Hybrid Governance, Organisational Culture and Effective Land Records

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Summary

The paper reports on hybrid governance and organizational culture in the effectiveness of land records in three case studies in the Cape Town area of the Western Cape province of South Africa. An effective record system is one that residents actually use to effect transactions and defend their tenure, and therefore the records remain current and accurate. Two of the case studies, Dunoon and Mbekweni, are state-subsidised housing projects where land is held in ownership under individual title. The third case, Monwabisi Park is a community record system in an informal settlement.

Hybrid governance often occurs in sub-Saharan peri-urban communities, where *de facto* governance arrangements involve both state and non-state agencies. Risks to recognising hybrid governance arrangements include non-state actors can be more oppressive, coercive, illegitimate forces than a tyrannical state. That said, hybrid governance may be inescapable, and it is a situation that needs to be managed.

Organisational culture, the way people do things and solve problems in an organisation, is a hybrid administration phenomenon that has to be negotiated between different agents and agencies. Land registries are typified by a machine culture. Adhering to rules and procedures is paramount as the organisation generates legal documents. NGOs overseeing a planning initiative that is truly participatory may assume an adhocracy culture in the negotiations leading to community development plans and the development of community record systems to support those plans. Adhocracies typically eschew standards and rules to reach particular goals in a constantly changing, complex environment. CBOs may assume a role in land tenure governance and administration that may stretch beyond first registration in a housing project. They may play a positive role in local level administration, but there are also risks to their involvement. In the three case studies, the relevant CBO is the local branch of SANCO. They are likely to have a political organisation culture, which is likely to be characterised by ongoing schism in the form internal conflict and competition over access to power and resources and solidarity in dealings with outside agencies such as an NGO or a municipality.

In many peri-urban situations, land records should not be implemented without considering the various hybrid governance scenarios that are might materialise and the strategies to achieve a secure system of tenure and an effective land records system to support it. The organisation cultures of each of the potential role players should be understood and incorporated into strategic plans and monitoring and evaluation systems in order to achieve this. The cases inform how understanding different organisational cultures, the different approaches to information systems planning, and the amount of ongoing street level support

that may be necessary for fit-for-purpose initiatives.

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1. INTRODUCTION

The paper reports on hybrid governance and organisational culture in the effectiveness of land records in three case studies in the Western Cape province of South Africa. Two of the case studies are state-subsidised housing projects where the land is held in ownership. The third is an informal settlement in situ upgrade project where a community operated record system is functioning. The principal premise is that an effective record system is one that residents actually use to effect transactions and use the associated documents to defend their tenure, and therefore the records remain current and accurate.

South Africa has delivered up to 4.3 million housing opportunities through state-subsidised housing programmes since the first fully democratic elections in 1994. Most of these are or will be held in ownership (Department of Human Settlements 2017). There is a backlog in registration, and in 2018 some 1.88 million of these properties had been registered, which represents close to 30% of the 6.4 million registered residential properties in the country (Rust 2018, CAHF 2018). If all of the 4.3millon housing opportunities are registered, they would constitute close to half of South Africa's some 9 million registered properties. Thus it is one of the largest housing and titling programmes ever undertaken.

It is important for South Africa's property market and for general land administration that the land register is accurate and current. In land held in ownership under registered title deeds, from the state's perspective it is of utmost importance that residents register their transactions; i.e. they use the registration system to register land they purchase or inherit. Failure to register transactions results in cloudy titles and later dead man's titles where the registered owner is deceased. If cloudy titles are widespread in a housing project, financial institutions will not register a mortgage in the suburb. The registry cannot register transactions in land where the title is cloudy. So, the formal land market becomes frozen. I.e. the outcome is the opposite of what many land titling champions advocate. Furthermore, land use planning and general land administration is impacted negatively in that the authorities cannot expropriate land if the registered owner is not the de facto owner nor provide departures from planning and building regulations if the underlying title cloudy and the registered owner's signature is necessary to approve the departure. Likewise, building plan administration, land taxation and service provision become more difficult. People who buy land off-register also risk losing their land as the registered owner or their heirs may reclaim it if the law only recognises registered transactions (Barry and Whittal 2016, Barry 2019, 2020).

