



**AN ANALYSIS OF THE HOUSING CODE 2009 ON INFORMAL SETTLEMENTS
UPGRADES: A CASE STUDY OF KWAJIKA-JOE, PIETERMARITZBURG,
KWAZULU-NATAL.**

By

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DECLARATION

I **LUNGILE NGUBO** declare that:

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- ii. This dissertation has not been submitted for any degree or examination at any other university.
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DEDICATION

I dedicate this dissertation to myself, in recognition of the resilience, perseverance, and quiet strength it took to reach this milestone. This journey was marked by challenges, self-doubt, and moments of exhaustion, yet I continued to rise, to persist, and to believe in my capacity to endure and succeed. Completing this work stands as a testament to that determination.

I also dedicate this dissertation to my late grandmother, Nombulelo Joyce “MaZwane” Ngubo, a woman whose love, guidance, and sacrifices shaped the person I am today. She raised me with unwavering care and unconditional love, and she was my first and greatest source of strength. Although she is no longer physically present, her love continues to sustain and inspire me, especially in moments when the world feels overwhelming. This achievement carries her spirit, her lessons, and her enduring presence within it.

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LIST OF ABBREVIATIONS

AAAQ	Availability, Accessibility, Acceptability and Quality
ANC	African National Congress
BNG	Breaking New Ground
CBDP	Community-Based Development Programme
CESCR	Committee on Economic, Social and Cultural Rights
CRUs	Community Residential Units
EPWP	Expanded Public Works Programme
ILO	International Labour Organization
IUDF	Integrated Urban Development Framework
MNCP	Mama Ntombi's Community Projects
NDP	National Development Plan
NGO(s)	Non-Governmental Organisation(s)
NUSP	National Upgrading Support Programme
OHCHR	Office of the United Nations High Commissioner for Human Rights
PIE	Prevention of Illegal Eviction and Unlawful Occupation of Land Act
RDP	Reconstruction and Development Programme
SANC	South African National Census
SDGs	Sustainable Development Goals
SDI	Slum Dwellers International
SPLUMA	Spatial Planning and Land Use Management Act
Stats SA	Statistics South Africa
UISP	Upgrading of Informal Settlements Programme
UN	United Nations
UN-Habitat	United Nations Human Settlements Programme
WHO	World Health Organization

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ABSTRACT

This study analyses the implementation of the Housing Code (2009) in informal settlement upgrading, using KwaJika Joe within the Msunduzi Municipality in Pietermaritzburg, South Africa, as a case study. Guided by the Basic Human Needs Approach, Brynard's 5-C Protocol, and complementary policy implementation frameworks, the research examines how the informal settlements upgrading programme has been translated from policy intent into practice at the municipal level. The study sought to assess the implementation process, identify key institutional and governance challenges, analyse alignment with policy provisions, and explore opportunities for improving policy execution. A desktop case study methodology was adopted, drawing on academic literature, policy documents, municipal reports, and media sources. Through thematic analysis, the findings reveal that despite a comprehensive and progressive policy framework, implementation remains constrained by institutional capacity limitations, governance coordination challenges, policy ambiguities, and weaknesses in community participation. These challenges have contributed to uneven service delivery, delays in upgrading interventions, and dissatisfaction among some residents. The study concludes that while the Housing Code (2009) provides a sound framework for informal settlement upgrading its effectiveness is dependent on strengthened institutional capacity, clearer policy guidance, and more meaningful participatory mechanisms. The research contributes to a deeper understanding of policy implementation in informal settlements and offers insights to inform more responsive and sustainable housing interventions in South Africa.

CHAPTER 1: Introduction and Background

1.1 Introduction

This study aims to analyse the implementation of the Housing Code (2009) in upgrading informal settlements, using KwaJika Joe in Pietermaritzburg, KwaZulu-Natal, as a case study. The study seeks to investigate the challenges faced by the Msunduzi Municipality in upgrading informal settlements and to identify areas for improvement in the implementation of the Housing Code. This chapter introduces the study by outlining the background and context of informal settlements in South Africa, as well as the research problem that the study aims to address. The chapter also provides an overview of the research questions, objectives, and significance of the study. Furthermore, it outlines the scope and limitations of the study and provides a brief overview of the methodology used.

1.2 Background of the Study

Informal settlements continue to constitute a significant component of South Africa's urban landscape, reflecting persistent challenges associated with rapid urbanisation, housing shortages, and socio-economic inequality. Despite sustained government efforts to improve access to adequate housing, recent evidence indicates that a substantial proportion of South African households continue to reside in informal dwellings, highlighting the ongoing pressure on the country's human settlements sector (Statistics South Africa, 2024; Department of Human Settlements, 2023).

According to Statistics South Africa (2024), continued population growth and rapid urbanisation have intensified the demand for housing and basic municipal services, particularly in metropolitan municipalities and secondary cities. These demographic pressures, coupled with persistent socio-economic inequalities and limited access to affordable housing, have contributed to the continued expansion of informal settlements across the country. The Department of Human Settlements (2025) acknowledges that addressing the national housing backlog and accelerating informal settlement upgrading remain central priorities for achieving sustainable human settlements. Consequently, the upgrading of informal settlements has become a key policy intervention aimed at improving living conditions, expanding access to basic services, and promoting inclusive urban development.

In response to the growing challenges associated with informal settlements, the South African government introduced the Housing Code (2009) as the principal policy framework guiding

the delivery of sustainable human settlements and the upgrading of informal settlements (Republic of South Africa, 2009). Within the Housing Code, the Upgrading of Informal Settlements Programme (UISP) provides a comprehensive framework for the incremental, in-situ upgrading of informal settlements, with the objective of improving residents' access to secure tenure, basic municipal services, and adequate housing while minimising unnecessary relocation (Republic of South Africa, 2009). The Housing Code promotes a participatory and developmental approach to upgrading, recognising that informal settlements are established communities with existing social networks, livelihood systems, and community structures that should be strengthened rather than disrupted. Recent scholarship further emphasises that in-situ upgrading contributes to more inclusive, sustainable, and socially responsive human settlements by integrating infrastructure provision, community participation, and local development within existing settlements (South African Cities Network, 2021; Department of Human Settlements, 2023).

More than fifteen years after the adoption of the Housing Code (2009), informal settlement upgrading remains a strategic national priority. Government planning documents, including the Department of Human Settlements Annual Performance Plan (2025/26), continue to prioritise the upgrading of informal settlements through the Informal Settlements Upgrading Partnership Grant (ISUPG), recognising that many communities continue to experience inadequate access to housing, sanitation, water, electricity and secure tenure despite existing policy interventions (Department of Human Settlements, 2025).

KwaJika Joe Informal Settlement, located in Pietermaritzburg within the Msunduzi Local Municipality, provides an appropriate case through which to analyse the implementation of the Housing Code (2009). The settlement has been the focus of in-situ upgrading interventions intended to improve residents' access to secure tenure, adequate housing, and essential municipal services. Despite these interventions, the settlement continues to experience challenges associated with housing provision, infrastructure backlogs, service delivery, and the incremental implementation of upgrading initiatives (Msimang, 2017; Department of Human Settlements, 2025). These challenges illustrate the complexities associated with translating national housing policy into effective local implementation.

The experiences of KwaJika Joe are consistent with broader trends observed across South Africa. Recent government reports indicate that many municipalities continue to encounter implementation constraints arising from rapid urbanisation, limited institutional capacity,

infrastructure backlogs, financial resource limitations, and increasing demand for serviced land (Department of Human Settlements, 2025; South African Cities Network, 2021).

Consequently, KwaJika Joe does not represent an isolated case but rather reflects many of the implementation challenges confronting municipalities responsible for informal settlement upgrading. As such, the settlement provides a relevant context for analysing how the Housing Code (2009) has been implemented in practice and for identifying factors that influence the achievement of its intended policy objectives.

The South African Constitution guarantees the right to adequate housing, placing a duty on municipalities to provide basic services and promote social and economic development (South African Constitution, Chapter 2). Recent national statistics indicate that although access to basic services has improved over time, significant inequalities remain within informal settlements, particularly regarding sanitation, secure tenure, housing quality and reliable infrastructure (Statistics South Africa, 2024). These continuing service delivery deficits reinforce the importance of analysing not only the existence of progressive housing policies but also their implementation at municipal level. The Msunduzi Municipality's experience in KwaJika Joe underscores the complexities involved in implementing housing policies and highlights the need for a nuanced understanding of the specific context and needs of informal settlements.

The upgrading of informal settlements is a complex and multifaceted issue that requires a comprehensive approach addressing the social, economic, and environmental needs of residents. Effective policy implementation demands a deep understanding of these complexities, including the importance of community participation, social and economic development, and environmental sustainability. This study aims to contribute to the body of knowledge on effective policy implementation in informal settlements, with a specific focus on the KwaJika Joe case study. The continued prominence of informal settlement upgrading within current government planning documents further demonstrates the contemporary relevance of this study. Against this background, the present study analyses the implementation of the Housing Code (2009) within the KwaJika Joe Informal Settlement Upgrading Programme to examine the extent to which policy objectives have translated into improved housing outcomes and to identify implementation constraints that may inform future policy refinement and practice.

1.3 Research Problem

Despite South Africa's progressive constitutional and policy framework for informal settlement upgrading, a persistent implementation gap remains between the objectives of housing policy and the outcomes achieved through municipal implementation. The Constitution of the Republic of South Africa, 1996, guarantees the right of everyone to have access to adequate housing, while the National Housing Code (2009), through the Upgrading of Informal Settlements Programme (UISP), provides municipalities with a framework for the incremental, in-situ upgrading of informal settlements that promotes improved access to basic services, tenure security, and meaningful community participation (Constitution of the Republic of South Africa, 1996; Republic of South Africa, 2009). Although these policy and legislative frameworks establish a progressive foundation for informal settlement upgrading, both seminal and recent scholarship indicates that translating these policy commitments into equitable and sustainable outcomes remains uneven, particularly in municipalities constrained by institutional capacity, resource limitations, governance challenges, and complex socio-spatial conditions (Charlton, 2010; Huchzermeyer, 2011; South African Cities Network, 2021; Department of Human Settlements, 2025).

Recent policy and planning documents indicate that informal settlement upgrading continues to present substantial implementation challenges despite the existence of a comprehensive legislative and policy framework. The Department of Human Settlements (2025) acknowledges that municipalities continue to face constraints associated with rapid urbanisation, infrastructure backlogs, limited financial and technical capacity, land availability, and increasing demand for adequate housing. Similarly, Statistics South Africa (2024) reports that a considerable proportion of South African households continue to reside in informal dwellings, reflecting the ongoing housing backlog and sustained pressure on urban municipalities. These trends demonstrate that the implementation of informal settlement upgrading remains a contemporary governance and development challenge rather than merely a historical policy concern.

Although the recognition of informal settlements as legitimate spaces for incremental upgrading represented a significant policy shift, the effective implementation of upgrading programmes continues to be constrained by governance, institutional, and socio-economic factors. Seminal studies by Tissington (2011) and Gilbert (2009) highlighted the importance of recognising the diversity and complexity of informal settlements and cautioned against uniform

policy approaches that overlook local contexts. More recent scholarship similarly argues that implementation outcomes continue to be shaped by variations in municipal capacity, intergovernmental coordination, community participation, and resource availability, resulting in uneven upgrading outcomes across South African municipalities (South African Cities Network, 2021; Department of Human Settlements, 2025; Mnguni & Marais, 2023). Collectively, this body of literature suggests that the principal challenge lies not in the absence of an appropriate policy framework, but in the complexities associated with translating policy objectives into effective and context-responsive implementation.

The KwaJika Joe Informal Settlement within the Msunduzi Local Municipality provides an appropriate context for examining the implementation of the Housing Code (2009) in practice. Since the municipality initiated an in-situ upgrading programme in 2018, implementation has progressed through successive phases that have included the provision of basic municipal services and the development of Community Residential Units (CRUs) as formal rental accommodation for qualifying households. Although these interventions reflect progress towards the objectives of the Upgrading of Informal Settlements Programme (UISP), a considerable proportion of residents have continued to reside in informal conditions, suggesting that important implementation challenges remain. This highlights the need to examine not only whether upgrading interventions have been implemented, but also how the implementation process has influenced the achievement of intended policy outcomes.

Existing literature suggests that the implementation of informal settlement upgrading is frequently shaped by a combination of institutional, governance, and contextual factors. Studies have identified challenges relating to municipal capacity, intergovernmental coordination, administrative processes, land availability, tenure arrangements, resource constraints, and the quality of community participation as factors that may influence policy implementation and upgrading outcomes (Huchzermeyer, 2011; Tomlinson, 2013; South African Cities Network, 2021; Department of Human Settlements, 2025). While these implementation challenges have been documented at broader national and municipal levels, limited research has examined how they interact within the specific context of KwaJika Joe. Consequently, there remains a need for a context-specific analysis of how institutional, procedural, and contextual factors shape the implementation of the Housing Code (2009) and influence informal settlement upgrading outcomes within the settlement.

The implementation of informal settlement upgrading programmes frequently requires municipalities to balance policy objectives with the diverse needs and expectations of affected communities. While interventions such as Community Residential Units (CRUs) have the potential to improve access to formal housing and basic municipal services, the implementation of such interventions may also present challenges relating to affordability, tenure arrangements, beneficiary selection, relocation processes, and community participation. Existing literature suggests that these factors can influence residents' perceptions of fairness, acceptance of upgrading initiatives, and the overall effectiveness of implementation (Smit, 2011; Watson, 2009; South African Cities Network, 2021; Department of Human Settlements, 2025). Consequently, understanding how these implementations processes unfold within specific local contexts remains essential for improving informal settlement upgrading outcomes.

Against this backdrop, there remains a significant empirical and policy need for a context-specific analysis of how the Housing Code (2009) is operationalised at municipal level and how institutional, procedural, and contextual factors influence implementation outcomes. Although the Housing Code provides a comprehensive framework for informal settlement upgrading, relatively limited research has examined how its implementation is shaped by municipal governance arrangements, institutional capacity, policy processes, and local contextual conditions within specific settlements such as KwaJika Joe. This study therefore analyses the implementation of the Housing Code (2009) within the KwaJika Joe Informal Settlement to examine how these factors influence policy implementation and upgrading outcomes. In doing so, the study contributes to the growing body of knowledge on housing policy implementation and informal settlement upgrading while generating insights that may inform future policy refinement and strengthen municipal implementation practices in comparable contexts.

1.4 Research Questions

- How has the Msunduzi Municipality implemented the informal settlement upgrading programme?
- What are the key challenges faced by the Msunduzi Municipality in the informal settlement upgrading process?
- Is the informal settlement upgrading process implemented by Msunduzi Municipality aligned with the provisions of the Housing Code and other relevant policies?

- How can the implementation of the policy be improved?

1.5 Research Objectives

- To examine how the informal settlement upgrading process has been implemented in the Msunduzi Municipality.
- To identify the key challenges in the implementation of the informal settlement upgrading process in the Msunduzi Municipality.
- To analyse whether the informal settlement upgrading process used by the Msunduzi Municipality aligns with the provisions of the Housing Code and other relevant policies.
- To determine how the implementation of the policy may be improved.

1.6 Significance of the Study

This study is significant because it contributes to the growing body of knowledge on housing policy implementation and informal settlement upgrading within the South African context. By analysing the implementation of the Housing Code (2009) in the KwaJika Joe Informal Settlement, the study identifies institutional, procedural, and contextual factors that influence policy implementation at municipal level. The findings provide evidence-based insights that may support municipalities in strengthening policy implementation, improving service delivery, and enhancing the effectiveness of informal settlement upgrading initiatives.

The significance of this study extends beyond KwaJika Joe, as many South African municipalities continue to experience similar implementation challenges associated with rapid urbanisation, housing backlogs, infrastructure deficits, and institutional capacity constraints (Department of Human Settlements, 2025; Statistics South Africa, 2024). Consequently, the study provides lessons that may be applicable to other municipalities implementing the Upgrading of Informal Settlements Programme (UISP) under the Housing Code (2009). More broadly, the findings contribute to scholarly and policy debates on housing governance, policy implementation, and sustainable human settlements, offering insights that may also be relevant to other developing countries confronting comparable informal settlement challenges.

The study is particularly relevant within the contemporary South African policy environment, where informal settlement upgrading remains a strategic priority within government planning

and human settlements policy. Recent policy documents, including the Department of Human Settlements Annual Performance Plan (2025/26), continue to emphasise accelerating informal settlement upgrading, strengthening municipal implementation capacity, improving access to basic services, and promoting inclusive and sustainable human settlements (Department of Human Settlements, 2025). Furthermore, recent national statistics indicate that a substantial number of households continue to reside in informal dwellings despite ongoing government interventions (Statistics South Africa, 2024). By generating context-specific evidence on the implementation of the Housing Code (2009), this study contributes to ongoing policy discussions on improving governance, institutional effectiveness, community participation, and equitable service delivery within informal settlement upgrading programmes.

1.7 Research Methodology

This study adopts a qualitative research approach. Qualitative research is a methodological approach that seeks to explore and understand social phenomena by examining meanings, experiences, perspectives, and interpretations rather than relying on numerical data (Creswell, 2014). It is particularly useful in social science research where the aim is to gain in-depth insights into complex processes, policies, and social realities. Qualitative research allows researchers to analyse context-specific issues, uncover underlying patterns, and interpret how policies and practices are experienced and implemented in real-world settings.

In policy and development studies, qualitative research is widely used to examine how policies are formulated, implemented, and interpreted by different stakeholders. This approach is especially appropriate for studies focusing on governance, service delivery, and institutional processes, as it enables a critical examination of policy intentions versus actual outcomes (Babbie, 2013). By relying on documents, reports, and existing literature, qualitative research facilitates systematic analysis while remaining flexible enough to accommodate multiple perspectives and sources of evidence.

Within this qualitative framework, the present study employs a desktop-based qualitative case study design to analyse the implementation of the Housing Code (2009) in upgrading informal settlements, using KwaJika Joe as a case study. This design is appropriate because the study's four research questions focus on: how Msunduzi Municipality has implemented the upgrading programme; the key challenges encountered in the process; the extent of alignment between implementation practice and the Housing Code; and how policy implementation can be improved. These questions are analytical and interpretive in nature and are well suited to

investigation through documentary and archival sources rather than through numerical measurement.

A substantial body of relevant secondary data exists to address these questions, including national and municipal policy documents, Msunduzi Municipality reports, Department of Human Settlements publications, academic literature, and credible newspaper coverage of the KwaJika Joe upgrading programme. The availability of these multiple data sources enables triangulation, allowing for systematic comparison between policy intentions and implementation realities. The desktop case study approach is therefore suitable because it provides a context-sensitive and evidence-rich basis for examining governance processes, institutional capacity, participation dynamics, and service delivery outcomes within a bounded municipal case.

1.7.1 Research Paradigm

This study adopts an interpretivist philosophical paradigm, as it is grounded in the analysis of documents and reliable secondary sources. According to Kivunja and Kuyini (2017), it is important for researchers to interpret texts meaningfully while conducting proper analysis and minimising personal bias during interpretation. The interpretivist paradigm is appropriate for this study because it prioritises understanding how policy texts, institutional practices, and implementation narratives are constructed and represented within official and public discourses.

1.7.2 Research Design

The study employed a desktop-based qualitative case study design to analyse the implementation of the Housing Code (2009) in the upgrading of the KwaJika Joe Informal Settlement within the Msunduzi Local Municipality. The case study design was appropriate because the research focused on a bounded and context-specific implementation process and sought to develop an in-depth understanding of how national housing policy was translated into practice at municipal level.

The study relied exclusively on secondary documentary sources. The documents analysed included the Constitution of the Republic of South Africa (1996), the National Housing Code (2009), relevant national human settlements policy and planning documents, Department of Human Settlements annual reports and Annual Performance Plans, Statistics South Africa publications and census data, Msunduzi Local Municipality planning and performance

documents, municipal reports relating to the KwaJika Joe upgrading programme, and other relevant government and institutional reports. In addition, peer-reviewed academic literature and selected credible newspaper reports relating specifically to informal settlement upgrading and KwaJika Joe were analysed where they provided relevant contextual or implementation evidence.

The documentary sources were selected according to their relevance to the four research questions and their ability to provide evidence concerning policy objectives, implementation processes, institutional arrangements, service delivery, stakeholder participation, and outcomes associated with the KwaJika Joe upgrading programme. The use of different categories of documentary evidence enabled triangulation, whereby information from policy documents, municipal records, government reports, academic literature, and media sources could be compared to identify areas of convergence, divergence, and gaps in the available evidence.

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1.7.3 Research Approach

The study adopts a qualitative desktop research approach. According to Babbie (2013), qualitative research seeks to understand meanings, experiences, and concepts through thematic interpretation. This approach was selected as it allows for efficient and cost-effective data collection through document review and analysis.

The desktop approach is particularly appropriate for this study because it enables the researcher to draw on multiple categories of evidence — including policy texts, institutional reports, scholarly analyses, and media accounts — to construct a comprehensive account of the KwaJika Joe upgrading programme. This supports direct responses to the research questions concerning implementation processes, institutional challenges, policy alignment, and improvement strategies.

1.7.4 Population of the Study

As this study employed a desktop-based qualitative case study design and did not involve primary data collection from human participants, a study population was not defined in the conventional sense used in survey or interview-based research. The study focused on the

implementation of the Housing Code (2009) within the KwaJika Joe Informal Settlement and therefore treated the documentary evidence relating to the upgrading programme as the primary source of analysis. This included relevant national and municipal policy documents, government reports, statistical publications, academic literature, and other credible documentary sources concerning informal settlement upgrading and the KwaJika Joe case. Statistics and reports produced by institutions such as Statistics South Africa, the Department of Human Settlements, the Department of Cooperative Governance and Traditional Affairs, and the Msunduzi Local Municipality were used to provide contextual and implementation-related evidence. The study therefore did not seek to make statistical generalisations about a population but rather to develop a context-specific understanding of the implementation of the Housing Code (2009) in the selected case.

1.7.5 Sampling Technique

As the study employed a desktop qualitative research design, purposive sampling was used to identify and select documentary sources relevant to the research questions and objectives. The selection of documents was based on their relevance, credibility, authority, and ability to provide information concerning the implementation of the Housing Code (2009) and the upgrading programme in KwaJika Joe.

Documents were identified through searches of the University of KwaZulu-Natal library databases, official government websites, municipal publications, and other credible sources. Priority was given to primary policy and institutional documents, including legislation, the Housing Code (2009), Department of Human Settlements publications, Statistics South Africa reports, and Msunduzi Municipality documents. These were supplemented by peer-reviewed academic literature and selected credible media reports where such sources provided relevant evidence concerning the KwaJika Joe upgrading programme.

The purposive selection of documentary sources ensured that the analysis remained focused on evidence directly relevant to the study's research questions. Documents were reviewed for their relevance to policy objectives, implementation processes, institutional capacity, community participation, service delivery, and outcomes. Sources that did not provide substantive information relevant to the research questions were excluded from the analysis.

1.7.6 Data Analysis

The study employed thematic analysis to analyse the documentary data. Thematic analysis was selected because it provides a systematic approach for identifying, organising, interpreting, and reporting recurring patterns of meaning across a diverse body of qualitative documentary evidence. The analysis was informed by the thematic analysis approach developed by Braun and Clarke (2006), while the themes were also guided by the research questions and the analytical frameworks adopted in the study.

The analysis followed a systematic process. First, the researcher familiarised herself with the collected documents through repeated reading and review of the relevant policy documents, municipal reports, government publications, academic literature, and other documentary sources. During this process, relevant information relating to the research questions was identified and recorded. Second, initial codes were developed by identifying significant statements, concepts, issues, and recurring patterns within the documentary material. Coding focused on information relating to the design and objectives of the Housing Code (2009), the implementation processes adopted by Msunduzi Municipality, institutional and administrative factors, service delivery, community participation, beneficiary experiences, and implementation outcomes.

Third, related codes were compared and grouped into broader categories according to similarities, relationships, and recurring patterns across the documentary sources. These categories were subsequently reviewed and developed into themes that captured significant aspects of the implementation process. The themes were not treated as isolated categories but were examined in relation to one another and to the four research questions guiding the study.

The development and interpretation of themes were further informed by the analytical frameworks adopted in the study. The Availability, Accessibility, Acceptability and Quality (AAAQ) framework was used to examine dimensions of access to housing and related services; Brynard's 5C Protocol was used to analyse the implementation context, policy content, institutional commitment, implementation capacity, and the role of clients and coalitions; and the Basic Human Needs Approach was used to consider the extent to which upgrading interventions addressed residents' fundamental housing and service needs. The frameworks

therefore provided analytical lenses through which the identified themes could be interpreted rather than being treated as separate or unrelated components of the analysis.

