

THE PROVISION OF FREE BASIC WATER TO BACKYARD DWELLERS AND/OR MORE THAN ONE HOUSEHOLD PER STAND

Report to the
Water Research Commission

by

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EXECUTIVE SUMMARY

Inadequate water and sanitation remains the most critical and widespread poverty-related problem in low-income urban settlements (UN-HABITAT, 2003a; UN-HABITAT, 2008). Accordingly, the South African government has committed itself to providing basic quantity of free services to all. Unfortunately the problem of access to water is multidimensional and includes issues like income poverty, infrastructure limitations, asset ownership and housing quality (IPC-IG, 2009). In addition, one of the critical challenges of housing policies and strategies in South Africa is a dramatically growing number of backyard dwellings in many urban areas. Backyard dwellings are informal shacks; most often built by their occupiers in the yards of other properties, and are uniquely South African although multiple households/stand do occur around the world (Crankshaw *et al.*, 2000; Lemanski, 2009).

Backyard shacks occur in all provinces in South Africa and according to the Stats SA General Housing survey, 2008 (2009), numbers of backyard dwellings range between 11 000 in the Northern Cape and 555 000 in Gauteng. These dwellings make up 81% of informal dwellings in the Western Cape, 75% in the North West, 67% in Mpumalanga and 66% in Gauteng (Stats SA, 2009; SAIIR, 2009). In contrast the numbers of backyard dwellers in 1996-1998 was much lower (approximately 150 000 households in Johannesburg were living in informal dwellings) (Bank, 2007). In addition, Backyard dwellers in the past have been overlooked by housing policies that focus on upgrading and/or eradicating informal settlements (Bank, 2007).

Despite local governments' efforts to provide state-funded housing and free basic services to poor households; there has been little change. In 1989, a meeting of experts organised by UN-HABITAT suggested that governments should review their housing policy and devise appropriate strategies for rental housing; however the importance of the role played by rental housing has not been recognised to a large extent (UN-HABITAT, 2003). Governments continue to perpetuate a myth of achievable home ownership when most households will require rental accommodation at some point their lives. The UN-HABITAT report on rental housing suggests that governments should aim to modify their regulatory framework, develop credit programmes, create more rental stock and improve existing stock (UN-HABITAT, 2003).

In 2000, an estimated 1.1 billion people lacked access to a safe water supply with lowest water supply and sanitation coverage in Africa (WUP, 2003). More than 1 in 3 Africans

residing in urban areas currently lack access to adequate services and facilities. In 1999, about 5 million urban residents in South Africa lived more than a quarter of a kilometre from the nearest available water source (Goldblatt, 1999). However, one decade later some 86% of South African households had access to free basic water (SAIIR, 2009). However due to the lack of mass visibility, access to water and sanitation services by backyard dwellers is not well known.

In addition, different terminologies used to describe multiple households/stand or backyard dwellers around the world are different. The technologies and implementation strategies for provision of water and sanitation to multiple households/stand in other countries can only serve as a basis for general policy formulation across South Africa if general understanding of backyard dwellers or multiple households per stand is achieved.

An overarching definition that takes into account societal differences across borders and continents is needed so that the issue of 'backyard dwellers' can be placed into an international context as such this review has generated the following definition which is an amalgamation of previous terminology and is not meant to replace any previous definitions but instead to construct the area of study that this review encompasses. In this study, multiple households/stand is defined as an informal, low income form of housing where more than one household lives in one common area which was originally intended for use by one household. This includes shacks that have been erected in the backyards of more formal houses, huts or rooms which have been subdivided for rental to multiple families or large tenements that house numerous families within one 'flat'. Both sharers and tenants are included.

Moreover, lack of information regarding access to water and sanitation by backyard dwellers makes provision of free basic services difficult. Given that the Free Basic Services benefit is currently applied per stand, the question arises: Are backyard dwellers currently marginalised in regards to free basic water and sanitation? Furthermore, do backyard dwellers have access to free basic water and sanitation services?

With these questions in mind, this study was commissioned to provide additional information of the extent of the issue and to provide guidance on future policy direction. The Water Research Commission (WRC) appointed Nemai Consulting to undertake research into the provision of water and sanitation services to 'backyard dwellers' in South Africa. Specific aims included:

- Identify the problems facing backyard dwellers; the history and emergence of backyard dwellings in South African urban areas.

- Establish the extent of the issues and if not to understand how South African service providers such private sector and Government institutions are addressing backyard dwellings issues.
- Analyse the international best practices of service provision to backyard dwellings in assisting the formulation of the South African strategies and policies for provision of services to backyard dwellings.
- Establish the roles and responsibilities of backyard dwellings service providers such as South African service utilities and private sector in order to know who do what and when.
- Undertake a policy review through South African policy and strategic documents to found out the rights of basic services to backyard dwellers, and
- Conduct a case studies review to understand what is being implemented in the ground.

This research is based on an in-depth investigation and site visits. The case studies enabled the research to compare the backyard dwellings service provision theories, policies and their implementation on ground-level.

Case study analysis provided a more detailed view of backyard dwellers in South Africa; however, due to the informal nature of rental agreements in areas such as Ivory Park, it can be difficult to get detailed information on exploitation by landlords. There were no detailed comments from respondents in Ivory Park and some evidence to suggest this was related to the fact that the landlords were present at the interviews. One respondent in Diepsloot said “I am scared to talk about service in front of my landlord...if you discuss any matter about water and electricity, you will be evicted”. This adds to the lack of information, because in order to stay in backyard dwellings which often do have better access to services, backyard dwellers often forgo the opportunity to complain about their issues.

The lack of information on backyard dwellers in the literature and the lack of mass visibility as a group means that backyard dwellers continue to remain marginalised in South Africa. This is partly due to the fact that informal settlement residents are more likely to clash with municipalities and government while backyard dwellers are often viewed as ‘temporary’. In addition, government’s current view is that backyard dwellers have better access to services than informal settlement dwellers. Government housing policy is skewed towards informal settlement dwellers while backyard dwellers are moved further down the housing backlog.

There are numerous cases of backyard dwellers waiting for years for housing grants and case study analysis suggests that in some areas, backyard dwellers have lived in the dwelling for over 10 years. Backyard dwellings are not temporary in nature and legislation and policy to address access to water and sanitation is urgently needed.

In addition, free basic services including free basic water are meant to be provided to each household, they are currently provided to each stand and the difficulty in providing water infrastructure to each backyard dwelling is colossal. Backyard dwellers can apply for free basic water as part of the indigent policy and a greater allotment of water would be provided to each stand, however there are no mechanisms to ensure that each household has access to the free basic water allotment. Indigent policy does provide some mechanism for backyard dwellers to access free basic services, however the lack of legislation, makes the control of this access difficult and backyard dwellers are dependent on the good will of landlords for access to water and sanitation services. Legislation to formalise the backyard dweller/landlord relationship may provide the mechanisms to provide access to free basic water.

Case study analysis suggests that both negative and positive aspects of backyard dwelling combine to provide 'push' and 'pull' factors. Pull factors include access to water usually through a yard tap, access to sanitation, safety and proximity to transportation routes while push factors include exploitation by landlords, high rents, inadequate sanitation and overcrowding. Trends show an increasing number of backyard dwellers which speaks to numerous influencing factors including low employment rates in rural areas and lack of affordable housing in urban areas. The current situation suggests that although there are negative aspects of backyard dwelling these are outweighed by the positive benefits.

In conclusion, backyard dwellers are a common phenomenon in South Africa. There are four key conclusions from the study.

Firstly, based on current legislation, households are entitled to free basic water. A household is not defined in any water sector policies or legislation therefore in the absence of a definition one can argue that a backyard dwelling is a household and as such is entitled to access to free basic water. In the review of the Water Services Act (Act 108 of 1997), a clear and concise definition of a household in line with water sector policies must be provided.

Secondly, even if a definition of a household in the context of water sector functions is provided, municipal bylaws prevent a municipality from providing more than one connection

to a stand hence, the gaps and ambiguities between water sector legislation and other legislation must be corrected.

Thirdly, although most backyard dwellers in the case study have access to water and sanitation services, they are dependent on the goodwill of the landlord for continued services. Currently, there is no legislation or policy that provides minimum standards or codes of good practice for landlord/backyard dweller relationships. Instead government has focused on housing policy to provide home ownership. However, due to the current backlog and the permanent nature of backyard dwellings, backyard dwellers need to be acknowledged by government and municipalities. In addition, education initiatives and a rental housing policy are required to formalise the backyard dweller/landlord relationship. With a more formalised rental policy, legislation would ensure that water access could not be withheld (for whatever reason). It would also provide a mechanism to ensure that backyard dwellers could apply for free basic water. Although there are numerous pitfalls to formalising an informal rental housing market, discussion with all stakeholders in workshops allow for an encompassing strategy.

Fourthly, the housing and water sector should consider a differentiation between formal and informal tenants through the RHA as it could provide the basis to introduce a new level of service for backyard dwellers which may not necessarily meet the FBS but is better than no service at all. This level of service could be more affordable and attractive for the landlord.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	iii
TABLE OF CONTENTS	ix
1 INTRODUCTION	1
1.1 Poverty and vulnerability in South African households	1
1.2 Characterisation of Backyard dwellers or Multiple Households per stand.....	2
1.3 Aims and Objectives	3
1.4 Assumptions and Limitations	4
1.5 Research methodology	4
2 BACKYARD DWELLERS: LEGAL FRAMEWORK	6
2.1 Service Provision to backyard dwellers: Policy Overview	6
2.1.1 Free Basic Water Policy	7
2.1.2 Free Basic Electricity (FBE) Policy	8
2.1.3 Free Basic Sanitation (FBS) Policy	8
2.2 Housing Policies and Legislations Related to Backyard dwellings in South Africa...	9
2.2.1 New Housing Policy and Strategy for South Africa, 1994	9
2.2.2 Breaking New Ground: A comprehensive Plan for the Development of Human Settlements, 2004	9
2.2.3 Social Housing Policy for South Africa, 2005	9
2.2.4 Draft of Inclusionary Housing Policy, 2005.....	10
2.2.5 The Rental Housing Act No. 50 of 1999 and its Amendments (RHA)	11
2.2.6 The Social Housing Act, No. 16, 2008	11
2.2.7 Prevention of Illegal Eviction and Unlawful Occupation of Land Act, 1998 (PIE)	11
2.2.8 Extension of Security of Tenure Act, 1997 [no 62 of 1997].....	11
2.2.9 Provision of Basic Services by Landlord	12
2.2.10 Distinction Between Tenants In Formal and Informal Housing	12
2.2.11 Provincial and Local Housing Policy	12
3 BACKYARD DWELLERS: LITERATURE REVIEW	15
3.1 Introduction	15
3.2 Terminology and definitions of multiple households and Backyard dwellings	16
3.3 The concept of slums	18
3.4 Overview of Backyard Dwellers: The South African Context	19
3.5 Emergence of Backyard Dwellers in South Africa	22
3.6 Advantages of living in the Backyard Dwellings	23
3.7 Problems Facing Backyard Dwellers in South Africa	24
3.8 Landlord-Tenant Relationships	25
3.9 Water and basic sanitation	26
3.10 Vulnerability and Backyard dwellers.....	29
3.11 International Lessons on the Provision of Water and Sanitation to Backyard Dwellers.....	31
3.12 Lessons learnt from international case studies.....	45
4 CASE STUDIES.....	47
4.1 INTRODUCTION	47
4.2 CASE STUDY CRITERIA	47
4.3 METHODS.....	49
4.3.1 Study Sites	49
4.3.2 Alexandra	49
4.3.3 Diepsloot.....	50

4.3.4	Ivory Park	50
4.3.5	Rustenburg	50
4.4	Survey methodology	50
4.5	Backyard dwelling: structure	51
4.6	Backyard dwellings: Security of tenure.....	54
4.7	Water provision in backyard dwellings	56
4.8	Sanitation services for backyard dwellers	59
4.9	Understanding of Free Basic Services (FBS)	60
4.10	Alexandra Township: Analysis	63
4.10.1	The <i>typical</i> backyard dweller in Alexandra:	63
4.10.2	Main issues faced by backyard dwellers in Alexandra.....	63
4.10.3	Free Basic Services:.....	64
4.11	Diepsloot Township.....	65
4.11.1	The <i>typical</i> Diepsloot backyard dweller	65
4.11.2	Main issues faced by backyard dwellers in Diepsloot.....	66
4.11.3	Free Basic Services	68
4.12	Ivory Park	69
4.12.1	The <i>typical</i> Ivory Park backyard dweller	69
4.12.2	Main issues faced by backyard dwellers in Ivory Park.....	70
4.12.3	Free Basic Services	71
4.13	Rustenburg	71
4.13.1	The <i>typical</i> Rustenburg backyard dweller.....	71
4.13.2	Main issues faced by Backyard dwellers in Rustenburg.....	72
4.13.3	Free Basic Services	73
4.14	LESSONS LEARNT	73
4.15	LIMITATIONS	74
4.15.1	Survey Ambiguity.....	74
4.15.2	Fear of recrimination	75
4.16	The separation of housing and issues regarding access to water and sanitation	75
5	STAKEHOLDER ENGAGEMENT	76
5.1	Results.....	76
5.1.1	Definition of 'Household'	76
5.1.2	Indigent Policy, Marginalisation and access to free basic services.....	77
5.1.3	Addressing the problem	79
5.2	Main Themes emerging from Stakeholder engagement.....	81
6	DISCUSSION AND RECOMMENDATIONS	82
6.1	Summary of findings	82
6.1.1	Policy Review	82
6.1.2	Literature Review	83
6.1.3	Case Study Analysis	83
6.1.4	Stakeholder engagement.....	83
6.2	Emergent themes	84
6.2.1	Lack of information	84
6.2.2	'Invisibility' of backyard dwellers.....	84
6.2.3	Lack of infrastructure capabilities	85
6.2.4	Legislation requirements.....	85
6.3	Recommendations	85
6.3.1	Rental Grant Housing Programme	86
6.3.2	Education initiatives	86
6.3.3	Government acknowledgement	86
7	CONCLUSIONS.....	88
8	REFERENCES	89

9	APPENDICES.....	99
9.1	Questionnaire for Backyard Dwellers living in Informal Dwellings, 2010.....	99

List of Figures

Figure 1: Selection criteria for backyard dwellers	48
Figure 2: Diepsloot, Ivory Park, Alexandra (Gauteng) and Thlabane in Rustenburg (North West).	49
Figure 3. Percentage of respondents staying in different categories of backyard dwelling in Alexandra, Diepsloot, Ivory Park and Rustenburg	51
Figure 4. Number of households on property in Alexandra, Diepsloot, Ivory Park and Rustenburg	52
Figure 5 Number of people living per stand in backyard dwellings in Alexandra, Diepsloot, Ivory Park and Rustenburg	52
Figure 6 Types of dwelling construction in Alexandra, Diepsloot, Ivory Park and Rustenburg	53
Figure 7. Number of rooms per backyard dwelling in Alexandra, Diepsloot, Ivory Park and Rustenburg	53
Figure 8 Types of Construction material used for backyard dwelling in Alexandra, Diepsloot, Ivory Park and Rustenburg.....	54
Figure 9. Percentage of respondents bartering, owning, renting or staying for free in backyard dwellings in Alexandra, Diepsloot, Ivory Park and Rustenburg.....	55
Figure 10. Percentage of respondents living in backyard dwellings for < 1 year, 1-5 years, 5 to 10 years, and > 10 years in Alexandra, Diepsloot, Ivory Park and Rustenburg.....	55
Figure 11 Water provision in Alexandra, Diepsloot, Ivory Park and Rustenburg backyard dwellings.	56
Figure 12 Water provision ownership in backyard dwellings in Alexandra, Diepsloot, Ivory Park and Rustenburg.	57
Figure 13 Water Usage per month (number of 20L batches used)	57
Figure 14 Water billing in Alexandra, Diepsloot, Ivory Park and Rustenburg.	58
Figure 15. Percentage of respondents who are billed by their landlord in Alexandra, Diepsloot, Ivory Park and Rustenburg.	58
Figure 16. Who provides water in backyard dwellings in Alexandra, Diepsloot, Ivory Park and Rustenburg.	59
Figure 17 Access to Sanitation services in backyard dwellings in Alexandra, Diepsloot, Ivory Park and Rustenburg.	59
Figure 18 Type of Toilet Facilities available for backyard dwellers in Alexandra, Diepsloot, Ivory Park and Rustenburg.....	60
Figure 19 Backyard dweller level of knowledge of free basic services in Alexandra, Diepsloot, Ivory Park and Rustenburg.	60
Figure 20 Backyard dweller knowledge of rights to free basic services in Alexandra, Diepsloot, Ivory Park and Rustenburg.	61
Figure 21 Comments regarding backyard dwellers' access to basic water and sanitation in Alexandra, Diepsloot, Ivory Park and Rustenburg.	62
Figure 22: Communal yard toilet in Alexandra.....	64

Figure 23. Backyard Dwellings in Alexandra 8th Avenue with free basic water and sanitation installation.....	65
Figure 24 Backyard Dwellings in Diepsloot Ext. 10, September 2010	67
Figure 25 Backyard Dwellings in Diepsloot Ext. 6	69
Figure 26 Corrugated tin backyard dwelling in Ivory Park.....	70
Figure 27: Brick backyard dwellings in Ivory Park with communal yard toilet.....	71
Figure 28: Backyard dwellings in Thlabane, Rustenburg.....	72
Figure 29 Relationship between positive and negative factors	73
Figure 30: Schematic diagram of data sources used to provide recommendations	82

List of Tables

Table 1: Lessons Learnt from International case studies.....	45
Table 2: Case study Criteria and vale of data collected.....	47
Table 3 Stakeholders interviewed in the stakeholder engagement process.....	76
Table 4: Definition of a household	77

1. INTRODUCTION

South Africa faces a major housing and services crisis: recent studies indicate that at least 10% of South Africa's population (approximately 4.7 million) reside in urban informal settlements comprising of more than 1.3 million households (Misselhorn, 2010; Wolpe and Reddy, 2010). In addition, one of the critical challenges of housing policies and strategies in South Africa is a dramatically growing number of backyard dwellings in many urban areas. Backyard dwellings are informal shacks; most often built by their occupiers in the yards of other properties (Crankshaw et al., 2000; Lemanski, 2009).

Inadequate water and sanitation remains the most critical and widespread poverty related problem in low-income urban settlements (UN-HABITAT, 2003a; UN-HABITAT, 2008). Accordingly, the South African government has committed itself to providing basic quantity of free services to all. Unfortunately the problem of access to water is multidimensional and includes issues like income poverty, infrastructure limitations, asset ownership and housing quality (IPC-IG, 2009). Moreover, lack of information regarding access to water and sanitation by backyard dwellers makes provision of free basic services difficult. Given that the Free Basic Services benefit is currently applied per stand, the question arises: Are backyard dwellers currently marginalised in regards to free basic water and sanitation? Furthermore, do backyard dwellers have access to free basic water and sanitation services?

With these questions in mind, this study was commissioned to provide additional information of the extent of the issue and to provide guidance on future policy direction.

1.1. Poverty and vulnerability in South African households

Poverty can be described as "the inability to attain a minimum standard of living, measured in basic consumptive needs or the income required to satisfy them" (Republic of South Africa, 1998). This definition includes alienation from the community, experiencing food insecurity, or living in crowded homes however it is important to note that poverty is not a static concept but rather households can become vulnerable to poverty as a result of external or internal shocks (May, 1998). Water is often the dividing line between poverty and prosperity (van Heerden and Slabbert, 2007).

Vulnerability can be seen as a propensity to fail or stay below a pre-determined threshold in the future (Bogale *et al.*, 2006) and often refers to a state of being that is defenceless to threats and is a function of a dependence on highly sensitive but not resilient systems

(Dercon, 2005; Devereux, 2002; Du Toit and Ziervogel, 2004). In South Africa, the government often refers to poor people who are eligible for certain municipal-administered poverty relief policies as 'indigent' (SPIL, 2007). Free basic water is only provided for households that are registered as indigent, however many vulnerable households are unaware of indigent policy or do not register for fear of being stigmatised (SAHRC, 2009).

The concept of a 'household' is also important: Statistics South Africa (2004) defines a household as "a group of persons who live together and provide themselves jointly with food and/or other essentials for living, or a single person living alone". Households are accommodated in housing units which may consist of one structure (a house), more than one structure (a group of rondavels) or part of a structure (a flat). Other important terminology includes the term, collective living quarters where certain facilities are shared by groups of individuals or households which include hotels, hostels and institutions (Statistics South Africa, 2004). Section 27 (1) of the constitution provides that "everyone has a right to access to sufficient food and water". Current free basic services policy is based on the definition of "household" but in reality, free basic water is provided per stand regardless of the number of households per stand (WRC, 2008).

1.2. Characterisation of Backyard dwellers or Multiple Households per stand

In order to understand the extent of the issue and to provide a basis for general policy formation across South Africa, it is necessary to understand the different terminology used to describe multiple households/stand or backyard dwellers. The term, backyard dweller is uniquely South African (Lemanski, 2009). However multiple households per stand (more than one household living in a common compound such as yard block of flats or neighbourhood) occur throughout the world (WUP, 2003). Other terms used include 'household rental' and describes rental of a house, flat, room in a backyard or informal dwelling/shack in the backyard (SHF, 2006). More formal descriptions of housing provision have divided housing into formal or unconventional/informal structures (Keivani and Werna, 2001). The latter includes squatter settlements, illegal subdivisions and low income rental housing.

Low income rentals include special rental areas which refer to areas where land owners have developed their land for renting to low income migrants (Keivani and Werna, 2001). It also includes buildings that were originally built as hostels or even renting space on which to build a shelter.

An overarching definition that takes into account societal differences across borders and continents is needed so that the issue of 'backyard dwellers' can be placed into an international context as such this review has generated the following definition which is an amalgamation of previous terminology and is not meant to replace any previous definitions but instead to construct the area of study that this study encompasses.

"Multiple households/stand": An informal, low income form of housing where more than one household lives in one common area which was originally intended for use by one household. This includes shacks that have been erected in the backyards of more formal houses, huts or rooms which have been subdivided for rental to multiple families or large tenements that house numerous families within one 'flat'. Both sharers and tenants are included.

Backyard dwellings in South Africa can be classified according to certain criteria based on the formality of the main residence, the number of households accommodated and the presence or absence of rent.

1.3. Aims and Objectives

This study aims to provide an indication of the extent of the problem together with implementation strategies available to municipalities to ensure that multiple households/stand or backyard dwellers are provided with free basic water and sanitation services. In particular, the report will provide an overview of policy and literature related to service provision to backyard dwellers or multiple households/stand in South Africa and around the world. International case studies will be used to illustrate the benefits and pitfalls of certain approaches. Case studies from South Africa will provide a basis for evaluating the possibilities of institutionalizing and improving conditions of living of backyard dwellers as a permanent aspect of the human settlement ecology in South Africa. To realize this objective, a variety of aspects related to the backyard dwelling phenomenon and service provision have been researched and discussed in detail and evaluated in the context of South African policies and legislations.

There are numerous objectives which include the following:

- Establish the legislative position on water and sanitation provision to backyard dwellers and/or multiple households per stand.
- Discuss the rights of free basic services to backyard dwellers

- Identify and analyse the international best practices of service provision to multiple households/stand and document lessons learnt.
- Review of literature on the backyard dwellings issues in South Africa.
- Establish the extent of the issues faced by backyard dwellers in South Africa in regards to access to basic water and sanitation.
- Establish the roles and responsibilities of South African institutions for provision of services to backyard dwellings.
- Recommend policy amendment to ensure that the provision of free basic water to backyard dwellers and/or multiple households per stand.
- Compile a research report that clearly states the legislative position, education needs, implementation methodologies and water services options for the provision of water and sanitation to backyard dwellers and/or multiple households per stand.

1.4. Assumptions and Limitations

The study was dependent on the available literature regarding multiple households/stand and backyard dwelling. However, most international best practices are based on slum dwelling and no direct comparison could be drawn. Multiple dwellings per stand in slums around the world were assumed to be comparable in terms of issues regarding access to water and sanitation.

Difficulty in contacting stakeholders from government departments and municipalities limited the number of stakeholder interviews conducted. Stakeholder interviews conducted provided necessary information regarding current policies on backyard dwellers. However, through emails and telephone calls stakeholders who were not interviewed were provided with an opportunity to participate.

The field work was undertaken just before the local government elections, Councilors were concerned that the project would create the impression that government was going to provide free basic water to backyard dwellers as part of an election campaign. The Councilors refused to allow the project team to interview communities.

1.5. Research methodology

A four pronged approach was used in this study.

Firstly, a policy review was undertaken to provide a detailed understanding of the current South African strategy framework regarding backyard dwellers and access to basic water and sanitation.

Secondly, a detailed literature review of backyard dwellers and service provision in South Africa and internationally provides a basis for discussion. Issues of international terminology as well as best practice in numerous countries including India, Bangladesh, Angola, Kenya, Brazil, Mexico and Australia were addressed.

Surveys were conducted in Alexandra, Diepsloot, Ivory Park and Rustenburg and the data collected was used to provide case study information on the 'typical' backyard dwelling and problems related to water and sanitation.

Lastly, stakeholder engagement with various municipalities and government departments, as well as Non Profit organisations and Development agencies were arranged. Information obtained from these interviews guided the research report recommendations.

2. BACKYARD DWELLERS: LEGAL FRAMEWORK

2.1 Service Provision to backyard dwellers: Policy Overview

Universal Declaration of Human Rights article 25 (1) states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, *housing* and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control." Accordingly, the South African government has committed itself to providing free basic services to all including poor people living in backyard dwellings and the government has this constitutional responsibility to ensure that such services are progressively expanded to everyone.

The White Paper on the Transformation of the Public Service of 1997 stipulated that service delivery is one of Government's eight priorities. To this effect, government has launched an initiative under the banner of BathoPele – meaning "People First" in Sesotho – aimed at improving service delivery which will include access to free basic water to backyard dwellers given the current free basic water policy.

Local Government Municipal Systems Act (2000) delineates mechanisms for a municipality to provide municipal services to citizens. The Act states that a municipality should ensure that all members of the local community have access to at least the minimum level of basic municipal services (section 73.1(c)). One strict obligation of the Act is that a municipality must put in place a clearly defined tariff policy that ensures that poor households which would include backyard dwellers have access to basic services in a range of ways. The Act states that poor households must have access to at least basic services through tariffs that cover only operating and maintenance costs – special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service; or any other direct or indirect method of subsidisation of tariffs for poor households. Within the context of the provision of this Act, backyard dwellers or more than one household per stand is entitled to access to free basic water.

Backyard dwelling as a form of housing in South Africa is guided by South Africa housing policies and regulations. Certainly, explicit policy recognition for backyard dwellings is not yet approached by the national government. A social housing approach which provides the rental alternatives for low income communities has also emerged. Although this emerging

policy focuses on rental options, explicit policy recognition for backyard dwellings is less approachable. In 2008 the Gauteng Department of Housing released a draft 'Backyard Rental Policy' to regulate and formalise backyard dwellings which was piloted in two Johannesburg townships including Soweto and Sedibeng (Gauteng DoH, 2008). The policy provides a grant to upgrade backyard dwelling into formal two/three-roomed fully serviced structures as well as legal support to formalise the landlord-tenant relationship (ibid). Lemanski (2009) notes that the policy is intended to eradicate the illegal nature of backyard dwellings which therefore will eradicate the informality in the City.

The South African housing policy approaches are influenced by international trend. Government has promoted homeownership mainly duplicated from the Chilean housing model which is provision of houses to all. However, Chile does not have a free basic water policy which provides that all households should have access to free basic water.

There is a range of policies guiding South Africa's housing and basic services environment which has a direct effect on backyard dwellings and more than one household per stand. This section will examine firstly free basic service entering in brief discussions of South African housing policies relevant to backyard dwellings.

The policy approach from 1990-1994 was that government funded the capital costs of new services and infrastructure and users covered operation and maintenance costs. It emerged that poorer people could not afford these charges and that this arrangement could not ensure the sustainability of the services or the equity of access to services. Thus in 2004 a policy to provide a basket of free basic services to all, linked to an indigent policy was adopted (ibid). Many municipalities have developed indigent policies to ensure that households with little or no income can be identified and can still get basic municipal services. The free basic services benefit is meant to be applied per household. However it is currently applied on the basis of a property, regardless of the number of households that reside there. Consequently Small Scale Landlords are not able to access this benefit for low income tenants residing on their property.

