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**Draft Concept note for the Symposium on Titling**

**Theme: Advancing Land Titling: Unblocking Challenges: Opportunities and Policy Perspectives in human settlements**

1. **Introduction**

Government has partnered with the private sector, traditional leaders and civil society organisations to deliberate on different reforms that could be applied to ensure that the poor have access to adequate housing and security of tenure. A symposium has been organised by the Department of Human Settlements to enable focused discussions. The symposium will serve as a platform for discussing and consolidating critical works that are contained in the Cabinet approved White Paper for Human Settlements and work towards developing the provisions of the Human Settlements Bill and its regulations/ code.

1. **Background**

Since 1994, numerous policy and statutory developments gave effect to the approach to housing. These include the Reconstruction and Development Programme (RDP) of 1994; the Growth, Employment and Redistribution (GEAR) Strategy of 1996; the Accelerated and Shared Growth Initiative – South Africa (ASGI-SA) of 2005, and the Housing Act, 1997 (Act No. 107 of 1997). The two fundamental documents which gave content to the National Department’s mandate included the New Housing Policy and Strategy for South Africa: White Paper, 1994 and the Comprehensive Plan for the Development of Sustainable Human Settlements, 2004.

When the Constitution of the Republic of South Africa was enacted in 1996 it cemented the role of the Department, with section 26 outlining the role: “(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 realisation of this right.”

The 1994 White Paper’s vision was to establish viable, socially and economically integrated communities, situated in areas allowing convenient access to economic opportunities, as well as to health, educational and social amenities in which all South Africans will, on a progressive basis, have access to: (a) permanent residential structures with secure tenure ensuring internal and external privacy and providing adequate protection against the elements; and (b) potable water, adequate sanitary facilities and domestic energy supply. The 1994 White Paper set out seven key strategies

* Stabilising the housing environment to ensure maximum benefit of State housing expenditure and facilitate the mobilisation of private sector investment.
* Mobilising housing credit and private savings (whether by individuals or collectively) at scale, on a sustainable basis and simultaneously ensuring adequate protection for consumers.
* Providing subsidy assistance to disadvantaged households to assist them to gain access to housing.
* Supporting the people’s housing process entailing a support programme to assist people who wish to build or organise the building of their homes themselves.
* Rationalising institutional capacities in the housing sector within a sustainable long-term institutional framework.
* Facilitating speedy release and servicing of land.
* Co-ordinating and integrating public sector investment and intervention on a multi-functional basis.

The approval of the 1994 White Paper enabled the development of crucial policy documents by the Department of Human Settlements namely 1) The National Housing Code, whose purpose is to set out clearly, the National Housing Policy of South Africa. The National Housing Policy comprises of an overall vision for housing in South Africa and the way in which this vision should be implemented. The requirements for the establishment of the National Housing Code are set out in Section 4 of the Housing Act, 1997 (Act No. 107 of 1997). This Act requires the Minister of Housing to publish the National Housing Code. The code must contain National Housing Policy and administrative guidelines, to facilitate the effective implementation of the National Housing Policy. 2) then the Comprehensive Plan for the Creation of Sustainable Human Settlements was introduced and formalised the shift in the department’s approach from providing housing to developing sustainable human settlements and outlines a plan for the development of sustainable human settlements. The Comprehensive Plan introduced several new programmes to strengthen the strategic objectives of the Department. The plan recognises that the supply of state-assisted housing must respond to housing demand, and that this relationship is best packaged at a local level.

Various investigations, research, reviews and evaluations on human settlements policy and programmes identified numerous shortcomings related to gaps in policy and divergence in programme implementation. Among the influencing factors is the increasing rate of population growth, evolving housing environment, the prevailing effects of climate change, and technological advancement which continuously bring to light the shortcomings of the current human settlements policies, regulations, and legislation to provide an enabling environment for the development of the integrated and sustainable human settlements.

Thirty years later after the adoption of the 1994 White Paper on Housing, Cabinet approved the White Paper for Human Settlements in December 2024 with an emphasis on vulnerable, poor and missing middle of our society. This Policy anchors that the development of sustainable human settlements is a spatial assertion premised on the integration of (four) 4 key elements: namely, physical elements (infrastructure, services, and housing); land use patterns; operational and governance relations; and socio-economic patterns.

There White Paper advocates for moving beyond the previous state-centred paradigm of new housing delivery towards more of an enabling, supporting, coordinating and regulating role in creating and sustaining viable and vibrant human settlements, where government recognises its limitations and actively seeks to harness the energy, expertise and capabilities of many other actors in ambitious and pragmatic ways.

