

PARTICIPANTS

Section 6

Interim Arrangements and Relocations



SECTION 6: INTERIM ARRANGEMENTS AND RELOCATIONS

Summary

Introduction

Informal settlements have existed in South Africa for a long time despite the government's efforts to provide formal housing. They are likely to continue for some time as a result of rapid household formation, migration, and financial and capacity constraints within municipalities. Some settlements will face a considerable delay before they are attended to. Further, some settlements are categorised as unsuitable for development and their forward path is for eventual or immediate and complete relocation. Regardless of an informal settlement's category, legal and moral imperatives mean that a municipality is bound to attend to living conditions in all informal settlements. This intervention is referred to as an **interim arrangement**.

For more details see Section 6, item 1

During apartheid more than three million households were subject to forced removals, evictions and relocation. This experience is deeply ingrained in the memory of South Africa and relocation can become a flash point in any development project. **Relocation** affects people directly and frequently results in loss of income, increased cost of living and disruption of social links that provide insurance and support for livelihoods where incomes are low or irregular. Relocations are a sensitive issue within the informal settlement upgrading process and there is a risk of relocation protests being held to stop projects from being implemented.

Interim arrangements

From a humanitarian point of view it is intolerable for large numbers of citizens to be left unattended in unsatisfactory living conditions. From a legal point of view, municipalities bear the responsibility of improving conditions for all of their residents and must act to do so. Essentially, **no informal settlements may be left behind**. Unavailability of funding is not regarded as a reason not to act.

For more details see Section 6, item 2.1 to 2.3

Installing infrastructure ahead of full settlement planning carries the risk of investments being abandoned in the future, if they don't conform to detailed plans. Insufficient funding, the need to mitigate the risk of wasting resources, and probable internal municipal capacity constraints creates the need to prioritise the introduction of basic or interim services and look to conditions being improved progressively over time.

Interim arrangements comprise a continuum of interventions ranging from emergency services to agreed standards of interim services, mainly but not exclusively engineering

services. They must also include the provision of social facilities and economic interventions. Very few settlements have no services and the idea is that levels of service are improved over time resulting in progressive realisation of the right to housing enshrined in the Constitution. Initially, efforts should be focused to secure basic health and safety at the very least.

INCREMETALLY IMPROVING SERVICES



The basic concept is for the incremental improvement in the quantity (spread) and quality of services provided. There is no formula, but rather solutions should be found and actions undertaken that are grounded in the local context and seek to build infrastructure cumulatively over time.

Planning should be carefully undertaken so as to avoid having to abandon emergency or interim service infrastructure. Development frameworks should be around existing infrastructure such as main road continuity, main water supply capacity (and linkages) and sewer connection points. The informal settlement upgrading strategy and programme must outline the municipality's approach to the extension of a basic level of services to all residents in all of its informal settlements. The type of services provided will differ for the different types of settlements:

For more details see Section 6, item 2.4

- **Settlements viable for in situ upgrading:** Interim or basic services should be provided to those settlements located on sites which are viable and appropriate for long-term full or partial in situ upgrading, where this is not going to happen in the short-term. The intention with this category of settlement is eventual formalisation. As a result, sufficient preliminary planning must be done to maximise the extent to which such interim services can be incorporated into an eventually formalised development. This will reduce the risk of interim service investments being abandoned
- **Deferred relocation settlements:** These settlements need to be relocated, but it is not urgent. The provision of interim services to this type of settlement should focus

on health and safety including provision of water, sanitation and refuse removal, addressing particular risks faced by the residents and emergency access for fire engines or alternate fire-fighting arrangements. Efforts to minimise wasteful expenditure must be balanced against plans to relocate the settlement.

- **Settlements requiring immediate relocation:** These settlements are located on land that is unsuitable for human settlement. Any interim services will result in all service investments having to be abandoned. The plan to provide interim services should take into account how long it is expected to plan an alternate settlement. If resettlement is imminent then no additional service infrastructure is warranted. Services to be provided could include emergency services if resettlement is to be delayed and a disaster response plan.

The main focus of interim arrangements is on the supply of engineering services and not on housing. Responsibility is thus located in the engineering departments of the municipality. The role of planning is to generate framework plans to reduce the potential for services to be abandoned.

For more details see
Section 6, item 2.5

There are a number of subsidy mechanisms that could be used to fund interim arrangements including the Upgrading of Informal Settlements Programme (UISP), Urban Settlements Development Grant (USDG), Municipal Infrastructure Grant (MIG) and the Emergency Housing grant.

For more details see
Section 6, item 2.6

Relocations

Residents of informal settlements are almost always amongst the poorest and most disadvantaged. A primary coping mechanism is the development of mutual support that takes a number of different forms from sociability/ friendship, sharing food, child care and security and financial support/borrowing. Mutual support requires trust which develops slowly over time and is easily disturbed. The relocation of a household to a new setting destroys such support, making poverty much harder.

For more details see
Section 6, item 3.1

The Housing Code notes that the key objective of the UISP is to facilitate the structured in situ upgrading of informal settlements, as opposed to relocation. Wherever possible relocations should

For more details see
Section 6, item 3.2

be minimised during upgrading projects. The Housing Code indicates that the Upgrading of Informal Settlement Programme includes, as a last resort, in exceptional circumstances, the possible relocation and resettlement of people on a voluntary and co-operative basis, as a result of the implementation of an upgrading project. The Code further notes that in cases of relocation the approval of the community to relocate must be secured and the new location must be an area designated in terms of an approved Integrated Development Plan. The Housing Code indicates the following in respect of how relocations should be undertaken:

For more details see
Section 6, item 3.3

- Where relocation is unavoidable, it should be based on the principle of minimal disruption to the affected persons and to relocating people to a site as close as possible to the existing settlement.
- A relocation strategy should be developed in collaboration with the community.
- Support should be provided to the households that are being relocated in respect of food grants and facilitating access to schools.

