

**LAND ACQUISITION AND THE GROWTH OF INFORMAL SETTLEMENTS  
IN SOUTH AFRICA: THE CASE OF INFORMAL SETTLEMENTS IN  
MAMELODI, CITY OF TSHWANE, 1994 – 2014**

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**LAND ACQUISITION AND THE GROWTH OF INFORMAL SETTLEMENTS  
IN SOUTH AFRICA: THE CASE OF INFORMAL SETTLEMENTS IN  
MAMELODI, CITY OF TSHWANE, 1994 – 2014**

A dissertation

By

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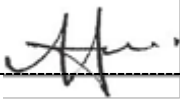
**University of Pretoria**

Tshwane, South Africa

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## DECLARATION OF ORIGINALITY

I, Aphiwe Mgushelo (student number: 16299061), hereby declare that this dissertation: **Land acquisition and the growth of informal settlements in South Africa: the case of informal settlements in Mamelodi, City of Tshwane, 1994-2014**, for the degree of Master of Arts in Geography is my own work. This dissertation has not previously been submitted for assessment or completion of any qualification anywhere. All the sources that I have used or quoted have been indicated and acknowledged by means of complete reference.



Signature

19/01/2018

Date

## DEDICATION AND ACKNOWLEDGEMENT

We dedicate this dissertation to God. To God be the Glory.

This dissertation would not have materialised without the help, encouragement, support and contribution of a number of people and institutions:

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## **ABSTRACT**

Land ownership, housing and informal settlements constitute, arguably, the most endemic colonial and apartheid legacy. Generally, informal settlements have been dealt with in a reactive manner by the ANC government and policy-programmes, such as the “Breaking New Ground”, have failed to halt the growth of informal settlements. This research, which focuses on Mamelodi, a township northeast of Tshwane, sought to discover how informal settlement growth could be proactively managed. By analysing Landsat satellite imagery of the study area over a 20-year period, the trend and growth of informal settlements is established. Policy, strategic and report document analysis and key informant interviews were triangulated to provide an understanding of the differences between official positions and grassroots’ ‘demands’.

The findings of this research are that: poor people on the ground need land and housing and have their own concept of what constitutes residential prime land and denying them these lands leads to land invasion. Consequently there is a general mistrust by the informal settlement dwellers of the processes of land acquisition, ownership and formal housing allocation. The government on the other hand, seeking to uphold the Constitution and the Land Act 19 of 1998 (PIE), appears to deny the poor access to land. Moreover, the Land satellite imagery reveal that Mamelodi has expanded largely towards the East, to a great extent, because of the informal settlements that were established mainly through land invasion in the area, while the West boundaries have remained relatively fixed throughout the growth of Mamelodi. Four main informal settlements (i.e. Extension 11, Phomolong, Alaska and Stoffel Park) have been established in the area between 1994 and 2014. The conclusion is that the land issue could be best addressed through proactive land acquisition and redistribution (PLAR) by the government in consultation with the poor.

### **Key terms:**

Land acquisition, informal settlement growth, Mamelodi, City of Tshwane, South Africa

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## LIST OF FREQUENTLY USED ABBREVIATIONS

<b>ANC</b>	African National Congress
<b>BLF</b>	Black First Land First
<b>BNG</b>	Breaking New Ground
<b>CDE</b>	Centre for Development and Enterprise
<b>CoT/the City</b>	City of Tshwane
<b>CTMM/the City</b>	City of Tshwane Metropolitan Municipality
<b>DA</b>	Democratic Alliance
<b>DHS</b>	Department of Human Settlements
<b>DLA</b>	Department of Land Affairs
<b>DLGH</b>	Department of Local Government and Housing
<b>DoH</b>	Department of Housing
<b>DRDLR</b>	Department of Rural Development and Land Reform
<b>EFF</b>	Economic Freedom Fighters
<b>Ha</b>	Hectares
<b>HDA</b>	Housing Development Agency
<b>IDP</b>	Integrated Development Plan
<b>KII</b>	Key Informant Interview
<b>LaPsis</b>	Land and Property Spatial Information System
<b>LEWC</b>	Land expropriation without compensation
<b>NaHSLI</b>	National Human Settlements Land Indices
<b>NGI</b>	National Geo-spatial Information
<b>NIMBY</b>	“Not-In-My-Back-Yard” (a term commonly used to characterise opposition by wealthy homeowners to the development of low-income housing in their area or to a proposal for a new project because it is in close proximity to their community) (Department of Local Government and Housing, 2005:17)
<b>PAC</b>	Pan Africanist Congress of Azania
<b>PIE</b>	Prevention of Illegal Eviction and Unlawful Occupation of Land Act
<b>PLAR</b>	Proactive Land Acquisition and Redistribution
<b>RDP</b>	Reconstruction and Development Programme
<b>Red Ants</b>	Red Ant Security Services (Pty) Ltd
<b>RSA</b>	Republic of South Africa
<b>SACN</b>	South African Cities Network
<b>SAHO</b>	South African History Online
<b>SAHRC</b>	South African Human Rights Commission

<b>SAIRR</b>	South African Institute of Race Relations
<b>SHSS</b>	Sustainable Human Settlement Strategy
<b>SoE</b>	State Owned Entities
<b>Stats SA</b>	Statistics South Africa
<b>TBVC</b>	Transkei, Bophuthatswana, Venda, and Ciskei
<b>UN</b>	United Nations
<b>USGS</b>	United States Geological Survey
<b>USN &amp; DW</b>	Urban Sector Network and Development Works
<b>WBWS</b>	Willing Buyer, Willing Seller

## CHAPTER 1: INTRODUCTION

### 1.1. Introduction and background to the study

Informal settlements are a significantly common feature across every South African city and town. They provide a foothold and housing for a majority of the world's urban population – including in South Africa – particularly for the landless, the poor and the homeless (Hurskainen, 2004; UN-Habitat, 2015). If it were not for the covetous European invasion and the relentless forced removals and relocations, then the problem of land ownership, housing and informal settlements would probably not have existed in South Africa, today (Afrovision, 2013). Thus, South Africa is presently experiencing the harvest of a colonial and apartheid land dispossession and spatial planning system (Frescura, 2000; Department of Housing (DoH), 2003; Afrovision, 2013; Bosman, 2014).

Informal settlements have persisted and continue to grow rapidly and uncontrollably in South Africa. They are located mainly on vacant land within and adjacent to old and/or existing townships (such as Mamelodi), informal settlements, and even on prime and affluent urban residential areas. This occurs despite the 20 years of remarkable low-cost housing delivery of about 3.7 million housing opportunities (Schensul, 2009; Stats SA, 2012; The Presidency, 2014; Chiweshe, 2014; Housing Development Agency (HDA), 2015). In 1994, when the ANC government took (political) power, it inherited about 1.5 million households living in shacks from the former government (DoH, 1994; Tissington, 2011; Chiweshe, 2014). Recent figures reveal that the number of households living in informal settlements has increased (from 832 000) by 41.6% to 2 million between 1996 and 2013 (South African Institute of Race Relations (SAIRR), 2015). Tomlinson (2015) further claims that the number of informal settlement communities across the country has since increased by 650%. This is from 300 to 2 225 with Gauteng and the Western Cape estimated to have the largest number of households who are living in informal settlements in South Africa. These provinces are home to about 434 075 and 192 668 shacks respectively (Stats SA, 2012; HDA, 2013a; Tomlinson, 2015). Notwithstanding this, according to the HDA (2012), the number or growth of informal settlements may be more than that which was reported. This is because “shack counts are generally an undercount due to the difficulty of determining boundaries of every structure particularly when they are built right next to each other and are located under vegetation” (HDA, 2012:13).

With the freedom of movement, enshrined in the constitution of 1996, people now move between rural and urban areas unhindered. Thus, urbanisation has emerged as one of the major causes of the continuous development and growth of informal settlements in the

post-apartheid South Africa. Now for the first time in the history of South Africa, in 2011 and 2014, over half (62% and 63% respectively) of the population lived in urban areas in comparison to rural areas (The Presidency, 2014; Dyantyi, 2015). Notwithstanding the urbanisation/migration to the urban areas, a lack of access to land and housing through formal means, particularly through government channels, has left the many urban poor on their own to fend for themselves. As a result, a mass of the urban population, particularly the urban poor, are resorting to informal processes to address their land and housing needs on their own. This has seen many poor people dwelling in informal settlements, erected mainly on illegally occupied land (Godehart & Vaughan, 2008).

The purpose of this study is to gain insight into the role of land acquisition processes in the growth of informal settlements in South Africa over a 20 year period since the dawn of the democracy, 1994-2014. The study uses four informal settlements in Mamelodi, in the City of Tshwane in the Gauteng province of South Africa, namely, Extension 11, Phomolong, Alaska and Stoffel Park, as study area sites. Satellite imagery are analysed to establish the trend and growth of informal settlements. Face-to-face key informant interviews were held with 67 respondents including the dwellers of the four informal settlements above, their community leaders and ward councillors as well as with the City of Tshwane Metropolitan Director of Human Settlement Planning, through the use of an interview survey. Altogether, the data that was collected yielded 64 usable interviews which were subjected to thematic analyses and they constitute the empirical data findings of the study. Moreover, a document analysis was also conducted primarily for the purpose of data triangulation and validation.

In the next two sections, attention is given to the key terminologies relevant to the study, which provide a context and improve understanding, among other terms, of what constitutes urban poverty, informal settlements, (stale and private) land and land management, amongst other terms.

### **1.1.1. Definition of key terms**

*For this dissertation, the following terms and the meaning attached to them apply:*

**Informal settlements:** are described in various ways all over the world, depending on where they are present (UN-Habit, 2015). Characteristically, informal settlements are identified and described in accordance with the City of Tshwane Metropolitan Municipality's working definition. They are "one shack or more constructed on land, with or without consent of the owner of the land or person in charge of the land", where a shack is a self-built 'temporary' dwelling and comprises of corrugated iron, plastic, wood, cardboard or mud (HDA, 2013a:7).



These are not shacks in a backyard, but, for example, in a squatter/informal settlement or on farmland as defined by Census 2011 (Stats SA, 2012). Critically, most applicable to this study is the following definition, because it seems to capture the crux of the development and growth of informal settlements, under South Africa's democratic dispensation:

*“Informal settlements are products of failed policies, ineffective governance, corruption, inappropriate regulation, exclusionary urban economic development, poor urban management strategies, dysfunctional inequitable land markets, discriminatory financial systems and/or a profound democratic failure” (Department of Housing, 2004:1 - 2; Huchzermeyer & Karam, 2006: 43).*

**Urbanisation:** is the process by which a large population of the country permanently move from rural areas to relatively small urban areas and becomes densely populated, while increasing the urban population and/or in most cases forming cities. Urbanisation will be used interchangeable with rural-urban migration in this study. Rural-urban migration is a cause of urbanisation and refers to the process by which a larger number of long-term rural dwellers move, permanently or temporarily from rural areas to urban areas (Long, 1998; Poston & Bouvier, 2010; Tacoli, McGranahan & Satterthwaite 2014).

**Urban poor:** simply refers to poor people found or living in an urban area. The urban poor in the context of South Africa are predominantly Africans, landless and/or homeless and are frequently described in terms of economic indicators, such as income and consumption. Yet, in practice, social indicators such as an access to housing, sanitation, food, water and electricity often appear as indicators of poverty. In terms of access to land, particularly housing, the National Department of Human Settlements refers to the poor as households and individuals with incomes less than R 3500 per month, because they are unable to obtain home loans and/or purchase land through the formal markets on their own. However, due to socio-demographic factors that are ignored (such as difference in size of households and the burden of responsibility that comes with it), an income-based definition cannot adequately describe the poor. Furthermore, not all people with incomes more than R 3500 per month can manage to secure home loans or are able to buy land as formal markets are characterised by high-prices and work for the rich. Moreover, despite significant (negative) changes in the economy, the R3500 monthly income threshold has remained the same since its setting in 1994 (Urban Sector Network & Development Works (USN & DW), 2004; City of Tshwane (CoT), 2014b). According to USN & DW (2004), if adjusted in line with the inflation, it should have been more than R7000 per month in 2003. It is also argued that “set a poverty line low enough and no one is poor” (Boonyabanha & Kerr, 2015:649), set it high enough and the rich become poor (Levy, Marx & Satterthwaite, 2015:23).

The USN and DW (2004:25) also make a strong argument against the (narrow) eligibility criteria of the Housing Subsidy Scheme (not paying directly/cash to any qualifying beneficiaries, but instead paying directly to the housing unit seller or developer) and states that it “exclude[s] many of the urban poor without secure tenure and adequate housing. Beneficiaries must:

- Be a lawful resident of South Africa (citizen or permanent resident);
- Have a partner (either be married to someone or live together with someone) or be a single person over 21 years of age with dependants;
- Have a monthly household income of less than R3500 per month (combined income of head of household and spouse or partner); and
- Not have owned property or received any form of government housing subsidy before (except for the consolidation subsidy and disabled people)”.

According USN and DW (2004), a majority of the urban poor residing in informal settlements and shacks in backyard are not illegible for the Housing Subsidy Scheme in terms of the above criteria. Immigrants without legal resident status, people with no Identity Documents, those evicted from properties for failing to pay rates or services charges, people below the age of 21 with dependants and single people are all excluded from such state-provided housing.

Accordingly, for this dissertation the urban poor include even those households and/or individuals that earn more than R3500 but are unable to secure mortgage from the discriminatory financial systems and have no capacity to acquire land or housing on their own, this is otherwise known as the ‘gap market’ (Wratten, 1995; USN & DW, 2004; Urban LandMark, 2007). To this end, the formal property market in fact primarily serves only about 10% of all households in South Africa (Rust, 2006). Furthermore, it is critical to consider the historical dispossession of Black people, because not owning land, on its own, constitutes poverty. This is because land is not only a fundamental prerequisite for housing, but also a fundamental source of livelihood (Guitierrez, Van Vliet, Arias & Pujol, 1995; Nemasetoni & Royston, 2005).

**Land:** Land means different things to different people and in most instances it is defined according to its geographic location, resources and use. USN & DW (2004), notes that, to the poor, land is an important natural resource or asset that can provide a space for living, socialising, working and access to other constitutional rights such as an access to basic services, including but not limited to housing, food, sanitation, water and electricity. On the other hand, it is notable that European powers (European colonists/imperialists/white settlers) knew *the power of land* very well, that is, those who have territorial or land control, also have control of its people and resources. Acquiring lands for colonising and building empires was the source of riches, national pride for European colonists. It was about the subjugation and assumption control of nations such as Africa and people such as Africans, as well as European power (Rodney, 1973; Pakenham, 1991; Boddy-Evans, 2012; Meredith, 2015).

According to John Locke (a late prominent Western philosopher), land is primarily a natural right or an inalienable right that is naturally independent of human laws or of government (which is conventional and comes with conventional laws) and cannot be taken without collective (majority) consent (Locke, 1689). It is therefore a God given right, one of God's first offers to men that He has created (King James Version, Psalm, 115:17 – 18; Akanni, 2006:1). This makes any arbitrary taking of land (even by law) fundamentally illegitimate. The third natural right (property) in particular, advanced by Locke, faced opposition or a differing political philosophy as evidenced by (one known as America's founding father) Thomas Jefferson's use in the Declaration of Independence of the expression "pursuit of happiness" as a replacement for "property" (Harvey, 1937). Yet notwithstanding this, in line with Locke's argument, to Africans land is primarily a birth right taken by an unjust and discriminative government as written in the Freedom Charter (ANC, 1955):

*"We, the People of South Africa, declare for all our country and the world to know: that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality".*

Additionally, Europeans (colonists) also understood that land include the land itself, its inhabitants, resources on the surface and underneath, the seas and the airspace. Therefore, considering the power, complexity and the diversity of land, it would be a considerable lack of knowledge and/or mischievousness to reduce land to a housing or living space. Accordingly, for this dissertation, it is adopted that land refers to a natural (God-created) asset, a natural and constitutional right, a basis of freedom (justice and equality), a source of survival, wealth and pride and a geographic space that can be (re)distributed (purchased, sold, donated and/or bequeathed), controlled or owned for various uses, including but not limited to housing (Wallace & Williamson, 2006).

**Vacant land:** The term vacant land comprises a variety of different unused and/or underutilised land or property including, but not limited to open space, dilapidated land and/or neglected buildings (Pagano & Bowman, 2000).

**Private land:** “all land which is owned, held or occupied under a freehold title, or a leasehold title, or a certificate or claim, or which is registered as private land” (Silungwe, 2009:9) under South Africa’s land registration system. **State/public land** on the other hand refers to land that is owned by the government (national, provincial, local municipalities and parastatals) (Department of Rural Development and Land Reform (DRDLR), 2013). That is “all land which is occupied, used or acquired by the government and any other land not being customary or private land” (Silungwe, 2009:9; Moyo, Sill & O’keefe, 2014:112).

### 1.1.2. Conceptualising land management

**Land management:** according to Planact and Cubes (2007) and USN & DW (2004), land management involves various practices or processes that are concerned with land acquisition, land ownership, land use (and/or zoning), land development and the sale and purchase of land. It is also known as land use management (Mahlangeni, 2013), which is mainly concerned with regulating the use of land as guided by the Land Use Management Bill (USN & DW, 2004). For this dissertation, the first description is most appropriate and useful.

Land can be managed (and/or acquired and redistributed) or used formal or informally (Planact and Cubes, 2007). According to USN and DW (2004), Planact and Cubes (2007), Brown-Luthango (2009) and Dyantyi (2015), formal processes are characterised by:

- Legality;
- Institutions established in terms of legislation and regulated by government;
- Bureaucracy and slow-paced processes (including high-costs, both in terms of money and time, and policy limitations);
- Legislation and regulations in favour of land owners (i.e. reasonable compensation or *willing buyer willing seller* land reform approach);
- Working for the rich, ‘pro-rich’;
- Low-cost housing; and
- Formal security of tenure or land rights.

While informal processes are typically characterised by (USN & DW, 2004; Western Cape Provincial Housing Department/City of Cape Town (WCPHD/CCT), 2003):

- Illegality and lack of regulation;

- Fast and responsive means to failure of formal processes to provide the urban poor access to land;
- Informal institutions, often organised by the people or community leader/s, where vacant land is identified, 'illegally occupied', subdivided and plots are allocated to households;
- Land invasion and occupation of pieces of vacant land, mainly, by poor people with immediate need for land and/or housing;
- Do-it-yourself (DIY), self-help or makeshift housing (mainly shacks);
- Insecure or informal tenure – *de facto* security of tenure in terms of legislation such the 1996 Constitution, Prevention of Illegal Eviction From and Unlawful Occupation of Land Act and the Extension of Security of Tenure Act;
- Individual land rights that are subject to higher overall community rights;
- Massive forced evictions;
- Often informally negotiated use of external space between neighbours (for “private” space) and at a community level (for communal space);
- Newcomers requiring to be sponsored and undergo a period of probation before being allocated land;
- Dwellers having to adhere accepted community standards of behaviour to belong; and
- Typical ways in which shacks or “sites” in informal settlements are exchanged are by gaining the permission of the local civic association committee or community leader, or by “purchasing” a shack from the previous owner.