2.1.1 Free Basic Water Policy

The basic water supply in terms of the Free Basic Water (FBW) Policy, is defined as the provision of appropriate education in respect of effective water use as well as a minimum quantity of 25 litres of potable water per person per day (or 6 000 litres per household per month) within 200 metres of a household, which is not interrupted for more than seven days in any year; and with a minimum flow of 10 litres per minute in the case of communal water

points. The policy does not provide a definition of a household. The understanding of what a household is has great implications on the provision of FBS to backyard dwellers. If a household only refers to the formal house structure (as defined by the Department of Housing), it then becomes questionable as to why informal settlements have access to free basic water and not backyard dwellers. If only one household is recognised per stand (as is currently the case) it then becomes questionable as to why households living on private farm land have access to free basic water. Similarly, townhouse complexes have made provision for free basic water (despite many households being on a single stand). This can be addressed though the notion of basic services intermediaries being applied to those renting to backyard dwellers. With reference to the provision of FBS to backyard dwellers, the manner in which basic services are currently provided to the main household, results in preference being given to the landlords. This is problematic as everyone is entitled to free basic service and provision should not be limited to ownership or preclude tenants given that free basic service rights are linked to households and land tenure. If one uses the Stats SA definition of a household then it would stand to reason that backyard dweller and multiple households per stand are entitled to access to FBW.

2.1.2 Free Basic Electricity (FBE) Policy

Free basic water policy provides on a grid based system to an amount of 50kWh per monthly per households. Any electricity used over and above this amount must be paid for at normal tariffs. It is the amount of electricity, which is deemed sufficient to provide basic electricity services to a poor household which include the sufficient energy to provide basic lighting, basic media access, basic water heating using a kettle and basic ironing in terms of grid electricity and basic lighting and basic media access for non-grid systems (Sam, 2002). The FBE policy does not recognise backyard dwellers or multiple households per stand, the Department of Minerals and Energy argues that all FBE is dispensed through a pre-paid system which allows backyard dwellers and multiple households per stand to access their FBE allowance.

2.1.3 Free Basic Sanitation (FBS) Policy

According to the FBS policy *“a basic sanitation facility as a sanitation facility which is safe, reliable, private, protected from the weather, ventilated, keeps smells to the minimum, is easy to keep clean and minimises the risk of the spread of sanitation related diseases by facilitating the appropriate control of disease carrying flies and pests, and enables safe and appropriate treatment and/or removal of human waste and black or grey water in an environmentally sound manner”*. The policy does not confine the provision of FBS to a

household which is different to the FBW policy. Although, this policy is more friendly to the backyard dweller it does not state who should provide the service to the backyard dweller.

2.2 Housing Policies and Legislations Related to Backyard dwellings in South Africa

2.2.1 New Housing Policy and Strategy for South Africa, 1994

A New Housing Policy and Strategy for South Africa focused on stabilizing the housing environment to transform the fragmented and racially based framework of apartheid cities by concurrently creating new systems to ensure delivery to address the housing backlog (DoH, 1994). While, this policy contains no specific instrument to deal with backyard dwelling and/or informal settlements; it is assumed that backyard dwellings will be replaced by standard housing units delivered through capital subsidies.

2.2.2 Breaking New Ground: A comprehensive Plan for the Development of Human Settlements, 2004

Ten years after the New Housing Policy and Strategy for South Africa, much has changed in terms of socio-economic and demographic trends in South Africa. The document redirects and improves existing mechanisms to move towards more responsive and effective delivery as well as provides the overall strategic framework for housing programmes in South Africa for the next five years.

This new policy is aimed at redressing apartheid spatial planning and development through the delivery of socially, economically and spatially integrated housing delivery. The policy makes significant shifts in housing policy and puts South Africa progressively on the way to create sustainable human settlements, as opposed to merely providing houses however it does not recognise the growing phenomena of backyard dwellings

2.2.3 Social Housing Policy for South Africa, 2005

While Breaking New Ground (BNG) notes the continued relevance of the state housing programme introduced in 1994 and the shift in emphasis from the provision of housing to the creation of sustainable human settlements which includes the promotion of more efficient cities, towns and regions through a range of abovementioned objectives; the social housing macro-economy in housing development perspectives by introducing a rental housing alternatives for the low income communities. Social housing is defined as a *“rental or co-operative housing option for low income persons at a level of scale and built form which requires institutionalised management and which is provided by accredited social housing institutions or in accredited social housing projects in designated restructuring zones”* (DoH, 2005). It has two primary objectives (DoH, 2005) including contribution to the national priority

of restructuring South African society in order to address structural, economic, social and spatial dysfunctionalities thereby contributing to Government's vision of an economically empowered, non-racial, and integrated society living in sustainable human settlements; and improvement to the overall functioning of the housing sector and in particular the rental sub-component thereof, especially insofar as social housing is able to contribute to widening the range of housing options available to the poor (ibid).

While putting emphasis on rental or co-operative housing options for low income persons at a level of scale; this policy has a direct impact on backyard dwelling. It does not only offer the rental options for low income people but promote adequate access to basic services and economic opportunities within low income communities including backyard dwellings.

2.2.4 Draft of Inclusionary Housing Policy, 2005

The policy is the results of an inclusionary engagement of housing stakeholders in South Africa including Ministry of Housing and key players in the housing industry (private sectors) for a speedy housing delivery in order to address the housing backlog. This social contract basically states that "every commercial development including housing developments that are not directed at those earning R1500 or less, spend a minimum of 20 % on the construction of homes within human settlements for those who qualify for government subsidies" (DoH, 2005b). The Inclusionary Housing Policy was a national initiative, which has to some extent been taken up by various provinces and metros. It is still a policy and there is not yet inclusionary housing legislation; although there is a sentiment that there is no need for the policy to be promulgated and is powerful enough in its current formulation (ibid).

The Inclusionary Housing policy itself has a double approach (ibid):

- It look at what would encourage the private sector to go into the government's housing market either by compliance or through incentives and
- encourages the introduction of legal mechanisms through provincial legislation, which is to be supported by municipal by laws that will set the minimum standards of compliance in new residential build, conversions, or major renovations.

The inclusionary housing programme may have impact on improving conditions of backyard dwellers. It will increase the availability of rental housing units for low-income people living in the backyard who would not otherwise have access to either the quality of housing or the location that inclusionary housing could offer (ibid).

2.2.5 The Rental Housing Act No. 50 of 1999 and its Amendments (RHA)

The Act defines the roles and responsibilities regarding rental housing by promoting access to adequate housing through creating mechanisms to ensure the proper functioning of the rental housing market. This Act establishes the rules regulating relations between landlord and tenant. It encourages the use of existing infrastructures, discourage urban sprawl and promote integrated cities. However, the Act does not include aspects of services provision by landlord

2.2.6 The Social Housing Act, No. 16, 2008

The Social Housing Act has a number of intentions and is the primary piece of legislation for the sector (SHF, 2010). It is closely aligned with the Rental Housing Act and the Housing Act and refers to sustainable social environment by providing clear-cut roles and responsibilities of both tenants and social landlords and establishment of social housing institutions in terms of all issues related to social housing such as fun. Social housing is considered to utilise rental as its primary tenure option, the Rental Act is a key piece of legislation that regulates most of the rental and rental related activities of the social housing sector.

2.2.7 Prevention of Illegal Eviction and Unlawful Occupation of Land Act, 1998 (PIE)

This Act is applicable in the backyard context which lack tenure security. This Act establishes the procedures and mechanisms for the eviction of informal occupation such as backyard dwelling and regulates the removal and eviction of people in a fair and just manner. PIE requires Landlords/owners to find alternative accommodation for non paying occupants of buildings where they have been in the building for more than six months. It was intended that the new Act would ensure that no one was arbitrarily deprived of their home or property and that no one would be removed from their homes without due process and the completion of full court proceedings.

2.2.8 Extension of Security of Tenure Act, 1997 [no 62 of 1997]

This Act provides secure tenure for people living on other peoples' land in rural and peri-urban areas, and lays down procedures that must be followed prior to evicting people from their land. The Act is also applied for backyard dwelling form of housing which also need tenure security, because they can be evicted when they are not fulfil their rental obligations towards landlord.

2.2.9 Provision of Basic Services by Landlord

Service provision is often at the centre of a discord between the landlord and tenant particularly in small scale housing in South Africa. While the US the Uniform Residential Landlord and Tenant Act 1972 (URA) clearly states that landlords must provide specific services, including running water, electricity and trash collection, in addition to compliance with appropriate building and housing codes the South African Rental Housing Act (RHA) is not clear on the provision of services and confers no specific duties on landlords, apart from keeping the premises structurally sound and suitable for human habitation.

2.2.10 Distinction Between Tenants in Formal and Informal Housing

The URA distinguishes a formal renter “tenant” from an informal renter “roomer” and gives tenants more rights. A roomer is a person “occupying a dwelling unit that does not include a toilet and either a bath tub or a shower and a refrigerator, stove, and kitchen sink, all provided by the landlord, and where one or more of these facilities are used in common by occupants in the structure. A roomer could be a person renting for a short period of time, for instance in a hotel room, or where services are not provided on an individual basis to tenants by landlord. However, landlords are required to provide these services when making rental agreements with tenants. The URA requires that landlords provide the above mentioned services in order to enter into rental agreements with tenants, which gives tenants the right to demand that landlords provide these basic services. The RHA does not make any differentiation between formal and informal tenants which may be a point to consider as it could provide the basis to introduce a new level of service for backyard dwellers which may not necessarily meet the FBS but is better than no service at all.

2.2.11 Provincial and Local Housing Policy

South African provinces and municipalities have developed a range of housing policies which are aligned with the Department of Housing’s national policy frameworks and are adapted according to their specific realities. Although some provinces and municipalities are experiences serious problems to comply with their constitutional responsibilities; others have pro-actively defined housing programmes within national guidelines that deal with specific their housing needs in new ways particularly related to backyard dwellings.

➤ Gauteng Province

The Gauteng Department of Housing has developed backyard rental policy aimed at upgrading the existing backyard rental housing stock in Gauteng. The policy is still in draft form and was not available for circulation. The Residential Landlord Tenant Act, 1997, deals primarily with landlord tenant relationships and was enacted in Gauteng to deal with the

instability in the rental housing market in the inner cities and particularly in Johannesburg city centre. The Act essentially provided for dispute resolution mechanisms and for regulations relating to so-called unfair practise and it can be used to address some service level responsibilities of the landlord.

➤ Eastern Cape Province

The Eastern Cape has developed a housing policy namely *Strategic “Framework for the Development of Human Settlements in the Eastern Cape 2007-2014”*. Based on social housing perspectives which focus of providing basic services to low income communities including backyard dwellings; the framework provides a detailed implementation strategy and specifies actions as well as a few sections dedicated to social rental housing as a delivery instrument and clearly articulates how social housing can be utilised for spatial restructuring. Although the policy makes provision for backyard dwellers no backyard projects have yet been implemented.

➤ KwaZulu-Natal Province

The KwaZulu-Natal Department of Housing developed the *KwaZulu Natal Housing Strategy, 2005/5-2009/10*; based on the BNG and aimed to “sharpening its housing delivery instruments in its attempts to address the housing challenges facing the province” (SHF, 2010). It sets up the policy direction for KZN Department of Housing (DoH) and identifies a range of programmes that it will follow in order to ensure that the housing backlog is met. The province as one in the country which have a number of informal housing; the strategy focused on social housing to addressing backlog including backyard dwellings.

➤ Limpopo Province

The Province of Limpopo has developed housing policy namely *Limpopo Strategic Plan, 2006-2009*. The strategic plan acknowledges that one of the key problems in terms of housing delivery is the lack of capacity within the province and as such discusses a number of programmes and plans to improve the skill base and capacity in the housing sector. The Strategy states that in terms of social housing: “The production of effectively managed institutional housing in the areas where demands for institutional or managed housing of all types exist. The document plans towards the achievement of urban restructuring and renewal through urban integration and impacting positively on urban economies”. Further than that comment the strategy makes a commitment to building over a thousand social rental housing units a year, although the details of their commitment and the actual mechanisms by which this will be achieved are not mentioned (SHF, 2010).

➤ North West Province

The North West Province through its Department of Developmental Local Government and Housing has developed *Strategic Plan: 2008-2011* aimed to an effective delivery of services to its citizens and that housing and the implementation of the BNG is a key area of intervention and to achieve a functional social housing sector within the province. The province has not addressed the challenges of service delivery to backyard dwellers.

➤ Western Cape Province

The Western Cape has developed Isidima, Western Cape Sustainable Human Settlement Strategy, 2007 which acts as a road map for the direction of human settlement development in the Western Cape and in fact sets out options to solve the housing backlog, including the upgrading of informal settlements, the creation of more affordable housing choices and the assurance of sustainable construction methods making communities safer and more comfortable and bringing down the cost of energy (ibid). The province is mostly confronted by backyard dwelling, the social rental housing is mentioned in the document and seems to be well understood and usefully included to address the backlog issues and provide adequate basic services to the low income communities.

3. BACKYARD DWELLERS: LITERATURE REVIEW

3.1. Introduction

The demand for urban spaces is increasing and there is often an increase in poverty brought about by many poor, and often illiterate unskilled people leaving rural areas to try find employment in cities (Graham *et al.*, 2005; Govender *et al.*, 2011). In addition, one of the critical challenges of housing policies and strategies in South Africa is a dramatically growing number of backyard dwellings in many urban areas. Backyard dwellings are informal shacks; most often built by their occupiers in the yards of other properties, and are uniquely South African although multiple households/stand do occur around the world (Crankshaw *et al.*, 2000; Lemanski, 2009).

“When watching the news, you find that the government is only concerned with shack dwellers. What about us? We are sitting with big expectations that they will build us houses. We have grown so old sitting in the backyards”. **Backyard dweller in Tladi-Moletsane (Soweto) (quoted in Everatt 1999: 17).**

Backyard dwellers in the past have been overlooked by housing policies that focus on upgrading and/or eradicating informal settlements (Bank, 2007). Despite local governments' efforts to provide state-funded housing and free basic services to poor households; there has been little change. In 1989, a meeting of experts organised by UN-HABITAT suggested that governments should review their housing policy and devise appropriate strategies for rental housing; however the importance of the role played by rental housing has not been recognised to a large extent (UN-HABITAT, 2003). Governments continue to perpetuate a myth of achievable home ownership when most households will require rental accommodation at some point their lives. The UN-HABITAT report on rental housing suggests that governments should aim to modify their regulatory framework, develop credit programmes, create more rental stock and improve existing stock (UN-HABITAT, 2003b).

In South Africa, neglect of rental housing by the government means that it: *“fails to fulfil its classical social function, namely, housing the poorer parts of the populations with limited or no access to home ownership in a formal dwelling”.* Martin and Nell, 2002; UN-HABITAT, 2003b)

The review of both international and local literature on backyard dwellers will provide a more nuanced understanding of the extent of the issue, government institutions and service provider interventions together with the potentials and drawbacks of these interventions in the current South African context as well as international best practices.

3.2. Terminology and definitions of multiple households and Backyard dwellings

The technologies and implementation strategies for provision of water and sanitation to multiple households/stand in other countries can serve as a basis for general policy formulation across South Africa. However, in order to understand the international lessons of provision of water and sanitation, the different terminology used to describe multiple households/stand internationally must be described. As in the UN-HABITAT (2003a) report on rental housing, the following distinctions have been made. Firstly, those that live in someone else's home and pay rent at regular intervals are *tenants*, those that do not pay regular rent are *sharers*, while those that hold some rights to live on a separate plot of land are *owners*. Tenants range across a continuum where some tenants have wholly legal contracts with the owner and live in formal housing, while others only have verbal contracts and may live in an illegal settlement.

An important concept is that of shared housing: Shared housing is defined as the sharing of a one kitchen dwelling unit by two or more unrelated adults with or without children (UN-HABITAT, 2003b). However this definition is generally too limiting as many adult children in Africa and Asia share a part of their home with their parents or other family members. The key difference is that there is rarely a regular rental payment, although money may be offered to cover the costs of services, etc. Sharer families include: 1.) households sharing a property with the owner but not forming part of the owner's household and 2.) households living as part of an extended household, in any kind of tenure (UN-HABITAT, 2003a and b). This would include some backyard dwellings where the 'tenants' do not pay rent such as hokkies in Cape Town (Lemanski, 2009).

The term, backyard dweller is uniquely South African (Lemanski, 2009). However multiple households per stand (more than one household living in a common compound such as yard block of flats or neighbourhood) occur throughout the world (WUP, 2003). Other terms used include 'household rental' and describes rental of a house, flat, room in a backyard or informal dwelling/shack in the backyard (SHF, 2006). More formal descriptions of housing provision have divided housing into formal or unconventional/informal structures (Keivani

and Werna, 2001). The latter includes squatter settlements, illegal subdivisions and low income rental housing. Low income rentals can consist of large buildings or tenement blocks that are in a state of disrepair that are leased to numerous households. These are very common in Indian slums and are often referred to as *Chawls* (UN-HABITAT, 2003a).

Other low income rentals include special rental areas which refer to areas where land owners have developed their land for renting to low income migrants (Keivani and Werna, 2001). Examples of this include the *bustees* of Calcutta which consist of bamboo and mud huts. These huts are subdivided into approximately 8 rooms which are then rented to families (Roy, 1983; Keivani and Werna, 2001). Another example of low income renting includes buildings that were originally built as hostels such as *mesones* in San Salvador which housed approximately 22% of the city's population in 1986 (Rakodi, 1995; Keivani and Werna, 2001). In addition, to the above examples, self built housing on rented land also occurs in areas such as Bangkok, Papua New Guinea, Morocco, Calcutta, Mombasa and Abidjan (UNCHS, 1996; Keivani and Werna, 2001).

The quality of the housing rented or shared also ranges across a continuum, from luxurious penthouses to nothing but space. For example, in Calcutta, the *hotbed* system permits two or three persons to use the same bed over a 24 hour period (UN-HABITAT, 2003b). Due to lack of space in some backyard dwellings, members of the household may also have to share sleeping space during the night (Lemanski, 2009). Renting space on which to build a shelter is not unknown in other countries and this specifically happens in the 'rentyards' of the Caribbean, *ciudades peridas* of Mexico, the land rental slum settlements of Bangkok and the rooftop shelters of Cairo. However, one noticeable difference between backyard dwellings and other rental accommodation in slums around the world is that the space to be rented is usually not shared with the owners (Crankshaw *et al.*, 2000). In this way, backyard dwelling encompass many differing concepts of rental and informal housing in that this form of housing can be shared housing or shared space.

Other important terms to describe multiple households/stand include the *Bustee* (in Western Bengal), these are settlements with a distinctive three tier arrangement: the *bustee* dwellers rent space in huts built by *thika* tenants on land leased to them by the land owners (Banerjee, 2002; UN-HABITAT, 2003b). In this way, *thika* tenants are often intermediate agents. An *allegado* is a term used to describe people living in the backyards of Chile's cities. This concept is very similar to backyard dwelling and became popular during the military regime in the 1970-1980s, where many young adults set up homes in their relatives' backyards.

An overarching definition that takes into account societal differences across borders and continents is needed so that the issue of 'backyard dwellers' can be placed into an international context as such this review has generated the following definition which is an amalgamation of previous terminology and is not meant to replace any previous definitions but instead to construct the area of study that this review encompasses.

"Multiple households/stand": An informal, low income form of housing where more than one household lives in one common area which was originally intended for use by one household. This includes shacks that have been erected in the backyards of more formal houses, huts or rooms which have been subdivided for rental to multiple families or large tenements that house numerous families within one 'flat'. Both sharers and tenants are included.

Backyard dwellings in South Africa can be classified according to certain criteria based on the formality of the main residence, the number of households accommodated and the presence or absence of rent. These classifications will be explained further in relation to case studies, however suffice to say that although the classification of backyard dwellers may differ they all fall within the concept of multiple households/stand (above).

3.3 The concept of slums

The concept of slums is related to that of backyard dwellings because many backyard dwellings face similar problems to slum dwellers. In addition, multiple households/stand in other countries most often occur in slums and thus the definition and terminology to describe informal settlements/slums may be different in different areas (Koster and Nuijten, in press; Hossain, in press), as what constitutes a slum differs from one country to another (IPC-IG, 2009). Slums vary from place to place and country to country (UN-HABITAT, 2003b). Referred to by many names – *bidonvilles*, *ghettos* or *the hood*, *bustees* or *chawls*, *favelas*, *barrios populares*, *informal settlements*, or simply *slums* – they are home to more than one billion people across the world (UN-HABITAT, 2003a).

These areas are defined by overcrowding, poor housing conditions (reflected in hazardous location, tenure, insecurity, impermanent structures and insufficient living area) and inadequate access to improved water at affordable prices and without extreme effort, improved sanitation (access to a private or public toilet shared with a reasonable number of people) and other infrastructure services (UN-HABITAT, 2003a; IPC-IG, 2009). Because

government agencies see slums as temporary or illegal, they are reluctant to invest in extending public services including water and sanitation (Gulyani and Talukdar, 2008). Some theories suggest that the first step to improving services would be to deem settlements legal (Gulyani and Talukdar, 2008). Infrastructure proponents instead argue that infrastructure can lead or even replace efforts to formalise slums because the building of infrastructure signals implicit acceptance by authorities (Gulyani and Talukdar, 2008)

“A typical poor family in Calcutta, Nairobi or Cairo is unable to pay for even an illegally subdivided plot and squatting is virtually excluded as an option. Such families rent a room if they do not share a room with others” (Horenfeld, 1994; UN-HABITAT, 2003a)

In Brazil, for example, slums are considered to be composed of one or more adjacent subnormal clusters containing a set of at least 51 housing units. These areas are generally arranged in a dense manner and mostly lacking in basic public services (IBGE, 2000). Terminology can also change from one settlement to another to distinguish those with greater deprivation and the terms *favelas*, *loteamentos*, *invasões* and *corticós* are used (IPC-IG, 2009). In contrast, the definition of a slum in Bangladesh is much broader (“a cluster of compact settlements of five or more households that generally grow very unsystematically and haphazardly in an unhealthy condition and atmosphere on government or private land”) (Hanchett *et al.*, 2003). Land tenure has been increasingly recognised as a critical element in eradicating poverty (Wannasai and Shrestha, 2008).

3.4 Overview of Backyard Dwellers: The South African Context

According to the United Nations Human Settlements Programme (UN-habitat), approximately 924 million people lived in informal settlements or slums in 2001 and estimates suggest that this number will increase to 1.5 billion by 2020 (IPC-IG, 2009). Problems related to informal housing have received some attention internationally with the United Nations Millennium Development goal 7/11 to achieve “a significant improvement in the lives of at least 100 million slum dwellers” (UN, 2000; Lemanski, 2009). In general, the term ‘shacks’ and informal settlements suggest large settlements of poverty-stricken homes made of metal, plastic and wood and arranged in an irregular fashion. However, not all informal housing is situated in collective areas.

Housing in South Africa is highly politicized and has a long history of state interference – the prohibition of homeownership for Africans during apartheid together with insufficient housing

construction in designated African areas resulted in severe overcrowding and housing shortages (Lemanski, 2011). In addition, some argue that the current model of government funded informal settlements in post 1994 South Africa has perpetuated a legacy of control (Huchzermeyer, 2003). However, in order to discuss the emergence of 'backyard dwellers' in South Africa, it is necessary to clarify the South African housing terminology. Informal, unauthorised or unplanned urban settlements in South Africa can be visually characterised as 'temporary' structures and as such are similar to the traditional term 'shantytown' however in the South African context, informal settlements can refer to housing, shacks or even illegal land invasions (Huchzermeyer, 2003).

Poor quality housing is culturally defined and differs between cities and countries across the globe (Crankshaw *et al.*, 2000). In some countries, flimsy 'shanty towns' accommodate most poor families, while in West Africa and India, rental tenements are crowded by families. In Latin America, many families rent rooms within settlements (Crankshaw *et al.*, 2000). The emphasis on 'slums' overlooks the lesser known sub-set of informal housing known as multiple households/stand or 'backyard dwellers' in South Africa (Lemanski, 2009).

This type of urban dwellers is especially found in the South African main towns and cities and townships. The proliferation of backyard dwelling throughout urban South Africa highlights the considerable housing shortage for poor households. In comparison to other types of urban dwellings such as informal settlements; backyard dwelling is not well known and documented and has attracted relatively little comments, systematic research and official response (Lemanski, 2009).

According to Crankshaw *et al.* (2000) *backyard dwellings are informal shacks, typically erected by their occupiers in the yards of other properties, and are a uniquely South African phenomenon. This category of informal dwelling structures is mostly erected behind legally established and serviced residential houses.*

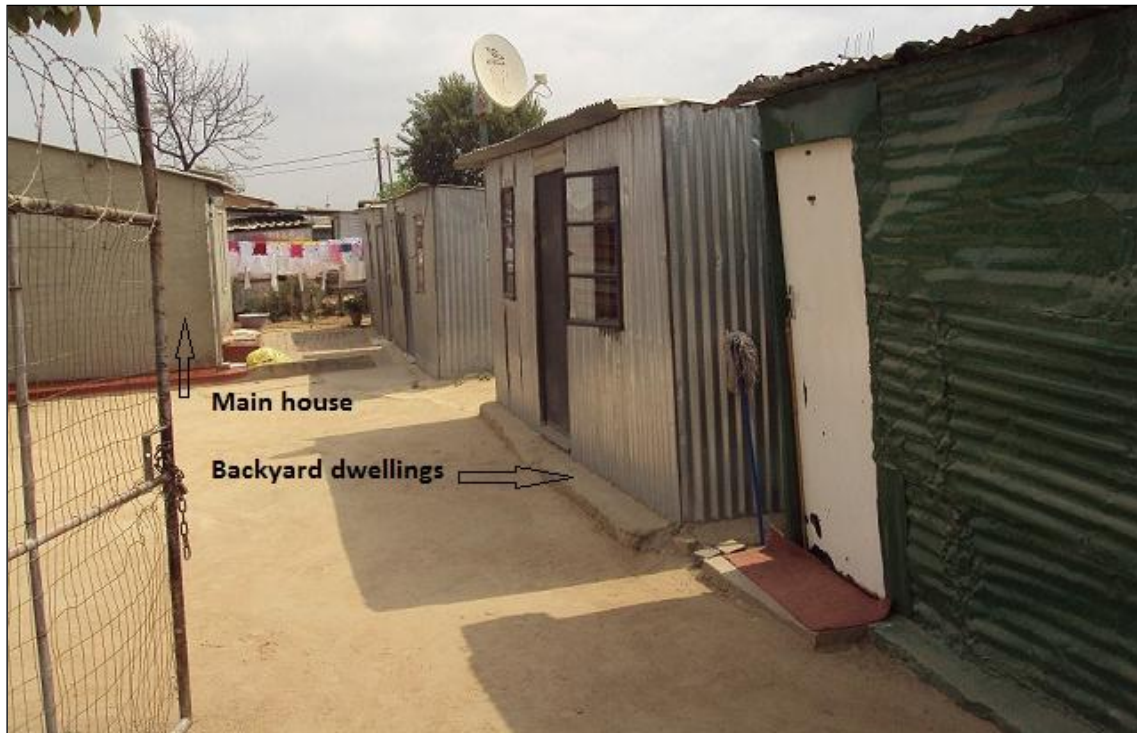


Figure 1: Backyard dwellings in South Africa

Insufficient housing for urban poor is often a result of apartheid-era policies of containment resulting in overcrowded and under-serviced townships. Before 1996, housing policies did not pay attention to backyard dwellers and they were captured as 'informal settlements' (Lemanski, 2009). In the past decade, research into the problem suggested that approximately 30% of all households living in informal housing are backyard dwellers (SAIRR, 2008). With serious barriers to free water and sanitation, backyard dwelling is an issue that requires immediate attention.

Not all backyard dwellings are the same (even within South Africa), for example backyard dwellings in most Black Townships provide a rental income for poor landlords while in Cape Town, the so-called "hokkies"¹ are generally rent free and accommodate family members (Cobbett, 2009). The inhabitants of backyard dwellings have not featured significantly on the government's new low-cost housing delivery programme, which favours free-standing shack dwellers (Bank, 2007). Although, the South African government is trying to help those in the backyards through its housing subsidy programme, backyard dwellers are often overlooked and government strategy should address methods to improve living conditions in backyard shacks.

3.5 Emergence of Backyard Dwellers in South Africa

Backyard dwelling is not a new phenomenon in South African urban areas; which were and are still characterized not only by hostels, formal townships but also by informal settlements, and backyard dwellings (Bank, 2007). South African's backyard dwellings are perceived to have originated from the need to reduce transport costs and distances from casual job opportunities (with low incomes) In the 1950s, evidence suggests that backyard dwelling was prevalent (Bank, 2007).

Since the 1960s, there has been insufficient housing for casual labour (from the homelands) and housing was supplemented by informal backyard structures (Lemanski, 2009). The halt on constructing houses for urban black Africans and the prohibition of informal settlements consequently lead to the creation of more backyard dwellings. From the late 1980s, the control on the townships declined and the number of backyard dwellings increased together with the expansion of informal settlements (Crankshaw, 1993; Lemanski, 2009). This informality though illegal, offered an alternative housing to accommodate growing populations in already overcrowded Black African townships, particularly in South African main cities (Johannesburg and Cape Town) where the nearest homelands were distant.