Referring to the third case, in informal settlement upgrade projects, it is imperative that the

land records remain current and accurate. If people record transactions in property objects such as shacks, this should ensure that the correct people benefit from developments and housing opportunities if and when they occur. An inaccurate record will likely delay developments and the delivery of other benefits. If residents record transactions in a local registry or community record system (CRS), it indicates that they are engaged in effective land tenure administration and the benefits that flow from that. Whereas it is easier to clean up a cloudy record than a registered title if participants to a transaction do not record it. The local oral history, the knowledge of neighbours and members of community based organisations (CBOs), can provide the evidence to clean the record through dispute resolution forums. However, disputes can disrupt and delay development programmes in the likelihood of conflicts over who benefits.

Worldwide, there are major drives to record land interests and issue some form of certificate of tenure. In part, this is motivated by Indicator 1.4.2 of Sustainable Development Goal (SDG) Goal #1, to End Poverty, which measures the proportion of adults with legally recognised documentation. The fit-for-purpose land administration initiative provides strategic options to meet the indicator, especially technical options. One question is what happens when the recorders and the international agencies leave? Unless there is a sustained effort to maintain the records, they will fall out of currency. As with land titling programmes in instances where titles are recorded without insufficient examination of community dynamics, the meanings that residents construct around titles (in contrast to meanings that policy and lawmakers construct for them), and examination of power dynamics at local level, there is also the risk of abuse. The powerful and corrupt may use the certificates and land records to grab land, or they become a tool for speculators to secure land that they would not have been able to access were it not for the certificates (Shipton 2009, Barry and Danso 2014).

I argue that understanding how hybrid governance arrangements, whether officially recognised or de facto, should be examined, understood and monitored long after the titles or certificates have been issued. In addition, understanding the organisational cultures of the various agencies involved in land tenure administration, local politics and development initiatives should be examined and how these cultures are likely to manifest in information system planning, management and maintenance.

The case studies involved door-to-door interviews with residents, historical reviews of newspaper archives, official documents and key-informant interviews, group sessions and workshops with politicians, officials, NGO staff, CBO members, community records operators, academics and land professionals. Two of the case studies, Dunoon and Mbekweni, are state-subsidised housing projects where land is held in ownership under individual title. The third case, Monwabisi Park is a community record system (CRS) in an informal settlement where an NGO, Violence Prevention through Urban Upgrading (VPUU), engaged in a participatory development programme with community based organisations (CBOs), the primary one being the local branch of the South African National Civics Association (SANCO).

I first describe organisational culture and hybrid governance and then move on to a description and comparison of the cases.

2. ORGANISATIONAL CULTURE

Organisational culture refers to the way an organisation gets things done, i.e. its problem solving style. In our discussion here, it also refers to how a part of an organisation addresses a particular problem context, such as developing a community record system in an informal settlement. Using Henry Mintzberg's taxonomy, we are interested in the machine culture, the adhocracy culture and political culture (Mintzberg et al 2003).

2.1 The Machine Culture

The machine organisation typically has highly specialised work, and the organisation can be likened to a machine. The culture is characterised by standardisation of work processes and technostructure is a key part of the organisation (Mintzberg *et al* 2003). Rules and procedures are very important, and deviation from them is strongly discouraged if not forbidden. In my observation, a land registry may have a machine culture as there are strict rules and procedures in getting titles, deeds and related documents registered, and procedures have to comply with regulations. Mendonça *et al* (2007) submit that the machine model is inappropriate where a complex situation requires different individuals and organisations to participate.

2.2 Adhocracy

Adhocracy cultures are found in complex, dynamic environments which require sophisticated innovation and cooperation by experts. Standards and rules are likely to be ignored (Mintzberg et al 2003, Dickens ND). Information system managers are likely to adopt an evolutionary approach to information system planning. They assess basic needs, build working prototypes and the system evolves as the problem context is better understood and appropriate information system response becomes clearer (Miller 1985).