It is important to note that the use of land, state-owned and private-owned, has long been regulated by the government. To this effect, as a colonial continuity, Bollens (2005) and Mahlangeni (2013) reports that the apartheid regime utilised land use management practices to implement racist and segregationist land laws through urban spatial planning, for the purpose of land dispossession and racial segregation. This, according to Bollens (2005), Hoosen and Mafukidze (2007) and Mahlangeni (2013), led to:

- Forceful removals of non-White population, from prime and affluent land, to make way for Europeans;
- Land acquisitions by the state without consent or compensation;
- Distribution and ownership of unjustly dispossessed land by European rule;
- Reserving property and/or land rights, and basic services for White minority;
- Separate racially established residential areas, including the establishment of African townships as reservoirs of the insatiable demand cheap African labour;
- Separate and inequitable development;

- Controlled and restricted movement of Black people into/within the urban areas; and
- Political, social and economic exclusion - effectively de-humanising and disempowering Africans.

Post-apartheid, USN and DW (2004), Bollens (2005) and Planact and Cubes (2007) outlines the purpose of land management to include:

- Redressing racially segregated and bias apartheid spatial patterns;
- Ensuring all South Africans benefit from land use, more especially the historically dispossessed, deprived/disempowered, marginalised and disadvantaged;
- Acquiring suitable and well-located land for low-income housing developments;
- Achieving land redistribution;
- Ensuring that new housing developments promote physical, social and economic integration;
- Promoting delivery of basic services, more especially to previously ignored populations and areas, including rural areas and townships; and
- Promoting sustainable livelihood strategies and poverty alleviation.

Towards the first and early post-1994 democratic election, a greater emphasises was put on “*the promise of land*” restoration and security of land rights, by the African National Congress (ANC) and its newly elected government, to the historically dispossessed Black people (Charlton & Kihato, 2006; Hendricks, Ntsebeza & Helliker, 2013). Yet more than 20 years post-apartheid, land ownership and use is still white dominated. Colonialism and apartheid left an almost indelible mark on South African land ownership and geographic formation. This is further exacerbated by the presence and operation of the land and housing (property) market, which further marginalises the poor from acquiring and owning land, while widening the land ownership gap between White and Black people (USN & DW, 2004; Urban LandMark, 2007; Lahiff, 2008).

**Land acquisition:** refers to the process of acquiring land for redistribution, transfer and restoration (USN & DW, 2004).

**Land acquisition processes:** land can be acquired formally or informally as outlined by USN and DW (2004). (See also Table 1)

TABLE 1: Formal and informal land acquisition processes

Formal land acquisition process	Informal land acquisition process
Refers to land acquisition that takes place through regulated formal land and housing market-driven approach (which involves facilitating sale and purchase of property, where property can either be land or housing), expropriation and donations.	Involves reactive and often unregulated processes established by individuals or a group of people to meet their (or other peoples) immediate land and/or housing needs, mainly due to the failure of formal processes to provide access to land and/or housing.

Source: Author

Marx and Royston (2008) notes that, both processes for acquiring land are complex and involve many steps as opposed to a single transaction (see Figure 1). Yet both processes are demand-driven and have similar steps, but informal processes are, in strong terms, irregular and illegal (WCPHD/CCT, 2003; USN & DW, 2004). For instance, in the case of a somehow planned invasion of a vacant piece of land, the people would identify, select a suitable site, occupy it, informally divide it and allocate site plots and public areas and community leaders would then regulate *de facto* tenure arrangements (as well the use of land and the trade of built structures such as shacks). Yet zoning does not seem to be done within informal processes and can be explained by their very nature that they are generally illegal and unauthorised. Informal settlements are often viewed by dwellers as a mixture of “rural or customary and individualised processes”. Informal tenure is to some extent rural in nature, but rules are adapted for urban conditions (WCPHD/CCT, 2003; USN & DW, 2004).

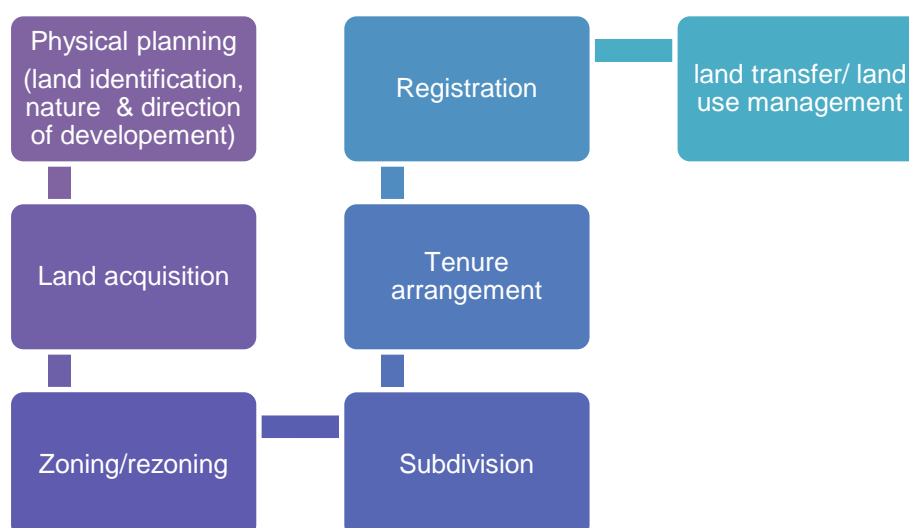


FIGURE 1: Urban land acquisition, allocation and redistribution processes

Source: Adapted from WCPHD/CCT, 2003; USN and DW, 2004

**Land invasion:** is a form of an informal process that involves a pre-planned occupation of land by an individual or a group of people without the consent or permission of the rightful owner of the land or person in charge of the land (HDA, 2013a). Land invasion is used interchangeable with land grab, unlawful or illegal occupation of land. The process of land invasion can also take place spontaneously and/or gradually (spontaneously, like the case of Phomolong informal settlement in Mamelodi (SACN, 2014)). Yet it could be gradually, like in Bredell in Ekurhuleni (Centre for Development and Enterprise (CDE), 2001; Huchzermeyer, 2003), and/or rapid like the colonisation of Africa (Pakenham, 1991; Nunn & Wantchekon, 2011).

This study focuses on land restitution and land redistribution as the main of the three pillars of the “post-apartheid” South African government land reform process. It also focuses on the meaningful transfer of land to Black people and the equitable redistribution in its ownership and use (especially in urban areas). The third pillar, the land tenure reform, aims at addressing the state of land administration and providing security of land tenure in communal areas of the former homelands, African and Coloured reserves (including farms). Thus it focuses much on formalising/legalising the land rights of those who have been occupied the legally, but without secure or legally recognised land. Thus, its focus is to “recognise and accommodate *de facto* vested rights which exist on the ground”, but does not explicitly speak to the land from which Black people were forcibly removed (White Paper on South African Land Policy/DLA, 1997; ANC, 2012:6; Zamponi, 2016:104-113).

**Land restitution:** refers to the process of settling land claims, including implementing programmes, with the purpose of land restoration or financially compensating Black people whose land was dispossessed under colonialism and apartheid, through colonial means and land laws such as the 1913 Native Land Act and 1950 Group Areas Act (USN & DW, 2004; Pepeteka, 2013).

**Land redistribution:** is the process of transferring from Whites to Black people. It is about providing access to land to Black people to redress the legacy of white dominated land ownership, through the acquisition of land for housing developments and livelihood enhancement (Pepeteka, 2013).



## Proactive land acquisition and redistribution (PLAR):

The key word here is 'proactive', the definition of which is found below in Table 2.

TABLE 2: Definitions of proactive

Source	Description
Oxford Advanced Learner's Dictionary of current English (Hornby, 2005)	(Of a person or policy) controlling a situation by making things happen rather than waiting for things to happen and then reacting to them.
Random House Kernerman Webster's College Dictionary	Serving to prepare for, intervene in, or control an expected occurrence or situation.
Collins English Dictionary	Tending to initiate change rather than reacting to events.
American Heritage Dictionary of the English Language	Acting in advance to deal with an expected difficulty; anticipatory.

Source: Author

Being proactive can be easily defined by using its opposite – as not being reactive. Yet considering the dictionary (formal/official) definitions tabled (in Table 2) above and even though proactive has no universal definition, a summative/deductive definition can be adopted. Being proactive is taking deliberate and planned (individual and policy) initiative or measures, in advance, to achieve desired outcomes or to deal with an expected challenge. This is done to avoid reacting or to prevent even the forced need to react to undesired consequential events.

Proactive in the context of this study, therefore means to deliberately acquire and redistribute land to the historically disposed in advance, especially urban land, for housing purposes, through deliberate and legislative and other measures while realising and meeting the current historical and current demand, anticipating future needs/demands. PLAR is about dealing with and eradicating housing land backlog, housing backlog and the need to react to undesired and yet expected consequential occurrences or events namely, land invasion and informal settlements, related service delivery protests and the likes (after they had happened). As a basic, PLAR requires the adoption of a proactive attitude and/or approach, by the State, in dealing with informal settlements. This is a means of addressing, first and foremost, the problem of land, which is the most fundamental prerequisite for housing.

Importantly, PLAR should not be confused with the existing Proactive Land Acquisition Strategy (PLAS) which focuses on rural/communal land/areas and/or agricultural/agrarian

land reform (DLA, 2007a; Pepeteka, 2013). Although it presents itself as pro-poor, “PLAS was adopted as official policy in 2006 following the National Land Summit in 2005. This was convened as result of the slow paced land reform process, its dismal achievements and critiques (Pepeteka, 2013, Zamponi, 2016:115-116), and saw the state becoming (an active) ‘willing buyer’ of land for redistribution, by actively [identifying and purchasing land] using market opportunities where they arise”. The state began to take a supply-driven approach instead of a demand or “application-driven approach”, wherein it identified and bought available land on the market (Musakwa, Tshesane, Segooa, Makoni & Kangethe; 2015; Zamponi, 2016:116). Using this approach, the government purchases land directly from owners instead of issuing grants to applicants to purchase and this (now) state-owned land can then be distributed on a leasehold basis for a period of three to five years, resulting in that which the lessee may be given an option to buy (Lahiff, 2008:7-8). Moreover, in this way, PLAS is a continuity of the market-driven land reform and leases land out according to the established needs, against providing unconditional and full land transfer/security of tenure to the historically land dispossessed and land needy Black people of South Africa (Zamponi, 2016:116).

In the next section attention is given to articulate the motivation for this study which provides a context for- and leads to the problem statement, which is in general, the reactionary approach to informal settlements and particularly the crisis of land acquisition as manifested by the growth of informal settlements. This is, for many reasons the driver of change and it warrants a research response.

## **1.2. Research context: background and problem statement**

### **1.2.1. Background to the problem statement**

More than 20 years “post-apartheid”, land ownership remains, arguably, the main problem and resolving it will provide answers to a number of issues facing South Africa. This includes eradicating housing backlogs and informal settlements as they are mainly land issues. South Africa increasingly seems to be a neo-colonial or neo-apartheid state and this is ensuing precisely from the enduring presence of systematic injustices of the past (colonial and apartheid era). At the core of these injustices are land ownership and/or the lack of access to land as manifested by the plight of landlessness such as the lack of housing and informal settlements that exists prevalently and commonly in urban areas (Zikode, 2014; SACN, 2014). To this end, it is important to recall that South Africa’s history is marked by over three and a half centuries of relentless European/white settler land invasion and occupation.

Under colonialism and apartheid, “domination, hegemony, institutionalised racial segregation and entrenched marginalisation of Blacks”, particularly Africans, were all intended at securing their land and labour (Letseka & Maile, 2008:4). This was achieved as Black people were eventually forcibly removed from their land and homes, and became the major and reliable source of labour for the colonial economy (South African History Online (SAHO), 2011a; 2014). South Africa as a geographic location/space was not discovered by explorers as explorers such as Portuguese explorer, Vasco da Gama, claim that it was discovered by them. The land was already discovered, occupied and being used by the natives/indigenous people (Ngalimani, 2017). According to SAHO (2011b), “the reason why groups often state their arrival on some foreign land as a “discovery” is because, according to primitive ‘finders keepers’ rule, this lends support to any claim they make to “owning” the land”. In the same light, the use of the term's post-apartheid and post-colonial(ism) imply or rather claim the end of apartheid and colonialism. Yet the reality is that the legacies of colonialism and apartheid did not disappear with the dawn of democracy in 1994. Hence, among other injustices, over 20 years into the constitutional democracy, the plight of landlessness remains a reality for the masses of Black people (Zikode, 2014; SACN, 2015).

To prolong this reality, it is important to recall that White people continued to own colonially and apartheid acquired land after 1994 despite the arrival of freedom and the dawn of Constitutional democracy in the same year. The ownership is premised on the Constitutional protection of the so called “existing property rights”. In addition, is the notion that the land reform policy-programmes would transfer land from Whites to Blacks (Republic of South Africa (RSA), 1996). With the fall of apartheid and the dawn of democracy this meant that the state of land ownership in South Africa remained essentially the same, namely, White dominated.

The continued ownership and occupation of colonially and apartheid acquired land also meant that the prospects of Black people to access land and reclaim land ownership rely heavily on governments’ land reform programmes, mainly land restitution and land redistribution. Hendricks and Ntsebeza (2000) were quick to criticise the stance of the 1996 Constitution on land reform. They argued that the Constitution, basically, legitimises the injustice of colonial and apartheid land dispossession. Considering that White people own majority of the land due to colonialism and apartheid, by entrenching the protection of existing property rights, the Constitution essentially upholds the rights of Whites to land over the rights of historically dispossessed Blacks, especially Africans who are the indigenous and rightful land owners (Hall, 2009; Evans, 2013).

This has led to conflicting land rights over the past two decades, hence the current land reform crisis (Hendricks & Ntsebeza, 2000; Hall, 2009; Evans (2013). The rights consist of a White man's protected land right on one hand and a Black man's land right on the other, which is neither protected nor guaranteed. South Africa's Constitution and consequently the land reform policy does not guarantee land redistribution because it seeks to negotiate a balance between these two conflicting land rights and first with the whites, the former coloniser and dispossessor. This neither strikes a balance nor leads to (significant or effective) land redistribution. It is simply a Constitutional bias in favour of Whites who historically hold vast amounts of the land in South Africa (RSA, 1996; Hendricks & Ntsebeza, 2000; Hall, 2009; Evans, 2013). At worst, it leaves Black people at the mercy or willingness (or the lack of it thereof) of White people as noted in the *willing buyer - willing seller* approach.

Accordingly, the current land woes are fundamentally enduring consequences of unaddressed colonial and apartheid land dispossession (Hendricks *et al.*, 2013). Hendricks *et al.* (2013) further insist that the ongoing racialised land inequalities that was inherited from colonial dispossession, work as a spatial barrier to constructing an equal nation in the present-day South Africa. They make a dominant point "that the current land reform policies in the country fail to take this colonial context of division and exclusion into account...and argues for a fundamental change in approach to move beyond the impasse - (of what they refer to as) an abiding crisis in land in South Africa". It is particularly for this reason that history matters (Oyeranmi, 2011; Nasson, 2016) and the colonial and apartheid legacy (historical facts) should not be forgotten, ignored or exempted from the current land reality and discourse. The opposite, arguably, leaves colonially and apartheid acquired white land privilege and injustice to perpetuate unacknowledged and without remedy. In the end, forgetting or ignoring and/or exempting history also allows for the dispossessor to continue to thrive out of colonially and apartheid acquired land and the historically dispossessed to be cheated almost permanently by the dispossessor (Pheko, 2015). Santayana (1905) also once said that "those who cannot remember the past are condemned to repeat it". Thus, there is a need to learn from history.

Houses (formal or informal) are built on nothing, but land. South Africa therefore seriously needs to resolve its land issue as it hinders (other) governments' (basic) service delivery, particularly the delivery of housing. In fact, section 26 (1) (2) of the 1996 Constitution of the Republic of South Africa (RSA, 1996) states that;

*"everyone has the right to have access to adequate housing. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right".*

Land is a fundamental prerequisite and that core resource needs to be made available to realise people's housing rights. Regarding land, section 25 (5) of the Constitution (RSA, 1996) provides that;

*“the state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis”.*

The governments' housing developments, delivery and the state's ability to redistribute land (and/or deliver housing) is dependent on the availability and acquisition of land (Dyantyi, 2015; HDA, 2015). Notwithstanding other variables, such as issues related to governance, politics and finance, this also suggests that informal settlements are mainly a land problem/issue resulting from a failure to adequately provide housing and seemingly leading to the erection of informal settlements as alternative housing. It is notable also, that the role of liberation and former liberation movements turned government, like the ANC, is, arguably, not first and foremost to give the historically dispossessed people houses, but actually the land to which the houses are built or to be built and this is the bottom line of liberation. As Fanon (1963: 44) puts it; “for a colonised people the most essential value, because the most concrete, is first and foremost the land: the land which will bring them bread and, above all, dignity.”

The continued presence and growth of informal settlements is indicative that Black people have not yet recovered from- and the government have not yet managed to undo centuries of land dispossession (Hendricks *et al.*, 2013). To this end, the problem of housing backlogs and informal settlements epitomises the continuity of the Black people's struggle for land in South Africa, particularly in urban areas. Almost like Moses of the holy Bible, millions of Black people have seen, but have not gotten, entered or accessed “*the Promised Land*” (Charlton & Kihahallo, 2006; King James Version, Numbers, 27:12; Hendricks *et al.*, 2013; Mtswesi & Louw, 2013). Though taken out of captivity, like the Israelites brought out of Pharaoh's captivity, their struggle for the Promised Land (Canaan) continued for 40 years and some died and did not enter or even see it.

It is true, perhaps, as Vavi (2004) notes that “democracy has by-passed the poor” or exists only in name (as far as the poor, landless and homeless are concerned). Accordingly, providing access to land and adequate housing are indeed still some of the greatest challenges facing the historically dispossessed and urban poor, policy-makers and government in the post-apartheid South Africa. The extent of these challenges originates from- and is also compounded, largely, by the unresolved land issue, the enormous size of the

housing backlog and the desperation and impatience of the landless and homeless (Brown-Luthango, 2009; Hendricks *et al.*, 2013; Chiweshe, 2014).