Residents, however did not own the shack structures and tenants were evicted by landlords if they broke the yard rules or degraded the dwellings. In the 1980s, Street Communities were formed in which yards were recognised as communities (Bank, 2007). Landlords accepted recommendations of Street Communities and rentals remained low and tenants were not as easily evicted. More recently, the Reconstruction Development Programme (RDP) has altered the nature of backyard housing, creating a new class of cash-poor homeowners who are dependent on income from backyard dwellers' rent and are able to accommodate the demand for housing (Watson, 1994). The owners of the houses use the backyard dwellers to generate revenue, thus the more dwellers they accommodate the better the revenue (Lemanski, 2009).

The idea that backyard dwellings would gradually disappear has not materialised and is not a new phenomenon. In the 1950s, the white state organised large scale slum clearance programmes in all the main cities in the hope of eradicating the 'pathologies' of the yard (Bank, 2007). However, backyard shack erection re-emerged on a large scale from the 1970s and the new townships became overcrowded. In the post-1994 era, there has been a similar belief that massive delivery of new low cost housing would remove the need for people to live in backyard shacks (Bank, 2007). The situation has degraded particularly in

post-apartheid South African where more people from rural areas have moved to urban areas in search of employment. This influx increased the strain on limited resources such as housing, water and sanitation infrastructure, social services and employment. The number of informal dwellings in a backyard (shacks) has increased by 46.3% in the period between 1996 and 2007 – overall in 2007, there were almost 1 million backyard dwellers (Stats SA, 2007; SAIIR, 2009).

In addition, backyard shacks occur in all provinces in South Africa and according to the Stats SA General Housing survey, 2008 (2009), numbers of backyard dwellings range between 11 000 in the Northern Cape and 555 000 in Gauteng. These dwellings make up 81% of informal dwellings in the Western Cape, 75% in the North West, 67% in Mpumalanga and 66% in Gauteng (Stats SA, 2009; SAIIR, 2009). In contrast the numbers of backyard dwellers in 1996-1998 was much lower (approximately 150 000 households in Johannesburg were living in informal dwellings) (Bank, 2007).

3.6 Advantages of living in the Backyard Dwellings

Despite the critical conditions which affect backyard dwellers in South Africa; many low income households prefer to stay in the backyard dwellings rather than move to the informal settlements where households are independent; well exposed and able to influence politicians. The comparative advantages of living in the backyard dwelling include low rents, good access to water, toilets and electricity, location and flexibility, reduced threat of eviction and the capacity to save on transport costs by living closer to places of employment. In addition, they are located on a demarcated plot within formal fully-serviced housing and are relatively conflict-free areas (Lemanski, 2009, Bank, 2007 and Crankshaw *et al.*, 2000). The number of households living in backyard dwellings is growing faster than the number of households living in informal settlements (Bank, 2007).

Backyard dwellings are benefiting both homeowners and poor tenants: particularly as a source of income for poor homeowners and offer relatively serviced housing for low income households (Lemanski, 2009) and cannot be analysed solely as a negative housing alternative. A study in May 2006, found that small-scale landlords generated an annual rental income of R5 billion a year or R421 million monthly and thus the income generation from backyard dwellers is substantial and cannot be ignored (SAIIR, 2009). However, this category of housing is maintaining the informal forms of living and thus slows down the government vision and efforts to eradicate informal housing (Bank, 2007).

Martin and Nell (2002) have suggested that local authorities in South Africa should co-ordinate area based programmes to upgrade the engineering and social infrastructure of household rental units. A new 'Household Rental Grant Programme' will fund the initiative and some suggestions include site permits for rental accommodation (including single and family accommodation. Minimum standards include 30m² units with separate ablutions for families and 15 m² units with shared ablutions for single units (Martin and Nell, 2002). Once households have finished the renewal process they could apply for a housing subsidy from the local authority. The units would then be inspected and improved.

3.7 Problems Facing Backyard Dwellers in South Africa

"It's a filthy township. Water is flowing from the pipes, sewers are blocked. We stay in the area because we have no option...it is not a healthy area. In summer the place is smelly and there are a lot of flies. When it's hot we sit outside only because we can't stand the heat in our room" (Focus group, backyard tenants – Everatt, 1999)

One of the main disadvantages and enormous challenges which affect the backyard dwellers is the lack of the mass visibility and collective force of an informal settlement. Instead backyard dwellers are merged into existing formal residential areas. They also have limited access to the streets, and must function alongside neighbours with formal tenure rights which can lead to negative landlord relationships (Lemanski, 2009). This housing category maintains an exploitative relationship between, landlords, tenants and backyard dwellers and perpetuates informality.

Backyard dwellers are highly vulnerable (Bank, 2007) and their access to basic services (including water, electricity and sanitation) is often dependant on the goodwill, or good mood of a neighbour (Lemanski, 2009). The CSIR conducted a study of the living conditions of backyard dwellers in 2006, and found that backyard dwellings are generally very poor and occupants face numerous health hazards (Gordon and Nell, 2006). Most landlords have between 1 and 6 units (depending primarily on available space on the stand). Access to services is generally poor and mainly comprises of electricity from the main house, access to a cold water tap and access to a shared flush toilet whether legal or illegal in nature (Gordon and Nell, 2006). This confirms the need to address the provision of free basic water to these residents.

Generally in South Africa, backyard dwellings are constructed from grooved iron, wooden planks and metal sheets, ranging in size and quality, with most comprising a single room in which residents cook, eat, sleep, wash and live (Bank, 2007).

3.8 Landlord-Tenant Relationships

Another problem facing backyard dwellers in South Africa is landlord-tenant relations. In Cape Town, usually landlords charge each family about R400 per month, however some families are charged up to R700 per month (Cobbett, 2009). In addition, backyard dwellers have to pay for electricity which amounts to an additional R160 per month. Moreover, the landlord also controls the access between the street and the backyard and access to the toilet which is often in the main house.

Potential problems can also arise when small scale landlords wish to supply electricity to their tenants. This might entail a breach of the law through illegal connections and add pressure on the country's ailing electricity grid (Lebone, 2008). The landlord can also charge all the electricity charges on the tenant as there is no formalised leasing agreement (Lemanski, 2009). Landlords have also been known to control tenant's behaviour in regards to cleaning duties, curfew hours, visitor restrictions and noise restrictions (Saphire, 1992; Bank, 2007 and Lemanski, 2009).

The relationship between Landlord and Tenant in South Africa is determined in by the Rental Housing Act (Act number 50 of 1999). The act planned to create mechanisms to promote access to adequate housing through a proper functioning rental housing market.

A dwelling as defined by the Act includes "any house, hostel room, hut, shack, flat, apartment, room, outbuilding, garage or similar structure which is leased as well as any storeroom, outbuilding garage or demarcated parking space which is leased as part of the lease" Act No. 50 of 1999

One of the most glaringly obvious issues in regards to backyard dwelling is that for the most part, formal descriptions of the relationships of 'tenant' and 'landlord' are not adopted by backyard dwellers (Morange, 2002). In addition, although the 2007 Rental Housing Amendment bill requires landlords to provide full access to utilities, in reality this is not enforced or monitored (Lemanski, 2009).

For the townships of Diepsloot and Alexandra, the landlord's legal arrangements with their backyard tenants are largely informal. In many cases, there is no written agreement. House rules are rarely in writing although some have a verbal understanding. There is generally very limited use of Tenant Committees. Despite the limited use of written contracts, there appears to be high levels of understanding of roles and responsibilities within townships (Lemanski, 2009). In informal backyard dwellings, both landlord and tenant live in the same scheme with similar social economic background and a quite cordial relationship with 74% of backyard dwellers saying that the relationship with their landlord was friendly (Martin and Nell, 2002).

3.9 Water and basic sanitation

In 2000, an estimated 1.1 billion people lacked access to a safe water supply (Winpenny, 2003) with lowest water supply and sanitation coverage in Africa (WUP, 2003). More than 1 in 3 Africans residing in urban areas currently lack access to adequate services and facilities. In 1999, about 5 million urban residents in South Africa live more than a quarter of a kilometre from the nearest available water source (Goldblatt, 1999). However, one decade some 86% of South African households have access to free basic water (SAIIR, 2009). However, there are glaring global inequalities in the supply of water infrastructure and services with the United States and Australia having 100 times more storage per head than Ethiopia (Winpenny, 2003). With Africa urbanising faster than any other region, it is expected that urban Africa will need an 80% increase in the number of people served in order to meet the Millennium development goal of 'halving the unserved population by 2015'. This would require that approximately 6,000 to 8,000 new connections every day (WUP, 2003).

Most of the urban population growth occurs in poor communities – these informal settlements are often known as slums – and these low incomes areas home between 40% and 70% of the urban population (WUP, 2003). Regardless of their location and legal status, low income settlements have a few characteristics in common including a lack of affordable basic water supply and sanitation services. This leaves these households more exposed to disease and natural disasters. Although there is prolific literature on informal settlement areas, there is little research on access to essential services such as water and sanitation (IPC-IG, 2009) and there is almost none regarding multiple households or backyard dwellers. Unfortunately the problem of access to water is multidimensional and includes issues like income poverty, infrastructure limitations, asset ownership and housing quality (IPC-IG, 2009).

Another issue is that of sanitation: poor populations in urban areas have an extremely high population density and even on survival rations each resident could be excreting approximately 1.5 litres of urine and 250g of faeces per day (Bracken and Panesar, 2008). If this is not taken away it will accumulate increasing the opportunity for infection and disease. All of these issues are pertinent to background dwellings where in Cape Town, studies have shown that although backyard dwellers are allowed to use the toilet on the property, the toilets are often not functioning (Govender *et al.*, 2009).

The main reason for focusing on urban water supply and sanitation is that inadequate water and sanitation remains the most critical and widespread poverty related problem in low-income urban settlements (UN-HABITAT, 2003a and b; UN-HABITAT, 2008).

The failure to achieve improved rates of connection of poor households to water supply (especially in urban areas) has resulted in wide ranging debate on new approaches to water supply in the Global South. Private sector involvement has been found to have higher efficiency and cost recovery thereby enabling additional sources of finance or higher connection rates for poor household (Bakker *et al.*, 2007). However with private sector involvement comes the emphasis on profit and often this has negative overall impacts on poor households. Recent studies suggest that there is a strong overlap between poverty and the lack of access to safe water (Jimu, 2008).

In Africa, the cost of developing new supplies is increasing rapidly. The delivery and use of water in southern Africa is characterised by inadequate operation and maintenance, high levels of unaccounted-for water, inadequate tariffs and poor billing and collection systems (Mwendera *et al.*, 2003). In Malawi, access to safe water is a major concern with approximately 72% of households in Blantyre City feeling that a household piped water system was not viable because it is too expensive (Jimu, 2008). There have also been numerous examples of governments initially providing free water but then abandoning the efforts: in the 1980s, Tanzania standpipes or public kiosks provided free water in line until the entire scheme was abandoned due to lack of preventative maintenance and repairs, while in Gaborone, free communal water service in terms of one standpipe per 20 plots was provided up until 1992 (Jimu, 2008). Benin, Ghana and Cameroon also provided free water by standpipes until changes in policy in the 1980s while in Madagascar free water pipes were removed due to lack of adequate cost recovery measures (Jimu, 2008). Problems of ownership and stakeholders led to poor performance of scheme design to address the water needs of low income people.

In Cape Town, having recognised that while settlements may be informal in nature, they are not impermanent and thus should be provided with basic services, a new 'water and sanitation ladder concept' has been proposed (Jaglin, 2008). This concept introduces two principles: firstly, that emergency or basic service should be available to all households regardless of their location or status of land tenure (usually through a communal tap and shared toilet (Jaglin, 2008). Secondly, the idea of continuous improvement of service up to the full level is adopted. The differentiated levels of service and the principle of 'progressive normalisation' has radically transformed the municipal approaches however it should be noted that due to financial constraints, free basic water is only provided to informal settlements and for indigents in formal housing (Jaglin, 2008).

The Free Basic Services lesson series developed by the DPLG and the Water Information Network South Africa (WIN-SA) and looked at provision of free basic services in 8 municipalities including, the Greater Giyani, Steve Tshwete Local Municipality, Zululand District Municipality, Breede River / Winelands Local Municipality, Madibeng Local Municipality, Tlokwe Local Municipality, Bitou Local Municipality, Ugu District Municipality, Govan Mbeki Local Municipality.

However, this lesson series although useful, did not deal with the issue of access to free basic water. For example, in Steve Tshwete Local municipality, illegal connections were dealt with by looking for deviation in reports. In this case, this was mainly due to decreases in consumption where the consumption is evident. Whether illegal connections occur in backyard dwellings is not clear but no mention of the provision of free basic water to backyard dwellings was made. In the Breede River/Winelands local municipality, there was a concerted effort to deal with water services on farms. Some useful parallels can be made as a poor household living on a farm is not the owner. According to the Strategic Framework for Water Services 1993 "there is no legal impediment to the use of government grants to fund infrastructure for a poor household on private land not owned by that household, provided that the intermediary (private land owner) makes a financial contribution". This is because; the intermediary becomes the owner of the infrastructure once it's installed. In Bitou Local municipality, households earning less than R1800 per month are classified as indigent, however they only classify for an indigent subsidy if "they are the legal owner or tenant of the property". Although tenant is mentioned, there is no specific mention of informal renting arrangements such as backyard dwellers.

The WRC (2008) commissioned a report on the "impact of large consumer unit size on water and sanitation services in lower income urban areas in South Africa" and within this report

main objectives looked at whether 'large consumer units resulted in inhibited access to water and sanitation services. The study found that the average number of backyard dwellings was two or three and 69% of these dwellings are occupied by households that pay rent to the main household. Ninety percent of households had access to a backyard tap and in all cases where there were multiple dwellings; there was access to a tap in the yard so they didn't need to rely on the main household's indoor taps. Although there may be some cases where the landlord denies access to water and sanitation this is not common and does not last long (WRC, 2008). Overall the study found that separate metering would not help backyard dwellers, however an increase in free basic water allocation may ensure that large household (including those with backyard dwellers) can access to water.

"In particular, these families are being failed by current indigent or other support policies that consider household income as a criterion for support. Most such policies are not clear about how a 'household' is defined. In addition, they do not consider the number of people that the household income supports. Income per person in the household would be a more useful criterion from the perspective of large families, with a carefully thought through definition of what a 'household' comprises". (WRC, 2008)

3.10 Vulnerability and Backyard dwellers

Vulnerability can be seen as a propensity to fail or stay below a pre-determined threshold in the future (Bogale *et al.*, 2006) and often refers to a state of being that is defenceless to threats and is a function of a dependence on highly sensitive but not resilient systems (Dercon, 2005; Devereux, 2002; Du Toit and Ziervogel, 2004). In South Africa, the government often refers to poor people who are eligible for certain municipal-administered poverty relief policies as 'indigent' (SPII, 2007). Free basic water is only provided for households that are registered as indigent, however many vulnerable households are unaware of indigent policy or do not register for fear of being stigmatised (SAHRC, 2009).

One of the most contentious issues related to indigent policy in South Africa is that of the definition. The DPLG defines indigent as "lacking the necessities of life" which include sufficient water, basic sanitation, refuse removal, environmental health, basic energy, health care, housing and food and clothing (DPLG, 2005). However the DPLG clearly states that the "qualifying indigent must reside in a dwelling; since FBS is provided to a *household*" (DPLG, 2005). In contrast, the same list includes the criterion; "households without access to FBS infrastructure should be regarded as indigents" (DPLG, 2005). These two criteria are

the crux of the issue: although most backyard dwellings have access to water in the main house, this access is controlled by a landlord. Part of the issue also relates to the definition of household.

“When you get your pension money you must immediately pay for your rent. Your movement is not free – you have to wake up early in the mornings, as old as you are, you have to sweep the yard, clean the toilet. You must wait for the house-owners to first use the washing machine before you can do your washing” (Backyard dweller, Soweto – Everatt, 1999).

Statistics South Africa (2004) defines a household as “a group of persons who live together and provide themselves jointly with food and/or other essentials for living, or a single person living alone”. Households are accommodated in housing units which may consist of one structure (a house), more than one structure (a group of rondavels) or part of a structure (a flat). Other important terminology includes the term, collective living quarters where certain facilities are shared by groups of individuals or households which include hotels, hostels and institutions (Statistics South Africa, 2004). The terms boarder or lodger are used to describe people who pay for board and lodging in a private household as a business arrangement and in terms of Statistics South Africa survey methodology, boarders and lodgers are not considered members of the household unless they are a relative of the members of the household. Despite this large group, free basic services are provided to the stand and not to each household.

Backyard dwellers are in tenuous situations: half in and half out of formal areas, fearing eviction which opens them up to considerable exploitation (Everatt, 1991). According to the South African constitution, everyone has the right to adequate housing (Section 26 (1)). Adequate housing includes: legal security of tenure, availability of services, materials, facilities and infrastructure, affordable housing, habitable housing, accessible housing, location and culturally adequate housing (Chenwi, 2007). Although backyard dwellers can register as indigents and can apply for housing subsidies, the ratio of access to affordable housing or housing subsidies is skewed towards informal settlements (Lemanski, 2009).

In many service demonstrations in recent years, backyard dwellers have been especially active – often because they have lived in towns and cities for decades but remained invisible (Bank, 2007). The low visibility of backyard dwellers has been attributed to the fact that this type of housing is often viewed as ‘transitional’ with the assumption being that once new cost housing is provided these backyard dwellings will naturally disappear (Bank, 2007). Due to

its 'transitional' label, most municipalities have not extended basic services to backyard dwellers. In addition, unlike free-standing shack dwellers, backyard dwellers are not often in the media spotlight and are have not clashed with landowners, developers and officials. They are also not prone to shack fires which often sees informal shack-dwellers' housing needs attended to before their needs (Bank, 2007).

3.11 International Lessons on the Provision of Water and Sanitation to Backyard Dwellers

Multiple households/stand is not a new phenomenon, nor is it a phenomenon unique to the South African cities. Backyard dwelling as they occur in South Africa (a shack erected in the backyard) can be said to be the South African 'version' of multiple households. Like other cities in the developing world, South African cities are affected by much the same problems such as escalating backyard dwellers, growing informal settlements, decay in inner urban areas, increasing unavailability of well located land, inadequate basic services, increased formalization of the economy and the inability of the housing policy to deal with housing problems (Warren, 2006). Although backyard dwellings in South Africa differ in structure to other developing countries, international literature on rental policy for the low income households provides some similarities (Gilbert, 2008).

The provision of water and sanitation service to informal settlements is a real challenge facing many developing countries. The inadequate water and sanitation threatens not only the public health and environment of the informal dwellers, but also those living in the formal settlements as well. Examples of strategic water and sanitation provision have been illustrated below and can inform South African policies.

3.11.1 Angola

Research by the Development Workshop (DW) on peri-urban rental markets in Angola has provided some information on the extent of multiple households in Angola (Development Workshop, 2009). In 8 distinct areas, approximately 17% of respondents said that they were living in rented housing. The main reason for renting was changes in households (for example, a youth leaving their parents house), limited economic prospects, migration to one city to another and lastly due to the destruction of the house leaving a family homeless. Of the landlords interviewed, 62% reported that they rented an annex to their own house (multiple households per house), while 61% of tenants said that they rented one or more rooms in an annex. There are noticeable similarities to backyard dwellers including the fact

that most tenants only had access to water through a neighbour's tank and only 26% of tenants had access to their own toilet (Development Workshop, 2009). However in contrast to South Africa, only 8% of tenants have family relationships with the landlord and most do have a verbal contract in the presence of witnesses.

In Angola, water and sanitation is decentralised with institutions at national, provincial and local level with a strong NGOs involvement such as ANGOMENHA (Association of Water Truck Operators) and Development Workshop Angola particularly in the informal settlements and middle income areas. In 2002, only approximately half of households had access to water from formal pipes (IIED, 2009). This was usually through a tap in their own residence, or their building or at neighbours although most often they do not receive water every day. Just over half the residences have a water supply within 100m but many have to go further to get water (IIED, 2009). Although rebuilding and extension of formal water systems is taking place as part of the post-war rehabilitation, most areas still rely on informal water supply (composed of trucks bringing water from the river to households with water tanks, who in turn, sell to their neighbours) (IIED, 2009).

Despite the significant informal renting market in Angola (many of whom only rent a room in a house), there is no formalised attention from the government. With 53% of people living in urban areas paying for water (IIED, 2009), there is a need to formalise the renting markets in Angola so that tenants have access to water.

Angolan politicians have often defended the position that basic services should be free of charge (Development Workshop, 2009), however adequate funds have not been made available for the maintenance of existing services as a result, the poor find themselves paying more for essential services from the private sector or losing income due to frequent illness from contaminated water. However, the opposite approach which has been promoted by financial institutions, namely, privatisation has resulted in an obsession with profitability with little attention of affordability, accountability, the correct use of funds to maintain service delivery systems and adequate preparation of public institutions so that they manage or oversee private operators. One recommendation is that urban residents (including those renting rooms in a multiple household) are not adverse to paying for public water supply provided that it costs less than water from private water tanks and that they have some assurance that the water is not contaminated (Development Workshop, 2009). These principals have been incorporated into the legal framework for water services (Water Law, 6/02), however this does not necessarily deal with the issues of multiple households.

Recommendations have been made suggesting that the government pays more attention to the rental sector. The law on rental housing in Angola dates from 1961 and needs to be updated. Other suggestions include that government provides a standard, simplified contract for landlords and tenants (IIED, 2009). Some progress has been made with government launching the “*Agua para Todos*” (Water for All programme) in 2008. At its launch, a commitment was made by the National Water Director to provide water to communities *wherever they are* (Development Workshop, 2009).

3.11.2 Australia

Australia is the driest inhabited continent on Earth and among the world’s highest consumers of water (Miller and Buys, 2008) and a great deal of attention is focused on environmental water resources. Reports such as the Australian Water Report 2005 raises questions on both water availability and water use (Australia Water Report 2005, 2006), however although there is an agreement between state and territory governments to improve the management of the nation’s water resources there is no specific mention of access to water for multiple households.

Despite a lack of information on slums in Australia, poverty does occur in the region and is generally measured by the cost of living with people considered poor if their living standards fall below the average community standards. Approximately 11% of Australians are estimated to live in households with an income falling below the poverty line, however this does not take into account home ownership and access to free or low cost services (Cechanski, 2002). Poverty is often related to indigenous populations in Australia with unemployment rates 3 times higher than the general population and life expectancy approximately 20 years less than other Australians (Cechanski, 2002). Moreover, the majority of indigenous Australians continue to reside in rental accommodation (Jones and Christensen, 2007). Although the majority of rentals are separate houses, approximately 33% rent other dwellings which include caravan, cabins, improvised houses, tents, or houses attached to shops or offices (Jones and Christensen, 2007).

In addition, in the absence of affordable housing many members of a community seek shelter from their family thus resulting in overcrowding (multiple households). Research suggests that even with support, individuals would continue to live in these conditions due to the social support of a family community (Jones and Christensen, 2007). This social dependence is something that needs to be taken into account in the South African situation. However, no information on the access to water by rental dwellers could be obtained. One

difference in Australian legislation is the addition of boarder and lodger terminology. Boarders are defined as having permission to stay at another person's house with meals provided while lodgers have permission to stay at another person's house but do not receive meals (both pay rent). Although boarders and lodgers do not have access to the high level of security provided by the Residential Tenancies Act, 1987, they still have certain rights including access to toilets and bathrooms. Although not explicitly related to multiple households such terminology and legal rights may help ensure that multiple households/stand have access to water and sanitation.

3.11.3 Bangladesh

In Bangladesh a slum is known as a bostis or bastis (Bengali) and is defined as “*a cluster of compact settlements of five or more households that generally grow very unsystematically and haphazardly in an unhealthy condition and atmosphere on government and private land*” (Hanchett *et al.*, 2003; Hossain, in press). Although these are not always multiple households/stand, about 68% of slum families live in a single room unit with at least 5% having to share a room with other families (Hossain, 2008). The average floor space is approximately 125sq. Ft. Moreover, these areas have poor quality or no sewerage and drainage, inadequate drinking water, insufficient or no street lighting and no paved streets or paths. Bostis are usually located near polluted water bodies, swamps and putrid drainage canals (Hossain, 2008).

Studies on home ownership in two bostis showed that the majority of residents in some slums are tenants, with occasional sub letting occurring (DSK, 2007). In addition, almost 80% of the households in these slums are paying rent, most likely to a local mafia (known as the *mastaans* which are informal landlords, gang leaders, etc. (Ahmed, 2007). Land tenure security is a key characteristic with 93% of slums in Bangladesh occurring on government or private land where the possibility of eviction is high (Ahmed, 2007). Despite evidence that multiple households/stand are common practice in Bangladesh, there is little explicit mention of issues faced by these households in regards to water and sanitation. Information on bosti-dwellers in general, however does highlight the problems faced by households in general.

For example, the constitution of Bangladesh makes the government solely responsible for creating an improved quality of life, however as there is often too few resources, there has been a growing reliance on the private sector (both for profit and non profit organisations). This has allowed service delivery to improve to some households (World Bank, 2002). However, citizens occurring in bostis are particularly neglected and often end up paying

more for services than their more affluent, non-bosti counterparts. In Dhaka, the public utility service called Dhaka Water Supply and Sewerage Authority (DWASA) is responsible for the provision of water, however according to their rules they can only provide connections to households that can demonstrate that they own the land they live on (Ali Jinnah, 2007). This by definition excludes the bostis or slums. In the face of these insurmountable obstructions, a NGO partner of WaterAid Bangladesh called Dushtha Shasthya Kenda (DSK) has helped residents of some Dhaka's slums gain access to public water and sanitation (Ali Jinnah, 2007).

Interestingly, like South African backyard dwellings, bostis are considered temporary or transitional by the government (Ali Jinnah, 2007). By acting as an intermediary/guarantor, the NGO (DSK) was able to facilitate water connections in the slums. As the slums are not really transient, most households were willing to pay for water services. In addition to providing a bridge between the Water Utility Agency and potential use communities through advocacy, DSK also facilitated the organisation of community management committees to manage water points and latrines and to ensure prompt and regular payment of water bills (Ali Jinnah, 2007). There is some opposition to such interventions with government officials feeling that land tenure security would encourage more migration from rural areas (Ahmed, 2007). The Bangladesh example does highlight how intermediaries can act to facilitate access to water. In the context of South African backyard dwellers, there is a need to accept or formalise backyard dwelling to an extent that access to water and sanitation can be improved.

3.11.4 Brazil

There are approximately 40 million people living on less than US\$50 per month in Brazil, many deprived of the most basic services including basic water and sanitation (Raufflet and Gurgel, 2007). Most of the very poor live in slums called favelas. Although there is no uniform agreement of the definition of a *favela*, there are some generally accepted characteristics including: illegal occupation of land, self made housing and a lack of basic infrastructure (Koster and Nuijten, in press). These informal housing areas occur in Brazil and although they are not backyard dwellings *per se*, there are certain issues that face both backyard dwellers and people who live in *favelas* including a lack of access to basic water and sanitation. In addition to *favelas*, approximately 600 *cortiços* house 38,000 individuals and families in São Paulo alone (Smith, 2008).

These *cortiços* are one room accommodations of the group living type. These are typically in dilapidated buildings in the city centre with one room which are shared between day and night shift workers. There are no kitchens (residents have hot plates) and bathrooms are communal. One of the main differences between *favelas* and *cortiços* is that housing in *favelas* is generally privately owned (even if it is located in an invaded lot) and has no security of tenure, while the *cortiços* is a type of precarious and informal rental housing (Fix *et al.*, 2003). The Global report on Human Settlements defines a *cortiços* as “rental accommodation usually in subdivided inner city tenement buildings”, while a *favela* is a type of “owner occupation in a building or shack in a squatter settlement (Fix *et al.*, 2003).

Interestingly, like South African backyard dwellings, the reason to live in a *cortiços* is proximity to work however, in last decade residents in São Paulo have started building rooms in their lot in *favelas* to rent out (so to increase their monthly income). Although information on slum dwelling in Brazil (including *cortiços* and *favelas*) is common, information on access to water and sanitation for people in informal rental dwellings is not (Willis, 2009).

In São Paulo, efforts by the municipality have resulted in minimum property standards in the *cortiços* (Smith, 2008). Owners can now be ordered to improve their property, under the threat of fines. Owners can either do renovations in order to comply, convert the property to another use or the property can be condemned. Most landlords choose to comply and within 2 years of the enactment, 200 *cortiços* have been improved (Smith, 2008). This however does not take into account, that in some cases multiple households/stand occur because the owner needs the extra income. In these cases, fines and orders will have little effect. In addition, some theories suggest that urban poor (including migrants) often focus on employment when arriving in a city and therefore tend to live in rental accommodation. Once established, the priority may shift to housing (Willis, 2009). However, if no rental opportunities like *cortiços* exist, migrants may find it even harder to gain access to basic water and sanitation.