My understanding of an adhocracy is problems are not clearly defined, there may be no clear or easy solutions and managers are likely to ignore rules and deal with problems using an ad hoc approach to dealing with the problem that is front of them in a manner that should address immediate and long term goals. Adhocracy, in my opinion, is a suitable description of for the approach required when planning a community based record system in a fully participatory planning process. I.e. where citizens have a great deal of control over the process and their level of power sharing is on top or close to the top of the Ladder of Participation (Arnstein 1969) as per Figure 1 below.
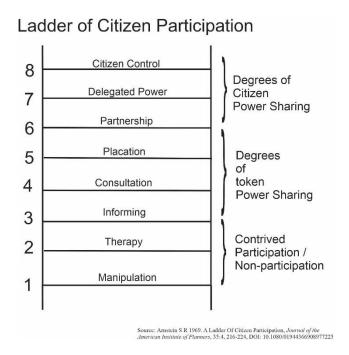
Figure 1 Ladder of Citizen Participation

A different organisational culture may characterise an organisation that implements a land tenure information system where residents who are to benefit from the information system have a level of participation lower down the ladder. In this context, three relevant questions emerge. Firstly, what is the appropriate level of citizen participation in a pro-poor development project and in the development of an associated land tenure information system to support it? Secondly, what culture should a change agent involved in developing such an information system embrace in developing this information system? Thirdly, what approach to information system planning should they adopt. Using Miller's (1985) categorisations, this could be top down, bottom up or open-ended or evolutionary.

2.3 Political organisation

A political organisation may have no dominant parts or dominant mechanisms of coordination. Political organisations my take on temporary forms, reflecting transitions in structure or strategies that evoke conflict. Others are more permanent with competing internal forces driving conflict (Mintzberg et al 2003).

Discussed further below, the South African National Civics Organisation (SANCO) is a civil society organisation (CSO) at the national level and a citizen based organisation (CBO) at housing project and informal settlement level. It is relevant as participant in land tenure administration in the case studies presented here as it typifies the political organisational culture.

3. HYBRID GOVERNANCE

Hybrid governance refers to situations where de facto governance is performed by state and non-state organisations. There is a wealth of literature on hybrid governance, especially in security matters. Relevant to this discussion, hybrid governance may materialise; (1) if the state is fragile or weak (Boege et al 2008); (2) it does not have the resources or the legal power to maintain the level and governance in a particular situation to achieve the outcomes that law and policymakers envisage (Barry 2020); and (3) in informal settlements where people invade land, the law does not allow them to be evicted without alternative accommodation, and consequently CBOs assume a strong local level governance role, sometimes in co-operation and times in conflict with official authorities (Barry 1999, Barry and Roux 2018, Barry and Kingwill *in litt*).

Meagher *et al* point out that there are a number of risks to recognising hybrid governance. The primary risk being that one can strengthen unethical practices and organisations. One needs to avoid the dark side of hybridity (Meagher *et al* 2014). What somehow needs to be managed, if possible, is the set of constantly renegotiated power relations among multiple, heterogeneous actors struggling for control, the different negotiation arenas in which these struggles occur, and objects being negotiated such as power, assets, resources, legitimacy, entitlements, and styles of expression (Hagmann and P´eclard 2010).

In my observation, in informal settlements, urbanising peri-urban customary areas and state-subsidised housing estates hybrid governance may be inescapable. Where the state is willing and capable, it should strive to reduce the risk of, for example, warlords, squatter lords, gangs and drug lords seizing control of the tenure system.

4. THE CIVICS AND SANCO

The civic movement in South Africa emerged as alternative governance organisations to the apartheid state, going back to 1976. As negotiations to full democracy were underway SANCO was formed as an umbrella body for the civics in 1992, specifically those aligned with the current ruling party, the African National Congress (ANC) which came to power in 1994, to define a new mission for the civics. They transformed from being resisters to an oppressive state to participants in a liberal democracy (Seekings 1996). SANCO is an alliance partner with the ruling ANC.

