only do informal settlements expand on a daily basis, but also, the demand for houses keeps on rising. The upgrading of informal settlements was supported by the government as part of one of the goals of the UN Millennium Development Goals.

3.3.2 National housing forum

When analysing policies with regards to housing in SA, it is helpful to give a brief summary of the National Housing Forum (NHF). The NHF's origins can be traced back to 1992, the official role of this forum was to create a housing policy and framework for the future of SA. The Housing Policy, as we experience it today, is the outcome of this forum (Khan & Thurman 2001). The NHF consisted out of nineteen different members. The members came from different sections and background of society. The members represented political organisations, businesses, parastatal agencies, representatives of the construction and insurance sectors, and civic organisations (Khan, 2010:38).

The main aim of the NHF was to reach consensus on two issues. The first one being, to make a decision about who should provide the low cost houses. The second one being, the type of house it should be. The options to the above-mentioned, being either an incremental house or a completed full room house (Tissington, 2011:58). Without going too deep into an argument about the efficiency of the NHF and the criticism and accolades it received, one should rather focus on the outcome of this forum. The outcome was that this forum formed the basis from which the housing policy came into existence. It came into existence through vigorous engagement with stakeholders from a wide array of backgrounds and led to the documentation/publication of the White Paper in November of 1994, titled: *A New Housing Policy and Strategy for South Africa*. This White Paper was the government's way of committing themselves to be actively involved to help establish communities which are integrated, social and viable entities. These communities should contain both access to the citizens economic opportunities and own amenities such as health, education and social aspects (Khan & Thurman, 2001:3).

This White Paper was the product of vigorous engagement with stakeholders from different sectors over a long period of time. Together with this, the eventual policy was influenced by the Reconstruction and Development Programme (RDP) of the ANC at that stage. The main aims and principles of this programme were centred on the large-scale delivery of houses and providing basic needs to the poor and marginalised sections of society (Tissington, 2011:59). The main strategies and principles of the White Paper of 1994, culminated in the

transformation of the Housing Act (107 of 1997); both of them will be subsequently discussed in further detail.

3.3.3 The Reconstruction and Development Programme (RDP)

The Reconstruction and Development Programme (RDP) was a document that was designed to serve as a blue print or framework of how SA should develop. It was documented in the mid 1990's and it entailed a comprehensive analysis of the standard of living of all SA citizens. The initial base document provided strategies and guidelines to the government on how they must improve the provision of basic services to the people of SA, especially the poor people. This document was adopted by the ANC and became an integral document on which the ANC based their election manifesto at that time. After the democratic elections of that year, the document was transformed into a green paper, and thereafter, a White Paper. As already mentioned, the document was comprehensive, Tonkin (2008:394) does however summarise the strategies and policy programmes under 5 main points. The 5 main policy programmes are:

1. Meeting basic needs
2. Developing human resources
3. Building the economy
4. Democratising the State and the Society
5. Implementing the RDP

(Tonkin, 2008:395)

With regards to housing the RDP states in Section 2.5.6, "The RDP is committed to establishing viable communities in areas close to economic opportunities and to health, educational, social amenities and transport infrastructure". The RDP housing strategy was thus one of bulk provision of houses over a short period of time. When analysing the statistics, the RDP did impressively well and by 2004, it was estimated that this approach led to the construction of 1.6 million subsidised RDP houses (DoH, 2004:4).

There was, however, a lot of criticism of the RDP despite the above-mentioned success. The two words that surfaced the most in the literature of the RDP housing strategy were *quantity* and *quality*. Since 1994, a large majority of houses have been built, as this was the aim set

out in the National Housing Policy. The houses were, however, most of the time located on the periphery of cities or on the edge of existing townships and informal settlements. The quality of the location was poor and the bulk provision of houses did not kick-start economic growth and poverty alleviation as successful as the National Department of Housing had hoped for. The apartheid city spatial patterns were supposed to be eliminated through this programme but instead the opposite happened. The unsustainable, discriminatory and racially stratified pattern was reinforced and the houses were not considered to be financial assets by the beneficiaries. The demand for the houses, however, did not lessen and the poor citizens grew frustrated, this also led to the expansion of informal settlements and urban sprawl as the poor tried to locate themselves more strategically (Tonkin, 2008; Tissington, 2011).

One noted tendency was that the beneficiaries of RDP houses would trade their houses or rent them out, and then move back to the informal settlement from which they came. This could be because their location was more suitable to travel to and from their jobs, and are not isolated and removed from their families. With regards to the quality of the RDP houses, it can be described as poor, to say the least. Contractors made use of shortcuts and the cheapest materials available when constructing these houses and this led to poorly built houses which are sometimes unsafe and a danger to the health of its residents. It is estimated that about R1, 3 billion will be required to rectify these poorly built houses and damage repaired due to the above mentioned inefficiency (Tissington, 2011:62; Tonkin, 2008).

3.4 South Africa's National Housing Policy

3.4.1 White Paper on Housing

The White Paper on Housing came into effect in December 1994, after the ANC adopted it as the first post-apartheid housing policy (Ziblim, 2013:23). It followed up on a National Housing Accord, which was documented in October of the same year. The Housing Accord was signed by different stakeholders and served as the basis from which the White Paper on Housing launched itself. The White Paper provided the much needed framework for the housing policy that gave direction to what SA was trying to achieve with regards to housing. Together with the above-mentioned, the housing policy ran parallel to the ANC's RDP programme. The RDP were considered to be the manner in which SA would house the

nation. RDP entails low cost housing delivery. This strategy was to deliver as many houses as possible with the resources that were available. The housing policy was based on providing an income related capital subsidy (Charlton & Kihato, 2006:254). This subsidy would be a once off contribution and this approach was followed to finance the RDP housing strategy as mentioned above.

The housing policy vision was to:

...create viable, integrated settlements where households could access opportunities, infrastructure and services, within which all South African people will have access on a progressive basis, to (a) a permanent residential structure with secure tenure, ensuring privacy and providing adequate protection against the elements; (b) portable water, sanitary facilities including waste disposal and domestic electricity supply (White Paper on Housing, 1994:19).

This vision would be reached by the 7 key strategies that the housing policy set up to make this vision a reality. The 7 strategies included:

1. Stabilising the housing environment
2. Facilitating the establishment or directly establishing a range of institutional, technical and logistical housing support mechanisms
3. Mobilising private savings (whether by individuals or collectively) and housing credit
4. Providing subsidy assistance
5. Rationalising institutional capacities
6. Facilitating the speedy release and servicing of land
7. Co-ordinating and integrating public sector investment

It was believed that this approach would help in creating an environment which is integrated and a settlement which is vibrant, and the citizens would have access to opportunities, infrastructure and services. This was, however, not the case and the reality was that the well-functioning communities failed to come into existence. The causes being, the poor location of the RDP housing projects, the role that unemployment had because delivering bulk low cost houses did not kick start the alleviation of poverty as was hoped for in theory. Critiques also mention the issue that it enhanced urban sprawl and led to the further expansion of the

apartheid city. Most of the causes have been discussed in the context of housing in SA in the section above (Tonkin, 2008; Tissington, 2011).

What is important to notice is that the housing policy was based on the principles of the RDP. When looking at the RDP, the issue of delivery stand central in its approach to housing. The other main aims of this policy were to increase the amount allocated to make this delivery of houses the reality. The budget target was to be around 5% of the national budget; with that the aim being to deliver 338 000 houses per year, for the next 5 years. The target was to deliver more than a million houses in 5 years' time. Various housing programmes and projects of different sorts was implemented in the ideal of that target and of the policy document, this eventually led to a policy shift in 2004 due to the realisation that the above-mentioned approach was failing the people. The BNG initiative was introduced in 2004 and will also be discussed in detail (Tissington, 2011:59; Ziblim, 2013:23).

3.4.2 The South African Housing Act (No. 107 of 1997) and amendments

The Housing Act (Act 107 of 1997) can be regarded as the main piece of legislation with regards to housing in SA. This Act is responsible for legally entrenching the policy principles of the White Paper on Housing of 1994, and together with the Housing Code of 2009, gave effect to Article 26(1) of the Constitution (Ziblim, 2013). The Act laid down the principles of how housing should be developed in a sustainable manner. It also stipulated how three spheres of government have to adhere to these principles when developing housing projects. The main aim of this Act is to serve as a platform that enables a housing development process which is sustainable in its various processes of planning and implementation. The right that the citizens of SA have to housing was quoted earlier, and the Housing Act is the manner in which this basic human right is fulfilled. Together with this, the Act defines the functions that have to be followed by the national, provincial and local governments when it comes to housing development (Tissington, 2011).

Tonkin (2008) provides a good summary of the main points of this act. What is important to grasp is that the national housing policy is contained in this Act. The Act, thus, contains the principles of the housing policy; the main points of the housing policy include: the role which has to be fulfilled by all three spheres of government. Tonkin (2008) emphasizes the role that

especially the local government has to fulfil in the provision of housing and not be a mere onlooker when it comes to this activity. Other functions include the creation of statutory bodies, as well as housing norms and standards, and ensuring that it operates at a level of efficiency. The further role of this Act is to provide the necessary funding for the vast amount of housing projects that are in the pipeline. Other important roles entail the efficient management of assets and producing information with regards to housing which is applicable and useful. What is very important to notice when analysing the Housing Act is that the role which the government has to fulfil when it comes to housing must be fulfilled at the level which is nearest/closest to the people on the ground. When referring to this specific level of government it implies the local government level. Local government, therefore, has an incremental role to play when it comes to housing (Tonkin, 2008:299).

Looking back at the principles mentioned above, as well as considering the Constitution, which will subsequently be discussed, one can make the assumption that this act has evolved to be one that is of aid to the poor and marginalised people of the SA society. The different programmes and schemes, which will also be discussed subsequently, are applicable to the poor when analysing this Act. When implementing these programmes, it is of utmost importance to ensure that participation with the individuals of the communities takes place and that it is meaningful participation, where their voices are heard and concerns are taken into consideration from the beginning to the end. It is in this regard that EIAs and SEAs have a significant role to fulfil.

3.4.3 The Breaking New Ground Initiative

The BNG policy is a framework for housing that was adopted by the government of SA in September 2004. This programme was developed to provide new innovative strategies and programmes to achieve the vision of the housing policy, which is to house the nation. Although this policy provides a platform for new strategies to address the main housing issues, it is still centred around the core principles of the White Paper on housing (1994). The BNG programme is, however, not just focussed on delivering bulk low cost housing as was the case in the past, but rather on developing communities that can be described as sustainable and lively human settlements (Tissington, 2011).

The BNG takes the vision of the UN's MDG goals into consideration when it was formulated, that of eradicating informal settlements by 2014. The aim of the plan was to bring new innovative ways to the fore in which to house the nation. It provides new instruments to choose from, which can also be applied to more case specific scenarios when planning the development of housing a community (Tonkin, 2008). Together with the aim of creating more sustainable communities, the quality of houses built, has to be improved. The BNG also offers more choices and different types of housing to be available for the poor to choose from (Tissington, 2011).

Tissington (2011:67) provides a good summary by mentioning that the purpose of this plan was to deliver quality low cost houses. This should be achieved at a faster pace, better located and through demand driven processes. BNG's main role was to provide the tools that support these projects and through which the above-mentioned can be made practical and innovative. The delivery of houses to the citizens of SA can be described as a process that will be flexible and effective through the use of the BNG. Planning is a much more central theme in this programme than was the case with the previous housing policies and programmes, and stakeholder engagement is a central theme in BNG. BNG takes into consideration all the previous problems; failures and ineffective factors that hampered the provisions of providing adequate houses and address them through more innovative programmes and projects. The above-mentioned can be seen by analysing the 7 objectives of the BNG. The 7 Objectives that the BNG identified include:

1. Accelerate the delivery of housing as a key strategy for poverty alleviation
2. Using the provision of housing as a major job creation strategy
3. Ensuring property can be accessed by all as an asset for wealth creation and empowerment
4. Leveraging growth in the economy
5. Combating crime, promoting social cohesion and improving quality of life for the poor
6. Supporting the functioning of the entire single residential property market to reduce quality within the sector; by breaking the barriers between the first economy residential property boom and the second economy slump

7. Using housing as an instrument for the development of sustainable human settlements, in support of spatial restructuring.

With the analysis of the BNG framework taken into consideration and the 7 objectives mentioned, one can make the assumption that housing is regarded as a manner in which socio-economic goals on the local and regional levels can be achieved. This is applicable when considering the economic growth, alleviation of poverty, the creation of job opportunities and the building of social cohesion, which is possible when the implementation is done effectively (Ziblim, 2013:24). This policy is much more flexible and responsive than the previous housing policy, and housing delivery in this one is seen as an instrument to reach the above-mentioned. It diverged from the previous policy although is still based on the basic principles of the previous policy.

The deviations are evident when looking at three main points that Tissington (2011:68) identified: Firstly, local government has more responsibility and a more important role to play. This is due to the fact that they are closest to the people and it is their responsibility to supply the demand that there is for housing according to the guidelines they receive from the national sphere, as well as the resources they are allocated to do that. Secondly, the upgrading of informal settlements also known as 'in situ upgrading' is promoted, instead of eradicating informal settlements. Eradication may lead to the displacement of people and cause disruptions in their everyday lives. This approach is followed, although the policy mentions that it strives to eradicate informal settlements in a progressive manner. Eradicating informal settlements in this sense will only take place if there are limited opportunities for upgrading. Thirdly, the policy intends to renew the inner city and promote housing which is affordable to the poor in the city. This will lead to urban renewal, create a society that is mixed and integrated, and promote the viable communities goal.

3.5 The National Development Plan 2030

The National Development plan is the central guideline document which drives the development path that SA is trying to achieve. The document was produced to create a vision for development for the next fifteen years. The plan identifies the major challenges that are

hindering SA from reaching that vision in 2030. The two main visions that the plan identifies, are the elimination of poverty and making the inequality gap between the rich and the poor smaller (NDP, 2011:6).