Finally, the identified themes were reviewed against the original documentary evidence to assess their consistency and relevance to the research questions. Evidence from different sources was compared through triangulation to identify areas of agreement, contradiction, and gaps. This process enabled the study to move beyond merely describing the documents and to analyse the relationships between policy objectives, municipal implementation processes, institutional conditions, stakeholder participation, and upgrading outcomes in KwaJika Joe.

1.8 Limitations of the Study

This study acknowledges several limitations associated with its desktop qualitative research design. The study relied exclusively on secondary data sources, including policy documents, legislation, government reports, academic literature, municipal documents, and other publicly available materials. Consequently, it did not generate primary empirical data through interviews, focus groups, observations, or surveys with municipal officials, community members, or other stakeholders directly involved in the implementation of the KwaJika Joe Informal Settlement Upgrading Programme. As a result, the study was unable to capture participants' lived experiences, perceptions, or first-hand accounts of the implementation process.

Furthermore, the findings are dependent on the availability, quality, scope, and completeness of the secondary sources consulted. Any omissions, inconsistencies, or limitations within these documents may have influenced the depth of the analysis. The thematic analysis employed in the study also required interpretive judgement in identifying, organising, and analysing themes, introducing the possibility of researcher interpretation. To enhance the credibility of the findings, data were triangulated across multiple policy documents, government reports, academic sources, and institutional publications to ensure consistency and strengthen the trustworthiness of the analysis.

These methodological limitations do not diminish the value of the study; rather, they define its scope. The study provides a policy-focused analysis of the implementation of the Housing Code (2009) within the KwaJika Joe Informal Settlement based on available documentary

evidence. Future research could build on these findings by incorporating primary qualitative methods, such as interviews or focus group discussions with municipal officials, community representatives, and residents, to provide deeper insights into stakeholder experiences and implementation processes.

1.9 Conclusion

This chapter has laid the foundation for the study on informal settlement upgrading. It has outlined the research problem, highlighted key challenges, and presented the research questions and objectives. The methodology and limitations have also been discussed. This chapter provides a basis for subsequent chapters, which will explore the literature, theoretical framework, policy context, findings, and recommendations related to informal settlement upgrading.

1.10 Structure of the Dissertation

Chapter 1: introduces the research problem, outlines the aims and objectives of the study, and provides an overview of the methodology and scope of the research.

Chapter 2: presents a critical review of relevant literature on informal settlement upgrading, including key concepts, challenges, and approaches.

Chapter 3: explores the theoretical framework informing the study, including the basic human needs approach, the AAAQ framework, the five C protocol, and top-down and bottom-up approaches.

Chapter 4: examines the policy and legislative framework governing informal settlement upgrading in South Africa, focusing on national, provincial, and local policies.

Chapter 5: presents the case study analysis and research findings, highlighting key themes and implications.

Chapter 6: concludes the study by summarising key findings, drawing conclusions, and offering recommendations for policy, practice, and future research.

CHAPTER TWO: Literature Review

2.1 Introduction

South Africa continues to face significant challenges associated with informal settlements, reflecting persistent inequalities in access to adequate housing, basic services, well-located land and secure tenure. Although substantial progress has been made in housing delivery since 1994, informal settlements remain a prominent feature of the country's urban landscape. The Department of Human Settlements (2025) identifies approximately 4,705 informal settlements nationally and recognises informal settlement upgrading as a priority within the country's current human settlements agenda. The continued presence and expansion of informal settlements demonstrate that the housing challenge cannot be understood solely in terms of the provision of formal housing, but also requires attention to urbanisation, affordability, land availability, infrastructure provision and the institutional capacity of municipalities to implement upgrading interventions effectively.

The persistence of informal settlements has consequently sustained policy attention towards approaches that improve living conditions while recognising the social and economic realities of residents. In-situ upgrading is particularly important within this policy context because it seeks, where feasible, to improve settlements in their existing locations through the phased provision of basic services, infrastructure and security of tenure, while limiting the disruptive effects associated with relocation. The Department of Human Settlements (2025) continues to identify incremental and community-led upgrading, improved access to basic infrastructure and community participation as important components of the national upgrading programme. Recent research in the Durban context similarly demonstrates the importance of participatory and incremental approaches that strengthen community ownership, self-reliance and local capacity in informal settlement upgrading (Georgiadou & Loggia, 2025).

The literature on informal settlements therefore extends beyond the physical improvement of housing and infrastructure to encompass broader questions of policy implementation, governance, institutional capacity, community participation and the relationship between policy objectives and outcomes. Huchzermeyer (2021), for example, highlights the continuing tension between statutory planning systems and the realities of informal settlements, particularly where settlements are placed on a trajectory towards permanent upgrading. These concerns are important in the South African context because the effectiveness of upgrading

depends not only on the existence of a progressive policy framework, but also on how such policies are interpreted, coordinated and implemented at local level.

Against this background, this chapter critically reviews literature on informal settlements and their upgrading, with particular attention to the South African context. It examines the conceptualisation and characteristics of informal settlements, the evolution of approaches to upgrading, international and South African experiences, and the policy and implementation dimensions of informal settlement upgrading. Particular attention is given to the National Housing Code (2009) and its Informal Settlement Upgrading Programme, as well as to recent scholarship and previous studies relating to KwaJika Joe. The review ultimately identifies the gaps in existing literature that provide the basis for analysing the implementation of the Housing Code (2009) in the KwaJika Joe informal settlement.

2.2 Conceptualising Informal Settlements

Informal settlements are complex socio-spatial environments that cannot be adequately understood solely in terms of inadequate housing or non-compliance with formal planning systems. Their conceptualisation requires consideration of the interconnected social, economic, spatial, institutional and governance conditions that shape how settlements emerge and develop. Huchzermeyer (2006) describes informal settlements in relation to unauthorised land occupation and inadequate housing and infrastructure, while Nkoane (2019) highlights characteristics such as tenure arrangements, building forms and access to services. These perspectives remain useful for establishing the physical and institutional dimensions of informality; however, contemporary approaches increasingly recognise that informal settlements are diverse communities shaped by broader processes of urbanisation, inequality, land access and exclusion.

The concept of informality has consequently developed beyond a narrow focus on the physical characteristics of settlements. Recent South African scholarship emphasises that informal settlements are shaped by complex relationships between residents, municipalities, planning systems, infrastructure networks and broader urban development processes (Cirolia et al., 2022). Informal settlements should therefore not be regarded as homogeneous spaces or temporary deviations from formal urban development. Rather, they represent diverse forms of urban habitation in which residents establish social networks, livelihoods and community institutions despite significant material and institutional constraints. This perspective is

important because the characteristics and needs of individual settlements may differ considerably, requiring upgrading interventions to be sensitive to local conditions.

The understanding of informal settlements has also shifted from predominantly negative representations towards greater recognition of residents' agency, resilience and capacity to shape their living environments. Earlier scholarship challenged representations of informal settlements as dysfunctional or inherently problematic urban spaces. Gilbert (2007; 2009), for example, cautions against treating informal settlements as homogeneous categories, while Roy (2005) conceptualises informality as closely connected to the ways in which urban space is governed and regulated. These foundational perspectives remain relevant because they demonstrate that informality is not simply a characteristic of residents or settlements, but is also produced through relationships between state institutions, planning systems, land markets and urban inequalities.

This shift has also influenced the terminology used to describe informal settlements. The term *slum* has historically been associated with stigma and negative representations of poverty, disorder and illegality. Gilbert (2007) argues that such terminology can obscure the diversity of settlements and the circumstances of the people living within them. Contemporary approaches consequently place greater emphasis on terms such as *informal settlements* and *informal housing*, which allow greater attention to residents' rights, agency and socioeconomic circumstances. This rights-based understanding is consistent with international commitments to adequate housing and inclusive urban development, including Sustainable Development Goal 11, which calls for inclusive, safe, resilient and sustainable cities and human settlements (United Nations, 2015).

In the South African context, this conceptual shift is particularly significant because informal settlements are situated within a constitutional and policy environment that recognises access to adequate housing and seeks to improve the living conditions of vulnerable communities. The contemporary upgrading literature increasingly emphasises approaches that combine physical improvements with social inclusion, community participation and institutional partnerships. Cirolia et al. (2022) argue that progressive informal settlement upgrading requires participatory and incremental approaches that address not only material conditions but also the social and political exclusion experienced by residents. Similarly, recent research highlights the importance of inclusivity and community participation in planning and upgrading processes,

particularly given the complex relationships between residents and local authorities (Hayangah, 2022).

Accordingly, for the purposes of this study, informal settlements are understood as diverse and evolving residential communities that have developed outside, or only partially within, formal housing and planning systems, and which are often characterised by inadequate infrastructure, insecure tenure and constrained access to basic services, but also by established social networks, livelihoods and forms of community organisation. This conceptualisation is particularly relevant to the present study because it moves beyond viewing informal settlements merely as areas requiring physical upgrading. It creates a basis for examining how policy is translated into practice and how institutional capacity, community participation, resource constraints and local conditions influence the implementation of informal settlement upgrading interventions.

2.3 Prevalence of Informal Settlements in South Africa

Informal settlements remain a significant feature of urban development across the developing world, particularly in contexts where rapid urbanisation, population growth and socio-economic inequality have outpaced the provision of affordable housing and adequate urban infrastructure. UN-Habitat (2022) identifies informal settlements as a continuing global urban challenge, particularly in developing regions where large numbers of households experience inadequate housing, insecure tenure and limited access to basic services. The persistence of these settlements demonstrates that informal housing is not simply a temporary response to housing shortages but is closely connected to broader structural challenges of urban development and inequality.

In South Africa, informal settlements continue to constitute an important component of the country's human settlements landscape. Recent national statistics indicate that, despite improvements in formal housing provision and access to basic services, a substantial number of households continue to live in informal dwellings (Statistics South Africa, 2023). The continued prevalence of informal settlements is associated with population growth, urbanisation, persistent poverty and inequality, as well as limited access to affordable and well-located formal housing. These factors are particularly significant in urban areas where employment opportunities and essential services attract growing populations.

The persistence of informal settlements also reflects the continuing mismatch between housing demand and the availability of appropriately located and affordable housing. The Department

of Human Settlements (2025) identifies informal settlement upgrading as a national priority and reports that thousands of informal settlements remain across South Africa. The Department further acknowledges that challenges relating to land availability, infrastructure, funding, municipal capacity and the coordination of upgrading interventions continue to affect progress. Consequently, the prevalence of informal settlements cannot be addressed solely through increased housing delivery, but requires integrated approaches that consider settlement location, basic services, tenure, livelihoods and local institutional capacity.

The distribution of informal settlements varies across provinces and municipalities, reflecting differences in population growth, urbanisation patterns, economic opportunities, land availability and municipal capacity. This spatial variation reinforces the importance of context-specific approaches to informal settlement upgrading rather than uniform interventions. In particular, municipalities are required to respond to settlement-specific conditions while operating within broader national housing and human settlements policy frameworks (Department of Human Settlements, 2025).

The continued prevalence of informal settlements therefore remains a significant challenge for urban governance, spatial planning and sustainable human settlements in South Africa. While recent policy developments demonstrate continued government commitment to upgrading, the persistence of inadequate housing and service conditions highlights the importance of examining not only the availability of policy interventions but also their implementation at municipal level. Understanding these conditions provides an important basis for analysing the implementation of the Housing Code (2009) and the upgrading process in KwaJika Joe.

2.4 In-Situ Upgrading as a Strategy for Informal Settlement Development

In-situ upgrading has increasingly been recognised as an important approach to addressing informal settlements because it seeks to improve living conditions while allowing residents to remain within their established communities. Unlike relocation-based approaches, in-situ upgrading generally involves the incremental provision of basic services, infrastructure, improved housing conditions and, where feasible, greater security of tenure within existing settlements. This approach is particularly relevant where residents have established social networks, livelihoods and connections to employment and other urban opportunities. Recent international policy frameworks continue to support inclusive and participatory approaches that

seek to improve informal settlements without unnecessarily disrupting existing communities (UN-Habitat, 2022).

The South African approach similarly places emphasis on upgrading settlements through incremental and context-sensitive interventions. The National Housing Code (2009) provides for the upgrading of informal settlements through measures that include improved access to basic services, secure tenure and community participation (Department of Human Settlements, 2009). More recently, the Department of Human Settlements has continued to prioritise informal settlement upgrading through the Informal Settlements Upgrading Partnership Grant (ISUPG), demonstrating that in-situ upgrading remains an important component of the country's current human settlements policy framework (Department of Human Settlements, 2025).

The potential benefits of in-situ upgrading extend beyond the physical improvement of housing and infrastructure. By retaining residents within their existing communities, upgrading can help preserve social networks, livelihoods and access to employment and social facilities. It can also contribute to improved service access, tenure security and more inclusive urban development. However, the success of upgrading depends on the extent to which these interventions are appropriately planned, adequately resourced and responsive to local conditions. Recent policy discussions continue to identify institutional capacity, infrastructure backlogs, financial constraints, land availability and coordination between government institutions as significant challenges affecting the implementation of human settlements programmes (Department of Human Settlements, 2025).

The effectiveness of in-situ upgrading, however, depends on more than the physical provision of housing, infrastructure and basic services. Its implementation is influenced by factors such as institutional capacity, availability of financial resources, land and settlement conditions, intergovernmental coordination, and the ability of municipalities to plan and manage complex upgrading processes. Recent government planning and implementation frameworks continue to identify municipal capacity, coordination, infrastructure provision and appropriate land as important considerations in accelerating informal settlement upgrading (Department of Human Settlements, 2025; Republic of South Africa, 2025). These factors demonstrate that the success of in-situ upgrading is shaped not only by the design of the intervention but also by the institutional and contextual conditions within which it is implemented.

Despite the advantages associated with in-situ upgrading, its implementation therefore remains complex and uneven across different contexts. The continued presence of informal settlements and persistent infrastructure and service deficits indicate that the adoption of an upgrading-oriented policy framework does not automatically translate into consistent outcomes at municipal level. Recent government initiatives continue to emphasise the need to strengthen planning capacity, improve coordination across spheres of government and support municipalities in implementing informal settlement upgrading programmes (Republic of South Africa, 2025). In this regard, in-situ upgrading provides an important basis for examining how national housing policy is translated into municipal practice and how institutional and contextual factors influence implementation outcomes. This provides a foundation for the subsequent discussion of the South African policy framework governing informal settlement upgrading, particularly the Housing Code (2009).

2.5 Evolution of Perspectives on Informal Settlements

Perspectives on informal settlements have undergone significant transformation over time. Historically, informal settlements were frequently viewed by governments and urban planners as undesirable, temporary and unregulated spaces associated with poverty, overcrowding, disease and social disorder. Such perspectives often framed informal settlements as problems to be removed rather than as established components of urban development, resulting in policy responses centred on clearance, demolition and relocation (Davis, 2006; Huchzermeyer, 2006). This approach gave limited consideration to the social networks, livelihoods and economic relationships that residents developed within these settlements.

Over time, however, academic and policy debates increasingly challenged the assumption that informal settlements could be addressed through eradication or relocation alone. Informal settlements came to be recognised as complex urban communities in which residents demonstrate agency, resilience and adaptive capacity in responding to limited access to formal housing and services (Roy, 2005; Huchzermeyer, 2006). The growing recognition of these settlements as enduring components of urban systems contributed to a broader shift towards upgrading, improved service provision and greater security of tenure. International frameworks subsequently strengthened this rights-based perspective by emphasising inclusive, safe and sustainable human settlements and the participation of communities in urban development processes (UN-Habitat, 2016; United Nations, 2017).

This evolution also involved a shift in understanding residents not merely as beneficiaries of housing programmes but as actors with knowledge, interests and rights that should inform interventions affecting their communities. Satterthwaite (2017) emphasises the importance of inclusive approaches that respond to the needs and priorities of low-income urban residents, while more recent international policy frameworks continue to promote participatory and inclusive urban development. The New Urban Agenda, for example, places emphasis on inclusive urbanisation, adequate housing and improved living conditions for vulnerable urban populations (UN-Habitat, 2017). Consequently, contemporary approaches increasingly favour settlement upgrading and integration rather than policies that seek simply to remove informal settlements.

In South Africa, this evolution has been particularly significant. During apartheid, informal settlements were largely treated as unlawful forms of occupation and were subjected to restrictive controls, forced removals and relocation in accordance with racially segregated urban planning. The democratic transition fundamentally altered this policy orientation by establishing adequate housing as a constitutional right and placing an obligation on the state to progressively realise this right (Republic of South Africa, 1996). This rights-based approach was subsequently reflected in post-apartheid housing policies, including the Comprehensive Plan for the Development of Sustainable Human Settlements, commonly known as Breaking New Ground (Department of Housing, 2004).

The National Housing Code (2009) further consolidated this policy shift by providing a framework for the upgrading of informal settlements, including approaches that promote in-situ upgrading, improved access to basic services, security of tenure and community participation (Department of Human Settlements, 2009). Rather than treating informal settlements solely as spaces requiring removal, the policy framework recognises upgrading as an important component of sustainable human settlements. This orientation remains evident in contemporary government planning, with informal settlement upgrading continuing to receive policy and financial attention through instruments such as the Informal Settlements Upgrading Partnership Grant (Department of Human Settlements, 2025).

Despite this significant evolution in policy thinking, the shift from eradication towards rights-based upgrading has not eliminated the practical challenges associated with informal settlements. Persistent housing demand, infrastructure deficits, institutional capacity constraints, financial pressures and difficulties in translating policy commitments into

municipal practice continue to influence upgrading outcomes (Department of Human Settlements, 2025). The evolution of perspectives is therefore important to the present study because it demonstrates that the contemporary challenge is no longer simply whether informal settlements should be removed, but how policy commitments to inclusive and sustainable upgrading are translated into effective practice at municipal level. This provides an important foundation for examining the implementation of the Housing Code (2009), particularly within the KwaJika Joe case study.

2.6 Characteristics of Informal Settlements

Informal settlements are complex and diverse urban spaces characterised by interconnected social, economic, spatial and environmental conditions. A defining feature is the limited availability of adequate and affordable formal housing, which often results in households occupying land or housing outside formal planning and development systems. These conditions are frequently accompanied by inadequate access to basic services, infrastructure and secure tenure. Recent evidence from South Africa demonstrates that households living in informal dwellings continue to experience disparities in access to adequate housing and basic services, highlighting the multidimensional nature of deprivation within informal settlements (Statistics South Africa, 2023; Department of Human Settlements, 2025).

Limited access to reliable water, sanitation, electricity, waste removal and other municipal services remains an important characteristic of many informal settlements. Inadequate infrastructure can increase exposure to environmental and public-health risks, particularly where settlements experience overcrowding, poor drainage or insufficient sanitation facilities. These conditions can have disproportionate consequences for vulnerable households, including children, older persons and persons with disabilities, and may reinforce existing socio-economic inequalities (Statistics South Africa, 2023; World Health Organization, 2023). The availability and quality of basic services are therefore important indicators when assessing the living conditions of informal settlement residents and the outcomes of upgrading interventions.

Informal settlements may also be characterised by insecure tenure, spatial vulnerability and exposure to environmental hazards. Settlements are sometimes established on land that is unsuitable or difficult to develop because of factors such as flooding, steep terrain, environmental degradation or proximity to hazardous infrastructure. These spatial conditions can complicate the provision of infrastructure and formal housing and may increase the costs and technical complexity of upgrading interventions (Department of Human Settlements,

2025). In this respect, the physical characteristics of a settlement cannot be separated from the institutional and planning conditions that shape the feasibility of upgrading.

At the same time, informal settlements should not be understood solely in terms of deprivation and vulnerability. Residents frequently develop social networks, livelihood strategies and forms of collective organisation that assist households in responding to limited access to formal institutions and services. The recognition of resident agency and community networks has become an important component of contemporary approaches to informal settlement upgrading, particularly those that emphasise participation and locally responsive development (UN-Habitat, 2020). These social dimensions are important because interventions that overlook existing community relationships and livelihood patterns may unintentionally disrupt the social and economic systems on which residents depend.

The characteristics of informal settlements therefore extend beyond the physical condition of housing structures. They encompass the interaction between housing conditions, access to services, tenure arrangements, socio-economic vulnerability, environmental risks, community networks and residents' relationship with municipal institutions. Understanding these interconnected characteristics is important for analysing the implementation of upgrading policies because the conditions within individual settlements can influence the type, sequencing and feasibility of interventions. In the context of KwaJika Joe, these characteristics provide an important basis for understanding why the implementation of the Housing Code cannot be assessed solely in terms of physical housing delivery, but must also consider service provision, tenure, affordability, institutional processes and residents' lived circumstances.

2.7 Previous Studies on KwaJika Joe Informal Settlement

KwaJika Joe has been the subject of several studies examining different dimensions of the settlement and the challenges experienced by its residents. These studies provide an important empirical foundation for understanding the socio-economic, environmental and housing conditions within the settlement, while also demonstrating that KwaJika Joe has been examined from a range of disciplinary and policy perspectives.

Msimang (2017) examined the negative environmental impacts associated with informal settlement conditions at KwaJika Joe. The study focused on environmental challenges including inadequate sanitation, waste management, pollution, overcrowding and associated health risks. Using qualitative methods, including interviews with municipal officials and

questionnaires administered to residents, the study demonstrated that inadequate infrastructure and service provision contributed to environmental vulnerability within the settlement. The study therefore provides useful evidence regarding the environmental and service-related conditions that have shaped the KwaJika Joe context.

Mkhize (2018) examined the livelihood strategies employed by residents of KwaJika Joe. Using interviews and observation, the study explored the resources and strategies residents used to sustain their livelihoods in conditions of poverty and limited access to formal employment and basic services. The findings indicated that residents relied on multiple livelihood strategies and possessed community-based assets and coping mechanisms. The study also highlighted residents' resistance to top-down development approaches and emphasised the importance of people-centred approaches in addressing poverty and improving living conditions in informal settlements.

More recently, Xaba (2023) examined the contribution of the Child Support Grant to poverty alleviation among residents of KwaJika Joe. The study found that the grant contributed to meeting basic household needs, but that its poverty-alleviation potential was constrained by household-level sharing of grants, skills shortages and limited opportunities for beneficiary empowerment. The study further raised questions regarding the relevance of government development programmes to the specific needs of the KwaJika Joe community.

Of particular relevance to the present study is the research conducted by Dlamini (n.d.), which examined the Community Residential Units (CRU) housing subsidy instrument and the upgrading of informal settlements in Msunduzi Municipality, using the Jika Joe CRU Project as a case study. The study examined national and international policy approaches to informal settlement upgrading and considered whether existing policy instruments were adequate to address the challenges associated with informal settlements. It further investigated community participation and engagement in the upgrading process, as well as the material, social and institutional challenges experienced by residents. The study employed a qualitative case study approach, drawing on documentary evidence and primary data obtained from municipal officials and residents of Jika Joe (Dlamini, n.d.).

While Dlamini's (n.d.) study provides valuable insight into the policy adequacy of the CRU intervention and the experiences of stakeholders within KwaJika Joe, the present study adopts a different analytical focus by examining the implementation of the Housing Code (2009) and

the factors shaping the translation of its policy provisions into municipal practice. In particular, this study examines the interaction between policy content, institutional capacity, implementation processes, stakeholder participation and contextual conditions in shaping upgrading outcomes.

2.8 International Comparisons and Best Practices

Approaches to informal settlement upgrading have progressively shifted from eradication and relocation towards more inclusive, participatory and integrated approaches. Earlier interventions frequently treated informal settlements as temporary or undesirable urban spaces, resulting in clearance and displacement. More recent approaches increasingly recognise that upgrading should address physical infrastructure alongside tenure security, livelihoods, social inclusion and community participation. This shift is particularly relevant to the South African context, where current policy continues to prioritise in-situ and incremental upgrading while recognising relocation as a measure to be considered only where necessary (Department of Human Settlements, 2023). International evidence similarly suggests that sustainable upgrading requires interventions that respond to the social and economic realities of residents rather than focusing exclusively on physical improvements (World Bank, 2021).

Brazil provides an important comparative example because of its long experience with integrated upgrading of informal settlements. Programmes such as Favela-Bairro demonstrated the potential of combining infrastructure and service improvements with social interventions and community participation (Acioly, 2017). More recent World Bank guidance on participatory slum upgrading reinforces the importance of involving communities throughout the upgrading process, including in diagnosis, planning, implementation and monitoring (World Bank, 2021). The Brazilian experience is therefore relevant to KwaJika Joe because it demonstrates that physical upgrading alone is unlikely to produce sustainable outcomes where institutional coordination and community engagement are weak. It also highlights the importance of maintaining mechanisms through which residents can communicate their needs and influence decisions affecting their communities.