In my observation, local branches of SANCO are active in informal settlements as a CBO where the ANC holds the balance of power, and they may assume a governance role. As the Dunoon case below demonstrates, SANCO can also be active in governance and land tenure administration and indirectly involved in municipal politics. In contrast in the Mbekweni case, the local SANCO branch served as a citizen advice centre and was not involved in land tenure administration and apparently not in municipal politics.

5. MBEKWENI PROJECT 2

Project 2 Mbekweni was the first of the three cases to be studied. In all three case studies described below, an interpretive approach to data collection and analysis was adopted. Data

included door-to-door interviews and key-informant interviews with officials, politicians, land professionals and NGO staff involved in the projects, and CBO staff such as SANCO members. Documents included newspaper archive searches, examination of municipal records, photographs and academic papers. In Project 2 Mbekweni and Dunoon, the Deeds Registry records were examined and compared against responses that residents provided. In open-ended and semi-structured interviews, residents were asked a series of general questions which included the following:

- how they come to live in their house,
- what was working well and what was not in their community,
- the strategies they had used to acquire their dwelling (e.g. if they had registered their purchase or used alternative strategies),
- if people in their neighbourhood had experienced problems over the land or shack ownership and what had happened,
- what they would do if someone tried to claim ownership of their home or shack, and
- who they would approach for help if this occurred.

Mbekweni is some 70 km north of Cape Town midway between Paarl and Wellington in the Western Cape. Mbekweni was developed as a black African residential area in 1946 as a satellite labour town for Paarl and Wellington (Oberholzer and van Breda 1987). Many residents are first generation urban dwellers who have migrated from the former homelands in the Eastern Cape, and some still call that home (Drakenstein Municipality 2013). Project 2 started in 1998 when the 835 parcels were surveyed and the properties allocated and registered soon thereafter. However, delivery of most of the houses only occurred from 2007 onwards, primarily due to construction being delayed by housing related conflict (Barry and Whittal 2016).

Resident interviews in 2013 showed that houses had made a major impact on the lives of the beneficiaries. Most would not contemplate selling their houses, ever. It had been so difficult to get their state-subsidised house. In general they would not take out a mortgage (they couldn't as banks had made a policy decision not to issue mortgage in the suburb) or any form of loan using the house as collateral. They did not want to risk losing their house iof they could not repay the loan. If they had to defend their tenure, residents indicated they would produce their title deed, municipal documents and in one instance a building plan. They would approach the municipality, the police or a lawyer for assistance. Unlike the other case studies covered below, none of the residents mentioned SANCO's street committees. They were aware of street committees, but were not quite sure what they did (Barry and Whittal 2016).

A meeting with the Mbekweni SANCO executive revealed that while SANCO had been involved in the struggles over housing in the past – Mbekweni had a particularly violent history during the apartheid era, they limited their involvement to grassroots community issues, such as dealing with drug lords. They did not get involved in land tenure administration matters in parallel with the municipality. They called a building inspector if

there was a boundary encroachment problem. Furthermore, they emphasised that they did not play a political role in Mbekweni and were not involved in ANC politics (Int #813).

Three residents who had bought houses had registered the transaction. I found no evidence of off-register titles. However, there were indications that inherited property might not be registered. The registered owner had moved to the Eastern Cape to a family home to retire, or they were deceased and the adult children occupying the home did not indicate that they intended to register. Thus, the dead man's title phenomenon may emerge in the long term if title maintenance programmes do not occur (Barry and Whittal 2016).

