Input to the South African Human Rights Commission on Temporary Relocation Areas

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1 Background

Informal settlements (slums) are enduring features of most cities. Successful land reforms that lead to lower rural land consolidations, such as Mexico's rural land certification programme, can lead to rapid migration into cities [1]. However, this can also happen as a result of failed land reforms, as was the case for Peru [2]. Regardless of rural land reforms, outmigration from rural areas and towards cities is an inexorable fact of economic development [3]. Moreover, population growth in developing countries generally, and in Africa specifically, has outpaced the abilities of cities to plan adequately for rapid urbanisation. Cairo and Lagos are two examples of African cities facing extreme challenges in this regard [4, 5]. However, virtually every other African city faces more or less the same set of challenges to different degrees [6].

There is no question that rigid minimum building standards and regulations, gentrification and speculative land acquisitions by developers will drive up housing prices closer to the core for any city. This is certainly true for a major city like Nairobi [7]. But these types of distortions in a place like Cape Town makes the problem all but insurmountable. One reason is the preservation of physical structures on the basis of costly notions of heritage [8]. A case in point is the city of Paris where regulations place a high value on heritage preservation, causing the city to have one of the highest housing price to income ratios in the world. Therefore, as the city has grown, employment and housing have moved outside Paris' municipal boundary. Whatever the benefit is of historical preservation, it comes with the substantial economic losses in the form of high commuting costs. This issue arises in most developing country cities with historical city centres [9].

In the case of the Cape Town, heritage preservation no doubt also contributes to preserving the spatial landscape produced under apartheid and the economic cost is no doubt even worse than for Paris, given the relatively poor public transport options available to the poor here. All of these factors has meant that the post-apartheid period has resulted in what now looks like a ladder of housing for the urban poor: formal low cost housing provided by the state with high population densities; even higher density informal settlements with varying levels of service provision in the peripheries of cities, and what are called Temporary Relocation Areas (TRAs).

2 Evidence-based housing interventions for the urban poor

There are two broad categories of interventions to address housing needs for the urban poor. Demand-side interventions like rental vouchers and subsidies serve to reduce the price of housing [10]. Their primary advantage is they are relatively cheap to implement [11].

The most widely studied voucher programme, "Moving to Opportunity" (MTO), was implemented in the mid 1990s in six major cities in the USA, including, New York City, Boston and Chicago. This programme subsidised the housing of low income families if they moved to low poverty neighbourhoods. Designed as a randomised controlled-trial, recent work shows the programme had significant physical and mental health impacts [12, 13], but no significant impacts on employment or hours worked [14]. However, strong impacts have been found for the adult children of recipient households, particularly children that were pre-adolescents when their families took the opportunity to move [15, 16].

This type of intervention has now also been tried in developing countries, but the impacts on beneficiaries are not yet established. For instance, the Chilean Rental Subsidy Programme is a highly targeted programme that supports young, low to moderate income households, to access better housing. The programme offers beneficiaries a 5-year, flat rate voucher which is decreased in the last two years to get renters used to paying

rent prices that are closer to what they will be paying to rental options in other sub-markets [17]. This programme should in theory produce some positive impacts if the MTO evidence is to be believed, but the programme has not been evaluated yet. There are some exceptions, for instance, in India. But there the evidence concerning employment impacts points in the same direction as MTO [18].

South Africa's Reconstruction and Development Programme (RDP) and its successor, the Breaking New Ground (BNG) programme, are examples of supply-side interventions. These programmes provided approximately 2.1 million fully-subsidised housing units. These units are developed through basic capital subsidies for qualifying beneficiaries. Although these programmes are lauded as a remarkable achievement, their main shortcoming is that most of this new housing is built on the peripheries of cities, limiting access to employment opportunities, thus potentially reducing their economic impact for beneficiaries [9]. This appears to have been the case on aggregate [19]. Except for the City of Cape Town. Data from the National Income Dynamics Study (NIDS), conducted by the Southern Africa Labour and Development Research (SALDRU) at the University of Cape Town, were combined with geographical data on the location of RDP housing project intensity in the City to arrive at a quasi-experimental way of estimating the economic impacts. Statistically significant positive effects on household earnings are found, and these impacts are driven mainly by an increase in the earnings of women. Further evidence on the mechanisms involved in generating these impacts points to freed up time to devote to market work [20].

Countries like China and Indonesia have well known supply side programmes too [21, 22]. In Indonesia for example, inclusionary planning instruments such as the Balanced Housing Ratio 1:2:3 and the Socialisation Process have been used to address housing inequality. These instruments regulate housing construction by the private sector but compliance is often hard to enforce [22].