Since 1994, various policies, strategies and programmes have been formulated by the post-apartheid government to address these challenges which, according to Ali and Sulaiman (2006), are a main breeding ground for informal settlements. Yet, the poor remain landless and homeless, mainly, due to a lack of access to well-located land for housing (HDA, 2013b). To this end, informal settlements in South Africa are not only still as large as 1994 (news24, 2013; The Presidency, 2014), but have also grown since 1994 with the urban population growth.

Under 1.2.2, below, attention is drawn to the main problem warranting a research response.

### **1.2.2. Problem statement**

Generally, informal settlements have been dealt with in a reactive manner by the ANC government while a number of policy-programmes such as the “Breaking New Ground” aimed at eradicating informal settlements by 2014 have failed to halt further development and growth of informal settlements (DoH, 2004; Chiweshe, 2014; UN-Habitat, 2016). Eradicating informal settlements thus remains one of the South Africa’s greatest challenges.

The 2009 National Housing Code, in accordance to the Housing act of 1997, sets the fundamental or basic policy principles, guidelines and norms and standards which apply to various government’s housing assistance programmes introduced since 1994. A decade after the introduction of the national housing programme in 1994, a comprehensive review of programme outcomes and changes in the socio-economic context in the country was carried out. This also resulted in the Cabinet’s approval of the Comprehensive Plan for Sustainable Human Settlement, commonly referred to as “Breaking New Ground” or “BNG”, in September 2004. The Comprehensive Plan shifted the focus to the integration of communities and settlements to improve the quality of housing and housing environments. It also focuses on the Upgrading of Informal Settlement to improve the lives of slum dwellers to meet the Millennium Development Goals (MDG’s) of the United Nations (CoT, 2014a; 2014b). The MDG’s span for 15 years (2000 to 2015) and were extended in 2016 to 2030 (as Sustainable Development Goals).

Given that:

- Land reform in South Africa is overdue; and

- Land is a fundamental prerequisite- and that it is a core resource that needs to be made available to realise people's housing rights (RSA, 1994; 1996; South African Human Rights Commission (SAHRC), 2003).

Effectively, this means the longer the South African government remains passive (and/or slow) in resolving the land issue, the more the consequences of landlessness such as the growth of informal settlements and land invasions will continue to spiral.

Abebe (2011) argues that any response to informal settlements after their development or appearance may have social, economic and environmental costs implications, which has been the case in South Africa. This, including perpetual land and housing, demand/backlogs, as well as related service delivery protests, also calls for a deliberately proactive approach on urban land. Additionally, urbanisation, which majorly leads to further proliferation of informal settlements, is inevitable (Nwaka, 2005; Brown-Luthango, 2009; FIG, 2010).

Yet even though South Africa is rapidly urbanising, as well as experiencing other challenges, to date, urban land has received relatively little attention compared to rural and agricultural land, in research and practice (Kironde, 2006; DLA, 2007a, Mooya & Cloete 2007; Lahiff, 2008; Brown-Luthango, 2009). According to Royston (2002:176), this poor attention has resulted in "policy and implementation neglect" on urban land use management practices. Some researchers, Fekade (2000) and Kironde (2006) in particular, advance the notion that the failure of the post-apartheid government to acquire and redistribute land through formal processes has led to the development of informal land acquisition and distribution (of vacant land) processes as an alternative for the urban poor and desperate land seekers.

In the face of government failure, the poor have been increasingly taking the land on their own (USN & DW; 2004; SACN, 2015), with seemingly and often nothing but themselves, hammers and corrugated iron (makeshift material), to mention a few. Notwithstanding this, recurring acts of land invasion and the erection of shacks (also known as *imikhukhu* in isiXhosa), which takes place even beyond defined urban boundaries, are indicative of an obvious, immediate and desperate demand for land and housing in South Africa. Recurring land invasions also communicate and to an extent demonstrate that the poor on the ground are running out of patience and can no longer wait on the government to address their land and housing needs. It is also striking to note the level of determination of poor people in taking the issue of an access to land upon them. The urban poor are resorting to live in informal settlements despite limited-to-no access to basic services and the high risk of forced evictions. This clearly shows that the poor have nothing to lose and are holding their ground to access land and secure land tenure (Durand-Lasserve & Royston, 2002; Chetty, 2012).

A need exists therefore for a research response to this problem of growing informal settlements. To this end, it is important to gain insight into the current urban land management practices in South Africa, especially the current land acquisition processes and the role (if any) they play in the growth of informal settlements.

#### *1.2.2.1. The Constitution on rejecting the status quo*

Section 25 of the Constitution deals with the question of land reform, and reads as follows (RSA, 1996):

- 25. (1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.*
- (2) Property may be expropriated only in terms of law of general application—*
- (a) for a public purpose or in the public interest; and*
  - (b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.*
- (3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including—*
- (a) the current use of the property;*
  - (b) the history of the acquisition and use of the property;*
  - (c) the market value of the property;*
  - (d) the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and*
  - (e) the purpose of the expropriation.*
- (4) For the purposes of this section—*
- (a) the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and*
  - (b) property is not limited to land.*
- (5) The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.*
- (6) A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.*



- (7) *A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.*
- (8) *No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of section 36(1).*
- (9) *Parliament must enact the legislation referred to in subsection (6).*

Concerning the subject of land and housing rights in South Africa, the 1996 Constitution of the Republic of South Africa (RSA, 1996) claims to reject the status quo and insists on transforming South Africa into a country that is equal (i.e. equitable land redistribution for land equality). Yet the same Constitution protects existing property rights (i.e. section 25 – the “property clause”), which basically is making the transformation of land ownership almost impossible through the 1996 Constitution or lawful means and therefore it is self-contradictory (Hall, 2009; Evans, 2013). In this regard, Moyo (2007:60) argues that, “the legacy of racially unequal land control which confronted the former settler colonies was at independence maintained through constitutions which guaranteed the protection of private property and sanctified ‘willing buyer, willing seller’ [WBWS] approaches to the redistribution of freehold land”, which is the case in South Africa.

To begin with, the white land owner must first of all be willing to sell the claimed land. Assuming that the government is willing to buy land, what happens if there is no willing seller? In addition, the 1996 Constitution also obligates the government to provide compensation for colonial and apartheid acquired land, whether the land is being bought or expropriated (RSA, 1996). Considering the history of acquisition and the violent manner and unjust circumstances under which the Black people lost their land, this is a mind-boggling compromise. Some political parties, particularly PAC, have long opposed the ANC and disagreed with the 1996 Constitution in this regard. According to the Centre for Development Enterprise (CDE) (2001:3), PAC’s Chief Whip in the Gauteng Legislature at the time (2001), Mosebjane Malatsi, affirmed that “in terms of [the] PAC policy, South Africa’s land could not be bought or sold, as the liberation struggle had been about the return of land removed from indigenous people” and further said that, “there was no moral justification for paying compensation for land that is simple being restored to its rightful owners”.

To make reform even more difficult, the 1996 Constitution is also found to favour white land owners, by putting them in a stronger position when they contest determination of land

prices or expropriation (RSA, 1996; Ntsebeza, 2007). Recently, there has been consensus (generally) across political, policymaking, government and social spectrum that the WBWS premise to land acquisition has failed to redistribute and/or transfer land from Whites to Blacks (Lahiff, 2008). This has seen the Gauteng Department of Human Settlements in particular, placing its hopes for land acquisition and its land needs on the Expropriation Bill.

Dlamini (2007) argues that the WBWS premise to land redistribution has not only derailed land reform but has failed dismally to transfer land occupation and to restore ownership to Black people. Hendricks *et al.*, (2013) insist that land reform in South Africa has failed, precisely, because of the failure of the post-apartheid- government and 1996 Constitution to advance restorative justice from inception. Thus, suggesting that it was set up and bound for failure. To this end, there is a reason to believe that for any Constitutional or policy interventions to be effective, it should be primarily and deliberately pro-poor, pro-Black and proactive and based on decolonisation, desegregation, redress and restoration and should not hinder or frustrate land acquisition and redistribution.

Laws passed since 1994 gave the 1996 Constitution some meaning. The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (19 of 1998) (PIE) is one of the acts that stand out (Huchzermeyer, 2003). Somehow, the eviction of unlawful land occupiers'/land invaders and relocation of informal settlement dwellers (in accordance to the PIE Act) by the government appears to deny the poor access to (well-located) land. More often, some of these informal settlements are better located than land and housing to which the government seeks to relocate them. This also creates an impression that the poor are not prioritised and that their presence is unwanted, particularly, in the prime and affluent residential areas including suburbs and property estates, as highlighted also by the so called "not-in-my-back-yard" (NIMBY) syndrome (CDE, 2001; DoH, 2004; Department of Local Government and Housing, 2005:17).

Furthermore, whilst legislation and policing may prevent land invasion, they do not necessarily resolve the land issue. The government, arguably, runs the risks of civil defiance and socio-political upheaval. That is if the same or rather more zeal on evicting land invaders, which has been demonstrated by urgent court orders and the tasking of the so called Red Ants (a South African private security contracted enforce/act on municipal orders of demolition and eviction), local government Ant-Land Invasion Units and the South African Police Service (SAPS), is not afforded to resolving the land issue. The demand for land is burning and at this stage, it appears that if the government fails to expeditiously resolve the land issue, the

peoples struggle for land could turn into an anarchical and violent affair. Devenish, cited in Hendricks *et al.* (2013:1), warns that, “as a nation, we neglect land reform at our peril”.

In the next section the purpose of the study, including the objective(s), research question(s) and research methodology (how and where the study will be conducted) as well as the significance of the study in detail, is provided.

### **1.3. Purpose of the research**

#### **1.3.1. Primary objective**

Against this problem, the primary objective of this study is to gain insight into the current urban land management practices in South Africa, with particular focus on the role of land acquisition in the growth of informal settlements in Mamelodi.

##### *1.3.1.1. Secondary objectives*

*The secondary objectives of the study are as follows:*

- To analyse the development and growth of informal settlements in Mamelodi.
- To determine the role of the current land acquisition processes in the growth of informal settlements.
- To briefly explore and propose strategies for proactive land acquisition and use.

#### **1.3.2. Research question**

How do the urban land management practices, particularly land acquisition processes, impact the development and growth of informal settlements in South Africa?

##### *1.3.2.1. Research sub-questions*

- What are the trends that can be identified in terms of informal settlement patterns in Mamelodi since 1994?
- What are the current processes of land acquisition?
- What role (if any) does the current processes of land acquisition play in the growth of informal settlements?
- In what ways can land be proactively acquired and effectively used in order to promote formal settlement growth?

### **1.3.3. Study area and scope of the study**

The study mainly focuses on Mamelodi, situated north East of Tshwane in Gauteng province of South Africa and particularly the growth of informal settlements in the Township, over a 20-year period. The study area is discussed in detail in Chapter 3, section 3.2.1.1. and extensively in Chapter 4.

Notably, little attention has been given to the acquisition of (more especially, urban) land as a prerequisite for the development of housing (DLA, 2007b; Lahiff, 2008). Although Hendricks *et al.* (2013:3) observed that land and agrarian issues are severally assumed to be “synonymous”, they argue that “the land question in South Africa is as much an urban affair as it is a rural issue”. It is worth noting, however, that this study is not an attempt to buttress any racist “belief that Africans only aim to secure home consumption and residence, and they do not require land for commercial uses” (Moyo, 2007:69). Yet owing to the broadness of the land and housing subject, the study is narrowed down to focus on analysing the trends in informal settlement patterns, determining the current land management practices in relation to land acquisition and the growth of informal settlements as well as exploring different strategies that can be employed to proactively provide access to land and promote formal settlement growth. Essentially, this study is topic (land and informal settlements), geographical (Mamelodi) and time bound (1994-2014).

### **1.3.4. Limitation of the study**

Generalisation is often not possible for qualitative (interview) findings, due to their nature of using small samples and purposive sampling techniques, rather than random samples. Notwithstanding this, partial generalisations may still be possible to similar populations and contexts (Mayer, 2000).

### **1.3.5. Significance of the study**

Two top ranking government officials in the housing/human settlement sector have acknowledged and confirmed the apparent growth of informal settlements in South Africa over a period of nearly 20 years, from 1994 (Mashatile 2003 in Knight, 2004; City Press, 2013). Informal settlements, therefore, should not be ignored or allowed to continue as usual. They warrant a research (and) response.

First was Paul Mashatile (who was the Gauteng MEC for housing at the time and who is currently the Gauteng MEC for Human Settlements and Co-operative Governance) who asserted and made the following call:

*“The informal settlement in South Africa is living testimony to apartheid created poverty [...] it is important that we look at the historical perspective to the rapid increase in the number of informal settlements in our province post 1994” (Mashatile, 2003:n.d).*

A decade later, Tokyo Sexwale who was Minister of Human Settlements at the time, made a similar, yet more concerning, statement. Tokyo was quoted by the City Press (2013:n.d) speaking at the establishment of the Chair for education in Human Settlement Development Management at the now Nelson Mandela University in Port Elizabeth saying:

*“The number of informal settlements is growing uncontrollably. Likewise, the populations inside these ghettos is increasing rapidly”.*

According to the City Press (2013), Sexwale further said that the growth of informal settlements made it more difficult for the government to meet the demand for housing. “This imposes increased service delivery pressure upon resources like electricity, water, sanitation, health services and housing, all of which were never budgeted for by the perceived affluent municipalities”, said Tokyo. Although over a decade later, given that informal settlement have continued to grow rapidly and uncontrollable so, a need, therefore, still exists to study this issue. Thus heeding the long-overdue call, to (Mashatile, 2003): “look at the historical perspective to the rapid increase in the number of informal settlements in our [Gauteng] province post 1994”.

Most importantly, this study also moves from the premise that land is a fundamental prerequisite for housing/sustainable human settlements. This, in turn, is basis that informal settlements are first and foremost a land since settlements are developed or established on land that are both formal and informal. The main significance of this study is, therefore, to provide insight into the current urban land management practices in South Africa, with particular focus on the role of land acquisition in the growth of informal settlements in Mamelodi Township, North East of the City of Tshwane. Ultimately, the study seeks to discover how informal settlement growth in South Africa could be proactively managed/ addressed. The consequential contribution of this study may include:

- Providing the government (CTMM) with an in-depth understanding of why and how informal settlements continue to grow, expand widely (sprawl) in South African urban areas;
- Providing some policy proposals for effective land reform; especially proactive acquisition and the redistribution of urban land;

- Encouraging the Department of Human Settlements to proactively acquire land to meet urban land and sustainable human settlement demand;
- Ensuring, to a certain extent, that land is put to maximum productive use and used to benefit the majority of the people of South Africa, more especially the poor;
- Promoting formal settlement growth; and
- Academically, this research will serve as a reference on land and informal settlements in South Africa.

Furthermore, to avoid costly and reactive interventions, modelling informal settlement growth patterns by coupling orthodox and commonly used qualitative research methods with Landsat satellite image analysis techniques would reveal the major causes of informal settlement growth, depict areas where there is potential for informal settlement development and expansion and assist policy-makers and relevant government institutions and/or authorities in comprehending the intrinsic nature of informal settlements as well as formulating proactive land acquisition and redistribution strategies.

The study is organised into five chapters, including the introduction, literature review summary, conclusion and recommendation, as outlined in the following section.

#### **1.4. Dissertation outline**

*The study is organised into five chapters:*

**Chapter 1** presents the introduction and background of the study, which include the research problem statement and the purpose of the research, including the main objectives, research question(s) as well as the scope and significance of the study.

**Chapter 2** presents a synthesis of the relevant literature that is consulted in this study.

**Chapter 3** explains the research design and methodology, including all the processes that was undertaken to collect the primary and secondary data, and generate and present study findings.

**Chapter 4** presents the analyses and discusses the findings of the study, especially from the primary data. This includes data that was obtained from Landsat satellite images, document analyses and key informant interviews.

**Chapter 5** as a last chapter presents the summary, conclusion and recommendations of the study.

In line with the dissertation outline, in the following and second chapter of the study, a synthesis of the literature relevant to the study is provided, which is predominantly literature on informal settlements globally and South Africa in particular and on land (dispossession and re-possession).

## CHAPTER 2: LAND, HOUSING AND INFORMAL SETTLEMENTS

### 2.1. Introduction

This chapter undertakes a literature review process on the research topic from secondary sources such as previous research studies, journal articles, books, conference papers, etc. Maritz (2003:22) provides that “information obtained from such sources can be most valuable. It steers the research in the right direction; it serves as a reference base against which certain findings can be tested”. Furthermore, it is necessary for the researcher to supplement the data that has been reproduced from secondary sources by their “own reasoning and discussions on each of the topics addressed to establish a relation in each instance with the main problem in question”; this is primarily done “in order to make the literature review more comprehensive and meaningful” (Maritz, 2003:22).

The problem of informal settlements in South Africa cannot be understood outside the history of land dispossession and segregation in the country. This includes the manner in which Europeans acquired land and laid the foundation for benefiting themselves by dispossessing and depriving Africans. These processes themselves cannot be divorced from the broader discourse of colonialism and apartheid. This chapter, therefore, seeks to articulate a global view of informal settlements, because they are not unique to South Africa, and the emergence and growth of informal settlements in South Africa. The chapter further seeks to determine the role of the current land acquisition processes in the persistence/continued presence and growth of informal settlements. The necessity for proactive land acquisition and redistribution as a strategy to address informal settlement is briefly made. Finally, other post-colonial approaches to land re-possession, for South Africa to consider, are discussed in detail.

*This chapter therefore contains five main sections:*

Section 2.2: Global overview of informal settlements

Section 2.3. Informal settlements in South Africa

Section 2.4: Land acquisition and the growth of informal settlements in South Africa: struggle for re-possession, 1994 – present

Section 2.5: The need for proactive land acquisition and redistribution in South Africa

Section 2.6. Land re-possession lessons from other post-colonial societies: Zimbabwe and Namibia

A global overview of informal settlements is provided in the following section.



## 2.2. Global overview of informal settlements

Informal settlements are a significant common feature across every South African city and town (urban area). According to the 2011 census, about 56.8% of South Africans live in poverty on the streets and in areas including in informal settlements and low-income housing. Yet the problem of informal settlements is not unique to South Africa (Stats SA, 2012). Informal settlements are a global phenomenon, present almost in every urban area all over the world (UN-Habitat, 2015; 2016). Europe, for example, has seen an increase in the number of urban residents who cannot afford housing rentals along with rising housing costs, especially in the wealthier big cities. This is more prevalent in the Southern and Eastern parts of Europe, while Western European countries are reported to have more than 6% of their urban residents living in very intolerable and hazardous environments (Economic Commission for Europe, 2008; UN-Habitat, 2013; 2015).