The legal position in respect of relocations is clear and supports the policy context set out above. Households cannot be evicted from a settlement without the provision of adequate alternate accommodation and the need to involve those affected in the decision process. Community participation around relocations is not only mandatory, but must be considered as a key success factor in an informal settlement project, and one of its greatest risks. There are different types of relocations as follows:

- **Temporary relocations:** A temporary relocation involves moving a household while their site and top-structure is redeveloped/developed and then moving them back to essentially the same location.
- **Permanent relocations:** The household is moved away on a permanent basis to a location that can be near or far away.

For more details see
Section 6, item 3.4

Planning relocations should consider gender roles and needs. The relocation of households must aim to minimize disruption to social assets and livelihoods. It is also important to factor in the cost of relocation to the individual households including the cost of travel to work or source of livelihood, to school and to maintain social networks. Many of these costs will affect the household over a long period.

For more details see
Section 6, item 3.5

Where a settlement has been assessed and categorised as unsuitable for development thereby requiring relocation, it should be investigated further. Whether or not upgrading is feasible has to be investigated on a case-by-case basis. It is important to note that with new legislation, regulations, engineering technology and innovation, informal settlement upgrading can become feasible on land that was previously not deemed suitable for upgrading. It is important to keep up-to-date with new developments so as to avoid unnecessary relocations.

The scale of relocations depends upon the size (scale) of the settlement, the form of settlement, density of a settlement, infrastructure standards and top structure form.

The availability of destinations to accommodate relocations is crucial to the process. If there is space within the settlement where residents can be relocated and such relocations can be programmed to fit in with the installation of infrastructure, then managing the relocations is easily accomplished. Unfortunately, such circumstances are very rare.

The following relocation methods can be used:

- **Temporary relocation areas:** Temporary land or facilities to hold affected households until a development can accommodate them.

- **Rollover developments:** Rollover settlement upgrading means upgrading a settlement section by section.
- **Re-blocking:** Re-blocking is a technique for re-ordering the settlement by moving and rebuilding shacks to free up space for infrastructure and facilities. It is appropriate where the settlement density is low enough to permit shacks to be rebuilt in locations which are not required for infrastructure.
- **Relocations to greenfield sites:** In a greenfield relocation, a whole community is moved to a new site.

Relocation planning is integral to the overall settlement upgrading plan and must be built into project timelines. At the project preparation stage the following processes are involved:

- Registering all households in the informal settlement in order to establish the total number of households and (if possible) their beneficiary status. This is the enumeration process.
- Determining the number of households that will have to be relocated as part of planning the settlement layout.
- Assessing the potential to accommodate relocation within the settlement or the availability of relocation sites outside of it.
- Arranging the relocation process — what needs to be done, when and by whom?
- Accommodating the relocation process in the plan including its timing, budgetary impact and management.

Relocations during the service installation phase must be timed to fit in with service installation processes to avoid project delays and increased costs.

Relocations during the consolidation phase are focused on creating space for top-structure construction and are thus inherently linked in both time and space.

For more details see
Section 6, item 3.6

The key funding mechanisms for relocations are the Emergency Housing grant, UISP and Municipality own funds.

Aftercare in relocations is vital. A key concern is that cleared sites will be re-invaded. Re-invasion of cleared sites defeats the object of the relocation and creates new problems as the number of residents to be accommodated in the upgrade grows. Most importantly – support those who have been moved. Care for those who have been relocated needs to be an active process, which should seek to minimise disruption and deal with problems before they become crises. This needs to be ongoing and should not stop once the relocation has occurred.

For more details see
Section 6, item 3.7

In all cases never forget the severe impact that relocation can have on a poor household that is living in extremely marginal conditions. The emphasis should be on reducing the number of relocations and only undertaking them if they are absolutely necessary. If relocations are going to occur, ensure that the affected households are supported both during the relocation process and afterwards.

Content

1. Introduction: Interim arrangements and relocations

This Section covers two related topics — the provision of basic services to all residents of informal settlements and relocations.

Informal settlements have existed in South Africa for a long time despite the government's efforts to provide formal housing. As discussed in Section 1, they are likely to continue for some time as a result of rapid household formation, migration, and financial and capacity constraints within municipalities. Some settlements will face a considerable delay before they are attended to. Further, as we have seen in Section 5, some settlements are categorised as unsuitable for development and their forward path is for eventual or immediate and complete relocation. Regardless of an informal settlement's category, legal and moral imperatives mean that a municipality is bound to attend to living conditions in all informal settlements. This intervention is referred to as an interim arrangement and is one of the focus areas of this module.

The second part of this Section focuses on relocations. During apartheid more than three million households were subject to forced removals, evictions and relocation. This experience is deeply ingrained in the memory of South Africa and relocation can become a flash point in any development project. Relocation affects people directly and frequently results in loss of income, increased cost of living and disruption of social links that provide insurance and support for livelihoods where incomes are low or irregular. Relocations are a sensitive issue within the informal settlement upgrading process and there is a risk of relocation protests being held to stop projects from being implemented.