India provides a further useful comparison, particularly in relation to the difficulties of balancing upgrading objectives with affordability and tenure security. Indian cities have adopted different forms of slum upgrading and rehabilitation, including infrastructure provision, housing redevelopment and public–private approaches. However, research indicates

that improvements in physical housing conditions do not necessarily resolve broader problems of affordability, service access and social inclusion. Comparative evidence from Indian informal settlements also demonstrates that service provision varies considerably between settlements and that informal areas may remain disadvantaged relative to formally developed neighbourhoods within the same cities (Sahasranaman and Bettencourt, 2019). This is relevant to KwaJika Joe because it illustrates the importance of considering whether formal housing interventions remain affordable and accessible to intended beneficiaries rather than measuring upgrading success solely through the delivery of housing units or infrastructure.

Colombia, particularly Medellín, offers another important example of an integrated approach to informal settlement upgrading. Urban interventions in Medellín have combined infrastructure, public spaces, improved connectivity and social programmes with community participation. Such approaches demonstrate the value of linking settlement upgrading to broader urban development rather than treating informal settlements as isolated housing problems. The experience is particularly relevant to the present study because it highlights the importance of institutional coordination and the integration of physical, social and economic interventions in addressing complex settlement conditions. It also illustrates the potential benefits of improving residents' connections to employment opportunities and wider urban services rather than focusing only on housing provision.

The experiences of these countries demonstrate that there is no single model of informal settlement upgrading that can be transferred directly across contexts. Rather, comparative evidence points to several principles that are relevant to South Africa: meaningful community participation, institutional coordination, secure and appropriate tenure arrangements, affordability, incremental development, and the integration of housing with basic services and wider urban opportunities (World Bank, 2021; UN-Habitat, 2026). Recent international policy thinking also increasingly recognises that upgrading interventions can produce unintended consequences when they focus narrowly on physical development or fail to account for livelihoods, affordability and the diversity of residents' needs (UN-Habitat, 2026).

Within South Africa, these lessons provide an important basis for examining the implementation of the Housing Code (2009) and the Upgrading of Informal Settlements Programme (UISP). South African policy continues to emphasise in-situ, incremental and participatory upgrading, while recent government planning documents acknowledge persistent challenges relating to funding, institutional capacity, land suitability, stakeholder coordination

and community involvement (Department of Human Settlements, 2023; Department of Human Settlements, 2025). The national policy position therefore reflects many of the principles identified in international experience, but the continuing implementation challenges demonstrate that progressive policy provisions do not automatically translate into equitable outcomes at municipal level.

For KwaJika Joe, the international comparisons are particularly useful because they provide an analytical basis for examining whether the principles of integrated upgrading, participation, affordability, tenure security and institutional coordination are reflected in local implementation. Rather than treating international experiences as models to be replicated directly, they provide comparative lessons against which the implementation challenges and outcomes of the KwaJika Joe upgrading programme can be understood. This reinforces the importance of examining not only what the Housing Code intends to achieve, but also how institutional capacity, community participation, financial resources and local contextual conditions shape the translation of policy into practice.

2.9 The Housing Code (2009) and Informal Settlements Upgrading

The National Housing Code (2009) provides an important policy and institutional framework for understanding South Africa's approach to informal settlement upgrading. The Upgrading of Informal Settlements Programme (UISP), contained within the Code, was developed to support the structured upgrading of informal settlements through a phased and incremental approach. The programme prioritises the provision of basic municipal services, improved security of tenure, social and economic amenities, and the participation and empowerment of communities in the development process (Department of Human Settlements, 2009). Importantly, the UISP promotes in-situ upgrading where feasible, allowing residents to remain within their existing communities while improvements are progressively introduced. Relocation is recognised as an exceptional intervention where upgrading in the existing location is not feasible or where settlements are situated in areas presenting significant risks to residents (Department of Human Settlements, 2009).

The policy framework established by the Housing Code therefore represents a significant departure from approaches that treat informal settlements primarily as spaces requiring clearance or displacement. Instead, the upgrading approach acknowledges the social, economic and spatial realities that have developed within these communities. The continued relevance of

this approach is evident in current government policy. The Department of Human Settlements continues to identify informal settlement upgrading as a central component of its human settlements agenda, with the Informal Settlements Upgrading Partnership Grant (ISUPG) supporting the provision of services, serviced sites, tenure security and other infrastructure required for settlement upgrading (Department of Human Settlements, 2025). The 2025/26 policy and budget framework further identified the upgrading of informal settlements as a major national priority, with more than R7 billion allocated to the ISUPG for provinces and municipalities during the financial year (Republic of South Africa, 2025).

The continued policy emphasis on informal settlement upgrading more than fifteen years after the adoption of the Housing Code demonstrates that the policy challenge remains unresolved. Although substantial progress has been made in providing serviced sites and basic infrastructure, the Department of Human Settlements acknowledges that the number of informal settlements requiring upgrading remains significant and that implementation continues to be affected by financial, institutional, infrastructural and spatial constraints (Department of Human Settlements, 2024). The persistence of these challenges suggests that the existence of a comprehensive policy framework does not automatically translate into consistent implementation outcomes. Rather, the effectiveness of the Housing Code depends on the capacity of municipalities and other implementing institutions to translate its provisions into contextually appropriate interventions.

A central feature of the UISP is its incremental and phased approach to upgrading. The programme allows municipalities to progress through different stages, including social facilitation and project initiation, the provision of interim services and planning, and the eventual provision of permanent municipal engineering services and serviced sites (Department of Human Settlements, 2009). This approach is intended to recognise the practical and financial complexities involved in upgrading established informal settlements while progressively improving residents' living conditions. The phased model also provides scope for municipalities to adapt interventions to the physical characteristics, tenure circumstances, infrastructure requirements and socio-economic conditions of individual settlements. However, the incremental nature of upgrading can also result in lengthy implementation processes where municipalities face capacity constraints, competing priorities or difficulties coordinating different stakeholders.

Recent policy developments demonstrate that these implementation concerns remain relevant. The Department of Human Settlements has continued to emphasise the need for stronger technical support, improved planning and greater coordination between national, provincial and municipal spheres of government in order to accelerate informal settlement upgrading (Department of Human Settlements, 2024). The 2025 Division of Revenue framework further confirms that the ISUPG continues to fund activities associated with the phases of the UISP, including social facilitation, feasibility studies, re-blocking, interim and permanent municipal engineering services, serviced sites and tenure-related outputs (National Treasury, 2025). This indicates that the core principles established in the 2009 Housing Code remain embedded within the current funding and implementation architecture of informal settlement upgrading.

Nevertheless, the persistence of informal settlements and uneven upgrading outcomes raises questions about the extent to which policy provisions are translated effectively into practice. Current government reporting indicates that municipalities continue to experience difficulties in converting allocated resources into completed infrastructure and upgrading outcomes, with concerns relating to implementation capacity and underspending remaining part of the human settlements delivery environment (Republic of South Africa, 2026). Such challenges are particularly important because informal settlement upgrading involves more than the physical provision of infrastructure. It also requires effective institutional coordination, appropriate beneficiary identification, meaningful community engagement, sustainable financing, appropriate land-use planning and mechanisms for securing tenure.

The relationship between policy design and implementation is therefore central to understanding the effectiveness of the Housing Code. The Code establishes broad principles and procedures for upgrading, but their application occurs within diverse municipal contexts characterised by different levels of institutional capacity, financial resources, land availability, infrastructure requirements and community dynamics. Recent government policy continues to recognise the importance of partnerships with communities and other stakeholders in implementing in-situ upgrading projects, particularly where the objective is to minimise displacement and maintain existing community networks (Department of Human Settlements, 2025). This reinforces the importance of examining not only what the Housing Code prescribes, but also how its provisions are interpreted, operationalised and experienced at local level.

The literature therefore suggests that the significance of the Housing Code lies not simply in the progressive nature of its policy provisions, but in the relationship between policy design

and implementation practice. The continued prioritisation of informal settlement upgrading in national planning and funding frameworks indicates that the objectives of the Housing Code remain relevant to contemporary human settlements policy. At the same time, persistent upgrading backlogs, uneven municipal implementation and continuing challenges relating to services, tenure, infrastructure and community participation demonstrate the need to examine how these policy objectives are translated into outcomes within specific local contexts. This provides an important basis for analysing the implementation of the Housing Code in KwaJika Joe, where the interaction between national policy requirements and municipal realities provides an opportunity to examine the factors shaping the outcomes of an in-situ upgrading intervention.

2.10 Critical Analysis of Policy Implementation and Gaps

The literature on informal settlement upgrading in South Africa demonstrates a persistent gap between progressive policy intentions and their implementation at municipal level. Although the National Housing Code (2009) provides a framework that promotes incremental upgrading, improved access to services, tenure security and community participation, the translation of these principles into consistent and equitable outcomes remains uneven. Recent policy documents continue to identify challenges relating to institutional capacity, funding, land availability, intergovernmental coordination and community participation as factors affecting the delivery of informal settlement upgrading (Department of Human Settlements, 2023; Department of Human Settlements, 2025). The literature therefore suggests that implementation outcomes cannot be understood solely in terms of whether policy provisions exist, but must also consider how policy is interpreted, coordinated and operationalised within specific municipal contexts.

This distinction between policy design and implementation is particularly important for understanding informal settlement upgrading because municipalities operate within complex institutional, financial, spatial and social environments. Consequently, similar policy provisions may produce different outcomes across municipalities depending on local conditions and implementation capacity. The following sections examine the Housing Code as a policy framework, the principal implementation gaps identified in the literature, and the role of institutional coordination in shaping implementation outcomes.

2.10.1 National Housing Code as a Policy Framework

The National Housing Code (2009) provides an important policy framework for addressing informal settlements through an approach that emphasises incremental development, in-situ upgrading, improved access to basic services, security of tenure and community participation (Department of Human Settlements, 2009). Its approach represents a departure from earlier housing interventions that placed greater emphasis on relocation and the delivery of standardised housing units. The Code instead recognises that informal settlements require context-sensitive interventions that can respond to existing settlement patterns, community structures and residents' socioeconomic circumstances.

The policy framework has subsequently been reinforced by broader national human settlements priorities. Recent government policy continues to identify informal settlement upgrading as an important component of sustainable human settlements and promotes in-situ and incremental approaches where feasible (Department of Human Settlements, 2023). The National Housing Code therefore provides municipalities with an important policy basis for developing upgrading interventions. However, the existence of a progressive policy framework does not necessarily ensure consistent implementation. The literature indicates that the outcomes of upgrading are strongly influenced by the institutional, financial, spatial and participatory conditions within which municipalities operationalise national policy.

2.10.2 Policy Implementation Gaps

A central concern identified in the literature is the divergence between the objectives established in national housing policy and the outcomes experienced at settlement level. Informal settlement upgrading involves translating broad policy principles into practical decisions concerning land, infrastructure, beneficiary identification, relocation, tenure, service provision and community participation. These processes are influenced by local institutional arrangements and contextual conditions, which can result in differences between policy expectations and implementation outcomes.

Recent government assessments continue to acknowledge that municipalities face difficulties in implementing informal settlement upgrading because of factors including inadequate infrastructure, limited financial resources, land constraints, institutional capacity challenges and increasing demand for housing and basic services (Department of Human Settlements, 2025). The literature therefore suggests that implementation gaps are not simply the result of deficiencies in policy formulation. Rather, they emerge through the interaction between policy

requirements and the practical conditions under which municipalities are expected to implement them.

This distinction is particularly important because policy provisions may be interpreted or prioritised differently during implementation. For example, the principles of participation, incremental upgrading and tenure security may be formally incorporated into project planning but may not necessarily translate into meaningful influence for residents or equitable outcomes. The implementation gap can therefore be understood as a process through which policy objectives are modified, constrained or unevenly realised as they move from the national policy level to municipal practice.

2.10.3 Institutional Coordination

Institutional coordination represents a distinct dimension of the implementation challenge because informal settlement upgrading generally requires cooperation between different spheres and departments of government as well as other relevant stakeholders. Housing and settlement upgrading involve interconnected responsibilities relating to land, infrastructure, water and sanitation, electricity, transport, planning, community development and municipal services. Effective implementation therefore requires clearly defined responsibilities, communication and coordination between institutions rather than isolated departmental interventions.

Recent national policy documents similarly emphasise the importance of collaboration between national, provincial and local government and the involvement of relevant stakeholders in addressing informal settlements (Department of Human Settlements, 2023; Department of Human Settlements, 2025). Where coordination is weak, decisions may be delayed, responsibilities may become unclear and interventions may proceed unevenly. This can be particularly problematic in in-situ upgrading projects, where decisions concerning land, infrastructure, settlement layout, beneficiary identification and relocation need to be coordinated over extended implementation periods.

The literature consequently indicates that institutional coordination should be understood not merely as administrative cooperation, but as an important condition for translating housing policy into coherent local implementation. For a case such as KwaJika Joe, examining coordination is therefore important for understanding how responsibilities, communication and decision-making across relevant municipal and government structures may influence the pace and consistency of upgrading outcomes.

2.10.4 Community Participation and Engagement

Community participation and engagement are important components of informal settlement upgrading because residents are directly affected by decisions concerning settlement planning, service provision, tenure, relocation and access to housing. The National Housing Code (2009) therefore places community participation at the centre of the Upgrading of Informal Settlements Programme (UISP), recognising the importance of involving affected communities in the planning and implementation of upgrading interventions (Department of Human Settlements, 2009). The emphasis on participation reflects the principle that informal settlement residents should not be viewed solely as beneficiaries of housing programmes, but as stakeholders with knowledge of their social, economic and spatial circumstances.

The importance of participation remains evident in the contemporary policy environment. The Department of Human Settlements continues to emphasise social facilitation and community engagement within informal settlement upgrading, particularly to ensure that residents are involved in processes affecting their communities (Department of Human Settlements, 2022; Department of Human Settlements, 2025). This is particularly important in in-situ upgrading, where residents remain within established communities and where interventions must take account of existing social networks, livelihoods, settlement patterns and local needs. Meaningful engagement can therefore assist municipalities in developing interventions that are more responsive to community circumstances.

Recent South African research similarly demonstrates the importance of meaningful participation in upgrading processes. Maganadisa, Letsoko and Pretorius (2021), examining the Slovo Park informal settlement, found that community participation is central to the implementation of the UISP, while also identifying institutional capacity as an important factor influencing the effectiveness of participation. Research undertaken in Durban has likewise highlighted the value of participatory and collaborative approaches that recognise informal settlement residents as active contributors to the planning and development of their communities (Georgiadou et al., 2021). These studies suggest that participation should extend beyond the provision of information or attendance at community meetings to include opportunities for residents to influence decisions affecting their living conditions.

However, the literature also indicates that the existence of formal participation mechanisms does not necessarily result in meaningful community influence. Institutional capacity constraints, limited resources, bureaucratic processes and inadequate communication can

restrict the extent to which communities participate effectively in decision-making (Maganadisa, Letsoko & Pretorius, 2021). This distinction is important because consultation may become largely procedural where key decisions have already been made before residents are engaged. Effective participation therefore requires sustained engagement, access to relevant information and mechanisms through which community concerns can influence planning and implementation.

A critical understanding of participation also requires attention to the distribution of power within participatory processes. Arnstein (1969) argues that participation should be understood in relation to the extent of citizen power in determining plans and programmes, distinguishing between forms of participation that provide limited influence and those that enable greater citizen control. This perspective is relevant to informal settlement upgrading because residents and municipal authorities do not necessarily enter participatory processes with equal decision-making authority, resources or access to information. Consequently, the existence of consultation structures alone does not demonstrate that residents possess meaningful influence over decisions affecting their communities. Participation may remain largely consultative where residents are able to express their views but have limited ability to influence final decisions (Arnstein, 1969).

The question of power is closely connected to the agency of informal settlement residents. Contemporary understandings of informal settlements increasingly recognise residents as actors with knowledge, interests, social networks and the capacity to shape their living environments rather than merely as passive recipients of state assistance (Roy, 2005; Huchzermeyer, 2006). This recognition is important because communities may exercise agency through collective organisation, engagement with government institutions and the articulation of their own priorities. Miraftab (2004) further demonstrates that participation can occur through both formally invited spaces created by authorities and spaces that communities themselves create through grassroots organisation and mobilisation. Such perspectives suggest that residents' agency cannot be understood solely through formal consultation mechanisms established by government.

Nevertheless, the ability of residents to exercise agency is shaped by broader structural inequalities. Informal settlement residents may experience poverty, insecure tenure, limited access to information and dependence on public housing and service provision, all of which can affect their ability to participate on equal terms with institutions possessing greater

financial, administrative and decision-making resources. Roy (2005) similarly situates informality within wider relationships involving state institutions, planning systems, land markets and urban inequalities, while Cirolia et al. (2022) emphasise the significance of social and political exclusion in understanding informal settlement upgrading. Participation must therefore be considered within the structural conditions in which it occurs. The presence of participatory mechanisms does not automatically overcome inequalities in power and resources between residents and institutional actors.

This distinction between participation as a formal process and participation as meaningful influence is particularly important where upgrading involves beneficiary identification, relocation, tenure arrangements or the allocation of formal housing. Decisions in these areas can have significant consequences for residents, while differences in access to information, resources and institutional authority may influence whose preferences carry greater weight in the process. Meaningful participation therefore requires more than creating opportunities for residents to attend meetings or express their views; it requires mechanisms through which residents' knowledge, concerns and priorities can inform decisions and through which their agency can be recognised within the upgrading process (Arnstein, 1969; Miraftab, 2004).

Participation becomes particularly significant where upgrading involves beneficiary identification, relocation, tenure arrangements or the allocation of formal housing. Such processes can generate different expectations among residents regarding eligibility, housing opportunities and the benefits associated with upgrading. Transparent communication and continued engagement are therefore important for building trust and ensuring that affected communities understand the objectives, procedures and limitations of upgrading interventions. The Department of Human Settlements (2022) emphasises the role of social facilitation throughout the upgrading process, reinforcing the need for community engagement to extend beyond isolated consultation exercises.

Community participation consequently represents an important dimension of the implementation of the Housing Code (2009). Although the policy framework establishes participation as a principle of informal settlement upgrading, its effectiveness depends on how municipalities translate this principle into practice within particular institutional, financial and social contexts. The literature therefore provides a basis for examining participation not simply in terms of whether consultation occurred, but also in terms of the extent to which residents were informed, engaged and able to influence decisions affecting the upgrading process. A

critical assessment must therefore consider the distribution of power, the agency available to residents and the structural inequalities that may enable or constrain meaningful participation (Arnstein, 1969; Miraftab, 2004; Roy, 2005). This is particularly relevant to the KwaJika Joe case, where upgrading involved decisions concerning service provision, beneficiary eligibility, housing provision and relocation. The examination of community participation therefore contributes to understanding the broader relationship between the policy objectives of the Housing Code and their implementation at municipal level.

2.10.5 Structural, Institutional and Political Factors Shaping Implementation

The implementation of informal settlement upgrading is shaped not only by the design of housing policy but also by the political, institutional and structural conditions within which policy is implemented. Political factors may influence the prioritisation of housing interventions, allocation of public resources and relationships between government institutions and affected communities. Informal settlement upgrading is particularly sensitive to political considerations because decisions concerning land, housing allocation, relocation and service provision have direct consequences for residents and may involve competing interests and expectations. However, political considerations should not be treated as the sole explanation for implementation difficulties. Recent research on informal settlement upgrading in Johannesburg demonstrates that policy ambiguity, interpretation and discretion by implementing officials, as well as contested responsibilities between spheres of government, can be more significant in shaping implementation outcomes than political factors alone (Abrahams, 2026).

Institutional factors are similarly important because informal settlement upgrading requires coordination between national, provincial and municipal spheres of government, as well as alignment between housing, spatial planning, infrastructure and financial functions. The effectiveness of implementation is consequently influenced by institutional capacity, clearly defined responsibilities, administrative coordination and the availability of technical and financial resources. South African research has identified institutional capacity and resource limitations as continuing challenges affecting the implementation of the Upgrading of Informal Settlements Programme (UISP), with differences in institutional arrangements contributing to uneven implementation outcomes (Bafo, 2016; Maganadisa, Letsoko & Pretorius, 2021). The partnership-based nature of informal settlement upgrading further reinforces the importance of

coordination among government, communities and other actors involved in the upgrading process (Cirolia et al., 2017).

These institutional and political conditions are embedded within broader structural inequalities that influence both the need for upgrading and the capacity to implement it. Informal settlements are associated with historical patterns of spatial inequality, poverty, inadequate access to well-located land and uneven access to urban infrastructure and economic opportunities. Consequently, upgrading cannot be understood simply as a technical process of delivering houses and services. Earlier research on South African upgrading has highlighted the need to consider residents' livelihoods, spatial location and access to opportunities alongside the physical improvement of settlements (Klug & Vawda, 2009). More recent assessments similarly identify rapid settlement growth, resource limitations, bureaucratic delays and difficulties relating to land tenure as factors that can constrain the effectiveness of upgrading interventions (Matsela, 2024).

Political, institutional and structural factors should therefore be understood as interconnected influences rather than isolated determinants of implementation outcomes. Political priorities can affect institutional decisions and resource allocation, while institutional capacity determines the extent to which policy commitments can be translated into programmes and services. At the same time, structural conditions such as poverty, spatial inequality and constraints relating to land and infrastructure shape both the problems that upgrading seeks to address and the practical options available to implementing authorities. The literature consequently suggests that uneven implementation should be understood within the wider environment in which municipalities operate, rather than attributed to shortcomings in policy design or administrative performance alone. This perspective is particularly relevant to KwaZulu-Natal, where the outcomes of upgrading need to be considered in relation to the institutional and socio-economic conditions within which the Housing Code (2009) has been implemented.

2.10.6 Institutional and Financial Constraints

Institutional capacity and financial resources are important determinants of the effectiveness of informal settlement upgrading. The implementation of the Upgrading of Informal Settlements Programme (UISP) requires municipalities to coordinate planning, infrastructure provision, social facilitation, land-related processes and engagement with affected communities. The National Housing Code (2009) therefore places significant responsibilities

on implementing institutions, particularly municipalities, to plan and manage upgrading projects within their respective areas (Department of Human Settlements, 2009). Where municipalities lack adequate technical expertise, administrative systems and coordination capacity, the implementation of upgrading projects may be delayed or produce uneven outcomes.

Recent government evidence confirms that institutional capacity remains an important concern within the informal settlement upgrading sector. The Department of Human Settlements continues to provide technical and capacity support to provinces and municipalities, indicating that implementation capacity remains an area requiring strengthening (Department of Human Settlements, 2024). The Department's current strategic planning framework further identifies the need for technical support and stronger collaboration between government institutions and other stakeholders to accelerate the upgrading of informal settlements (Department of Human Settlements, 2025). This demonstrates that institutional capacity is not merely a historical challenge associated with the implementation of the Housing Code but remains relevant to the contemporary delivery of informal settlement upgrading.

Financial constraints similarly affect the ability of municipalities to implement upgrading projects effectively. Informal settlement upgrading requires sustained investment in planning, land development, bulk and internal infrastructure, basic services, social facilitation and, where applicable, tenure-related interventions. Although government continues to allocate dedicated funding through the Informal Settlements Upgrading Partnership Grant, the scale and complexity of upgrading requirements place considerable pressure on available resources. The Department of Human Settlements reported that the number of informal settlements that have been fully formalised and provided with permanent infrastructure remains relatively low, despite continued investment through the upgrading programme (Department of Human Settlements, 2024). Financial pressures may therefore contribute to delays, phased implementation and difficulties in completing upgrading projects.

Institutional and financial constraints are closely interconnected. Limited financial resources can restrict municipalities' ability to employ or retain appropriate technical expertise, undertake feasibility studies, maintain infrastructure and sustain community engagement. Conversely, weak institutional capacity can affect planning, financial management and the effective utilisation of available funding. The Department of Human Settlements has consequently identified both technical support and improved implementation capacity as important

mechanisms for accelerating informal settlement upgrading (Department of Human Settlements, 2024; Department of Human Settlements, 2025). These interrelated constraints demonstrate that the availability of policy and funding frameworks alone does not guarantee effective upgrading outcomes.