UN-Habitat (2011) reports that over the past 10 years, the proportion of the underdeveloped countries' urban population residing in informal settlements has slightly dropped from 39% (in 2000) to 32% (in 2010) (UN-Habitat, 2011; 2015). Yet, in spite of this decline, approximately 25% of the global urban population still live in shacks. As of 1990, over 200 million informal settlement dwellers have been added to the world's population. Over the years private sector investment in housing has remained stable, but it has not made housing affordable to the poor, with the affordable housing gap equal to \$650 billion (about R8.7 trillion) each year and is likely to increase (Mckinsey Global Institute, 2014; Friesecke, 2015). Thus, Informal settlements fill the huge gaps left by the failures in the formal land and housing markets. Essentially, informal settlements provide a foothold and housing for a majority of the world's urban population, who are landless, poor and homeless (UN-Habitat, 2015).

Whilst this urban phenomenon also exists in some parts of the developed world, informal settlements are more prevalent in the urban areas of the underdeveloped world, including countries such as Brazil, Kenya, Tanzania and South Africa (Hurskainen, 2004; Ali & Sulaiman, 2006; Abebe, 2011; UN-Habitat, 2015). Asia is the capital of the world's urban population. Half (50%) of the world's urban population live in Asia and 30% of the urban population dwell in informal settlements (UN-Habitat, 2013; 2015). More than 90% of urban growth takes place in underdeveloped countries and a projected 70 million new residents are added to urban areas of those countries every year (UN-Habitat, 2015). Subsequently, the urban population of the world's two poorest regions, South Asia and Sub-Saharan Africa, is expected to double over the next 20 years, suggesting that the total numbers of informal settlement and shack dwellers in these regions will significantly grow (World Bank, 2008; UN-Habitat, 2014; 2015). In the Latin America and Caribbean region, informal settlements have

historically provided housing solutions with no less than 24% of the urban dwellers still living in informal settlements, despite a recent year's decline of 9% (UN-Habitat, 2013; 2015). According to UN-Habitat (2003), in 2001, amongst underdeveloped regions, sub-Saharan Africa had the largest proportion of the urban population living in informal settlements (71.9 %) and Oceania had the lowest (24.1%). Sub-Saharan Africa has the second largest informal settlement population (166 million out of a total urban population of 231 million) in the world after South-central Asia (262 million), which is 58% of the total urban population, in that region. This goes against the narrow narrative that Africa's challenges are only rural. According to UN-Habitat (2015), the majority (61.7%) of Africa's urban population lives in informal settlements and by 2050, it is expected that Africa's urban population will have risen from 400 million to 1.2 billion. Furthermore, globally, new informal settlement dwellers still have limited capacity to vacate. About 66.67% (7 million) of the 10 million more people added to the urban population of Sub-Saharan Africa each year dwell in informal settlements and only 2 million are hopeful of moving out (UN-Habitat, 2011; UN-Habitat, 2015; Friesecke, 2015). Moreover, UN-Habitat (2015) had confirmed that there is a link between the growth of informal settlement and the lack of access to land and housing.

Notwithstanding the fact that informal settlements are characterised by illegality, informality, poverty, low-to-zero service delivery, marginalisation and vulnerability, in South Africa, informal settlements also provide a foothold and housing for the urban poor, more especially Africans (Olufemi, 1998; Mncwango, 2005; Chetty, 2012; UN-Habitat, 2015). In spite of the poor living conditions in informal settlements, the urban poor are still determined to live in shacks with generative opportunities for subsistence (Marx, 2003; Marx, Stoker & Suri, 2013). Godobo (2008) notes that, for most poor people, informal settlements are not just a place to live, but also a place to work, produce and play. Furthermore, whereas few people, if any, would choose to live in informal settlements if they can afford or get formal housing, poor people prefer to live close to places of employment. This is where there are various economic opportunities to be exploited and viable livelihoods, like running a small business (known as *spaza* shops) and street vending (Kapoor, Lall, Lundberg & Shalizi, 2004; Godobo, 2008).

According to Moser and Satterthwaite (2008), informal settlements are frequently established in the outskirts of urban areas, where land is inexpensive, vacant, underutilised, and/or neglected. The urban poor people live in degrading and hazardous environmental land and informal settlement conditions, where they are exposed and often suffer from communicable diseases (Hardoy & Satterthwaite, 1990; Cities Alliance, 2010; UN-Habitat, 2013; 2015). The World Bank (2008) and Mahanga (2002) further advances that the state of

service delivery such as formal housing, water, electricity, sanitation and access to urban centres has always been dismal. Accordingly, the illegal occupation of vacant land, regardless of ownership, informal settlements and urban poverty have become an urban reality (Godehart & Vaughan, 2008; World Bank, 2008; Mitlin & Satterthwaite, 2013; HDA, 2015), while floods and fires are a frequent occurrence in Informal settlements (Roberts & Kanaley, 2006; Hendler & Wolfson, 2013).

The following section traces the origin/roots of informal settlements and discusses their history in South Africa.

### **2.3. Informal settlements in South Africa**

#### **2.3.1. Emergence of informal settlements: a land dispossession narrative**

The emergence of informal settlements in South Africa is deeply rooted in colonialism and apartheid (Michalopolous & Papaioannou, 2011). They are an ongoing expression of landlessness, resulting for the most part from colonial and apartheid land dispossessions. Thus, this section seeks to contextualise and provide the background against which the problem of land ownership, housing and informal settlements now exist in South Africa, to put history into context.

##### *2.3.1.1. Colonial and Apartheid legacy – ‘divide and rule’, 1652 – 1994*

###### *2.3.1.1.1. Colonialism, 1652 - 1948*

Colonialism has had devastating, far-reaching and long-lasting effects for Africa (Michalopolous & Papaioannou, 2011). The history of land dispossession in Africa is fairly documented in various historical accounts, but well-articulated in what was called the “Scramble for Africa” (Davidson, 1984:173; Pakenham, 1991). As if the slave trade (where about 20 million Africans were captured, traded and exported like commodities) was not enough, when it was just coming to an end, Europeans sought other means to further molest, plunder, exploit and under-develop Africa. Land was a new prize (Rodney, 1970; 1973; Pakenham, 1991; Meredith, 2015).

Europe has coveted Africa for its wealth since the times of the Pharaohs (Meredith, 2015). Rodney (1970) and Originalpeople.org (2012) describe the ‘scramble for Africa’ as the process of European expansion through division, (armed and militant) invasion, occupation, seizure, colonisation and rule of African continent/territory by European powers. In their review of Pakenham’s ‘*The Scramble for Africa*’ book, Publishers Weekly described this process as the “systematic rape [of Africa] by Europe” (Pakenham, 1991). The ruthless Scramble for

Africa reportedly took place between 1876 and 1913, which was an era of pre-planned and rapid colonisation of the African continent by European powers (Pakenham, 1991; Back *et al.*, 2002; Nunn & Wantchekon, 2011). But, it was organised and formalised over a yearlong and infamous Berlin Conference of 1884 – 1885. At the conference, fourteen European powers negotiated and mapped their claims to African territory (Rodney, 1970; Back *et al.*, 2002; Gates & Appiah, 2010; Michalopolous & Papaioannou, 2011). In the end, seven major European powers including Britain, France, Portugal, Belgium, Germany, Italy and Spain took a piece of what King Leopold of Belgium called “this magnificent African cake” (Davidson, 1984:173; Meredith, 2015:384). They then proceeded to slice up and divide Africa amongst themselves. This marked the beginning of the invasion and occupation of the African continent by European settlers, colonists or imperialists without any consent of- and concern for the African people, namely, the aboriginal/indigenous dwellers/inhabitants (Rodney, 1970; Pakenham, 1991; Originalpeople.org, 2012).

Yet in South Africa, colonisation had begun since 1652 by the Dutch Settlers, who were led by Jan van Riebeeck and called themselves ‘Afrikaner Boers’ or simply ‘Boers’ and marked the beginning of the land question and the racial struggle for land in the country. Since then, Dutch Settlers had launched raids into African lands and violently displaced Africans through the barrel of a gun and cannons for over 150 years until they lost colonial control to the British during the Napoleonic Wars of 1803 – 1815 (Originalpeople.org, 2012). Furthermore, it is reported that late in 1880, only 10% of Africa was under European control. By 1914, in just over 33 years, almost the rest of Africa had been colonised by European powers, with the exception of only Ethiopia and Liberia remaining independent. Thus, colonialism and its effects sets African countries such as the Democratic Republic of Congo, Kenya, Sudan, Uganda, Tanzania, Namibia, Zimbabwe and South Africa apart from the rest of the world in relation to the land and land issues (Rodney, 1970; Pakenham, 1991; Originalpeople.org, 2012; Boddy-Evans, 2012).

After devoting some time to study the works and effects of the colonial rule and the White minority rule in South Africa, it is interesting to note that apartheid was, in essence, itself colonialism or its perpetuation thereof. Historians, political activists and scholars such as Rodney (1973), Pakenham (1991) and Meredith (2015) provide comprehensive accounts of how Europeans exploited African countries under colonialism and continued even after their so called ‘independence’. Rodney’s (1973:38) *‘How Europe underdeveloped Africa’* details how Europeans/Whites still had “actual ownership of the means of production” (e.g. land, mines, factories, banks, insurance companies etc.) post-colonialism. Under colonial rule, this foreign ownership was backed and sustained by military power and rule. Europeans only

removed their national flags as the faces/symbols of the countries, but not their hands from their resources. Pakenham's (1991) '*Scramble for Africa*' also exposes how the former colonial powers were actively dominating the economies of the African countries. Furthermore, in eras, colonial and apartheid, Africans were deliberately treated cruelly, oppressed and forcibly dispossessed of their land by whites without any compensation (Mahlange, 2013).

Colonialism indeed laid a foundation for apartheid since it gave it the ability to exist and thrive. In addition to the earlier Dutch armed and militant invasions, in 1913 and 1936, British colonial administrations and earlier illegitimate South African governments had designated "native reserves" to resettle Africans that were removed from their land (Beinart & Dubow, 1995). Furthermore, in order to understand South Africa's present land woes, it is imperative to revisit the Native Land Act of 1913. One can even go back as far as 1652. The Native Land Act of 1913 is the cornerstone of all land laws and land dispossessions that followed (Dyanti, 2015). The 1913 Native Land Act was passed under Prime Minister Jan Smuts. It exacerbated the situation of Africans as they were outlawed from owning, renting and buying land, except small and largely unproductive/unfertile – especially – rural lands in the native reserves (Msimang, 1966; Beinart & Dubow, 1995; Plaatje, 2007; Cairncross, 2011, cited in Mathekga, 2013).

Yet three years before the 1913 Native Land Act, the Union of South Africa was formed and Jan Smut's South African Party came into power. The Union was formed to consolidate and reinforce White supremacy and European rule in South Africa against the backdrop of the Napoleonic Wars and the so called Anglo-Boer War (now renamed the South African War (for African land), as Africans were also used (SAHO, 2011c)). The latter lasted for about three years (1899 -1902) and both wars resulted in the Boers losing control over South Africa to the British. The British and Boers united to form one government on the agreement that Africans were to be totally disenfranchised from the Europeans only union. This resulted in exclusion (socially, politically and economically) and harsher discrimination towards the Africans (Pakenham, 1991; 1979; Afrovision, 2013). Far more-devastating, nonetheless, was still the legalised robbery of vast lands from Africans, through the 1913 Native Land Act, by the colonial government (Makhanye, 2013).

The mandate for the new South African Party government was to set a new trajectory for land and labour in response to the European colonists' insatiable demand for land and labour. This mandate was fulfilled through the 1913 Native Land Act and the 1936 Native Trust and Land Act (1913 Native Land Act amendment). Through the promulgation of these Land Acts (1913 & 1936), Africans would not only be discriminated upon, but were rapidly removed from their lands and homes. They were then geographically marginalised and confined into

small fragmented areas (native reserves) in South Africa. Initially, only about 7% of South Africa's land was set aside for this purpose (Cairncross, 2011, cited in Mathekga, 2013; Makhanye, 2013). Essentially, this meant that the African majority could rent, buy or own from only 7% of the land (Feinberg & Horn, 2009; Makhanye, 2013). As Plaatje (2007:21) puts it in his book, *'Native Life in South Africa'*:

*"Awaking on Friday morning, June 20, 1913, the South African native found himself, not actually a slave, but a pariah in the land of his birth".*

The size of land in the native reserves was later increased by 6% to 13% through the 1936 Land Act (1913 Land Act amendment) (Mathieson & Atwell, 1998; Tagg, 2012; Makhanye, 2013; Mahlangeni, 2013).

The predecessor of the 1913 Land Act was the 1894 Glen Grey Act, which was simply introduced to get rid of the communal land rights of Africans (Innes, 1903; Beinart & Dubow, 1995). It led to seizures of their communal lands, mainly for agriculture and livestock grazing, to the benefit of European commercial farmers and left African rural dwellers impoverished as subsistence declined. They were forced to depend on colonial economy comprising farms, mines and urban industries under white control (Beinart & Dubow, 1995). Subsistence agriculture and hunting dominated the indigenous economy until the Europeans settled in the Cape in 1652. Until the 1860s, the economy of South Africa was dominated by agriculture and trade. The economy of South Africa became industrialised with the 'discovery' of diamonds in Kimberly in 1867 and gold in Witwatersrand in 1886 (SAHO, 2014).

The shortage of labour supply has been a major feature of South Africa's colonial economy history particularly on white farms and plantations. With the discovery of diamonds and gold, the demand for labour and labour supply shortage also grew. This is, to the extent that White farmers complained to the colonial regime of the time regarding their struggle to secure labour. Struggles broke out between the African peasants and government authorities over the access to land because Africans were unwilling to enter the mines and white farms effectively intensified the shortage of labour supply. The British imperial regime launched a policy of expansion in southern Africa a few years after the 'discovery' of diamonds in the 1860s, which saw Cecil John Rhodes becoming the Prime Minister of the Cape Colony in 1890. Cecil John Rhodes effected legislations that were aimed at satisfying the need for abundant, secure and steadfast cheap labour supply for white-owned farmers and mines (SAHO, 2014).

In 1894, Cecil John Rhodes drafted and passed the Glen Grey Act to increase the supply and control over African labour, particularly for white farms and the mining industry. The 1984 Glen Grey Act provided that migrants from the reserves would supply labour therefore laying the foundation for separate development and the apartheid laws aiming to create an inexhaustible supply of cheap labour to the mines and White farms (SAHO, 2014). Thus the 1984 Glen Grey Act set the foundation for the discriminatory and segregation legislation for the years to come. The Act mainly required reforms in the system/institution of land tenure, local district Councils in the African areas and a labour tax. In accordance to the Glen Grey Act all African males were required to work outside their districts for a minimum of three months in the year, failing this meant that a labour tax of 10 shillings (an equivalent of about R1255 in today's (2014) money) was imposed (SAHO, 2014).

In essence, the levying of tax was specifically aimed at forcing African peasant farmers to leave their areas and to search for wage labour which would be the only way they would be able to pay taxes. In addition to limiting the number of Africans who could own and live on their own land, the 1984 Glen Grey Act also pressured/forced those who were regarded ineligible to own land to leave the reserves in order to search for paid work. These processes marked the beginning of the use of the migrant labour system to force African peasant farmers to leave their families behind in the reserves to work in the mines. They did this under duress (SAHO, 2014).

Contrary to the current South African land legislation, the 1996 Constitution and 1994 Restitution of Land Rights Act in particular, which puts the cut-off date for land (restitution) claims on 19 June 1913, the Glen Grey Act is one of many colonial measures evidencing that land dispossession of the indigenous people (Africans) started long before and predates 1913 (RSA, 1996; CDE, 2001; SAHO, 2014). Thus, the 1913 Native Land Act effectively expedited, resolved and consolidated land ownership in South Africa in favour of Europeans. It enabled the purposed European expansion to become a reality and consolidated European rule over South Africa (Hall & Ntsebeza, 2007).

#### *2.3.1.1.2. Apartheid, 1948 - 1994*

Between 1948 and 1994, South African politics and government were based on an extremely racial and criminal system designed to legitimise and bring colonisation to a logical conclusion, to maintain and consolidate land ownership, White control and security. This system that was created to institutionalise racial segregation and systematically marginalise Black people is formally referred to as 'Apartheid', Afrikaans for *aparthood* or *separateness* (; Reddy, 1985; Meredith, 1988; Beinart & Dubow, 1995, Mahlangeni 2013). Indeed, under

apartheid (regime) the process of South African land dispossession often concluded violently and without compensation (Pepeteka, 2013; Department of Rural and Land Reform (DRLR), 2013).

Apartheid was essentially a Dutch/Boer takeover of control from the British and not the end of colonialism. It is a result of the 1948 regime change campaign, whereby unity amongst Boers became paramount to preserve the white minority rule over South Africa. Boer nationalist's factions, in particular, united under the banner of apartheid to preserve and safeguard white supremacy. This era marks the next phase of colonialism in which Boer nationalist's and nationalism dominated South African politics. As a revolutionary and resistant mood grew among the Africans living in urban areas during the 1940's, White racial paranoia seemingly intensified towards Black people, especially Africans. As Meredith (2015:580) puts it, "the 'black peril issue' – *swart gevaar*" - dominated the political debates of whites and particularly the *Hereingde Nasionale Party* (Afrikaans for United Nationalist Party or Nationalist Party) politics/ Boer separatist politics (Meredith, 1988; Beinart & Dubow, 1995; Hall & Ntsebeza, 2007; Meredith, 2015:580). Moreover, according to the 1946 Census, the population of whites was in decline. Since 1910, Whites had grown by just over a million to 2.4 million while Blacks had grown by almost 4.5 million to 9 million. Approximately 60% of Africans at the time lived in White/European-designated areas whereas 40% were based in the reserves. Thus, Blacks outnumbered Europeans (Meredith, 2015).

Wolpe (1972) also argued that the Boers only took off from where the British had left. But, the apartheid ideology was unashamedly far more-racially discriminatory and segregationist than the preceding ideologies. Separate development was employed as a strategy to advance the cause of apartheid and South Africa became an even more segregated and unequal country (Szeftel, 1971; Wolpe, 1972; Baldwin, 1975; Beinart & Dubow, 1995). Apartheid laws reinforced the idea that the white people are superior to and more civilised than other races and are by nature destined to rule over them, thus they are not equals and should not live together. This appears to be the same narrative/belief that was held and pronounced for decades by several prominent European/White figures such as Cecil John Rhodes of Britain, who was a zealous and "an ardent advocate" of British expansion (Confessions of Faith, 1877, cited in Flint, 1974; Meredith, 2015:374). One hundred and eleven (111) years later, in 1998, Charles Swart the (first) Minister of Justice of the apartheid government at the time (1948 – 1954) and first President of the Republic of South Africa (1961 – 1967), on defending the Group Areas Act of 1948, said:



*“We will always find that reasonable amenities are provided for all classes according to their aptitude, according to their standard of civilization and according to their need”* (Reader’s Digest, 1988; in SAHO, 2011d).