2. Interim arrangements

2.1 The obligation on the municipality to act and engage meaningfully

As discussed in Section 1, South Africa's capacity to deliver formal housing is not keeping up with the demand from the growing number of residents living informally. At the same time the number of people subject to disease or disasters within such settlements caused by fires, floods or land movements creates a great urgency to do something to improve conditions for people living in informal settlements. From a humanitarian point of view it is intolerable for large numbers of citizens to be left unattended in unsatisfactory living conditions.

Remember: No informal settlement may be left behind.

From a legal point of view, municipalities bear the responsibility of improving conditions for all of their residents and must act to do so. Essentially, no informal settlements may be left behind. Unavailability of funding is not regarded as a reason not to act. Installing infrastructure ahead of full settlement planning carries the risk of investments being abandoned in the future, if they don't conform to detailed plans. Insufficient funding, the need to mitigate the risk of wasting resources, and probable internal municipal capacity constraints creates the need to prioritise the introduction of basic or interim services and look to conditions being improved progressively over time.



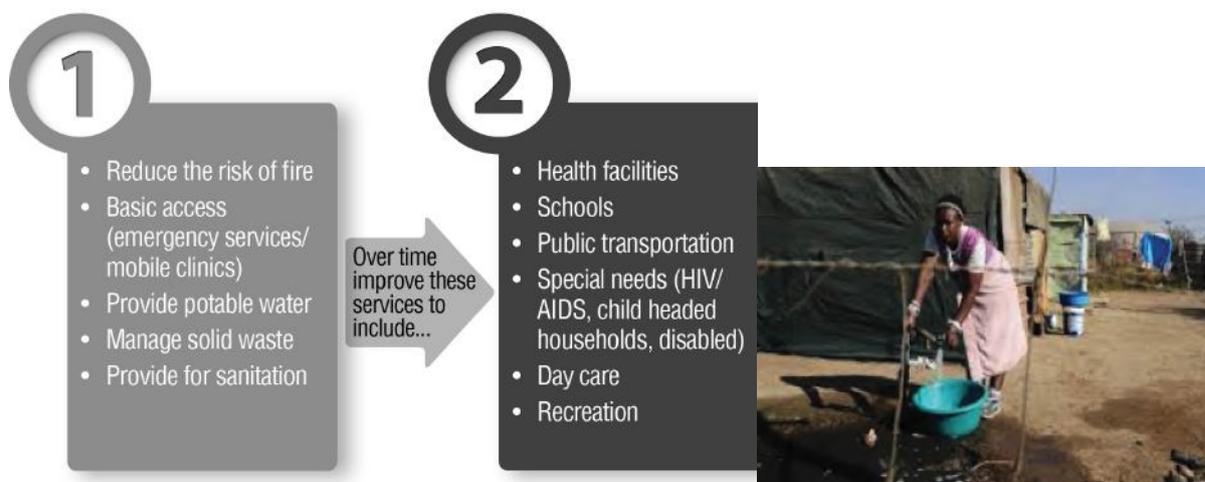
The imperative for the municipality to listen: meaningful engagement

As is the case with all informal settlement interventions consultation with the community is obligatory. In the case of deferred (Category B2) and immediate relocation (Category C) settlements the need for settlement relocation must be fully communicated and explained and the specific arrangements that are to apply must be agreed to with the community.

Participatory approaches are discussed in Section 4.

2.2 What are interim arrangements?

Interim arrangements comprise a continuum of interventions ranging from emergency services to agreed standards of interim services, mainly but not exclusively engineering services. They must also include the provision of social facilities and economic interventions. Very few settlements have no services and the idea is that levels of service are improved over time resulting in progressive realisation of the right to housing enshrined in the Constitution. Initially, efforts should be focused to secure basic health and safety at the very least.



The basic concept is for the incremental improvement in the quantity (spread) and quality of services provided. There is no formula, but rather solutions should be found and actions undertaken that are grounded in the local context and seek to build infrastructure cumulatively over time.

Planning should be carefully undertaken so as to avoid having to abandon emergency or interim service infrastructure. Development frameworks should be around existing infrastructure such as main road continuity, main water supply capacity (and linkages) and sewer connection points.

2.3 Definitions

- **Basic services** focus on health and safety and include:
 - **Reducing health and safety threats** (e.g. fire protection, solid waste removal);
 - **Basic infrastructure** (e.g. water, sanitation, road access, electricity);
 - **Broader socio-economic improvements** (e.g. pertaining to primary health care, early childhood development, public transport, basic education, informal economy);
 - Efforts should be made to ensure that basic services form part of future permanent services.
- **Interim services** focus on creating or extending both the range and quality of service provision within an informal settlement on a basis where the installation will eventually form part of the settlement's permanent service infrastructure.
- **Emergency services** apply in cases of extreme threat where the installation of the services addresses an immediate need and is recognised as not forming part of any future service network.

- **Emergency housing** refers to the provision of housing to a community after a disaster has occurred (such as fire or flooding). Note that emergency housing is not dealt with in this module.

2.4 A programmatic approach to interim service arrangements

The informal settlement upgrading strategy and programme must outline the municipality's approach to the extension of a basic level of services to all residents in all of its informal settlements. Different interventions will be appropriate for different types of settlements. The strategy should be applied in a manner that takes into account the specific location and context of each settlement and its relation to the particular spatial layout of all other settlements within a municipal area.

The programmatic approach is outlined in Section 5.

Settlement categories are outlined in Section 5.

The overriding concern is to extend at least a basic level of service to as many households living in informal settlements as possible, as rapidly and economically as possible. It also means that the overriding focus is breadth of reach (i.e. as many households as possible), rather than a narrow focus on providing high quality services to only a few settlements.

