



## LAND RIGHTS IN THE TOWNSHIP: BUILDING INCREMENTAL TENURE IN CAPE TOWN, SOUTH AFRICA, 2009 – 2016

### BACKGROUND

In 2007, close to half a million people in Cape Town, South Africa lived in 204 informal settlements scattered around the city center. Without legally documented property rights, residents of these communities, who accounted for roughly 13% of the population, lacked official proof of address, had no access to basic infrastructure or services, and faced the constant threat of eviction—whether by the city government or by local bosses.

With little space and few resources to relocate families into new, legal construction, the city decided to pilot a new approach to improving living conditions. The project aimed to strengthen residents' tenure security by issuing occupancy certificates, rezoning the settlement, and eventually upgrading physical infrastructure. The key challenge was to do so without relocating residents.

The pilot focused on Monwabisi Park, a settlement of about 25,000 people situated 32km from the city center, where a program called Violence Prevention through Urban Upgrading (VPUU) already had roots. As in many of Cape Town's informal settlements, over 44% of residents in the pilot area were jobless and 74% of households earned less than the poverty line of \$230 per month.

### REFORM STRATEGY

With approval from the mayoral committee, the city's human settlements department partnered with the VPUU, as well as with settlement leaders and land tenure security experts, to implement an incremental approach to strengthening property rights. The pilot project, launched in 2009, aimed to preserve the community's social and economic ties by allowing households to remain on their existing plots without granting formal deed rights to the land.

By registering their plots residents could obtain city-issued occupancy certificates that

### KEY ISSUES

- **Strengthening tenure security**
- **Informal settlements upgrading**
- **Community-led surveying**

formally recognized the right to live on the land and offered protection against arbitrary eviction. Certificates also created eligibility for electrification and other services such as sewerage, water, schools, and health facilities. To ensure the support of municipal officials, the certificates indicated the city was the sole owner of the land and that the land was not transferable.

The second phase of the project, which focused on upgrading infrastructure in the settlement, required the team to work with municipal planners to apply to rezone the settlement. Rezoning would help strengthen legal recognition of residents' interests in the land, leading to individual or group ownership over time.

### ACTIONS TAKEN

Starting in mid-2009, the project team began to meet with community associations and political leaders. Together they set up a representative local committee to guide the pilot. By early 2010, the community formally adopted an action plan for submitting a rezoning proposal to the municipality. The mayor's endorsement of the plan served as an important signal that the city was committed to the upgrading project.

The VPUU team began to map and record all households. In 2010, thirty volunteers conducted a geospatial enumeration of all households, a process that took about a year. The volunteers communicated to residents that the immediate benefit was a certificate of occupancy, not a title deed guaranteeing ownership. Instead of framing the planned enumeration process as something totally new, the

VPUU team said it would update an existing list of residents, called the Book of Life, and integrate the register with the municipal housing database. The VPUU established an on-site office in Monwabisi Park to make it easy for residents to verify that their names and household details were correctly recorded.

With detailed data on the position of each dwelling, as well as information about 97% of the settlement's residents, VPUU created a new house numbering system and used walkways between the shacks to help demarcate individual blocks.

To continually update records and verify transfers, the VPUU converted its on-site office into a registry and trained staff in dispute resolution.

Using the community register, the national energy provider, Eskom, began to electrify the community in phases, beginning in 2012. Eskom had previously been unable to extend electricity to Monwabisi Park because it did not know the location and identity of each household. Now it did.

However, to facilitate service upgrading—sewers and water, for example—VPUU had to submit a formal application to the municipality to rezone, subdivide, and develop the land on which the settlement was built. The plan called for individual street access for every household, as well as household-level water and sewer connections.

Practical considerations prevented the VPUU from making progress on rezoning. Due to the settlement's topography, city engineers said universal service provision entailed relocating and rearranging some structures. This step conflicted with the original plan for an *in situ* upgrade that preserved the existing layout of plots, however. By mid-2016, after three years, the rezoning application remained stuck.

## RESULTS

By mid-2016, roughly 90% of the 6,470 household heads had occupancy certificates. The certificates prohibited sale, transfer, or lease of the land, but provided formal recognition of rights to residence as well as a proof of address, which was required to obtain a cell phone contract or bank account. The number of dwellings with legal connections to the grid rose to 100% in 2014, from 41% in 2012.

Monwabisi Park was the largest enumeration effort undertaken by the city of Cape Town. A follow-up evaluation conducted two years after the enumeration was completed revealed that the numbering system was still accurate for 97% of the physical structures in the settlement.

### LESSONS LEARNED

- In a complex urban environment, community-led surveying and enumeration cannot be rushed. Time is required to build trust with and among different groups in the community and ensure accuracy.
- Projects whose greatest impact will only materialize in the future need broad support to survive political turnover. Emphasis on the long-term benefits of settlement upgrading can help reduce resistance from an incoming administration concerned about supporting an outgoing mayor's pet project.
- Visible administration—having the project team physically working in the settlement on a regular basis—was key to maintaining an organized tenure administration system.
- Securing upfront agreement with city engineers on infrastructure installations plans is vital. Failure to approve a design plan after the program has launched frustrates residents and undermines the progress already made.
- Taking steps to help new holders of occupancy certificates understand their rights and the consequences of off-registry transfers should be a component of every incremental tenure program.

For related interviews and in-depth analysis of the Monwabisi Park project, see the full case study:

<https://successfulsocieties.princeton.edu/publications/land-rights-township-building-incremental-tenure-cape-town-south-africa>.

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