The NDP is an extensive document, but the main challenges that have been identified include: The amount of people that are actively working is too few. The quality and standard of basic education, especially the quality for underprivileged students, is very poor. The urban infrastructure is described as being poor; and the maintenance, as well as the sustainability of this infrastructure is of a poor level, causing challenges that obstruct development from taking place efficiently. The spatial patterns, which is a product of the apartheid policies, excludes the poor and does not enable them to develop or better their standard of living. Together with this, the South African economy is very resource intensive and sustainability is an issue in this regard. The health care system is failing the country which is under pressure from widespread diseases, affecting a large majority of the citizens. Corruption and maladministration is also an issue of concern (NDP, 2011).

The means through which the vision of the NDP plans to become a reality is through focusing on capabilities. Capabilities in this sense, refers to the capabilities of the people of SA, and of the country itself. The capabilities must be applicable to education, human settlements, and the development of the necessary skills to enable them for job opportunities, social security and safer communities, decent transport and accommodation as well.

When looking at chapter 8 of the NDP, the chapter on Human Settlements, the following conclusion can be made as to how the government plans to provide the citizens of SA with decent accommodation, which falls within their rights. In the introduction of chapter 8, the plan mentions: “Where we live and work matters” (NDP, 2011:233). The plan admits that the cities in SA are still a far away from changing the way that the urban landscape has formed due to the legacy of apartheid and that the RDP goals which were set out in 1994 have still not been reached. The vision of the document is to have a SA where the cities and towns will be well managed, there will be respect shown for the environment, there will be clean water, as well as food supplies and access to electricity for each citizen. Residential areas will be mixed with different groups residing in urban areas which all also have different tenure

options available for the different needs of the citizens. Homes will be more sustainable due to the innovative energy efficient measures, which will make part of the design. Public space will be a feature where different groups can mix; the infrastructure will be better maintained and will be able to support an economy that will be vibrant and dynamic, and so forth. This is the vision that the NDP has in mind for the country by the year 2030 (NDP, 2011:233-234).

How the government, together with the active participation of the citizens and a variety of other stakeholders are actually going to reach this vision is another story. The NDP (2011:235) identifies five key challenges through their diagnostic report. This entails

- Dysfunctional settlement patterns across the country
- Challenges facing towns and cities
- Uncertain prospects and rural areas
- Challenges of providing housing and basic services and reactivating communities
- Weak spatial planning and governance capabilities

With regards to the towns and cities of SA, the plan identifies a further list of challenges, which will be summarised shortly to provide a recap of what has already been mentioned earlier in this thesis through the use of other sources. Urbanisation is going to cause that another 7.8 million people are expected to live in cities by 2030. Cities are still highly inefficient and fragmented and little progress has been made to change, causing high costs for the poor. The public transport is not up to standard and this is going to be a key feature if the transformations of cities are to happen. The ecological limits of the cities are beginning to show more clearly and rapidly, with water, food and sanitation services being placed under a lot of pressure. Becoming a country that is less resource intensive is a prerequisite for the successful transformation of urban areas and towns. Job creation is poor and insufficient in urban areas and towns. The plan, further, indicates that the above-mentioned challenges are not just due to the poor policy implementation; other factors such as poor institutional capacity and the lack of useful instruments to help with the implementation and participation aspects are also to blame (NDP, 2011:236-238).

The plan identifies various measures of how the above-mentioned challenges should be addressed. These include: Transforming spatial arrangements and spatial governance;

developing a national spatial framework; strengthening the spatial planning system; conversations and debates about the cities, towns and villages of SA should start taking place; participation of citizens in this regard is emphasized in the plan, and context specific approaches would be a product of innovative participation. Bolder measures are needed to create more sustainable human settlements; this includes that the role of the government should change from the provider of houses and services to being a more facilitating role that enables citizens to have a stake in their future and standard of living. The approach that SA currently has with regards to land has to change to be more coherent and inclusive. This includes that municipalities should develop their own specific policies as part of their IDP to plan better how land will be managed and developed to reach the poor.

Revising the housing finance regime is very important if SA is to address the problem of housing sufficiently. Four key factors are mentioned in this regard, which entails the following. Firstly, state support for housing should be prevented for housing that is poorly located and support should focus more on development of housing projects in the inner city areas of the urban landscape. Secondly, the investment from the state should be shifted from supporting the top structures to incentivising the acquisition of land that is more suitably located. This should further support the development of the environment for the public, which is required to have sustainable human settlements. Thirdly, state support should not support the development of single houses for the poor, but rather support developments that are mixed, have a wider variety of options available to choose from for the poor so that they are enabled to make a choice of which tenure arrangement fit their needs best. Fourthly, and in conjunction with the previous point, housing developments which offer mixed activities and mixed land use types should be encouraged.

The plan goes on by mentioning that a revision of the regulations, as well as the incentives for housing and management of land uses are necessary. Informal settlements and the instrumental role it played should be recognised, the plan goes on by saying the national programme with regards to housing should be enhanced so that informal settlements receive the necessary upgrades through the development of 'tailored responses'. This entails that necessary legal instruments should be developed to regularise informal settlements so that the peoples right of residence is recognised. The transition from having an unsustainable

environment to one that is sustainable should be recognised. Rural spatial development should also be supported, small towns should develop strategies through which they formulate plans to develop and grow. An active citizenry should be encouraged and built over time to help with the transformation of rebuilding their local place and community.

The NDP identified the challenges, together with various measures of how to address them. Reading about the challenges one realises that it is a complex process to put into action and that there is no quick fix to the above-mentioned. The plan does, however, take a stance on this issue by stating that if the possible solutions receive the necessary support of stronger policies, effective leadership, hard work, and the political will to implement them, the first signs of it becoming a reality will start to show in the next 5 years.

3.6 Conclusion

The researcher's aim in this chapter was to provide the reader with a broad background to the context of housing in SA. This was done by discussing some of the most pressing issues and factors that the researcher felt have a significant impact on the unsustainable and poorly coordinated status of housing in SA. The argumentation on the factors that form part of the housing context served as background to the housing policy and programmes that were subsequently investigated. SA's housing policy and various programmes were discussed by looking at a brief history of where it all began for low cost housing in the post-apartheid era. This was done by looking at the main points of the NHF, the Housing Policy was then analysed by looking at the main principles of the White Paper on Housing of 1994, as well as the Housing Act of 1997, and describing it against the backdrop of the South African Constitution. A brief description of the RDP housing programme was done to provide the reader with some indication as to why this programme was so influential in setting the housing scene, as we know it today. The positives and criticisms of the RDP were highlighted, before moving on to the analysis of the BNG strategy of 2004. BNG is the new innovative housing strategy, and key points were discussed in where and how it differed from the previous housing policy, and how this strategy aims to address the dire looking situation of housing in SA. The section on housing in the NDP was then explained, being the document which contains the vision of SA for 2030. Some of the challenges that the

document mentions were identified and explained, and the way the government plans to address these challenges were also looked at in more depth.

CHAPTER 4: CASE STUDY OF THE N2 GATEWAY PROJECT

4.1 Introduction

The N2 Gateway project has been described as South Africa's flagship low cost housing initiative. It was designed as the pilot project for the new housing policy in South Africa, the Breaking New Ground Initiative, which was implemented from September 2004 (Jordhus-Lier, 2011; COHRE, 2009). The project entailed the upgrading through three different phases of the Joe Slovo informal Settlement, which stretches along the N2 Freeway on a piece of land for 10 kilometers. Other informal settlements in the Western Cape were also identified as sites that would be upgraded, but flagship status was given to the N2 Gateway Project (N2GP). This project placed special emphasis on the upgrading and construction of new low cost, mixed residential units, in the Joe Slovo informal settlement.

There were other similar projects identified as part of the BNG initiative, but the N2GP was the most significant in this regard, due to its strategic location and high visibility from the N2 Freeway. The N2 connects the Cape Town International Airport, with the Cape Town Central Business District (CBD); Joe Slovo is situated next to this busy freeway. The N2GP was the flagship project through which the government chose to exemplify their new approach towards housing. This project was intended to showcase the adaptations which have been made in the new policy through the various lessons that were learned in the implementation of the previous housing policy. The adaptations, which entails a change in its role from one that merely fulfils the role of provider or deliverer of stand-alone RDP houses, to one that creates sustainable human settlements (Newton, 2009:100-101).

A shift has taken place which can be described as one that has moved away from the narrow focused housing policies in the past, to a new policy that is more holistic and integrated, and aims to enable the beneficiaries to be a part of the development, as well as have a stake in the construction of their own future (Jacobs & Baud, 2013). The DoH (2004) defines this type of human settlements as, "Well-managed entities in which economic growth and social development are in balance with the carrying capacity of the natural systems on which they depend for their existence as and result in sustainable development, wealth creation, poverty alleviation and equity".

The project was proposed as a joint initiative of the three spheres/tiers of the government (Tonkin, 2008:357), the three spheres being the City of Cape Town (CoCT), the Western Cape Provincial Department of Local Government and the National Department of Housing. The three spheres signed a Memorandum of Understanding (MOU) which indicated which sphere would fulfil which role and the MOU further defined various other responsibilities which the spheres had to adhere to. There was a lot of excitement when this project made headlines in the media for the first time, especially because of the cooperation that was going to take place between the different tiers of government. The possibility of a smoother, better run process, which would cut through bureaucratic red tape and speed up service delivery formed part of the exciting expectations of this new type of approach to housing delivery, together with the hope of addressing the huge housing backlog in the Western Cape Province (Jacobs & Baud, 2013:8).

4.1.1 The N2 Gateway Project: The what, when and how of the Project

The aim of this project was to deliver 2 200 housing opportunities; the housing would entail both mixed and high density housing for groups that are marginalized in the society, as well as previously disadvantaged groups (Jordhus-Lier, 2011; COHRE, 2009). A further objective of the project was to provide the poor with tenure options and houses in settlements that were better located than the previous housing attempts under the RDP era. The fact that this type of approach aimed to offer different type of options of tenure is regarded a move in the right direction in terms of helping the poor and alleviating poverty, as well as creating mixed residential settlements which would be sustainable and self-sufficient. The project entailed that there was going to be forced relocation of residents in certain areas of the Joe Slovo informal settlement, as well as the upgrading of informal settlements, which was only decided to be a part of the plan at a later stage. The reasons for this will be discussed later in this chapter. The project would exist out of three phases, each phase having different types of houses for different income groups; this approach was followed to create mixed human settlements and to bridge the gap between low cost houses and the more formal housing market. There were various other informal settlements that would be targeted, but for the purpose of this thesis, the focus will be on the Joe Slovo Informal Settlement phases. The plan of phase 1 was that after completion 70% of the beneficiaries that would receive a house

would come from the local settlement of Joes Slovo; and the other 30% would be occupied by shack/backyard dwellers of the surrounding informal settlements in the area. This decision was made after a court order by the Constitutional Court of RSA, an issue which will also be elaborated on later in this section..

4.1.2 Location of the Project

The location of this project is a very interesting aspect of this case study. The proposed project is located adjacent to the N2 Freeway, which is a national freeway connecting the CBD of Cape Town with the rest of the country. Together with this, the Cape Town International Airport is also connected by this particular road. The above-mentioned made this site a very popular one for migrants to settle themselves (Tonkin, 2008:357).

Figure 5. Aerial Photo indicating the location of the N2 Gateway Project



Source: Department of Local Government and Housing (2009:3)

Apart from it being located next to the N2 freeway and close to the airport, the location is also significant because of the easy access it has to the railway network and the surrounding

areas of economic activity, which is in close proximity to the settlement. Employment opportunities in close proximity to this site include the Cape Town CBD, Epping and Pinelands (COHRE, 2009). Migrants who settle there have the comfort of being in close proximity to access routes and thus do not have to pay as much for travelling, as residents from other informal settlements in the Western Cape have to; a huge cost benefit, considering that they are very poor, new to the settlement and do not have a decent roof over their head.

The Informal Settlement of Joe Slovo was originally established in the 1990s; the reason why it became such a popular place for migrants was already discussed. Migrants chose to reside in this settlement, after the apartheid legislation was relaxed and they could migrate into urban areas from which they were previously prohibited. The settlement grew rapidly since its inception in the early 1990s and it was estimated that by 2004 the population size of the settlement was around 18 950 people residing in 5 127 informal households (CoCT Report, 2005). However, in a study that was done by the Housing Development Agency (HAD) in 2009, it was stated that there were approximately 2 748 households in Joe Slovo and the population size was 7 946 people. The reason for the reduction in population size is most probably because parts of the N2GP have been implemented since then. Joe Slovo was located in a more central position than a lot of the other housing initiatives by the post-apartheid government which were mostly moved to the periphery of the main cities, and even better located than most other informal settlements in the Western Cape. What made Joe Slovo even more significant, and one of the reasons why it was specifically chosen as the pilot project of the BNG strategy, was that it was very visible and has been often described as an eyesore to the City of Cape Town; an eye sore which is visible to especially the vast amount of tourists that touch down at Cape Town International Airport. The first pictures that tourists get after touching down is that of an informal settlement, and the connotations attached to living in such a settlement do not leave a good first impression on them (COHRE, 2009).

4.2 The status of Joe Slovo before implementation

As the settlement started expanding quite rapidly in the late 1990s and early 2000s, the access to clean water, sanitation and other social amenities also started growing. Before 2002, there were very few amenities; the ones that were there included 15 standpipes, about 300

container toilets, and limited cleaning services. An upgrading exercise was initiated by the CoCT in 2002, which led to the provision of municipal services that included access to safe drinking water, private toilets, and waste removal services; together with electricity and drainage systems. According to the CoCT IDP 2004/05 there were approximately 5 451 dwellings on 30 hectares of land by the year 2003. This statistic exemplifies the large amount of people that reside there. With the concern of overcrowding in Joe Slovo, a lot of other social issues come with it.