In Rocinha (outside Rio de Janeiro), initial squatters often build additional units which they rent out for supplemental income, however these are most often very informal and the full value of rental agreements like these are difficult to ascertain (Abernathy, 2009). *Loteamentos* or unserviced subdivisions also occur in Brazil and have provided housing options for poor people since 1969 (Perlman, 2006). However, some positive change has been recognised in Rocinha with only 56% of inhabitants in *favelas* having access to

running water and indoor bathrooms in 1969, to more universal access in 2006 (Perlman, 2006).

A case study in Santo Andre highlights some of the best practices of slum upgrading and eradication (HSRC, 2010). The Integrated Programme of Social Inclusion was initiated in four slums in the city of Santa Andre, interestingly, the programme was orientated in terms of social exclusion and not either poverty, access to water and sanitation or housing as stakeholders felt that this was the best way to address a whole host of issues including economic, social and cultural issues (HSRC, 2010). The first phase (between 1997 and 2000) included slum upgrading in terms of infrastructure and services as well as social programmes and was as a whole intended to turn the slums into neighbourhoods that were integrated into the urban fabric.

One way this was achieved was through a social exclusion index map which showed areas of the highest inclusion and those of the highest exclusion (HSRC, 2010). This is very useful in the South African context as backyard dwellers in general are highly marginalised and do not feature in formalised plans. Community participation and strong partnerships with local and international NGOs were also part of the methodology. The second phase of the programme (2000 to the present) seeks to maintain and sustain gains made by the earlier phase. One of the highlights of the programme is the basic premise that “not one size fits all but rather a series of differentiated approaches are decided in conjunction with communities” (HSRC, 2010). This method is seen as excellent example for the South African context especially due to the high commitment to participatory mechanisms, inter-sectoral planning and implementation and delivery (HSRC, 2010).

3.11.5 India

India provides a very interesting case study due to the large amount of information available on slum redevelopment. Although this does not always relate to multiple households/stand, the nature of Indian slums is such that multiple households/stand or backyard dwellers are very common. For example, *chawls* or rental tenements constructed in Mumbai to house low income workers were initially built to house single men but now house entire families (UN-HABITAT, 2005). Approximately 60% of Mumbai inhabitants live in slums and houses in slums are very small (approximately 100sq ft). Slum lords usually live in large houses and use muscle power and bribing tactics to squat on government land. They then build houses which they then rent to poor families. Additional rooms are often added to house family or for

rent (CRIT, 2007). Detailed information on Indian slum management has been provided because it highlights pitfalls that occur during development programmes.

“The rental housing options available especially for poorer households, is the result of landlords responding to the pulse of local needs and priorities. Thus to denounce rental housing for its poor quality or lack of services is to ignore the extent to which local provision and consumption are finely matched” (Potter, 1995; UN-HABITAT, 2003a)

A slum settlement is based usually along a natural drain which takes care of sewerage and water supply is usually provided by a shared community tap (CRIT, 2007) and although rental housing options differ between cities in the country, types of multiple household/stand rentals occur including rooms in subdivided inner city tenements, rooms or beds on illegal settlements for example, the hotbed system, whereby tenants take turns sleeping on a bed during a 24 hour period (UN-HABITAT, 2003b). In Korba mithaghar slum in Mumbai, there are approximately 4363 tenements which range in size from 10 to 100 m² and house approximately 20 000 inhabitants (approximately 5 people per tenement) (CRIT, 2007). In terms of water and sanitation, NGOs play a significant role, for example the slum- and pavement-dweller organizations and federations in India contribute largely to provision of water and sanitation in the urban poor areas (Burra et al., 2003).

In general, there has been a lack of formalisation in slums in terms of rental housing systems which include multiple households/stand. The fear of taxation or rent control often encourages landlords to hide the physical presence of the tenants by installing removable wall partitions (UN-HABITAT, 2003a). Specialists suggest that if rules and regulations are generally ignored, while complicating people’s lives and encouraging corruption, then they are best removed. Certainly, history of slum management and development in India highlights the issues that can be faced when trying to formalise low income housing areas.

Initially, slums were considered a nuisance, however in the 1970s the state began to think of slums as a possible solution to housing shortages and the Slum Improvement Program was launched (CRIT, 2007). However, progress was hampered by shortage of funds. Further legislation in regards to slums included the Slum Improvement, Clearance and Redevelopment Act in 1971 and the Maharashtra Vacant lands (Prohibition of unauthorised structures and summary eviction) Act in 1975 which ultimately lead to numerous evictions until the Supreme Court decreed that the evictions could no longer take place as the

deprivation in shelter also lead to a deprivation of means of livelihood and thus the evictions were depriving people to their right to life (CRIT, 2007).

Slum redevelopments came about in the 1990s and sought to involve private developers, although this scheme still provides housing delivery for the poor today there are some flaws. These include the fact that community structures are often disregarded in attempt to maximise profits (CRIT, 2007). Although this does not directly relate to multiple households/stand, there are many lessons to be learnt including the need to understand the importance of backyard dwellings. Backyard dwellings like slums provide “much needed room for manoeuvre in responding to sudden changes in their economic or social circumstances” (UN-HABITAT, 2003b).

In Rajasthan, the largest and most water scarce state in India, the government has adopted a state water policy that outlines a framework for sustainable management of water resources (Gessler and Brighu, 2008). This includes a gradual increase in water rates to support piped schemes, increase of budget allocation for upgrading domestic water supply and legislation to cater for the economically weaker sections of the population. However at this point, these objectives have not been translated into actions yet. As per the constitution of India, responsibility for water is vested with the states and according to the 74th Constitutional amendment act, the particular responsibility of urban water supply should be transferred to the urban local bodies, however currently at this time, the Public Health and Engineering Department (PHED) continues to hold full responsibility for water supply and sewage treatment (Gessler and Brighu, 2008).

In Balmiki Nagar settlement with 5000 people, water access is generally satisfactory and is supplied by six public stand posts that deliver a 24 hour water supply. Twenty-five percent of the houses in this slum have their own piped connection which supply water for 30 minutes per day at very low pressure which means that even those households have to use the public stand posts (Gessler and Brighu, 2008). In contrast, water is a prevalent problem in Kunda Basti where the area is not connected to a pipeline and people rely on hand pumps 1km away from the slum. Time for collection is monitored and has been reduced from three hours to 10 minutes per household while in Nirmaan Nagan, the area was not even connected to a PHED mainline and did not have a public stand post. Instead, a private supply was installed however the service is not good and the price has increased by 300% in 9 years (Gessler and Brighu, 2008). In this case, multiple households/stand does not affect access to water as all households receive water from stand pipes.

The example of Mumbai in India, is identified by the UN-HABITAT as a best practice and offers some useful lessons for the South African context, despite differences in scale – with approximately 27 348 people living per square kilometre in the city (HSRC, 2010). Approximately 2.5 million households (almost half the population) live in slums, dilapidated buildings, on the streets, or in shacks. Some of the issues faced in regards to housing include the lack of affordable housing, outdated housing policy and inefficient building regulations. Although the programme is thought to have added to intense spatial marginalisation, some positive lessons for South Africa include, the Indians' ability to deal with density and scarce land and the notion of cooperatively owned land and privately owned high density housing units in response to the need for more efficient cities (HSRC, 2010). Another issue that comes to the forefront is that housing, informal or slum areas and access to water and sanitation are interrelated and it is impossible to deal with the one issue without examining the others.

3.11.6 Kenya

Kenya provides a different view of the slum rental market and multiple households per stand and therefore is a useful example of both the issues faced in service delivery and land tenure security. Although, the Millennium Development Goal to significantly improve the lives of slum dwellers has been entrenched in Kenyan national development plans, the service delivery in slums is still low (Gulyani and Talukdar, 2008). Kenyan slums are among the worst in Africa. This is largely due to the fact that development has been mostly focused in the urban areas leading to a large influx of migrants to the cities (Gulis *et al.*, 2004). Together with political and economic instability, this influx of people has forced many people to live below the poverty line in slums.

This is particularly apparent in Nairobi where poverty is widespread with most people living in inadequate structures made of iron sheets or mud with earthen floors. These structures are usually about 3 x4m and sleep at least five people (Gulis *et al.*, 2004). The density per hectare averages at about 250 units/ha (Maili Saba report, 2005). In addition, urban services are extremely basic and generally consist of communal water points and pit latrines shared by about 60 people (Maili Saba report, 2005). Although, the Kenyan government is also very clear on the quality of housing it advocates for its citizens although these development plans and building codes are seldom adhered to (Rukwaro, 2009).

Building by-laws include issues such as accessibility and privacy with all domestic *dwellings* and every separate tenancy or occupancy having access to a street (Rukwaro, 2009).

However the majority of owner occupants, landlords or tenants add to their houses for supplemental rent income in both middle income and low (slum) areas (Kironde, 2008). For example, the Umoja 1 housing scheme near Nairobi was built in the late 1970s and was aimed at middle income households and owner occupation was envisioned, however by 1983, 70% of the residents were tenants mainly because renting is so lucrative in Kenya (Kironde, 2008). In the slums of Nairobi, 92% of households are rent-paying tenants, with only 6% of owners living in the structure – within this group 60% rent out at least one room and are ‘resident landlords’ (Gulyani and Talukdar, 2008).

“Aid programs for rental tenure remain a neglected element of international assistance, and knowledge about informal landlords and tenants and the kinds of programs that benefit them are rare” UN-HABITAT, 2003b

In contrast to the South African backyard dwellings and informal rental market where “*few landlords make any money at all...[and] the poor quality of accommodation keeps rents low*” (Gilbert et al., 1997; Gulyani and Talukdar, 2008), the rental markets are not serving the poor of Nairobi well because of high rents – an accumulative total of US\$31 million in 2004 (Gulyani and Talukdar, 2008). Despite these high rents in the slums, there is no explicit recognition of the slums by the government. In addition, due to the illegal status of these slum settlements, the city council has no mandate to supply piped water or sanitation services (Maili Saba report, 2005).

The term ‘extensions’ is used in urban Kenya to describe accommodation constructed on a plot, over and above the original main house – the main characteristic of Kenyan extensions (like backyard dwellings) is that they are primarily constructed to be used separately from the house, usually by tenants. These extensions can be legal or illegal (if the alterations have not been sanctioned) (Kironde, 2008). In the example of middle income housing project of Umoja 1, 39% of all plots had an extension. These were usually two rooms, a kitchen and a toilet and were fully serviced. Rear extensions, frontal extensions and multi-storey layers were common and rents ranged between US\$54 and US\$89 per month in 1991 (Kironde, 2008).

Rental markets in the slums differ and although much research shows that slums are below standard in terms of planning and service access, they play a crucial role in providing low cost housing to the urban poor – in Nairobi alone, 30% of the 2.14 million people of Nairobi lived in slums in 1999, and by 2004 the number of slum dwellers had increased by another

20% (Gulyani and Talukdar, 2008). Approximately 97% of tenancy contracts in slums are verbal agreements and crowding is far higher in the slums than compared to the rest of Kenya (Gulyani and Talukdar, 2008). Only 19% of households are directly connected to public water utilities, 4% have private piped connections while 15% have yard taps; therefore approximately 64% of slum dwellers in Nairobi rely on kiosks to buy their water. Women usually have the responsibility of supplying water and in times of water shortages they can spend up to 2 hours queuing at kiosks (Maili Saba report, 2005).

In addition, only 25% of households have access to private toilet facilities why the rest share (Gulyani and Talukdar, 2008). Pit latrines are shared with up to 60 people using one latrine and often overflow. Residents often resort to “flying toilets” (defecating into a bag and throwing it out the window and all residents suffer health problems due to the poor drainage and overflowing pit latrines (Maili Saba report, 2005).

In recent years, the government has attempted to implement water sector reforms contained in the Water Act, 2002 (Maili Saba report, 2005). This act was set up to protect consumer protection; however the challenge is to translate this framework into real practices. In general, water access technologies have three elements including: a package of technologies to store, treat and deliver water; social institutions (such as the municipality which builds and maintains the technology) and a set of social practices, institutions and agents which enable individuals and/or households to gain regular access to units of water (Crow and Odaba, 2010).

In some settlements, water costs nearly as much as rent and the task of creating infrastructure and institutions to improve water access is mammoth (Crow and Odaba, 2010). In Kibera, Kenya, an association of water traders were formed and aimed to resolve differences about water payments, corruption, illegal connections and leakages between the water company and the water traders, however the intervention of the police in enforcing disconnection of water pipes reinforced mistrust between water traders and the water utility (Crow and Odaba, 2010).

Another initiative in Mukuru brought in an innovative chamber model of water supply but water company officials assumed that the community would create organisations to manage the water supply. This did not happen and the chambers were instead controlled by powerful individuals (Crow and Odaba, 2010).

The case study of Kenya highlights the technical, social, political and economic dimensions of projects and initiatives that aim to supply water to marginalised communities. The pitfalls and issues experienced can inform policy and initiatives that aim to supply water to backyard dwellers. Once again, one of the main issues in regards to marginalised informal settlements (like backyard dwellers) is the recognition of the settlement type. One useful example in terms of funding is that equity from the private operator or the community can be combined with commercial loan and grant funding as seen with the K-Rep Bank in Kenya where 12 scheme projects were funded (US\$ 1 million in loans). These loans enabled efficient use of limited public resources and the grant ensured that the impact of the debt does not exclude the poor from access to water (WSP, 2010). A combination of measures is needed to provide access to water.

3.11.7 Mexico

In the past 40 years the Mexican population has grown from approximately 35 million inhabitants to 100 million inhabitants (Bredenoord and Verkoren, 2010). During the same period, the country went through a large urban growth process with the level of urbanisation passing 75% and the demand for affordable housing in urban areas increasing (Bredenoord and Verkoren, 2010). The provision of adequate housing was especially difficult and in many cities, 'self help' housing was built in squatter settlements (Logan, 1979). With a lack of affordable housing opportunities policy interventions sought to 'regularize' and upgrade the physical status of the illegal settlements which had been built by migrants to deal with the lack of housing (Ward *et al.*, 2011).

There were two principle areas of intervention; the first included a gradual provision of essential infrastructure (water, electricity, drainage, etc.) in an attempt to ensure that they were fully integrated into the city as working-class neighbourhoods. Secondly, in some cities there was an attempt to address the illegal nature of these squatter settlements by transferring full title to residents (Ward *et al.*, 2011).

Before the 1970s, rental housing was the most dominant tenure type for the urban low income families, however with the self help housing activities and the associated *de facto* or *de jure* home ownership, a large proportion of the population were home owners (Bredenoord and Verkoren, 2010). Rental housing and share housing were still important with older buildings in the central city often subdivided for rental purposes. Later, *vecindades* were created near the edges of the city (generally as one or two storey apartment blocks offering one or two rooms per unit and communal sanitary facilities (Bredenoord and

Verkoren, 2010). In addition, different cities have dealt with urbanisation differently, in Guadalajara, Mexico's second most populous city; the policy of local government to prohibit land invasions has resulted in a lower number of squatter settlements. Instead, *fraccionamientos* (subdivisions) are common and in the 1970s housed approximately 35 000 people (Logan, 1979).

There is a limit to universal home ownership (even the self help kind in illegally occupied land). Like South Africa, the first barrier is available land. Migrants who move to cities, often stay with kin or rent accommodation near the city centre (Gilbert, 1991). In addition, not all tenants move on to home ownership because sometimes renting matches ownership in terms of security of tenure and many renters do not change home frequently (Gilbert, 1991). In addition, living conditions are often superior for tenant families and tenants often live close to their place of work (Gilbert, 1991). Especially in self help settlements, the socio-economic characteristics of landlords are similar to tenants and rents are not high (Gilbert, 1991).

In Mexico, sharing a lot of dwelling with renters is less common than in other Latin American countries; however sometimes an owner will develop a second lot as a rental tenement or even more common, a lot or dwelling may be shared with close kin in second or third storey of the dwelling, or even in a separate room. In some cases the subdivision is clear cut, however in poorer income families; it can be more ad hoc (Ward *et al.*, 2011). As with South African backyard dwellers, multiple households in one stand share facilities and benefit include reciprocal exchange and shared living expenses. The average number of households per lot in 1978 was approximately 1.5 while in 2009, this had increased to approximately 2.4 and is now common in most Mexican cities. Twenty five percent of households are made of four or more families per lot (Ward *et al.*, 2011).

Although not much information is provided on access to water for multiple households per stand, inequitable access to water supply and sanitation has been a characteristic of the Global South (Bakker *et al.*, 2008). In Mexico, the National Water Commission (CNA) is the primary public institutional body responsible for allocating water for different uses including public use of water in urban areas. The CNA then grants rights to distribute water to the municipality who may then contract a private company to operate the system (Vásquez *et al.*, 2009). The pipelines may be dated and damaged and often households privately invest in water storage facilities to adapt to unreliable water supply. In addition, the water quality is low and needs to be treated by households or bottled water must be purchased for drinking

In some areas of Mexico, such as the northern border, economic indicators are high (for example, low unemployment rates, high productivity) while there is a high level of marginality as defined by decreased access to basic utility services. Backyard dwellers like some of these border communities often occur in economically sound areas like Johannesburg but the households are marginalised and have little access to water. Often marginal populations solve housing and services issues informally by squatting on available land, ‘stealing’ electricity and buying public services such as water, solid waste collection, etc. (Peña, 2005). Access to water throughout Mexico is fraught with issues of reliability and tap water has to still be treated by households, however, the effects of sharing or renting rooms to multiple households in terms of access to water is not readily available. Important lessons in dealing with squatter communities can be drawn – one of the most important lessons implicit in the Mexican case study and that is: access to water and sanitation and appropriate measures to deal with housing issues need to be dealt with together in the context of South Africa, the issue of land tenure security of backyard dwellers and access to water go hand in hand.

3.12 LESSONS LEARNT FROM INTERNATIONAL CASE STUDIES

Table 4 below indicates the main issues encountered in the 7 case studies and the lessons learnt. In general, multiple households per stand is not a concept that is dealt with in terms of access to water and sanitation, while slum rehabilitation is far more common a topic. However, multiple households/stand are common in all seven countries and the main lessons learnt include the fact that access to water and sanitation cannot be dealt with as a separate issue but instead by using social exclusion indices (see case studies) and housing programmes; housing and access to water and sanitation can be dealt with together. Another important issue is that informal rental occurs throughout the world and all the governments would like to create home ownership, this is not always possible. One possible method to deal with this is the upgrade of rental housing acts to include broader terminology

Table 1: Lessons Learnt from International case studies

Country	Issue	Lessons to be learnt
Angola	1. Most people have access to water through neighbors tap	1. Similar in concept to backyard dwellers – main issue is exploitation to prevent access to water
	2. Rely on informal water supply	2. Receiving contaminated water

Country	Issue	Lessons to be learnt
		and very high prices due to privatization
Australia	3. Aboriginal communities often live with their family and have to share basic services	3. Similar in concept to backyard dwellers – an important issue is that there are often social benefits to sharing with family or community and these need to be taken into account.
Bangladesh	4. Only provide water connections if you can provide evidence that you own the land 5. Considered temporary so water and sanitation is not a priority	4. This is very similar to the issue backyard dwellers face, however in this case NGO involvement was able to facilitate water connections. 5. Security of tenure and access to water are highly linked
Brazil	6. Landlords forced to upgrade rental property 7. People in different areas have different access	6. Maybe formalizing rental market for backyard dwellers will also provide better services 7. Social exclusion mapping may be a useful way to determine vulnerability.
India	8. Large population which live in very bad conditions	8. Various ways to deal with the issue, however evictions and making informal settlements illegal, does not appear to curb slums as people need access to affordable housing.
Kenya	9. The rental market in very large and not regulated; people build extensions onto their houses for income generation through rent	9. Although NGOs can help work between authorities and communities, police intervention can have negative impacts on the relationship 10. Without working with the community, no initiatives will be successful.
Mexico	10. Low quality drinking water and unreliable water access	11. Measures to deal with housing and access to basic services go hand in hand

4. CASE STUDIES

4.1. INTRODUCTION

The case study analysis provides information on water and sanitation service options currently available for backyard dwellers, education needs and the extent of the issue of backyard dwellers in South Africa.

4.2. CASE STUDY CRITERIA

In order to provide the most useful and varied information, certain case study criteria were used to determine which areas should be used. Some prerequisite criteria for the backyard dwellers case studies included quality, variation and population density and housing problems (Table 1).

Table 2: Case study Criteria and value of data collected

Criteria	Value
Quality	Information obtained must be useful and should link well to previous studies and provide direction for future studies.
Variation	Different municipalities have different approaches to providing services to backyard dwellers – there is a need for varied information which will add to the knowledge base.
Population density and housing problems	Each case study should accurately reflect issues relating to water and sanitation to backyard dwellers

The potential criteria for the selection of backyard dwellers case studies include categories of backyard dwellers (Figure 1). This is an important aspect as backyard dwellings can be

established in formal housing areas such as RDP houses; informal areas such as an informal settlement; multiple family dwellings (where multiple households are accommodated in one stand but only one household is provided services); sub-renting dwelling (where multiple backyard dwellers are established under a tenant); family backyard dwellings (where the family build backyard dwellings because the RDP house is too small to accommodate the entire family) and where a tenant is employed by landlord and resides in a backyard dwelling.

The abovementioned categories of backyard dwellers are found in the following areas: Inner City, Townships as well as rural or traditional areas. Another important selection criterion is the strategies of municipal implementation for provision of water and sanitation to backyard. Selection of the case studies is vital, especially given the inherent complexities and distinct municipal policies and strategies for addressing the issues of service provision to backyard dwellers in South Africa. Literature review on backyard dwellers service provision has indicated that municipalities within South African are using different approaches and institutions to provide water and sanitation to backyard dwellers. This implies that municipalities have different by-laws managing informality.

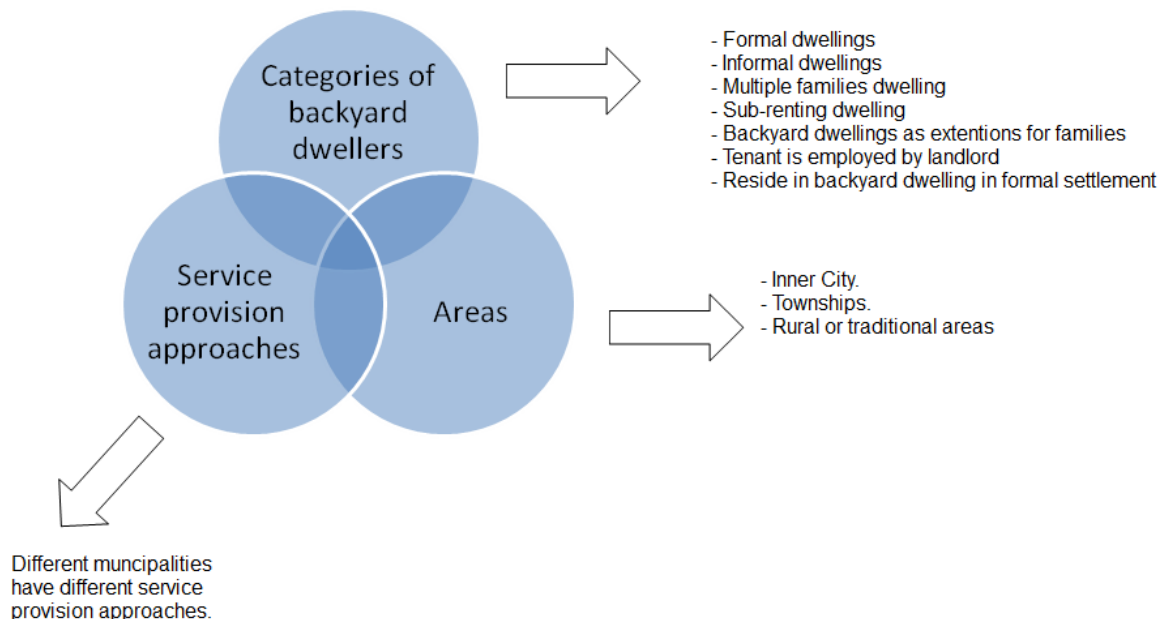


Figure 1: Selection criteria for backyard dwellers

4.3. METHODS

4.3.1. Study Sites

Four study sites were chosen based on their proximity to Johannesburg and the above case study criteria. Study site included Alexandra, Diepsloot and Ivory Park (Figure 2 and Figure 3) as well as Rustenburg. More detailed information is provided for each study site below.

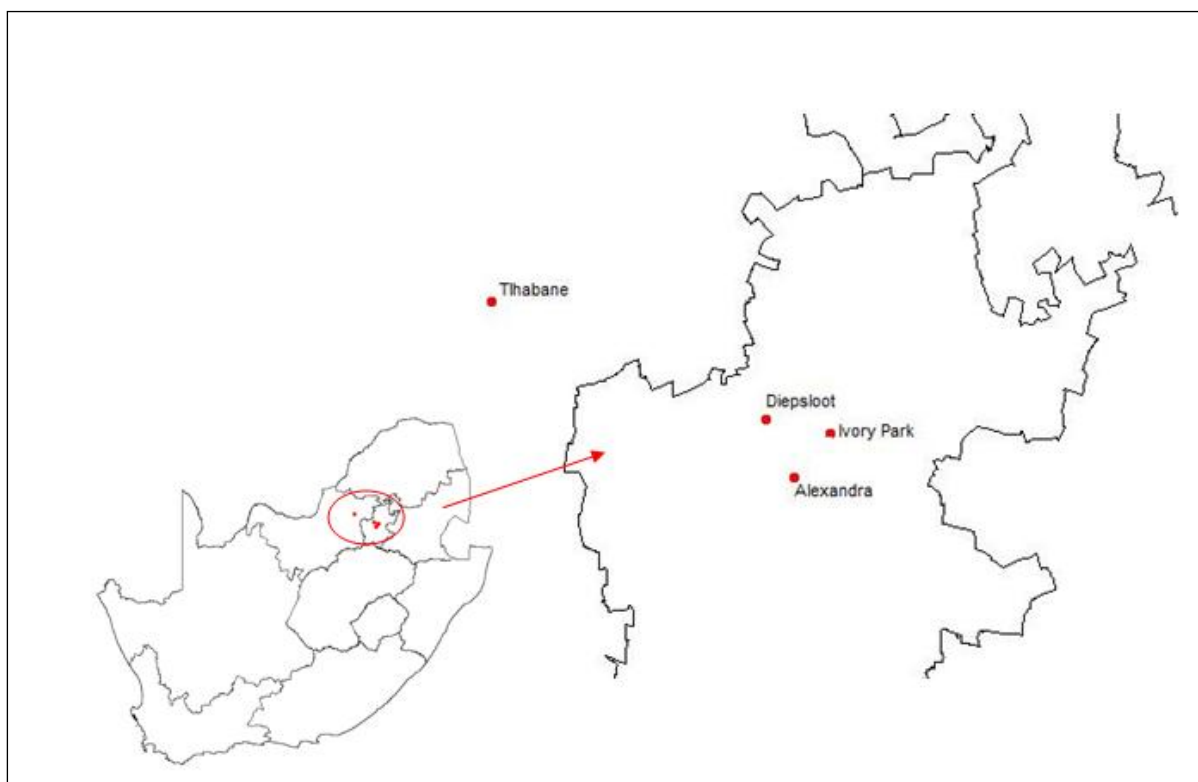


Figure 2: Diepsloot, Ivory Park, Alexandra (Gauteng) and Thlabane in Rustenburg (North West).

4.3.2. Alexandra

Alexandra is the oldest and one of the most populated townships in Gauteng. The majority of its residents have lived there for longer than ten years, with approximately 43% of the population in the area living in shacks and backyard dwellings (Everatt, 1999). The township has a high density with 35,000 people per square kilometre and 158 000 people in total (Everatt, 1999). The area is bordered by the Jukskei River to the west and by recent middle-class housing developments to the east. Backyard dwellings in Alexandra are generally built around main RDP formal houses and are usually built by a landlord with mixed construction materials such as corrugated iron/Zinc for the roof, mixture of mud for the floor and wood for the wall.

4.3.3. Diepsloot

Diepsloot is a Township located in the north of the City Johannesburg Metropolitan and falls under the jurisdiction of the Johannesburg Metropolitan Municipality – Region A. The township covers an area of approximately 5, 18 km² and is situated in the “Transition Zone” between Johannesburg and Tshwane areas and surrounded by upper-income class areas namely Dainfern, Fourways and Midrand. Diepsloot Township was established in 1995 as a transit camp for people who had been removed from Zevenfontein (Dlamini, 2005). The township consists of formal and informal houses but the majority of people live in informal settlements and in backyard dwellings (Dlamini, 2005).

4.3.4. Ivory Park

Ivory Park (Ward 65) has been identified as one the fastest growing and poorest wards in Region A (Center for Social Development in Africa, 2008). The population growth has lead to mushrooming of informal settlements particularly in Ivory Park Township and accommodates one-fifth of the region’s population (City of Johannesburg, 2004). The area is densely populated by poor black Africans who represent 97% of the township’s population. Between 1996 and 2001, the population in the area grew by 64%. The township emerged in 1991 as a site and service development to accommodate informal settlers and backyard shack dwellers from nearby townships of Tembisa and Alexandra (Omenya, 2006).