1. **Problem Statement**

The inability to show proof of ownership and title deeds contribute to rising inequality, limits economic growth, deepens poverty. This has created tensions between various stakeholders. Some stakeholders have cautioned government that too public attention is directed at inadequate delivery of state-built RDP houses, and the mushrooming of informal settlements. Less attention is paid to the myriad problems arising from planning approval and inability to transfer title deeds and ownership rights in township houses that were converted from the apartheid permit system.

The white paper has identified that the housing market is experiencing the dysfunctional property marketwhereby approximately 60% of people living in South Africa reside in land parcels or landed properties or buildings that are not recognised in the formal property system. This is predominantly in informal settlements, dilapidated/hijacked inner-city buildings, and subsidy homes which have not been registered in the deed’s registry or customary areas. The subsidised houses have not significantly integrated into the housing market and are not providing a financial lever for the poor households to realise market value. The Financial Institutions generally do not accept untitled land as security when borrowing loans whether to upgrade houses, invest in businesses, student loans etc. Systemic issues are evident in the whole title deed value chain, reforms will need to be considered to find a quicker, simplified, and less costly process of registration and transfer of land and property to cater for low- and middle-income households.

The White Paper also identified the lack of integrated system for tracking planning approvals and the need for a government wide multi-stakeholder approach that should be pursued to implement sustainable human settlements. This would be aimed at holistically addressing spatial planning issues and bringing together various departments and specialists to facilitate better outcomes. As the custodian for human settlements function, the Department will explore various mechanisms of involving multi-disciplinary teams with specialists in built environment and other key professions e.g., planners, engineers, economists, architects, social facilitators and journalists

1. **Aim:**

The symposium aims to bridge the gap between practice, academic research, policy options articulated in the White Paper for Human Settlements and other policies, and actionable strategies and work towards to development of the Human Settlements Bill and policies to be included in the Human Settlements Code/ Regulations.

1. **Symposium Objectives**

* To deepen understanding, exchange ideas and knowledge around titling and recordal of rights in land.
* To advance knowledge on legislation, policies including the provisions of the White Paper for Human Settlements
* To provide a networking opportunity to foster collaborations amongst stakeholders on titling and tenure reform matters
* To discuss titling and security of tenure challenges experienced by the human settlement sector; and brainstorm possible Titling/Tenure reform solutions that could be adopted to find a quicker, simplified, and less costly process of registration and transfer of land and property.
* To propose policy changes and reforms to unlock bottlenecks and fast-track Titling/tenure transfer to low- and middle-income households.
* To debate and reach consensus regarding provisions of the future regulation/ programmes for the code

1. **Outcomes of the symposium**

* Through meaningful discussions, the organisers expect to strengthen partnerships and collaboration between these key stakeholders, fostering a network of policymakers, researchers, and civil society organisations committed to reducing inequality. The gathering also will provide a roadmap for future research and policy engagement on programmes of the Code and the Bill.

1. **Target audiences**

About 130 stakeholders are targeted and will be invited:

* Government Departments.
* Chapter 9 institutions incl. South African Huma Rights Commission.
* Academia; and researchers.
* Advocacy groups, Non-Governmental and Civil Society Organisations
* Policymakers and government representatives
* International organisations (e.g. World Bank, UN agencies)
* Private sector stakeholders with an interest in inclusive titling and tenure.

1. **Proposed themes and discussion points**

* Policy, legislation, systems, processes, turnaround times, challenges and possible solutions
* Planning approvals and township establishment
* Fees in tilting process
* Role of stakeholders, governments, international institutions, and non-governmental organisations in strengthening social dialogue for inclusive policy making.
* Identifying and knowing the key entry points for action

1. **Format and speakers**

The event will feature an expert panel discussion, presentations and an interactive discussion. Confirmed and potential speakers include:

* Prof David Dickinson, Legal Resources Centre
* Dr Mark Napier, Council for Scientific and Industrial Research
* Ms Zashe Shoko, Development Panning, City of Tshwane
* Mr Seth Maqetuka City Support Programme at the National Treasury
* Dr Sandile Mbatha, Deputy Director General Department of Cooperative Governance and Traditional Affairs
* Mr George Tsotetsi, Registrar of Deeds
* Mr Bonginkosi Zulu, Department of Rural Development
* Representative/s from African civil society organisations

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