These issues include poor health and sanitation standards, high occurrences of crime and violence coupled with poor urban infrastructure as well as poorly constructed houses/shacks which are susceptible to severe weather conditions (Smit, 2008). People in the settlement experience various difficulties in the wet winter season, with flooding being a major concern; the area is also a high fire risk area because people that do not have access to electricity make use of gas and open fires to keep warm, cook and provide light. This type of practice is dangerous and carries a high risk of causing fire disasters. This danger is made worse by the fact that the houses/shacks are very closely built to each other and if a fire should break out, it spreads very rapidly causing destruction to thousands of people's dwellings. The fire disaster that took place in 2005 in this settlement serves as evidence of the above-mentioned. The fire disaster that was experienced in this settlement in 2005 left 12 000 people homeless (Jordhus-Lier, 2011).

4.2.1 Why Joe Slovo Specifically?

Various reasons can be ascribed for why this particular project and site was chosen as the flagship programme for low cost housing. One of the main reasons was to ensure that there is an improvement in the standard of the lives of the inhabitants of the informal settlement along the N2 Gateway. The informal settlements of this area in general were overcrowded, experienced poor basic services coupled with a variety of other social and economic problems (Smit, 2008). The settlements of the N2 Gateway area are, as has already been referred to, very significant due their good location, which enables the residents to have easier access to the main transport routes and thereby gaining easier access to their places of employment.

With the announcement in 2004 that SA would host the 2010 FIFA Soccer World Cup, it meant that the eyes of the world would be focussed on SA to determine whether they had the capacity, skills and knowledge to host such a prestigious event. All the attention the country would receive, together with a lot of foreign interest by tourists and business opportunities, meant that plans were starting to be made by the government to upgrade this settlement. One of the main aims of hosting such a mega event is to promote the status of the country and market it as a place which could compete globally in different spheres (Newton, 2009). The upgrading of Joe Slovo would equip the country so as to be able to showcase a good reflection of the county's image and would also unlock the possibility of more foreign investment, which would in turn stimulate economic growth (Newton, 2009; Smit, 2008). The role the Soccer World Cup played through a beautification process, also played a significant role in choosing the locations as the ones that were in need of upgrading (Newtown, 2009; Jacobs & Baud, 2013). This aspect will be analysed further, later on in the chapter and will help explain why this issue is considered to be one of the main controversies in this project.

4.3 Main issues of the N2 Gateway Project

With the N2GP's main aim of addressing the huge backlog of housing that exists in the Western Cape Province, coupled with trying to stop urban sprawl from getting out of hand, there were various other issues that surfaced during the course of this project. The complex dynamics that took place between different actors and role players led to confrontations between the different political role-players, the residents of the informal settlement and the three tiers of government, private contractors and civil society networks (Jorhus-Lier, 2014).

According to Smit (2008 cited in Jordhus-Lier 2014), the main issues defined in this project since 2004 include flawed inter-governmental cooperation, delays in the implementation, poor management of budgets leading to excessive budget overruns and the lack of community participation that was evident from the beginning.

Jordhus-Lier (2014), in his analysis of the N2GP, identified 6 major issues, which support the 5 issues just mentioned above. The first issue of the six is eviction and relocation. The first

plans of this project indicated that some of the residents of the settlement needed to be relocated in order for the project to proceed.

To make the N2GP a reality, and to fulfil the expectations that were made about being the Flagship project, the next step was to start implementing the plan. The first step of action was that the residents of Joe Slovo informal settlement were forced to move. They were forced to move to make space so that Phase 1 could start with construction (Tonkin, 2008). The removal of people from their informal settlement was an issue that was contested from the beginning. The locations that were initially chosen where the people were forced to move to, included Langa and Epping, both of which are not far from Joe Slovo itself. The chosen location of where the people would temporary reside was, however, contested by residential associations and industrial associations. The opposition received from the associations above meant that the government would be entwined in a legal battle to try and free up the land for the relocation. This was an obstacle which the government did not want to get involved in and it also meant that a delay would take place, something the government could not afford because time was not on their side.

However, in January 2005, a fire broke out in Joe Slovo which meant that 12 000 residents of the informal settlement were left homeless. The tragedy meant that the government had a foot to stand on with regards to offering housing to these victims and moved swiftly to relocate these homeless people to the area of Delft, after the above-mentioned locations were no longer considered due to the initial resistance received from the different associations. There were 2 000 units built, which are known as Temporary Relocation Areas (TRAs) in Delft, another 500 were also built in Langa, which would offer a roof over the heads of these fire victims (Jordhus-Lier, 2011; Tonkin, 2008; COHRE, 2009).

However, the relocation of these people to Delft and Langa TRAs did also not come without resistance. The reasons the former residents of Joe Slovo gave such resistance include: Firstly, the location of Delft is situated on the peripheral areas of the city, approximately 25 kilometers away from the CBD; whereas when they lived in Joe Slovo they were 10 kilometers or less from the CBD, and situated along the main transport routes (Tonkin, 2008). Secondly, the cost and time of travelling to and from their work doubled an extra cost which

most of these residents could not afford. Together with this, their children used to go to school in the Joe Slovo area but now they had to attend schools in the Delft and Langa areas, all of which were overcrowded already (Jordhus-Lier, 2011:5). The area of Delft is described as “highly dysfunctional and socially toxic environment” by Tonkin (2008:357). Together with the above-mentioned, the people viewed this type of move with scepticism because there have been instances in the past where the temporary relocation of people to other areas became a permanent one due to a lack of action by the government (Jordhus-Lier, 2008). Besides the resistance from the residents, the authorities made a decision that 500 households would stay in the TRA of Langa and another 4 000 households would be accommodated in the TRA of Delft (COHRE, 2009).

4.3.1 Selecting the beneficiaries and eligibility criteria

The above-mentioned disaster of the fire meant that the space was now open for the construction of the project to start. In 2006, phase 1 of the project went under construction. The construction of the low income house entailed 705 three-storey rental units, which were built on the land adjacent to the Joe Slovo informal settlement. The construction meant that 1000 families were moved to make way for the above-mentioned. As soon as the construction was finished, the complex process of allocating which families would receive housing started (COHRE, 2009). People who qualified for allocation were invited to apply by the Western Cape Department of Local Government of Housing. At the beginning, when the residents of the informal settlement were informed about the project a lot of expectations was created on their behalf. According to CoCT (2007 cited in Jordhus-Lier 2014), 400 000 families expressed their interest in getting a proper house. With the aim of the BNG initiative to create mixed residential areas which offers various tenure options to different income groups have to be taken into consideration, the expectations that were formed on the poor people’s behalf are justified. One can make the assumption that all of the different groups of the Joe Slovo informal settlement expected to get a house, an assumption that is made due to empty promises that were made by people in leadership positions to the people of Joe Slovo.

There was a lot of unhappiness at this stage of the project when they realised what was really going on. The residents felt that they were misinformed with regards to the cost of rent that they had to be able to pay in order to qualify for a house. In the beginning of the project, the

residents who stayed in the TRA's were led to believe that they were going to pay between R150 and R300 rent a month, a message which was carried over by the representative's councillor to them. However, after phase 1 had been completed it was made known that the rent per month would be R600 for single units and R1 050 for double units. These rates did not fall within the budget of the people that were forced to move to the above-mentioned TRAs and also did not fall within the budget of the backyard and shack dwellers of the surrounding area. The increase in costs was ascribed to the higher costs of constructing this type of new high density housing projects. The above-mentioned scenario meant that there was a limited amount of residents who were able to afford the housing. A mismatch between the supply and demand of these houses thus happened, a scenario which can be ascribed to the lack of effective community engagement and participation since the inception of the project, an issue which will later be discussed in more detail (COHRE, 2009; Jordhus-Lier, 2014; Jacobs & Baud, 2013). To summarize, the original residents of the area felt very unhappy with the state of affairs due to expectations that were created which were based on empty promises.

However, the removed residents, although very unhappy about the situation, were willing to pay the higher rent as they were in a situation of desperation. Housing is a basic human need and at that moment the quality of the TRA's in their respective locations was not of a good standard and the people was desperate for a house as they were promised. Although the people were desperate and willing to pay, even though they did not have the financial resources to do so, it did not help their cause much and the original residents of the informal settlements and fire victims, who were forced to move, had to make way for beneficiaries who had the financial capacity to pay that rent. Other beneficiaries that could pay thus moved into the houses after the construction were finished.

The above-mentioned scenario of allocating the houses to the beneficiaries stood in stark contrast to the decisions that were made by the Western Cape Provincial Government and the business plan that was originally decided on from the beginning. The Western Cape Provincial Government announced that 70% of the beneficiaries would come from the group that originally resided in Joe Slovo and those who were forced to be relocated. The other 30% would be made up of backyard/shack dwellers from the surrounding informal

settlements. In the Auditor-General Report which was completed by AGSA (Audit General of South Africa), the developers and managers of the project were heavily criticised for not complying with the business plan of the project (AGSA, 2008).

4.3.2 Quality of the housing

Together with all the controversy already mentioned above in phase 1 of the project, there was further unhappiness about the quality of the houses that were completed. The selected beneficiaries who moved into the houses criticized the quality of the housing because the houses were built with materials that were of a low quality. According to the residents, they experienced seepage through the walls of the units, making the houses damp and causing mould to form. This created a cause of concern with regards to the health and safety of the residents. Roofs that were leaking coupled with plumbing systems that were faulty also formed part of the complaints. These complaints were confirmed by the Auditor-General's report, the report states: "various physical shortcomings" are evident in phase 1 of the project (AGSA, 2008). Besides the above-mentioned, none of the houses had different or unique locks to their doors, meaning that one key could unlock most of the units, making the residents feel unsafe due to the high numbers of theft and violence in the area.

The residents committee made this known to the then managers of the project, 'Thubelisha Homes', an appointment which was also a controversial one and one which had corruption written all over it. Their requests were, however, ignored by Thubelisha Homes; this infuriated the residents even more and it ultimately led to the residents organising a protest in which they marched to Parliament in July 2007. The purpose of the march was so that Thubelisha Homes should take the necessary steps to repair the damages and they demanded that the rent of the units be made cheaper because of the above-mentioned problems (COHRE, 2009; Jordhus-Lier, 2014; Jordhus-Lier, 2011).

4.3.3 Lack of meaningful participation

From the outset of the N2GP, the lack of meaningful participation has been the one issue that has received the most attention. In 2004 Lindiwe Sisulu⁸, Marius Fransman⁹ and Nomaindia

⁸ Minister of Housing at that time and often described in the literature as the protagonist of this project.

⁹ MEC for Housing and Local Government at that time.

Mfeketo¹⁰ proclaimed that this project is about rapid delivery and that consultation with the various stakeholders involved over an extensive period of time will be kept to a minimum in order not to get caught up in political bureaucracy and to keep the bureaucratic red tape to a minimum in order to avoid delays in the implementation (COHRE, 2009:34).

The project was initiated through the use of a joint venture between the three different spheres of government. Not only did they undersign a MOU which prescribed who would fulfil which role, a steering committee named the Mayoral Committee was also established. This committee was made up of Lindiwe Sisulu, Marius Fransman and Nomaindia Mfeketo, all three representatives of the ANC. The steering was known as the M3. The aim of this joint venture was to provide the local government with more power to implement because they were the closest to the citizens on the ground. This was the aim, but evidence suggests that the higher levels of government which were part of the M3 committee dominated proceedings and decided what will happen when and where without properly consulting the different parties involved and most importantly without involving the people directly affected by their decisions. Decisions that have to do with their everyday lives and the knowledge that they could bring to the table were ignored by the leadership of this project (COHRE 2009).

The COHRE report is especially critical of this aspect of the project management because the people that were affected by the decisions made by the management and leaders of the project for human rights were violated. For participation to be regarded as meaningful, the people affected by the decisions must have access to the necessary information before any decisions are made and they must have the right to actively participate in the decisions that are decided upon because there has to be scope for 'negotiation and modification' in order for the plans to be adapted as the COHRE report explains (COHRE, 2009:33).

There was very poor communication between the residents and authorities; the only times that authorities in charge of the project shared information with the community was when they were informed about decisions and what was going to happen next. Residents who moved into phase 1 were especially critical of the lack of participation and they claimed that they were never meaningfully consulted about the nature of their housing contracts, and their

¹⁰ Executive Mayor of the CoCT at that time.

complaints about the status of their homes were never taken into account by the representatives of Thubelisha Homes (Jordhus-Lier, 2014).

Residents of the later phases of the project voiced the same concerns as the above-mentioned and felt that the limited participation that did take place was merely ‘token participation’ and nothing concrete. A lot of empty promises were made throughout the course of this project and this added further fuel to the fire and was one of the contributing reasons why this project was embroiled in a legal battle and entwined in so much controversy (Jordhus-Lier, 2014). This aspect of the project stands in stark contrast to one of the main ideas behind the BNG’s strategy, in that projects like the above should especially concentrate on community participation, and the BNG policy goes even further by mentioning that these projects must be used as an ‘instrument for job creation’ (Newton, 2009:101). It is thus safe to say, that the manner in which this pilot project of the BNG was implemented stood in stark contrast to anything that was mentioned about community participation and the manner in which projects like these should be implemented. The COHRE report puts it well by mentioning “...it is clear that processes for meaningful engagement with the affected communities were bypassed in favour for rapid delivery” (COHRE, 2009:34).

What makes the lack of engagement further significant is the fact that there were various stages and events where it was necessary for participation to be part of the planning. Every stage of the project, participation was required, not only when the residents were forced to move to the TRAs of Delft and Langa. The conclusions that can thus be drawn are that participation was seen as a hindrance and an activity that would lead to delays, something the authorities wanted to avoid at all costs. All of this contradicts what is stated under the BNG policy, as well as under chapter 13 of the National Housing Code (COHRE, 2009:35).