4.3.5. Rustenburg

Thlabane in Rustenburg is located in the Rustenburg local municipality in the North West province of South Africa. The current population of Rustenburg in general, is estimated at approximately 300,000 of which nearly half are non-Bafokeng who migrate to the area in search of employment opportunities in the mining industry. The proliferation of informal settlements in the recent years is related to the number of new migrants looking for employment opportunities. In addition, the housing condition is worsened by backyard dwellers where as many as 10 shacks are sometimes rented out as the demand for accommodation is high.

4.4. **Survey methodology**

A questionnaire was designed to obtain data from backyard dwellers in four townships (Appendix 1). The questionnaire dealt was divided into three main areas: background information of the respondent; information on the backyard dwelling (including type of tenure, construction material, number of rooms, etc.) as well as access to water and sanitation services. Thirty respondents were interviewed in Alexandra and Diepsloot, 31 in Ivory Park

and 38 in Rustenburg in September 2010. Information from the questionnaires was then used to better understand many of the issues surrounding backyard dwellings. Data was summarized in graphs using Excel 2007.

4.5. Backyard dwelling: structure

The category of backyard dwelling is important. In Alexandra, Diepsloot, Ivory Park and Rustenburg, the most common category was a dwelling in the backyard in a formal dwelling (52%; 57%; 65% and 60% respectively). Backyard dwellings in informal dwellings were least common in Rustenburg and most common in Diepsloot while multiple family dwellings were most common in Ivory Park (Figure 3). However, it must be noted that the question was relatively ambiguous and there could have been a number of multiple family dwellings in both formal and informal settings. This will be discussed in more detail in the analysis.

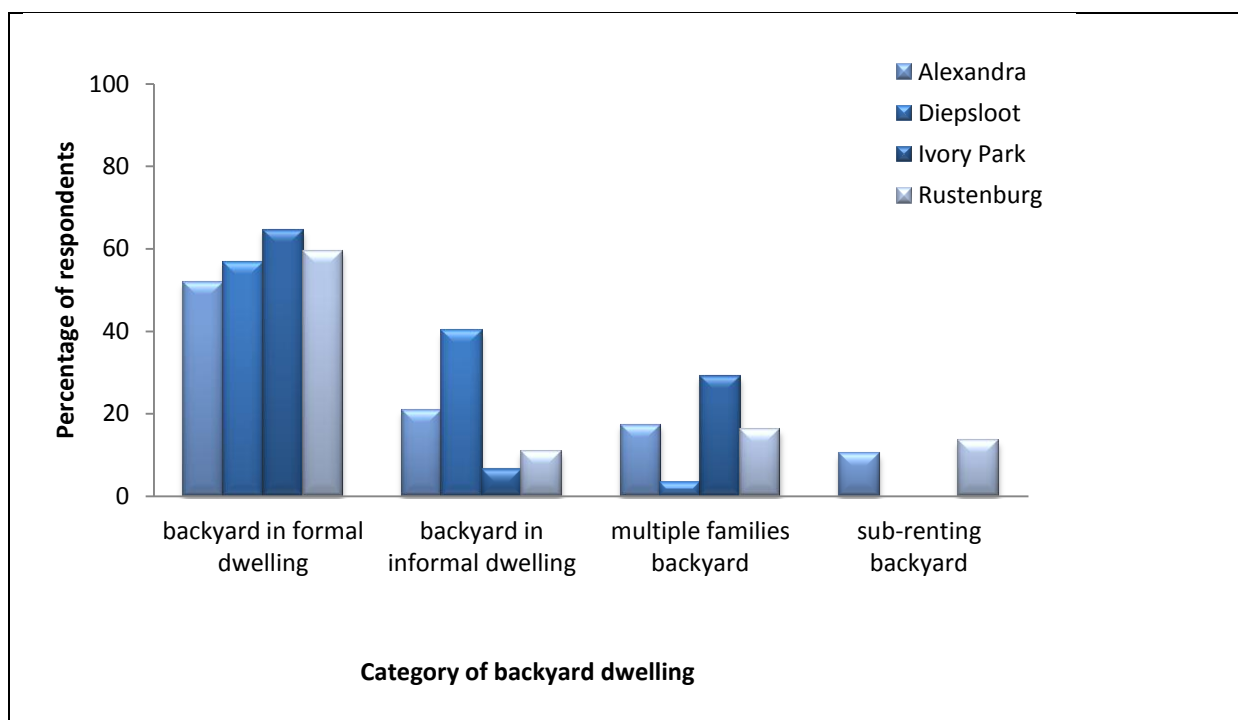


Figure 3. Percentage of respondents staying in different categories of backyard dwelling in Alexandra, Diepsloot, Ivory Park and Rustenburg

In regards to the number of households per property, Alexandra, Diepsloot and Rustenburg had the majority of respondents saying between 6 and 10 households per property (55%, 33% and 42% respectively). In contrast, the majority of respondents in Ivory Park (81%) cited that there were usually between 2 and 5 households per stand (Figure 4)

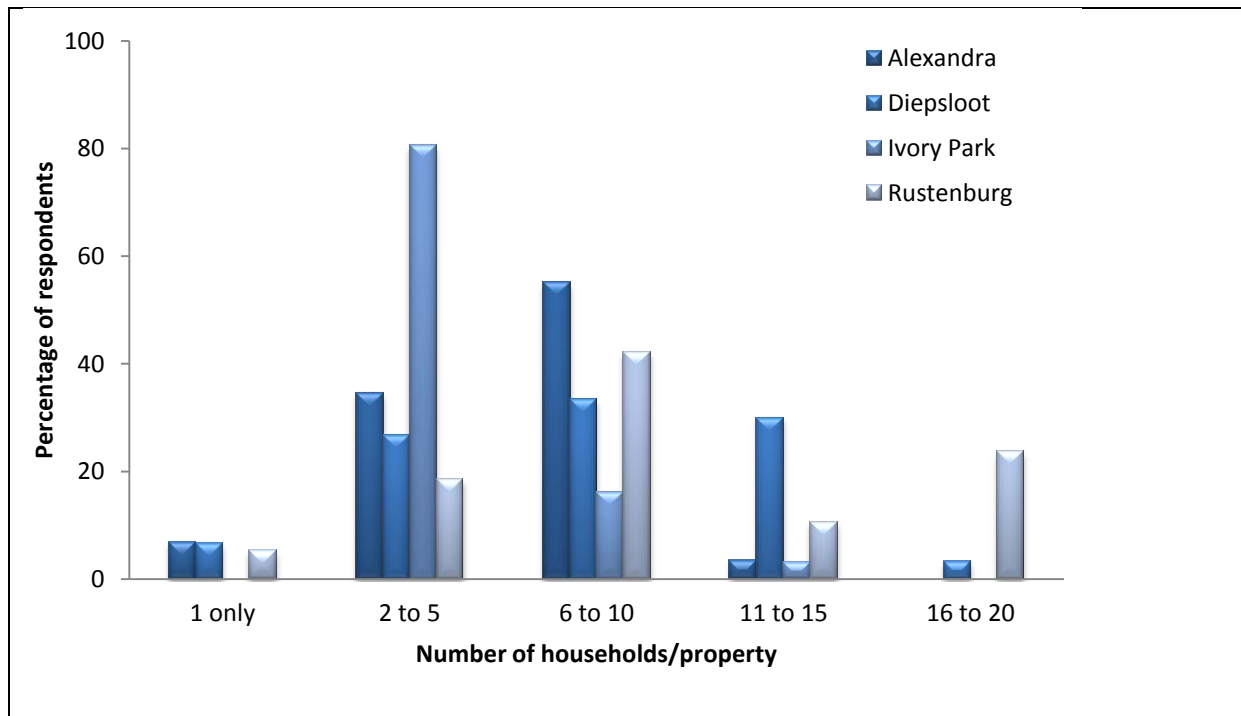


Figure 4. Number of households on property in Alexandra, Diepsloot, Ivory Park and Rustenburg

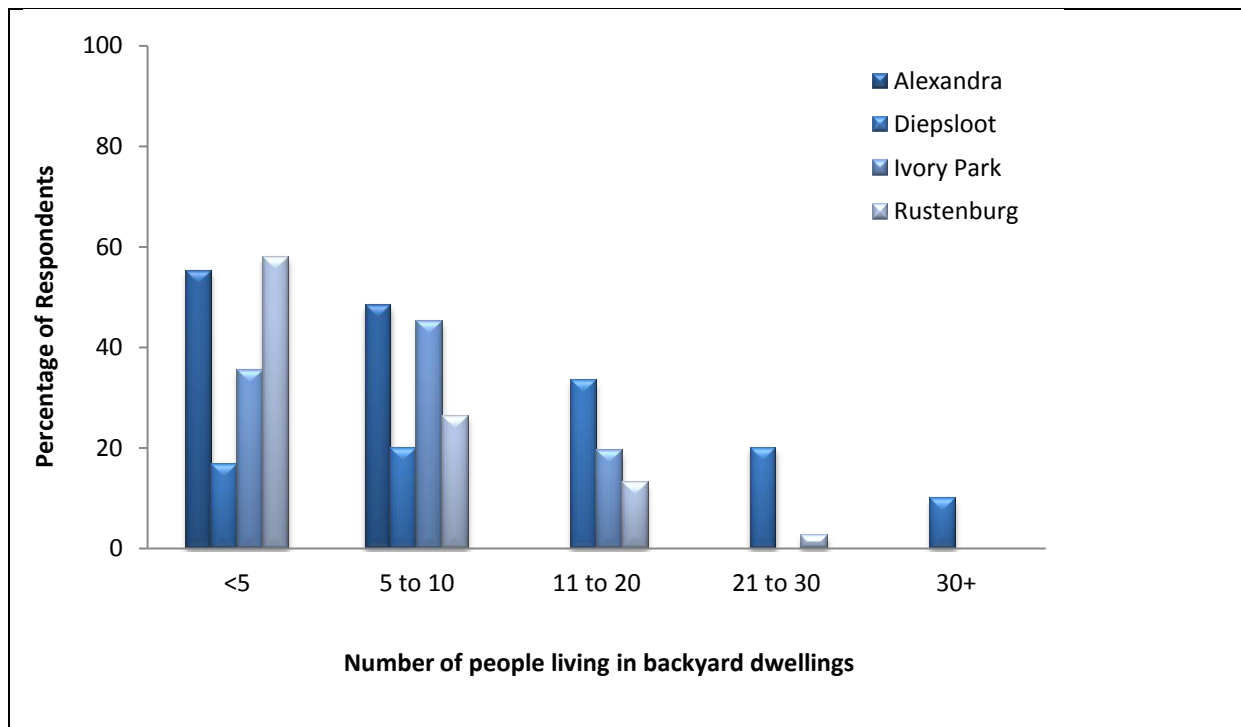


Figure 5 Number of people living per stand in backyard dwellings in Alexandra, Diepsloot, Ivory Park and Rustenburg

Figure 5. shows that despite the high number of backyard dwellings per stand, most of these units accommodate less than five people in Alexandra (55%) and Rustenburg (58%), while in Diepsloot, the majority of respondents (33%) said that each unit housed between 11 and 20 people. In Ivory park, between 5 and 10 people per unit is most common (Figure 5).

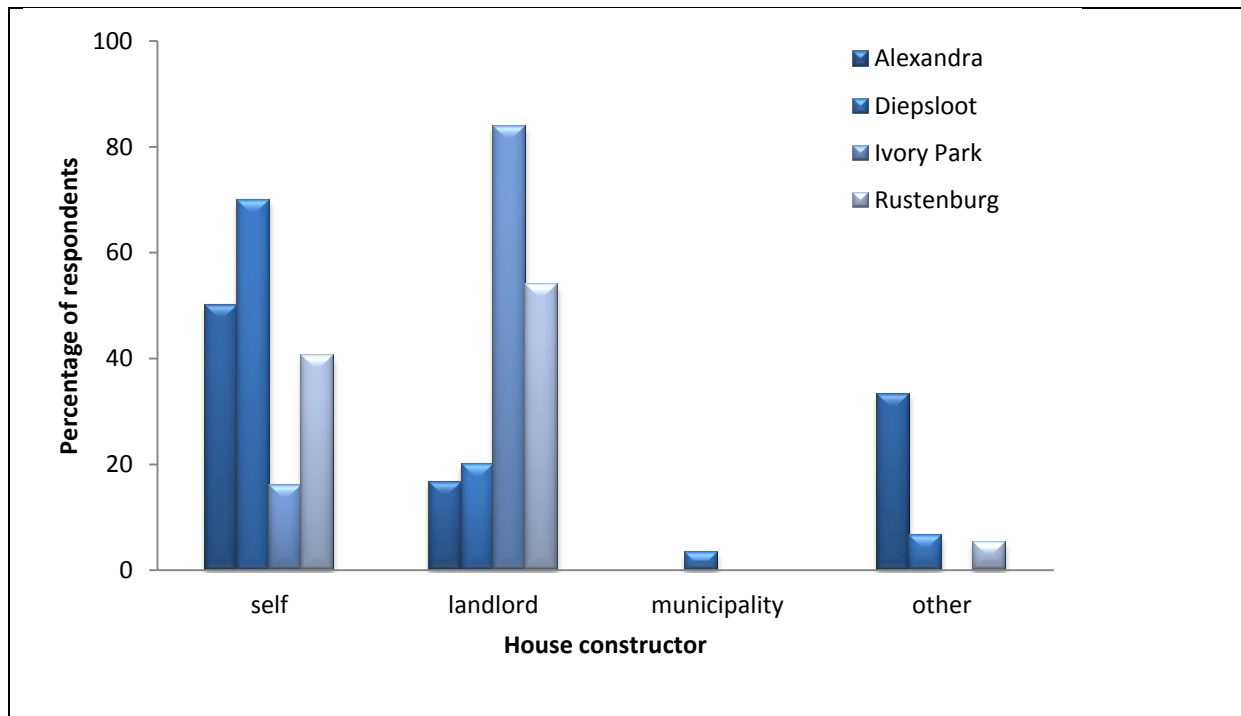


Figure 6 Types of dwelling construction in Alexandra, Diepsloot, Ivory Park and Rustenburg

In Ivory park and Rustenburg, the majority of backyard dwellings are constructed by the landlord (83% and 54%, respectively), while in Alexandra and Diepsloot, the majority of backyard dwellings are self constructed (Figure 6).

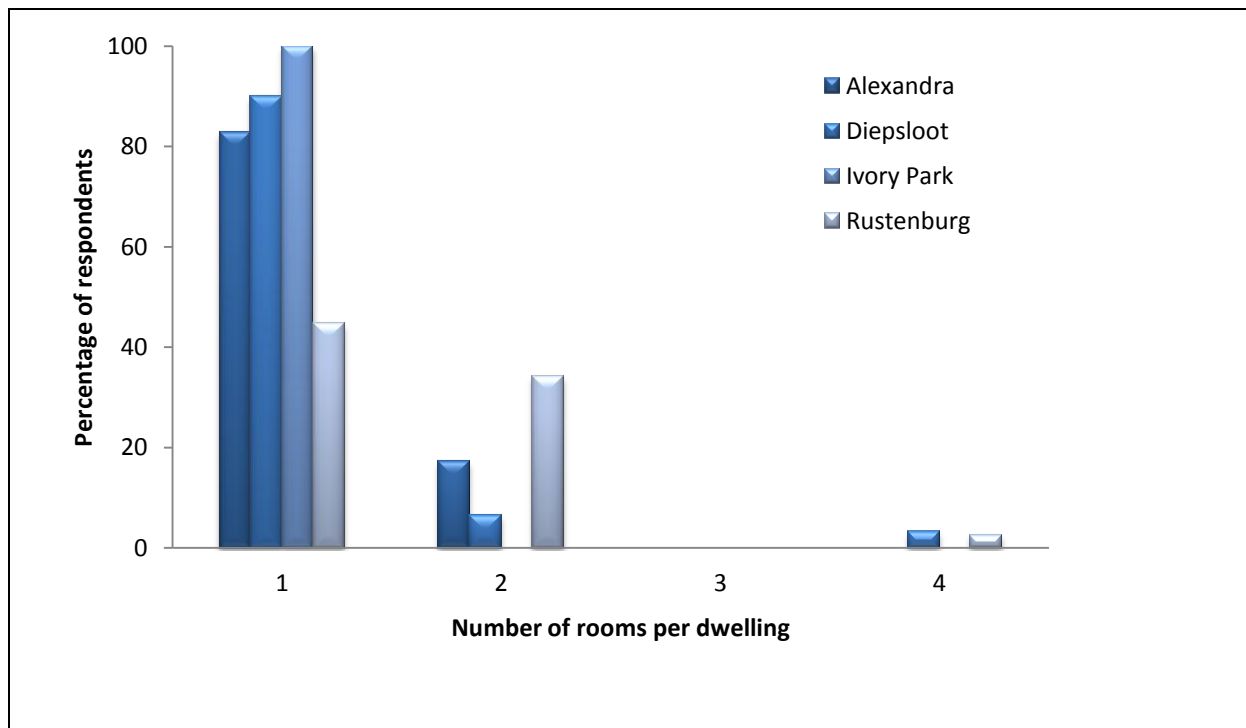


Figure 7. Number of rooms per backyard dwelling in Alexandra, Diepsloot, Ivory Park and Rustenburg

In Alexandra, Diepsloot and Ivory Park between 83%, 90% and 100% of respondents lived in one room dwellings respectively. However in Rustenburg there was more diversity 44% of backyard dwellers staying in one room, 34% staying in two rooms (Figure 7).

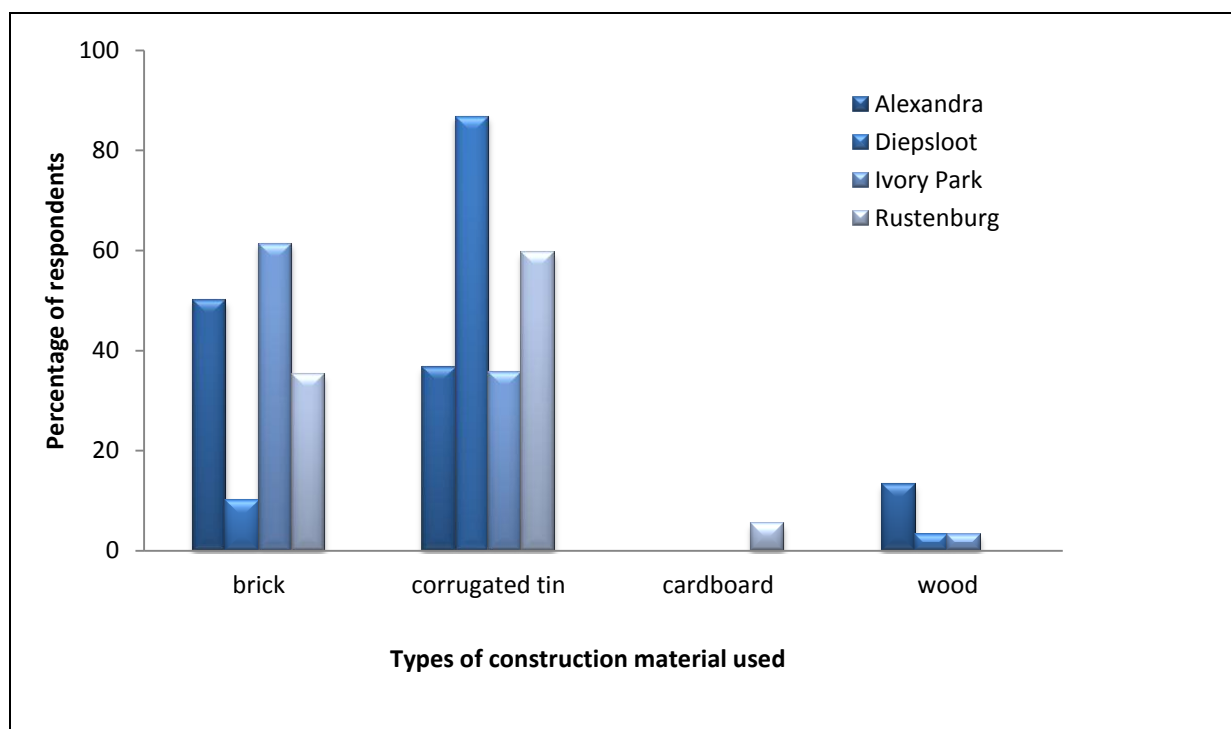


Figure 8 Types of Construction material used for backyard dwelling in Alexandra, Diepsloot, Ivory Park and Rustenburg.

Backyard dwellings in Alexandra and Ivory Park are mostly constructed from brick (50% and 61% respectively) and corrugated tin (37% and 35% respectively), while in Diepsloot, dwellings are mainly constructed from corrugated tin (87%). In Rustenburg, backyard dwellings are mainly constructed from corrugated tin (59%) and brick (35%) (Figure 8).

4.6. Backyard dwellings: Security of tenure

In Diepsloot, Ivory Park and Rustenburg most backyard dwellers rent their dwelling (60%, 65% and 59%, respectively) while some stay for free (23%, 28% and 17% respectively). Interestingly, 18% of respondents in Rustenburg have a barter agreement (this is the only case study where bartering occurs). In Alexandra there is more diversity with 40% of backyard dwelling owning their dwelling, 27% renting it from a landlord and 33% staying for free (Figure 9).

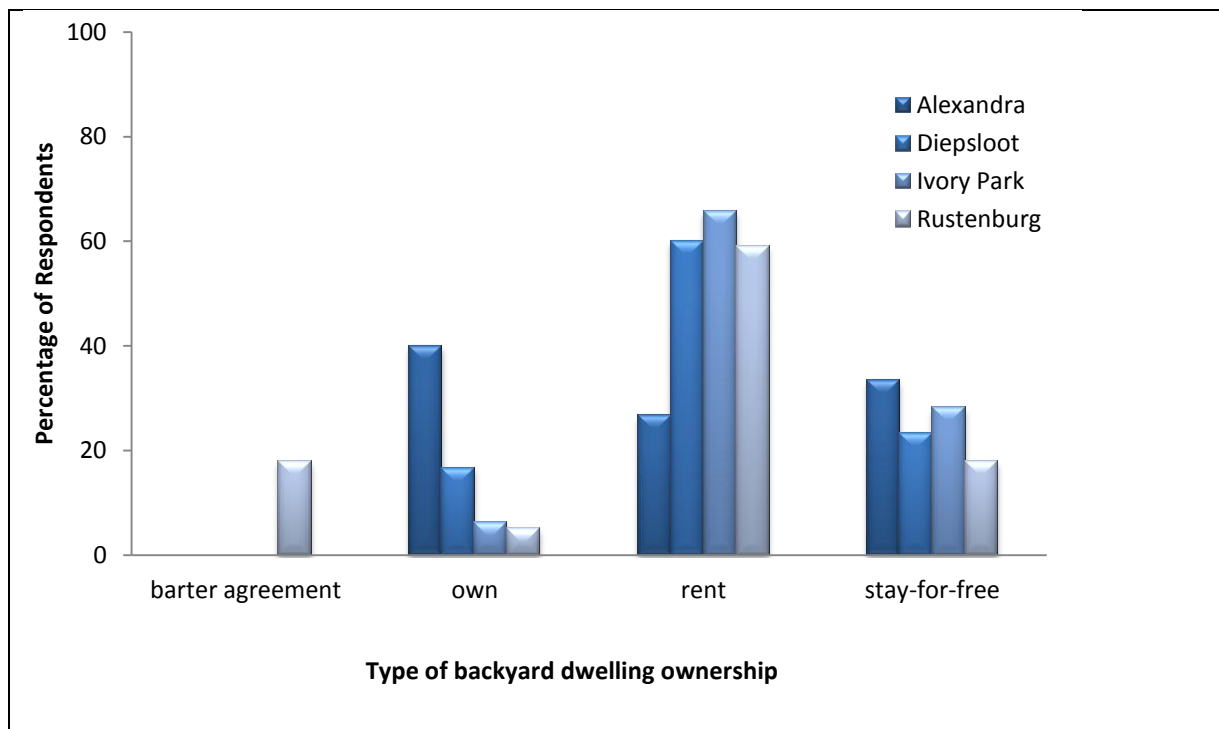


Figure 9. Percentage of respondents bartering, owning, renting or staying for free in backyard dwellings in Alexandra, Diepsloot, Ivory Park and Rustenburg.

In Alexandra, the majority of respondents have lived in backyard dwellings for more than 10 years (70%). However in Diepsloot, Ivory Park and Rustenburg there is a greater spread - about a third of respondents have been there less than a year, a third have been there between 1 and 5 years and a third have been there for more than 10 years (Figure 10).

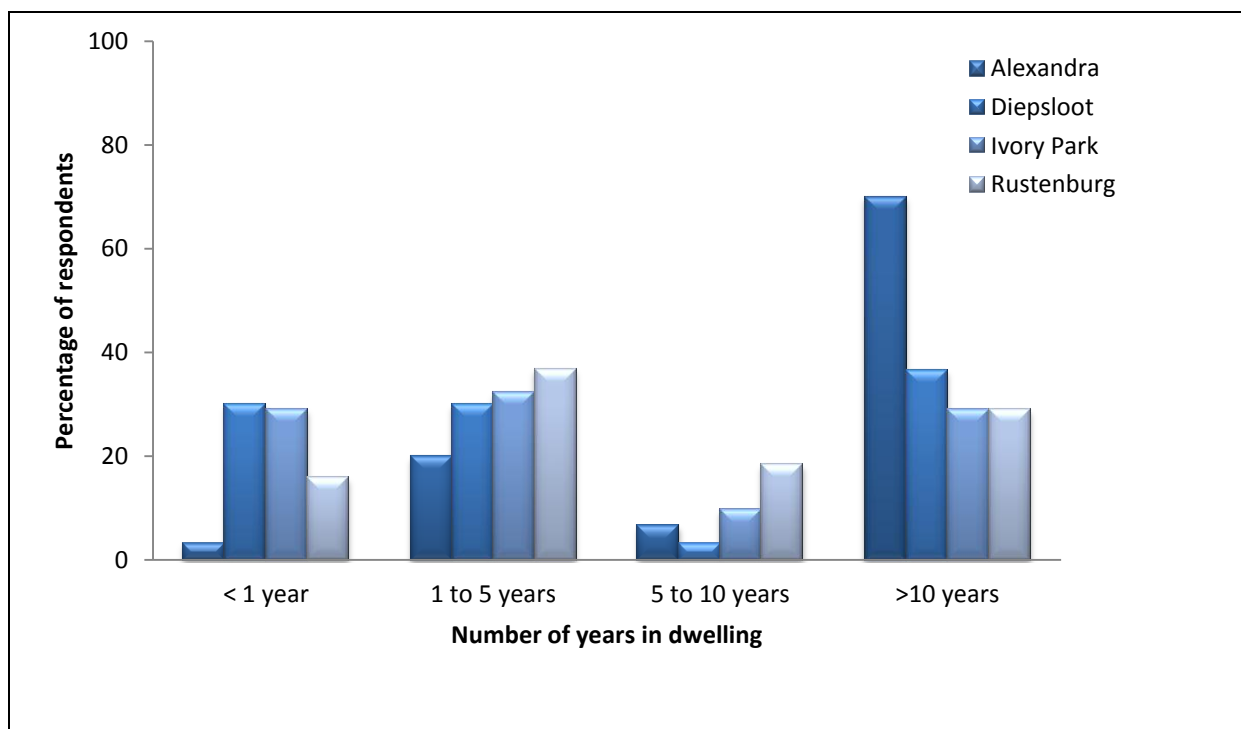


Figure 10. Percentage of respondents living in backyard dwellings for < 1 year, 1-5 years, 5 to 10 years, and > 10 years in Alexandra, Diepsloot, Ivory Park and Rustenburg.

4.7. Water provision in backyard dwellings

In regards to water provision, the majority of all respondents had water provided in Alexandra, Diepsloot, Ivory Park and Rustenburg (90%, 93%, 93% and 100%) (Figure 11).