There are a number of possible explanations for the lack of off-register or informal transactions in Project 2. Firstly, the houses were delivered several years after other housing projects and so both the municipality, SANCO and possibly other CBOs had learned lessons from other projects. From 2007 onwards, the municipality ran a housing consumer education programme in Mbekweni, which covered Project 2. The municipal housing office was within walking distance of Project 2, and people could easily access officials for advice, instead of seeking advice from street committee members. In addition, street level bureaucrats were active in the streets. Building inspectors checked that additions to houses had an approved building plan. Residents who were doing extensions produced building plans in the interviews. Lastly, SANCO was not involved in tenure administration and executive members claimed to be politically neutral. Unlike Dunoon, described below, they were not aligned with candidates who were standing for the local municipal council.

In synthesis, there was no evidence of hybrid land tenure administration, in spite of a long history of conflict, including land related conflict, dating back to the 1980s. Residents used official channels in dealing with their land. Municipal offices were accessible and street level bureaucrats were active. However, unless title maintenance in some form occurs e.g. in the form of NGOs provided legal services related to estate management, dead man's titles may emerge over time.

6. DUNOON

Dunoon has 2694 state-subsidised houses which were constructed in three phases between 1996 and 2001. It is on the north western fringe of Cape Town, some 20km from the city centre. It differs significantly from Mbekweni Project 2 in that CBOs were involved in land tenure administration, houses were invaded at the beginning of the project, and a number of off-register transactions have occurred. The research method was the same as that mentioned in Section 5, except that I had studied land tenure administration in the Marconi Beam informal settlement in the 1990s. Marconi Beam was one of the feeder settlements for Dunoon. I did door-to-door interviews in Phase II in 2014.

The beneficiaries were drawn from 6 different informal settlements in the area. Lists of beneficiaries were drawn up in conjunction with community leadership in each settlement who were largely members of CBOs, such as SANCO. Dunoon was developed in terms of the Less Formal Townships Act (LFTEA) 112 of 1991 (repealed), which was promulgated to

expedite developments such as this. LFTEA exempted developments from existing building regulations. An unintended consequence was this clause was interpreted as new buildings or building alterations did not need building plan approvals and so building inspectors were not visible in the streets as they were in Mbekweni Project 2 (Barry 2020).

Phase I was the first to be developed. Some 15 years after construction, the houses had not been registered. Many of the original beneficiaries on the housing lists drawn up with informal settlement leadership did not qualify for a housing subsidy, and so others had to be assigned the house. Other beneficiaries first had to acquire South African identity books before they could apply for a subsidy and therefore be allocated their house. In the meantime, people invaded the empty houses and politically it was extremely difficult to evict them circa 2000 so soon after South Africa's transformation to a full democracy in 1994. As these matters were being addressed, in the meantime some of the beneficiaries sold their houses informally. Many of these buyers also did not qualify for a housing subsidy. By law, these people should not be permitted to stay in the house. There will have to be a change in the law if they are to be allowed to stay in their houses (Barry 2020). In Phases II and III, lessons had been learned, potential beneficiaries were first checked to see if they qualified and had the necessary documents, and the houses were occupied quickly and 99% of the parcels had been registered by 2003 (Barry 2020).

Phase I has been beset by land tenure problems, many of them related to de facto hybrid governance arrangements and the political culture of CBOs involved in governance. The two municipal councillors over the history of Dunoon have had strong ties to SANCO as part of their support base, and party politics within the ruling ANC were also played out at local level in Dunoon.

In 2008, at the national level the Congress of the People (COPE) broke away from the ruling ANC. The Dunoon SANCO Branch chair and deputy chair switched allegiance from the ANC to the Congress of the People (COPE). In response, the provincial SANCO leadership dissolved the Dunoon branch, and violent conflict broke out between the COPE SANCO faction and an ANC SANCO faction. The latter had strong links with the sitting municipal councillor Peace Stimela. Both factions accused the other of land fraud. One consequence was that people who had supposedly been allocated houses by the COPE SANCO faction were evicted for illegally occupying houses by the ANC SANCO faction when the latter rose to prominence. There have also been incidents of land fraud where a self-styled real estate agent sold houses that were not for sale (Barry 2020).