4.3.4 Local labour and employment opportunities

The N2 Gateway Project, often being described as a mega project due to the large scale changes it would bring to the infrastructural context of the Joe Slovo area, also brings with it the expectation of employment opportunities that would result in income being earned. Employment being an issue in SA particularly due to the existence of limited employment opportunities in the country, it was thus an issue in this project as well. The South African

government developed an initiative labelled as, ‘The Expanded Public Works Programme’. This programme places special emphasis on making use of local labour in projects like the N2 Gateway. The project was implemented as part of the N2GP strategy to make use of local labour and involve the local people of the community so that they would feel they also have a stake in the participation aspect of the project. This issue was, however, also contested and according to interviews which Millstein (2012) had with the local residents, the above-mentioned process led to conflicts between different groups in the community because the feeling was that only certain people could access the opportunities and that the participation in that sense was broken down to mere casual labour, more than anything else.

4.4 Constitutional court judgement, riot and boycotting

As already mentioned, the original residents of the Joe Slovo informal settlement were forced to move. The reason they were forced was because of the judgement the Constitutional Court made in the case Residents of Joe Slovo Community Western Cape v Thubelisha Homes and Others Case No CCT 22/08. It was indicated earlier in this chapter that the people of Joe Slovo did not move without putting up a fight and that is why the court case took place. A brief summary of the main points of the case will be given without going deep into a legal discussion about the verdict and different facts that each party represented to the court. What happened was that for the N2 Gateway Project Phase 2 of Joe Slovo to proceed, the residents had to be relocated; but they resisted relocation due to a variety of factors, all of which have been discussed above.

The respondents, in this case it was Thubelisa Homes, who was the manager of the project at that stage and time, filed for a high court application which argued that the residents had to relocate according to the terms of the Prevention of Illegal Eviction (PIE) from Unlawful Occupation of Land Act. Thubelisa Homes argued that the land was required for the development of the project and that the residents who resided on the ground were unlawful occupiers of the land. The residents, on the other hand, argued that they were not unlawful occupiers of the land by stating their case. Their case entailed that they argued they have obtained all the necessary consent of the CoCT to stay on that land, and that they cannot be labelled as unlawful occupiers as it is stated in the PIE Act. They argued that the CoCT knew about their existence on the land and they were entitled to stay on the land. They were

entitled because the CoCT provided them with basic municipal services and this was an indication of the city's consent, other reasons for their stance on this issue has also been provide.

The Constitutional Court made the verdict of the case in favour of Thubelisa Homes. The reason, upon which the verdict was based, was that the land was occupied unlawfully by the residents, according to the PIE Act. The state did, however, make the provision that the people could not be relocated unless provisions were made, which would provide houses for the people that were going to be relocated, and that the process would take place with justice and equity as it is required in the PIE Act.

A timeline is provided by Jordhus-Lier (2011:4), and analysing the timeline helps clarify what exactly happened, when and where, in the project. Not all of the events on the timeline has been discussed, only the most important events which are applicable to this thesis. See figure 6 below.

Figure 6. Timeline of events which took place with regards to the N2 Gateway Project

August 2004	Breaking New Ground housing policy launched by the National Department of Housing
September 2004	N2 Gateway plans are presented to the Joe Slovo residents through the local media
15 January 2005	Shack fire in Joe Slovo renders 12000 people homeless
13 February 2005	Thubelisha Homes, a national agency, is appointed as project managers of N2 Gateway
14 February 2005	Sobambisana Consortium wins the call for proposals and becomes developers of N2 Gateway Phase I
June 2006	The City of Cape Town is removed from its implementing role in the N2 Gateway project
June 2006	N2 Gateway Phase II is launched
September 2006	People move into N2 Gateway Phase I in Joe Slovo
November 2006	Residents of Phase I form a committee
July 2007	Phase I residents march to Parliament
July 2007	Rent boycott in Phase I
3 August 2007	Joe Slovo informal settlement residents march to Parliament to protest planned forced removals
10 September 2007	Joe Slovo Task Team, Abahlali baseMjondolo and WC Anti-Eviction Campaign with residents occupy N2 highway
20 September 2007	Thubelisha secures an eviction order of Joe Slovo residents from Cape High Court
12 December 2007	Postponed hearing of the case in Cape High Court, after a series of community complaints
2007-2008	Delft residents occupy unfinished N2 Gateway houses in Delft
February 2008	Cape High court orders eviction of Delft occupants of N2 Gateway houses
March 2008	Cape High court orders eviction of Joe Slovo informal settlement dwellers in preparation for Phase II
August 2008	Hearing of the Joe Slovo case in the Constitutional Court
1 April 2009	HDA takes over the management of N2 Gateway Project from Thubelisha
May 2009	The Informal Settlements Network (ISN) is launched in Western Cape
May 2009	The Auditor-General releases a critical report on the N2 Gateway Project
June 2009	Phase I residents march to the Premier's office to demand changes in the project's management
10 June 2009	Constitutional Court orders a negotiated relocation in the case of <i>Residents, Joe Slovo Community Western Cape v Thubelisha Homes and Others</i>
1 March 2011	N2 Gateway Phase III construction of 2886 units in Joe Slovo begins
31 March 2011	Constitutional Court discharged its own eviction order of Joe Slovo informal settlement dwellers due to 'exceptional circumstances'

Source: Jordhus-Lier (2011:4)

4.5 Discussion of the project

The N2 Gateway Project, as the flagship project of the BNG, has been surrounded by much controversy, delays in implementation, court cases, corruption, mass relocation of people; external disasters, such as fire and flooding and public protests, form the core of what took place during the implementation of this project. The project has experienced a variety of problems, as mentioned above. The problems were clear from the outset; and the poor planning and implementation of the project led to housing delivery being slowed down, protests about who the beneficiaries were going to be to receive houses, rent boycotts and the

forced removal of residents, were all part of the reason why this project has been described as a failure. This section will conclude by mentioning some of the main findings and conclusions that have been made in the literature on this project.

The report which COHRE prepared concludes with a number of points that are worth discussing. According to the report, the main reasons why this project was labelled as a failure is due to the managers, leaders and main role players responsible for the planning and implementation of the project, being ill-prepared. The ill preparedness led to conflict between different communities, between the affected communities and the role-players implementing it, and so forth. The ill preparedness of setting up lists of beneficiaries and a whole host of other facets led to backyard dwellers occupying the homes that have been built. Not only did they feel they were cheated and that the houses that were being built were allocated to outsiders, they were also in need of housing that were better located than the TRAs of Deft and Langa. If the managers and influential role players of the project were better prepared and did not make panic decisions as they did, then a lot of conflict and court cases could have been avoided. The above-mentioned being facets that the authorities wanted to avoid because of timeous delays became the exact thing that did eventually take place.

The Auditor-General's report, confirming the above-mentioned, also highlights a few significant issues which entails that the aims, goals and standards, which were set out in the business plan of the project were not adhered to and in certain instances completely ignored. The selection of beneficiaries is a case in point, since that list was compiled 2 years after the actual implementation of the project. Furthermore, the qualifying criterion which was implemented was not consistent with what is stated in the BNG policy, as well as not in the business plan. Communication and information that was carried over the various communities was poor and mixed messages about what is going to happen and what actually happened was a common occurrence. Another point in case, is the unwillingness of the project managers and leaders to engage with the affected people in a manner which is meaningful and contributory to the planning and implementation of the project. The COHRE report mentions an important aspect in this regard, "...the impasse and lack of trust between the affected community and the authorities is precisely because rapid results cannot be achieved if the process is faulty" (COHRE, 2009:39). The above-mentioned statement is very

important and a critical aspect of the argument of the thesis, which will be elaborated on in the findings and recommendation section of the thesis.

4.6 Politics and legacy surrounding the project – political football

The influence that politics had on this project, is a clear indication that the interest of the government was chosen above that of the poor and marginalised groups of the South African society. The role that the hosting of the 2010 World Cup played in fast tracking this project is also a concern. It shows that priority was placed on upgrading the settlement due to its high visibility and image that would be reflected towards the tourists; and that the suffering of the people coupled with the poor living conditions experienced in the informal settlement did not serve as the main reason for the upgrading of this settlement (Newton, 2009).

Inter party rivalry was an influential factor, causing complex issues to arise in the planning, as well as the implementation of this project. One has to start at the year 2002, when the ANC took over from the DA in the Western Cape to fully grasp the role politics played in this project. In 2002, the ANC had the leadership in all three spheres of governance in the Western Cape. With this shift in power in this province also came emphasis on service delivery, which came from the national level because of the emphasis the ANC placed on it in their election manifesto in 2004.

Targets were set to determine the performance of local municipalities in delivering services because that was perceived to be one of the main reasons why implementation of service delivery projects experienced delays and inefficiency. With the shift in focus also came a centralisation of power and this led to centralised decision-making at the national level, a characteristic which was evident throughout the course of the project (Millstein, 2010:8). However, with the announcement of the BNG strategy, one of the main focuses of the new policy was to decentralise decision-making and to make the local government play a more influential role in the implementation of projects. This was done to change the way things had been done in the past with the hope that it would lead to better results.

The ANC was thus in control of the project when it was first announced; this was also reflected in the representatives of the M3 committee, all of whom were affiliated with the

ANC. This meant that the project was kept under the control of the ANC through this committee. The most important decisions and the oversight of the project took place under the watchful eye of this committee (Millstein, 2010:10). The rationale behind it was therefore speedy delivery and the avoidance of bureaucratic red tape, to prevent fragmentation from taking place in implementation.

However, in 2006 after the local elections, the ANC lost to the DA, meaning that on the local level, the DA now represented Cape Town, while on the provincial and national level, the ANC still had power. The DA did, however, take over from the ANC in the Western Cape; the then mayor of the Western Cape, Helen Zille, made comments of a criticizing nature about the nature of phase 1 of the project. She was criticising the poor rate of deliverance of houses, the manner in which the allocation of beneficiaries were chosen, the poor management of the budget, coupled with the poor quality of the houses which the beneficiaries received. After the comments were made, the CoCT was removed from the project's management and steering committee and Thubelisha Homes replaced them as the agency that would manage and implement the remainder of the project, the manager of Thubelisha Homes being well acquainted with the Minister of Housing, Lindiwe Sisulu (Hetz, 2011:6).

This shift in managerial positions meant that the provincial government, represented by the ANC, was in charge of the project with the CoCT's role in the project reduced to only being responsible for the provision of municipal services to the settlement. This was in contrast with the aim that BNG tried to achieve with the decentralisation of power and the joint venture initiative of the project and meant that there was now a strong centralisation of power which was at that time in the hands of the ANC. This meant that the ANC was the only political party which would be able to decide on what was going to happen and when and where it was going to happen. This sequence of events meant that the project can be described as "an example for the politicization of an urban development project" (Hetz, 2011:6). The project was also used as a mechanism to try and assemble votes for the local elections that would take place in 2006, which failed because the DA won that election.

Political football was a term used to describe how this one blamed that one for saying that to the media; and that one blamed this one for something else. This one played the race card, while that one appointed another in an unjust way.

4.7 EIAs, fast tracking of the project and negligence in planning

As has already been mentioned, the BNG was implemented in September 2004 and with the announcement of the policy, the declaration was also made that the N2 Gateway Project would be the flagship project of this policy and the aim was that this particular project would serve as an example of how projects in the future should be implemented. In September 2004, the first announcement of the project was made in the media and the residents of Joe Slovo found out about the project plans for the first time via the media (COHRE, 2009).

Sobambisana Community Development Pty) Ltd was appointed by the CoCT to implement the proposal of the N2GP. The project being a directive from the National Minister of Housing makes it thus form part of a national, provincial and city housing policy and programme that were done to address housing directly as well as address pressing poverty concerns.

Chand Environmental Consultants was appointed as the independent environmental consultants to comply with the requirements of the EIA regulations for the assessment of the development. The legislative requirements which had to be taken into consideration were:

- The Constitution of the Republic of South Africa Act, 108 of 1996 (The Constitution).
- The National Environmental Management Act, 107 Of 1998 (NEMA) because it provides a set of environmental principles that should serve as guidance in decision making on matters related to the environment. NEMA also states that the public should be actively involved with regards to decision making related to the undertaking of the intended activities. NEMA also states that public participation is a process where there is consultation between decision makers and interested and affected parties (I&AP).

- The Environmental Conservation Act, 73 of 1989 (ECA) was applicable because the Act prohibits the undertaking of the identified activities without the necessary written authorization from the competent authority, which was the DEADP in the Western Cape for this particular case study. DEADP may thus not grant authorization unless there has been compliance with the EIA regulations. Authorizations may however be granted subject to conditions according to the Act.
 - The activities that were identified for this particular development include:
 - 1) *“The construction, erection or upgrading of –*
 - a) *Facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply;*
 - b) *With regard to any substance which is dangerous or hazardous and is controlled by national legislation;*
 - ii) *Manufacturing, storage, handling, treatment or processing facilities for any such substance;*
 - d) *Roads, railways, airfields and associated infrastructure;*
 - f) *above ground cableways and associated infrastructure*
 - n) *sewage treatment plants and associated infrastructure; and*
 - 2) *The change of land use from –*
 - e) *use for nature conservation or zoned open space to any other land use.*
- National Heritage Resources Act, 25 of 1999 (NHRA). This Act established the South African Heritage Resource Agency (SAHRA), which main task is to protect heritage resources of national significance. With regards to Section 38 of the NHRA, a Heritage Impact Assessment (HIA) is required in the case of the listed activities below:
 - a) *Construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;*

- b) Construction of a bridge or similar structure exceeding 50m in length; or water*
- c) Any development, or other activity which will change the character of an area of land; or water –*
 - i) Exceeding 10 000m² in extent;*
 - ii) Involving three or more erven, or subdivisions thereof; or*
 - iii) Involving three or more erven, or subdivisions thereof, which have been consolidated within the past five years; or*
- d) The costs of which will exceed a sum set in terms of regulations; or*
- e) Any other category or development provided for in regulations;*

The scoping report of Chand Environmental Consultants indicated that a) and c) of the listed activities above were relevant to the development of the N2GP. This required that an HIA be carried out.