3 Challenges with TRA implementation and maintenance

The Emergency Housing Programme (EHP) was established under section 3(4)(g) of the Housing Act to fulfil the state's obligations of section 26 of the Constitution. It is detailed in Part 3, Volume 4 of the National Housing Code. The EHP provides temporary relief – land, basic services, and shelter – when emergencies arise such as declared states of disaster and destitution due to extreme weather events. Municipalities, in consultation with the MEC, determine eligibility. Assistance is provided immediately upon qualification. Chapter 12 of the National Housing Code empowers municipalities to relocate/resettle households to emergency housing camps or TRAs.

The current use of TRAs is hotly contested and controversial. Although their establishment is legal, they are now applied to non-disaster situations. Specifically, they are deployed to house people that the City evicts from illegal land occupations. Some have argued that the legislation mandating the creation of a TRA when repurposed to house evictees contradicts the provisions in the constitution of the right to housing [23]. The following examples illustrates the case.

3.1 Blikkiesdorp

On 15 January 2005, a fire swept through the Joe Slovo informal settlement, displacing over 12,000 individuals, leading to its designation as a provincial disaster. The government implemented the EHP for the first time. While many displaced families secured accommodation, approximately 2,500 people required emergency shelter. A TRA was established in Delft Symphony Way, 28 kilometres from Cape Town's city centre with structures closely packed together, communal standpipes, and shared ablution blocks. Unlike

typical RDP homes at 30m^2, these TRA houses are 24m^2. They are made of prefabricated material with no insulation. There is no direct public transport. Commuting requires two private taxis, costing R370 per week. The journey into the city centre can take up to two hours. The site by law is meant to be temporary and therefore their residents have no formal claim to title though many have lived there for over a decade.

3.2 Wolwerivier

Wolwerivier is located approximately 30 kilometres from Cape Town making access to employment, schools, and healthcare difficult. There are no direct bus or train services. The nearest MyCiti bus stops are 6 and 12.5 kilometres from the site, and the closest train station is 22 kilometres away. Taxis to the nearest suburbs of Dunoon and Melkbosstrand are irregular and expensive. The site has a non-profit creche. Most children attend a no-fee school 13 kilometres that provides free transport. High school students however must pay over R400 per month for transport, as no scholar transport is provided. Health services are inadequate. A mobile clinic operates once a month and only serves children. Residents must travel 14 kilometres to the Dunoon Community Health Centre. The nearest hospitals are located in the Southern suburbs or the Northern suburbs. Like Blikkiesdorp, Wolwerivier residents have no formal claim to title though many have lived there for over a decade.

3.3 Bosasa

Bosasa is located in Mfuleni, 30 kilometres from the city. The site lacks train services and buses do not run directly to the city. Minibus taxis operate only during peak hours and is costly (R64.50 per round trip). Outside peak hours, residents have to travel through Khayelitsha at an even higher cost (R75 per round trip). Many residents work as casual labourers in the service sector but this employment is very insecure because of the long commute times and high cost of transport. Access to schools and health services are similarly limited because of proximity. Violent crime is very high.

3.4 Kampies

Kampies lacks basic infrastructure with dire public health risks (open sewage running through ditches alongside the shacks). The site is a flood risk. The shacks themselves are small, lack insulation, and are not properly secured to the ground. Many do not have concrete foundations, and several structures do not have windows. These living conditions violate The Housing Act, Part 4, Section 9(1)(a)(ii), which mandates that the City must ensure the removal or prevention of conditions that are detrimental to public health and safety.

4 Evidence required to improve conditions in TRAs

Several broad categories of interventions to improve informal settlements have been proposed. These include building functional land registers of informal settlement plots and structures as a precursor to formal titling; programmes to foster community-based partnerships; spatially remodelling clusters of shacks within a settlement; and creating flexible norms and standards to allow for experimentation [6]. There is also a growing body of international evidence of on-site slum dwelling upgrades that have demonstrated impacts for quality of life and child health [24]. But, like in South Africa, the evidence that these upgradings alter economic opportunities is at best mixed [25]. In this section, we discuss a subset of these interventions that we think might also work well for TRAs and what types of evidence would be required to evaluate their effectiveness.