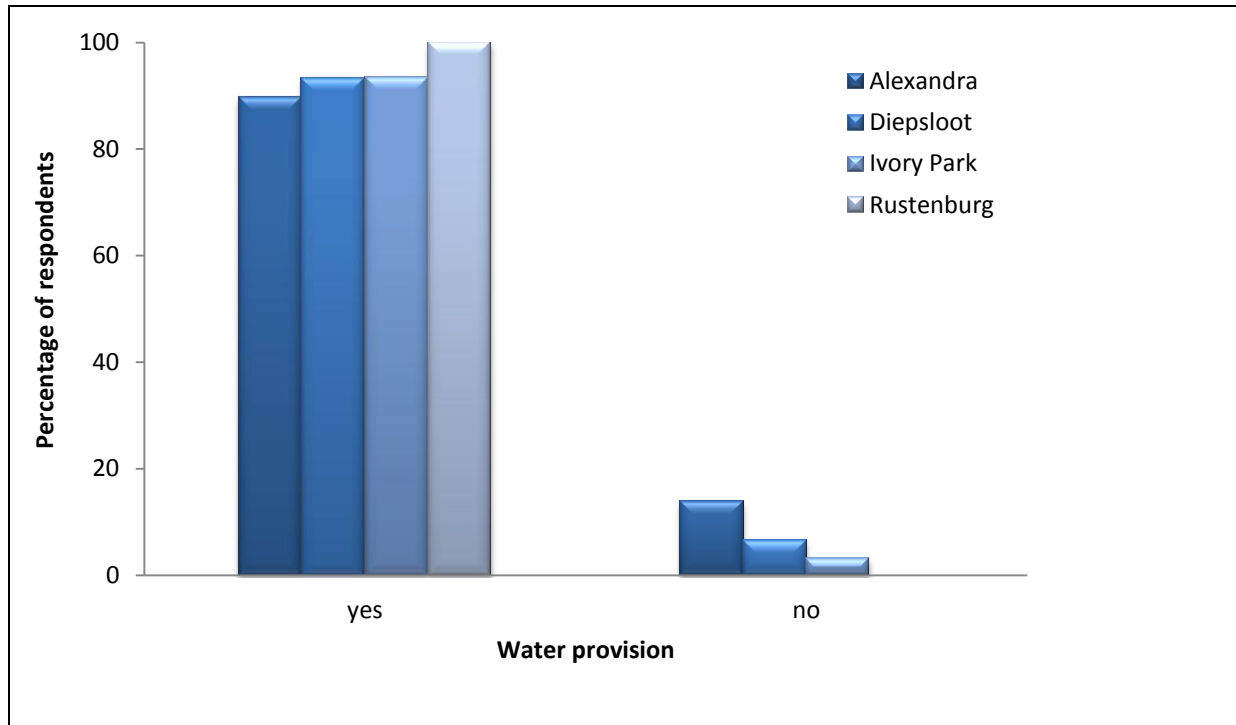


Figure 11 Water provision in Alexandra, Diepsloot, Ivory Park and Rustenburg backyard dwellings.

Although most respondents had access to water, water provision (in terms of taps, etc.) was mainly owned by the landlord for Diepsloot, Ivory Park and Rustenburg (77%, 81% and 81% respectively). However for Alexandra, the majority of respondents said 'other' (66%) or it was self-owned (33%) (Figure 12).

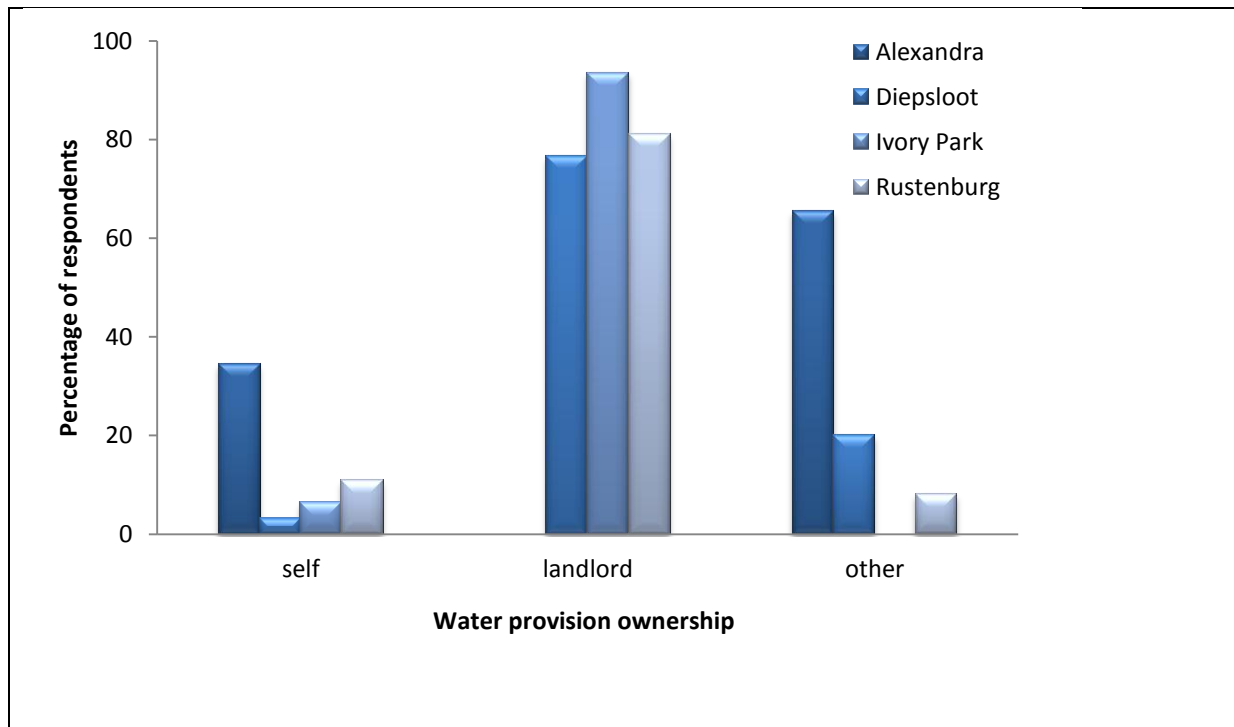


Figure 12 Water provision ownership in backyard dwellings in Alexandra, Diepsloot, Ivory Park and Rustenburg.

In Alexandra and Rustenburg, water usage per month was high for all respondents (more than 100 x 20l batches) while in Diepsloot and Ivory Park, water usage mainly ranged between 21 to 30 x 20l batches (44% and 49%) and 31 and 40 x 20l batches (30% and 26%) (Figure 13).

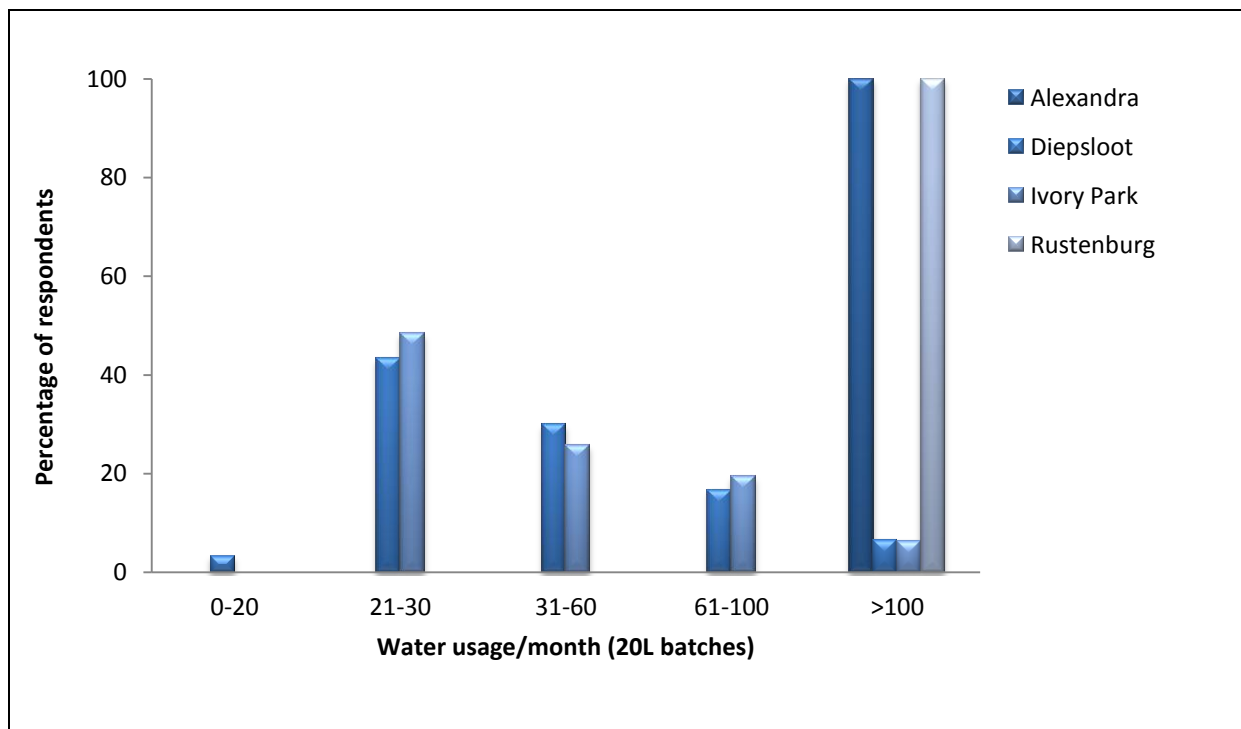


Figure 13 Water Usage per month (number of 20L batches used)

In regards to water billing, the majority of respondents from all sites said that there was no billing system (100%, 97%, 100%, 100% in Alexandra, Diepsloot, Ivory Park and Rustenburg respectively) (Figure 14).

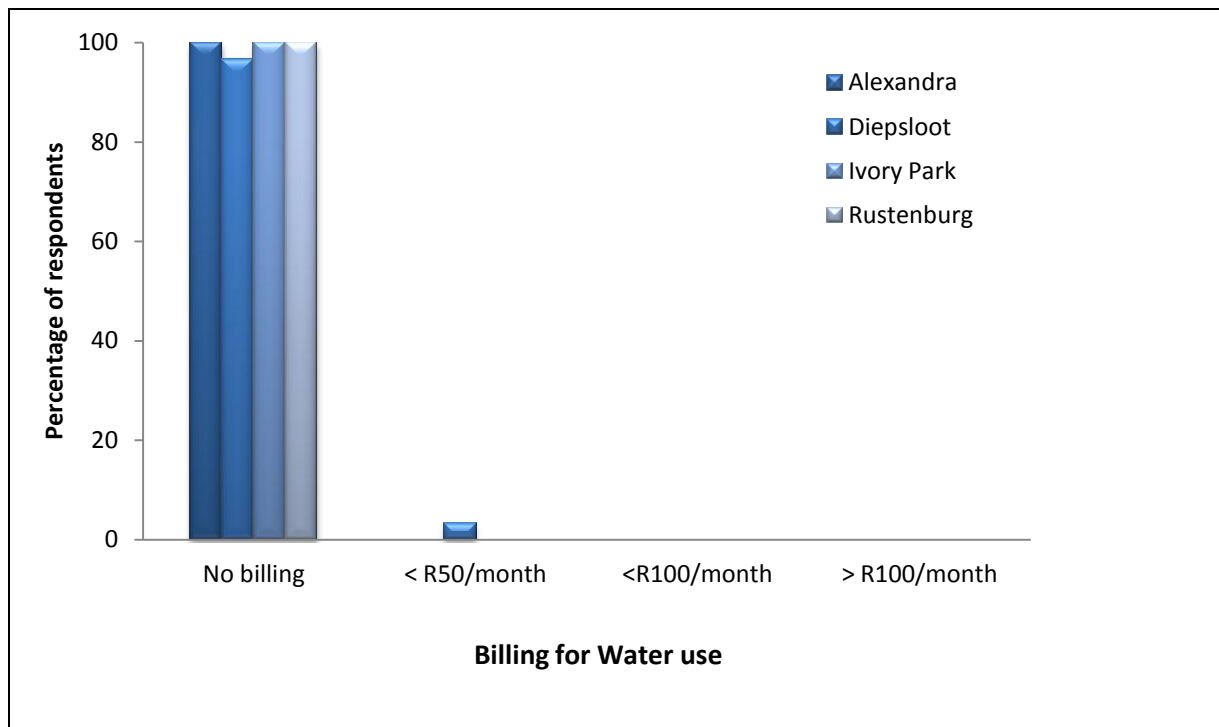


Figure 14 Water billing in Alexandra, Diepsloot, Ivory Park and Rustenburg.

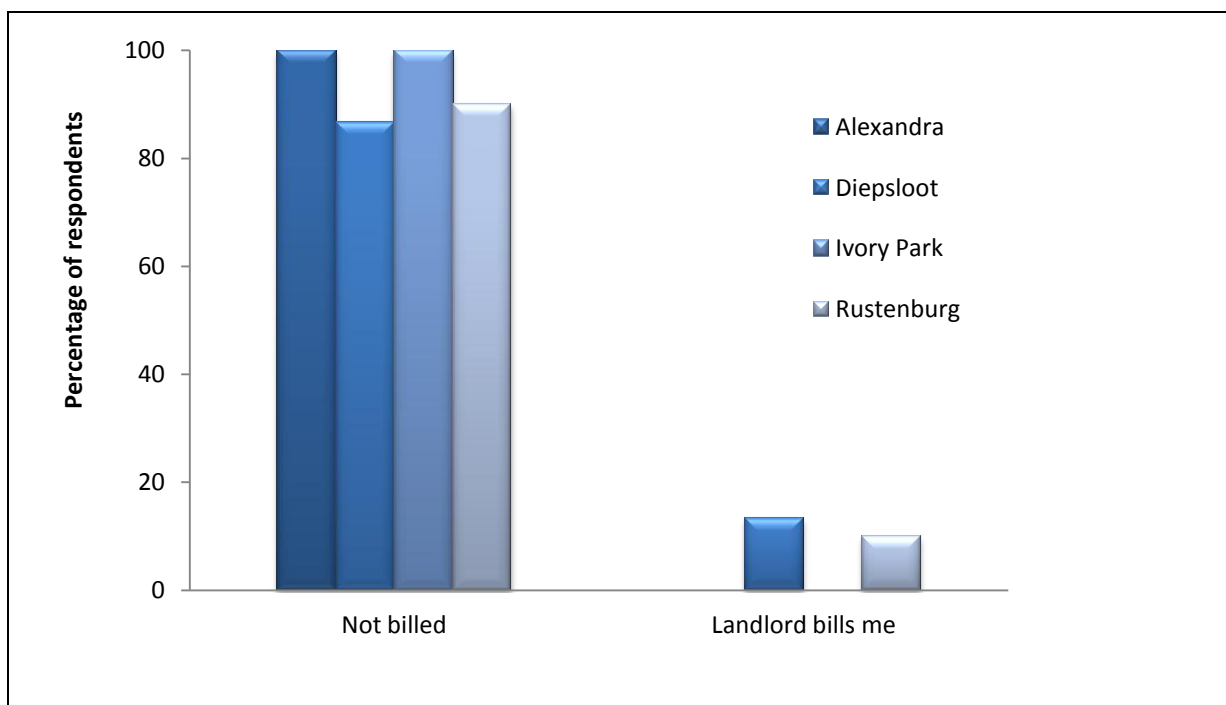


Figure 15. Percentage of respondents who are billed by their landlord in Alexandra, Diepsloot, Ivory Park and Rustenburg.

Although the majority of respondents did not pay for water services (Figure 14 and Figure 15), in Alexandra and Rustenburg 13% and 10% of landlords respectively charged for water services (Figure 15). In addition, between 70% and 90% of respondents in Diepsloot, Ivory Park and Rustenburg said that the landlord was responsible for providing water services to the backyard dwellings (Figure 16). In Alexandra, however, most respondents felt that the municipality provided water services (43%) or didn't know who did (33%).

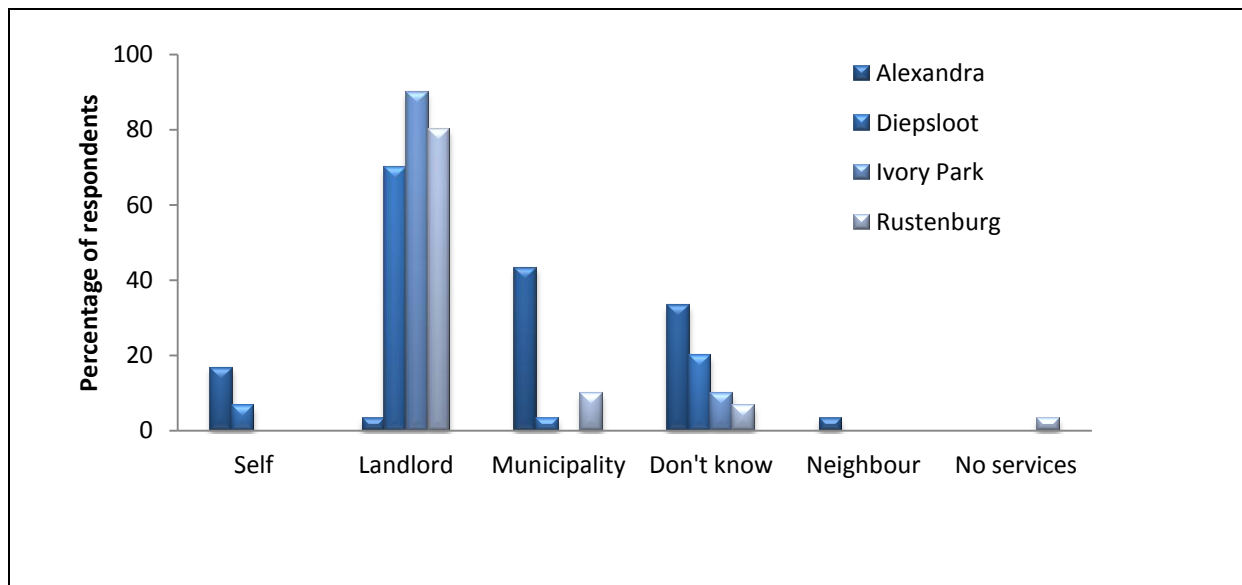


Figure 16. Who provides water in backyard dwellings in Alexandra, Diepsloot, Ivory Park and Rustenburg.

4.8. Sanitation services for backyard dwellers

In terms of access to sanitation services, the majority of backyard dwellers said that they had access (66%, 100%, 100%, 82% in Alexandra, Diepsloot, Ivory Park and Rustenburg) (Figure 17).

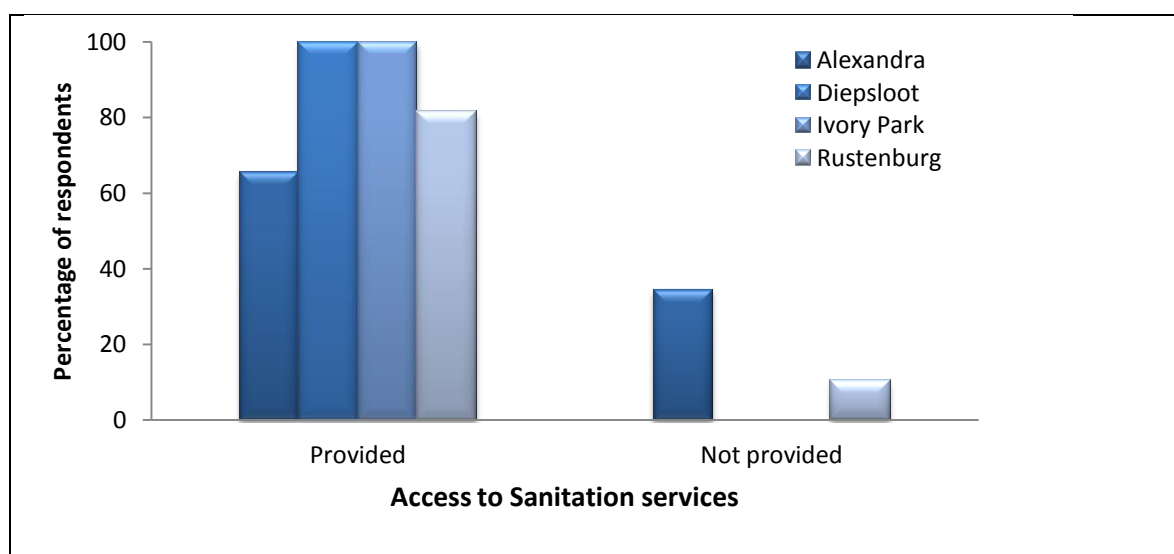


Figure 17 Access to Sanitation services in backyard dwellings in Alexandra, Diepsloot, Ivory Park and Rustenburg.

The most common type of sanitation service available in Alexandra, Diepsloot, Ivory Park and Rustenburg was a communal toilet inside the yard (47%, 93%, 97% and 51% respectively) (Figure 18).

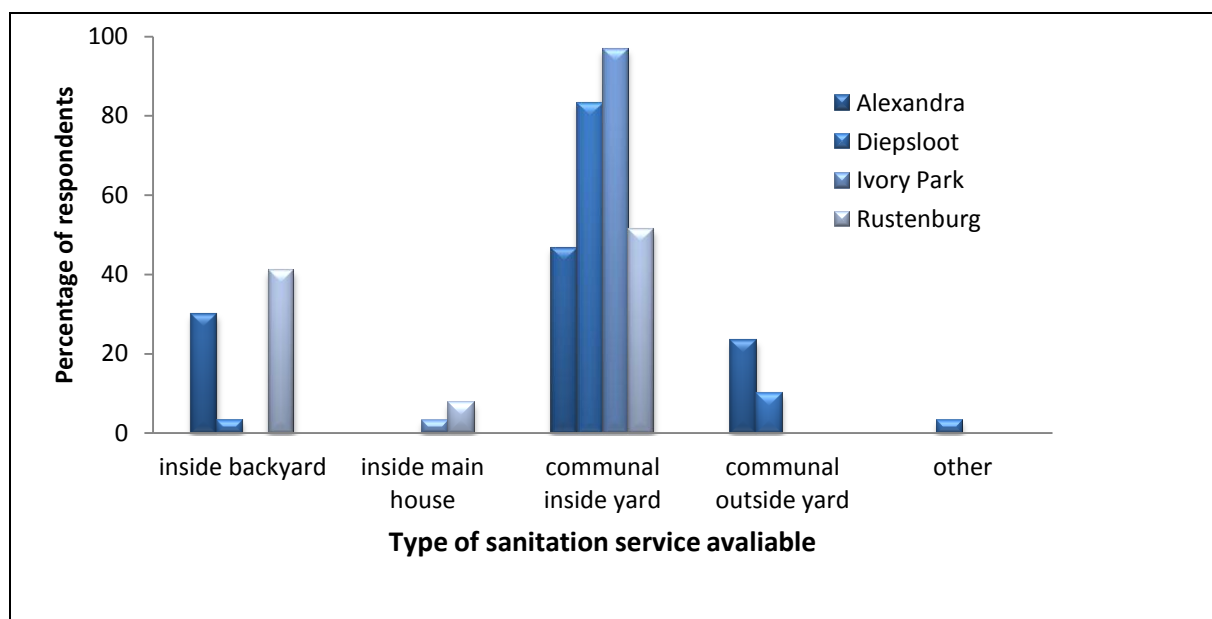


Figure 18 Type of Toilet Facilities available for backyard dwellers in Alexandra, Diepsloot, Ivory Park and Rustenburg.

4.9. Understanding of Free Basic Services (FBS)

The level of knowledge regarding free basic services was generally unspecified in all four case studies (Figure 19).

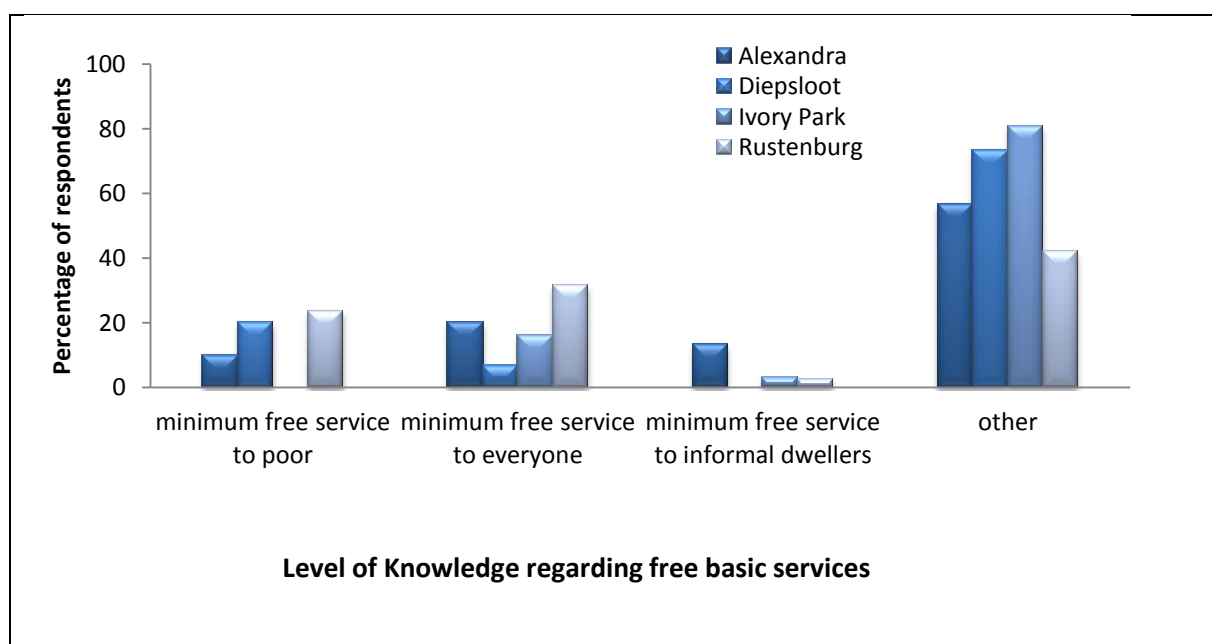


Figure 19 Backyard dweller level of knowledge of free basic services in Alexandra, Diepsloot, Ivory Park and Rustenburg.

In terms of rights to free basic services, the majority of backyard dwellers did not know their rights in Diepsloot, Ivory Park and Rustenburg (67%, 87% and 52% respectively) while in Alexandra 55% of backyard dwellers did not their rights (Figure 20).

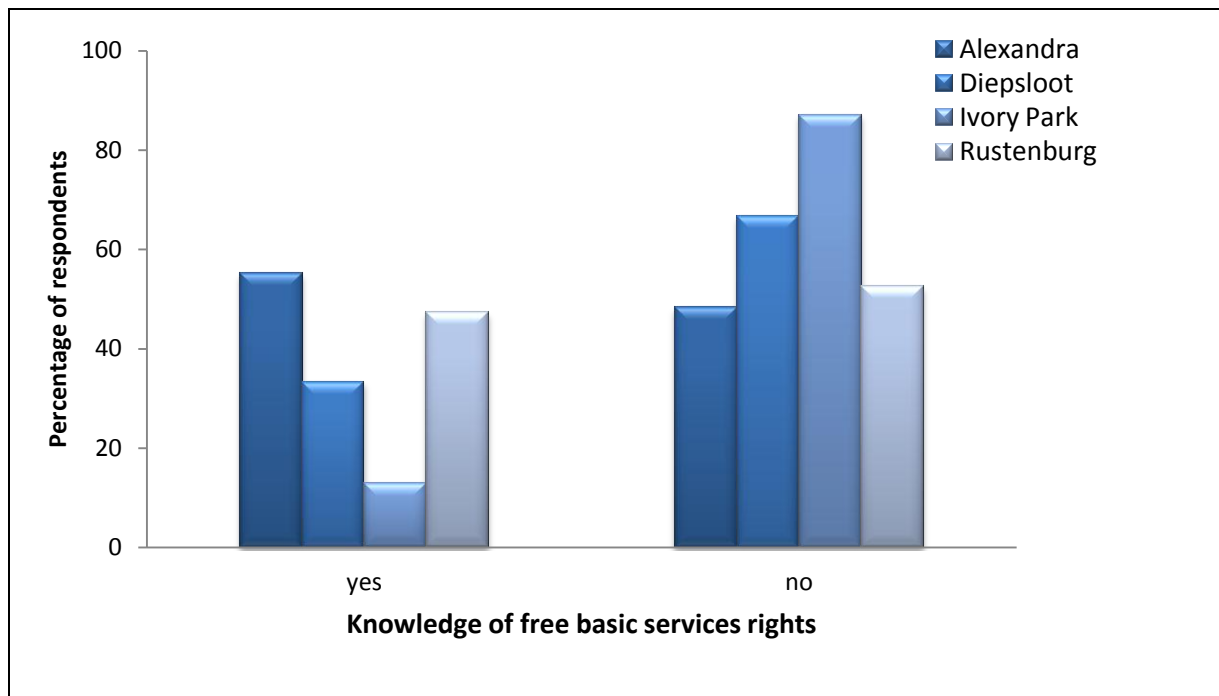


Figure 20 Backyard dweller knowledge of rights to free basic services in Alexandra, Diepsloot, Ivory Park and Rustenburg.