According to SAHO (2011d), this led to the establishment of several townships in Pretoria such as Atteridgeville and Saulsville, Temba (Hammanskraal), Mabopane Laudium, Eersterus and Mamelodi. Perhaps, the reasonable amenities also included government support for informal settlement instead of formal housing as highlighted by de Beers (2001). Notwithstanding this, leading up to the 1948 “national” government elections, in 1947, Malan appointed the Sauer Commission to investigate the problems that were caused by the presence and movement of Black people in South African cities and towns. This came about as White businessmen and labourers were generally concerned about the threat of competition and cheap labour provided by Africans posed to their businesses and jobs (Beinart & Dubow, 1995; SAHO, 2011d). Therefore, white businessmen, in particular, sought means to safeguard their businesses from competition. Together with several white interest groups (including teachers, lawyers, academics, journalists and farmers) demanded a total separation of the South African population according to race. It was the Sauer Commission which endorsed and articulated Hendrik Verwoerd’s plan, and recommended that apartheid was the only solution (Beinart & Dubow, 1995).

Consequently, homelands, mainly rural areas and townships located in the outskirts of South Africa urban areas would be the ideal home and location of the Black people and Africans in South Africa. Fourteen years later, in 1961, as Prime Minister during the formation of South Africa a Republic, Hendrik Verwoerd maintained that the white (minority) rule over South Africa could only be sustainable when people live separately according to their race (Meredith, Beinart & Dubow, 1995; 1988; Irvin, 2016). Sauer’s recommended apartheid policy became the Nationalist Party’s manifesto that won them the 1948 elections against Jan Smuts’s United Party and put it in power for the next 46 years until 1994 (Beinart & Dubow, 1995; Tagg, 2012). Following the Nationalist Party’s victory and arguably reminiscing the so-called Anglo-Boer wars, 70-years old D. F. Malan declared on forming South Africa’s first exclusively Afrikaner government on 28 May 1948 (Goodman, 2002:146):

*“Today South Africa belongs to us once more. For the first time since Union, South Africa is ours. May God grant that it will always remain so”.*

However, it is noteworthy that during this era about 75% of South Africa’s population (Africans) was denied the right to vote (any political rights) (Malan & Hattingh 1975:17). Also established in 1947, according to Beinart and Dubow (1995), the South African Bureau of Racial Affairs

(SABRA) conceived that apartheid alone would not be adequate as a means to preserve white supremacy since half measures would not be sufficient and needed to extend to cover all fronts (i.e. political, social, educational and cultural). Politically, Africans were denied the right to vote. In this way, SABRA believed that white supremacy would thrive without whites losing an inexhaustible supply of African labour. The SABRA understood that if Africans were to vote in South Africa, the white-minority rule would come to an end (Beinart & Dubow, 1995).

Generally, history reveals that Europeans had always sought to dominate and dictate all spheres of life of the people that they colonised, by stripping and depriving them of all their citizen (social, economic and political) rights (Malan & Hattingh 1975:17; Reddy, 1985; Originalpeople.org, 2012). Strictly speaking, colonialism and apartheid are both products of Europeans (i.e. British and Dutch descendants) and their interests were the same, namely, securing land, labour and white supremacy. Hence it is no coincidence that under both colonialism and apartheid, Blacks were dispossessed of their land, provided cheap labour and were denied the right to vote. This sustained the European power and rule over South Africa up until 1994 (Beinart & Dubow, 1995).

Like colonial regimes, the apartheid government was not founded on the will of all the people. The election process was extremely racial, exclusive and undemocratic. Only a privileged few and primarily white electorate decided who would govern the country, its future and that of its entire people (Beinart & Dubow, 1995; Reddy, 1995). In fact, the UN declared that the racist apartheid regime was illegitimate and had no right to represent the people of South Africa (Reddy, 1995). Nonetheless, the electorate majority gave the Nationalist Party the power and mandate to implement its apartheid policy. In those days it was constituted legal, particularly for the apartheid government, to racially segregate, forcefully expropriate land and relocate Black people from their land and homes (de Beer, 2001). Racial segregation and dispossession was the justice of the time. As in the words of the holy Bible, “corrupt judges make injustice legal” (Good News Translation, Psalm 94:20). Empowered and mandated by the voting majority, the Nationalist Party apartheid regime lacked no will and wasted no time to implement its apartheid policy. The apartheid regime passed several laws to rigidly and aggressively complete its apartheid project (Megan, 2011). They include, but are not limited to:

- Population Registration Act 30 of 1950
- Group Areas Act 41 of 1950
- Prevention of Illegal Squatting Act 52 of 1951
- Bantu Authorities Act 68 of 1951

- Pass Laws Act of 1952
- Preservation of Separate Amenities Act 49 of 1953
- Bantu Education Act 47 of 1953
- Promotion of Bantu Self-Government Act 46 of 1959
- Black Homelands Citizenship Act 26 of 1970

Yet Mahlangeni (2013) notes that Black people had little or no input on any laws governing- and decisions about them and their affairs. According to Mahlangeni (2013:4), Blacks were marginalised and reduced to “passive spectators” and recipients of oppressive laws. In the words of ANC leader Rev Selope Thema, as contained in an article published on 25 July (Zuma, 2012):

*“In those days the black man was treated as a beast of burden. He was knocked and kicked about with impunity. [...] Politically he had no voice in the making and administration of the laws. Economically he was kept in a state of abject poverty”.*

Basically, apartheid laws, such as the 1950 Group Areas Act (the heart of apartheid) and the 1959 Promotion of Bantu Self-Government Act, were promulgated to preserve the European rule and colonial gains. They further facilitated and perpetuated a programme of forced removal and the relocation of Blacks (dispossession), particularly from white designated areas (Beinart & Dubow, 1995). Even though the size of the land in the native reserves was increased by 6% through the 1936 Land Act (1913 Land Act amendment), there was still a chronic shortage of land to accommodate Africans, who made up about 75% of the total population (of white South Africa and homelands population). Ultimately, despite apartheid removals, it is reported that the land dispossession amounted to 87% of South Africa’s land effectively falling under White minority control and ownership (Mathieson & Atwell, 1998; Tagg, 2012; Makhanye, 2013; Mahlangeni, 2013). Apparently, according to Beinart and Dubow (1995), taking vast amount of land from Blacks was also to ensure that they (Blacks) would not jeopardise white economic prosperity or withhold their much demanded labour power, upon which the white economy largely depended.

#### *2.3.1.1.2.1. Apartheid spatial planning legacy: from native reserves to homelands, townships and informal settlements*

##### *i) Apartheid geography: homelands*

Under apartheid, “native reserves” were turned into Bantustans, black states, and later rural homelands or simple homelands and they remained a major source of cheap African labour. Altogether, ten homelands were established in South Africa and these were Transkei,

Bophuthatswana, Venda, and Ciskei (also known as TBVC), Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa, and QwaQwa (Beinart & Dubow, 1995; SAHO, 2011e; Hendricks *et al.*, 2013). Established on the territorial grounds imposed by the 1913 Native Land Act (later amended in 1936), the homelands were home to about 75% of the South Africa's population (Africans) (Makhanye, 2013). Whilst the establishment of the homelands is rooted in the land laws that were passed before apartheid, in 1951, the Nationalist Party apartheid government built on this and introduced the 1951 Bantu Authorities Act and the 1959 Promotion of Bantu Self-Government Act (Beinart & Dubow, 1995; SAHO, 2011e).

The purpose of the homelands was to separate and get rid of African ethnic groups of South Africa, as part of the apartheid policy to divide and rule (separate development) (Coombes, 2003: 22). The true intention of the homelands that are now widely known as rural areas or former homelands, as originally planned by or according to the Nationalist Party Minister for Native Affairs at the time Hendrik Frensch Verwoed, also known as the chief "architect of apartheid" (Cole, 2010:31), was to sell homelands as territorial and independent self-governing states (Mathieson & Atwell, 1998). The aim, essentially, was to denationalise Africans and relegate them as citizens of South Africa proper to the homelands. This was in order to form a 'white' (only) South Africa, in which Europeans would be the demographic majority. Homelands would also promote the apartheid intended separate development (Coombes, 2003).

Accordingly, in the 1970s, 8 million Africans lost their South African citizenship with the declaration of "independence" by the apartheid government. They were relegated to four homelands namely, Transkei in 1976, Bophuthatswana in 1977, Venda in 1979 and Ciskei in 1981. While the other homelands continued to self-govern, they had no independent rights (SAHO, 2011e). Yet the so-called independence or autonomy and international recognition of homelands was denounced and rejected by the UN (Reddy, 1985; Beinart & Dubow, 1995; Mathieson & Atwell, 1998; Stats SA, 2002; Tagg, 2012). Thus only South Africa and no other country recognised the "independence" of homelands.

With the establishment of homelands, Africans and their land were further subjected to a programme of vast land expropriation without compensation and forced relocations (Msimang, 1966; Plaatje, 2007; Mahlangeni, 2013). The result was a reservation of vast amounts of prime and affluent land for whites. Furthermore, like townships, homelands were by far the poorest infertile and small portions of surplus/remaining land of South Africa. Ultimately, with the establishment of homelands (as shown in Figure 2 – with the grey land mass all claimed by Europeans), Africans who lived in the urban areas were regarded as

immigrants, with no permanent residential status (Mathieson & Atwell, 1998; Stats SA, 2002). Africans were only recognised and treated as a migrant working population (Stats SA, 2002).

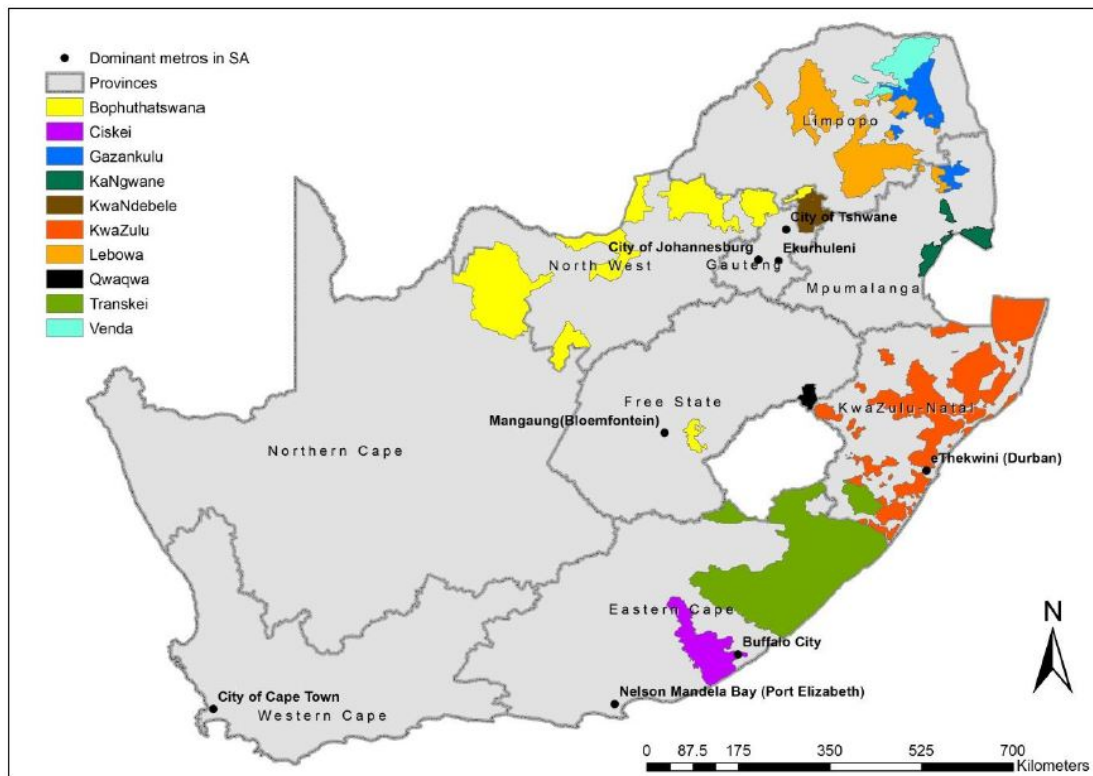


FIGURE 2: The former Homelands, current provinces and major cities in South Africa  
 Source: Compiled by Hamann (2015) using Statistics South Africa (2011) data

Apartheid was perpetuated colonialism and culminated the land agenda of colonialism. At the very least, if not colonialism itself, apartheid should be viewed as colonial expansion or a colonial policy or a form of colonialism (e.g. “neo-colonialism”). In fact, the aim of the apartheid government was to completely remove Africans from the face of South Africa and to make them foreigners, essentially, in their country of birth. Connie Mulder, the Minister of Plural Relations and Development, made it clear to the House of Assembly on 7 February 1978:

*“If our policy is taken to its logical conclusion as far as the black people are concerned, there will be not one black man with South African citizenship [...] Every black man in South Africa will eventually be accommodated in some independent new state in this honourable way and there will no longer be an obligation on this Parliament to accommodate these people politically”* (House of Assembly, Debates, col. 579: 7.2. 1978, cited in Talmon, 2006:177; SAHO, 2011e).

Even despite the promulgation of the 1970 Black Homelands Citizenship Act, this aim was not realised. Approximately 55% of South Africa's population was accommodated in the Homelands (Mathieson & Atwell, 1998; Tagg, 2012). The rest lived in South Africa, most in townships and informal settlements on the outskirts of urban areas. Despite their living in urban areas, Africans were recognised as immigrants and exclusively citizens of homelands, even if they lived in the so called white South Africa. The 1970 Black Homelands Citizenship Act was advocated by John Vorster, the successor of Hendrik Frensch Verwoerd as Prime Minister and passed to complete Verwoerd's plan. The Citizenship Act is the legislation that led to the cancellation of citizenship, an arbitrary deprivation of nationality to all Africans. Accordingly, Africans lost all their South African basic rights, including the right to land, housing and even the ones they did not have anyway such as the right to vote. Thus, the presence of Africans in urban areas was only for labour purposes. Figure 2 also seem to explain the current and notably concentration of White people in the Cape former (now divided into Western Cape, Northern Cape, North West and Eastern parts of Eastern Cape), Orange Free State (now Free State) and Transvaal (now mostly Gauteng) as shown in Figure 2. It also shows the concentration of informal settlements outside the former homelands wherein Africans were not allowed to own land and had no land and housing rights (Beinart & Dubow, 1995; Mathieson & Atwell, 1998; Tagg, 2012). In 1986, those Africans who were not born in the four independent homelands (TBVC) had their South African citizenship restored following extensive opposition to limiting political rights of Africans to the homelands. It was in 1994, with the fall of Apartheid, that that the homelands were reabsorbed into South Africa (SAHO, 2011e).

In order to generate the workforce required for the mining industry and other sectors of the colonial and apartheid economy, poverty, diseases and neglect were deliberately perpetuated. Thus, the native reserves or homelands became the face of this great concentration (SAHO, 2014). Sadly, these circumstances continue years after the new democratic government had replaced the colonial and apartheid governments. Thus, suggesting that the creation of nine provinces from 1994 (as shown in Figure 2) has not changed the socio-economic conditions of the former homeland area and its population (Hendricks *et al.*, 2013; Modise & Mtshiselwa, 2014).

Whilst the land restitution process to undo the impact of the 1913 Native Land Act is ongoing, African's home regions continue to be impoverished, unable to create enough of an income from inside the region for the growing population. A visible link remains between the former homelands regions and mines despite the dismantling of apartheid institutions and

laws. Several African men and woman still travel from the former homeland areas to find a job in the mines (SAHO, 2014).

ii) *Apartheid urban geography: the Apartheid City*

The history of the spatial development of human settlements in South Africa can be explained in terms of various phases including the Colonial City (-1910), the Segregation City (1910-1950), the Apartheid City (1950-1995) and towards a Post-Apartheid City (since 1994) (Krige, 1996). Colonial settlements in South Africa were developed by European colonists from a European perspective of town planning. Europeans superimposed European urban and economic patterns on colonial political areas and established human settlements for themselves. Following the creation of these settlements, indigenous people were drawn as labourers. The dominant-subordinate relationships led to whites living in the core and indigenous groups on the outer periphery of these settlements thus embedding a stark distinction between class and racial patterns. In addition to the class-racial segregation the township system and the single-sex hostels for mine workers trace their roots in this phase. These areas were the focus of influx control. The spatial development of the Colonial City can, therefore, be said to be the roots of urban apartheid (Krige & Donaldson, 1999).

Informal settlements in South Africa have their origins in the colonial and apartheid South Africa, resulting from large-scale land dispossession, slavery and migrant labour system, racial segregation, establishment of townships and the lack of housing. According to Huchzermeyer (2004, cited in Hendrick et al., 2013), the first shacks/informal settlement in South Africa were erected/established in Cape Town, in 1834, as a response to lack of adequate housing following slavery abolition (as in Rio). Moreover, early townships, for example, in Johannesburg, include Alexandra (or simple Alex), proclaimed as a “Native Townships” in 1912 and Soweto (short for South Western Townships), which was given birth to Klipspruit which was established in 1905 and whose history goes back as far as the white man’s first discovery of Gold in South Africa in 1886. These townships were prompted by rapidly increasing urban growth as a result of land seizures in the rural areas, the gold rush and the increasing problem of accommodation/proliferation of shanty towns, massive evictions of Africans from the inner city of Johannesburg by British controlled city and government authorities (Wilson, 2002; Mears, 2011:9; SAHO, 2011a; 2013a; Frescura, n.d).

Apartheid, true to its name and by design was a spatial planning apparatus and land distribution strategy. Urban planners were instrumental in the formulation and implementation of the 1950 Group Areas Act, resulting to apartheid urban spatial planning and the formation of what has come to be known as the ‘Apartheid City’ (Frescura, 2000; Harrison, Todes & Watson, 2007). The 1950 Group Areas Act was the heart of apartheid and is central to the

development of segregated townships and proliferation of informal settlement during the apartheid era. It enabled the development and implementation of land use management practices and relocation programmes that favoured the development needs of whites (Mahlangeni, 2013). In accordance to the 1950 Group Areas Act and the 1950 Population Registration Act, the Residential areas were demarcated according to race groups.