From the information above, an EIA was necessary for the development of the project as legislated. The process was done by completing the following steps:

- Conducting a scoping exercise, which documents the baseline environment highlighting key issues associated with the development;
- Detailing of the public participation process undertaken by the CoCT;
- Documenting initial specialist input to assist in determining key issues;
- Facilitating public input on environmental matters;
- Scoping for issues that would be associated with this proposal; and
- Identifying and advising Sobambisana Development (pty) Ltd. about the potential impacts of the development and the implications for the design and construction and operation of the project.

Source: Chand Environmental Consultants, 2005

4.7.1 The Scoping Report

Chand Environmental Consultants completed a scoping report that identified significant issues associated with the project. This was done via a public participation process, together with undertaking initial specialist studies. With regards to the public participation process the

following was stated in the scoping report *“In this particular project however, due to the nature of the of the N2 Gateway initiative, the public participation process was largely undertaken by the City of Cape Town. A number of additional opportunities were given to the public to participate in the scoping process”* (Chand Environmental Consultants 2005:7). More info with regards to the public participation process will be elaborated on hereafter.

The scoping report document highlighted all the necessary baseline environment information, it identified the potential impacts that were associated with the proposal and recommended mitigation measures where it was applicable. The assumptions of the scoping report included: the information that was gathered from the different studies that made a contribution to the scoping report was accurate; Sobambisana Community (Pty) Ltd. would implement the recommendations which was derived from the study. Limitations of the report entailed that the chosen site for the development was pre-determined and that no alternative sites were identified or investigated as part of the report. There was however certain alternatives considered with regards to the lay outs and finishes of the project (Chand Environmental Consultants 2005).

The following actions were taken to meet the procedural legislative requirements:

- The original scoping report for the N2GP was submitted in February 2005.
- A meeting was held on the 10th of May 2005 between the main stakeholders involved with the project. The stakeholders included DEADP, CoCT and Sobamibisana Consortium. The purpose of the meeting was to discuss the low cost housing provision at the Joe Slovo informal settlement. A decision was made that the process would be fast tracked, all of the stakeholders involved committed to this decision. Additional information was required for the scoping report to make this fast tracking a reality.
- Subsequently, an n amended scoping checklist was submitted in May 2005 and the Record of Decision (ROD), was given on the 26th of May 2005. ROD entails that the project was given the go ahead to develop 2 700 residential units at the specific location of Joe Slovo.
- After the ROD was provided, the CoCT decided to propose a further upgrade of the Joe Slovo settlement to 4 200 residential units.

- This then meant that a revised scoping checklist and plan of study should be documented to accommodate the proposed increase. This report was submitted on the 11th of August 2005.
- The ROD for this report was given on the 16th September 2005 (Chand Environmental Consultants 2005:7).

The specialist studies that were done for the site included a geotechnical and a geohydrological investigation to assess the biophysical environment of the site.

The area was regarded as fairly disturbed due to the existence of informal settlements on the site; therefore the specialist study with regards to the biophysical environment of the site was limited to these two. With regards to the social environment, an archaeological/heritage assessment was conducted.

For the purpose of this study, the detail of the EIA process and the scoping report is not going to be elaborated on due to it being fast tracked and that there were no significant environmental aspects that had to be taken into account because of the disturbed nature of the site. The participation process, which is an incremental part of the EIA process, however, will be discussed to highlight the significant impact it had on the rest of the development. According to the Scoping report of Chand Environmental Consultants the process was fast tracked and the public participation was done by the CoCT. No reasons were given for why the CoCT should do the public participation process, apart from “due to the nature of the N2 Gateway initiative, the public participation process was largely undertaken by the City of Cape Town” (Chand Environmental Consultants 2005:7).

Public participation is an essential part of the EIA process, and it is important that enough time and resources be invested into the process, so that a space can be created where meaningful participation can take place between the different affected parties. The PPP process ensures that all the issues that are raised, underlying concerns and suggestions by the I&APs are understood and clearly documented. The process also ensures that if it be required, specialist investigation would take place and feedback would be given to the I&APs (Chand Environmental Consultants 2005).

According to the scoping report, the Interested and Affected Parties (I&APs), were given a number of opportunities to register themselves as I&APs and comment on the proposed project during the scoping phase. According to the scoping report, the public participation process ensured that the general public was notified of the proposed project, and a wide range of I&APs were identified and informed about the development and the implications it will have.

The public participation process comprised the following:

- Identifying key I&APs; these include authorities, civic organizations and interest groups.
- A notification of the EIA process was published in the media on 4 March 2005. The purpose of the notice was to briefly explain the planning and environmental background to the proposal and offered readers the opportunity to comment and enlist as I&APs.
- Interestingly, the following step was an internal PPP, done because of the following reason: *“While no public participation by the prospective beneficiaries or local community of Joe Slovo and Langa was completed, given the profile of the project, the CoCT and the Mayor’s office in particular has been dealing directly with communities who are interested in and affected by the proposed scheme”* (Chand Environmental Consultants 2005:22). This is a crucial point of discussion which will be discussed in more depth later in the study.

The CoCT undertook five public meetings, as follows:

- Meeting 1: This meeting was attended by the Langa Ward Councillors and Langa Project Committees, the facilitator of the meeting was Vusi Magugula. The meeting took place on 16 September 2004 and the business of the meeting was a PowerPoint presentation on the N2GP and Joe Slovo. The meeting proposed that the project should provide housing to backyarders from the neighbouring communities with a ratio of 30% backyarders and 70% people from the informal settlement. Other than that the meeting conclude that hard decisions will have to be made because not

everybody will be able to be provided with accommodation. This entails complex decisions which had to be made with regards to the eligibility criteria and thus imply that extensive and intensive community input would be required.

- Meeting 2: This meeting took place in November 2004 and was attended by the Langa Ward Councillor Gophe, the Ward Committee secretariat and invited residents (public notice). The purpose of the meeting was the launch and orientation of ward committees as well as a discussion about the project itself but without a power point presentation which was followed by a question and answer session.
- Meeting 3: This meeting took place on 27 November 2004; it was attended by community leadership representatives from all the N2 project areas. This included NGO's and CBO's etc. and it was chaired by Batembu Lugulwana. The meeting entailed a PowerPoint presentation about the project also followed by a question and answer session.
- Meeting 4: The meeting happened on 13 December 2004, it was attended by the Executive Mayor, Ward Councillors and residents; the meeting was facilitated by the Mayor's Office. The purpose of the meeting was to give the Mayor a chance to deliver the N2 Gateway Address. The meeting also indicated that the project would be complete by June 2005. This was followed up by a question and answer after which it concluded.
- Meeting 5: The last of the meetings happened on 7 February 2005, it was facilitated by Peter Oscroft and attended by Langa Ward Councillor Gophe, the ANC youth league and the ward committee secretary and project manager Mr Hopkins. The purpose of the meeting was to advise the residents that the construction would start the following day on the demonstrated site and that it would entail the construction of 700 dwelling units of high density configuration on vacant land situated at the end of the Joe Slovo informal settlement. It was further discussed that the arrangements have been made to meet the different contractors on the site the next day.

Other than the meetings that were elaborated on above, there was a focus group meeting with the authorities involved with the project, and took place on 10 May 2005. This meeting was focussed on the environmental process and provided a description of the specific site of the project. The main stakeholders and authorities that attended the meeting were given the

chance to ask questions with regards to the project. The main issues addressed included aspects such as flooding, capacity of the waste water treatment works and the provision of educational facilities to cope with the additional people living in the Joe Slovo development.

According to the scoping report of the project, there were no socio-economic issues raised by the public. Their biggest concern was the allocation of the housing process. The people who had queries about the allocation process were referred to the CoCT housing call centre, where they were to receive more information with regards to the housing allocation.

From a procedural viewpoint, the various documentation and administration that go with it, for example, the scoping and applications procedures for obtaining environmental authorization for this particular case study, are a cause of concern. The application documents submitted for the authorization of the project were received by the Department of Environmental Affairs and Development Planning (DEADP) on the 24th of February 2005. From the documents submitted, the DEADP authorities are to determine the feasibility of the project and the impacts the project would have, and whether it would lead to irreversible environmental degradation. Together with this, the usual process involves analysing alternatives and taking into consideration various specialist studies, which is now required by NEMA.

The Environmental Authorization, in other words the record of decision (ROD) gave the green light for the project to go ahead on the 26th of May 2005. In other words, from submission of first documents to a ROD was approximately 6 months. These serve as evidence of how speedily this project was fast tracked and streamlined through the decision making processes to get the project started. The above-mentioned illustrates how little planning and opportunity for participation, as well as modification and inputs from important stakeholders took place.

While an EIA process is usually expected to run a course of about two years to complete the comprehensive planning and to identify the various alternatives, to modify the plan of action due to the environmental and social factors, one can make the assumption that the above-mentioned 6 months were by far too short a time frame to take the different impacts and

consequences into consideration that the project would have. Direct impacts are not necessarily such a timeous activity to do, but to take all the indirect impacts and consequences into consideration that may happen is a very complex and timeous process, and can only be addressed comprehensively by making use of the participation and knowledge of the local community. Not necessarily talking about the environmental impact that the project would have, but the lack of planning that this project exemplifies, is clear. How much planning and how comprehensive could the planning have been in a time span of 6 months, when the process usually takes 2 years? This begs the question, “If this aspect had been done more comprehensively and according to the right procedures, timelines and authorizations, would this project not have been implemented much more effectively and without the whole host of factors that caused all the controversy that led to the evictions, court cases, protests, inter political rivalry, etc.?” Even looking at when the project was first announced (September 2004) and when the EA (May 2005) was given; it is still not enough time to have done the planning effectively. The words that the mayor of the CoCT said in a speech for his council on the 23rd of February 2005 with regards to the N2 Gateway Project proves the argument just made, “Everything is now in place - the money, the business plan, and the contractors - to make this a reality. It will make an important impact on the housing backlog in this city”.¹¹ He further elaborated by saying, “One important aspect of this project is how we achieve rapid delivery. We have moved from concept to having the first contractor on site in only a few months. To achieve this, we have had to push very hard. We have had to get rid of all unnecessary bureaucracy. However, this approach will bring rapid results and I am firmly convinced that all communities will appreciate this approach when implementation becomes ever more visible”.¹²

4.8 Political restructuring and the capacity it places on deliverance

Neglecting the use of knowledge that is usually obtained from involving a wide array of stakeholders meant that certain types of knowledge were excluded from the planning phases. This particular aspect is evident when one takes into consideration the negative consequences it had on the implementation of the project (Jacobs & Baud, 2013).

¹¹ Viewed 18 April 2014, from

<http://www.capetown.gov.za/en/MediaReleases/Pages/SpeechByTheExecMyrToTheMeetingOfCouncilOn23Feb2005.aspx>

¹² Viewed 18 April 2014, from Communication City of Cape Town: Speech by the Executive Mayor to the Meeting of Council on 23 February 2005

<http://www.capetown.gov.za/en/MediaReleases/Pages/SpeechByTheExecMyrToTheMeetingOfCouncilOn23Feb2005.aspx>

By not going through the bureaucratic processes, a lack of transparency and accountability were generated. The centralized top down planning approach, which was adopted due to the political reasons mentioned above, led to various role players that could have played an influential role being ignored. The lack of accountability led to various other problems, which included poorly managed budgets that caused extra expenditure, confusion about who should complete the specified tasks, contracts not being signed in time, and so forth. The irony behind all of this is evident when one considers that the above-mentioned is exactly the type of messiness the leadership and management wanted to avoid during the planning and implementation of the project.

Together with the flaws in the project management, there was also a gap between what was mentioned in the policy ideals and what was happening on the ground level. The ideals of the policy were out of touch with the context of the specific project and the situation at hand. The politics that characterized this project, is an example of how easily a project can fail when the priorities it claimed to be addressing are only done to push political agendas and to please the wider public audience and are not the real reasons for the project, that of helping the poor and alleviating poverty in a country that is in dire need of this.

4.9 Conclusion

The analysis of this case study was done to provide the reader with a detailed understanding of exactly what happened with the N2GP. The detailed analysis of this case study entailed a description of where the Joe Slovo informal settlement is located, as well as the conditions of the settlement before the project was implemented. The importance of the locality of this project was discussed by looking at the high visibility aspect of it, the strategic location of the settlement to transport networks and the role that the hosting of the Soccer World Cup played in choosing that specific site for the project. The researcher analysed the events that took place before and during the implementation of the project. Events, which include: the fire disaster in 2005 and the impact that had on the forced relocation of the residents; the eviction orders; rent boycotting and the subsequent court cases, which is a significant aspect of this project, were also discussed. Other important points that were indicated included the role that politics played in this project and the negative impact it had on nearly all the aspects of the

project. The lack of meaningful participation, the appointment of Thubelisha Homes as the project manager, the removal of the CoCT from the project, the failed joint venture from the three different spheres of government to complete the project and the unhappiness about the selecting of beneficiaries and the rent the beneficiaries had to pay; together with this, the poor quality of housing which the beneficiaries received and the poor communication between the different stakeholders of the project and the general lack of quality with regards to project management. The role that the fast tracking of the project played in getting the environmental authorization done and cutting bureaucratic red tape as a means to deliver houses at a rapid rate and the role that played in labelling this project as a failure.