Providing interim services to settlements viable for in situ upgrading

Interim or basic services should be provided to those settlements located on sites which are viable and appropriate for long-term full or partial in situ upgrading, where this is not going to happen in the short-term. This type of settlement includes the categories for conventional formal full upgrading (Category A), incremental full upgrading (Category B1 extended) and interim arrangements (Category B1).

Interim and basic services can be delivered rapidly, if the delivery of the services is not linked to land acquisition and if collective tenure security is provided through municipal recognition of settlements. Interim and basic services could be provided to a significant number of all settlements within the short term (i.e. within the next five years) if the necessary grant pre-conditions are put in place and if the response is pursued with vigour.

- Conventional formal full upgrading settlements (Category A):
 - Basic services must be provided;
 - As the installation of full services is anticipated, it is undesirable and wasteful to invest in interim services.
- Incremental full upgrading settlements (Category B1 extended):
 - This should be led by the provision of basic services (depending on timeframes);
 - Followed by interim services, which will often consist of improved road and footpath access, standpipes, and some form of improved sanitation (e.g. VIPs or communal sanitation blocks). Electricity is sometimes also provided;
 - The intention with this category of settlement is eventual formalisation. As a result, sufficient preliminary planning must be done to maximise the extent to

which such interim services can be incorporated into an eventually formalised development. This will reduce the risk of interim service investments being abandoned;

- Access to health and education should also be provided.
- Interim arrangements settlements (Category B1):
 - Basic services should be provided;
 - Interim services should be provided and upgraded over time;
 - Access to health and education should also be provided.

Providing interim services to deferred relocation settlements

Deferred relocation settlements (Category B2) need to be relocated, but it is not urgent:

- Settlements that are on land required for other purposes (such as a future freeway);
- Settlements that are on land which is geologically risky to develop, but where current settlement practice does not constitute a significant risk.

The provision of interim services to this type of settlement should focus on health and safety:

- Provision of water;
- Attention to sanitation;
- Refuse removal;
- Focus on the particular risks faced by the residents;
- Emergency access for fire engines or alternate fire-fighting arrangements.

Efforts to minimise wasteful expenditure must be balanced against plans to relocate the settlement. Community consultation is essential and may yield alternate approaches to service delivery that build on community commitment and use local labour.

Providing interim services to settlements requiring immediate relocation

Immediate relocation settlements are located on land that is unsuitable for human settlement. This may be for a number of reasons:

- The land is prone to flooding (below 100-year flood line).
- The land is geologically unsuitable (unsuitable soils or rocky land, subject to landslides, or subject to subsidence (such as sinkholes);
- The land is severely polluted (exposing residents to hazardous material);
- The land is too steep to service.

The issue of dolomite ground conditions and relocations is covered in section 3.2 below.

Any interim services provided to settlements that must be relocated immediately will result in all service investments having to be abandoned. The plan to provide interim services should take into account how long it is expected to plan an alternate settlement. If

resettlement is imminent then no additional service infrastructure is warranted. Services to be provided could include:

- Emergency services if resettlement is to be delayed;
- A disaster response plan:
 - Emergency warning;
 - Evacuation planning;
 - Reception area plans;
 - Community consultation and communication strategy;
 - Access to health and education (mobile clinics/prefab schools).

Case study: Ethekewini Municipality interim basic services programme

Note: This case study is used as an example only to highlight a specific aspect or issue.

Ethekewini Municipality has developed an interim basic services programme which includes the following elements:

- Communal ablution blocks: Basic sanitation is provided by means of:
 - Converted containers which are plumbed into water and sewer mains;
 - Each block consists of a separate unit for males and females which provides toilets, showers, hand-basins and wash-troughs;
 - Lighting is by means of solar power;
 - The norm is to provide at least one block for every 75 households;
 - Female units consist of: 4 toilets, 2 showers, 2 hand-basins and 1 wash-trough;
 - Male units consist of: 3 toilets, 2 showers, 2 hand-basins, 2 urinals, a store room, and a wash-trough;
 - A local caretaker is responsible for oversight and routine maintenance.
- A basic road network and footpaths:
 - A prioritised road infrastructure network and associated stormwater controls;
 - This will consist of main transport routes, as well as some smaller access ways and pedestrian footpaths;
 - High costs mean that it will be rolled out on the basis of a prioritised hierarchy;
(The provision of this road and footpath network is necessary in order to install electric infrastructure, as well as to provide effective fire protection and other essential health and safety services.)
- Electricity connections:
 - Connections to the main electrical grid on a pre-paid basis;
 - Require that an adequate road and footpath network must first be in place;
 - The rate of delivery will also depend on the availability of sufficient funding from the Department of Minerals and Energy Affairs.
- Standpipes:
 - Historically standpipes have already been provided in most settlements, but where standpipes are not available, they will be provided;

- The norm is to provide a standpipe within 200 m of every dwelling.
- Key social facilities: Plans are currently being developed to inform the more effective provision of key social facilities such as fire and police stations, clinics, schools, sports-fields and community halls.
- Sustainable livelihoods: A process of participative livelihoods engagement is being planned. The sustainable livelihoods approach strives to build stronger community responsibility and self-help, as well as to facilitate a better relationship between the settlement households and the municipality.

Practical action plans will be developed by local residents, which will empower them to play a more effective role in a range of spheres, such as special needs (e.g. home-based care, crèches and HIV Aids), micro-enterprise and food security. Follow though support will also be provided. It will also help to identify and define opportunities for community-based maintenance and more effective emergency responses (e.g. relating to fire protection).