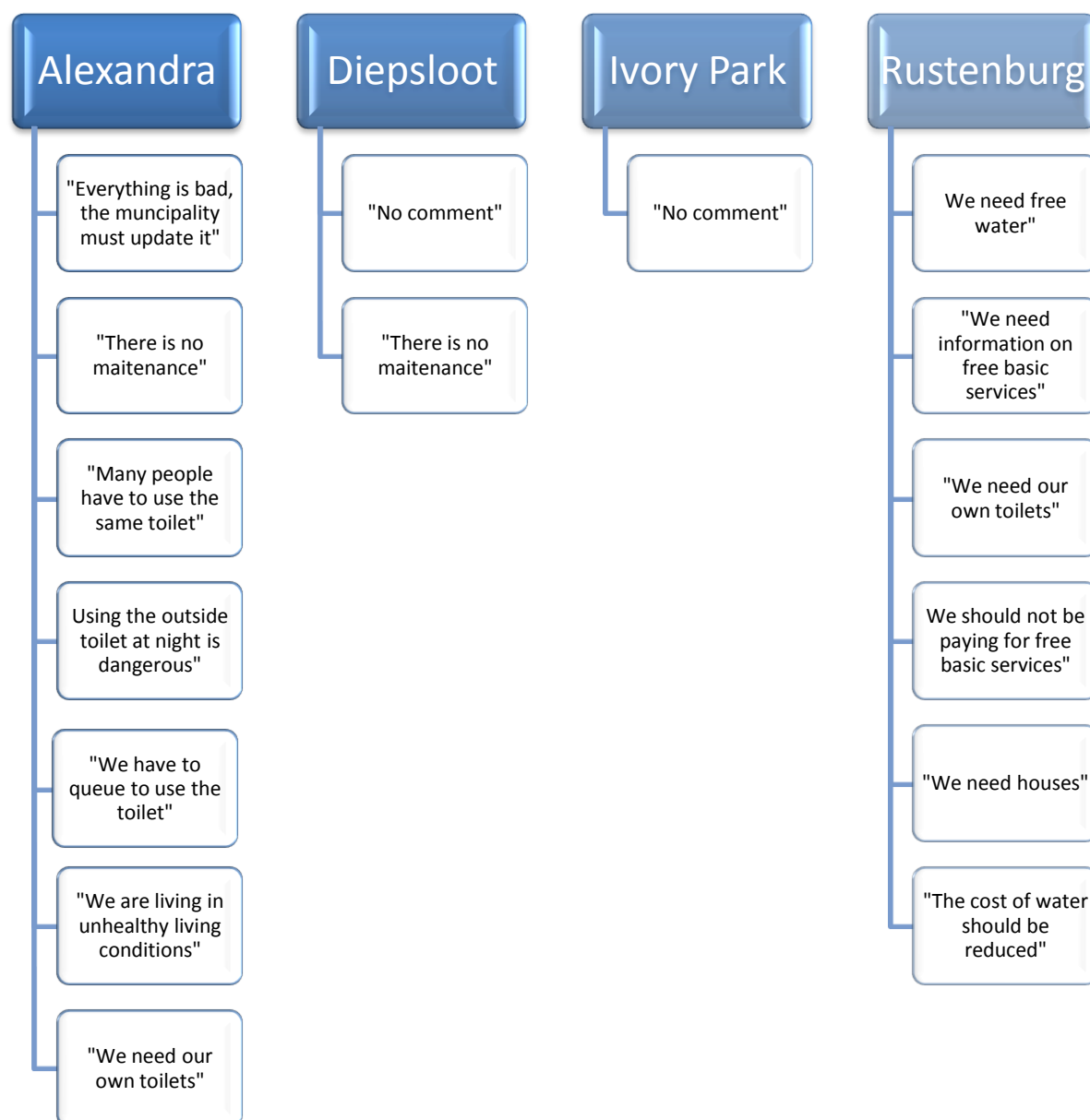


Figure 21 Comments regarding backyard dwellers' access to basic water and sanitation in Alexandra, Diepsloot, Ivory Park and Rustenburg.

Most of the comments received from backyard dwellers regarding access to basic water and sanitation were negative in nature. Residents in Alexandra and Rustenburg particularly were open about the issues they experienced. In Diepsloot and Ivory Park, respondents were reticent about providing an opinion and often had no comment. Residents in Rustenburg made special mention of a need for housing and education and information resources (Figure 21).

4.10. Alexandra Township: Analysis

4.10.1. The typical backyard dweller in Alexandra:

The typical backyard dweller in Alexandra lives in a one room brick or corrugated tin dwellings at the back of a (formal) RDP government house. He or she shares the backyard with approximately 6-10 households with less than 5 people per household. This dwelling is often built by this backyard tenant who stays in this dwelling for more than 10 years. About 40% 'own' their shack while 33% stay for free. Only 27% of the interviewed respondents paid rent. These backyard dwellers generally have access to water with no billing but most have to share access to a communal yard toilet. They also have the highest water consumption of the case studies (>100 units x 20l). In general, the level of knowledge of basic services was low with most respondents not knowing much about free basic services although about half did know they had a right to free basic services.

Backyard dwellings in Alexandra are inherited from family members who either have got a place in RPD houses or have moved to the suburbs in middle income areas. The maintenance and care of basic services such as water and sanitation (toilet) is taken is the responsibility of both formal RDP home owners and the backyard dwellers. The relationships between formal dwellers and backyard dwellers in Alexandra are relatively good. Usually the tenants are low income family members waiting for government subsidised housing and the condition of the backyard dwellings is poor and not maintained (Figure 4 and 5).

"Most backyard dwellers are waiting for government subsidised house; once they got houses before even they move into the new houses, they must make sure that they bring a family member from village to replace them in the backyard dwellings." Backyard dweller, Alexandra, 10 September 2010

4.10.2. Main issues faced by backyard dwellers in Alexandra

Access to sanitation in terms of a toilet, is a main concern in Alexandra where the tenants both from backyard dwellings and formal dwellings share one communal yard toilet. In particular the backyard dwellers find the queuing time in the morning very long as many people use the same toilet. This queuing time is especially difficult for women, for example in Ecuador, it was found that women who had to hold their bladder for long periods of time

were more prone to bladder infections and this is likely to affect backyard dwellers as well (Yacoob and Whiteford, 1995).

“If there is a long queue in our yard/house, I usually go and relieve myself in the where nobody is watching”. Female Backyard dweller, Alexandra, 10 September 2010

In addition many toilets are basic and cannot sustain the large numbers of people using them. Maintenance of these toilets is also an issue (Figure 22). Other issues relating to the outside communal toilet include the danger of leaving the shack to go to the toilet during the night.

“We are facing a serious problem with access or use of our toilet. We have only one toilet shared by six households. Every morning we have to make a queue and wait for almost 30 minutes; this is very difficult for women.” Male Backyard dweller, Alexandra, 10 September 2010



Figure 22: Communal yard toilet in Alexandra

4.10.3. Free Basic Services:

Alexandra receives free basic services in terms of the indigent policy developed by the Johannesburg Metropolitan Municipality. The case study of Alexandra has revealed that

water, electricity and sanitation as basket services are provided by local municipality's services utilities namely City Power, Johannesburg Water and PIKI TUP through subsidised programmes. Most backyard dwellers do not pay for water and so it can be assumed that the main house dweller pay for any water exceeding the free basic allowance or does not pay for water at all. No specific comments relating to access to free basic water were raised by backyard dwellers in Alexandra (Figure 21). However water services are not provided directly to backyard dwellers which suggest there is the potential for exploitation. For example, approximately 15% of backyard dwellers in Alexandra do not have access to water provision.



Figure 23. Backyard Dwellings in Alexandra 8th Avenue with free basic water and sanitation installation

4.11. Diepsloot Township

4.11.1. The typical Diepsloot backyard dweller

The typical Diepsloot backyard dweller lives in a corrugated tin shack in the backyard of RDP houses. He or she shares the backyard with between 6 to 15 other households. Almost 40% of respondents said that households were between 11 and 20 people in size although about 85% of structures are one bedroom. Most of these one bedroom shacks are self built

although backyard dwellers most often pay rent. The length of tenure in such a dwelling ranges from less than one year (30% of respondents), 1-5 years (30% of respondents) and more than 10 years (35% of respondents). Most backyard dwellers have access to water and are not billed but the amount of water used is relatively low (between 21 and 60 units x 20l). All backyard dwellers in Diepsloot said they had access to sanitation, mostly in the form of a communal toilet inside the yard. The level of knowledge regarding backyard dwellers is relatively low with many saying they were 'not sure' about access to free basic water and approximately 65% saying they did not know of their rights regarding access to free basic services.

4.11.2. Main issues faced by backyard dwellers in Diepsloot

In general, backyard dwellings in Diepsloot are mainly located in the urban periphery. Electricity is a main concern and a cause of contention between landlord and tenant. Landlords often justify rent increases on electricity tariff increases. Every parcel of land has its own electricity box with pre-paid meter electricity. Every household pays R300 in monthly rent and this amount enables the landlord to pay the electricity bill; but also constitutes as a source of income as many landlords do not have formal jobs. However, most landlords in Diepsloot earn approximately R 1500 to 3000 per month from backyard tenants while the electricity bill is far lower than that – many backyard dwellers feel that this amounts to exploitation. Landlords and backyard dwellers engage in intensive negotiations prior to building the backyard shack, however, the landlord has rights to accept or reject any demands. The landlord also determines rules and conditions such no loud music, number of people likely stay, dimension and materials to be used for construction, monthly rent, etc.

No backyard structures which were being let to non-kin were constructed or purchased by landlords, indicating the lack of investment by landlords. Backyard dwellings in Diepsloot are used as a source of income and economic survival for low income landlords in which the majority are unemployed. During a site interview a woman who kept anonymous mentioned that:

"My landlord is good with me and I am not complaining about the rent that I pay. I know that she is not working and she needs also to pay the electricity bill. This place is better, secured and clean than in the free of rent on squatter camps". Backyard dweller, Diepsloot, 11 September 2010



Figure 24 Backyard Dwellings in Diepsloot Ext. 10, September 2010

Backyard dwellers in Diepsloot are not only exploited by expensive rent, but they are also frustrated by landlord who threaten to evict them if they do not comply with his/her rules and conditions mostly concerning rent payment. Backyard tenants have to keep paying their rent or service payments to their landlords who often do not pay their own rent and service payments. During a site interview on 11th September 2010, a woman who refused to fill a questionnaire mentioned that:

"I am scared to talk about service in front of my landlord. We pay expensive rent with so-called electricity bill and also we never saw even the bill. We never stopped paying our rent. Our money does not go to the office. It goes into the hands of the landlord. But they were not paying their rent. If you discussed any matter about water and electricity, you will be evicted or your shack will be removed or demolished." Backyard dweller, Diepsloot, 11 September 2010

If water, electricity, sanitation and rent are not major concerns for backyard dwellers in Diepsloot who are relatively happy about the social services; the landlord relationships seem to be a real concern. In an interview with a woman in Diepsloot stated that:

"Bad treatment from the landlord. You always have to pay extra money if you have visitors". Backyard dweller, Diepsloot, 11 September 2010

In Diepsloot, the gulf between informal settlement dwellers and backyard dwellers is represented by physical separation; however, the gulf between landlords and their backyard tenants is as extensive but less perceptible. Backyard dweller tenants not only pay high rent, but also do not live freely. As stated by one unemployed man during a site interview on 11th September 2010:

"You need to be patient if you want to stay here; we are not enjoying freedom of living, every time your life is under someone else's control. You live under a list of rules and conditions, every time you are recalled to justify for such or such of act committed that limit my freedom". Backyard dweller, Diepsloot, 11 September 2010

Backyard dwellers have a weak position—half in and half out of the formal areas, fearing eviction and this opens them to considerable exploitation by their landlords. One woman during a site informal discussion on 11th September 2010 expressed of her horror of shack camps:

"Let me stay here instead of going to those areas. Those places are terrible. You need to wake up and walk a long distance to collect water, exposed to the criminals. The area smells, there is no even minimum service. There is no order." Backyard dweller, Diepsloot, 11 September 2010

However, backyard dwellings in Diepsloot are source of income or survival strategy for landlords. In addition, backyard dwellings are contributing to overcrowding as well as over-consumption of services. From the landlords' perspective:

"The government knows that we are poor people without income and he built us houses and requires us to pay electricity bill, where we will get money to pay for that!? There are the reasons why we have established backyard structures to assist us to cope with those requirements". Landlord, Diepsloot, 11 September 2010

4.11.3. Free Basic Services

While water is free of charge installed by Johannesburg Water outside the main house and is accessible to everyone; there is a difference in regards to the use of the toilet. Backyard dwellers have to use a public toilet illegally constructed by the landlord behind the formal main house; while only the landlord uses the one inside the main house. Some backyard dwellers in Diepsloot are not aware/ informed about their rights to free basic services.

Although both the landlord and its tenants are the low income earners communities and qualify for free basic services such water, electricity and sanitation; they are ignorant of this right. Service providers in the area include City Power, PIKI TUP and Johannesburg Water.

Access to water and sanitation services are subsidised by the City of Johannesburg Metropolitan Municipality and provided by its service utilities namely Johannesburg water and PIKI TUP. Both landlord and backyard dwellers (tenants) do not pay for free water and sanitation however backyard dwellers pay the rent and water and electricity bill to landlord. Due to negative landlord relationships and fear of eviction, backyard dwellers are open to exploitation. Although they do not pay directly for access to water, if they do not pay they will lose access to water and sanitation.



Figure 25 Backyard Dwellings in Diepsloot Ext. 6

4.12. Ivory Park

4.12.1. The typical Ivory Park backyard dweller

The typical backyard dweller in Ivory Park stays in mostly brick (but sometimes corrugated tin) one room dwellings at the back of formal RDP houses (Figure 7 and 8). The number of dwellings per plot is smaller than in Alexandra and Diepsloot – 2 to 5 dwellings with 5 to 10 people per household. The majority of these rooms are built by the landlord and are rented

out. The length of tenure of a backyard dweller in Ivory Park ranges from 1 year (30%) to 1 to 5 years (30%) or more than 10 years (30%). A typical backyard dweller has access to water provision from the landlord although this water use is not billed. He or she also has access to sanitation services in the form of a communal toilet in the yard. The level of water use is relatively low – 21 to 30 x 20l units per month. In general, backyard dwellers in Ivory Park do not know of their basic rights in regards to access to water and sanitation.



Figure 26 Corrugated tin backyard dwelling in Ivory Park

4.12.2. Main issues faced by backyard dwellers in Ivory Park

In many cases, the landlord sat in on the interviews with backyard dwellers which most likely influenced the information obtained through the questionnaire. None of the 30 respondents made any detailed comments which suggest that they may feel too vulnerable to openly complain about the situation. Bathrooms and taps were always located in the backyard of the property and access to water and sanitation appeared to be good. One main concern in regards to water and sanitation services is the low level of knowledge regarding free basic services.



Figure 27: Brick backyard dwellings in Ivory Park with communal yard toilet

4.12.3. Free Basic Services

All respondents had access to water through a yard tap and access to sanitation through a communal outside toilet. Although many respondents do pay rent, they do not have to contribute directly for water and sanitation services.

4.13. **Rustenburg**

4.13.1. The typical Rustenburg backyard dweller

The typical Rustenburg backyard dweller lives in one to two room corrugated iron or brick dwelling in the backyard of a formal RDP house. In general there are 6 to 10 dwellings per property with less than 5 people per household. Most of these dwellings are built by the landlord although approximately 40% are self built. These backyard dwellings are rented out although occasionally a barter arrangement occurs. Most backyard dwellers stay in the same dwelling for 1 to 5 years, although some stay for more than 10 years (15%). All backyard dwellers have access to water and most have access to sanitation (as a communal toilet in the yard). Although rent is paid, these backyard dwellers do not pay a specific charge for water provision. As in Ivory Park the level of knowledge regarding access to free basic services is low.

4.13.2. Main issues faced by Backyard dwellers in Rustenburg

Backyard dwellers in Rustenburg were much more forthcoming than their counterparts in Ivory Park. Main issues were regarding sanitation services with some feeling that adequate toilet facilities were not provided. Gender was also an issue (as in Diepsloot).



Figure 28: Backyard dwellings in Thlabane, Rustenburg

"We need more toilets and separated toilets for women and men" Backyard dweller, Rustenburg, September 2010

"There are 20 people using 1 toilet...it is too much" Backyard dweller, Rustenburg, September 2010

In addition, some backyard dwellers were unhappy that they paid rent and then again for water. Once again this highlights the vulnerability of backyard dwellers. All backyard dwellers earn a low enough salary to be classified as indigent, however because of their informal rental agreements they often do not have access to free basic water.

"We should not have to pay for water and toilet because we pay rent" Backyard dweller, Rustenburg, September 2010

"The government must keep its promises – give everyone free basic water and sanitation" Backyard dweller, Rustenburg, September 2010

4.13.3. Free Basic Services

Another issue that comes to the fore in Rustenburg is lack of knowledge regarding access to free basic services. Without adequate knowledge regarding these services, backyard dwellers become more vulnerable to exploitation by landlords.

"I need knowledge of free basic services because I know nothing about them" Backyard dweller, Rustenburg, September 2010

"I have no idea of free basic services. It's the first time I hear of them...how can I access them?" Backyard dweller, Rustenburg, September 2010

4.14. LESSONS LEARNT

Both negative and positive aspects of backyard dwelling combine to provide 'push' and 'pull' factors (Figure 9). Pull factors include access to water usually through a yard tap, access to sanitation, safety and proximity to transportation routes while push factors include exploitation by landlords, high rents, inadequate sanitation and overcrowding. Trends show an increasing number of backyard dwellers which speaks to numerous influencing factors including low employment rates in rural areas and lack of affordable housing in urban areas. The current situation suggests that although there are negative aspects of backyard dwelling these are outweighed by the positive benefits (Figure 29).

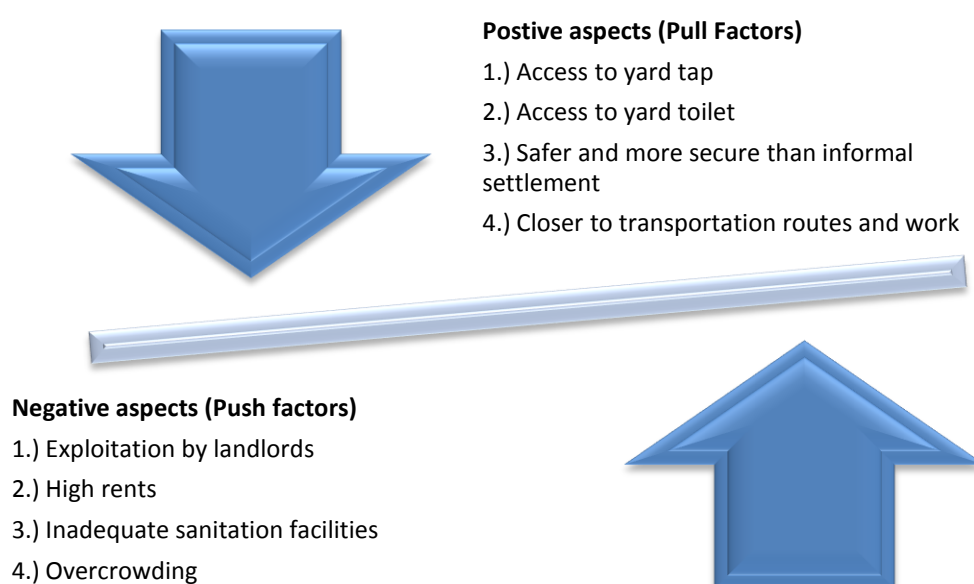


Figure 29 Relationship between positive and negative factors

The number of informal dwellings in a backyard (shacks) has increased by 46.3% in the period between 1996 and 2007 – overall in 2007, there were almost 1 million backyard dwellers (Stats SA, 2007; SAIIR, 2009). This influx increased the strain on limited resources such as housing, water and sanitation infrastructure, social services and employment. This increase necessitates a better understanding of the specific issues faced by such dwellers. Backyard dwellers have often been seen as transient, even by the dwellers themselves but the majority of respondents in the above studies have lived in backyard dwellings for more than 10 years. There also appears to be a level of inheritance with dwelling in Alexandra being passed to other family members.

The idea that backyard dwellings will gradually disappear has not materialised and is unlikely to in the near future. The housing backlog is growing despite the government housing subsidy programme and its generous funding. One reason for this is the conception of housing by the government which assumes that new units will replace informal housing units (Bradlow *et al.*, 2011).

4.15. LIMITATIONS

4.15.1. Survey Ambiguity

One of the main limitations of the above case study analyses is certain questions in the survey were slightly ambiguous. For example question 2 below:

Category of backyard dwelling (please tick appropriate answer)

Backyard in formal dwelling (a)	Backyard in Informal dwelling (b)	Multiple families backyard (c)	Sub-renting backyard (d)
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Multiple family backyard dwellings can occur at the back of formal dwellings as well as informal dwellings and can be sub renting in nature. In all cases, most respondents answered a.) Backyard dwelling in formal dwelling and then later provided information suggesting that multiple families lived in one stand. Although this is a limitation, the information collected on number of dwellings and number of people per household does provide some clarification. From the 129 surveys collected, it is clear that most backyard dwellers view themselves as living in formal backyard dwellings (i.e. at the back of RDP houses).

4.15.2. Fear of recrimination

In many cases, backyard dwellers and their landlords are both unemployed and landlords were interested in being part of the interview process. In Ivory Park, information from interviewers suggest that backyard dwellers were not as open or willing to discuss any complaints with their landlords present but also felt unable to ask the landlord to leave. The true extent of the issue in terms of qualitative narrative is therefore missing in the Ivory Park case study. Nevertheless, important information regarding access to water and sanitation for Ivory Park was still obtained.

4.16. The separation of housing and issues regarding access to water and sanitation

The focus of the study was guided by the requirements of the Water Research Council and was geared towards obtaining information on access to water and sanitation. One of the main issues regarding backyard dwellings is the fact that this is a multidimensional issue related to the economic status of the landlord, the lack of housing availability for backyard dwellers and the difficulty in providing free basic water and sanitation to households and not the stand. The nature of the informal rental housing market is also an important aspect. For example, many respondents indicated that they were not billed for water; however these dwellers did pay rent which may or may not include water and sanitation services.

5. STAKEHOLDER ENGAGEMENT

Stakeholder engagement was guided by the findings of the literature and policy review as well as the case studies. As such stakeholders from provincial and national departments of housing; Non-governmental organisations and Water services providers such as Johannesburg Water were conducted. In addition stakeholders from numerous district and local municipalities were contacted, however in many cases, interviews could not be arranged.

Stakeholder engagement will focus on information received from the following stakeholders (Table 6).

Table 3 Stakeholders interviewed in the stakeholder engagement process

Organisation	Representative	Title
eThekweni Municipality	Mark Byerley	Manager of Research and policy: Housing
Department of Housing	Louis van der Walt	Director of Human Settlements Policy Unit
South African Human Rights Commission (SAHRC)	Cameron Jacobs	Senior Researcher – Economic and Social Rights (ESR)
Johannesburg Water	Enoc Madau	Senior Manager: New Services
Capricorn District Municipality	Kennedy Chihota	Senior Manager: Infrastructure

5.1. Results

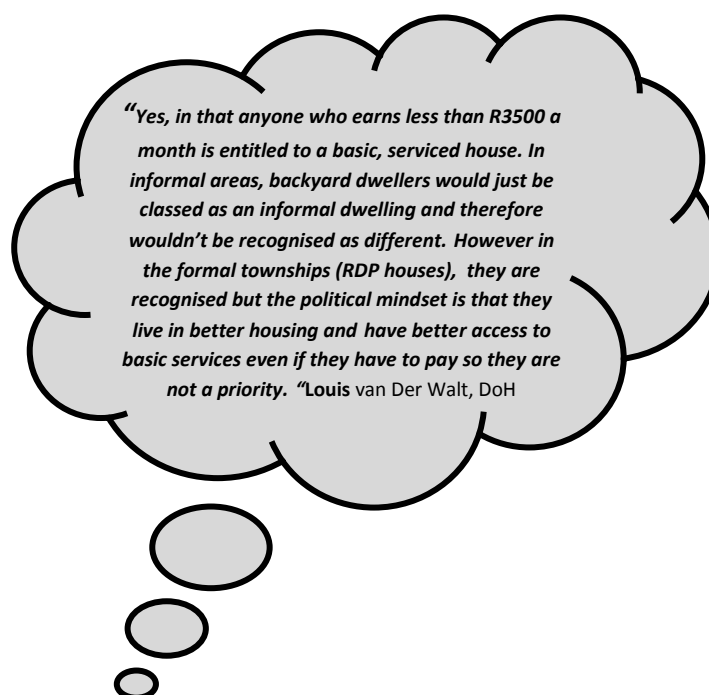
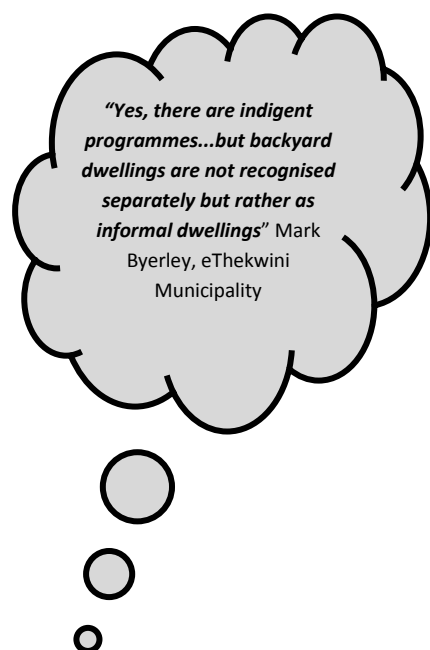
5.1.1. Definition of 'Household'

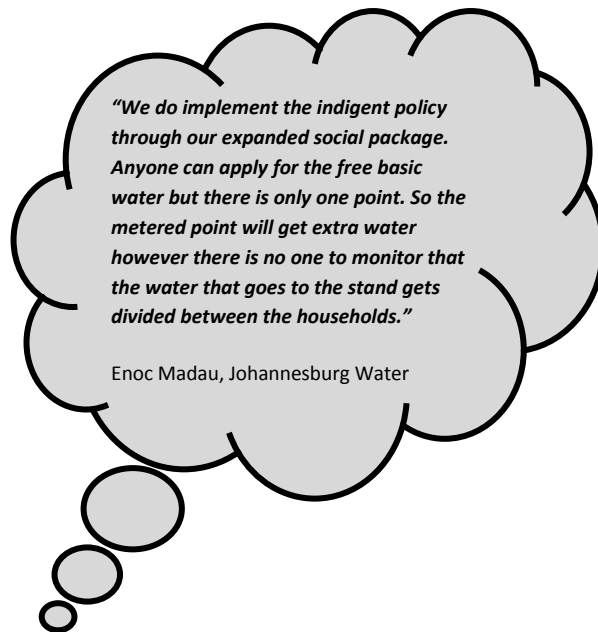
In most cases, the Stats SA definition is used as the standard definition (Table 7), however in terms of access to free basic water, the practical definition of a household is based on the stand.