Interviews in Phase II revealed that a number of off-register transactions had occurred. SANCO has a hierarchy of Area Committees and Street Committees below that, which nowadays have evolved to providing advice and assisting with grassroots issues such as crime and personal security. At times SANCO and the sitting ANC councillor had a hostile relationship with city officials, possibly because the City of Cape Town is governed by an opposition party. They also act as de facto estate agents in facilitating the sale of houses (Barry 2020). At one stage, a system existed where, often encouraged by street committee members, buyers and sellers went to the local police station and signed an affidavit in front of

a police officer to transfer their land, thus effecting an off-register transfer. The police stopped this practice, but street committees in some areas have also witnessed these transactions (Barry and Roux 2019). Street committees are still prominent in Dunoon and they enjoy a high level of legitimacy. A number of residents indicated that they would approach street committees for assistance in the event that they had to defend their tenure (Barry 2020).

The interviews in Phase II revealed three distinct groups of belief systems and behaviours. There were original beneficiaries who would never sell. It had been extremely difficult to get a house and they wanted to keep it for their children. There were purchasers who had followed the legal process and registered the transaction. In some cases they had been assisted or at least advised by their employer. There were also off-register purchasers who had used the police station affidavit or street committees to witness the sale. Among this group of were also people who swopped houses off-register.

Residents in Phase II who had purchased off-register or swopped houses were worried. They had been informed by radio talk shows and municipal notices that they could lose their house if they purchased off-register as the courts only recognise registered transactions. In addition there was an iconic case in which a woman had swopped her house. The registered owner's son then claimed the house, but failed to turn up at court on the trial date. A major problem is it is extremely difficult to clean up the title, especially if more than one transaction has occurred. One resident produced a package of documents which showed that at least 6 off-register transactions had occurred. In brief, a lawyer has to trace the registered owner and possible all the other parties to the transactions to sign the necessary documents. Many of the registered owners could not be found (Barry 2020).

Thus, in contrast to Mbekweni Project 2, in Dunoon, SANCO as a CBO had been aligned with local politicians who drew on SANCO for their power base. SANCO had also been active in land tenure administration and at one time had promoted and participated in off-register transactions, and there were allegations of evictions related to political affiliation. It will be a costly exercise to clean up the cloudy titles and in some cases nigh impossible, unless the national government establishes a land titles adjustment programme, which is unlikely at present. Registration procedures are rigorous and have to comply with the Deeds Registries Act. There is little room for manoeuvre.

7. MONWABISI PARK

Monwabisi Park informal settlement in Khayelitsha, some 40km to the west of Cape Town city centre, has approximately 6,900 shacks housing more than 26,000 people. It falls within the City of Cape Town municipality (CoCT), which is the local planning and administration authority. It is a fully participatory upgrading project where the goal was to place residents at the top of the Ladder of Participation in Figure 1, and the land tenure information system planning was executed an environment of hybrid governance and political and adhocracy organisational cultures.

The first organised invasion of the site occurred in 1997. An NGO, Violence Prevention

through Urban Upgrading (VPUU) became involved in 2009. Planners in the CoCT were keen to try an incremental in situ informal upgrading approach. SANCO was the main CBO involved in settlement level governance (Barry and Kingwill *in litt.*).

VPUU's philosophy was volunteerism and resident participation was paramount. A Safe Node Area Committee (SNAC) was set up, leadership and organisational development training has ensued ever since, baseline surveys and workshops were run in 2009 and a Community Action Plan developed. Following this was an enumeration, a census, of the 6,400 households at the time, which was conducted by community volunteers. VPUU developed an information system using QGIS and SpatiaLite database software, both free and open source software, to manage the data. This later became a Community Record System (CRS) housed in a Community Records Office (CRO) where the records were maintained on site from 2015 onwards (Barry and Kingwill *in litt.*).