2.5 Roles and responsibilities

Interim arrangements refer to a range of interventions aimed at ensuring all citizens have access to life sustaining services. Thus providing interim services requires the involvement of technical departments and professionals.

- The main focus of interim arrangements is on the supply of engineering services and not on housing. Responsibility is thus located in the engineering departments of the municipality.
- The role of planning is to generate framework plans to reduce the potential for services to be abandoned. Such frameworks will also assist in planning for social facilities (education, health, recreation) by providing information on anticipated population and identifying land/sites for these facilities.
- Funding for interim arrangements is outlined in below.

2.6 Access to social facilities

In all types of informal settlements it is essential to plan for, and deliver, social facilities. Again, the way they are provided must carefully consider the final destination of the settlement to avoid wasteful expenditure. This reinforces the need to create framework plans indicating land use, frame infrastructure and densities, in order that social facility planning is conducted with reasonable certainty. Can the service be provided in other ways? For example are there mobile clinics and libraries or prefabricated structures that can be relocated to new sites?

2.7 How are interim arrangements funded?

The table below sets out the types of subsidy mechanisms that could be used to fund interim arrangements.

Type of grant and source	What can be funded	Application to project types and category
Upgrading of Informal Settlements Programme (UISP) grant ¹ from the Department of Human Settlements.	Interim basic services.	<p>Full upgrading. The UISP is suitable for settlements where there will be conventional formal full upgrading (Category A) and incremental full upgrading (Category B1 extended).</p> <p>Basic services. Can be used in particular where upgrading will be a continuous upgrading process leading directly into formalisation and land is rapidly available.</p> <p><i>NOTE: The UISP is less appropriate where upgrading is less-formal or where there will be a long gap between basic services and formalisation and where land cannot be rapidly acquired.</i></p>

¹ Provided by provincial DHS as well as directly from the National DHS to accredited municipalities

Type of grant and source	What can be funded	Application to project types and category
Urban Settlements Development Grant (USDG) ² from Treasury	Principally for basic services (e.g. water supply, roads, sanitation).	<p>Basic services. The USDG is mainly used for interim arrangements (Category B1) and deferred relocation (Category B2). It can also potentially be used for incremental full upgrading (Category B1 extended).</p> <p>Currently the USDG is only for Metros. It is especially useful where land is not readily available and there will be a long gap before full upgrading can occur and/or where programmatic delivery across multiple settlements is necessary.</p>
Municipal Infrastructure Grant (MIG) ³ from COGTA	Principally for basic services (e.g. water supply, roads, sanitation).	<p>Basic services. MIG is mainly used for interim arrangements (Category B1), and deferred relocation (Category B2). It can also potentially be used for incremental full upgrading (Category B1 extended).</p> <p>MIG is especially for non-metros (municipalities who can't access USDG) and where land is not readily available or where there is likely to be a long gap before full upgrading and housing delivery can occur.</p>
Emergency Housing grant from DHS	Emergency housing and basic infrastructure.	<ul style="list-style-type: none"> • The Emergency housing grant is useful for interim arrangements (Category B1), deferred relocation (Category B2) and for emergency basic services and top-structures. • It can potentially also be used for interim arrangements on conventional formal full upgrading (Category A), and incremental full upgrading (Category B1 extended). • It can be used for immediate relocation (Category C) to establish a temporary relocation area (TRA) as a last resort; and potentially also for other categories where a partial relocation is urgent. • It can be used for a TRA in 'rollover' upgrade (temporary relocations) cases or where there are permanent relocations for conventional formal full upgrading (Category A), or for incremental full upgrading (Category B1 ext.).

² Currently provided directly to certain accredited or high capacity municipalities/Metros

³ Though intended for non-urban infrastructure, MIG is relevant for small municipalities (which cannot access the USDG and noting the inherently slow process to access housing grants). It is especially relevant peri-urban settlements and/or where basic services need to be rapidly delivered.

Type of grant and source	What can be funded	Application to project types and category
Social and Economic Facilities from DHS	Medical care facilities, community halls, parks and playgrounds, sports facilities, taxi ranks and small business facilities.	<ul style="list-style-type: none"> Principally used for conventional formal full upgrading (Category A), incremental full upgrading (Category B1 extended) and interim arrangements (Category B1). Can also be used in relocations where there will be permanent relocation sites developed using IRDP or other programmes.

3. Relocations

3.1 Policy, legislative and social context

Policy context

The Housing Code notes that the key objective of the UISP is to facilitate the structured in situ upgrading of informal settlements, as opposed to relocation. Wherever possible relocations should be minimised during upgrading projects. One of the ways this can be done, for example, is by increasing densities on the existing site.

The Housing Code indicates that the Upgrading of Informal Settlement Programme includes, as a last resort, in exceptional circumstances, the possible relocation and resettlement of people on a voluntary and co-operative basis as a result of the implementation of an upgrading project.

The Code further notes that in cases of relocation the approval of the community to relocate must be secured and the new location must be an area designated in terms of an approved Integrated Development Plan.

The Housing Code indicates the following in respect of how relocations should be undertaken:

- Where relocation is unavoidable, it should be based on the principle of minimal disruption to the affected persons and to relocating people to a site as close as possible to the existing settlement;
- A relocation strategy should be developed in collaboration with the community;
- Support should be provided to the households that are being relocated in respect of food grants and facilitating access to schools.