Table 4: Definition of a household

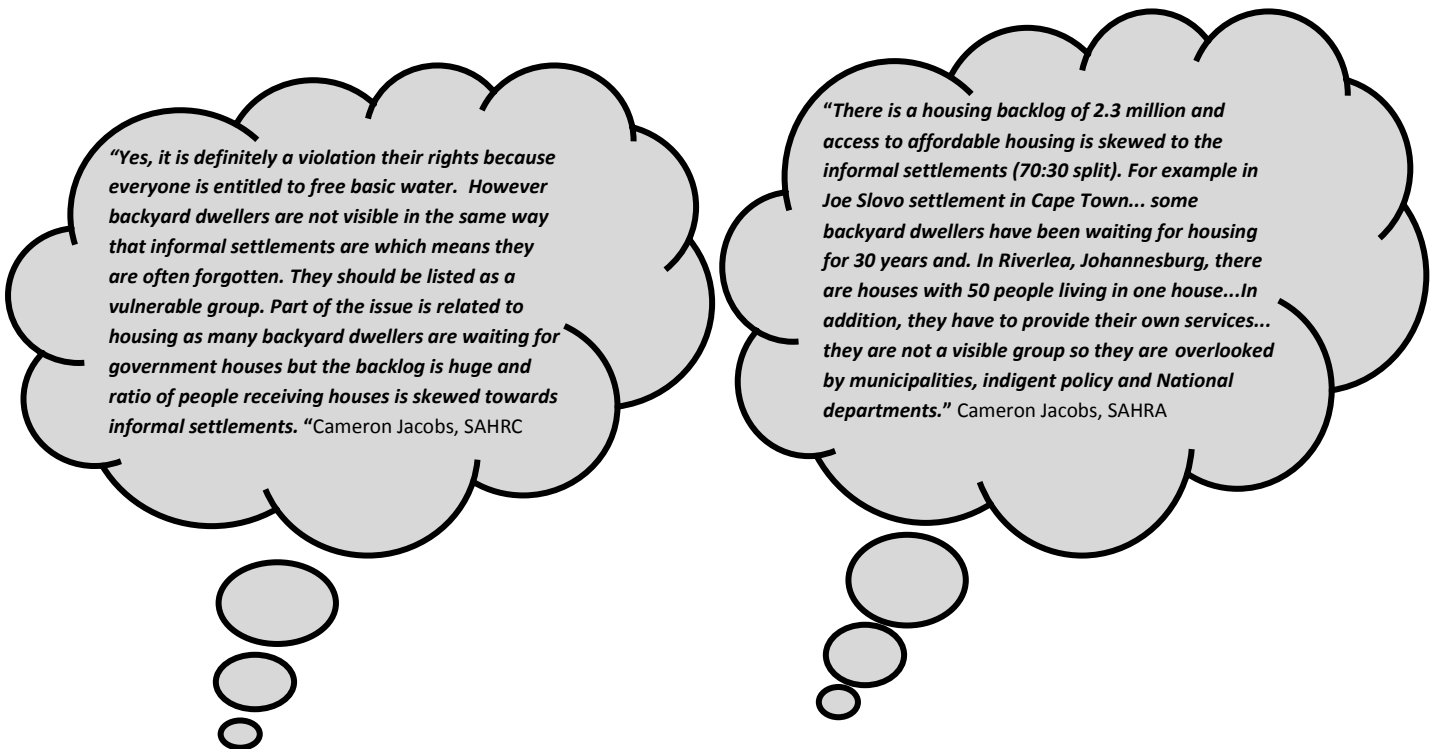
Organisation	Definition of Household
eThekweni Municipality	<i>StatsSA census definition</i>
Department of Housing	<i>Official statements are based on Stats SA number of households. So we do adhere to their definition.</i>
South African Human Rights Commission (SAHRC)	<i>The current definition is based on the Stats SA definition and excludes backyard dwellers but there would be a need to change the Stats SA definition because currently it is the definition used by all (i.e. standard definition).</i>
Johannesburg Water	<i>It is a difficult concept to define but basically in terms of providing free basic water, Johannesburg Water defines a household as stand</i>
Capricorn District Municipality	<i>In terms of access to free basic services it is per stand.</i>

5.1.2. Indigent Policy, Marginalisation and access to free basic services

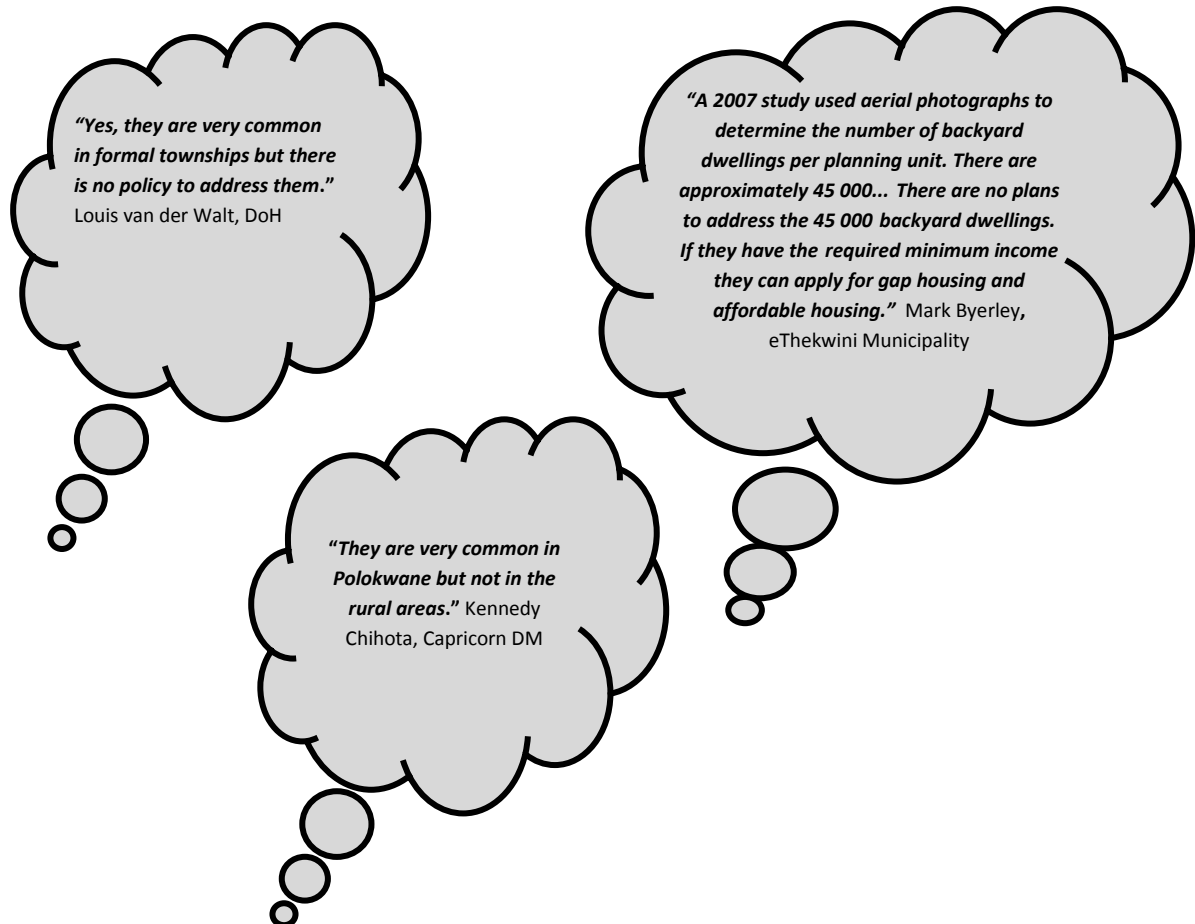




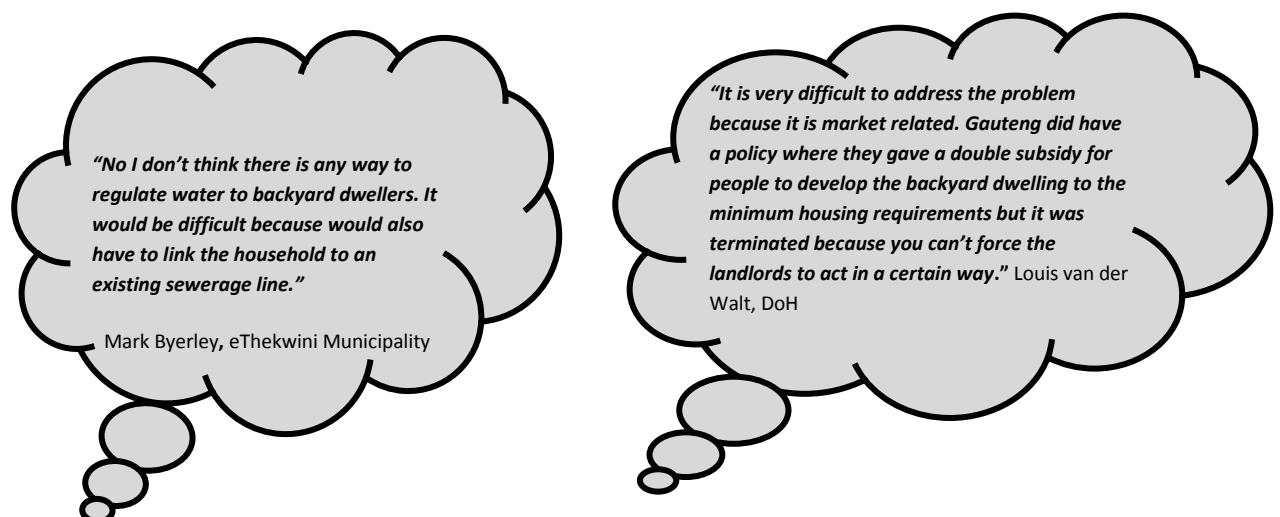
In terms of indigent policy, backyard dwellers are not prevented from accessing services, however they are not formally recognised and there appears to be no specific policy on a national level related to service access for backyard dwellers.

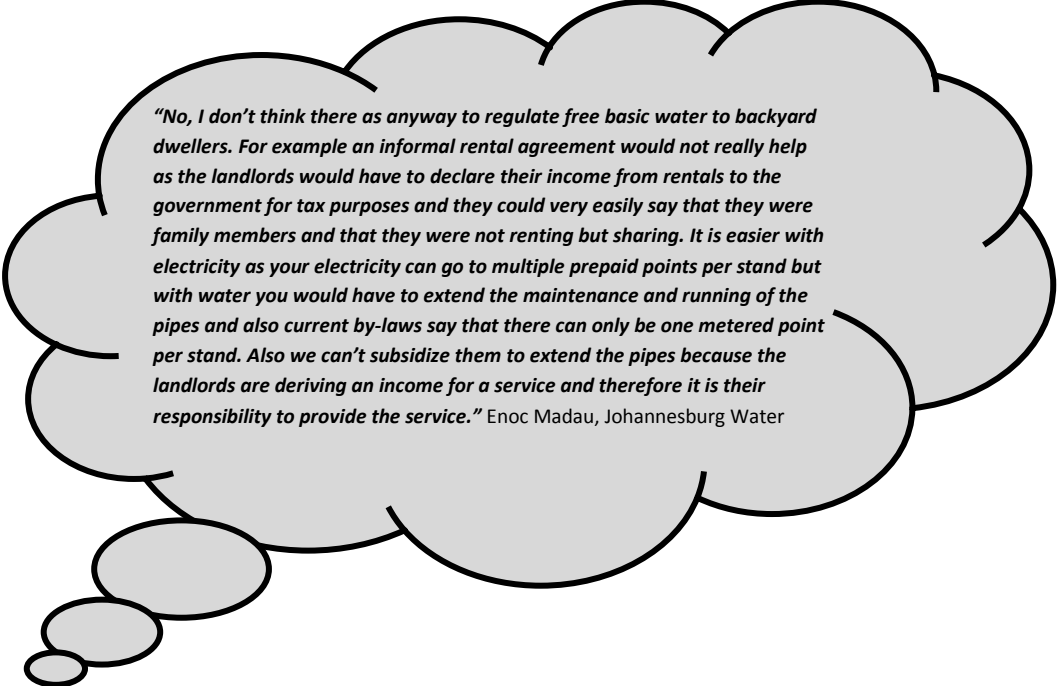


Backyard dwellers are not directly able to access free basic services which make them vulnerable and dependent on their landlord. In addition, they are often overlooked by government because the standard of living is higher than in informal settlements. Most worryingly is that are openly recognised as common but not addressed in policy and legislation.

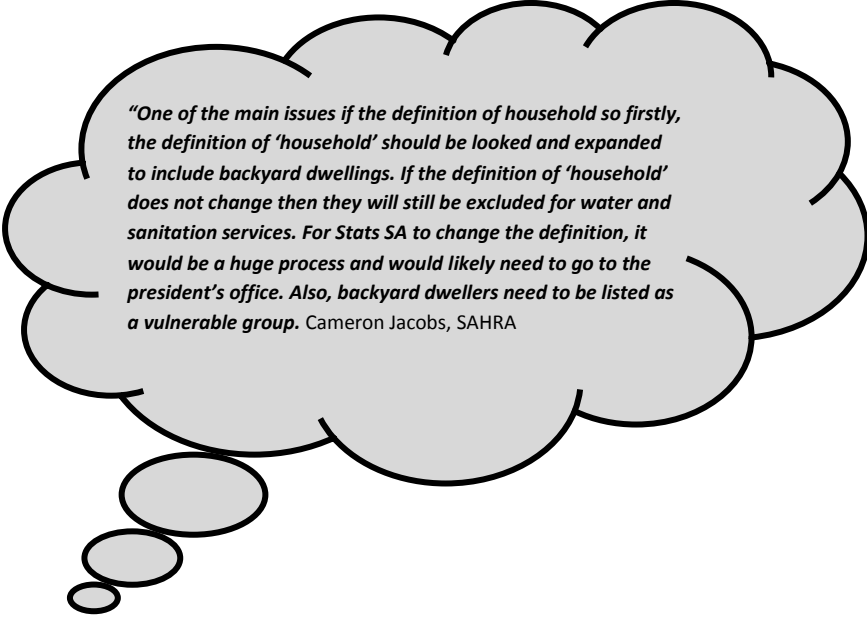


5.1.3. Addressing the problem





"No, I don't think there is anyway to regulate free basic water to backyard dwellers. For example an informal rental agreement would not really help as the landlords would have to declare their income from rentals to the government for tax purposes and they could very easily say that they were family members and that they were not renting but sharing. It is easier with electricity as your electricity can go to multiple prepaid points per stand but with water you would have to extend the maintenance and running of the pipes and also current by-laws say that there can only be one metered point per stand. Also we can't subsidize them to extend the pipes because the landlords are deriving an income for a service and therefore it is their responsibility to provide the service." Enoc Madau, Johannesburg Water



"One of the main issues is the definition of household so firstly, the definition of 'household' should be looked and expanded to include backyard dwellings. If the definition of 'household' does not change then they will still be excluded for water and sanitation services. For Stats SA to change the definition, it would be a huge process and would likely need to go to the president's office. Also, backyard dwellers need to be listed as a vulnerable group." Cameron Jacobs, SAHRA

One of the seemingly insurmountable obstacles in regards to providing backyard dwellers with access to water and sanitation services is that of the definition of 'household'. In addition, the infrastructure services that would be required would make any programme to supply water access to backyards very difficult. One of the last issues may also be one of the most important: backyard dwellers are not recognised as vulnerable and as such they are repeatedly overlooked.

5.2. Main Themes emerging from Stakeholder engagement

The main themes emerging from stakeholder engagement include:

- The definition of households,
- Difficulty of providing infrastructure to backyards
- Difficulty in regulating the informal nature of the landlord-tenant relationship
- Government's view of backyard dwellers

These themes have been used together with the literature review, policy review and case study analysis to provide a number of recommendations that will be elucidated in the following chapter.

6. DISCUSSION AND RECOMMENDATIONS

Analysis of case studies, literature and policy review and stakeholder engagement were combined to provide a nuanced view of the issues regarding access to water and sanitation for backyard dwellers (Figure 30). A short summary of the issues uncovered will be provided and used to suggest a number of recommendations.

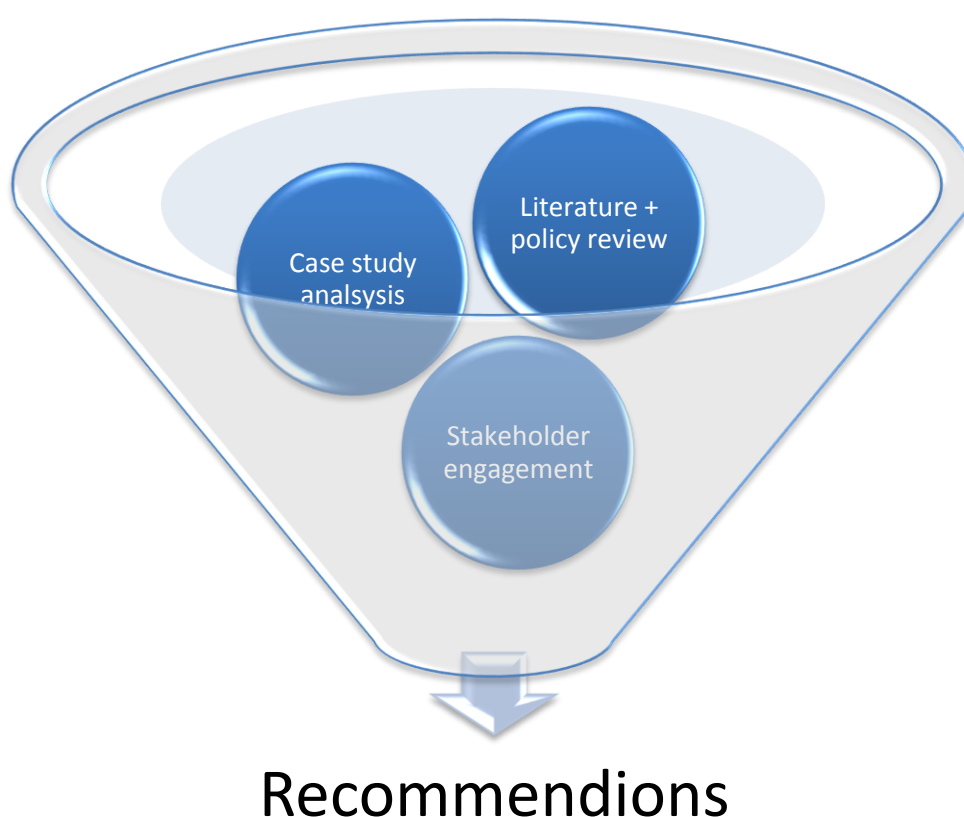


Figure 30: Schematic diagram of data sources used to provide recommendations

6.1. Summary of findings

6.1.1. Policy Review

The review of policy suggests that although free basic services policy is available to backyard dwellers in theory, in reality, these services are closely related to housing policy. Although each household is entitled to 6kl of water per month, lack of infrastructure means that this basic allotment is provided to each stand and not to each household in a stand. Although there has been some focus on rental alternatives to provide affordable housing, the

provision of basic services such as water to backyard dwellers has not been explicitly developed at a national level.

6.1.2. Literature Review

One of main issues explored in the literature review was that of terminology: multiple households per stand are known by many different names throughout the world although backyard dwellers are a specifically South African phenomenon (Lemanksi, 2009). This different terminology makes it difficult to draw direct parallels between South Africa and other countries such as Brazil or India. Despite this, interesting lessons can be learnt from countries in the Global South including the necessity of combining issues such as access to water and sanitation and housing together rather than attempting to deal with these issues separately.

Social exclusion mapping may be a useful way to determine vulnerability and was used successfully in Brazil, while NGO facilitation in Bangladesh was able to help establish water connections in areas that were previously thought to be 'illegal' and 'temporary'. Other important concepts included the fact that although governments may plan to provide affordable housing, multiple households per stand remain a feature because people need access to housing in urban areas and current housing does not meet housing needs.

6.1.3. Case Study Analysis

Case study analysis of backyard dwellers in Alexandra, Diepsloot, Ivory Park and Rustenburg suggest that living conditions in different areas need to be assessed separately. Although, in general, backyard dwellers do appear to have access to basic water and sanitation, the level of service differs. For example, backyard dwellers in Ivory Park appear to have a more negative relationship with landlords than backyard dwellers in Alexandra, Diepsloot or Rustenburg. While in Alexandra, most backyard dwellers do not pay rent. Such differences highlight the importance of social exclusion mapping in South Africa.

6.1.4. Stakeholder engagement

In general, stakeholder engagement suggested that although backyard dwellers are acknowledged by municipalities and government departments, they are marginalised in legislation and policy. In addition, the difficulty in providing backyard dwellers with access to

water and sanitation services is prohibitive and the backyard dwellers may remain dependent on their landlord for access to water and sanitation services.

6.2. Emergent themes

6.2.1. Lack of information

One of the emerging themes in the literature review and stakeholder engagement is that although backyard dwellers occur throughout the world, they are not specifically dealt with in studies and legislation. Information on slums and slum upgrading policy is easily obtained however; this most often does not directly relate to multiple households per stand or backyard dwellings. In addition, different terminology used in different countries and different types of multiple households per stand serves to cloud the issue. This combination of acknowledgement and ignorance leads to an information 'black hole' in a plethora of slum upgrading literature and informal settlement eradication policy. Simply put, backyard dwellers are left behind.

Case study analysis provides a more detailed view of backyard dwellers in South Africa; however, due to the informal nature of rental agreements in areas such as Ivory Park, it can be difficult to get detailed information on exploitation by landlords. There were no detailed comments from respondents in Ivory Park and some evidence to suggest this was related to the fact that the landlords were present at the interviews. One respondent in Diepsloot said "I am scared to talk about service in front of my landlord...if you discuss any matter about water and electricity, you will be evicted". This adds to the lack of information, because in order to stay in backyard dwellings which often do have better access to services, backyard dwellers often forgo the opportunity to complain about their issues.

6.2.2. 'Invisibility' of backyard dwellers

The lack of information on backyard dwellers in the literature and the lack mass visibility as a group means that backyard dwellers continue to remain marginalised in South Africa. This is partly due to the fact that informal settlement residents are more likely to clash with municipalities and government while backyard dwellers are often viewed as 'temporary'. In addition, government's current view is that backyard dwellers have better access to services than informal settlement dwellers. Government housing policy is skewed towards informal settlement dwellers while backyard dwellers are moved further down the housing backlog.

There are numerous cases of backyard dwellers waiting for years for housing grants and case study analysis suggests that in some areas, backyard dwellers have lived in the dwelling for over 10 years. Backyard dwellings are not temporary in nature and legislation and policy to address access to water and sanitation is urgently needed.

6.2.3. Lack of infrastructure capabilities

Although free basic services including free basic water are meant to be provided to each household, they are currently provided to each stand and the difficulty in providing water infrastructure to each backyard dwelling is colossal. Enoc Madau from Johannesburg Water explained that although backyard dwellers could apply for free basic water as part of the indigent policy and a greater allotment of water would be provided to each stand, there were no mechanisms to ensure that each household would have access to the free basic water allotment.

6.2.4. Legislation requirements

Indigent policy does provide some mechanism for backyard dwellers to access free basic services, however the lack of legislation, makes the control of this access difficult and backyard dwellers are dependent on the good will of landlords for access to water and sanitation services. Legislation to formalise the backyard dweller/landlord relationship may provide the mechanisms to provide access to free basic water.

6.3. Recommendations

The 2004 definition of a household is “a group of persons who live together and provide themselves jointly with food and/or other essentials for living, or a single person living alone”. Households are accommodated in housing units which may consist of one structure (a house), more than one structure (a group of rondavels) or part of a structure (a flat). Other important terminology includes the term, collective living quarters where certain facilities are shared by groups of individuals or households which include hotels, hostels and institutions (Statistics South Africa, 2004). However, although Statistics South Africa does define households in a way that includes backyard dwellers, this does not translate to government and municipal policy regarding access to free basic services. Although backyard dwellers can register as ‘indigent’ and the stand can receive a free basic water allowance there is no way to ensure that the backyard resident receives this service. Instead government and municipalities rely on the goodwill of landlords to continue to allow backyard dwellers to

receive access to water and sanitation. This reliance is dangerous and in times of economic instability, the good relationship between landlords and backyard dwellers may change.

Formalising the backyard dweller/landlord relationship through rental policy is also fraught with difficulty as it is likely that landlords would be resistant to disclosing rental earnings. In addition, this would also be difficult to police as landlords could easily claim that backyard dwellers were family members and paying no rent. However, the informal nature of backyard dwellings and the dependence on landlord ethics requires a level of formalisation. On the other hand, the difficulty in providing infrastructure to backyard dwellers is prohibitive, especially with the large number of backyard dwellers in South Africa.

6.3.1. Rental Grant Housing Programme

One recommendation follows that of Martin and Nell (2002). A rental grant programme will provide incentive for landlords to declare backyard dwellers. In order to obtain any subsidies, a minimum standard would have to be provided to backyard dwellers. This minimum standard would include access to an outside tap and toilet at all times.

6.3.2. Education initiatives

Secondly, an education initiative to educate landlords and backyard dwellers on their roles, rights and responsibilities is absolutely necessary. Information on indigent policy needs to be more accessible and ward councillors need to be educated to include backyard dwellers the municipality's indigent policy. The case studies suggests that in some areas, there is not enough information available

6.3.3. Government acknowledgement

Although, the governmental aim of providing home ownership to all is laudable, at this current point, the importance of the rental market cannot be overlooked. Backyard dwellings are an important part of the housing system in South African cities. In order to ensure that all households have access to free basic services, these dwellings have to be acknowledged. This would require numerous sessions with stakeholders in government and municipalities to ensure that 1.) there was an increased understanding of the importance of backyard dwellings in South Africa 2.) there was an understanding of the permanence of these

structures – currently, the concept of backyard dwellers is that it is temporary and will be eradicated with housing programmes. However historical information suggests that these are not temporary and even in some areas have a form of ‘inheritance’ where they are passed to rural families once the current occupiers have moved on.

7. CONCLUSIONS

In conclusion, backyard dwellers is a common phenomenon in South Africa. There are four key conclusions from the study.

Firstly, based on current legislation, households are entitled to free basic water. A household is not defined in any water sector policies or legislation, therefore, in the absence of a definition, one can argue that a backyard dwelling is a household and as such is entitled to access to free basic water. In the review of the Water Services Act, (Act 108 of 1997) a clear and concise definition of a household in line with water sector policies must be provided.

Secondly, even if a definition of a household in the context of water sector functions is provided, municipal bylaws prevent a municipality from providing more than one connection to a stand hence, the gaps and ambiguities between water sector legislation and other legislation must be corrected.

Thirdly, although most backyard dwellers in the case study have access to water and sanitation services, they are dependent on the goodwill of the landlord for continued services. Currently, there is no legislation or policy that provides minimum standards or codes of good practice for landlord/backyard dweller relationships. Instead government has focused on housing policy to provide home ownership. However, due to the current backlog and the permanent nature of backyard dwellings, backyard dwellers need to be acknowledged by government and municipalities. In addition, education initiatives and a rental housing policy are required to formalise the backyard dweller/landlord relationship. With a more formalised rental policy, legislation would ensure that water access could not be withheld (for whatever reason). It would also provide a mechanism to ensure that backyard dwellers could apply for free basic water. Although there are numerous pitfalls to formalising an informal rental housing market, discussion with all stakeholders in workshops allow for an encompassing strategy.

Fourthly, the housing and water sector should consider a differentiation between formal and informal tenants through the RHA as it could provide the basis to introduce a new level of service for backyard dwellers which may not necessarily meet the FBS but is better than no service at all. This level of service could be more affordable and attractive for the landlord.

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9. APPENDICES

9.1. Questionnaire for Backyard Dwellers living in Informal Dwellings, 2010

Project Background

Backyard dwellers live in the most vulnerable and nearly similar conditions to informal settlement dwellers. Their access to social basic services is often dependant on the goodwill and grace of the landlord. The Water Research Commission (WRC) has requested a research report on the mechanisms and implementation strategies for the provision of water and sanitation to backyard Dwellers. The focus of the study is on implementation strategies available to municipalities to ensure that multiple households and/or backyard dwellers are provided with free basic services. Nema Consulting was appointed by the Water Research Commission as the Independent Consultants to undertake a research project on the issues related to provision of water and sanitation to backyard dwellings in South Africa. As part of the research project, may you please complete the following questionnaire and return us on the below mentioned contact details. If you require more information about the project, please contact: Mr Clement Longondjo (see contact details below).

Respondent Name:			Contact Details		
Area:					
Age:		Gender: <i>(circle)</i>	M	F	
Ethnic groups:					
Education Level:					
Occupation:					
Employment sector:					
Household's Monthly income	<i>(please circle the appropriate answer)</i> Below 1000 1000-2000 2000-5000 5000-10000 Above-10000				

1. How long have you been living in this dwelling? *(please tick appropriate answer)*

<1year (a)	1 to 5 years (b)	5 to 10 years (c)	>10 years (d)
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2. Category of backyard dwelling *(please tick appropriate answer)*

Backyard in formal dwelling (a)	Backyard in Informal dwelling (b)	Multiple families backyard (c)	Sub-renting backyard (d)
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3. Type of backyard dwelling ownership *(please tick the appropriate answer)*

Barter Agreement (a)	Own (b)	Rent(c)	Stay for free (d)
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4. How many households are there on the property?

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5. How many people live in your backyard dwelling?

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6. Who constructed your house *(please tick the appropriate answer)*

Myself (a)	Landlord (b)	Municipality (c)	Other <i>(please specify)</i> : (d)
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7. How many rooms are in your dwelling? *(please enter the No in the box below)*

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8. What type of material was used to construct your house?

Brick (a)	Corrugated Tin(b)	Cardboard (c)	Wood (d)
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9. Are you provided with water? *(Please tick appropriate answer). If yes, how do you access the water?*

Yes (a)	No (b)
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10. Who is responsible for providing you with water?

me (a)	Landlord (b)	Other (c)
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11. How much of water do you use per month

No of 20 litre buckets _____

12. How do you get billed for the water you use?

13. Are you provided with sanitation services? *(please tick appropriate answer)*

Yes (a)	No (b)
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14. Who is responsible for providing you with access to sanitation?

15. How do you get billed for the use of the toilet?

16. Where is the toilet?

Inside backyard (a)	Inside main house (b)	Communal inside yard (c)	Communal outside yard (d)	Other (e)
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17. What do you know about the free basic services? *(please tick any that apply)*

Minimum free service to the poor (a)	Minimum free service to everyone (b)	Minimum free service to informal dwellers (c)	Other <i>(please specify)</i> (d)
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18. Do you know that you have rights to free basic services including water and sanitation? *(please tick appropriate answer)*

Yes (a)	No (b)
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19. Do you have any other comments or suggestions about what we should consider in our research into the provision of water and sanitation to backyard dwellers?

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Thank you very much for your time and cooperation. Should you require any feedback on the project please do not hesitate to contact us.



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