The literature therefore indicates that institutional capacity and financial resources are critical conditions for translating the objectives of the Housing Code into practical outcomes. Their importance is particularly relevant to municipal-level implementation, where national policy objectives must be adapted to specific settlement conditions and available resources. In the context of KwaJika Joe, these considerations provide an important basis for examining how municipal capacity, financial limitations and institutional coordination influenced the implementation of the upgrading programme and contributed to the outcomes observed within the settlement.

2.11 Challenges, Opportunities and Outcomes in Upgrading Informal Settlements

Informal settlement upgrading presents both significant implementation challenges and opportunities to improve living conditions, strengthen inclusion and support more sustainable urban development. Common challenges include inadequate infrastructure, insecure tenure, settlement density, unsuitable land conditions, limited access to basic services and socioeconomic vulnerability. These conditions can complicate the planning and implementation of upgrading interventions, particularly where municipalities must improve existing settlements while accommodating established social networks and livelihood activities (UN-Habitat, 2020; Department of Human Settlements, 2025).

Infrastructure deficits remain an important concern. Inadequate roads, drainage, sanitation, water and electricity infrastructure can affect residents' living conditions while simultaneously increasing the technical and financial complexity of upgrading projects. In-situ upgrading may therefore require phased interventions and coordination across different municipal functions and spheres of government. Recent national policy documents acknowledge that land availability, infrastructure backlogs, financial constraints and institutional capacity continue to influence the pace and quality of informal settlement upgrading in South Africa (Department of Human Settlements, 2023; Department of Human Settlements, 2025).

Despite these challenges, upgrading provides opportunities to improve access to basic services, strengthen tenure security, support social inclusion and connect previously underserved communities to wider urban systems. The Upgrading of Informal Settlements Programme

(UISP), for example, provides a policy mechanism through which municipalities can progressively improve settlements through incremental interventions rather than relying exclusively on relocation. Such approaches can preserve existing social networks and residents' proximity to employment and other opportunities while improving the physical environment (Department of Human Settlements, 2009; Department of Human Settlements, 2023).

The potential outcomes of upgrading, however, depend substantially on how interventions are designed and implemented. Improvements in infrastructure and service provision may contribute to better living conditions, health and safety, but these outcomes cannot be assumed to occur uniformly across settlements. Issues such as affordability, tenure arrangements, the quality of infrastructure, maintenance, beneficiary selection and the extent of community participation can influence whether upgrading produces sustainable and equitable benefits (World Bank, 2021; UN-Habitat, 2026). Meaningful community participation is therefore important not only as a policy principle but also as a factor influencing whether interventions respond adequately to residents' needs and priorities.

For the present study, these challenges and potential outcomes provide an important basis for understanding the KwaJika Joe upgrading programme. The case demonstrates why the success of informal settlement upgrading should not be assessed solely through the delivery of physical infrastructure or housing units. Rather, attention should also be given to the extent to which implementation addresses residents' access to services, affordability, tenure expectations, participation and broader living conditions. This perspective supports the study's broader analysis of how policy objectives under the Housing Code (2009) are translated into practice and why implementation outcomes may remain uneven within a particular municipal context.

2.12 Literature Gap and Relevance to Present Study

The literature reviewed demonstrates that informal settlement upgrading in South Africa has received considerable scholarly and policy attention. Existing research has examined the prevalence and characteristics of informal settlements, the shift from relocation and eradication towards in-situ upgrading, the role of community participation, and the institutional and financial challenges affecting implementation. Recent studies continue to demonstrate that the Upgrading of Informal Settlements Programme (UISP) provides an important framework for improving living conditions while minimising disruption to established communities and livelihoods (Maganadisa, Letsoko & Pretorius, 2021). Government policy documents similarly

confirm that informal settlement upgrading remains a national priority, with continued emphasis on in-situ and incremental upgrading, community participation, tenure security and improved access to basic services (Department of Human Settlements, 2024; Department of Human Settlements, 2025).

Despite this substantial body of literature, an important gap remains concerning how the policy objectives of the Housing Code (2009) are translated into implementation practice at the level of individual informal settlements. Much of the existing literature examines informal settlement upgrading at a broad national, provincial or metropolitan level, or focuses on particular dimensions of upgrading such as participation, infrastructure, tenure or institutional capacity. For example, research on Slovo Park demonstrates the consequences of ineffective community participation within the UISP (Maganadisa, Letsoko & Pretorius, 2021), while other studies have examined the broader institutional and planning challenges associated with informal settlement upgrading. These studies provide important insights into particular aspects of upgrading, but they do not necessarily explain how the different dimensions of policy implementation interact within a specific municipal case.

There is also a relative gap in context-specific research on KwaJika Joe, particularly research that examines the implementation of the Housing Code as a policy process rather than focusing only on the physical outcomes of the upgrading intervention. Previous work relating to KwaJika Joe has provided useful contextual information on the settlement and aspects of its upgrading history. However, there remains scope for a systematic examination of how the provisions and objectives of the Housing Code were operationalised by the Msunduzi Local Municipality, the challenges encountered during implementation, the role of different stakeholders, and the extent to which implementation outcomes corresponded with policy objectives. This gap is significant because informal settlement upgrading takes place within highly specific institutional, spatial, financial and community contexts, meaning that national policy provisions may be interpreted and implemented differently across municipalities.

The literature further suggests that the existence of a progressive policy framework does not necessarily guarantee successful implementation. The continued national prioritisation of informal settlement upgrading, alongside persistent implementation challenges relating to municipal capacity, financing, coordination, community participation and service delivery, indicates that the relationship between policy design and implementation outcomes requires continued investigation. Current government evidence that the number of informal settlements

fully formalised and provided with permanent infrastructure remains limited further reinforces the contemporary relevance of examining how policy is translated into practice (Department of Human Settlements, 2024). Recent scholarship similarly demonstrates that implementation outcomes are shaped by local institutional conditions, interpretation of policy provisions and the capacity of implementing actors to respond to settlement-specific circumstances.

The present study addresses this gap through a context-specific analysis of the implementation of the Housing Code (2009) in KwaJika Joe informal settlement in the Msunduzi Local Municipality. Rather than assessing the Housing Code solely in terms of whether it has achieved its broad national objectives, the study examines how its provisions were operationalised within a particular municipal and community context. The study considers the implementation process, the challenges encountered, the alignment between policy requirements and implementation practice, and the implications of these dynamics for service delivery and community outcomes. The use of a desktop qualitative case-study design enables the study to bring together policy documents, municipal reports, academic literature and other relevant documentary evidence to develop a contextual understanding of the upgrading process.

The study is further guided by the recognition that implementation outcomes are produced through the interaction of policy content, institutional capacity and commitment, contextual conditions, and the involvement of beneficiaries and other stakeholders. This perspective allows the study to move beyond a narrow assessment of physical outputs and examine the governance and implementation processes that shape those outputs. In doing so, the study contributes to the existing literature by providing a focused account of how a national housing policy framework is translated into practice at municipal level and how local conditions influence that process.

The relevance of the study extends beyond KwaJika Joe. Informal settlement upgrading remains an important component of South Africa's current human settlements policy, while municipalities continue to face pressures associated with rapid urbanisation, infrastructure requirements, financial constraints and institutional capacity. The findings may therefore provide insights that are relevant to other municipalities implementing similar upgrading interventions. More broadly, the study contributes to the policy implementation literature by demonstrating the importance of examining the relationship between policy intent, institutional processes and implementation outcomes within specific local contexts. In this respect, KwaJika

Joe provides a valuable case through which to understand the practical challenges involved in translating the objectives of the Housing Code into meaningful upgrading outcomes.

2.13 Conclusion

This chapter reviewed the literature on informal settlements and their upgrading within the broader context of South Africa's housing and human settlements policy. The review demonstrated that informal settlements remain a significant and contemporary human settlements challenge, shaped by rapid urbanisation, housing shortages, socio-economic inequality, inadequate infrastructure, insecure tenure, and institutional constraints. While approaches to informal settlements have evolved from eradication and relocation towards more inclusive, rights-based and in-situ upgrading strategies, the literature indicates that translating these policy commitments into sustainable and equitable outcomes remains challenging.

The chapter further examined the Housing Code (2009) as a central policy framework for informal settlement upgrading, with particular attention to its emphasis on in-situ development, incremental upgrading, access to basic services, tenure security and community participation. Recent policy developments demonstrate that informal settlement upgrading remains a national priority; however, continuing implementation challenges relating to municipal capacity, financial and institutional constraints, coordination, land and tenure complexities, and community participation continue to influence outcomes at local level. The literature therefore suggests that the existence of a progressive policy framework does not necessarily guarantee consistent implementation or equitable outcomes.

The review also considered previous research relating specifically to KwaJika Joe, demonstrating that the settlement has previously been examined in relation to housing and development challenges. However, the existing literature remains limited in providing a sustained, context-specific analysis of how the Housing Code (2009) is translated into municipal implementation practice and the factors that contribute to gaps between policy objectives and implementation outcomes. This represents an important gap, particularly given the continued relevance of informal settlement upgrading within South Africa's contemporary human settlements agenda.

Overall, the literature reviewed in this chapter establishes the importance of examining informal settlement upgrading not only in terms of physical improvements and service delivery, but also as a policy implementation, governance and community participation process shaped by institutional, financial, contextual and social factors. These insights provide the conceptual

and empirical foundation for the present study, which analyses the implementation of the Housing Code (2009) in the KwaJika Joe informal settlement within Msunduzi Local Municipality. The next chapter therefore presents the theoretical frameworks used to interpret these implementation dynamics and to guide the analysis of the study findings.

CHAPTER THREE: Conceptual and Theoretical Framework

3.1 Introduction

The literature review in the preceding chapter highlighted the complexities associated with informal settlement upgrading, underscoring the need for a robust analytical framework to contextualise this study's analysis. This chapter presents the conceptual and theoretical foundations that inform the evaluation of the implementation of the Housing Code (2009) in the KwaJika Joe informal settlement in Pietermaritzburg.

South Africa's urban landscape is characterised by widespread informal settlements, with millions of residents experiencing inadequate housing and limited access to basic services (Turok, 2015). The Housing Code (2009) was introduced to address these challenges by providing a policy framework for the upgrading of informal settlements. However, its implementation has been uneven, resulting in varying levels of success across different contexts (Huchzermeyer, 2011). In response, this study's analytical framework draws on relevant scholarly work, including Huchzermeyer's (2011) assertion that informal settlement upgrading requires a nuanced understanding of the social, economic, and political contexts within which implementation occurs. The framework is further guided by the core principles of the Housing Code (2009), particularly community participation, incremental upgrading, and the provision of basic services, which collectively inform the analysis undertaken in this study.

3.2 Public Policy and the Policy Cycle

Understanding the implementation of informal settlement upgrading requires an appreciation of public policy as both a product of governmental decision-making and a process through which public problems are defined, addressed and reviewed. Public policy provides a framework through which governments identify societal concerns, formulate responses, allocate resources and establish mechanisms for implementation. Policy outcomes are therefore influenced not only by the substance of policy but also by the processes and institutional arrangements through which policy decisions are translated into practice.

For the purposes of this study, public policy provides the broader conceptual basis for understanding the Housing Code (2009) as a government instrument intended to guide informal settlement upgrading. The policy cycle provides a further analytical perspective by presenting policymaking as a series of interconnected stages through which problems are identified, priorities established, policy responses formulated and adopted, implemented, and

subsequently assessed. While policy processes are not necessarily linear in practice, the policy cycle provides a useful organising framework for examining the relationship between policy intentions and implementation. The following sections therefore discuss public policy and the policy cycle as a foundation for analysing the implementation of the Housing Code (2009) in KwaJika Joe.

3.2.1 Public Policy

Public policy can broadly be understood as a deliberate course of government action or inaction directed towards addressing societal problems or achieving particular public objectives (Dye, 2013). Anderson (2015) similarly conceptualises public policy as a purposive course of action undertaken by governmental actors in response to identified concerns. These definitions emphasise that public policy involves decisions about what problems require governmental intervention, what objectives should be pursued, and what instruments and resources should be used to achieve those objectives.

Public policymaking is not, however, a purely technical process. It involves multiple actors, institutions and interests, and is shaped by competing values, political priorities and interpretations of social problems (Howlett et al., 2009). Birkland (2015) consequently emphasises the importance of understanding policymaking within its broader political and institutional environment. Policy should therefore be understood not simply as a formal government document, but as a process involving decisions, institutional arrangements and actions through which public objectives are pursued.

Different models have been developed to explain how public policies are formulated and changed. The rational model views policymaking as a process in which decision-makers identify alternatives, assess their likely consequences and select the option considered most appropriate for achieving specified objectives (Allison, 1971). By contrast, Lindblom's (1959) incremental perspective conceptualises policymaking as a more gradual process in which decisions are developed through successive adjustments to existing policies. These perspectives demonstrate that policy development may involve both deliberate policy choices and adaptations arising from institutional, political and practical considerations.

Within the South African context, public policy operates within a constitutional and legislative framework that establishes principles of democratic governance, accountability and social

justice (Republic of South Africa, 1996). Housing policy consequently represents an important area of state intervention aimed at addressing inadequate housing and promoting access to adequate living conditions. The Housing Code (2009) provides the policy framework through which national housing programmes, including informal settlement upgrading, are articulated and implemented (Department of Human Settlements, 2009).

The Housing Code can therefore be understood as a public policy instrument that translates broader constitutional and developmental objectives into principles, programmes and implementation arrangements for the housing sector. Its relevance to the present study lies not only in its stated objectives, but also in the processes through which these objectives are translated into practice at the local level. This provides a basis for examining the relationship between policy formulation, institutional arrangements and implementation in the KwaJika Joe case.

3.2.2 The Policy Cycle

The policy cycle provides a structured way of understanding the different stages through which public policy develops and is translated into practice. Although policymaking does not always follow a strictly linear sequence, the cycle is useful as an analytical device for tracing the progression from the recognition of a public problem to policy formulation, adoption, implementation, and subsequent assessment (Howlett et al., 2009). For this study, the policy cycle provides the broader conceptual context within which the Housing Code (2009) can be understood as a policy response to the challenges associated with informal settlements.

(a) Problem Identification

Problem identification refers to the process through which a social condition becomes recognised as requiring government attention (Kingdon, 2011). It represents an important starting point in policymaking because the manner in which a problem is defined influences the subsequent selection of policy objectives and possible interventions.

In relation to housing policy in South Africa, inadequate housing, insecure tenure, and deficiencies in living conditions have been recognised as matters requiring government intervention. The constitutional recognition of access to adequate housing further established housing as an important area of public policy (Republic of South Africa, 1996). For this study, problem identification is relevant because it provides the starting point for understanding the

policy rationale underlying the Housing Code (2009) and its focus on addressing informal settlement conditions.

(b) Agenda Setting

Agenda setting concerns the process through which particular problems are prioritised for government attention and become part of the formal policy agenda (Kingdon, 2011). Not all social problems receive equal political attention or resources; therefore, agenda setting involves processes through which certain issues gain prominence within governmental decision-making.

Kingdon's (2011) Multiple Streams Framework explains agenda setting through the interaction of the problem, policy, and politics streams. The framework is useful for recognising that policy priorities are shaped not only by the existence of a social problem but also by the availability of policy alternatives and the prevailing political environment. Within this study, agenda setting provides a basis for understanding how informal settlement upgrading became incorporated into South Africa's broader housing policy agenda.

(c) Policy Formulation

Policy formulation involves the development and consideration of alternative courses of action in response to an identified policy problem. At this stage, policymakers determine appropriate objectives, instruments, strategies, and institutional arrangements for addressing the problem (Howlett et al., 2009).

Policy formulation may involve multiple governmental and non-governmental actors whose interests and ideas influence the alternatives considered. Sabatier's (2007) Advocacy Coalition Framework demonstrates how groups of actors with shared policy beliefs can influence policy development over time. In the present study, the formulation stage is relevant for understanding how the objectives and mechanisms contained within the Housing Code (2009) were developed as a policy response to informal settlement conditions.

(d) Policy Adoption

Policy adoption refers to the formal decision through which a proposed policy is authorised and given institutional or legal legitimacy. Adoption distinguishes a policy proposal from an officially recognised government intervention and establishes the basis for subsequent implementation (Howlett et al., 2009).

In the South African housing context, the Housing Act 107 of 1997 and subsequent national housing policy instruments provide an important institutional basis for government intervention in housing provision and informal settlement upgrading. Policy adoption is therefore relevant to this study because it establishes the formal authority and policy commitments against which subsequent implementation can be examined.

(e) Policy Implementation

Policy implementation refers to the process through which adopted policies are translated into programmes, administrative actions, resource allocations, and practical interventions (Pressman & Wildavsky, 1973; Hill & Hupe, 2009). Implementation is not necessarily a straightforward continuation of policy formulation, as policy intentions may be interpreted, adapted, or constrained as they move through different levels and institutions.

This stage is particularly important to the present study because the research focuses on how the Housing Code (2009) has been translated into practice within the KwaJika Joe informal settlement. The implementation stage therefore provides the conceptual bridge between the formal provisions of the policy and the documentary evidence examined in the subsequent analysis. The specific implementation dimensions relevant to this study are examined through the theoretical frameworks discussed later in this chapter, particularly Brynard's 5-C Protocol and the top-down and bottom-up approaches.

(f) Policy Analysis and Assessment

The final stage considered in this study concerns the assessment of policy implementation and outcomes. Policy assessment involves examining the extent to which policy objectives have been translated into intended outputs and outcomes and identifying factors that may explain variations between policy intentions and implementation practice (Weimer & Vining, 2017).

Although policy cycles commonly identify evaluation as a distinct stage, this study adopts policy analysis rather than a conventional evaluative approach. The purpose is not simply to determine whether the Housing Code (2009) was successful or unsuccessful, but to examine how its provisions have been implemented, the conditions shaping implementation, and the extent to which the documented upgrading process corresponds with the policy's objectives. This approach is consistent with the documentary and thematic nature of the study and provides a foundation for the analysis presented in Chapter Five.

3.3 The AAAQ Framework

The AAAQ framework provides a rights-based analytical lens for examining the realisation of socio-economic rights, including the right to adequate housing. Its foundations are located in the work of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), particularly its interpretation of the right to adequate housing under the International Covenant on Economic, Social and Cultural Rights (CESCR, 1991). The framework directs attention to four interrelated dimensions of service and facility provision: availability, accessibility, acceptability, and quality. Together, these dimensions provide a basis for assessing whether services and facilities are not only provided, but are accessible, appropriate, and of an acceptable standard.

Availability refers to the existence of sufficient housing-related services and facilities necessary for an adequate standard of living, including water, sanitation, infrastructure, and other essential services (CESCR, 1991). Accessibility concerns whether these services and facilities can be accessed by all persons without discrimination and includes considerations of physical and economic accessibility (CESCR, 1991). In the housing context, accessibility is therefore also relevant to issues such as affordability, eligibility, and the location of housing in relation to employment and essential services.

Acceptability recognises that housing and related services should take account of the social and cultural circumstances of the communities they serve. It therefore requires consideration of whether interventions respect residents' needs, circumstances, and preferences (UN-Habitat, 2011). Quality concerns the safety, habitability, durability, and suitability of housing and related infrastructure, including whether services are provided to an appropriate standard and contribute to healthy living conditions (CESCR, 1991; UN-Habitat, 2011).

The concept of adequate housing provides the broader normative context within which the AAAQ dimensions are interpreted. Adequacy extends beyond the physical provision of a dwelling to include considerations such as security of tenure, availability of services, affordability, habitability, accessibility, location, and cultural adequacy (CESCR, 1991). Consequently, the AAAQ framework is relevant to informal settlement upgrading because it allows housing interventions to be considered in terms of the conditions necessary for the progressive realisation of adequate housing rather than solely in terms of physical outputs.

For the present study, the AAAQ framework provides a rights-based lens through which the implementation of the Housing Code (2009) in KwaJika Joe can be analysed. It enables the

study to examine whether the upgrading process, as reflected in the documentary evidence, addresses the availability and accessibility of essential services, the acceptability of interventions to local circumstances, and the quality of housing and associated infrastructure. In this way, the framework complements the implementation-oriented frameworks used in the study by providing a normative basis for considering what constitutes an adequate upgrading outcome, while Brynard's 5-C Protocol and the implementation approaches assist in explaining how such outcomes are shaped by the implementation process.

3.4 Implementation

Implementation provides the conceptual bridge between policy formulation and the outcomes produced in practice. Whereas the preceding discussion of the policy cycle identifies implementation as a stage through which policy decisions are translated into action, implementation scholarship draws attention to the ways in which this translation occurs. Policy implementation is therefore not necessarily a straightforward or linear process, but may involve interpretation, adaptation and interaction among actors operating at different levels of the policy system (Pressman & Wildavsky, 1973; Hill & Hupe, 2002).

For this study, implementation is understood primarily as the process through which the objectives and provisions of the Housing Code (2009) are translated into administrative and programme-level practices within the informal settlement upgrading context. The theoretical discussion in this section is consequently concerned less with describing the empirical challenges associated with informal settlement upgrading and more with establishing analytical perspectives through which the relationship between policy directives and implementation practice can be examined.

Two broad perspectives are particularly relevant: top-down and bottom-up approaches to policy implementation. Considered together, these perspectives provide contrasting but complementary ways of understanding implementation. The top-down perspective draws attention to policy objectives, formal authority, institutional structures and the extent to which implementation conforms to established policy directives. The bottom-up perspective, in contrast, emphasises the role of actors operating closer to the point of implementation and the ways in which local conditions, interpretation and interaction can influence implementation processes (Pressman & Wildavsky, 1973; Lipsky, 1980; Hill & Hupe, 2002). Their relevance to this study lies in enabling the analysis to consider both the formal policy structure and the

local implementation dimension without assuming that policy intentions automatically produce corresponding outcomes.

3.4.1 Conceptualising Implementation

Policy implementation has traditionally been concerned with the relationship between policy decisions and their subsequent execution. Pressman and Wildavsky (1973) demonstrate that the translation of policy decisions into intended outcomes can be affected by the number and complexity of decisions, relationships and administrative processes involved in implementation. Their work challenged assumptions that the adoption of a policy necessarily guarantees its successful execution.

Later scholarship has developed a more nuanced understanding of implementation by recognising that implementation takes place within institutional and social environments in which policy actors may interpret and adapt policy according to particular circumstances. Hill and Hupe (2002), for example, conceptualise implementation as a process involving multiple levels of governance and interaction rather than simply the mechanical execution of decisions taken by policymakers.

This distinction is important for the present study because the Housing Code (2009) represents a national policy framework whose objectives must be translated into practices within particular municipal and settlement contexts. The study therefore does not treat implementation as synonymous with policy compliance. Instead, implementation is understood as the process through which policy provisions are interpreted, organised and translated into programme activities and outputs.

The conceptualisation of implementation adopted here provides the basis for examining the relationship between policy intent, implementation arrangements and observed outcomes. It also provides the rationale for considering top-down and bottom-up perspectives as complementary analytical approaches. The former facilitates examination of the extent to which implementation reflects formal policy objectives and institutional arrangements, while the latter provides insight into the role of actors and local conditions in shaping implementation. These perspectives are discussed below.

3.4.2 Top-Down and Bottom-Up Approaches

(a) Top-Down Approach

The top-down approach views policy implementation primarily from the perspective of policy decisions made by authoritative actors and the subsequent translation of those decisions into administrative action. In this perspective, implementation can be examined in relation to clearly defined policy objectives, formal rules, institutional responsibilities and the extent to which implementing agencies act in accordance with policy directives (Pressman & Wildavsky, 1973; Sabatier, 1986).

A central assumption of the top-down perspective is that policy objectives provide an important basis against which implementation can be assessed. Attention is consequently directed towards the clarity of policy goals, the allocation of responsibilities, administrative procedures and the mechanisms through which policy decisions are communicated and implemented. However, the approach has been criticised for potentially underestimating the discretion of implementing actors and the influence of local circumstances on implementation outcomes (Sabatier, 1986; Hill & Hupe, 2002).

The top-down perspective is relevant to this study because the Housing Code (2009) establishes national policy principles and programme provisions that are expected to inform informal settlement upgrading. Applying this perspective enables the study to examine how these formal policy provisions are reflected in municipal planning and programme documentation. It therefore contributes particularly to the analysis of the relationship between national policy intent and local implementation arrangements.

(b) Bottom-Up Approach

The bottom-up approach emerged partly in response to the limitations of approaches that treated implementation primarily as the execution of decisions made at higher levels of government. It directs attention towards actors operating closer to the point of implementation and recognises that implementation may be influenced by their interpretation of policy, interactions with other actors and the conditions within which implementation takes place (Lipsky, 1980; Hill & Hupe, 2002).