Legal imperatives relating to relocation

The legal position in respect of relocations is clear and supports the policy context set out above. Households cannot be evicted from a settlement without the provision of **adequate alternate accommodation and the need to involve those affected in the decision process.**

In the Constitutional Court case *Residents of Joe Slovo Community, Western Cape v Thubelisha Homes (Joe Slovo)*, a divided Constitutional Court laid down five separate concurring judgments. Each of these various judgments underscored the importance of meaningful engagement when relocation or eviction is pursued to facilitate the implementation of a project. The majority of the judges criticised the insufficient engagement of the state with the community.

Policy and legislation is discussed in more detail in Section 3.

Both alternate accommodation and meaningful engagement have been tested by the court. It is clear that:

- Relocation should only be considered as a last resort and should be to destinations that are as close as possible to minimise social disruption;
- No eviction or relocation may be conducted without the provision of alternate accommodation;
- Accommodation provided must meet at least minimum standards and not constitute an affront to the dignity of the household being relocated;
- Meaningful engagement with the affected community is mandatory. This puts the onus on the state as developer to negotiate the terms and conditions of the relocation.

Community participation around relocations is not only mandatory, but must be considered as a key success factor in an informal settlement project, and one of its greatest risks.

Types of relocation

Temporary relocations: A temporary relocation involves moving a household while their site and top-structure is redeveloped/developed and then moving them back to essentially the same location. The main advantage is that while the process may be disruptive, it restores the residents back into the social circumstances from which they were removed and permits the social links to be retained. This kind of development that includes temporary relocation is called a 'rollover' development.

Permanent relocations: The household is moved away on a permanent basis. Such relocation may be to a nearby location or far away, with the latter being necessary if there are no suitable relocation sites close by. Permanent relocations may affect a number of households within a community.

Permanent relocations require that even more effort needs to be made to make the relocation process acceptable to both the community and the affected households and thus capable of being managed on a voluntary basis.

Key points

- Residents of informal settlements are almost always amongst the poorest and most disadvantaged.
- A primary coping mechanism is the development of mutual support that takes a number of different forms from:
 - Sociability/ friendship
 - Sharing food
 - Child care and security
 - Financial support/borrowing.
- Mutual support requires trust which develops slowly over time and is easily disturbed. The relocation of a household to a new setting destroys such support, making poverty much harder.
- Relocations have the potential to disrupt living arrangements such as children's access to school. If the relocation site requires the child to change school this may result in the need for new school uniforms. If the change does not fit in with the school year the relocation site may not have school spaces available.
- Planning relocations should consider gender roles and needs.
- The relocation of households must aim to minimize disruption to social assets and livelihoods.
- It is also important to factor in the cost of relocation to the individual households including:
 - Cost of travel to work or source of livelihood;
 - Cost of travel to school;
 - Cost of travel to maintain social networks.
- Many of these costs will affect the household over a long period.

The beneficiary status of relocates

The national status of those requiring to be relocated can be a problem as funding is not available for non-citizens who do not have a South African residence permit. The Housing Code requires that the issue of aliens be referred to the Department of Home Affairs.

South African citizens who have previously received housing benefits, but are found in the informal settlement may also create problems. Where residents of informal settlements have previously received state housing benefits the matter should be reported to the Department of Human Settlements.

Options for resolving such matters include the sale of serviced sites under the upgrade programme, but such matters require departmental authorisation.



3.2 Minimising relocations

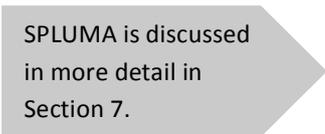
Informal settlements by their nature usually emerge on land without prior planning. Often the land is not suited for development and for that reason has been left over or remained vacant.

As noted earlier, the Housing Code indicates that the Upgrading of Informal Settlement Programme includes, as a last resort, in exceptional circumstances, the possible relocation and resettlement of people on a voluntary and co-operative basis as a result of the implementation of an upgrading project.

Where a settlement has been assessed and categorised as unsuitable for development, it should be investigated further. Whether or not upgrading is feasible has to be investigated on a case-by-case basis. It is important to note that with new legislation, regulations, engineering technology and innovation, informal settlement upgrading can become feasible on land that was previously not deemed suitable for upgrading. It is important to keep up-to-date with new developments so as to avoid unnecessary relocations. Below are some recent developments that are relevant.

New planning legislation

The Spatial Planning and Land Use Management Act 559 (SPLUMA) was enacted in 2013. The Act promotes informal settlement upgrading by indicating that municipalities must develop processes to incrementally introduce land use management and regulation in existing informal settlements.



SPLUMA is discussed in more detail in Section 7.

Municipalities can no longer use existing zoning regulations as an automatic reason to relocate an informal settlement, because zoning regulations can be changed, if necessary. In addition not-in-my-backyard (NIMBY) objections from neighbouring land-owners may no longer be used as grounds to relocate. This means it is feasible to upgrade an informal settlement that borders on an up-market area.

New regulations for development on dolomite

In towns and cities that have dolomitic land, informal settlements have often emerged on this land as it is left undeveloped due to the danger of sink holes.

Dolomitic conditions vary in the risk associated with their development and the risk varies also with the type of development conducted. In 2012, the Department of Trade and Industry released its new South African National Standards (SANS). This refines the approach to development on dolomite, and it prescribes extensive geological testing before the type of development can be determined. This means that the presence of dolomite may no longer be used as a reason for eviction/relocation without detailed geotechnical investigation to determine the level of risk and the actual need for relocation. The investigation can also recommend mitigating development practices that will mitigate the risk and allow for development.

The decision to relocate or not is thus informed not only by the geology, but by proven conditions and the particular development practice required including the cost implications.