The above-mentioned case study will be compared to the effectiveness model of EIAs, which was discussed in the literature review, and the findings will be identified to analyse whether this project was efficient and to try and answer the research question of: “What can the case study teach us about effective implementation of low cost housing projects and the role that EIA can play in this?” This question will be answered by applying the case study to the literature which has been discussed, and recommendations will be made based on the findings of the comparisons found in the next chapter.

CHAPTER 5: FINDINGS – THE ROLE OF THE EIA

5.1 Introduction

Chapter 4 covered an in depth analysis of the N2 Gateway Project, as a case study. Various issues were identified and discussed with regards to this project. The purpose of the current chapter then is to highlight those issues that were identified and discuss it against the background of the literature review of chapter two, to arrive at some kind of synthesis and to formulate some results for the study. The main findings will be elaborated on so as to identify areas of concern that should have been given attention. If these were done according to what was discussed in the literature review, the project would have been implemented more efficiently. The main aim of this chapter, then, is to derive some final conclusions from answering the research question stated in chapter 1: “What can the case study teach us about effective implementation of low cost housing projects and the role that EIA can play in this?”

5.2 EIA as one step in the pipeline of procedures

Firstly, and most importantly, the researcher gave a comprehensive overview of the EIA tool and SEA tool in the literature review of this thesis (chapter 2). This was done in the first place to try to give a good background against which the housing context of SA was discussed and to determine where EIA, and as such, the Environmental Authorization process fits in with these types of projects. Secondly, the researcher focused on the N2 Gateway Project as a case study (chapter 4) and discovered that the government was trying to rectify the backlog in housing experienced in the country through the new housing policy, the BNG strategy. Taking this important discovery into consideration, it is essential to understand that EIA/SEA is only one stage in the process involved in projects like the N2GP; in other words, it is a process in the pipeline of procedures that takes place in the planning and implementation of these projects. There are indeed various other aspects of a project that determine the successful completion thereof.

The initial aim of this thesis was to discuss EIA in depth and to show that EIA is a long and bureaucratic process which is experienced as being protracted at times. Part of this aim was to discuss ways in which the process could be sped up and streamlined, so that the implementation phase of a project could take place in a much shorter time frame. However,

as referred to above in the analysis of the case study, the researcher discovered that the Environmental Authorization (EA) process of the case study was fast tracked due to inter alia political influences and political powers intervening in the process and various other factors which will be highlighted in the rest of this chapter. The EA process eventually only took 5 months to complete, while it should normally run over a longer period to complete.

The main finding that the researcher wants to elaborate on in this final chapter is that it is indeed possible to fast track the EA process of a project, but it comes at a cost. The literature showed that this is not the normal way in which the EA process usually evolves. The N2GP is in this sense, an exception to the rule because of very specific political agendas at play. This is a very important statement within the bigger argument of the thesis because the rest of the discussion in this chapter will hopefully shed some light on the underlying factors that influenced this specific case.

Because the EIA process is only one stage in the life cycle of a project, the focus of this final chapter will not be on the EIA process as such, but rather on the role it should have and could have played in the implementation, and especially the planning, of the project. The researcher wants to point to the following factors that played an important role in this unfortunate state of affairs. They are the following:

1. The EIA process which was done as part of the EA process was not given the time and resources to run its full course. Once again, one has to take into consideration that although the EIA process is just one stage of bigger process, the tool is instrumental in determining the success of the rest of the project. The fact that this project was driven by political powers and the EA process was fast tracked, led to various consequences that were not accounted for in the planning and for which provision was not made.
2. Because of the huge emphasis on delivery in this project, one can make the assumption that the EA process of this project was seen as a bureaucratic hurdle and a hindrance to fulfil the emphasis that was placed on delivery. The valuable contribution of the EA process was ignored in this project and that ultimately led to delays in other forms, which is the ironic aspect of this project. It is ironic because the leaders and management that drove

this project emphasised that they had to push certain boundaries so as not to get caught up in bureaucratic red tape but this is eventually exactly what happened due to the fact that they fast tracked certain processes, which are not meant to be fast tracked. Processes like the EA process which requires the necessary time and resources to identify alternatives, possible impact scenarios, information from participation, etc. If all of this was done in the correct way it would have helped them with the planning and implementation of the project further on in the project's life cycle.

These factors (fast tracking and emphasis on delivery) will now be critically investigated by utilizing the following interpretive lenses:

- The four processes of effectiveness
- The important role of EIA in the planning procedure of a project (frontloading EIA in the planning pipeline)
- The aid of the tool for decision-makers (setting the basis, stakeholder engagement, participation, etc.)
- Rationality in the decision-making process (political process)

In this way, the literature review and the findings of chapter 4 will be linked with each other in trying to find the answers to the basic research question. In this regard te categories of effectiveness applied to the EIA, see table 1 below, are very useful in looking at the different factors at play.

5.3 Effectiveness

Table 1. Application of categories of effectiveness applied to the EIA

Table 1. Application of categories of effectiveness applied to the EIA

Category	Definition	Description	Application
Procedural	How well the procedure that makes part of the bigger process can be identified and applied in practice.	How well the EIA of the project complies with the standards and principles that were set out. The policy framework under which the tool has to operate is an instrumental factor in determining the effectiveness of this category. It is instrumental because it will set the scope of the study to be done as well as determine the quality of work which will be delivered (Chanchitpricha & Bond 2013). Two factors which are also applicable in this regard are efficiency - the availability of resources (time, money, expertise etc.), and the meaningful participation from the various stakeholders of the project.	<p>1. The BNG policy framework under which the EIA and the project had to operate had standards set out. The project failed because the targets were too idealistic and the ultimate housing units that were delivered did not adhere to what it stated it was going to achieve. The BNG policy did set the standards of what it was trying to achieve and it did identify the standard and quality of work which was expected. However, due to the fast tracking of the project, the EA process was not granted enough time to run its full course and was not given the opportunity to deliver the quality of work which is normally expected from an EIA.</p> <p>2. The project was announced shortly after the BNG policy was implemented and simultaneously with the announcement of the hosting of the FIFA Soccer World Cup. The EA process was done at the end of the pipeline of procedures while it should have taken place at the beginning of the pipeline of procedures. By placing the EA process at the beginning of the pipeline of planning, the most important issues (environmental and socio economic) can be identified at an early stage. The basis of participation and stakeholder engagement could be set up. However, it was found that this process was done at the end of the pipeline and led to the vast amount of issues surfacing during the implementation of the project instead of during the planning procedure of the project. This ultimately led to various delays because of the people's unhappiness with the state of affairs and showcasing it by rioting, boycotting and protesting which led to court cases in the end.</p> <p>3. The time resources for the team to complete the project were not enough. This led to irrational decisions being made and procedures which were fast tracked that must have been left alone to run its course. The duration (5 months) in which the environmental authorizations were submitted and authorized serve as evidence hereof. Time as a resource was thus not enough and contributed to the inefficiency which was discussed above.</p> <p>4. The lack of meaningful participation that the stakeholders experienced in this project serves as evidence that the procedural effectiveness of this project and the EIA as well can be labelled as inefficient as well.</p>
Substantive	How well the aims and objectives has been reached of the Impact Assessment (IA) tool that is analysed and how well the tool performed in reaching its goal in practice.	The factors influencing this category include: the regulatory framework of the IA tool in focus, the way that public participation takes place, whether it takes place at all and the quality if the impact assessment report.	<p>1. The centralisation of power led to the removal of the CoCT as the project managers and the appointment of Thubelisha Homes as implementing organisation.</p> <p>2. The EIA process of this project was subject to politicisation. The M3 committee pushed a rushed process which had a lot of consequences in the end.</p> <p>3. The aims and objectives of providing housing to 22 000 people were not met.</p>

			<p>An important reason for this is due to the way the beneficiaries were chosen and the eligibility criteria which were used could be described as confusing and inefficient. The initial agreement for housing allocation was that 70% of the beneficiaries would come from the original Joe Slovo Settlement and the other 30% would be made up of shack- and backyard dwellers from the surrounding informal settlements. This allocation was completely ignored, an aspect which was heavily criticised by the Auditor-General's report and a factor which contributes to the substantive ineffectiveness of the project.</p> <p>Together with this, the poor communication of what the eligibility criteria was to qualify for a house causing a lot of people to create expectations of getting a house which ultimately led to further conflict and unhappiness which ended up causing delays in implementation as well. The above mentioned is another symptom of the poor participation mechanisms which were used and an aspect which could have been avoided if the EA process were allowed to run its full course and have been done earlier in the pipeline of procedures. If the above mentioned did take place then the different views of stakeholders would have been taken into account. This would have enabled the project managers in setting up the necessary alternatives according to the data they had to their availability.</p>
Transactive	When the resources required for the project to reach its outcomes, are kept to a minimum but the outcomes are still reached efficiently.	Refers to human resources, as well as the cost and time resources utilised in the process of reaching the goals that were set out.	<ol style="list-style-type: none"> 1. Resources were not kept to a minimum and the outcomes were not reached. The quality of the housing which the beneficiaries received was very poor and the units were poorly built. This led to the units being damp, pipes that are leaking, cracks in the walls and health and safety concerns being raised by the inhabitants. 2. The dates and timeline which were set up were not adhered to and the implementation of the project ran far over the schedule.
Normative	Goals consist of "social and individual" norms.	In other words, people will act on impact assessments by taking part in it and wanting to be actively part of the process. In doing so they enable themselves to learn from the process to such an extent that they (people of the society in context) will realise how impact assessment tools and processes can be of use to them in bettering their own lives.	<ol style="list-style-type: none"> 1. The participation that took place during the course of the planning and implementation phases was very limited. The only real participation that did take place was when the leaders of the project would announce to the local community and the stakeholders what would happen next. 2. The initial plan of the BNG strategy was to make use of local labour for the project implementation. This aspect of the project however caused more conflict than employment opportunities because the local people competed with each other to earn some form of income rather than working together. 3. These issues can be ascribed to poor project management and exemplifies how desperate people were to earn income which showcases the lack of employment opportunities in the wider society.

A quick recap on what was discussed in the literature review will be given to clarify the role that effectiveness has to play in the discussion of the findings. Firstly, Cashmore et al. (2004:296) make an important point about the effectiveness of EIA practice namely that EIA cannot be labelled as ineffective because it does not deliver what is written in the theory of EIA. They further argue that there is more to effectiveness that has to be taken into consideration. According to these authors, the procedural aspect of EIA should not be made the yard stick of how to measure effectiveness but rather the substantive aspects of the process. The justification for this argument is that EIA was not developed out of a sound scientific background but rather out of a political context. The point they thus make is that EIA is “inherently and inescapably political”. The political context determines how the EIA is designed and implemented, and determines the ultimate outcome of decisions that have been made or are going to be made.

It is necessary for the sake of the argument, to briefly recap what Chanchitpricha and Bond (2013) mention about effectiveness in the environmental assessment field. These two authors argue that effectiveness can be determined by whether or not the tool under scrutiny had a clear influence on the decisions that were made and that the most appropriate alternative was chosen.

Against the above-mentioned background, the four-category framework of Chanchitpricha and Bond (2013:66) will be discussed. The four categories include: procedural, substantive, transactive and normative effectiveness. A brief summary will be given about each and then the four aspects will be compared to the case study.

5.3.1 Procedural effectiveness

Firstly, the procedural effectiveness criteria entails how well the procedure that makes part of the bigger process can be identified and applied in practice.

How well does the EIA of the project comply with the standards and principles that were set out? The policy framework under which the tool has to operate is an instrumental factor in determining the effectiveness of this category. It is instrumental because it sets the scope of the study to be done, as well as determines the quality of work that will be delivered

(Chanchitpricha & Bond, 2013). Two factors which are also applicable in this regard, are firstly, the availability of resources (time, money, expertise, etc.), and secondly, the meaningful participation from the various stakeholders of the project is also an instrumental factor in analysing procedural effectiveness.

Issues to be pointed out against the above-mentioned background of the case study, include the BNG policy framework under which the EIA and the project had to operate. The standards that were set out, in other words, the ideals the policy aimed to achieve. In that regard, the project failed because the targets were too idealistic and the ultimate housing units that were delivered did not adhere to what it stated it was going to achieve. The BNG policy did set the standards for what it was trying to achieve and it did identify the standards and quality of work that was to be expected. However, due to the fast tracking of the project, the EA process was not granted enough time to run its full course and was not given the opportunity to deliver the quality of work that is normally expected from an EIA study (EIA is one part of the Environmental Authorization process) that is done comprehensively.

The other very important aspect and one that will be discussed more comprehensively later in this chapter, is at what stage the EA process took place in the pipeline of procedures during this project. It is evident from the case study, that the project was announced shortly after the BNG policy was implemented and simultaneously with the announcement of the hosting of the FIFA Soccer World Cup. The issue of effectiveness at stake here is thus, that the EA process was done at the end of the pipeline of procedures, while it should have taken place at the beginning of the pipeline of procedures. By placing the EA process at the beginning of the pipeline of planning, the most important issues of the project at hand can be identified at an early stage. The basis of participation and stakeholder engagement could be set up by doing the above-mentioned, and thereby involve stakeholders from the beginning. By doing that, the important issues (environmental and socio-economic) could be identified and addressed. However, in the analysis of the case study, it was found that this process was done at the end of the pipeline and led to the vast amount of issues surfacing during the implementation of the project instead of during the planning procedure of the project. This ultimately led to various delays because of the people's unhappiness with the state of affairs and showcasing it by rioting, boycotting and protesting, which led to court cases in the end.

This point in the argument will be elaborated later on in this chapter, as well because of its importance in answering the research question, “What can the case study teach us about effective implementation of low cost housing projects and the role that EIA can play in this?” The point is thus, that the procedural effectiveness of this project was inefficient and one of the main causes as to why this project experienced so much controversy.