Lipsky's (1980) concept of street-level bureaucracy is particularly important to this perspective. Street-level bureaucrats interact directly with citizens and exercise discretion in applying policy within specific circumstances. Their decisions and practices can therefore influence how policy is experienced and implemented at the local level. From a bottom-up perspective, implementation is consequently understood as an interactive process rather than simply a one-directional movement from national policy to local execution.

For the present study, the bottom-up perspective provides a complementary lens through which to consider how local actors and community-level considerations are positioned within the implementation of informal settlement upgrading. Given that this study is based on documentary analysis rather than primary interviews with residents or implementing officials, the approach is applied cautiously. It is used to examine how policy and planning documents recognise local circumstances, beneficiary interests, participation and responsiveness to community needs, rather than to make claims about residents' experiences that cannot be established from the documentary evidence.

The two perspectives are therefore used together. The top-down approach assists in examining the relationship between formal policy directives and implementation arrangements, while the bottom-up approach draws attention to the local actors and contextual considerations that may shape how those directives are translated into practice. Their complementary use strengthens the analytical framework by allowing implementation to be examined from both the perspective of formal policy structures and the realities of local-level implementation.

Table 1: Comparison between the Top down and Bottom-Up Approaches

Dimension	Top Down-Approach	Bottom-Up Approach
Primary Focus	Policy Objectives and formal structures	Local actors and implementation context
Direction of Analysis	From policy authority to implementers	From implementing actors upwards
Key Concern	Policy clarity, authority and conformity	Discretion, interaction, and local adaption.
Key Scholars	Pressman & Wildavsky; Sebatier	Lipsky; Hill & Hupe
Relevance to this study	Alignment between Housing Code (2009) provisions and municipal implementation.	Local responsiveness and positioning of community-level actors.

3.4.3 Brynard's 5-C Protocol

Brynard's 5-C Protocol provides a structured framework for analysing the factors that influence policy implementation. Developed around five interrelated dimensions—content, context, commitment, capacity, and clients and coalitions—the framework recognises that implementation outcomes cannot be understood solely by examining the policy itself, but require consideration of the conditions and actors through which policy is translated into practice (Brynard, 2004).

Content refers to the substance and design of the policy, including its objectives, proposed interventions, clarity and internal coherence. This dimension considers whether the policy adequately identifies the problem it seeks to address and whether there is a logical relationship between the identified problem, policy objectives and proposed interventions (Brynard, 2004).

Context concerns the environment within which implementation takes place. It directs attention to the political, socio-economic, institutional and administrative circumstances that may shape how policy is interpreted and implemented. This dimension is particularly useful for examining the extent to which the implementation environment is consistent with, or constrains, the objectives contained within the policy framework (Brynard, 2004).

Commitment concerns the extent to which those responsible for implementation support and pursue the objectives of the policy. It includes consideration of whether implementing actors understand the policy, their respective responsibilities and the objectives they are expected to achieve (Brynard, 2004).

Capacity refers to the ability of implementing institutions to give effect to policy objectives. It encompasses the organisational, human, financial and administrative resources required for implementation, as well as the structures and competencies necessary to undertake implementation effectively (Cloete & Wissink, 2000; Brynard, 2004).

Finally, clients and coalitions draws attention to the individuals, groups and organisations affected by or involved in implementation. This dimension recognises that policy implementation takes place within relationships among beneficiaries, implementing institutions and other relevant actors. It therefore considers the position of affected groups, the relationships among implementation actors and the extent to which their interests and roles are reflected in the implementation process (Brynard, 2004).

The 5-C Protocol is particularly appropriate to this study because it provides an integrated framework through which the implementation of the Housing Code (2009) can be examined without reducing implementation to a single explanatory factor. While the top-down and bottom-up perspectives provide broader ways of understanding the direction and dynamics of implementation, Brynard's 5-C Protocol provides a more systematic set of analytical dimensions through which the conditions surrounding implementation can be examined. It therefore complements the other frameworks used in this study and provides a structured basis for interpreting the documentary evidence presented in Chapter Five.

3.5 The Basic Human Needs Approach

The Basic Human Needs Approach provides a normative perspective for examining development in relation to the satisfaction of fundamental human needs. Its origins can be traced to development debates of the 1970s, including the work of the International Labour Organization, which placed greater emphasis on meeting the basic needs of populations experiencing poverty and deprivation (ILO, 1976; Streeten et al., 1981).

Rather than defining development primarily in terms of economic growth, the Basic Human Needs Approach emphasises access to essential goods and services necessary for human wellbeing. These include adequate shelter, water, sanitation, food, healthcare and other conditions necessary for individuals and communities to live with dignity (Streeten et al., 1981). The approach therefore provides a people-centred perspective through which development interventions can be assessed according to the extent to which they respond to fundamental human requirements.

This perspective is relevant to informal settlement upgrading because upgrading is not limited to the physical provision of housing structures. It also concerns the conditions in which people live and their access to essential services and infrastructure. Within the South African housing policy context, the provision of adequate housing and basic services is linked to broader objectives of improving living conditions and promoting sustainable human settlements (Department of Human Settlements, 2009).

In this study, the Basic Human Needs Approach is used as a normative lens for considering whether the objectives and implementation of informal settlement upgrading are oriented towards addressing residents' fundamental needs. It directs attention to the extent to which

documentary evidence reflects priorities such as adequate shelter, water, sanitation, safety, health and improved living conditions. The approach therefore complements the AAAQ framework: whereas AAAQ provides specific criteria for assessing dimensions of adequate housing, the Basic Human Needs Approach provides a broader developmental perspective concerning the extent to which upgrading responds to fundamental human wellbeing.

The approach is particularly relevant to the study of KwaJika Joe because it enables the analysis to consider the substantive purpose of upgrading alongside the processes through which it is implemented. It therefore contributes a normative dimension to the analytical framework, allowing the study to consider whether policy commitments and implementation arrangements remain oriented towards improving residents' living conditions and addressing fundamental needs.

3.5.1 Integration of the Analytical Frameworks

The Basic Human Needs Approach, the AAAQ framework, and Brynard's 5-C Protocol are used in this study as complementary analytical lenses rather than as competing theoretical perspectives. Each framework addresses a different dimension of the informal settlement upgrading process, while their combined application provides a more comprehensive basis for analysing the implementation of the Housing Code (2009) in KwaJika Joe. The Basic Human Needs Approach provides the normative foundation by establishing the importance of addressing fundamental needs such as adequate shelter, water, sanitation, safety, and improved living conditions. The AAAQ framework complements this perspective by providing more specific criteria through which the adequacy of housing and related services can be assessed, particularly in relation to their availability, accessibility, acceptability and quality (CESCR, 1991; Streeten, 1979).

Brynard's 5-C Protocol complements both approaches by shifting attention from the desired conditions and outcomes of upgrading towards the factors that shape their implementation. Its dimensions of content, context, commitment, capacity, and clients and coalitions provide a structured means of examining whether policy objectives are clearly defined, whether they are appropriate to the implementation context, whether responsible actors demonstrate commitment, whether sufficient institutional and material capacity exists, and whether affected communities and other stakeholders are adequately recognised in the implementation process

(Brynard, 2004). In this way, the 5-C Protocol helps explain why policy commitments relating to basic needs and housing adequacy may or may not be translated into actual outcomes.

The relationship between the three frameworks is therefore sequential but also interconnected, with each providing a distinct analytical perspective on the same implementation process. The Basic Human Needs Approach establishes what fundamental needs should be addressed, while the AAAQ framework provides criteria for assessing the extent to which housing and services respond to those needs. Brynard's 5-C Protocol then provides an implementation-oriented lens for examining the institutional, contextual and stakeholder conditions that influence whether these needs and standards can be realised in practice. For example, the provision of water and sanitation may be identified as a basic human need; AAAQ can be used to assess whether these services are available, accessible and of appropriate quality; while the 5-C Protocol can be used to examine whether institutional capacity, resources, policy commitments and stakeholder relationships facilitated or constrained their provision.

The use of all three frameworks is therefore necessary because no single framework adequately captures the different dimensions of informal settlement upgrading examined in this study. The Basic Human Needs Approach establishes the people-centred and normative dimension, AAAQ provides the criteria for assessing adequacy and the quality of housing-related outcomes, and Brynard's 5-C Protocol provides the implementation and explanatory dimension. Their integration enables the study to move beyond simply identifying whether upgrading outcomes were achieved to examining the relationship between residents' needs, the adequacy of the services and housing provided, and the policy and institutional conditions that shaped implementation. This integrated approach is particularly relevant to the study of KwaJika Joe, where the analysis seeks to understand not only the outcomes of informal settlement upgrading but also the factors influencing the translation of Housing Code (2009) commitments into practice.

3.6 Operationalisation of Frameworks

This study employs a set of analytical and implementation-oriented frameworks to guide the documentary analysis of the implementation of the Housing Code (2009) in informal settlement upgrading. A clear distinction is made between frameworks used to assess the adequacy of policy commitments and implementation arrangements and approaches used to explain how policy intentions are translated into practice. The AAAQ framework, Brynard's 5-C Protocol, and the Basic Human Needs Approach are applied as complementary analytical frameworks,

providing criteria through which policy commitments, implementation arrangements, and documented upgrading provisions are examined. In contrast, the top-down and bottom-up approaches are used as implementation perspectives, focusing on how policy intentions are structured and translated into practice through institutional arrangements, decision-making processes, and formal mechanisms for community participation. This distinction ensures conceptual clarity and informs the structure of the analysis presented in Chapter Five.

(a) Operationalisation of the AAAQ Framework

The AAAQ framework (Availability, Accessibility, Acceptability, and Quality) is operationalised in Chapter Five as a structured analytical lens for assessing the adequacy of informal settlement upgrading as reflected in official documentation. The framework is used to examine whether policy and planning instruments make provision for adequate housing and basic services and whether these provisions are consistent with the standards and principles articulated in national housing policy.

In practical terms, the AAAQ criteria are applied to documentary sources including the National Housing Code (2009), municipal Integrated Development Plans (IDPs), Housing Sector Plans, Spatial Development Frameworks (SDFs), project business plans, and municipal annual reports, where available. These documents are analysed to assess how availability, accessibility (including affordability and eligibility considerations), acceptability, and quality are articulated, prioritised, and incorporated into planning and implementation arrangements. The application of the AAAQ framework enables Chapter Five to identify strengths, gaps, and inconsistencies between stated standards for adequate housing and the implementation commitments reflected in the documentary evidence.

(b) Operationalisation of Brynard's 5C Protocol

Brynard's 5C Protocol (Content, Context, Commitment, Capacity, and Clients/Coalitions) is operationalised in Chapter Five to analyse institutional and governance conditions shaping the implementation of informal settlement upgrading. The framework provides a systematic structure for analysing how policy intent is translated into administrative and operational arrangements within the housing delivery system.

Documentary analysis focuses on policy texts, municipal planning instruments (including IDPs and Housing Sector Plans), budget-related documents, municipal annual reports, and relevant housing programme guidelines. The Content dimension examines the clarity and internal

coherence of housing policy directives; Context is assessed through references to socio-economic, political, and institutional conditions within planning documents; Commitment is analysed through stated priorities, targets, and political or administrative emphasis; Capacity is assessed through documented resource allocations, institutional responsibilities, and implementation readiness; and Clients/Coalitions are examined through how communities, stakeholders, and intergovernmental actors are formally recognised and engaged. This structured application enables Chapter Five to explain implementation constraints and enablers evident in the documentary record.

(c) Operationalisation of the Basic Human Needs Approach

The Basic Human Needs approach is operationalised in Chapter 5 as a normative framework for assessing whether informal settlement upgrading is framed as a developmental intervention that addresses residents' fundamental needs, rather than as a narrowly defined delivery exercise. This framework allows the analysis to move beyond physical housing outputs to consider broader wellbeing and human dignity considerations embedded in policy and planning documents.

In applying this framework, Chapter Five analyses the National Housing Code (2009), municipal IDPs, Housing Sector Plans, and project-level documentation to assess how upgrading initiatives are linked to basic needs such as adequate shelter, access to water and sanitation, safety, health, and improved living conditions. The analysis examines whether these needs are explicitly prioritised, how they are translated into implementation objectives, and whether mechanisms such as targets, budgets, and sequencing are provided to support their realisation. This approach strengthens the people-centred orientation of the analysis and complements the AAAQ framework.

(d) Role of Top-Down and Bottom-Up Approaches in the Analysis

The top-down and bottom-up approaches are operationalised in Chapter Five as implementation frameworks that explain how housing policy is structured and expected to function in practice. The top-down approach is applied through analysis of formal policy directives, intergovernmental roles, administrative procedures, and institutional mandates as reflected in national and municipal documentation, including the Housing Code, IDPs, and sector plans.

The bottom-up approach, within the constraints of a desktop study, is used to examine how policy instruments formally recognise community participation, beneficiary engagement, and responsiveness to local needs. This is assessed through documentary references to consultation processes, participatory mechanisms, allocation criteria, and community engagement principles. Together, these approaches provide explanatory depth by highlighting how implementation is designed to occur and how local actors are positioned within formal policy and planning frameworks.

Table 2: Alignment and Operationalisation of Analytical and Implementation Frameworks

Framework	Purpose in Study	Type	Applied in Chapter 5 to Analyse
AAAQ	Assess housing adequacy and service standards	Evaluative	Policy commitments on availability, accessibility, acceptability and quality
Brynard's 5C Protocol	Examine institutional and governance conditions	Evaluative / Explanatory	Policy content, capacity, commitment and stakeholder positioning
Basic Human Needs	Assess developmental and people-centred orientation	Normative	Alignment between upgrading and residents' basic needs
Top-down approach	Explain implementation structure	Implementation	Institutional hierarchy, compliance, decision-making
Bottom-up approach	Explain local-level positioning	Implementation	Recognition of participation and local realities

3.7 Conclusion

This chapter has established the conceptual and theoretical foundation for analysing the implementation of the Housing Code (2009) in the upgrading of KwaJika Joe informal settlement in Msunduzi Municipality. It examined public policy and the policy cycle before considering theoretical and analytical perspectives that provide different but complementary lenses for understanding policy implementation. The AAAQ framework, Brynard's 5-C

Protocol and the Basic Human Needs Approach provide complementary analytical perspectives, enabling the study to examine housing adequacy and service provision, the implementation conditions shaping policy delivery, and the extent to which upgrading responds to residents' fundamental needs. The top-down and bottom-up approaches further strengthen the analysis by providing perspectives on the relationship between formal policy directives, institutional arrangements, local actors and community participation.

The chapter also clarified how these frameworks relate to one another and how they are operationalised within the documentary analysis. Rather than treating the frameworks as separate or competing perspectives, the study uses them collectively to examine different dimensions of implementation and to identify relationships between policy commitments, implementation arrangements and documented outcomes. Their operationalisation provides a structured basis for analysing policy and municipal documentation in Chapter Five.

Accordingly, the theoretical framework provides the analytical foundation for examining how the objectives and principles of the Housing Code (2009) have been translated into practice at KwaJika Joe, the conditions influencing implementation, and the extent to which upgrading interventions address the housing and basic service needs of residents. The following chapter presents the methodology adopted to investigate these issues, outlining the research design, data sources, document selection, and analytical procedures employed in the study.

CHAPTER FOUR: Legislative Framework

4.1 Introduction

The preceding chapter examined the conceptual and theoretical underpinnings of informal settlement upgrading, providing a framework for understanding the policy and implementation dynamics explored in this study. Building on this foundation, this chapter focuses on the legislative and policy framework governing informal settlement upgrading in South Africa, with particular emphasis on the Housing Code (2009) and its relevance to the upgrading of the KwaJika Joe informal settlement in Pietermaritzburg, KwaZulu-Natal.

The legislative framework is a critical component of informal settlement upgrading, as it establishes the legal mandates, policy principles, and institutional responsibilities that shape housing delivery and service provision. As noted by Harrison et al. (2016), legislation provides the parameters within which national, provincial, and local actors operate, defining both opportunities for intervention and constraints on implementation. This chapter therefore examines the key legislative and policy instruments that inform informal settlement upgrading in South Africa, including the Constitution of the Republic of South Africa (1996), the Housing White Paper (1994), the Housing Act (1997), Breaking New Ground (2004), the National Housing Code (2009), and selected complementary policies.

Rather than evaluating implementation outcomes in detail, which is undertaken in Chapter Five, this chapter situates informal settlement upgrading within its legal and policy context. In doing so, it highlights both the progressive intent of South Africa's housing framework and the structural challenges that influence how policy is translated into practice at municipal level.

4.2 The Constitution of the Republic of South Africa (1996)

The Constitution of the Republic of South Africa (1996) provides the foundational legal basis for housing and informal settlement upgrading. Section 26 of the Constitution guarantees the right of everyone to have access to adequate housing and obliges the state to take reasonable legislative and other measures, within available resources, to achieve the progressive realisation of this right (Republic of South Africa, 1996). Section 26(1) affirms access to housing as a fundamental right, while Section 26(2) recognises the constraints of resources but nonetheless places a clear duty on the state to act.

In addition to Section 26, Section 152 of the Constitution outlines the developmental objectives of local government, including the provision of services in a sustainable manner and the

promotion of social and economic development (Republic of South Africa, 1996). These provisions collectively position municipalities as key agents in the realisation of housing rights, including the upgrading of informal settlements. The constitutional framework thus establishes both a rights-based and developmental approach to housing, within which informal settlement upgrading is legitimised as a mechanism for advancing socio-economic rights.

In the context of KwaJika Joe, the constitutional right to adequate housing provides the normative basis for municipal intervention in the settlement. Msunduzi Local Municipality's upgrading initiatives, including the provision of basic services, are grounded in this constitutional obligation (Msunduzi Local Municipality, 2020). However, while the Constitution articulates broad rights and responsibilities, it does not prescribe detailed implementation mechanisms. This creates space for progressive interpretation but also places pressure on municipalities to operationalise constitutional principles within often-limited institutional and financial capacities.

4.3 The Housing White Paper (1994)

The Housing White Paper of 1994 represents the first comprehensive post-apartheid housing policy framework and marks a decisive shift away from exclusionary and racially discriminatory housing practices. Acknowledging the deep inequalities created by apartheid-era spatial planning, the White Paper sets out a vision for addressing housing backlogs and improving living conditions for low-income households, including those residing in informal settlements (Department of Housing, 1994).

A central feature of the White Paper is its emphasis on a people-centred approach to housing delivery. The policy recognises the importance of community participation in planning and implementation processes and promotes incremental housing development as a realistic strategy for low-income households. Incremental development is framed as a process through which households gain access to basic services and infrastructure and progressively improve their housing conditions over time, rather than receiving fully completed housing units immediately (Department of Housing, 1994; Tomlinson, 2007).

The influence of the Housing White Paper is evident in subsequent housing legislation and policy, including the Housing Act (1997) and Breaking New Ground (2004), both of which build on its principles of participation, sustainability, and progressive improvement. In the context of KwaJika Joe, the White Paper's emphasis on incremental upgrading and community

involvement informs municipal approaches to informal settlement intervention, as reflected in Msunduzi Municipality's Integrated Development Plan (2020).

While the White Paper provides an important conceptual foundation, its broad policy orientation offers limited operational guidance for addressing the complex realities of informal settlements, such as land tenure uncertainty and high-density occupation. These limitations highlight the need for more detailed policy instruments, which are addressed in later legislative frameworks.

4.4 The Housing Act 107 of 1997

The Housing Act 107 of 1997 gives legislative effect to the constitutional right to housing and establishes a structured framework for housing development in South Africa. The Act defines housing development as the establishment and maintenance of habitable, stable, and sustainable public and private residential environments (Republic of South Africa, 1997), signalling an integrated approach that extends beyond the provision of physical structures.

With respect to informal settlement upgrading, the Housing Act emphasises the roles and responsibilities of the different spheres of government. Section 9 places a particular obligation on local government to take reasonable steps to ensure access to adequate housing, including the provision of basic services such as water, sanitation, and electricity (Republic of South Africa, 1997). This provision reinforces the central role of municipalities in translating national housing policy into tangible local interventions.

The Act's emphasis on community participation represents a key strength, aligning with broader democratic governance principles and enhancing the potential responsiveness of housing interventions (Charlton, 2018). However, scholars have noted that the Act provides limited guidance on managing the specific challenges associated with informal settlements, including land disputes, informal tenure arrangements, and infrastructural constraints (Turok, 2016). As a result, effective implementation depends heavily on municipal capacity and access to resources.

In KwaJika Joe, Msunduzi Municipality is responsible for implementing the Housing Act's provisions through informal settlement upgrading initiatives. While the legislative framework enables such intervention, delays in funding flows and administrative processes have constrained implementation (KwaZulu-Natal Department of Human Settlements, 2020). These

challenges illustrate the gap that can emerge between legislative intent and practical delivery, a theme explored further in Chapter Five.

4.5 Breaking New Ground Policy (2004)

Breaking New Ground (BNG), formally titled A Comprehensive Plan for the Development of Sustainable Human Settlements, represents a significant policy shift in South Africa's housing sector. Introduced in 2004, BNG sought to address the limitations of earlier housing delivery models by emphasising settlement upgrading, integration, sustainability, and community participation (Department of Housing, 2004).

A core contribution of BNG is its explicit recognition of informal settlements as enduring features of the urban landscape, rather than temporary anomalies to be eradicated. The policy promotes in-situ and incremental upgrading as preferable alternatives to large-scale relocation, highlighting the social and economic costs associated with displacement. This approach aligns with international best practice and underscores the importance of maintaining social networks and access to livelihoods.

BNG's principles have informed numerous upgrading initiatives across South Africa, including projects in KwaZulu-Natal that emphasise phased service delivery and community involvement (Department of Human Settlements, 2014). In KwaJika Joe, the influence of BNG is evident in the municipality's adoption of incremental upgrading strategies and participatory processes. Nonetheless, the policy's broad vision relies on effective coordination and sustained funding, which are not always available at municipal level.

4.6 The National Housing Code (2009)

The National Housing Code (2009) provides the most comprehensive and detailed framework for housing delivery in South Africa, consolidating policy directives and funding mechanisms for various housing programmes, including informal settlement upgrading. The Code explicitly acknowledges informal settlements as a reality of urban development and positions upgrading as a central strategy for improving living conditions (Department of Human Settlements, 2009).

A key feature of the Housing Code is the Informal Settlements Upgrading Programme (UISP), which promotes incremental, in-situ upgrading through the provision of basic services, secure tenure, and improved shelter over time. The Code emphasises community participation, transparency, and accountability, requiring municipalities to engage residents throughout the upgrading process (Department of Human Settlements, 2009).

Scholars argue that the Housing Code represents a progressive policy shift, aligning housing delivery with constitutional rights and international human settlements principles (Huchzermeyer, 2011; Turok, 2016). However, the Code also assumes a level of municipal capacity, intergovernmental coordination, and financial stability that is often lacking. These assumptions can limit the effectiveness of implementation, particularly in resource-constrained municipalities such as Msunduzi.

In KwaJika Joe, the Housing Code provides the primary policy framework guiding municipal upgrading efforts. While the Code enables participatory and incremental approaches, its practical application depends on local institutional capacity, clarity of operational guidelines, and sustained engagement with residents. These factors critically shape implementation outcomes and are examined in detail in the subsequent chapter.

4.7 Other Relevant Policies and Legislative Instruments

In addition to the core housing legislation discussed above, several complementary policy frameworks and legislative instruments play an important role in shaping informal settlement upgrading in South Africa. These instruments influence the broader governance, spatial planning, land use management, and tenure security contexts within which informal settlement upgrading occurs (Harrison et al., 2016; Parnell & Pieterse, 2014). While they do not focus exclusively on housing delivery, they provide critical regulatory and strategic guidance that affects how municipalities plan, coordinate, and implement upgrading initiatives at local level (Turok, 2015).

Collectively, these policies establish the institutional and procedural environment that supports or constrains the implementation of the Housing Code (2009). They inform municipal responsibilities relating to integrated development planning, participatory governance, spatial justice, and the protection of informal settlement residents against arbitrary displacement (Republic of South Africa, 2000; Watson, 2009; UN-Habitat, 2016). In the context of KwaJika Joe, these frameworks are particularly relevant in shaping land use decisions, community participation processes, and the safeguarding of residents' rights during upgrading and relocation processes (Huchzermeyer, 2011). An understanding of these complementary instruments is therefore essential for situating informal settlement upgrading within South Africa's wider urban governance and development agenda (Parnell & Robinson, 2012).