Colonial and apartheid spatial systems have not only resolved land ownership in South Africa in favour of Whites but have also constructed the entire (rural and urban) geography of South Africa (Christopher, 1987; Wills, 1991; Lemon, 1996; Tomlinson & Krige, 1997; Schensul, 2009). Apartheid particularly created and entrenched racial, class and spatial inequalities (as shown by Figure 4 below). The apartheid city is marked by buffer zones that clearly separate the poor from the rich, suburbs from townships (and informal settlements) and whites from Africans, Coloured's and Indian from each other (as illustrated in Figure 3; see also Figure 21 – Apartheid Pretoria city and surrounding dormitory settlements in the former Bophuthatswana homeland – under section 4.1.1) (Davies, 1981; Schensul, 2009; Seekings, 2010). Examples of the buffer zones that were used included, but were not limited to, natural features, vacant (empty) land, long distance roads, Industrial and mining belts, military bases, air-force bases and separate amenities (Wolpe, 1972; Robinson, 1997; Frescura, 2000).

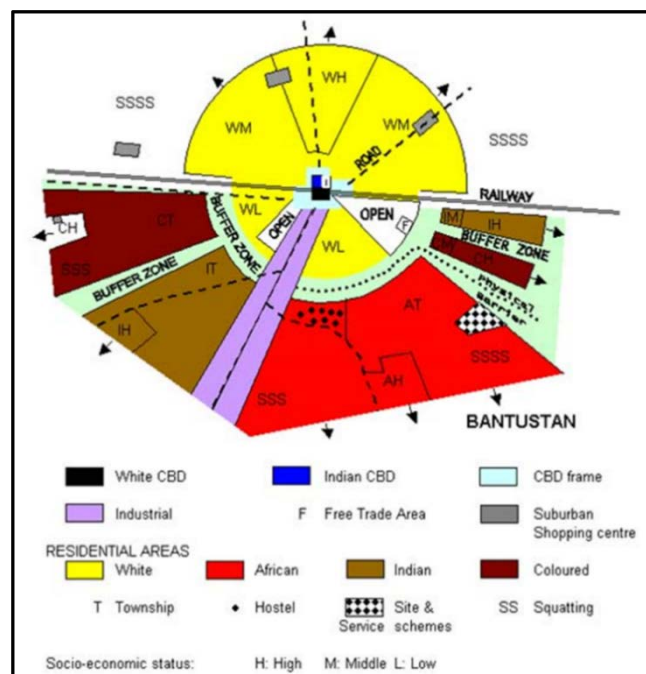


FIGURE 3: The apartheid city spatial structure

Source: Simon (1989)



From the 1950s, the next two decades witnessed the systematic destruction of Black people's houses by the apartheid government and houses were not constructed for them in White urban areas. According to the Surplus People's Project, by the late 1970s, more than 3 million Black people had been forcibly removed through apartheid instruments such as the 1950 Group Areas Act, the eviction of labour tenants from farms and the so called "black spot removals". Most of them were relocated to homelands (de Beer, 2001:2, CDE, 2001).

This resulted in the development of major affluent residential areas for whites with exaggerated service delivery, whilst underdeveloped urban residential areas were reserved for Blacks. This resulted in the mushrooming of informal settlements and shack-dwellers without access to basic services such as sanitation and clean running water (Mahlangeni, 2013). In the process, Black people were forcibly removed from their land and homes and confined into small Black townships. The eviction and relocation of Black people in Cape Town from District 6 to the Cape Flats, amongst other, also broke many families apart (ANC, 1955; Parnell, 1991; Mahlangu, 2013). Yet notwithstanding this example, the magnitude of eviction of Africans far transcends the consequences on other race groups (Mahlangu, 2013). For example, according to Frescura (2000) and Mahlangu (2013), Africans living in the inner city were removed along with their homes by local government authorities, which is a clear connection to colonial segregation. Furthermore, even though the apartheid policymakers and government denationalised Africans, they still wanted their labour in its cities and towns. This need for African labour led to the reservation and demarcation of some parts of urban areas such as African townships. This was in order to locate and enable migrant labours to commute to work, travelling long distances of about 180km, which were regarded as normal for Africans to undertake (Mahlangu, 2013).

Altogether, Africans could legally own and almost freely occupy only 13% of South Africa's land (in the homelands), while the rest (87%) was effectively owned by White minority (Mathieson & Atwell, 1998; Tagg, 2012; Pepeteka, 2013; Makhanye, 2013). The fact that so little land was available for the African occupation generally led to squatting and meant that large informal settlements developed in and around towns and cities (as seen in Figure 3). With its commitment to separate development, the apartheid government overlooked township developments (Baldwin, 1975; Beinart & Dubow, 1995; Tagg, 2012). Furthermore, despite legislation attempts to control the movement of Africans, the 1970s saw another historical period of rural-to-urban migration. In 1980, poor support for low-income housing from the apartheid government led to a shift toward self-help housing, site and service schemes and a greater acceptance of informal settlement. The resulting informal settlement development took place largely next to the townships (Parnell, 1991, CDE, 2001). In addition to the homelands,

townships and informal settlements thus served as urban resettlement camps for Black people in the wake of forced removals from “white areas” (Malan & Hattingh 1975:23; SPP, 1983; de Beer, 2001:2; Harrison *et al.*, 2007; Tagg, 2012). To this end, townships and informal settlements can be viewed as not only resettlement camps, but South Africa’s largest concentration camps after the Boer concentration camps of the Anglo-Boer War, in which Blacks are also reported to have suffered the most (van Heyningen, 2010).

*iii) There is yet to be a Post-Apartheid City*

Although a body of laws upon which the colonial and apartheid systems were built, has been dismantled, particularly the 1913 Native Land Act and 1950 Group Areas Act, more than 20 years into democracy, the effects persist. Apartheid urban planning has left an almost indelible mark in the urban geography, residential patterns and land ownership, with a majority of land in the hands of the White minority and millions of Africans confined along industrial and mining belts (Davies, 1981; Frescura, 2000). As a matter of fact, some of the former buffer zones had become subjects of land grabs and informal settlement estates (Schensul, 2009). To this effect, see Figure 4 below. Figure 4 shows the re-blocked Nomzamo/Lwandle informal settlement in the former buffer land diagonally dividing former White-only designated Strand (right) and an African area of Nomzamo Township (left), about 40 km east of Cape Town and Casey Park (right), a relatively affluent residential suburb of Johannesburg, neighbouring the sprawling poor Alexandra Township, with a laager-shaped informal settlement on the border between the two.



FIGURE 4: Re-blocked Lwandle informal settlement (left) and Alexandra Township sprawl (right) highlighted in yellow

Source: Photo courtesy of Jonny Miller, 2016

To date, there is yet to be a post-apartheid city where land is equitably distributed, spatial patterns are desegregated and residential areas are not defined by the type of dwelling, race or colour, language and class (Schensul, 2009; Seekings, 2010). Schensul (2009) argues further that post-1994, state-led spatial transformation, particularly housing development projects have failed to deconstruct the apartheid city but are remaking it and entrenching the

apartheid spatial legacy. In Durban, for an example, Schensul (2009) notes that the government has constructed single group communities according to apartheid zoning (i.e. 1950 Group Areas Act) and occupied along racial lines, Africans and Indians. Where there is integration or mixed communities, the majority are Whites, with few Africans and Indians. They include some Black people who had resources but were restricted from living in the 'Whites only' designated areas by apartheid laws and those who benefited earlier from the BEE of 1996, some because of political connection to the governing party, the ANC (Marais, 2000; Schensul, 2009). To this extent, government housing developments, and therefore land reform seem to have failed to significantly alter South Africa's urban geography, the Apartheid city.

To this end, the resolution of land ownership in favour of Whites is central to the construction of the present-day South Africa (Bosman, 2014). According to Ntsebeza (2007:108), compared to other African countries, the extent of land theft/robbery in "South Africa was extraordinary". By the 20<sup>th</sup> century, 87% of the land was expropriated (Moyo in Ntsebeza & Hall, 2007). To this end, unfortunately, despite the abolishment of apartheid in 1994 and more than 20 years into the democratic dispensation, the effects are enduring (SACN, 2015; Zikode, 2014). It is against this context that informal settlements continue to exist in South Africa, more than 20 years' post-apartheid. de Beer (CEO of the National Urban Reconstruction and Housing Agency at the time) argued at the CDE debate on '*The Bredell land invasion*', that "one should not think that the problems could be solved in the space of five or 10 years" (de Beer, 2001; CDE, 2001)

The following sub-section provides a discussion report on the state of housing and informal settlements in South Africa since-1994.

### **2.3.2. The state of housing and informal settlements in SA, 1994 – 2014**

#### *2.3.2.1. Grappling with the harvest of colonial-apartheid legacy and continuities of the past*

##### ***Harvesting landlessness, homelessness and Informal settlements***

In South Africa and Africans, in particular, still find themselves, not ruled by a European regime, but actually without land in their country of nativity, more than 20 years' post-apartheid. Despite the dawn of the Constitutional democracy which promised to heal and redress the injustices of the past, millions of Black people are still landless and call informal settlements home (Zikode, 2014; SACN, 2015). If it were not for the lustful and covetous European invasion and relentless forced removals and relocations, resulting, largely, from the 1913 Native Land Act and 1950 Group Areas Act, the problem of land ownership, housing and informal settlements in South Africa today, most probable would not have exist. Black people had not been free to own land or live wherever they could and choose (DoH, 2003; Afrovision,

2013; Pepeteka, 2013; Bosman, 2014; Dyantyi, 2015). Thus, South Africa, today, is reaping the harvest of colonial and apartheid acts of dispossession, racial discrimination, segregation and deprivation, namely, land ownership, housing and informal settlements.

Accordingly, scholars such as Bozzoli have defined informal settlements in South Africa as generally a product of “urban geography of privilege and empowerment” (Bozzoli, 1978; Bosman, 2014:4+20). Hall and Ntsebeza (2007) assert that they are symbolic of the resistance of Africans to the yoke of colonialism.

### ***Townships: dumping grounds and informal settlement magnets, and past continuities***

Generally, African townships had historically been peripheral, neglected and underdeveloped “*dumping grounds*” attracting a large number of informal settlements (Parnell, 1991; de Beer, 2001:2; Vavi, 2004). A typical example of an apartheid dumping ground is Dimbaza (with Xhosa origin for dumping place) initially called Mngqesha (Work), in King Williams Town, resulting from a massive removal and resettlement of Africans from their land and homes in non-African designated areas. The Surplus People Project survey reports that the first residents of Dimbaza came in December 1967, loaded on trucks. After this, Dimbaza saw another great and major influx of people between December 1968 and February 1969 from Middelburg (Cape), Burgersdorp and Cape Town, as reported. By May 1969, 2897 were reportedly removed to Dimbaza and by 1978 the official population of Dimbaza was 14 562 (Desmond, 1971; Platzky & Walker, 1985; Victor, 2006; SAHO, 2013b). Thus, according to the SAHO (2013b) Dimbaza symbolised the “surplus people” (including Africans forcibly removed from White areas and people banished after release from prison) discarded by the apartheid system or policy of forced removal and resettlement. To date, the condition of some townships is extremely appalling and distressing to the extent that some of their residents believe that they are cursed areas. This is the case in Sada, a township established in the late 1960s, about 33 kilometres from Queenstown, as a dumping ground for forcibly removed farm workers and some political activists who were banished after their release from prison following the great repression post the Sharpeville massacre (Vavi, 2004).

Today, most South African towns and cities have a minimum of one township linked to them (Mahlangueni, 2013; HDA, 2015). The cities, especially the major metropolitans and mining towns are areas which mainly attract informal settlements. Informal settlement growth areas include existing townships, economic and former buffer zones (e.g. proximate malls, mining and industrial belts). Essentially though, pieces of vacant lands are prime areas of informal settlement development (Mahlangueni, 2013; HDA, 2015). Typical examples of large townships still present today and having a large number of informal settlements, include Alexander in Johannesburg, Tembisa in Ekurhuleni, Katlehong in Germiston, Soshanguve and

Mamelodi in Tshwane, Mitchell's Plain and Khayelitsha (Xhosa for *New Home*) in Cape Town, Umlazi and Kwa-Mashu in Durban, Marikana in Rustenburg, Ibhayi in Port Elizabeth and Mdantsane in East London (Western, 1981; Harrison *et al.*, 2007; Stats SA, 2012; Mahlangeni 2013).

According to Hendrick *et al.* (2013), essentially every South African city has a rising population of people dwelling in shacks and lately there has been a rise in urban land invasions in the country. In the course of time the official response to the demands of the people for land has shifted from the naked/uncovered/shameless repression of forced removals during apartheid to different forms of supposedly "orderly urbanisation", which is basically the eviction of the homeless from shacks and other housing structures that they have erected (Hendrick *et al.*, 2013:5). In Cape Town, for example, the formation of the Anti-Land Invasion Unit, by the Municipality, in 2008, with the main mission of preventing or removing unauthorised newly constructed dwellings on city or provincial land, points to the problems resulting from a lack or nonexistence of a sensible and articulate policy or plan for providing housing to the poor. Whereas it is disputable whether the tasks of this unit could be compared to the brutality of the apartheid influx control, by the looks of it, the recent evictions and removals have resemblances (Hendricks *et al.*, 2013).

Consequently, Hendrick *et al.* (2013) has used Cape Town as a variation on the housing crisis theme and to represent land struggles in an urban environment. South African cities, such as the City of Cape Town does not have a policy on dealing with land invasions. To evict people or control illegal settlement on local government property, it depends on the national legislation, particularly the Prevention of Illegal Eviction from and the Unlawful Occupation of Land Act (Act No 19 of 1998), abbreviated as PIE. In several ways, the recent forced removals show continuities with the apartheid past, instead of a brake in the democratic dispensation. As pointed out earlier, the current policy implies an assumption that shacks will ultimately bow out for formal housing, yet extremely few practical plans for achieving this have been set up.

#### 2.3.2.2. *Housing backlog and informal settlement figures: empirical/statistical evidence*

Over a period of 20 years (since 1994) in which it has delivered more than 3 million housing opportunities, the South African government has spent R125 billion (on housing and human settlement), in 2010 prices and yet have a larger housing backlog than 1994 (The Presidency, 2014). This is not unique to South Africa. Absolute numbers continue to rise globally despite the great progress recorded between 2000 and 2014 when 320 million people were vacated from informal settlements conditions (UN-Habitat, 2016). This is consistent with

South Africa to the extent that the National Department of Human Settlements has described the housing backlog as “a moving target” (Chiweshe, 2014:2). Between 1994 and 2014, there has been an exponential growth in housing backlog from 1.5 million to about 2.4 million despite the 20 years of remarkable low-cost housing delivery of about 3.7 million housing opportunities since 1994. This has provided a home to approximately 12.7 million citizens (almost a quarter of the South African population), mostly women-headed households (about 54%) and benefited over 10 739 communities in 968 towns and cities countrywide (Chiweshe, 2014; The Presidency, 2014).

A research report, ‘*The Big Devil in the Jondolos: The Politics of Shack Fires*’ released by Abahlali baseMjondolo, confirmed what residents had long known by casting informal settlements like Foreman Road in Durban as “poor people’s solution to a lack of affordable housing, especially in cities.” For an example, in eThekweni municipality, a third of the population, about 920 000 people, dwell in shacks and about one in six of all South African households live in shacks, countrywide (Zikode, 2008; Birkinshaw 2008). According to Hendricks *et al.* (2013), in Cape Town, given that the city’s database of all the informal settlements was incomplete, it was not possible to plan in an effective manner. Notwithstanding this, in 2005, a survey with all its shortcomings and challenges in an unstable and changing environment, was undertaken and established that there are 223 informal settlements. The survey found that there are approximately 450 000 people (approximately a quarter of the population of Cape Town) dwelling in these shacks (Hayward, 2012).

Hendricks *et al.* (2013) notes that from an urban planning perspective the continuous in-migration of people, almost always from the Eastern Cape, has resulted in an unmanageable and unsustainable situation. With nearly half a million people presently dwelling in shacks and more arriving daily and with approximately 400 000 people on the several housing waiting lists, the situation is likely to explode and the city has no adequate housing plans to deal with it. Notwithstanding this, as Hendricks *et al.* (2013:7) say, “Cape Town is not unique in this respect as it is simply a microcosm of the large problem”. Put frankly, the democratic government’s housing programme is extremely far from keeping up with the pace of the ever-growing urban housing demand and greater work is required to stop the crisis (Hendricks *et al.*, 2013).

Furthermore, according to Huchzermeyer, Karam and Maina (2012), whilst evictions and formal housing developments repeatedly displace informal settlements, they have a tendency of re-emerging elsewhere. Given this, it should be much harder for the government to keep up with the increasing demand for land and housing and consequently the growth of informal settlements. In fact, over the years there have been some alarming and discouraging

reports regarding the timespan and financial requirements needed to eradicate South Africa's housing backlog, notable since 2007. At one instance, between 2007 and 2008, it was reported that the City of Cape Town will never eradicate its housing backlog. During the same period, the housing backlog was increasing by 2% yearly, which is equivalent to 7000 houses yearly (see Table 3) (Dentlinger, 2007; Eglin, 2008). The following figures does not even consider the levels of urbanisation and formation of new households. In 2001, South Africa had an urbanisation level of 56.25%. Between 2001 and 2006, the country's urban population grew faster than the national population (Brown-Luthango, 2009).

TABLE 3: Housing backlog in selected major metropolitans/cities

City	Housing backlog	Delivery rate per year	Estimated time to remove backlog
Cape Town	350,000	5,000	Never <sup>a</sup>
Johannesburg	250,000	5,000	50 years
eThekweni	250,000	13,000	19 years

Source: Information from page 4 of the Cape Argus article (Dentlinger, 2007) entitled "Housing backlog: SA needs to pick up the pace".

Revised later on, reports showed an increased housing backlog of 375 000 for the City of Cape Town and that it would take the city 70 years to eradicate if the city continued to deliver the current 6100 housing units a year based on its current resources at the time. Thus, the City of Cape had to deliver five times more houses if it is to address its housing backlog crisis at least by 2031 (Nicholson, 2014). Although it is believed that a delivery rate of 31 000 houses a year would eliminate the existing housing backlog in Cape Town by 2031, it does not seem to be possible when considering the lack of resources including land, services and funding. The City of Cape has also recognised that "the availability and readiness of developable land underpin any successful housing programme.... without adequate and suitable parcels of land, no new housing projects can come on stream" (City of Cape Town, 2014:32). This feeds into and advances the notion that land is a prerequisite for housing, "land first-and approach that can deliver" as Eglin (2008) phrases it. Hence the state seriously needs to expedite the process of land acquisition and redistribution.