New engineering technology

Similarly, the development of new engineering technologies can in future make upgrading possible where currently it is not, due to bulk infrastructure that is not available. Globally there is emphasis on sustainable development. This includes the need to move away from dependency on fossil fuels, such as coal which is used in South Africa to produce electricity. There are strong efforts to promote the use of sustainable sources of energy such as the sun. When sun is used as source of energy, this electricity can be off-grid, meaning it need not be connected to an electricity line. Technology for off-grid electricity supply is rapidly developing and has relevance for the upgrading of informal settlements in areas that are not close to the electricity mains.



Then there is progress with developing on-site sanitation technology, which is also off-grid in the sense that it is not connected to the sewer mains. Examples include septic tanks with soak-aways, and more recently compost toilets. These and other technologies also have relevance in making upgrading feasible in informal settlements that are distant from the town or city's sewer mains.

Looking for alternatives

The only legitimate grounds to relocate are proven hazards, which cannot be mitigated. It is important to remember that there are engineering solutions to many hazards, which may prevent relocation or minimise relocation to only parts of the settlement. We constantly need to ask:

- How severe are the hazards?
- Do engineering solutions exist?
- Can their cost be justified?
- Proximity to dangerous traffic — can a wall be constructed?
- Proximity to a pipeline — can the pipeline be moved? (Engineers might say this is simpler and cheaper than relocating an entire community.)
- Proximity to power lines — can partial relocation be coupled with suitable and relevant land use near the power lines such as urban agriculture?
- Flooding — can surface water be better managed, or the ground level be raised (e.g. through incremental rollover upgrading)?

- Unstable ground — can the ground be stabilised, for instance through terracing, gabions (stones surrounded by wire), retaining walls or raft foundations?

3.3 Relocation in the context of an in situ upgrade project

The very nature of informal settlements is that they are not planned and dwellings are built in a disorderly manner. The process of upgrading seeks to instil order including installing services, regularizing plots, improving shelter and introducing facilities such as schools, clinics, and economic activities. This process is highly likely to mean that some dwellings must be moved.

In situ upgrading of a settlement where the site is viable for upgrading is highly dependent on being able to move households to achieve the development objectives of installing proper services and facilities and quality top-structures. This applies to conventional formal full upgrading settlements (Category A), incremental full upgrading settlements (Category B1 extended) and interim arrangements settlements (Category B1).

The implementation process occurs with people on site and thus the relocation of households, be they temporary or permanent, becomes an important determinant of the success of the process.

The scale of relocations depends upon the following factors:

- **The size (scale) of the settlement:** The larger the settlement the greater the potential that a large number of households will have to relocate.
- **The form of settlement:** This is a product of how the settlement was formed and has evolved over time. Some informal settlements have had to struggle against removal from the start and a defensive strategy was to build shacks close together to make it easy to defend. Others were the result of organised invasions where the organisers actually laid out plots and roads, sometimes selling plots. Where the settlement is more organised it is much easier to install services without having to relocate shacks.
- **Density of a settlement:** Clearly a dense settlement makes it difficult to install services without relocations. In dense settlements there is little space to move shacks around and relocations may require some households to move some distance from their current locations. Creating space for facilities such as schools may also require some households to relocate.
- **Infrastructure standards:** The number of relocations required will also be dependent on service standards and on the space required to provide facilities. This aspect will be dealt with in Section 8 (which covers layout and infrastructure), but the following should be noted:
 - Infrastructure standards are generally set by the municipality and the engineering departments are frequently reluctant to accept reduced standards;
 - The width of road reserves is a common sticking point and one which frequently increases the number of shacks requiring removal;

- Reduced standards such as providing only pedestrian access is one way around this, but may face political opposition around providing what is perceived as low quality or second class development;
- The negotiation related to the matter of acceptable service standards must consider the impact that the standards have on relocations because service standards directly impact on the ability to implement the upgrade itself.
- **Top-structure form:** The form of top-structure will impact on the services and the layout and thus also on the relocations required. For example attached double story housing can only be constructed formally and requires sufficient space for its construction. This requires households to vacate the site during house construction.

Relocations during the consolidation phase

In situ upgrading in respect of conventional formal full upgrading settlements (Category A), involves the construction of a BNG house to replace the existing shack. This brings about a further need for relocation.



Even if the service infrastructure relocations have been managed the question arises: “What will happen to households during the process of replacing the shack with a formal top-structure?” The way residents are accommodated during this process will depend on the top-structure process itself. While some settlement upgrades have negotiated an arrangement where residents make their own arrangements (such as moving in with friends or neighbours) while their top-structure is being built, this may only be viable in very small settlements.

In most cases the proper management of relocations will require the creation of a temporary resettlement area (TRA) and this process needs to be built into the plan, project timelines and budgets. The community participation on this matter must result in clear standards regarding what will be provided, clear implementation processes and full communication with the community.

3.4 Methods of relocation

The availability of destinations to accommodate relocations is crucial to the process. If there is space within the settlement where residents can be relocated and such relocations can be programmed to fit in with the installation of infrastructure, then managing the relocations is easily accomplished. Unfortunately, such circumstances are very rare. Usually the developer must identify additional land or create temporary facilities to hold affected households until the development can accommodate them. These temporary facilities are called temporary relocation areas (TRAs).

The following relocation methods can be used:

- **Temporary relocation areas:** The use of TRAs raises many issues and there have been many examples where people have become stranded in them as projects are stalled. Some of the issues around TRA's are:
 - The quality of the accommodation and services;
 - Poor management;
 - Becoming stranded for long periods or permanently;
 - Maintaining access to community facilities such as schools.