4.7.1 National Development Plan (NDP) 2030

The National Development Plan (NDP) 2030 provides South Africa's long-term development vision, aiming to reduce poverty and inequality while promoting inclusive economic growth. The NDP identifies informal settlement upgrading as a key priority and emphasises integrated urban development, spatial transformation, and improved access to basic services (National Planning Commission, 2012). As a strategic framework, the NDP informs housing policy implementation at all levels of government, including municipal upgrading initiatives in KwaJika Joe.

4.7.2 Spatial Planning and Land Use Management Act (SPLUMA) 2013

The Spatial Planning and Land Use Management Act (SPLUMA) provides a legal framework for spatial planning and land use management, promoting equitable access to land and sustainable development. SPLUMA requires municipalities to develop spatial development frameworks that integrate informal settlements into broader urban planning processes. In KwaJika Joe, SPLUMA shapes how land use, density, and infrastructure planning intersect with informal settlement upgrading.

4.7.3 Municipal Systems Act 2000

The Municipal Systems Act establishes principles of participatory governance and service delivery at local level. The Act mandates community involvement in municipal decision-making processes, reinforcing the participatory requirements embedded in housing policy. In the context of KwaJika Joe, the Act provides a governance framework for community engagement in upgrading initiatives.

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

The Prevention of Illegal Eviction and Unlawful Occupation of Land Act (PIE) protects the rights of unlawful occupiers by regulating eviction processes and requiring consideration of alternative accommodation. PIE is particularly relevant to informal settlement upgrading, as it safeguards residents from arbitrary eviction and reinforces the principle of secure tenure during upgrading processes.

4.7.5 Integrated Urban Development Framework (IUDF) 2016

The Integrated Urban Development Framework (IUDF) promotes coordinated and sustainable urban development, emphasising the integration of housing, transport, and economic opportunities. The IUDF supports informal settlement upgrading as part of a broader urban transformation agenda, reinforcing the need for intersectoral coordination at municipal level.

4.8 Conclusion

This chapter has examined the legislative and policy framework governing informal settlement upgrading in South Africa. Beginning with the constitutional right to adequate housing, the discussion has traced the development of the country's housing framework through the Housing White Paper (1994), the Housing Act (1997), Breaking New Ground (2004), and the National Housing Code (2009), together with complementary legislative and policy instruments. Collectively, these instruments establish the legal mandates, policy principles, institutional responsibilities, and procedural requirements that provide the basis for informal settlement upgrading.

The chapter has further demonstrated that the legislative and policy framework provides important criteria against which the implementation of upgrading interventions can be assessed. In particular, provisions relating to adequate housing, basic service provision, incremental and in-situ upgrading, community participation, spatial planning, and municipal responsibilities provide a basis for examining the extent to which the upgrading of KwaJika Joe corresponds with established legislative and policy requirements. The framework therefore serves not merely as contextual background, but as an important reference point for interpreting the documentary evidence presented in the subsequent analysis.

The following chapter applies the theoretical frameworks and analytical criteria established in Chapters Two and Three, together with the legislative and policy requirements examined in this chapter, to the documentary evidence relating to the upgrading of KwaJika Joe. It assesses the extent to which policy commitments and legislative provisions were translated into implementation practice and identifies the factors shaping the outcomes of the upgrading process.

Chapter 5: Analysis of the Housing Code (2009) and the KwaJika Joe Informal Settlement Upgrading Programme

5.1 Introduction

The preceding chapter outlined the legislative and policy framework governing housing delivery and informal settlement upgrading in South Africa. Building on this foundation, this chapter presents an in-depth analysis of the informal settlement upgrading project in KwaJika Joe, located in Pietermaritzburg within the Msunduzi Municipality. The purpose of this chapter is to critically examine how national and municipal policy frameworks are translated into practice through the implementation of the KwaJika Joe upgrading programme. As this is a desktop study, references to residents' experiences, perceptions, and responses throughout this chapter are drawn from documented secondary sources, including municipal records, academic literature, and credible media reports, rather than from primary interview data.

The analysis adopts a thematic approach and focuses on three interrelated dimensions: policy design and implementation, implementation constraints and service delivery outcomes, and stakeholder engagement and community participation. Specifically, the chapter assesses the extent to which Msunduzi Municipality has operationalised the informal settlement upgrading policy framework, the institutional and practical factors shaping implementation, and the implications of these processes for residents. Through this analysis, the chapter seeks to illuminate the complexities of informal settlement upgrading in the South African context and to identify key lessons for policy and practice.

5.2 Case Study Context: KwaJika Joe Informal Settlement Upgrading Project

KwaJika Joe is a long-established informal settlement located near the Pietermaritzburg city centre, occupying approximately 0.5 square kilometres (Sutherland, 2018). The settlement emerged in the early 1990s as a response to growing urbanisation and persistent housing shortages in the city (Huchzermeyer, 2004). Over time, KwaJika Joe has developed into a densely populated settlement, with an estimated population of approximately 5,000 residents (Stats SA, 2022).

The settlement is characterised by high levels of socio-economic vulnerability, including widespread poverty, unemployment, and limited access to adequate housing and basic services. Although KwaJika Joe is situated in close proximity to the urban core, residents continue to experience constrained access to formal employment opportunities, healthcare facilities, and

education services (Mkhize, 2020). These conditions reflect broader patterns associated with informality and spatial inequality in South African cities.

In response to these challenges, Msunduzi Municipality initiated the KwaJika Joe informal settlement upgrading project in 2018. The project forms part of the municipality's broader commitment to implementing national informal settlement upgrading policies aimed at improving living conditions while minimising displacement. The stated objectives of the project include the provision of secure tenure, improved housing conditions, and enhanced access to basic services for residents (Msunduzi Municipality, 2020).

The upgrading project is being implemented in phases, with initial interventions focusing on the provision of basic services such as water, sanitation, and electricity. A key component of the project is the development of Community Residential Units (CRUs) intended to provide formal rental accommodation for qualifying residents. Eligibility for these units is determined by criteria that include residency within KwaJika Joe, South African citizenship, household income thresholds, and the absence of property ownership (Msunduzi Municipality, 2020).

By 2022, the project had resulted in the relocation of several households to newly constructed CRU units, while a substantial proportion of residents remained within the informal settlement. Although the project represents a concrete effort to implement an in-situ upgrading approach, its design and implementation raise important questions regarding affordability, access, and the alignment between policy objectives and residents lived realities. These issues provide a critical entry point for analysing the effectiveness of the policy framework and its translation into practice, which is examined in the sections that follow.

5.3 Theme One: Policy Design and Implementation Framework for Informal Settlements Upgrading

This section analyses the policy design and implementation framework guiding informal settlement upgrading in KwaJika Joe, with particular emphasis on the National Housing Code (2009) as the principal policy instrument under evaluation. The Housing Code provides the overarching framework through which informal settlement upgrading is conceptualised, financed, and implemented at the municipal level, positioning local government as the primary agent responsible for translating national housing objectives into practice (Department of Human Settlements, 2009).

The section critically examines the intent underpinning informal settlement upgrading and assesses the extent to which the Housing Code's objectives align with broader policy and legislative instruments, including the Breaking New Ground policy, the Constitution of the Republic of South Africa (1996), and the Housing Act (1997). These instruments collectively establish a rights-based and developmental approach to housing, emphasising incremental upgrading, in-situ development, and community participation (Department of Housing, 2004; Republic of South Africa, 1996; Republic of South Africa, 1997).

In addition, the section considers the institutional and governance arrangements through which municipalities are expected to operationalise the Housing Code, focusing on issues of capacity, commitment, and coordination at the local level. The legislative and policy provisions discussed in Chapter Four therefore provide the normative and institutional benchmarks against which the implementation of the KwaJika Joe upgrading programme is assessed in this chapter. By examining both the strengths and limitations embedded within the policy design, this section provides a foundation for evaluating how effectively the Housing Code (2009) supports informal settlement upgrading in practice. The discussion that follows therefore sets the analytical basis for understanding subsequent implementation challenges and community-level outcomes examined in later sections of this chapter.

5.3.1 Policy Intent and the Conceptualisation of Informal Settlement Upgrading

The National Housing Code (2009) conceptualises informal settlement upgrading as a progressive and incremental process aimed at improving living conditions without necessarily providing fully subsidised housing immediately. This reflects a shift from earlier eradication-focused approaches to more inclusive, context-sensitive interventions that recognise informal settlements as enduring urban realities (Department of Human Settlements, 2009; Huchzermeyer, 2011). Upgrading is intended to enhance access to basic services, secure tenure, and improved shelter conditions over time.

The Housing Code is grounded in a rights-based framework, linked directly to Section 26 of the Constitution of the Republic of South Africa (1996), which enshrines access to adequate housing as a fundamental right. This normative foundation obliges the state to take reasonable measures to progressively realise housing rights, providing legitimacy for incremental upgrading as a practical and justifiable policy approach (Republic of South Africa, 1996; Charlton & Kihato, 2006). The constitutional provision is therefore not merely a broader policy principle but establishes an important legal benchmark against which the adequacy of

upgrading interventions can be considered. In the case of KwaJika Joe, this requires consideration of whether the documented provision of housing and basic services reflects the progressive realisation of adequate housing envisaged by the constitutional and policy framework.

A key dimension of the policy is the emphasis on participatory approaches, encouraging municipalities to involve communities in planning and decision-making processes. Scholars note that participatory governance is crucial to aligning policy intent with community needs, fostering trust, and ensuring interventions are socially sustainable (Gilbert, 2007; Huchzermeyer, 2011). This principle reflects a shift from top-down housing delivery to a more negotiated, inclusive model of urban development. The relevance of this requirement to KwaJika Joe lies in assessing not simply whether participatory structures existed, but whether the documented processes provided residents with meaningful opportunities to engage with decisions concerning upgrading, eligibility, service provision and relocation.

Overall, the Housing Code positions informal settlement upgrading as a phased, inclusive, and rights-based process, balancing the aspirational objectives of national policy with practical implementation constraints at local level. This conceptualisation provides a benchmark against which the upgrading of KwaJika Joe can be critically assessed in subsequent sections.

5.3.2 Alignment and Coherence of Policies

The Housing Code (2009) operates within a broader framework that includes the Breaking New Ground (BNG) policy, the Housing Act (1997), and the Constitution (1996). At a conceptual level, these policies share an emphasis on progressive realisation of housing rights, in-situ upgrading, and integration of informal settlements into the urban fabric (Department of Housing, 2004; Republic of South Africa, 1997). This alignment ensures that upgrading initiatives are grounded in a consistent policy logic.

While BNG provides a strategic vision for sustainable human settlements, the Housing Code operationalises these objectives by providing detailed guidelines, funding mechanisms, and municipal responsibilities (Department of Human Settlements, 2009). Scholars argue that this vertical coherence is essential for translating national policy ambitions into actionable local interventions, ensuring that policy intent is implementable (Charlton & Kihato, 2006; Gilbert, 2007).

Despite this coherence, challenges persist. The Housing Code assumes a level of institutional capacity and resource availability that is often absent at municipal level, creating gaps between policy design and practical implementation (Huchzermeyer, 2011). These gaps illustrate that policy coherence alone is insufficient without accompanying institutional and financial support, highlighting the importance of governance structures in mediating implementation. The significance of this distinction becomes evident in KwaJika Joe, where the existence of a coherent national policy framework does not in itself guarantee that the legislative and policy objectives will be realised at project level. The subsequent analysis therefore considers the extent to which documented implementation arrangements correspond with these policy commitments.

Furthermore, while policies consistently advocate community participation, they offer limited guidance on managing local contestation or power asymmetries. Scholars note that insufficient attention to participatory mechanisms can undermine implementation and community buy-in, demonstrating that alignment in principle must be complemented by operational clarity (Gilbert, 2007; Huchzermeyer, 2011). These observations underscore the importance of examining both policy coherence and institutional capacity in assessing upgrading outcomes.

5.3.3 Institutional Commitment and Governance in the Operationalisation of the Housing Code 2009

The operationalisation of the Housing Code (2009) is heavily dependent on the governance capacity and institutional commitment of municipalities, which serve as the principal implementing agents (Republic of South Africa, 1997; Huchzermeyer, 2011). Municipalities are responsible for planning, coordinating, and implementing upgrading programmes, placing significant administrative, technical, and managerial demands on local authorities (Charlton & Kihato, 2006).

In the context of Msunduzi Municipality, the KwaJika Joe upgrading project reflects an effort to translate national policy into local action through phased service delivery and the introduction of Community Residential Units. This demonstrates institutional commitment to the incremental, in-situ upgrading model endorsed by the Housing Code and aligned with BNG principles (Msunduzi Municipality, 2020; Department of Human Settlements, 2009). At the same time, the existence of these interventions provides an opportunity to assess the degree to which municipal implementation reflects the broader legal and policy obligations established

in the Constitution and Housing Act, particularly in relation to access to adequate housing and basic services (Republic of South Africa, 1996; Republic of South Africa, 1997).

5.3.4 Opportunities and Limitations within Policy Design

The Housing Code (2009) provides several opportunities for effective informal settlement upgrading, particularly through its emphasis on incremental and context-sensitive approaches. By allowing municipalities to implement upgrades in phases, the Code accommodates local constraints such as land availability, funding limitations, and urban density (Department of Human Settlements, 2009; Payne, 2005). This flexibility enables municipalities to address the immediate needs of residents while planning longer-term improvements in tenure security, basic services, and shelter quality.

Another opportunity lies in the Code's promotion of participatory governance. By encouraging community involvement in planning and decision-making, the policy aligns with international best practice in informal settlement upgrading (UN-Habitat, 2015; Watson, 2009). Scholars argue that participatory approaches enhance social sustainability, foster local ownership, and reduce the risk of conflict between residents and authorities, making upgrading programmes more responsive to the specific needs of communities such as KwaJika Joe (Gilbert, 2007; Pillay, 2008).

Despite these strengths, limitations within the policy design are evident. The Code assumes a level of municipal capacity, coordination, and technical expertise that is often not available, particularly in smaller or resource-constrained municipalities (Tomlinson, 2013; Turok, 2009). Furthermore, while the Code promotes participation, it provides limited guidance on managing conflicts of interest, power asymmetries, or competing priorities within communities. This can undermine local acceptance and the overall effectiveness of upgrading initiatives (Watson, 2009; Smit, 2011).

Finally, there is a tension between policy aspirations and the lived realities of residents. For instance, the provision of rental Community Residential Units may not fully meet residents' expectations for ownership, affordability, or proximity to livelihoods, which can affect uptake and satisfaction (Msunduzi Municipality, 2020; Smit, 2011). This tension is significant from a legislative perspective because the existence of a formal upgrading intervention does not, by itself, establish that the broader objective of progressively improving access to adequate housing has been fully realised. The analysis must therefore distinguish between the implementation of a policy instrument and the extent to which its intended rights-based and

developmental outcomes are achieved. These limitations highlight that while the Housing Code provides a strong conceptual framework, its success is contingent on adaptive municipal governance, adequate resources, and meaningful engagement with residents, underscoring the need for policy to be both flexible and responsive in practice.

The documented challenges within KwaJika Joe further demonstrate the importance of considering the relationship between legislative requirements and implementation conditions. Limited financial resources, land tenure complexities, and administrative delays constrain municipalities' ability to fully implement upgrading programmes, creating a gap between policy intent and practical outcomes (Huchzermeyer, 2011; Gilbert, 2007). Scholars emphasise that effective governance in informal settlement upgrading requires not only technical capacity but also coordination, transparency, and adaptive management at municipal level (Charlton & Kihato, 2006).

Finally, the Housing Code encourages participatory governance, but the effectiveness of community engagement depends on municipal capability and willingness to facilitate inclusive decision-making processes. In KwaJika Joe, inconsistent communication and limited resident involvement highlight how governance challenges can shape perceptions of policy effectiveness, underscoring the critical role of municipal institutions in operationalising housing policy objectives.

These tensions also have a legislative dimension. The Constitution and Housing Act establish obligations that extend beyond the physical delivery of housing units to the broader realisation of adequate and sustainable residential environments (Republic of South Africa, 1996; Republic of South Africa, 1997). Consequently, the challenges identified in KwaJika Joe concerning affordability, eligibility, service provision, relocation and tenure expectations cannot be assessed solely against the administrative objectives of the Housing Code. They must also be considered in relation to the broader legal principles governing access to adequate housing and municipal responsibility for housing development and basic services. The evidence therefore suggests that the central implementation challenge is not necessarily an absence of legislative or policy commitment, but the difficulty of translating established legal and policy obligations into consistent, equitable and contextually appropriate outcomes at settlement level.

5.4 Theme 2: Implementation Constraints and Service Delivery Outcomes

This theme examines the challenges encountered in implementing the Housing Code 2009 in KwaJika Joe informal settlement. While the Code provides a structured framework for incremental and participatory upgrading, its realisation is mediated by municipal capacity, resource availability, and socio-economic realities (Huchzermeyer, 2011; Tomlinson, 2013). This section critically analyses these constraints across implementation, accessibility, quality, and institutional capacity.

5.4.1 Translating the Housing Code into Practice

The Housing Code 2009 provides a comprehensive framework for upgrading informal settlements, yet its translation into municipal practice often encounters significant obstacles. Municipalities are tasked with planning, coordination, and service delivery while aligning with national policy objectives (Republic of South Africa, 1997; Department of Human Settlements, 2009). In KwaJika Joe, Msunduzi Municipality has initiated phased interventions, but implementation is delayed due to bureaucratic procedures, land tenure complexities, and funding constraints (Pillay, 2008; Huchzermeyer, 2011).

Tomlinson (2013) highlights that effective policy translation requires both technical capacity and adaptive governance, which are often limited at the local level. This is evident in KwaJika Joe through slow construction of Community Residential Units (CRUs) and intermittent service provision. Competing municipal priorities exacerbate these delays, illustrating the practical challenges in operationalising the Housing Code.

Watson (2009) emphasises that meaningful community participation is essential for operational success. According to media reports and secondary literature, KwaJika Joe inconsistent communication, unclear eligibility criteria, and limited involvement of residents in planning have undermined the effectiveness of upgrading interventions. This demonstrates that policy translation depends on both technical execution and social engagement.

Overall, KwaJika Joe illustrates that the Housing Code's successful implementation depends on coordinated municipal governance, clear procedural guidance, and proactive engagement with residents. These implementation challenges must also be understood within the broader legislative obligations placed on the state and municipalities. Section 26 of the Constitution requires the state to take reasonable measures towards the progressive realisation of access to adequate housing, while the Housing Act (1997) establishes responsibilities for municipalities

in relation to housing development and basic service provision (Republic of South Africa, 1996; Republic of South Africa, 1997). The delays, administrative difficulties and uneven service provision identified in KwaJika Joe therefore demonstrate a gap between the legal and policy framework governing housing provision and its practical realisation at municipal level. The findings do not suggest an absence of legislative commitment to housing rights; rather, they indicate that the effectiveness of these commitments is mediated by institutional capacity, financial resources, administrative processes and local implementation conditions.

5.4.2 Availability and Accessibility of Housing and Basic Services

Availability and accessibility are core elements of upgrading under the AAAQ Framework (WHO, 2008; Department of Human Settlements, 2009). In KwaJika Joe, phased provision of water, sanitation, electricity, and CRUs demonstrates progress in availability, but services remain uneven across the settlement (Msunduzi Municipality, 2020).

Pillay (2008) notes that affordability is a key factor in accessibility, as households with low or irregular incomes may struggle to pay for rental CRUs or utility services. Studies and media reports indicate that, this economic constraint limits the ability of residents to fully benefit from the upgrading programme. Huchzermeyer (2011) and Turok (2009) emphasise that physical accessibility is equally important. KwaJika Joe's dense settlement pattern and poor infrastructure hinder the extension of services and construction of new units, showing that resource availability alone does not guarantee meaningful access.

Watson (2009) highlights the importance of transparent communication and clear eligibility criteria to improve accessibility. In KwaJika Joe, inconsistent information and delayed notification of CRU allocation have affected uptake and perceptions of fairness, illustrating the interplay between technical service provision and social factors. Viewed through the AAAQ framework, these findings indicate that while availability of services has improved in KwaJika Joe, accessibility; particularly affordability and equitable access, remains constrained, revealing a partial realisation of housing adequacy as envisaged in the Housing Code (2009).

This partial realisation is also significant when considered against the legislative framework examined in Chapter Four. Section 26 of the Constitution establishes access to adequate housing as a fundamental right and requires reasonable measures towards its progressive realisation (Republic of South Africa, 1996). The Housing Act (1997) further places responsibilities on municipalities in relation to housing development and basic services, while the Housing Code (2009) provides the programme-level mechanisms through which these

responsibilities are to be implemented in informal settlements (Republic of South Africa, 1997; Department of Human Settlements, 2009). The evidence from KwaJika Joe therefore indicates a degree of alignment with these obligations through the provision of services and CRUs, but also reveals limitations in the extent to which such provision is consistently accessible and equitable. The distinction between the availability of services and their effective accessibility is consequently important in assessing the extent to which legislative and policy commitments have been realised in practice.

5.4.3 Quality, Acceptability, and Sustainability of Interventions

The Housing Code 2009 stresses that interventions must meet quality standards while being socially acceptable (Department of Human Settlements, 2009). In KwaJika Joe, CRUs and infrastructure improvements have improved living conditions, but documented accounts indicate that, variation in construction quality and service reliability has affected resident satisfaction (Msunduzi Municipality, 2020).

Payne (2005) stresses that social acceptability requires interventions to align with livelihoods, tenure expectations, and cultural norms. In KwaJika Joe, the rental CRU model has received mixed reactions: some residents welcome improved services, while others are concerned about affordability and the lack of property ownership.

Smit (2011) argues that sustainability depends on ongoing municipal oversight, maintenance, and community engagement. KwaJika Joe demonstrates that without adaptive management, improvements may deteriorate over time, undermining both quality and social legitimacy. UN-Habitat (2015) highlights that sustainability also requires integration of social, economic, and environmental considerations. In KwaJika Joe, upgrading programmes must account for livelihoods, spatial planning, and climate resilience to ensure long-term viability for residents. From both the AAAQ and Basic Human Needs perspectives, these outcomes suggest that improvements in physical shelter alone are insufficient if interventions do not align with residents' socio-economic realities, expectations of tenure security, and long-term wellbeing.

These findings are also consistent with the broader conception of housing development contained in the Housing Act (1997), which defines housing development in terms of habitable, stable and sustainable residential environments rather than the provision of physical structures alone (Republic of South Africa, 1997). The mixed experiences associated with CRU provision therefore suggest that the assessment of implementation should extend beyond the number of

units delivered to consider whether interventions contribute to the broader conditions of adequacy, stability and sustainability contemplated by the legislative and policy framework.

5.4.4 Institutional Capacity, Resource Limitations, and Policy Gaps

Institutional capacity strongly influences the success of upgrading interventions. Charlton and Kihato (2006) note that municipalities often lack sufficient technical, managerial, and financial resources to implement the Housing Code effectively. In KwaJika Joe, delays in CRU construction and service delivery illustrate these capacity limitations.

Huchzermeyer (2011) and Turok (2009) emphasise that resource constraints extend beyond finances to include human capital, technical expertise, and interdepartmental coordination. These gaps can produce uneven service provision and community dissatisfaction, limiting overall project impact. Gilbert (2007) and Watson (2009) identify policy gaps as an additional constraint. While the Housing Code provides detailed guidance, it offers limited direction on managing socio-political dynamics, land disputes, and negotiation with residents. In KwaJika Joe, unresolved issues regarding eligibility and relocation have complicated delivery, highlighting areas where the Code could be strengthened.

The unresolved eligibility and relocation issues have had a direct and tangible impact on KwaJika Joe residents. According to municipal documentation and media coverage, many households remain uncertain about whether they qualify for Community Residential Units (CRUs), resulting in prolonged anxiety and frustration. According to Msunduzi Municipality (2020), the ambiguity surrounding income thresholds, household composition, and property ownership has left some residents excluded from the programme despite longstanding residence in the settlement. This has contributed to tensions within the community, as neighbours experience differing levels of access to housing opportunities.

Additionally, delays in relocation have meant that some residents continue to live in precarious and unsafe conditions, lacking adequate water, sanitation, and electricity. The combination of uncertainty and prolonged exposure to substandard living conditions undermines trust in municipal processes, diminishes perceptions of fairness, and may reduce residents' willingness to participate constructively in future upgrading initiatives (Huchzermeyer, 2011; Watson, 2009). Consequently, these policy and administrative gaps not only hinder the physical upgrading process but also affect the social cohesion and psychological well-being of the community.