The hybrid governance arrangements are represented in Figure 2 below. The CoCT as the landowner and local authority took a back seat. It enforced a protocol that forbade new shacks through its Anti Land Invasion Unit (ALIU), which demolished new shacks, and it issued Certificates of Tenure. It has not involved itself directly with community planning. VPUU facilitated development planning as a change agent and provided resources and training. SNAC's role is as a planning group and SANCO are involved in local governance and enforcing a set of rules or protocols relating to tenure administration that the community had drawn up. The CRS is managed by VPUU in the form of training, hardware provision and system design. It is operated by community volunteers who were paid a basic stipend (Barry and Kingwill *in litt.*).
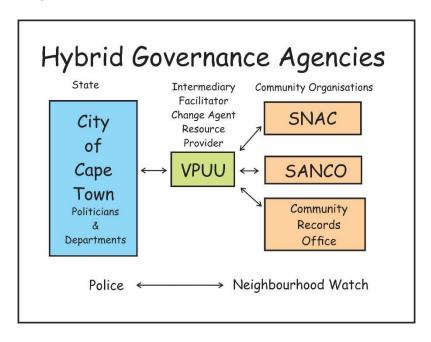

Figure 2 Monwabisi Park Hybrid Governance Arrangements

A Neighbourhood Watch comprises a set of community volunteers who patrol their

neighbourhoods and liaise with the South African Police. It is a hybrid governance arrangement that has official recognition and legal status (Barry and Kingwill *in litt.*). It does not, however, concern itself with tenure matters.

The CoCT issued Certificates of Tenure to each household, using CRS data in 2016. It included the protocols on each certificate. These were:

In brief the protocols are:

1. No new structures may be erected.
2. Residents may own only one structure.
3. Structures can be extended following an approval process that involves SANCO and CoCT departments. Similarly they can be moved if they are in unsuitable positions – e.g. areas subject to flooding.
4. Shack owners have to live in Monwabisi Park.
5. Owners can sell their shack, using procedures that include SANCO area committees.
6. Owners cannot rent out their shacks.
7. South African identification documents are essential for the CRS (and access to the state-subsidised housing programmes) and shack owners are expected to obtain one if they do not have one.
8. Neighbours and SANCO Area Committees are expected to take note of vulnerable members of the community such as elders, women and child-headed households and ensure that they have valid certificates of tenure and up to date community records and that their rights are not extinguished unfairly.
9. If the wrong person is registered as the owner, such as the partner of the working owner, a tenant or a caretaker, owners were encouraged to update their records in the CRS.
10. Every owner was encouraged to have a will.
11. Provision of dispute resolution structures comprising a council of elders, mediators and other leaders or stakeholders to adjudicate conflicts in the event of an argument over shack ownership.

Importantly, the no new shacks rule was enforced by the ALIU. In other case studies, when community leaders have been tasked with preventing further influx, they have not been able to do so (Barry 1999).

The CoCT has stood back, and did not issue renewed Certificate of Tenure when a change in shack ownership occurred. As a response, to keep the records accurate and current, the CRO issues a Letter of Residence to the new owner when a transaction occurs. It includes the new owner's details and it includes a copy of the protocols listed above.

Of interest is that VPUU's information system managers did not consult international

standards, such as the STDM, when planning the information system. They designed according to what was immediately in front of them and let the system evolve as negotiations unfolded (Barry and Kingwill *in litt.*). This fits the description of an evolutionary information system planning and an adhocracy organisational culture (Miller 1985).

Interestingly, the CRS database is a very simple design. It comprises a GIS layer of the shacks digitised off aerial imagery where each shack has a unique number. The GIS layer is joined to a simple list of items in a SpatiaLite database. It does not comply with rigorous database rules. Moreover, complex tenure matters are left to social processes and dispute resolution committees. The CRS was used to establish a set of blocks in the settlement based on existing pathways for planning purposes and for vehicle access and emergency response. It was also used for electrification planning and most 'legal' shacks are electrified. Volunteers also used handheld devices to map faulty taps and toilets in the GIS. This was communicated to the relevant CoCT department, who then repaired them.

Unfortunately in 2019 development had stalled. In simple terms the legal framework to cater for in situ upgrading is not fully developed. There are also conflicting views between CoCT engineering departments and VPUU about how development should proceed and how the site should be serviced.