The N2 Gateway Project in Cape Town makes extensive use of TRAs and provides an example of both good and bad practice. The N2 Gateway Project is unique in that it is a megaproject so some of the measures adopted there may not be relevant in other projects. Some of the risks and challenges were resolved by:

- Introducing effective management;
- Introducing a quality product;
- Providing a secure environment;
- Ensuring proper monitoring.

One significant advantage that has acted in their favour is the scale of the whole project (over 65 000 households) which enables them to cycle households through the TRA facility. If you can re-use TRA accommodation this results in significant cost saving.

- **Rollover developments:** Rollover settlement upgrading means upgrading a settlement section by section. The N2 Gateway Project is an example of a rollover development using TRAs. Rollover developments can provide an option to accommodate relocations in the process of successive geographic area improvements. The scale of the N2 Gateway Project in Cape Town is an exception and differing scales of operation provide both opportunities and threats.
- **Re-blocking:** Re-blocking is a technique for re-ordering the settlement by moving and rebuilding shacks to free up space for infrastructure and facilities. It is appropriate where the settlement density is low enough to permit shacks to be rebuilt in locations which are not required for infrastructure. Using re-blocking may limit the number of households that need to move during the infrastructure delivery phase, but is a form of relocation in its own right and needs to be managed sensitively as if it were a full relocation.
- **Relocations to greenfield sites:** In a greenfield relocation, a whole community is moved to a new site. A key issue with greenfield sites is their proximity to the site from which households are being moved. The extent to which they are located within the vicinity of the existing site will reduce the social and economic disruption that households experience.

3.5 Planning for relocation

The need for households to relocate arises from the informal settlement upgrading plan when the implementation of the plan is

Introduction to Informal Settlement Upgrading

Section 6: Interim Arrangements and Relocations. © NUSP 2015

Municipal informal settlement upgrading plans are outlined in Section 10

only possible if the required relocations have been effected. Relocation planning must thus be integral into the overall settlement upgrading plan and be built into project timelines.

At the project preparation stage the following processes are involved:

- Registering all households in the informal settlement in order to establish the total number of households and (if possible) their beneficiary status. This is the enumeration process;
- Determining the number of households that will have to be relocated as part of planning the settlement layout;
- Assessing the potential to accommodate relocation within the settlement or the availability of relocation sites outside of it;
- Arranging the relocation process — what needs to be done, when and by whom?
- Accommodating the relocation process in the plan including its timing, budgetary impact and management.

Relocations during the service installation phase must be timed to fit in with service installation processes to avoid project delays and increased costs.

Relocations during the consolidation phase are focused on creating space for top-structure construction and are thus inherently linked in both time and space.

3.6 Funding for relocations

The key funding mechanisms for relocations are:

- **Emergency Housing grant:** If the relocation is linked to the development of a temporary relocation area (TRA) already being funded, then funding for the actual relocation costs would potentially be available from the Department of Human Settlement under Emergency Housing. As the quantum for this is not specified in the housing subsidy formula it is granted at the MEC's discretion.
- **UISP:** If the relocation is part and parcel of a UISP project then there is a relocations grant (R1.4 k per site) available.
- **Municipality own funds:** It is assumed that the municipality will need to cover the costs of the relocation if neither of the above scenarios apply.



3.7 Post-relocation requirements

Aftercare in relocations is vital. A key concern is that cleared sites will be re-invaded. Re-invasion of cleared sites defeats the object of the relocation and creates new problems as the number of residents to be accommodated in the upgrade grows. Some steps to avoid this are:

- Create a clear demarcation between cleared sites and the rest of the settlement so that the area can be easily monitored;
- Gain community buy-in to maintaining the cleared areas;
- Regular monitoring is essential.

Most importantly – support those who have been moved. Care for those who have been relocated needs to be an active process, which should seek to minimise disruption and deal with problems before they become crises. This needs to be ongoing and should not stop once the relocation has occurred.

3.8 Summing up

Managing relocations is a key success factor in informal settlement upgrading. Our history during apartheid is well-remembered and relocations have the potential to disrupt and stall a project. Careful planning and detailed community consultation at both community and individual level is both mandatory and essential.

Planning any temporary relocation area is important to ensure project progress and to prevent households becoming stranded in temporary accommodation if this is being used. Relocation planning must be included in the preparation of the informal settlement upgrading plan from the start, as it is a component of the layout planning process and is often a constraint on eventual project timelines.

In all cases never forget the severe impact that relocation can have on a poor household that is living in extremely marginal conditions. The emphasis should be on reducing the number of relocations and only undertaking them if they are absolutely necessary. If relocations are going to occur, ensure that the affected households are supported both during the relocation process and afterwards.

Toolkit

You will find the following resources on the Toolkit CD:

- Ethekewini Municipality Interim Services case study

References and Resources

Reference material

- National Department of Human Settlements: National Housing Code (2009)
- National Department of Human Settlements: Project Process Guide (2010)
- Department of Trade and Industry, South African National Standards (SANS 1936), (November 2012)
- SERI Evictions and Alternative Accommodation in South Africa: An Analysis of the Jurisprudence and Implications for Local Government

Useful Links

- Project Preparation Trust: <http://www.pptrust.org.za>
- NUSP Resource Kit: <http://www.upgradingsupport.org/content/page/nusp-resource-kit>
- The HDA <http://www.thehda.co.za/>
- DAG <http://www.dag.org.za>