Finally, Pillay (2008) and Smit (2011) stress that bridging the gap between policy and practice requires adaptive governance, capacity building, and alignment of resources with local conditions. KwaJika Joe illustrates that even well-designed policies and legally established responsibilities rely on municipal capability and sustained community engagement to produce effective and sustainable outcomes. The legislative framework therefore establishes the obligations and responsibilities against which implementation can be assessed, while Brynard's 5C Protocol assists in explaining the institutional and contextual conditions that influence whether these obligations are realised. Applying the 5C Protocol, the identified constraints point most strongly to limitations in municipal capacity and contextual conditions, which significantly shape the gap between constitutional and legislative commitments, Housing Code objectives, and implementation outcomes in KwaJika Joe.

5.4.5 Application of Brynard's 5C Protocol in the KwaJika Joe Upgrading Programme

Brynard's 5C Protocol provides a policy implementation framework that analyses the effectiveness of public programmes through five interrelated dimensions: context, content, commitment, capacity, and clients/coalitions (Brynard, 2009; Brynard, 2015). Unlike purely technocratic models, this framework emphasises the interaction between institutional arrangements, political dynamics, and beneficiary experiences. Applying Brynard's 5C Protocol to the KwaJika Joe informal settlement upgrading programme enables a structured assessment of how the Housing Code 2009 has been translated into practice at municipal level, and where implementation constraints have emerged. Through the lens of Brynard's 5C Protocol, misalignment between policy-defined clients and residents lived realities illustrates how weak coalition-building and limited beneficiary influence can undermine implementation effectiveness.

(i) Context

The contextual environment within which the KwaJika Joe upgrading programme is implemented has significantly shaped policy outcomes. The settlement's central location in Pietermaritzburg, combined with high population density, poverty, and insecure tenure, has created both opportunities and constraints for in-situ upgrading. Brynard (2009) emphasises that policy implementation is extremely sensitive to socio-economic and political contexts, particularly in urban environments characterised by inequality and informality. In KwaJika Joe, land availability, historical occupation patterns, and competing urban development pressures

have complicated implementation, limiting the municipality's flexibility and contributing to delays in delivery.

(ii)Content

The policy content of the Housing Code 2009 reflects progressive intentions, particularly its support for incremental upgrading and recognition of informal settlements as legitimate spaces requiring state intervention. However, Brynard (2015) notes that policy content must be sufficiently clear and adaptable to guide implementation under complex conditions. In KwaJika Joe, ambiguities within the Housing Code regarding eligibility criteria, relocation procedures, and rental-based housing options have created uncertainty for both officials and residents. This lack of detailed operational guidance has constrained consistent application and heightened contestation around who qualifies for assistance.

(iii)Commitment

Political and administrative commitment is a critical determinant of implementation success within Brynard's framework. While Msunduzi Municipality has demonstrated formal commitment through the initiation of the upgrading project and alignment with national policy directives, this commitment has not always been sustained in practice. Delays, shifting timelines, and unresolved disputes have weakened residents' trust in the process. Brynard (2009) argues that commitment must be reflected in continuous leadership, accountability, and responsiveness, rather than symbolic endorsement alone. In KwaJika Joe, inconsistencies between stated commitments and delivery outcomes suggest uneven institutional follow-through.

(iv) Capacity

Capacity constraints have emerged as a central limitation in the KwaJika Joe upgrading programme. These constraints include limited technical expertise, financial pressures, and weak coordination across municipal departments. Recent studies on South African local government highlight that informal settlement upgrading places exceptional demands on municipal capacity, particularly in managing participatory processes and complex tenure arrangements (Mthembu, 2021; Turok, 2020). In KwaJika Joe, insufficient capacity has contributed to slow implementation, fragmented communication, and difficulties in managing relocation and service provision effectively.

(v) Clients and Coalitions

Within Brynard's 5C Protocol, clients and coalitions refer to both policy beneficiaries and the networks of actors involved in implementation. The KwaJika Joe case illustrates misalignment between policy-defined beneficiaries and residents lived realities. Eligibility criteria for Community Residential Units excluded some long-term residents, generating dissatisfaction and resistance. Brynard (2015) stresses that policy implementation is undermined when beneficiaries perceive interventions as unjust or exclusionary. Additionally, while community committees and civil society actors have been involved, their influence over key decisions has remained limited, reducing the potential for collaborative problem-solving and shared ownership of outcomes.

(vi) Synthesis

The application of Brynard's 5C Protocol reveals that shortcomings in policy content clarity, institutional capacity, sustained commitment, and client alignment have constrained the effective implementation of the Housing Code 2009 in KwaJika Joe. Although the broader legislative and policy context supports informal settlement upgrading and establishes responsibilities for the progressive realisation of adequate housing and the provision of housing-related services, the interaction of these implementation factors has produced uneven service delivery outcomes and community dissatisfaction (Republic of South Africa, 1996; Republic of South Africa, 1997; Department of Human Settlements, 2009).

The analysis therefore demonstrates that the existence of a progressive legislative and policy framework does not in itself guarantee effective implementation. Rather, the realisation of legislative and policy commitments is mediated by the institutional, financial, contextual and participatory conditions identified through the 5C analysis. This underscores Brynard's assertion that successful policy implementation depends not only on sound policy design, but also on context-sensitive adaptation, strong institutional capacity, sustained commitment, and meaningful engagement with beneficiaries. In the case of KwaJika Joe, the legislative framework establishes the obligations and policy direction for upgrading, while the 5C analysis helps explain the factors that have facilitated or constrained their translation into practice.

5.5 Theme 3: Community Participation and Stakeholder Engagement

Community participation and stakeholder engagement are essential components of informal settlement upgrading as envisaged in the National Housing Code 2009, which requires meaningful involvement of residents and civil society in planning and implementation (Department of Human Settlements, 2009). Effective participation is linked to better

accountability, social sustainability, and improved outcomes for residents (Watson, 2009; Tissington, 2011). In KwaJika Joe, participation has taken varied forms, shaped by formal structures, advocacy movements, and community responses to municipal interventions.

5.5.1 Stakeholders and Roles

In the KwaJika Joe upgrading process, multiple stakeholders have played distinct roles in shaping engagement and delivery. At the governmental level, the Msunduzi Municipality's Human Settlements Department is the primary agent responsible for implementation, coordinating the phased delivery of services and Community Residential Units (CRUs). Political leadership such as Mayor Mzimkhulu Thebolla and Ward Councillor Suraya Reddy have been publicly involved in meetings and housing handovers, indicating direct elected leadership participation in the process (Times Live, 2023; Ground Up, 2023). The KwaZulu-Natal Department of Human Settlements, through MECs such as Sipho "KK" Nkosi, has also engaged at public events and policy briefings, positioning provincial government as a critical intermediary between national policy and local practice (The Star, 2023).

Civil society actors provide additional support and advocacy within the settlement context. Mama Ntombi's Community Projects (MNCP) has operated within KwaJika Joe for many years, focusing on socio-economic support, child welfare, education, and community development, thereby addressing broader needs beyond shelter alone (MNCP, 2024). This longer-term engagement reflects how grassroots organisations can extend the impact of housing projects by supporting vulnerable groups who may otherwise be marginalised in formal planning processes.

Another influential stakeholder is the social movement Abahlali baseMjondolo, a shack dwellers' organisation that campaigns nationally on behalf of informal settlement residents, advocating for secure tenure, in-situ upgrading, and resistance to forced removals (Parliament of South Africa, 2024). In KwaZulu-Natal, Abahlali has engaged with issues similar to those in KwaJika Joe, including advocating for equitable access to services and contesting relocation or eviction practices, indicating how broader movements shape local expectations and participation norms.

Community structures within KwaJika Joe itself such as resident-led steering committees convened during consultation meetings have attempted to articulate local priorities around housing allocation and eligibility criteria (Times Live, 2022). These committees, often composed of settlement leaders and representatives, operate at the intersection of municipal

processes and grassroots organisation, exemplifying how internal community governance can complement formal stakeholder frameworks.

5.5.2 Participation versus Housing Code Expectations

The Housing Code (2009) emphasises the importance of community participation throughout the informal settlement upgrading process, requiring municipalities to involve affected communities in planning and implementation and to ensure that upgrading interventions respond to local circumstances and needs (Department of Human Settlements, 2009). Participation is therefore not presented merely as an administrative requirement, but as an important component of the upgrading process through which residents can contribute to decisions concerning housing, services and settlement development. This principle is consistent with the broader participatory orientation of South African housing policy and with scholarship emphasising the importance of community involvement in achieving responsive and sustainable upgrading outcomes (Watson, 2009; Porter & Craig, 2004). However, the evidence relating to KwaJika Joe indicates that the existence of participation mechanisms does not necessarily translate into meaningful influence over implementation decisions.

In practice, municipal engagement forums and report-back meetings have provided opportunities for dialogue between residents and municipal representatives. However, secondary sources indicate that residents have raised concerns regarding the extent to which these interactions have influenced substantive decisions, particularly those concerning beneficiary selection and the timing of relocation (Times Live, 2022). This distinction is important when assessing implementation against the expectations of the Housing Code (2009). While the existence of meetings and consultation forums indicates that some participatory mechanisms were established, their presence alone does not demonstrate that residents were able to exercise meaningful influence over decisions affecting the upgrading process. Watson (2009) similarly cautions that participation in informal settlement upgrading can become largely consultative when decision-making authority remains concentrated within government institutions. The KwaJika Joe evidence therefore suggests a degree of divergence between the participatory principle contained in the Housing Code and the extent to which participation translated into substantive influence at implementation level.

This divergence is partly shaped by the institutional and socio-economic conditions within which participation occurs. Although residents possess important experiential knowledge of the settlement and are able to articulate their housing, service and tenure-related needs, formal

authority over eligibility, housing allocation, relocation and the sequencing of upgrading interventions remains largely located within municipal and other governmental structures. Residents of informal settlements may also participate from positions characterised by poverty, insecure tenure and dependence on government for housing and basic services, conditions that can constrain their bargaining position in engagements with municipal authorities (Mitlin & Satterthwaite, 2013; Watson, 2009). Arnstein's (1969) distinction between limited forms of consultation and participation involving substantive influence is relevant in this context. It demonstrates that participation should be assessed not only according to whether consultation occurred, but also according to the extent to which those affected by decisions possess opportunities to influence them.

At the same time, the evidence indicates that residents were not passive recipients of the upgrading programme. Community mobilisation, advocacy and contestation provided additional avenues through which residents sought to influence decisions affecting their housing circumstances. The involvement of Abahlali baseMjondolo, including housing protests and demands for RDP houses rather than rental Community Residential Units (CRUs), illustrates the extent to which some residents and advocacy organisations sought alternatives to aspects of the municipal upgrading approach (GroundUp, 2023). These activities can therefore be understood as expressions of community agency where formal participation mechanisms were perceived as insufficient to influence key decisions. However, contestation also demonstrates the difficulties that can arise when community preferences and institutional decisions are not adequately reconciled. From an implementation perspective, this suggests that participation mechanisms established under the Housing Code need to provide meaningful opportunities for engagement if they are to reduce rather than intensify tensions between implementing authorities and affected communities.

There have nevertheless been instances of more structured community involvement. The establishment of resident steering committees to assist with identifying beneficiary households and interfacing with municipal planners represents an attempt to create a more direct connection between residents and formal implementation structures (Times Live, 2022). These mechanisms are consistent with the participatory orientation of the Housing Code (2009), as they provide an institutional channel through which community representatives can communicate local priorities and concerns. Their effectiveness, however, depends on whether information and concerns communicated through these structures are incorporated into actual decision-making processes. Sustained communication, transparency regarding eligibility and

allocation criteria, and clarity regarding the roles and responsibilities of community representatives are therefore important in determining whether such structures facilitate meaningful participation or remain largely consultative.

Viewed through the bottom-up implementation perspective adopted in this study, the KwaJika Joe case demonstrates that the participation provisions of the Housing Code (2009) cannot be assessed simply by establishing whether consultation mechanisms existed. Rather, the analysis must consider the extent to which residents were able to communicate their needs, influence decisions and participate meaningfully in the implementation of upgrading interventions. The evidence indicates that participation mechanisms were established and that residents and community organisations actively engaged with the upgrading process. However, concerns surrounding beneficiary eligibility, relocation, housing options and the responsiveness of municipal decision-making indicate that participation did not consistently translate into substantive influence. The legislative requirement for community participation was therefore partially reflected in implementation, but its effectiveness was constrained by institutional decision-making structures, socio-economic inequalities and unresolved tensions between municipal priorities and community expectations. This finding demonstrates the importance of applying the Housing Code (2009) not merely as a description of the policy framework, but as an analytical benchmark against which the participatory dimensions of the KwaJika Joe upgrading programme can be assessed.

5.5.3 Residents' Experiences and Satisfaction of Basic Needs

Residents' experiences with upgrading processes offer critical insights into the extent to which basic needs are met and whether participatory mechanisms have translated into improved well-being. In KwaJika Joe, the phased occupation of CRUs has brought visible improvements for some families, including more secure shelter, sanitation, and proximity to urban services, which aligns with Tissington's (2011) emphasis on upgrading as a multi-dimensional improvement rather than merely a change in housing type. These improvements are also consistent with the objectives of the National Housing Code (2009), which positions informal settlement upgrading as a means of progressively improving access to basic services, shelter and living conditions (Department of Human Settlements, 2009). News coverage and public accounts describe residents expressing gratitude for safer living environments and formalised structures that reduce exposure to fire and flooding hazards (IOL, 2023).

From a legislative perspective, these improvements represent a degree of progress towards the constitutional objective of progressively realising access to adequate housing (Republic of South Africa, 1996). The Housing Act (1997) similarly defines housing development in terms of habitable, stable and sustainable residential environments, indicating that the assessment of upgrading should extend beyond the physical provision of housing structures to the broader conditions in which residents live (Republic of South Africa, 1997). Viewed against these requirements, the provision of CRUs and basic services in KwaJika Joe constitutes an important improvement; however, the evidence also indicates that the realisation of adequate housing remains uneven.

Affordability remains a persistent concern affecting satisfaction. While some tenants report positive changes in their living conditions, others find rental and utility costs, even when subsidised, to strain limited household incomes, echoing Smit's (2011) observation that economic sustainability is a core component of perceived housing success. This concern is particularly relevant to the AAAQ framework, through which accessibility encompasses the extent to which housing and related services can be accessed without creating disproportionate economic barriers (WHO, 2008). The economic constraint therefore intersects with residents' expectations around tenure security, where the desire for ownership rather than rental accommodation shapes views on whether upgrading has genuinely met basic needs. Although the Housing Code (2009) provides for rental-based CRUs within the upgrading process, the evidence suggests that the appropriateness and affordability of this form of provision require consideration in relation to residents' socio-economic circumstances (Department of Human Settlements, 2009).

In addition, contested experiences around relocation and demolitions have undermined trust in some municipal processes. Some residents report that demolitions of informal structures occurred without adequate prior communication, resulting in feelings of exclusion and frustration (GroundUp, 2023). These experiences are significant when considered against the participatory and rights-based principles underpinning the Housing Code (2009) and the broader legislative framework. Payne (2005) notes that when interventions affect people's sense of place and security without inclusive negotiation, the perceived legitimacy of upgrading initiatives can be compromised. Thus, while physical improvements may demonstrate progress in the delivery of housing and services, the manner in which these interventions are implemented also influences their acceptability and sustainability.

Academic research indicates that residents' satisfaction and perceived success of upgrading are highest when interventions address both material needs and social expectations, including transparent decision-making and respect for local livelihoods (Watson, 2009; Porter & Craig, 2004). In KwaJika Joe, meeting these criteria remains an ongoing challenge. When considered against the Housing Code (2009), the Constitution (1996), and the Housing Act (1997), the evidence suggests that upgrading has produced tangible improvements in shelter and service provision, but that these improvements have not translated uniformly into the broader conditions associated with adequate and sustainable housing. The analysis therefore indicates a degree of progress towards the objectives of the legislative and policy framework, while also revealing continuing gaps in accessibility, acceptability and the responsiveness of implementation to residents' socio-economic circumstances.

5.6 Cross-Theme Synthesis and Critical Discussion

The analysis of KwaJika Joe across Themes 1–3 demonstrates that while the National Housing Code (2009), supported by the broader constitutional, legislative and policy framework, provides a progressive basis for informal settlement upgrading, its translation into practice is uneven. The Constitution of the Republic of South Africa (1996), the Housing Act (1997), Breaking New Ground (2004), and the Housing Code (2009) collectively establish principles of adequate housing, progressive upgrading, improved living conditions and community participation. The findings from KwaJika Joe provide an opportunity to assess the extent to which these legislative and policy commitments have been reflected in implementation.

The analysis indicates that the Housing Code's strengths lie in its rights-based orientation, support for incremental upgrading, and emphasis on multi-stakeholder participation. However, the evidence also reveals implementation gaps relating to institutional capacity, accessibility, participation, eligibility, relocation and the responsiveness of interventions to residents' socio-economic circumstances. These gaps demonstrate that the existence of a progressive legislative and policy framework does not, in itself, guarantee the realisation of its objectives. Rather, outcomes are shaped by the institutional, financial, administrative and social conditions through which the framework is implemented.

5.6.1 Strengths of the Housing Code (2009)

A significant strength of the Housing Code is its alignment with the Constitution of the Republic of South Africa (1996) and the Housing Act (1997), which affirm access to adequate housing as a fundamental right (Republic of South Africa, 1996; Department of Human

Settlements, 2009). This rights-based foundation positions informal settlement upgrading not merely as a technical exercise but as an obligation grounded in social justice. In KwaJika Joe, this legislative and policy framework provides the basis for structured upgrading interventions, including the phased rollout of Community Residential Units (CRUs) and basic services such as sanitation and electricity, which residents previously lacked. This incremental model aligns with arguments that upgrading should be flexible and adaptive to local constraints, including financial and spatial limitations, rather than reliant on immediate full-scale formal housing delivery (Isandla Institute et al., 2022; Tissington, 2011).

The Housing Code's (2009) explicit support for stakeholder engagement also represents a conceptual strength. Policy frameworks increasingly recognise that meaningful participatory planning, in which residents have opportunities to influence decisions rather than merely being consulted, can enhance sustainability and community ownership (Discover Global Society, 2024). This is consistent with research emphasising the contribution of meaningful participation to socially sustainable upgrading and stronger relationships between communities and implementing institutions. In KwaJika Joe, structures such as resident steering committees and the continued involvement of civil society actors demonstrate the potential for participatory mechanisms to contribute to local implementation when adequately supported.

Taken together, these provisions demonstrate that the upgrading interventions observed in KwaJika Joe are not simply discretionary municipal initiatives but form part of a broader constitutional and legislative commitment to progressively improve access to adequate housing. The phased provision of CRUs and basic services therefore represents **partial implementation of these policy and legislative objectives**. However, the unevenness of outcomes identified across the subsequent themes demonstrates that formal alignment with the legislative framework does not necessarily translate into its comprehensive realisation in practice.

5.6.2 Implementation Weaknesses and Local Tensions

Despite these strengths, a recurring theme emerged across the analysis: limitations in operational guidance, institutional capacity, and socio-economic sensitivity dilute the Housing Code's effectiveness. A case in point is the dispute over eligibility criteria for CRUs in KwaJika Joe, where many long-term residents did not meet technical criteria and were therefore excluded from housing allocation (Ground Up, 2023; Maila, 2025). This generated frustration, protest action, and perceptions of inequity, revealing how rigid eligibility frameworks can

undermine social legitimacy when they fail to reflect historical settlement patterns and survival strategies (Rice, Scheba & Harris, 2023).

Similarly, the demolition of informal structures in parts of KwaJika Joe, following relocation vetting procedures, exposed a policy blind spot: the Code does not offer detailed, context-specific protocols for managing transitions for households left behind (Witness, 2023). The resulting insecurity of tenure and loss of social networks reinforces findings from broader literature that upgrading strategies often fall short in addressing informal tenure complexity and residents' sense of place and dignity, including their socio-economic strategies for survival (Klug & Vawda, 2009; Rice, Scheba & Harris, 2023).

These developments highlight an important distinction between the protective and developmental principles established within the broader housing framework and their practical application at settlement level. While the Housing Code (2009) promotes incremental upgrading and improved security and living conditions, the KwaJika Joe evidence indicates that households excluded from particular interventions may continue to experience insecurity and disruption. The finding therefore points to an implementation gap rather than necessarily a complete absence of legislative protection.

5.6.3 Institutional and Participation Gaps

Implementation has also been affected by municipal capacity constraints. Across themes, the analysis highlighted how limited technical expertise, constrained budgets, and coordination challenges within Msunduzi Municipality have slowed project timelines and reduced the quality of service delivery (Turok, 2009; Mmbadi, 2024). Moreover, while the Code promotes participatory structures, the quality of engagement in KwaJika Joe has at times been superficial. Consultative meetings, though frequent, have not always translated into meaningful influence over key decisions such as unit allocation or relocation sequencing. This reflects broader evidence that participation is not inherently transformative unless it involves shared decision-making authority, clear procedural influence, and ongoing feedback mechanisms embedded in upgrading processes (Watson, 2009; Discover Global Society, 2024).

These findings demonstrate that the participatory requirements of the Housing Code (2009) are influenced by the institutional conditions within which they are implemented. The existence of consultation structures therefore represents only one aspect of legislative compliance; the extent to which these structures enable residents to influence decisions concerning allocation, relocation and implementation is equally important.

5.6.4 Expanded Implications for Policy and Practice

Synthesising the findings across the three themes suggests several critical implications for the implementation of the Housing Code (2009) and for informal settlement upgrading practice more broadly. The implications arise from the gaps identified between the objectives of the legislative and policy framework and the outcomes observed in KwaJika Joe. They therefore focus on strengthening the institutional, operational and participatory conditions through which the principles of the Housing Code can be translated more effectively into practice.

(i) Refined Operational Frameworks:

The findings indicate a need for greater operational clarity within the implementation of the Housing Code (2009), particularly in relation to beneficiary eligibility, relocation processes and tenure transitions. The KwaJika Joe case demonstrates that where policy principles are not accompanied by sufficiently clear procedures for addressing complex settlement histories and competing claims to housing opportunities, uncertainty and contestation may arise (Rice, Scheba & Harris, 2023; Witness, 2023). Context-specific operational guidelines should therefore be sensitive to long-standing settlement histories, local livelihoods and cumulative socio-economic disadvantage. Clear dispute-resolution mechanisms and accessible avenues for appeals could further assist in addressing disagreements and reducing perceptions of unfairness. Such measures would strengthen the translation of the Housing Code's progressive objectives into consistent and transparent implementation practices.

(ii) Municipal Capacity Building:

The analysis further demonstrates that the effectiveness of the Housing Code is strongly influenced by municipal institutional capacity. Addressing capacity limitations requires sustained support for technical planning, project management, interdepartmental coordination and participatory facilitation (Turok, 2009; Mmbadi, 2024). Support frameworks such as the National Upgrading Support Programme (NUSP) provide a basis for strengthening municipal capacity and could be more systematically integrated into municipal implementation processes. Strengthening institutional capacity is particularly important where municipalities are required to manage complex upgrading processes involving land, infrastructure, beneficiary identification, relocation and community engagement simultaneously.

(iii) Deepening Participatory Planning:

The findings indicate that participation should extend beyond periodic consultation towards more meaningful forms of engagement in which residents have opportunities to influence decisions at key stages of the upgrading process. This includes decisions relating to project design, beneficiary and allocation criteria, relocation arrangements and post-implementation assessment (Discover Global Society, 2024). Such an approach is consistent with participatory planning scholarship emphasising shared decision-making and the incorporation of local knowledge into development processes (Watson, 2009). It also gives practical effect to the participatory principles embedded within the Housing Code (2009) and the broader local-government governance framework. In the KwaJika Joe context, strengthening the role of resident structures and maintaining transparent communication could improve the responsiveness and legitimacy of implementation.

(iv) Socio-Economic and Dignity Considerations:

The findings also indicate that the effectiveness of upgrading cannot be assessed solely in terms of the physical provision of housing and services. Affordability, tenure expectations, livelihoods and residents' experiences of dignity and security influence whether interventions are experienced as meaningful improvements. Upgrading policies and programmes should therefore take greater account of the socio-economic circumstances within which residents access and sustain improved housing conditions, including affordability pressures, livelihood activities and the potential disruption associated with relocation (Rice, Scheba & Harris, 2023). This consideration is consistent with the broader rights-based orientation of the South African housing framework, which understands adequate housing as extending beyond the provision of physical structures to the creation of habitable and sustainable residential environments (Republic of South Africa, 1996; Republic of South Africa, 1997).