Resident interviews in 2017 showed that most residents viewed the VPUU intervention as having made a big difference in their lives. If they had a problem, they would generally consult SANCO or the CRO. They were aware of the protocols and the need to work through a SANCO Area Committee, and they were aware of the tenure certificates and letters of residence. The interviews suggested that it was close to impossible to buy and sell a shack without working through the committees and changing the record in the CRS. There were allegations of corruption against SANCO members, who in turn made similar allegations against ALIU officials. A significant portion of residents were highly frustrated at the slow pace or lack of development. Some were expecting houses, as other beneficiaries in the state-subsidised housing programme had received. However, no one indicated that they would use an alternative strategy to transacting in a shack than working through an area committee and getting a Letter of Residence from the CRS (Barry and Kingwill *in litt.*).

Thus in Monwabisi Park, the information system planning and management worked in a hybrid governance arrangement. SANCO and SNAC are political organisations. VPUU's approach to information systems planning can be likened to an adhocracy. I did not study VPUU's organisational culture, so the observation is limited to the information system planning approach. It is very different to the machine like culture in a deeds registry, where following procedure is most important. Interestingly, the protocols have established a set of rules and procedures that have to be followed, and so the rules have evolved as institutions have stabilised.

8. CONCLUSIONS

Drawing the threads of the different cases together, they represent an interesting mix of

governance, organisational culture and records management in the Western Cape province.

In Mbekweni, CBOs such as SANCO were not involved in local land tenure administration. This was left to state structures such as the local municipal housing office and lawyers who were responsible for registering title deeds in the Deeds Registry. Street level bureaucrats were active and residents could easily access official advice. People were using or intended to register transactions, although indications of dead man's titles emerging in the long term were there.

In Dunoon, SANCO was involved in providing alternative transaction strategies to the deeds registration system to residents for more than a decade after the housing beneficiaries had had their properties registered. We don't know what role the municipal councillors may have had in encouraging this practice, but they do not appear to have discouraged it in the early days of Dunoon. When interviewed in 2014, the sitting councillor encouraged people to follow official procedure. SANCO as a political organisation were involved in municipal politics and the effects of national level party politics also impacted land tenure security. There were fewer street level bureaucrats as building inspectors were not active. SANCO street committees encouraged off-register transactions and participated in the process for some time. As a consequence, there are a number of cloudy titles where the de facto owner is not the registered owner. It is very difficult to clean up many of these cloudy titles. Ideally state agencies should have attempted to manage this situation and deter people from transacting off-register. However, it would appear that the hybrid governance arrangements were inescapable.

In the Monwabisi Park informal settlement, VPUU focussed on designing an open-ended community record system to administer tenure as part of a participatory development planning initiative. Instead of examining international standards, such as the STDM, the record system was developed according to what designers saw as a response to what was negotiated at various times. This fits an adhocracy culture in a complex problem context and an evolutionary information system planning approach. The result is a system that operators in the community find easy to use, it is widely accepted and residents appear to use it to record their interests and transactions in land. It is also current and accurate. It will be interesting to see how and under what conditions such a system and its development approach can be replicated and incorporated into city, regional and national land tenure information system policies and practice.

Thus SANCO had played a very different role in Dunoon to the role they played in Mbekweni. In Mbekweni, SANCO did not participate in land tenure administration, and so they did not advise people to transact off-register. In Dunoon they had been involved in local politics and in land administration. They had been active in encouraging off-register transactions and then stopped doing so, arguably because they became aware of the negative consequences for buyers. Monwabisi Park developed a land tenure information system that was working and it had been developed under radically different governance and organisational cultures to the machine culture that characterises many deeds or title registries. VPUU were engaged from the outset and continue to be engaged in planning, system support

and in leadership training. It is a land tenure information system that people use and appears to be up to date, and it will be interesting to see if and how it can be replicated, and if so if it can be incorporated into land tenure information system policy. It also points to what is required in institution building and ongoing support in fit-for-purposes approaches to land administration.

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