4.1 Land registers and titling

By the 1990s, large-scale urban-rural migration driven by agrarian collapse, failed land reforms, and guerrilla conflicts led to an estimated one-fourth of Peru's urban population living in marginal squatter settlements in peri-urban areas and untitled inner-city neighbourhoods. In 1996, the Peruvian government enacted legislative and administrative reforms that mandated the Committee for the Formalization of Private Property (COFOPRI) to begin issuing and registering property titles into a newly created national registry. Over two month periods, project teams moved from one area to the next and digitally mapped all lots in each city's informal settlements, each involving 30000 to 35000 plots. It took five to seven weeks in each area to first establish claims and delineate properties before titles could be issued. Registration then followed, taking between 1 to 6 months. By December 2001, 1.2 million previously unregistered households (6.3 million people) living just above or below the national poverty line gained titles. The programme is widely recognised as the largest slum titling programme in the developing world [2].

Rigorous evaluations of the impacts of the programme show statistically significant employment benefits for beneficiaries (as compared to untitled beneficiaries that the programme had yet to reach). Hours worked outside the home rose significantly, particularly for men, while child labour decreased. The most plausible interpretation of these findings is that prior to the titling programme the insecurity of tenure meant that adult men spent less time working outside of the home as a strategy to guard the dwelling and their possessions, instead allocating children to do market work. The titling programme seems to have lifted the burden of this type of guard-labour, thus freeing adults, men in particular, to devote more time to market labour and reducing the incidence of child labour. This interpretation is supported by the fact that beneficiaries report feeling less at risk of eviction as compared to non-beneficiaries [2].

4.2 Community-based partnerships

Involving a TRA community in assessing risks has the potential to improve cooperation with the City in the provision of basic services. The Wallacedene TRA is a good case in point. Following a participatory risk assessment conducted with community leaders, several interventions took place with a greater level of cooperation from the residents, including the disconnection of illegal electricity lines; waste removal; new sand provision; the distribution of rat boxes, and the removal of diseased dogs [26]. Yet, the evidence on why this approach worked is lacking. Was it the form of risk assessment, per se, or some other process that made the key difference? It is likely that the structure of this community prior to the risk assessment was relevant to the success of the community-based risk assessment. Data on the network structure of communities (before and after the intervention) would have been key to understanding this part of the puzzle.

We also don't know which individual outcomes were affected. In the case of this community, the intervention did not change some economic fundamentals (proximity to employment for instance). Yet the likely reductions to health risks and potential improvements in community cohesiveness are important outcomes to track. It is here that partnering with academia is likely to yield new insights for managing TRAs.

4.3 Flexible norms and standards

The municipality of São Paulo has developed an innovative approach to regenerating vacant and occupied buildings by collaborating with housing movements, residents, technical assistance organisations, and the national government. Since most vacant buildings are privately owned, the municipality often purchases them before remodelling. Rooted in Brazil's constitutional right to housing, the 2001 City Statute and 2014

Strategic Master Plan establish a participatory framework for converting underutilised spaces into housing. Housing movements govern occupations and link them to broader struggles, while technical assistance organisations aid in refurbishment. The State ensures tenure security, infrastructure upgrades, and access to affordable finance. A key example is the Elza Soares occupation (Lord Palace Hotel), where 200 families occupied the building in 2012 under *Frente de Luta por Moradia* (FLM). Renovations began in 2018, and families moved in by 2022, resulting in stable, long-term housing.

In Johannesburg, the city utilises the Temporary Emergency Accommodation (TEA) Policy by refurbishing inner-city buildings and developing vacant land. However, limited funding leads to building deterioration and uncertainty for residents. Some novel solutions have been by initiated recently by *Architecture Sans Frontières UK*, working in partnership with 1to1 – Agency of Engagement, the Inner City Federation, the Inner City Resource Centre, the Socio-Economic Rights Institute of South Africa, and the International Institute for Environment and Development. Together, this group has explored ways to transform TEAs and informally occupied buildings into secure, sustainable housing through its *Change by Design* initiative. Their work highlights the importance of inner-city buildings—whether occupied, temporary, or abandoned—as crucial resources for affordable housing. This approach echoes the experiments in São Paulo. The interventions range from extended agreements for TEA buildings to re-zoning as a gateway to social housing with state subsidised rentals. The benefit of this type of innovation is it contributes to city densification and in theory should result in more stable employment opportunities, and better proximity to schools and state health care.

The City of Cape Town has identified a large number of so-called "problem buildings." It would seem the São Paulo and Johannesburg examples illustrate the potential to turn these building into affordable housing opportunities that should in theory shorten the waitlists for public housing and indirectly ease some of the pressure to expand the use of TRAs in high density, spatially distant, informal settlements.

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