(v) Integration with Broader Urban Development:

Finally, the findings reinforce the importance of integrating informal settlement upgrading with broader urban planning and development strategies. Upgrading should be considered alongside access to transport, employment opportunities, health services, educational facilities and other components of urban infrastructure. Such integration can improve the long-term sustainability of upgrading interventions and is consistent with the broader objectives of integrated and inclusive urban development (Isandla Institute et al., 2022; Mmbadi, 2024). The relevance of this approach is particularly evident in KwaJika Joe, where the location of the settlement,

residents' livelihood strategies and access to urban opportunities influence the acceptability and sustainability of upgrading interventions.

In summary, the KwaJika Joe case demonstrates that the Housing Code (2009) provides a strong and progressive foundation for informal settlement upgrading, but that the effectiveness of its implementation is strongly dependent on the institutional, operational, participatory and socio-economic conditions within which it is applied. The findings therefore suggest that greater operational clarity, strengthened municipal capacity, meaningful resident engagement and closer integration with broader urban development processes are important for translating the objectives of the Housing Code into more equitable, sustainable and context-responsive outcomes. These implications extend beyond KwaJika Joe and provide relevant considerations for the implementation of informal settlement upgrading programmes more broadly in South Africa.

5.7 Implications for Policy and Practice

The findings from this study reveal that while the Housing Code (2009), within the broader constitutional and legislative framework for housing, provides a progressive basis for informal settlement upgrading, its effectiveness is highly dependent on how its principles are interpreted, operationalised, and supported at municipal level. The experience of KwaJika Joe illustrates that alignment with national policy objectives alone is insufficient to secure equitable and sustainable upgrading outcomes. Instead, the findings point to the need for greater operational clarity, strengthened institutional capacity, and more meaningful participatory practices to address the gap between the commitments established by the housing framework and their implementation in practice.

5.7.1 Implications for National Housing Policy

At the national policy level, the findings from KwaJika Joe indicate a need for clearer operational guidance within the Housing Code (2009) on issues that frequently emerge during upgrading processes, particularly eligibility criteria, relocation procedures, and tenure transitions. The Code provides for incremental upgrading and improved living conditions, but the KwaJika Joe evidence demonstrates that the application of eligibility requirements for Community Residential Units can generate disputes where formal criteria do not adequately accommodate the circumstances and settlement histories of long-term residents. Huchzermeyer (2011) cautions that such technocratic approaches can undermine the social legitimacy of upgrading programmes by prioritising administrative compliance over social justice. Greater

flexibility and context-sensitive guidance within the implementation of the Code could therefore improve its responsiveness to the complex realities of informal settlements.

The findings also highlight a gap between the participatory principles contained in the Housing Code (2009) and the extent to which residents were able to influence substantive decisions in KwaJika Joe. While the policy framework recognises community engagement as an important component of upgrading, the case evidence indicates that participation did not always translate into influence over decisions concerning allocation and relocation. Watson (2009) and Mitlin and Satterthwaite (2013) emphasise that meaningful participation should extend beyond consultation towards forms of engagement that provide communities with substantive opportunities to influence decisions. Strengthening the operational requirements accompanying the Code could therefore assist municipalities in demonstrating how community input has been considered in key planning, allocation, and relocation decisions.

5.7.2 Implications for Municipal Practice

At the municipal level, the KwaJika Joe case highlights the importance of institutional capacity in translating the legislative and policy framework into effective upgrading outcomes. Msunduzi Municipality's challenges, including delays, coordination difficulties, and inconsistent communication, reflect broader structural weaknesses identified by Turok (2009), who notes that municipalities may lack sufficient technical expertise, financial stability, and interdepartmental coordination to implement complex upgrading programmes effectively. Addressing these challenges requires sustained investment in professional training, project management systems, and intergovernmental support mechanisms such as the National Upgrading Support Programme (NUSP). Such support is important because the rights and responsibilities established through the national housing framework ultimately depend on municipal institutions for their practical implementation.

Improved communication strategies also emerge as a key practical implication. In KwaJika Joe, limited transparency regarding eligibility assessments and relocation timelines contributed to mistrust and community frustration. According to Gilbert (2007), uncertainty and poor information flow can exacerbate resistance even where physical improvements are being delivered. Municipalities should therefore prioritise continuous and accessible communication with residents, using appropriate platforms and languages to promote clarity and inclusivity throughout the upgrading process. This would strengthen the participatory and accountability

principles underpinning the Housing Code (2009) and the broader framework of developmental local government.

5.7.3 Implications for Community Participation and Social Outcomes

The study further underscores the importance of treating community participation as a substantive component of upgrading practice rather than a peripheral procedural requirement. While KwaJika Joe residents were engaged through committees and public meetings, the analysis indicates that their influence over critical decisions remained constrained. Arnstein's (1969) ladder of participation remains relevant in this context, illustrating that consultation without meaningful influence risks reinforcing tokenistic forms of engagement. Strengthening bottom-up approaches by formally recognising community structures and creating clearer mechanisms through which resident concerns can inform decision-making would therefore give greater practical effect to the participatory principles embedded within the Housing Code (2009).

The findings further indicate that participation and social outcomes cannot be separated from the material conditions created by upgrading. The shift towards rental-based CRUs, although improving physical living conditions for some residents, also imposed new financial pressures on low-income households in KwaJika Joe. This finding is significant when considered against the broader legislative objective of progressively improving access to adequate housing, as established in Section 26 of the Constitution (Republic of South Africa, 1996), and the Housing Act's (1997) emphasis on habitable, stable, and sustainable residential environments. It supports the argument advanced by Charlton and Kihato (2006) that housing interventions should be integrated with broader livelihood strategies to avoid inadvertently deepening vulnerability. Policies and practices that combine housing provision with appropriate socio-economic support and access to economic opportunities may therefore be more consistent with the broader objectives of adequate and sustainable housing.

5.7.4 Towards Integrated and Context-Sensitive Upgrading

Overall, the implications of the study point towards the need for a more integrated and context-sensitive approach to informal settlement upgrading. The Housing Code (2009) remains a critical policy instrument within South Africa's broader constitutional and legislative housing framework, but the KwaJika Joe findings demonstrate that its effectiveness depends on the institutional, financial, administrative, and participatory conditions within which it is implemented. Aligning national policy commitments with municipal capacity realities and

community circumstances is therefore essential for advancing equitable and sustainable upgrading.

By addressing operational gaps, strengthening institutional support, and deepening participatory practices, policymakers and practitioners can improve the translation of legislative and policy commitments into local upgrading outcomes. The lessons emerging from KwaJika Joe therefore have relevance beyond Msunduzi Municipality, particularly for other municipalities confronting similar challenges in translating the objectives of the Housing Code (2009) into effective informal settlement upgrading practice.

5.8 Chapter Conclusion

This chapter has critically analysed the KwaJika Joe informal settlement upgrading programme, using the National Housing Code (2009) as the primary policy framework and examining its implementation within the broader constitutional, legislative, and policy framework governing informal settlement upgrading in South Africa. Through the thematic analysis of policy design and implementation, implementation constraints and service delivery outcomes, and community participation and stakeholder engagement, the chapter has demonstrated how national housing policy is translated into practice at the municipal level.

The analysis showed that the Housing Code (2009) provides a progressive, rights-based framework for informal settlement upgrading, consistent with the constitutional right to adequate housing and the developmental and participatory principles established through the Constitution of the Republic of South Africa (1996), the Housing Act (1997), and Breaking New Ground (2004). Its emphasis on incremental upgrading, basic service provision, community participation, and improved living conditions provides a coherent policy basis for interventions such as those undertaken in KwaJika Joe. However, the analysis also demonstrated that legislative and policy alignment does not necessarily translate into consistent implementation outcomes.

In KwaJika Joe, institutional capacity limitations, governance and coordination challenges, funding constraints, administrative delays, and socio-political complexities have constrained the effective implementation of the upgrading programme. These factors have affected the availability and accessibility of housing and basic services, as well as the quality, acceptability, and sustainability of interventions. Documented eligibility disputes, uncertainty surrounding relocation, and concerns regarding affordability and tenure have further demonstrated how implementation challenges can affect residents' experiences of upgrading. Viewed against the

requirements and objectives of the Housing Code (2009), these outcomes reveal a gap between the formal policy commitments established by the legislative framework and their practical realisation at municipal level.

The analysis further demonstrated that community participation, although explicitly embedded within the Housing Code (2009) and supported by broader principles of participatory local governance, has not always translated into substantive influence over key implementation decisions. Existing consultation forums, resident structures, and stakeholder engagements have created opportunities for dialogue, but differences in institutional power, socio-economic conditions, and access to decision-making processes have constrained the extent to which residents can influence matters such as eligibility, allocation, relocation, and the sequencing of upgrading interventions. Community contestation and advocacy should therefore be understood not only as obstacles to implementation but also as expressions of residents' attempts to exercise agency and influence outcomes affecting their housing circumstances.

The application of Brynard's 5C Protocol, the AAAQ framework, and the Basic Human Needs approach has provided complementary analytical perspectives through which the relationship between policy provisions and implementation outcomes could be examined. Collectively, these frameworks demonstrate that the effectiveness of the Housing Code cannot be assessed solely in terms of the existence of an appropriate policy framework. Rather, its practical realisation is mediated by contextual conditions, institutional capacity, administrative and political commitment, the accessibility and quality of services, and the extent to which residents are meaningfully incorporated into implementation processes.

Overall, the chapter establishes that the Housing Code (2009) is conceptually and legislatively well aligned with South Africa's broader commitment to adequate housing and inclusive human settlements, but that significant challenges remain in translating these commitments into equitable and sustainable outcomes at local level. The KwaJika Joe case therefore illustrates the persistent gap between policy design and implementation, demonstrating that effective informal settlement upgrading requires not only appropriate legislation and policy, but also sufficient institutional capacity, coordinated governance, context-sensitive implementation, and meaningful community participation. These findings provide the basis for the broader conclusions, recommendations, and contribution of the study presented in the final chapter.

CHAPTER SIX: Conclusions and Recommendations

6.1 Introduction

This chapter presents the conclusions and recommendations derived from the analysis of the KwaJika Joe informal settlement upgrading programme, with a specific focus on the implementation of the Housing Code (2009). Drawing together the findings from the documentary and policy analysis undertaken in the preceding chapters, the chapter reflects on the extent to which national housing policy objectives have been realised at municipal level. It synthesises the key themes that emerged from the study, analyses the effectiveness of the Housing Code in practice, and situates the findings within broader debates on informal settlement upgrading in South Africa.

In addition, the chapter proposes practical and policy-oriented recommendations aimed at strengthening the implementation of informal settlement upgrading programmes, particularly within resource-constrained municipal contexts. These recommendations are intended to address the gap between policy intent, documented implementation outcomes, and the realities experienced by informal settlement residents. The chapter concludes by identifying areas for future research that could deepen understanding of informal settlement upgrading and inform more inclusive, sustainable housing interventions.

6.2 Summary of Key Findings

The analysis of secondary and documentary evidence undertaken in this study revealed several interrelated findings regarding the implementation of the Housing Code (2009) in KwaJika Joe. Firstly, the study confirmed that the Housing Code provides a comprehensive and progressive, rights-based framework for informal settlement upgrading. Its emphasis on in-situ upgrading, incremental development, and community participation reflects both constitutional obligations and international best practice in addressing informality. In KwaJika Joe, this policy framework informed the phased delivery of basic services and the development of Community Residential Units (CRUs), demonstrating the Code's potential to improve living conditions and enhance tenure security.

Secondly, the findings highlighted a significant gap between policy design and implementation. Although the Housing Code sets out clear principles and objectives, its practical application in KwaJika Joe was constrained by limited municipal capacity, weak interdepartmental coordination, funding limitations, and complex land and tenure dynamics.

These challenges were associated with documented delays in project implementation, uneven service delivery, and uncertainty regarding eligibility and relocation processes. The study therefore confirms existing scholarship which argues that policy effectiveness is highly dependent on institutional and governance capacity at local level.

Thirdly, the analysis revealed that community participation, while formally embedded in policy and municipal processes, was often limited in practice. Although structures such as ward committees and project steering committees existed, their influence over key decisions such as housing allocation, relocation sequencing, and project timelines was constrained. As a result, participation frequently took a consultative rather than a decision-shaping form, which, according to the secondary evidence reviewed, affected residents' perceptions of ownership, trust, and satisfaction with the upgrading process.

Finally, the application of analytical frameworks including Brynard's 5-C Protocol, the AAAQ framework, and the Basic Human Needs approach provided a nuanced understanding of policy implementation. These frameworks highlighted strengths in policy intent and service provision, while also exposing weaknesses related to accessibility, affordability, acceptability, institutional capacity, and beneficiary alignment. Together, these findings underscore the multifaceted and contested nature of informal settlement upgrading in practice.

6.2.1 Alignment of Key Findings with the Research Questions

This section explains how the key findings of the study directly address the research questions guiding the inquiry. By explicitly linking the findings from the documentary and policy analysis to each research question, the section demonstrates the internal coherence of the study and confirms that the research objectives have been addressed.

Research Question 1: How has the Msunduzi Municipality implemented the informal settlement upgrading programme?

The documentary evidence indicates that the Msunduzi Municipality has implemented the informal settlement upgrading programme in a manner broadly informed by national housing policy, particularly the Housing Code (2009). In KwaJika Joe, implementation occurred through a phased and incremental approach, including the provision of basic services, in-situ upgrading measures, and the development of Community Residential Units (CRUs). These interventions reflect a departure from earlier eradication-focused approaches and demonstrate an intention to improve living conditions while maintaining community proximity. However,

the documentary evidence also indicates that implementation has been uneven and characterised by delays, administrative constraints, and partial execution, indicating that while the programme has been initiated, it has not been fully or consistently realised in practice.

Research Question 2: What are the key challenges faced by the Msunduzi Municipality in the informal settlement upgrading process?

The analysis identifies a range of institutional, administrative, and socio-political challenges that have constrained effective implementation. Limited municipal capacity, weak coordination across municipal departments, funding constraints, and complex land and tenure arrangements emerged as central barriers. In addition, unclear eligibility criteria, contested relocation processes, and insufficient communication with residents were associated with documented uncertainty and dissatisfaction within the community. These challenges collectively demonstrate that implementation outcomes are shaped not only by policy design, but also by governance capacity and institutional readiness at the local level.

Research Question 3: Is the informal settlement upgrading process implemented by Msunduzi Municipality aligned with the provisions of the Housing Code and other relevant policies?

The findings suggest that the upgrading process in KwaJika Joe is partially aligned with the principles and objectives of the Housing Code (2009) and related policy frameworks. Alignment is evident in the municipality's adoption of in-situ upgrading, incremental development, and the formal inclusion of community participation mechanisms. However, the analysis also reveals significant gaps between policy intent and implementation practice. While participation, tenure security, and access to services are central policy commitments, their practical realisation was constrained by institutional limitations and procedural ambiguities. As a result, policy alignment exists primarily at a conceptual and procedural level, rather than being fully embedded in implementation outcomes.

Research Question 4: How can the implementation of the policy be improved?

The findings provide a clear basis for identifying areas in which policy implementation can be strengthened. Improvements are required at both policy and practice levels, including clearer operational guidance within the Housing Code, enhanced municipal capacity, more meaningful and empowered community participation, and systematic monitoring and evaluation mechanisms. These recommendations respond directly to the institutional, procedural, and

participatory weaknesses identified in the study and aim to improve the responsiveness, inclusivity, and sustainability of informal settlement upgrading initiatives.

6.3 Contribution of the Study to Scholarship

This study contributes to scholarship on informal settlement upgrading and housing policy implementation by providing a context-specific policy implementation analysis of the Housing Code (2009) in KwaJika Joe, based on secondary documentary evidence. Rather than generating primary empirical data from residents or implementing officials, the study analyses available documentary, policy, municipal, academic, and other secondary sources to examine how the principles and objectives of the Housing Code are translated into practice at municipal level. The analysis demonstrates that while the Housing Code (2009) provides a progressive and rights-based framework for informal settlement upgrading, its implementation is shaped by institutional capacity, governance arrangements, resource constraints, and the nature of community participation. In this respect, the study contributes to understanding the implementation gap between policy design and documented implementation outcomes in a specific municipal context.

The study also contributes analytically by bringing together the Brynard 5-C Protocol, the AAAQ framework, and the Basic Human Needs approach to examine different dimensions of policy implementation. The application of these frameworks demonstrates how policy implementation can be assessed not only in terms of policy design and institutional capacity, but also in relation to the availability, accessibility, quality, acceptability, and broader social implications of upgrading interventions. Their combined application provides a multidimensional basis for analysing the relationship between policy provisions and implementation outcomes in informal settlement upgrading.

A further contribution lies in the study's application of the Housing Code (2009) within the specific context of KwaJika Joe. The analysis illustrates how national housing policy and the broader legislative framework interact with municipal institutional conditions, settlement characteristics, resource constraints, and community participation processes. The study therefore adds to policy implementation scholarship by demonstrating the importance of examining the translation of national policy into local practice, rather than assessing policy effectiveness solely at the level of policy design.

The study also offers practical lessons for policy and practice by identifying implementation challenges relating to institutional capacity, eligibility and relocation processes, affordability, service delivery, and community participation. These findings provide a basis for considering how the operationalisation of the Housing Code can be strengthened in contexts characterised by complex settlement histories and resource constraints. While the findings are grounded in the KwaJika Joe case and should not be generalised uncritically to all informal settlements, they provide analytically relevant lessons that may inform further investigation and policy implementation in comparable municipal contexts.

Methodologically, the study demonstrates the value of combining secondary-data analysis with implementation-focused analytical frameworks to examine complex policy processes. The study therefore provides a foundation for future research that can complement documentary analysis with primary investigation of residents' experiences, municipal decision-making, and longer-term outcomes of informal settlement upgrading.

6.4 Conclusions

Based on the analysis undertaken in this study, the Housing Code (2009) is conceptually sound and well aligned with South Africa's constitutional and legislative commitments to the progressive realisation of the right to adequate housing. Its focus on incremental upgrading, in-situ development, and participatory governance offers a credible policy approach to informal settlement upgrading and represents a departure from approaches that prioritised eradication and relocation.

However, the analysis also indicates that the effectiveness of the Housing Code in KwaZulu-Natal has been constrained by implementation challenges at municipal level. Limited institutional capacity, financial constraints, administrative delays, and unresolved socio-political issues—particularly those relating to eligibility, relocation, and tenure—have restricted the extent to which policy objectives have been realised in practice. The secondary evidence analysed indicates that while the upgrading programme has resulted in improvements in housing and basic services for some households, other residents have continued to experience insecurity and uncertainty. These uneven outcomes demonstrate that the existence of a progressive policy framework does not, in itself, ensure consistent or equitable implementation.

Furthermore, the analysis indicates that meaningful community participation remains a critical but underdeveloped component of informal settlement upgrading. Although participation is recognised within the Housing Code (2009) and reflected in municipal engagement structures, the evidence reviewed suggests that its influence over key implementation decisions has remained limited. This constrains the potential of participation to strengthen accountability, legitimacy, responsiveness, and sustainability. Overall, the study concludes that effective informal settlement upgrading requires not only progressive policy frameworks, but also sufficient institutional capacity, coordinated governance, and meaningful participatory mechanisms through which community concerns can inform implementation.

6.5 Policy and Practice Recommendations

Considering the findings and conclusions of this study, the following policy and practice recommendations are proposed to strengthen the implementation of informal settlement upgrading within the framework of the Housing Code (2009):

(a) Policy Refinement

The Housing Code (2009) should be strengthened through clearer and more detailed operational guidance on eligibility criteria, relocation procedures, and tenure transitions. The analysis of KwaJika Joe indicates that ambiguities in these areas contributed to contestation, exclusion, and uncertainty, highlighting the need for more context-sensitive policy instruments. Greater flexibility should be introduced to accommodate diverse settlement histories, long-term occupation, and varied household circumstances, particularly in long-established informal settlements. Such refinements would strengthen the implementation of the constitutional commitment to the progressive realisation of the right to adequate housing, as provided for in section 26 of the Constitution of the Republic of South Africa (1996), and support the objectives of the Housing Act (1997) and the Housing Code (2009) (Republic of South Africa, 1996; Huchzermeyer, 2011).

(b) Municipal Capacity Building

Municipalities should be supported through targeted capacity-building initiatives aimed at strengthening technical, administrative, and governance capabilities. This includes training in informal settlement planning, project management, participatory facilitation, and interdepartmental coordination. The analysis of KwaJika Joe indicates that limited institutional capacity can constrain effective implementation even where the underlying policy framework is sound. Strengthening municipal capacity is therefore essential for translating the objectives of the Housing Code into consistent service delivery and more effective implementation at local level (Turok, 2009; Charlton & Kihato, 2006). Such support should also be aligned with existing national mechanisms for strengthening municipal capacity in informal settlement upgrading, including the National Upgrading Support Programme (NUSP).

(c) Community Participation

Participation mechanisms should be strengthened beyond consultative processes to enable meaningful community influence over key decision-making processes. Ward committees, project steering committees, and resident forums should be supported through clearer

mandates, timely access to information, and structured feedback mechanisms that demonstrate how community inputs are considered in implementation decisions. This would give practical effect to the participatory orientation of the Housing Code (2009) and strengthen the relationship between policy requirements and implementation practice. Meaningful participation can enhance legitimacy, build trust, and contribute to more sustainable upgrading interventions (Watson, 2009; Gilbert, 2007). Strengthening bottom-up engagement is particularly important in contexts such as KwaJika Joe, where residents' lived realities and expectations may diverge from formal policy assumptions.

(d) Monitoring and Evaluation

Municipalities should implement systematic and ongoing monitoring and evaluation mechanisms to assess not only physical service delivery but also accessibility, quality, affordability, participation, and social outcomes. Such monitoring should be linked to the objectives and standards contained in the Housing Code (2009) and relevant housing policy and legislative frameworks. Continuous monitoring and evaluation would enable earlier identification of implementation challenges and facilitate adaptive responses during project execution. Incorporating structured community feedback into monitoring processes would further enhance accountability and responsiveness and provide an important mechanism for assessing whether policy objectives are being translated into meaningful outcomes at settlement level (Department of Human Settlements, 2009).

Collectively, these recommendations seek to strengthen the relationship between policy intent and implementation practice by addressing the institutional, procedural, and participatory gaps identified through the analysis of secondary evidence on KwaJika Joe. If effectively implemented, they have the potential to support more equitable, inclusive, and sustainable informal settlement upgrading while strengthening the practical realisation of the rights and policy objectives underpinning South Africa's housing framework.

6.6 Suggestions for Future Research

This study was primarily based on secondary data and document analysis, which limited direct engagement with residents, municipal officials, and other stakeholders involved in the KwaJika Joe upgrading programme. Future research could therefore incorporate primary data collection methods, such as interviews, focus groups, and participatory observation, to examine residents' lived experiences and the perspectives of implementers in greater depth. Longitudinal studies

would also be valuable in assessing the longer-term socio-economic and housing outcomes of upgrading interventions for households and communities.

In addition, comparative studies across multiple informal settlements and municipalities could identify common patterns, best practices, and context-specific implementation challenges that may inform more responsive policy design and municipal practice. Research focusing on tenure security models, affordability, and the socio-economic implications of rental-based upgrading could further contribute to debates on sustainable urban development in South Africa.

Given that the present study relied on secondary evidence and policy implementation analysis, future research involving primary data could complement and extend the findings by directly examining how residents and implementing institutions experience and interpret the upgrading process. Such research would provide an opportunity to test, deepen, and contextualise the implementation issues identified in the KwaJika Joe case.

6.7 Final Remarks

In conclusion, this study demonstrates that while the Housing Code (2009) provides a strong and progressive framework for informal settlement upgrading, its effectiveness is contingent upon effective implementation, adequate institutional capacity, and meaningful community engagement. The KwaJika Joe case illustrates both the potential and the limitations of current upgrading approaches, highlighting the need for adaptive, context-sensitive, and participatory governance.

By integrating policy analysis with an analysis of documented implementation experiences and available secondary evidence relating to KwaJika Joe, this study provides policy implementation conclusions and practical recommendations relevant to informal settlement upgrading in South Africa. The analysis contributes to ongoing debates on housing policy and urban inequality by demonstrating how the relationship between policy intent and implementation practice can shape the extent to which housing policy objectives are realised at local level. The study further underscores the importance of aligning policy implementation with the constitutional and legislative objectives of equitable and sustainable human settlements.

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