When taking the availability of resources into consideration, the assumption can be made that there was initially enough money available for the project, but due to factors that will be subsequently discussed, this aspect can be labelled as ineffective. Another very important factor in this regard, is that it was perceived that time was an issue, and that the time resources the team had to complete the project was not enough. This led to irrational decisions being made and procedures that were fast tracked that should have been left alone to run their course. The duration (5 months) in which the environmental authorizations were submitted and authorized serves as evidence of this. Thus, time as a resource was not enough and contributed to the inefficiency that was discussed above.

Lastly, the lack of meaningful participation that the stakeholders experienced in this project serves as evidence that the procedural effectiveness of this project and the EIA as well can also be labelled as inefficient. This aspect will be elaborated on later in this chapter due to the integral part it fulfils in making a project a success and describing a project as effective.

5.3.2 Substantive effectiveness

Substantive effectiveness can be described as how well the aims and objectives of the Impact Assessment (IA) tool that is analysed has been reached, and how well the tool performed in reaching its goal in practice.

The factors influencing this category include: the regulatory framework of the IA tool in focus, the way that public participation takes place, whether it takes place at all and the quality of the impact assessment report.

The regulatory framework of the project can be questioned because of the controversial events that took place. Evidence of this is the inter-governmental venture which meant a

centralisation of power and led to the removal of the CoCT as the project manager and the appointment of Thubelisha Homes as the implementing organisation. In addition to the above, the EIA process of this project was subject to politicization. The reason for this can be ascribed to the influence that the M3 committee had and carried out to push this process through the bureaucratic steps it had to go through and ultimately led to being a rushed process which had a lot of dire consequences in the end. Based on the above, the researcher makes the assumption that the EIA was not effective in a substantive way, but in the same breath one has to question the politics which was accountable for this.

In terms of how well the objectives and aims of the project had been met, one can make the conclusion that the aims of providing housing to 22 000 people were not met. An important reason why this can be regarded as a failure is due to the way the beneficiaries were chosen and the eligibility criterion which was used could be described as confusing and inefficient. The initial agreement for the housing allocation was that 70% of the beneficiaries would come from the original Joe Slovo settlement and the other 30% would be made up of shack and backyard dwellers from the surrounding informal settlements. This allocation was completely ignored, an aspect that was heavily criticised by the Auditor-General's report and a factor which contributed to the substantive ineffectiveness of the project.

Together with this, the communication was poor with regards to what the eligibility criteria was in order to qualify for a house, causing a lot of people to have expectations of getting a house which ultimately led to further conflict and unhappiness, also causing delays in implementation as well. The above-mentioned is another symptom of the poor participation mechanisms which were used and an aspect which could have been avoided if the EA process was allowed to run its full course and also be done earlier in the pipeline of procedures. If the above-mentioned did take place, then the different views of stakeholders would have been taken into account. This would have enabled the project managers in setting up the necessary alternatives according to the data they had to their availability.

5.3.3 Transactive effectiveness

Transactive effectiveness can be described as when the resources required for the project to reach its outcomes, are kept to a minimum but the outcomes are still reached efficiently.

When referring to resources in the above-mentioned definition, the author refers to human resources, as well as the cost and time resources utilised in the process of reaching the goals that were set out (Chanchitpricha & Bond, 2013).

This category of effectiveness can also be labelled as ineffective because of the following reasons: Firstly, the resources were not kept to a minimum and the outcomes were not reached. The quality of the housing which the beneficiaries received was very poor and the units were poorly built. This led to the units being damp, pipes that are leaking, cracks in the walls, and health and safety concerns being raised by the inhabitants. The dates and timeline which were set up were not adhered to, and the implementation of the project ran far over the schedule due to the reasons discussed above and other factors which will also be elaborated on later in this chapter.

5.3.4 Normative effectiveness

Bond and Morrision-Saunders (2013) elaborate on this even further, when they identify how the goals of normative effectiveness consist of “social and individual” norms.

Normative effectiveness, as described by Chanchitpricha and Bond (2013:69) can be referred to as social and individual norms. The attitudes that people of a society have towards these norms cause them to act upon it. In other words, people will act on impact assessments by taking part in it and wanting to be actively part of the process. In doing so, they enable themselves to learn from the process to such an extent that they (people of the society in context) will realise how impact assessment tools and processes can be of use to them in bettering their own lives.

This aspect of the project was ineffective because the participation that took place during the course of the planning and implementation phases was very limited. The only real participation that did take place was when the leaders of the project announced to the local community and the stakeholders what would happen next. The initial plan of the BNG strategy was to make use of local labour for the project implementation. This aspect of the project did, however, cause more conflict than employment opportunities because the local

people competed with each other to earn some form of income rather than working together. This issues can be ascribed to poor project management and exemplifies how desperate people were to earn an income, which shows the lack of employment opportunities in the wider SA as a whole.

5.4 The important role of EIA in the planning procedure of a project

In the above-mentioned discussion of the effectiveness categories, brief attention was given to the position where the Environmental Authorization took place in the pipeline of procedures of the project. This aspect slots in with the planning procedure that must take place at a strategic level before implementation can start. The strategic planning procedure of a project such as the N2GP is a very important aspect of the project as a whole. After analysing the case study and comparing it to the four categories of effectiveness, the conclusion was made that the EA process happened too late in the pipeline of the planning and decision-making procedures. What happened was that the strategic planning procedures took place and decisions were made about how and where the project would be implemented before any form of environmental study were done.

Decisions were thus made and announcements were given about the when and where of the project before any application was submitted to the Department of Environmental Affairs and Development Planning, to approve the project. This was done due to political powers and political agendas at play. The political powers at play, thus, led to the fast tracked EA process and the problem with this was that the EIA process of EA could not have been done comprehensively to identify various aspects/impacts (social and environmental) that came to the surface later on in the project, which caused severe delays.

The Auditor General's report (2008:8) on the case study also identified 5 main points with regards to the planning aspect of this project. Firstly, the business plan was not finalised before the first construction started. This meant that the M3 did not adhere to what was initially planned and agreed upon in the MoU. A final business plan was also not submitted to the auditing team, who did the investigation in 2008, implying that up until 2008 the business plan was not completed.

Secondly, the proper acquisition of land was not done comprehensively. In other words, sufficient land had not been identified and approved of before construction started, which was required to build 8 800 units. These units were part of the implementation, although they had not yet obtained the land to be built on. In 2007, two years after the first phase of the construction started, the CoCT and the Provincial Government of the Western Cape (PGWC) signed an agreement which made the land available for the units to be completed. This is a typical feature of poor planning.

Thirdly, because the Environmental Authorization process was rushed, it did not identify the significant impact of the soil problems of the location singled out for the construction of the units. The Auditor General's report found that the geotechnical reports which were done was not completed before the construction started. This resulted in improvements that had to be made with regards to the condition of the soil, causing severe delays in the implementation of the project. The report also found with regards to the above-mentioned that for one phase of the project, the rehabilitation which had to be done amounted to R6 million before the construction could go ahead. Together with issues that fall under the planning aspect of the project, was the fact that the beneficiaries were not selected and finalised before the construction of the project started. This was not in accordance with what was set out in the business plan and only done two years after the first phase of the construction started. Lastly, the different plans and policies were not in accordance with one another and this led to inconsistencies about who was eligible to qualify as a beneficiary. One of the main contributing factors with regards to this was the fact that there were discrepancies between what was planned for and what was communicated to the local communities.

The point is thus, that the EA process and especially the EIA process of a project like the N2GP must be done in the very beginning of the pipeline of planning procedures, and must be done comprehensively so that the factors that will have an influence can be identified and addressed early on. The N2GP did make use of further specialist studies later on in the implementation phases of the project. This should have, however, been done at the very beginning of the planning procedures.

The aforementioned process is often referred to as the frontloading of the planning pipeline. The reason for the term is because by doing the EIA as soon as a possible the site is identified, the EIA process is enabled to identify a variety of impacts, both environmental and socio-economic impacts, at an early stage. By identifying possible impacts, these can be addressed at an early stage of the project instead of having to deal with it later. Together with this, various alternatives could be developed according to impacts that would have a severe impact on the environment. The EIA, as a tool, has a strong component of participation, and if the process was done in the beginning of the N2GP then the tool could have set up a basis of participation and identification of stakeholder engagement. By doing this, a platform would have been created whereby the community members that were involved with the project or in some way affected by the project could make their concerns known before any decisions were made and especially before implementation started.

This finding is supported in the literature review, by analysing what Glasson et al. (2005:8) tried to communicate: “The EIA is an instrumental document for decision makers that eventually decide on the validity of a proposed project. It provides the decision maker with the necessary information about what trade-offs are being considered before heading blindly into decisions and not considering the impact that it will have on the environment”. Glasson et al. (2005:8) make a valuable interpretation of EIA by stating that it has the ability to become a ‘negotiating tool’ between the different stakeholders. With negotiating tool is implied that a balance will be reached, where the most rational option will be decided and agreed upon by everyone involved in the process.

By doing the above-mentioned, the usefulness of the tool, together with why the tool is so instrumental to decision-makers, is emphasized. Instead of seeing the tool as a bureaucratic hurdle or a process which hinders the progress of the start of the implementation, it must rather be seen in the way described above. If the tool or the environmental authorization process is done in the beginning of a project, then the tool would not be regarded as a hindrance but rather as a tool that is instrumental in determining the success of a project. This would enable the EIA process to run concurrently with other processes and would thus not lead to severe delays.

5.5 The problem of emphasizing quantity over quality

Firstly, because the project was pushed to try and deliver housing units to the poor as quickly as possible, it meant that certain processes had to fit into a very short period of time. One of these processes being the time that was given to interested and affected parties to voice their concerns over matters that would have an impact on them. The time frame given for the affected people of the local community to voice their concerns was six months. This time frame was insufficient, according to the Auditor General's report, meaning that the affected communities did not have sufficient time to find out how they could secure the necessary findings; they also could not meaningfully participate in the project's planning phases, and it also meant that the managers of the project (the three spheres of government) could not have ensured that all the approvals and policy adjustments were in place before the project started.

The Auditor General's report indicated that by the year 2007, only 5% of the units that were planned for had been completed. A figure which serves as evidence of how important proper planning is and that the quality of preparation for a project like this is of utmost importance. The other factor which also proves the point the researcher tries to make is that the people who were forced to move to temporary residential areas, could not return to the units which were built because they could not afford it. The report also indicated that 99,6% of the people who were supposed to get a house could not afford it. This percentage is alarming because it shows that the necessary steps were not taken to conduct the necessary research on the context of the community. This is another consequence of trying to deliver at quantity over quality (AGSA, 2008). The above-mentioned, coupled with the delays that were caused by the poor planning, meant that the cost of the time for which the construction stood still amounted to R43 million. The audit report was done in 2008, which meant that over three years, R43 million was wasted.

5.6 Rationality in the decision-making process of the case study

A large section of the literature review (chapter 2) was devoted to the rational aspect of the EIA process. To summarise what it came down to: The EIA process is a value-laden process, and the political context of the country in which it operated is one of the main factors that determined how effective the process would be implemented (Caldwell, 1991). What was

written in the literature review about this aspect is also evident in the case study analysis. The reason being, the M3 committee which dominated the procedures and decisions made, based on their own jurisdiction show how centralised and top down the planning and implementation of the project was. The reasons why it panned out as it did was because of political agendas at play and the people with the most power dominating the process. It was a political attempt by the ANC to try and earn votes in the Western Cape Province, the only province in which they received any real competition from the DA.

Another major contributing factor that serves as evidence that this process was value-laden and politically driven; was the announcement of the hosting of the FIFA Soccer World Cup in 2010. Soon afterwards, the announcement of the N2GP followed. The reason why the Joe Slovo informal settlement was chosen was because of its strategic location and its high visibility to tourists as they touched down at the Cape Town International Airport. This is mentioned again to ascertain whether the reasons for the upgrading were for the wrong reasons; the wrong reasons being that it was simply a beautification process to make the City of Cape Town look more attractive to tourists, so that they would get a better impression of the city, and also so that the city could market itself as a competitive city in the global world in order to attract foreign direct investment. The problem is, the reasons for the upgrading were not to build sustainable human settlements as it is set out in the BNG strategy and to help the poor people out of their poverty trap, but rather to make the city not look like other third world cities in Africa. There is, thus, a lack of transparency and this serves as further evidence of the politicising of the project.

Lastly, the challenges that were experienced with the Environmental Authorization process of this project could be ascribed to a lack of integrated planning. The reason for this is because the different plans and strategies that the project had to adhere to, often did not speak to each other. This project was announced very quickly after the announcement that SA would host the Soccer World Cup. This issue begs one to ask the question of how well could the municipal spatial development framework plan, the housing plan, and other infrastructural planning between the above-mentioned, have taken place in such a short time frame? This led to various questions being asked at the project stage about strategic issues, all of which

should have been addressed at the planning level, the fact being that those issues cannot be easily addressed at the project level.

5.7 Conclusion

In the final chapter the researcher will make some recommendations concerning EIAs but would now like to return to the sub-questions that developed from the basic research question and try to briefly answer them. In the final chapter the answers will be expanded on albeit under different headings.

- *What role does EIAs play in the delays in the effective implementation of low cost housing projects?*

The researcher found that it is not necessarily EIAs or the EA process which are the cause of time delays in the implementation of low cost housing projects. No, it is rather the fact that EIAs are done too late in the project planning. One of the main reasons for this is due to poor planning and the fact that important decisions are made before any form of environmental authorizations are given. The researcher started this thesis with the assumption that EIAs are long and protracted processes which are steeped in bureaucratic red tape and characterized by inefficient steps in the planning processes. And although one does find proof in the literature that the above-mentioned does indeed occur in many projects, the case study proved that the EA process was indeed done quickly but that it came at a price. The findings suggest that the costs of trying to do the process quickly and trying to avoid time delays came at a bigger cost at the end because of the fact that a proper EA process would have identified the aspects that caused the delays in the project, at an earlier stage.