Furthermore, a recent report tabled by the Financial and Fiscal Commission (FFC) (2013) titled '*Exploring Alternative Finance and Policy Options for Effective and Sustainable Delivery of Housing in South Africa*', claimed that South Africa required a minimum of R800 billion and a "miracle" (Ndenze, 2013) to actually eradicate its housing backlog of 2.1 million houses at the time by 2020. This meant that the government had to allocate about 120 billion

a year of which at the time it was allocating 30 billion. Moreover, according to the FFC (2013), challenges facing the housing sector include increasing housing backlogs and a decreasing the number of low-income government housing.

In 2015, presenting its strategy to reduce the serious housing backlog to parliament in the portfolio committee on human settlements, the national Department of Human Settlement reported that the state needed nearly 10 000 hectares of land in order to meet the demands of the national backlog of over 2.5 million homes. At the time, the state had bought approximately 4200 hectares of land for low-cost/income housing (Felix, 2015). Yet according to Felix (2015), the Members of Parliament argued that the state’s strategy was not enough to reduce the high and increasing national housing backlog. Hendricks *et al.* (2013) also affirms that, in Cape Town, above all the plans for addressing the housing issue are sadly not good enough and it looks as if that the reality of shacks and informal settlements will be in South Africa for several years to come. Meanwhile, Hendricks *et al.* (2013) further notes that the response of the City of Cape Town Anti-Land Invasion Unit has been only to remove people who are illegally constructing what they call their *homes* on municipal land.

Notwithstanding the increasing housing backlog, housing delivery decreased since the adoption and implementation of the BNG policy-programme in 2004 (as shown in Figure 5) (Chiweshe, 2014).

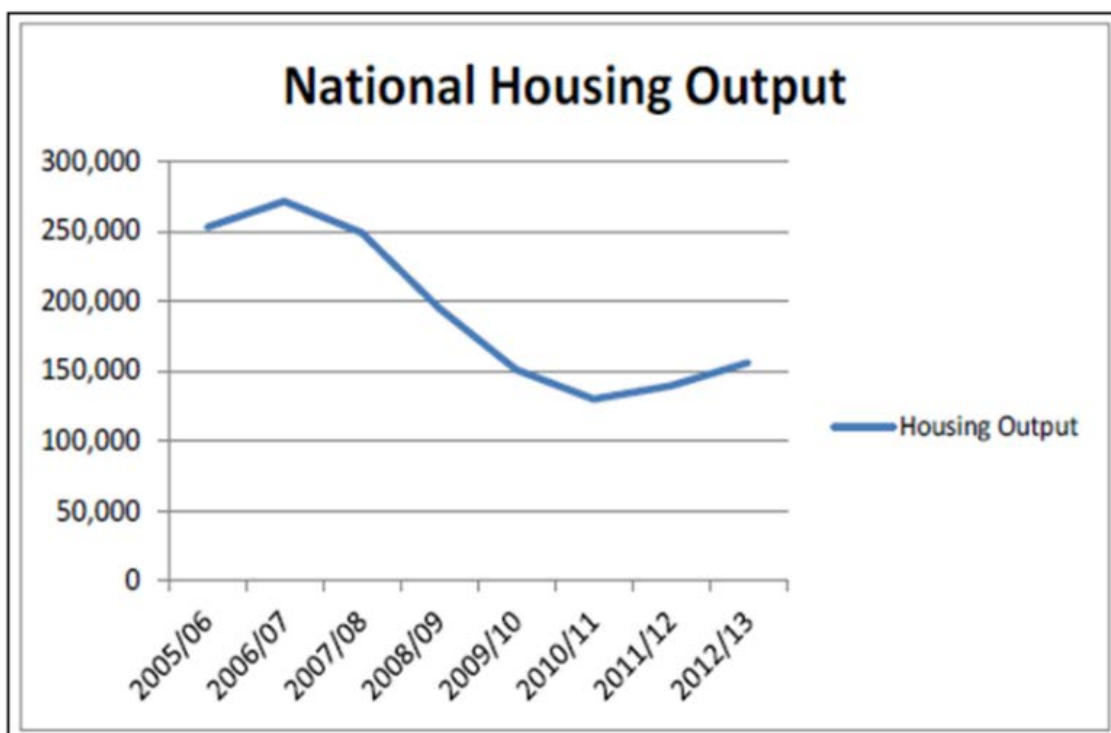


Figure 5: Decline in national housing delivery output since BNG policy  
Source: Chiweshe, 2014



This decline in housing delivery also highlights the failure of the BNG policy-programme to break new ground and expedite the delivery of housing and eliminate informal settlements by 2014 as proposed. According to the SACN (2014), the BNG policy planned to support the eradication of informal settlements through in-situ upgrading in desired, safe and certified locations. The households are removed and resettled only where development is impossible or undesirable. It can be said that the BNG policy failed, arguably, because of the undesirability of land for development and/or land ownership, among other things (SACN, 2014). On the other hand, there is also an increasing gap/affordable housing market. The average price of houses in the market, including for the gap market, have grown fivefold over the 20 years (The Presidency, 2014). The gap housing market constitutes households earning between R3501 and R15000 a month, which is too much to qualify for subsidised housing and yet too little to qualify for mortgage bonds. Accordingly, some of the reported 3 000 service delivery protests in South Africa since 2009 were attributed to unfulfilled promises of RDP/low-income houses (FFC, 2013; Tissington, Munshi, Mirugi-Mukundi & Durojay, 2013).

Informal settlements persist and continue to grow rapidly and uncontrollably in South Africa despite 20 years of remarkable low-cost housing delivery of about 3.7 million housing opportunities (Mashatile, 2003; City Press, 2013; Chiweshe, 2014; The Presidency, 2014). In 1994, when the ANC government took power, it inherited about 1.5 million households living in shacks from the (White minority) apartheid government (DoH; 1994; Tissington; 2011; Chiweshe, 2014). Recent Figures reveal that the number of households living in informal settlements has increased (from 832 000) by 41.6% to 2 million between 1996 and 2013 (SAIRR, 2015). Tomlinson (2015) reports a similar figure and further claims that the number of informal settlement communities across the country has increased by 650%, from 300 to 2 225. This may be an undercount as the Informal Settlement Atlas in HDA (2012:31) puts the number at 2 754 settlements in 70 municipalities and 2628 in 45 municipalities. According to the 2011 mid-year estimates, Gauteng and Western Cape had the largest number of households living in informal settlements in South Africa and are home to about 434 075 and 192 668 shacks respectively (Stats SA, 2011; HDA, 2013a). This is perhaps due to the large inflow of people from other provinces and neighbouring countries to Gauteng and Western Cape (Stats SA, 2014). Thus, the number and growth of informal settlements differs from province to province and region to region.

Yet it is worth noting that there is often a lack of reliable figures of informal settlements in South Africa. At one instance, Stats SA (2007) reports that approximately 1.2 million people live in informal settlements. At the other instance, Stats SA claims that the number of people living in informal settlements dropped from 16.4% in 2001 to 14.4% in 2007. Meanwhile, Free

State, Gauteng and Limpopo are reported to have the highest number of people living in informal settlements with 18.4%, 22.7% and 23.8% respectively (Stats SA, 2007). On the other hand, Misselhorn (2008) provides a higher figure to that of Stats SA, of about 1.5 million people living in informal settlements. According to Misselhorn (2008), this difference in the claimed figures of informal settlements may be due to the fact that Stats SA does not consider the number of sub-family members within these informal settlements. Misselhorn (2008) further advances that Stats SA do not count the number of illegal immigration and newer immigrants from neighbouring countries such as Lesotho, Zimbabwe and Mozambique in South African informal settlements. Notwithstanding this, the HDA (2012) report on the status of Informal Settlement in Western Cape Province also indicates that such “shack counts are generally an undercount due to the difficulty of determining boundaries of every structure particularly when they are built right next to each other and are located under vegetation”. Ultimately, this suggests that the number/growth of informal settlements may be more than reported.

### *2.3.2.3. Major causes of informal settlements in South Africa*

Urbanisation, rural-urban migration, population growth, lack of affordable housing and the lack of access to land (particularly strategically/well-located), segregation, and displacements are some of various interrelated factors that cause the development and growth of informal settlements in most parts of the world. In addition to this is, inadequate governance, especially in areas of policy, urban land management resulting in land speculation and informality (UN-Habitat, 2009; 2011; 2013; 2015; 2016). Like in many other underdeveloped countries, the lack of access to land and lack of adequate housing remains the main challenge to eradicating informal settlements in South Africa and is further compounded by rapid urbanisation (Magigi & Majani, 2006; UN-Habitat, 2015; SAIRR, 2015).

#### *i) Migration, urbanisation and urban growth*

Fundamentally, in South Africa, urbanisation is not necessarily a cause of informal settlements, but itself a consequence of colonial and apartheid-induced land dispossessions, racial segregation, deprivation and exploitation. This process left Africans confined and overcrowded in homelands and segregated African townships, like Mamelodi, Khayelitsha, kwaLanga, Dimbaza, and Ibhayi (Western 1981; Harrison *et al.*, 2007; Bakker, Parsons & Rauch; 2016; Even-Zahav, 2016). These outskirts are still home to many of Africans and location to a majority of governments’ low-cost housing and informal settlements (Tshikotshi, 2010). Land dispossession in rural areas (including through land laws such as the 1894 Grey Act and 1913 Native Land Act) is thus at the heart of urbanisation in South Africa and overcrowding in its cities (Bosman, 2014).

With the introduction of racial and unjust land and segregation laws, Africans were “robbed of their (inalienable) birth right to land by a form of governments founded on injustice and inequality” and from once successful and independent farmers were forced to become unprecedentedly dependent on their participation in colonial and white economy, predominantly in urban areas (ANC, 1955; Turok, 2012; Hendricks *et al.*, 2013). Apartheid and segregation tried to find a curb/regulator between the processes of urbanisation and proletarianisation by opposing the movement of Africans (to and in the urban areas) by means of pass laws and influx control and at the same time detaching the mass of the people from an independent source of livelihood or subsistence. From being one with the land, land dispossession separated Africans from their natural-long relationship with the land and created a dependency (Hendricks *et al.*, 2013).

While Africans were driven out of the urban areas, young people predominantly males, were forced to provide servant or cheap and intensive labour on farms, mines and urban industries under European control. Cheap labour became a premium to the developing colonial economy, more especially with the ‘discovery’ of what was documented as the world’s largest gold in 1886 and diamond deposits in 1867 in Kimberly. In fact, colonial and apartheid economies were dependant on large-scale labour which only Africans could provide. In spite of the establishment of native reserves, it is reported that the number of Africans living in urban areas increased since the introduction of apartheid in 1948, as a result of a huge economic boom caused, primarily, by cheap African labour (Leys, 1974; Tagg, 2012; Turok, 2012; Boddy-Evans, 2012; ZeroEightyFour, 2017). Yet the only space reserved for Africans in urban areas were small and overcrowded African townships located in the outskirts of the urban areas, established as reservoirs of African labour, known as *migrant-labour* (Pepeteka, 2013; Dyantyi, 2015). Yet, when old or sick to work, they were sent back to the native reserves, which were also known to be reservoirs of surplus-labour (Beinart & Dubow, 1995).

Accordingly, urbanisation has emerged as one of the major causes of the perpetual development and growth of informal settlements in the post-apartheid South Africa. Africans were not allowed to live permanently or own land in the urban areas, including cities like Cape Town, Johannesburg and Pretoria (Turok, 2012; Pernegger & Godehart, 2007; Bakker *et al.*, 2016). The advent of democracy in 1994 and repeal of several colonial and apartheid laws, like the pass laws (intended to force Africans off the land and to direct them to colonial labour markets while controlling their movements into and around urban areas of South Africa, the so called ‘influx control’ of Africans in cities in accordance to the Abolition of Influx Control Act 68 of 1986), led to freedom of movement and a new urbanisation outbreak (Beinart & Dubow, 1995; Setswe, 2010; Todes, Kok, Wentzel, Van Zyl & Cross, 2010; SAIRR, 2013). The Act

was also passed to limit access to the industrial areas and in order thereby reducing the risk of forming massive informal settlement areas of unemployed people, thus suggesting that with its abolition, vast informal settlement areas, more especially of the unemployed, were created in the urban areas of South Africa. This, according to Mashatile (2003), compounded by the fact that the apartheid regime had not built new houses since 1976, saw a mushrooming of informal settlements like in any rapidly urbanising city. In Gauteng alone, this led to a housing waiting list of 500 000 families (Knight, 2004).

In just 13 years (Between 1995 and 2008) the population in metropolitans grew by almost 40%, while smaller cities grew by 24%. According to The Presidency (2014), in 1994, rural areas were home to 64% of South Africa's population. By 2012, about 38% of the South Africa's population lived in rural areas (SAIRR, 2013). Now for the first time in the history of South Africa, clearly over half (62% (2011) and 63% (2014)) of the population live in urban areas in comparison to rural areas (SAIRR, 2013; The Presidency, 2014; Dyantyi, 2015).

Statistics from the Stats SA 2011 Census showed the extent to which South Africa persisted to be (re)formed by migration and how it "is a country still on the move" (Patel, 2012). Stats SA provides information on inter-provincial migration information but does not do so on inter-city migration. Based on the findings from the census 2011, the highest growth appears to have taken place in Gauteng province. In the 1996 census, 7.6 million people were counted in the province. By 2001 the number of people then increased to 9.2 million and to 12.3 million in 2011 with a 33.7% increase from 1996 to 2011 (Meny-Gibert & Chiumia, 2016).

By 2014, South Africa had an estimated total population of 54 002 000 million (Stats SA, 2014). According to the 2011 Census and the 2014 mid-year estimates, Gauteng (home to the administrative capital City of Tshwane, City of Johannesburg and City of Ekurhuleni, including West Rand and Sedibeng) had the smallest land area (1.4%), but is the most populous (23.9%) province in South Africa, while Northern cape which had the largest land area (30%) is the least populous (2.2%). People tend to move from other provinces and outside South Africa into Gauteng when compared to other provinces. The 2011 census reveal that only 56% of the people counted in Gauteng, is at their place of birth, while 94% of the people counted in Eastern Cape were born there (Stats SA, 2012; 2014). Table 4 illustrates major inter-provincial migration in South Africa in the decade from 2001 – 2011. Furthermore, between 2011 and 2016, Limpopo and Eastern Cape had an estimated out-migration of about 303 101 and 241 758 respectively. During the same period, Gauteng and the Western Cape experienced an estimated (highest) inflow of people of about 1 106 375 and 344 830 respectively (Stats SA, 2014). This, arguably, explains the large concentration (and highest number) of informal settlements in these provinces respectively (Stats SA, 2012; HDA, 2013a).

Statistics from the 2011 Census indicated clearly that Gauteng province is the major (41.68%) migration destination, with the highest proportion of migrants from Limpopo (12.06%), Kwazulu Natal (8.27%) and Eastern Cape (6.04%) respectively (see Table 4 and Figure 6). Meanwhile, most (86.6%) of the international migrants, streaming into South Africa are from the SADC region (predominantly Black Africans (72%)) and an overwhelming majority (52%) of them live in Gauteng followed by 12% in Western Cape (Stats SA, 2012; 2016). According to the 2011 Census, the observed high percentage of international migration from SADC is attributed to the history of labour migration, especially from Lesotho, Swaziland, Mozambique, Malawi and Zimbabwe. Moreover, the political unrest and economic instability in Zimbabwe during 2008 resulted in an influx of Zimbabweans into South Africa (Stats SA, 2012).

Regarding the type of dwelling/settlement, statistics from the 2011 Census also showed that nationally, a higher (22%) proportion of migrant households (MH) live in informal dwellings (shacks), in contrast to a lesser 12.9% of non-migrant households (NMH – these are households of people born in the province of counting) (see Figure 6). A similar pattern is observable in Western Cape, KwaZulu-Natal, North West, Gauteng, Mpumalanga and Limpopo. The greatest variance between MH and NMH is in Western Cape, where there are 12.3% more MH residing in shacks than NMH. Meanwhile, Eastern Cape, Northern Cape and Free State are the only provinces where there is a higher percentage of NMH living in shacks than MH (Stats SA, 2012).

Notwithstanding the great migration and urbanisation, and although the urban population and total population demography have (grown and) changed significantly since 1994, land ownership has remained relatively unchanged and white dominated (Mahlangu, 2013). Between 1994 and 2014, the total population has grown by about 15.4 million people. Africans still constitute the largest (80.2%) population group in South Africa, followed by Coloureds (8.8%), Whites (8.4%) and then Indians/Asians (2.5%). During the same period, the population percentage of Africans has increased and Coloureds and Indians/Asians have remained steady, while Whites have decreased. Africans have increased by 4.2% and Whites have declined by 2.86% (Stats SA, 2002; 2014).