- *Can the EIA be done differently to speed up the delivery of low cost housing projects?*

As first alternative the researcher would like to see that the EIA-process ought to be incorporated at a much earlier stage in the pipeline of the planning procedure. When the EIAs are done at the beginning of the planning process, the necessary impacts and issues that might arise can be identified much earlier. In identifying issues at an earlier stage, they can be addressed systematically and alternatives can be identified on what the next step in the process should be. Some more alternatives will be elaborated on in the next chapter.

The results of the research thus provided a variety of factors that will have to be addressed in the future with regards to similar projects that are going to take place. To reiterate, the main finding of the research and the central thought that answers the research question is that it is not necessarily the EIAs or the EA process that caused the time delays in the implementation of the low cost housing projects. The findings that were discussed are also in accordance with some of the main benefits and constraints that were theorized about in the literature review of the thesis.

This chapter also discussed some of the main features of the N2GP against the effectiveness framework which was explained in the literature review. The conclusion the researcher came to was that the approach taken by the project team was ineffective based on the 4 categories. The reason for this was poor planning, poor project management and a lack of meaningful participation due to a variety of factors (fast tracking the Environmental Authorization process of the project being one of them). Corruption and a lack of transparency, coupled with poor channels of communication and no clear indication about who should fulfil what role, are also some of the main causes.

CHAPTER 6 - RECOMMENDATIONS

6.1 Introduction

In the previous chapter, the findings of the case study were discussed against the background of the aspects that were analysed in the literature review. Various findings were highlighted where the project failed and where they could have and should have given more attention to and made use of better planning mechanisms. This chapter will take the findings which were identified into consideration and make certain recommendations that can be applied in similar projects like the N2GP in the future. The recommendations are mostly project specific but the fact of the matter is that the recommendations might be applicable to similar low cost housing initiatives that will be attempted in the future. The reason for this is because the housing backlog keeps on getting bigger and there are going to be a lot of projects like the N2GP, which will experience the same challenges and difficulties as this project.

6.2 Planning

The first and most important recommendation is that the Environmental Authorization processes ought to be incorporated at a much earlier stage in the pipeline of the planning procedure. When the EA process, which includes the EIA and the land use planning procedure, together with the acquisition of the land for the project, are done at the beginning of the pipeline the necessary impacts and issues that might arise can be identified at an earlier stage. By identifying issues at an earlier stage, these can be addressed systematically and alternatives can be identified about what the next step in the process should be.

By approaching the process in this way, the participation of stakeholders can be incorporated at an earlier stage and in a more meaningful way. The identification of interested and affected parties could set the foundation for active participation by everyone that is involved in the project. This in itself, is a recommendation on its own. In other words, create a wide platform for public participation so that the issues that the people on the ground level (the people that would be affected the most by the project) could be identified and addressed.

Recommendations based on the findings with regards to the planning aspect of the project by the Auditors General report include that construction cannot take place before the final

business plan is not approved. Furthermore, the acquisition of land should have been done first before promises were made about how many units would be built. A qualifying criterion must be agreed upon and maintained throughout the running of the project, so that there would be consistency with what is required and by the work that is being delivered.

6.3 Participation and role definition

One of the main findings that surfaced in the analysis of the case study was that there was a lack of meaningful participation; this caused some of the main problems that led to significant delays. Although there was adequate public participation through the EIA, the history of the project shows that this aspect of the EIA was not the cause of later delays.

The integrated planning procedure between the different parties involved in the project was very poor. The attempt at managing the project through the joint venture initiative failed due to this poor planning and the lack of clear channels of communication. Therefore, the recommendation is that if one decides to manage a project like the N2GP through such a joint venture initiative, there ought to be clearly defined goals and procedures that the different departments/levels should adhere to. There was a general lack of transparency and accountability when one analyses the case study, and this led to poor contract management and no accountability by different implementing and planning agencies of the project.

The Auditor General's report confirmed this finding. The report found that the roles, functions and responsibility that the different spheres of government were responsible for have not been adhered to. The Memorandum of Understanding (MoU), which all three of the stakeholders signed, did not clearly stipulate what the responsibility of each sphere was. Besides the fact that it led to a lack of transparency, it also led to uncertainties and confusion between the different organisations and different levels of management. The fact that the managers of the project did not stick to the business plan is proof of this and it led to various other unforeseen consequences.

The recommendation that the researcher would like to table, is that clear and well communicated standards and responsibility of roles ought to be set out from the start of the planning procedure. The MoU should be well defined and communicated to all the

stakeholders. This might ensure more transparency and accountability between the different levels of management. By using more appropriate methods of monitoring and evaluation, one could also ensure that the standard of work that is delivered is of a much higher quality. If these methods are in place it will also help to manage the people accountable for the different aspects of the project. Together with this, the MoU should be consistent and adhere to what is stated in the applicable legislation and policies (Auditor General, 2008:6).

6.4 Politics

Coupled with the previous recommendation, the role that politics played in this project is an issue that do have to be approached with a lot of discernment. Although this is indeed difficult in a country like SA due to the problem of corruption, it is essential that politics should not determine what should happen in projects like these. One of the main contributing factors which led to inefficiency of this project is the fact that political involvement played such an important part in the project.

The recommendation is therefore firstly that the process involved in managing a project like this must be run through a democratic process and a process which is transparent to everyone involved. Again the role that meaningful participation has to play in this regard is of utmost importance. By analysing the Auditors-General report on the N2GP, one can make a number of conclusions based on the findings of the report. The report recommends that the applicable policies that are involved in this project should have been approved before any type of construction started. This important step did not take place; the policy referred to by the report is the Social Housing Act, which is the Act that enables the social housing policy to be legislated. This Act was only made available in the year 2007 for commenting, while the construction of the project already started as early as 2005. The reason why this is a problem is because this policy is especially important to these types of projects and one that feeds into what the BNG strategy tried to achieve. This recommendation is also applicable when one looks at the finding that the researcher made in the previous chapter, namely, that the different plans and policies should speak to one another and has the same goal in mind about what it is trying to achieve (Auditor General, 2008:5). Together with this, the Auditor General report made recommendations based on the appointment of Thubelisha Homes as the managing organisation. Thubelisha Homes was appointed in a controversial and corrupt

manner. The recommendations include that their appointment should have been stopped by ensuring that the company adheres to all the necessary prescripts before a tender is approved. Secondly, the leaders of the project should ensure that the company tendering for such a project owns all the necessary skills and expertise to do the job at hand. Thirdly, measures should be implemented to ensure that the work that is being done by the tender company is in line with what was set out in the business plan, and that it adheres to the standard of performance which is required to reach the goals that were set out in the beginning (Auditor-Genral, 2008).

6.5 Time frames and cost

With the N2GP being the first of its kind and a very extensive programme, enough time should be made available to complete the necessary specialist studies, where required. For this EIA a specialist study phase of the EIA was not required. The time it takes to complete specialist studies, and especially, to complete the participation aspect of a project like this must be budgeted for in advance. These types of studies should also be done well in advance because of the influence it will have on how and when the project should be implemented, whether it should even be implemented at all, etc. Once again, the role that politics played in the case study is evident in this regard because of the fact that it tried to push the project towards completion before the necessary studies were done.

Furthermore, a cost benefit analysis (CBA) of the project should be done in a very detailed way, in order to determine whether it is feasible to proceed with the project or whether it would be better to search for another location. Besides that, the CBA should be very detailed and should also have been done before any type of business was agreed upon. The reason for this study was to determine the feasibility of what the project tried to achieve. Unnecessary delays could have been kept to a minimum if the above-mentioned was done and this would have led to less money being wasted when the project stood still. Lastly, time frames should incorporate consultation of an exhaustive nature with the proposed beneficiaries to ensure that they buy in with what the planning committee is trying to achieve with the project.

6.6 Strategic Environmental Analysis

SEA is a very influential planning tool, especially when one considers the way in which it emphasizes the role that sustainability has to play in a project. Together with this, SEA is considered to be much more proactive in its approach and in the position to identify various impacts a project might have on the environment. SEA is done much earlier than EIA, and this aspect alone makes it an important recommendation for projects of the future with a similar nature.

The recommendation is thus, with mega projects like the N2GP, the use of an SEA can be very helpful and should be used to ensure that the proper planning mechanisms are in place. The reason for this argument is that SEA is undertaken at a strategic level. This implies that strategic assessments are done before any specific goals have been identified and set out, or before any objectives have been finalised.

Sadler and Verheem (1996) argue that SEA can be described as a systematic process that ensures that a wide variety of issues and factors are addressed at a very early stage, and that these issues are incorporated into further decision-making throughout the rest of the project. SEA has the ability to determine what the capacity of the social and environmental impacts are to a proposed development, and all of this helps in determining whether the community do have the capacity to cope with the proposed development. Further, what makes the use of SEA such an important recommendation is that it could provide the necessary information to the planning procedure at the appropriate time if it is done properly. It creates a solid base from which the rest of the planning can take place by providing valuable inputs to the strategic levels of planning and decision-making. By making use of SEA, it ensures a trickle-down effect of proper planning from the highest level to the lower levels of planning and implementation.

This tool would have been especially useful in this project when you look at the way that the poor manner in which the aims of the policies were incorporated in defining the objectives and that were eventually implemented. SEA has the ability to address the problem above by

setting the context and providing the necessary information to decision-makers and the applicable policies to make enlightened decisions.

6.7 Concluding remarks

The previous chapter elaborated on the findings the researcher made with regards to the analysis of the case study. The conclusion the researcher made was that the EIA was not the cause of the delays, in fact it was done efficiently and effectively.

The aim of this chapter was to identify recommendations that would be helpful in the future with regards to projects of a similar nature. Secondly, some of the recommendations that were made are case specific and based on the findings that were discussed in the previous chapter. These recommendations serve as guidelines on how not to run a project; it also highlights the fact that proper planning mechanisms are to be put in place and that the proper planning has to be done before embarking on such an extensive project.

The recommendations that were discussed include the use of proper planning mechanisms. The researcher came to the conclusion that the SEA tool should be used in the future. The researcher recommended that there should be more effective integrated planning and channels of communication between the different stakeholders involved in the project. This is also applicable between different levels of management. In other words, communication should be very clear in a horizontal and vertical way between the different levels.

The recommendations included that all the planning (policies, business plans and other important factors) should be finalized before any form of construction starts. By rushing certain aspects, like the environmental authorization processes, one actually shoots oneself in the foot. The reason for this situation is because the issues that arise from rushing things, for example, due to political agendas, surface later in the project and then cause more headaches and delays than would have been the case if one went through the necessary bureaucratic processes to let the process run its course. The recommendations also highlighted the important role that meaningful participation has to play in a project like this and the researcher recommended that a lot of time and resources for future projects be spent on this

aspect of the project. Meaningful participation plays a key role in the success of a project and the findings of the case study showed the importance of doing this particular aspect comprehensively.

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Appendix A: Reviewers Comments and Responses

External Examiner

Comment: *“A concern is the relative absence of EIA-specific data in the case study presented by the student. In order for him to sufficiently address the primary research question he would have to obtain and evaluate EIA- specific information”.*

Response: Please refer to Page 93 under the section 4.7) EIAs, fast tracking of the project and negligence in planning. The researcher elaborated in more detail what the process entailed.

Comment: *“The language use tends to be informal. This is not necessarily an issue of concern, but I suggest, in the interest of academic prudence and tradition that an effort should be made to formalise the language use so as to be commensurate with the academic nature of an M-thesis”.*

Response: The researcher took note of this and completed a thorough editing of the document.

“Both sub questions on their current format, are dependent on the primary research question being answered in the affirmative. However, the thesis concluded that EIAs are not a delaying factor in low cost housing projects. Accordingly, the two sub questions, at present will not provide any additional insights; as its respective answers must be “None” and “No”.

Response: The researcher changed both the sub questions; please refer to page section 1.3 on page 4.

Internal Examiner

Comment: *“more information is needed about the EIA and which issues were addressed in it, to see whether 5 months were indeed fast tracking of the process. I suggest that the part of the case study about EIA be expanded and more information be added about the environmental and social issues that were mentioned in the EIA.”*

Response: The researcher took note of this and as mentioned above, please refer to page 93 under the section 4.7) EIAs, fast tracking of the project and negligence in planning. The researcher elaborated in more detail what the process entailed.

Comment: *The research questions as set out in chapter 1 do not really relate to the case study as explored. If your case study ends up not answering the original questions, then one adapts these questions. In this case the study cannot answer the question regarding whether EIAs cause delays in implementation of low cost housing projects and what are these underlying factors causing delays (this was answered more based on the literature). This question can only be answered by exploring delays in a number of low cost projects.*

Response: The researcher reconsidered his research question and decided to change it to: “What can the case study teach us about effective implementation of low cost housing projects and the role that EIA can play in this?” Please refer to page 4 for more information with regards to this.

Comment: *“The research methodology is a case study based on secondary literature. Very little background is provided on the pro and con of case studies and relevant methods used in the case studies. Maybe some interviews with relevant role players would have improved the outcome of this research”.*

Response: The researcher took note of this and elaborated in more detail about the advantages and limitations that his research methodology had. Please refer to page section 1.5 on page 4 with regards to this.

Comment: *The document needs a thorough editing. It is clear that the student is not English-speaking. Sentence structure is often clumsy and awkward. Many sentences are linked without linking words or even a semicolon, while in other cases incomplete sentences without full verbs are let to stand on their own.*

Then an apostrophe s ('s) should only be used to indicate possessive form of nouns, and not to indicate plural forms (for example TRAs, not TRA's; EIAs not EIA's etc.)

Response: The researcher addressed the above mentioned comments by doing a thorough editing of the document and rectified the mistakes which occurred in the text.