TABLE 4: Major inter-provincial migration in South Africa, 2001 - 2011

Previous province (Migration origin)	Current province (Migration destination)									Total
	WC	EC	NC	FS	KZN	NW	GT	MP	LIM	
Western Cape (WC)		37 540	9 829	5 145	10 230	5 463	48 609	5 033	3 423	125 272
		1,77%	0,46%	0,24%	0,48%	0,26%	2,29%	0,24%	0,16%	5,89%
Eastern Cape (EC)	162 918		6 842	16 991	82 333	32 589	128 373	14 819	11 055	455 920
	7,67%		0,32%	0,80%	3,87%	1,53%	6,04%	0,70%	0,52%	21,45%
Northern Cape (NC)	16 541	3 248		7 241	4 075	10 530	15 087	3 193	1 822	61 737
	0,78%	0,15%		0,34%	0,19%	0,50%	0,71%	0,15%	0,09%	2,90%
Free State (FS)	12 214	7 863	6 799		7 922	22 966	71 668	10 276	5 147	144 855
	0,57%	0,37%	0,32%		0,37%	1,08%	3,37%	0,48%	0,24%	6,82%
KwaZulu-Natal (KZN)	26 746	20 159	2 252	10 946		10 034	175 860	28 657	6 460	281 114
	1,26%	0,95%	0,11%	0,51%		0,47%	8,27%	1,35%	0,30%	13,23%
North West (NW)	7 343	3 873	16 256	9 634	4 542		89 845	8 521	14 023	154 037
	0,35%	0,18%	0,76%	0,45%	0,21%		4,23%	0,40%	0,66%	7,25%
Gauteng (GT)	72 590	37 433	9 225	31 113	54 113	78 407		61 316	51 867	396 064
	3,42%	1,76%	0,43%	1,46%	2,55%	3,69%		2,88%	2,44%	18,63%
Mpumalanga (MP)	7 375	3 118	1 659	4 610	11 669	11 061	100 065		21 443	161 000
	0,35%	0,15%	0,08%	0,22%	0,55%	0,52%	4,71%		1,01%	7,57%
Limpopo (LIM)	9 090	3 800	2 098	5 433	6 399	25 909	256 305	36 445		345 479
	0,43%	0,18%	0,10%	0,26%	0,30%	1,22%	12,06%	1,71%		16,25%
Total	314 817	117 034	54 960	91 113	181 283	196 959	885 812	168 260	115 240	2 125 478
	14,81%	5,51%	2,59%	4,29%	8,53%	9,27%	41,68%	7,92%	5,42%	100,00%

Source: Findings from the full Census 2011 dataset for all ages

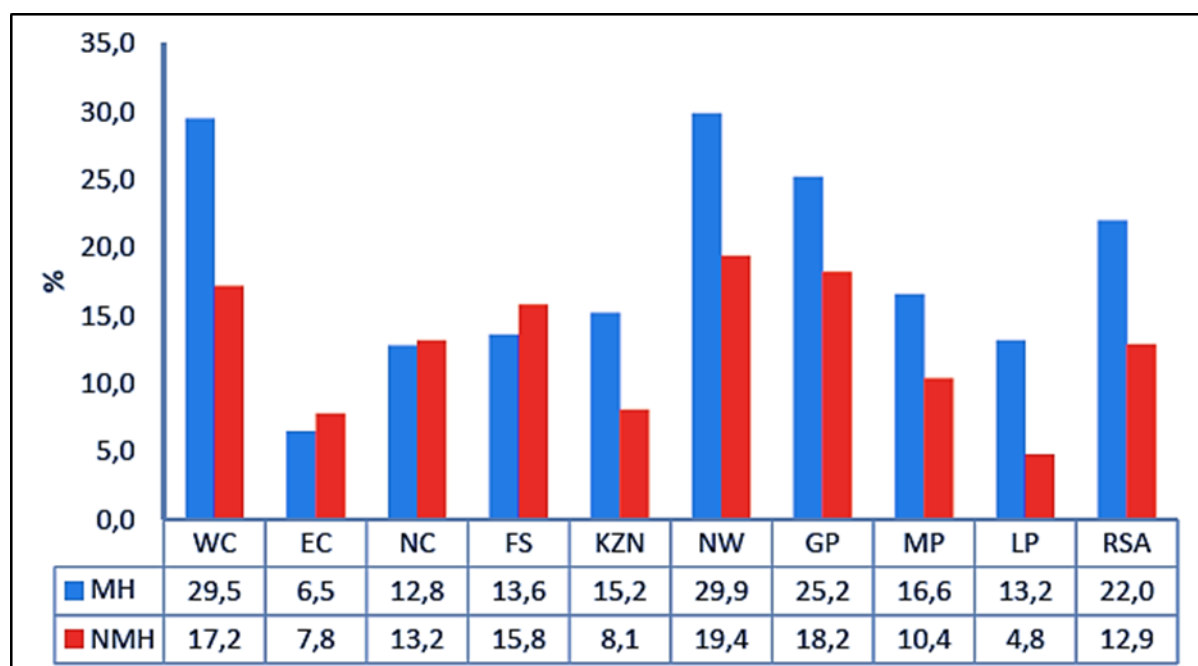


FIGURE 6: Percentage distribution of informal dwelling households by province, 2011

Poverty, inadequate housing and the growth of informal settlements coexists and exacerbates with urbanisation. South Africa is urbanising rapidly and the urban population is growing at 58% yearly, faster than the employment rate (Godehart & Vaughan, 2008; Brown-Luthango, 2009; SAIRR, 2013), of which more people are living in poverty, informal settlement conditions, with no security of tenure and with constant risk of eviction (UN-Habitat, 2003; 2013; DoH, 2009). Berrisford (1998) contended that there is a high likelihood that the South African urbanisation will get to approximately 75% by 2020; while the UN-Habitat (2015) estimates that by 2030 the urban population will be 71.3%. Furthermore, the National Development Plan (NDP) (NPC, 2012) has estimated that 7.8 million people will be added to the urban population by 2030. This suggests that the absolute numbers of informal settlements and shack dwellers in South Africa will dramatically grow (UN-Habitat, 2015).

While South Africa is experiencing fast urban population growth, it is evident that the South African government in particular has somehow failed to anticipate and manage rural-urban migration and immigration from other countries, more especially neighbouring countries such as Zimbabwe, Lesotho and Mozambique (Misselhorn, 2008). It is therefore not surprising that the South African government is failing to meet the growing demands of rapid urban growth, particularly the grassroots demands of the poor for access to land and sustainable human settlements.

*ii) Lack of access to land and housing*

**a. Urbanisation and the struggle to access land and housing**

Over and above urbanisation, providing access to land and housing to the urban poor remains the main challenge facing the post-apartheid South African government (Magigi & Manjani, 2006; Ziblim 2013). In addition to the housing and informal settlement problem that already exist in South African urban areas (Tshikotshi, 2010; Chiweshe, 2014), a majority of informal settlement dwellers often move from rural areas (or former homelands) to urban areas fleeing poverty and hopeful of opportunities for employment and better quality of life (Kramer, 2006; Bakker *et al.*, 2016). Unfortunately, the newer urban dwellers often lack the capacity to succeed in the cities due to lack of skills, training, education, access to land and formal housing (Yap, 1995). More often, they become unemployed (Stats SA, 2012; Chiweshe, 2014) extremely poor, marginalised and a persistent burden to the government and policymakers (Atuahene, 2004). According to Hendricks *et al.* (2013), the issues of land and housing in Cape Town (for example) are particularly directly linked to the crisis of livelihoods in the former reserves/homelands of the Eastern Cape, likewise as the overall connections between the homelands and the towns mark a continuing tale of South Africa's territorial segregation.

Atuahene (2004) further asserts that the reality is that newer dwellers frequently live in urban communities called informal settlements that are economically, socially and politically marginalised. According to Hendricks *et al.* (2013), these are they who, systematically and by design, have no access to an independent source of livelihood or subsistence anymore but are out of formal paid labour. Their struggle is over physical spaces and they live in informal settlements. They further argue that the “discipline of urban labour” embodies their struggle, while the reaction of the government to their presence has went from denial to open aggression and suppression (Hendricks *et al.*, 2013:4). The plight of this group of people is genuine and it is evident that they belong to what Hendricks *et al.* (2013:4) call “a surplus working population, or an industrial reserve army of labour”. Anyway, informal settlements are not the exclusive dwelling of the unemployed or partly employed. They also provide accommodation to workers who are active and who, for various reasons, do not have access to state-provided housing (Hendricks *et al.*, 2013). To this end, it is clear that the state has not effectively met the land and housing needs and/or demands of this growing urban population.

Hendricks *et al.* (2013) notes that just as the generalised stalemate that exist for rural land reform, the official response by current authorities to the demand for housing in the urban area has been one of no action, disregard or intimidation. Informal settlements have mushroomed all over the country because people have been left to provide for themselves and a major problem facing local municipalities, is a question of how to address this urbanisation which is unplanned. In the face of the irrefutable housing shortage that currently exists, which may wrongfully suggest that the state has not built many houses all over the country since 1994, it may be particularly problematic that the state has a tendency to assume that informal settlements will someday disappear and make way for formal housing development schemes (Hendrick *et al.*, 2013).

#### **b. Well-located land and housing: critical source of a sustainable livelihood**

Meanwhile, access to urban land, seems to be either avoided or left to formal housing developments as a means of redistributing land to the urban poor (Dyantyi, 2015). But, people’s activities are attached to land and they need security of tenure (Guitierrez *et al.*, 1995). Land represents a fundamental factor of a sustainable livelihood strategy. Nemasetoni and Royston (2005) notes that well-located land and sustainable human settlements enhance the livelihoods of the poor (due to proximity advantage) by providing access to social and basic infrastructure services, employment opportunities and urban economy. This significantly improves the economic condition of the poor. Yet the UN-Habitat (2013; 2015), the lack of access to well-located or prime land and adequate housing negatively affects the urban poor’s ability to secure and sustain livelihoods.



Nemasetoni and Royston (2005) also highlights that land is not only a prerequisite for housing, it is a critical source of livelihood and therefore it is not any land that would/should do, but land that is suitable and well-located. This underscores a demand for well-located and suitable land. A study conducted by Zack and Charlton (2003) provides typical examples of the problems that are associated with residing in poor located land. According to the survey, the poor cite distance to work and associated transport costs, shopping centres, hospitals, amenities, recreational facilities and schools as a major financial burden (Parnell, 1991). It is apparent therefore that the urban poor need a space and place to live and thrive.

### **c. Housing allocation, jumping the queue and land invasion**

Generally, public perceptions over housing allocation are negative. Some people, especially the ones who have been on the housing waiting list which is meant to work on 'first come first served' process, believe that while they are waiting, others are "jumping the queue". Yet the Socio-Economic Rights Institute (SERI) and the Community Law Centre's (CLC) '*Jumping the Queue, Waiting Lists and other Myths: Perceptions and Practice around Housing Demand and Allocation in South Africa research report*' has dismissed this as a myth (Tissington *et al.*, 2013:1).

Notwithstanding this, it seems that a mass of the urban population, particularly the poor, are resorting to informal processes to address their land and housing needs on their own. This has led to many Blacks dwelling in informal settlements (Schlyter, 1995; Yuen, 2007; Godehart & Vaughan, 2008). The "Jumping the queue" term/concept is also used by municipal Anti-Land Invasion Units to justify the eviction of people from buildings, houses and land that they "illegally" occupy (Tissington *et al.*, 2013:1). In 1995, Moshale (1995) argued that the reality of the situation is that informal settlements are not going anywhere and instead they are expanding beyond urban boundaries. With rapid urbanisation, increasing urban growth, a demand for strategically/well-located land and the housing backlog, illegal land invasion and informal settlements have become the contemporary and popular land and housing solution for the urban poor (UN-Habitat, 2015).

The following section discusses how (measures and processes) South Africa and South Africans have been attempting to redress the colonial and apartheid land dispossession legacy. It provides an analysis of how land acquisition processes, both formal and informal, have contributed to the persistence and growth of informal settlements in the country.

#### **2.4. Land acquisition and the growth of informal settlements in South Africa: the struggle for re-possession, 1994 – present**

Since 1994, the ANC-led government has embarked on legislative measures and made progress to reverse the tide of landlessness, poverty and homelessness left by colonialism and apartheid. This entails the development of the new (1996) Constitution of the Republic of South Africa, which is underpinned by a plethora of land/housing laws, policies and programmes (largely forming South Africa's urban policy) namely, but not limited to:

- White Paper on Housing: A New Housing Policy and Strategy for South Africa (1994)
- 1994 Reconstruction and Development Programme (RDP)
- Restitution of land rights of 1994
- Land Redistribution Programme of 1994
- 1995 Development Facilitation Act (DFA)
- 1995 Urban Development Strategy (UDS)
- 1996 Growth, Employment and Redistribution (GEAR) policy
- 1997 Urban Development Framework (UDF)
- White Paper on South African Land Reform Policy of 1997
- Housing Act of 1997
- Extension of Security of Tenure Act of 1997
- Local Government: Municipal Systems Act of 1998
- Prevention of Illegal Evictions from and Unlawful Occupation of Land Act of 1998 (known as the PIE Act)
- Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements (2004)
- Social Housing Policy for South Africa (2005)
- Social Housing Act of 2008
- National Housing Development Agency Act of 2008
- National Housing Code (2009)
- Upgrading of Informal Settlements Programme (UISP) Part 3; Volume 4 of the National Housing Code (2009)
- Emergency Housing Programme (EHP) Part 3; Volume 4 of the National Housing Code (2009)
- National Development Plan (NPC, 2012)
- Spatial Planning and Land Use Management Act (SPLUMA) 16 of 2013

Despite this plethora, many Black people are still struggling to find space, particularly in the urban areas. To date, the lack of access to urban land, housing backlogs and informal settlements still persist (Planact and Cubes, 2007; Brown-Luthango, 2009; Chetty, 2012; HDA, 2013a; 2014a).

#### **2.4.1. Land acquisition processes, failure and consequences**

Land can be acquired and/or redistributed through formal or informal processes (Planact and Cubes, 2007). Formally, it can be acquired through purchase, transfer, donation, or it can be expropriated (USN & DW, 2004; Wallace & Williamson, 2006; Planact and Cubes, 2007). Informal settlements are one of many problems in the country that can only, arguably, be addressed through formal and effective land acquisition and redistribution (land reform). Yet as Hendricks *et al.* (2013:39) argues “the history of land reform in South Africa is a history of failure”. Investigating the causes, scholars tend to have different explanations for this failure. Some attribute it to poor policy implementation, while others point to ongoing structural cause’s traced in inherited inequalities in land. Yet, notwithstanding this, Hendricks *et al.* (2013) further argues that there is no significant divide between these two accounts of causality and insistently attributes land reform failure to its failure to embrace or choose restorative land justice from the beginning.

Several reports with well-reviewed literature on the land policy-programme and an empirical detail of figures reveal that land reform has indeed failed to redistribute land to the poor and historically dispossessed Black people. Yet they tend to fail to pin down the basic reason(s) and implications. A need remains to know, understand and to address them (Wagerif, 2010; Hendricks *et al.*, 2013).

##### *2.4.1.1. Formal land acquisition and redistribution processes/channels*

###### *2.4.1.1.1. A history of failure: South Africa’s land reform status, 1994 – 2014*

As a result of colonial and apartheid era vast land theft, when the ANC government took (political) power in 1994, 87% of South Africa’s land was claimed by the former coloniser, Europeans/Whites who constituted only about 11.2% of the total population at the time (Stats SA, 2002; UN-Habitat, 2010; Mahlangeni, 2013). During the same period, about 86% of the farmland was held by only 60 000 White farmers (Lahiff, 2009). The fact that Whites claimed almost all the land in South Africa and the means of production, in essence, meant that they are still the landlords and the Black peoples’ struggle for land continues as the tenants. Based on the Market-driven land reform recommended by the World Bank, in 1994, the ANC government adopted the willing buyer - willing seller approach aimed at transferring land from Whites to Blacks (Lahiff, 2008; UN-Habitat, 2010).

Subsequently, the government introduced the Land Redistribution Programme to enable individuals and groups to obtain a grant for the purchase of land from a willing seller, to be used for both residential and farming purposes. In the same year, the Restitution of Land Rights Act was also passed. Government purposed that land reform would be addressed through land restitution (giving people back their land which they had been unjustly removed from, or compensating them), and land redistribution (providing redress through providing access to land to the people) and tenure reform (Pepeteka, 2013; The Presidency, 2014).

Yet Dlamini (2007) argued that the land reform was no longer slow-paced, but has failed dismally to transfer land to the historically dispossessed Black people. This is proving to be the case. Between 1994 and 2012, Mahlangeni (2013) confirms that the government (land reform) had peacefully guided a transfer of 7.95 million hectares into Black ownership, which is equivalent to 7.95% of formerly white-claimed land. Of the 86% (82 million hectares) of farmland, by 2008, the government had transferred only about 4.2 million hectares to Black farmers since 1994, through land restitution and redistribution (Lahiff, 2009), while the 1994 Reconstruction and Development Programme's (RDP's) target to redistribute about 30% (24.9 million hectares) of the good land from white farmers to Black people by 2014 have been postponed to 2025 (DLA, 2007b; Lahiff, 2008). This is, arguably, a great cause of land and racial inequality, rural poverty and rapid urbanisation.

Whereas according to South African Human Rights Commission (2004) more restitution work was focused on urban claims before 2003, recently, land redistribution has become the most preferred land reform strategy to land restitution (Hendricks *et al.*, 2013). This is due to the fact that, quantitatively, land restitution has been a relatively minor delivery programme as the majority of urban land claims regrettably resulted in financial compensation rather than the transfer of the actual land, which has left many of the historically dispossessed and poor still landless and the white dominated land ownership unchanged (USG, 2003; Atuahene, 2011; Pepeteka, 2013; Zamponi, 2016:10).

According to Atuahene (2011:124), by 2008, 70% of claimants "had received no land at all, only small, symbolic financial awards that bore no relation to the past or current market value of their confiscated property". This is not only an inequitable redress, but a recipe for disaster (Atuahene, 2011) and it is arguably a drawback entrenching and maintaining the status quo of land ownership. Hendricks *et al.* (2013) argue that South Africa faces a land crisis and land restitution in particular needs to be rescued. There are still many outstanding restitution claims dating back to 1996.

Regarding land restitution, while making opening remarks at the National Restitution Consultative Conference, Minister of Land Reform and Rural Development, Nkwinti (2011) in Hendricks *et al.*, (2013:39) tendered the following apology:

*“I acknowledge that we have not done well in managing the Restitution programme, as government, causing strain, pain and frustration. It has been 10 to 16 years of waiting. Some of the people who were expected to have benefited from the restitution programme have passed on. On behalf of government, I apologise. Let us rise in their honour.”*

While an apology is appreciated, especially from a minister and disarms further criticism, unfortunately it does not come with land (Hendricks *et al.*, 2013). Minister Nkwinti also admitted that the process of proving ownership is burdensome as the burden of proof was enormous on the people who are lodging claims (Bendile, 2016). The minister further attributed the slow-pace in land reform to the market value of land and the history of the land acquisition (Modjadji, 2016).

A land audit report on land ownership in the Republic of South Africa, released by the Chief Surveyor General in 2013, reveals that about 7% of the land is unaccounted for (state land) and 14% of the land is state-owned (i.e. government departments, municipality or state-owned entity), while 79% is privately owned (i.e. private individuals, companies or trusts). In all of the provinces, except KwaZulu Natal, where the state also a greater extent of the land than in all other provinces, the majority of the land is privately owned (see Table 5 and Figure 7) (DRDLR, 2013; Magubane, 2014).

Building on the 2013 land audit, the long-awaited and much anticipated land audit that was finally released in 2017, conclusively reveals that “at least 31% of South Africa’s land surface is owned by natural persons who can be categorised by race” and it reveals that very little land is in the hands of Black people. The rest of the 69% is held in or owned by Trusts (24%), Companies including state-owned enterprises (19%), State-owned land including Ingonyama Trust (16.6%), unregistered trust land in the Eastern Cape and Limpopo (6.3%), Community-based organisations (2.9%) and mixed ownership (0.7%). This land audit also distinguishes between the rural and urban land and also indicates the extent of the land. Regarding urban land, at least 23% is owned by natural persons, of which 49% is owned by white people. In Gauteng, the majority of the land, both rural land (farms) (65.3%) and urban land (78.9%) is owned by legal entities. Mindful that the land audit does not categorise by race the legal entities who hold 69% of the land in South Africa, the audit reveals that whites own 76%, Coloureds 15%, Indians 6% and Africans 3% (see Figure 8) (City Press, 2018).

TABLE 5: Extent of state and private land in South Africa

Province	Province Extent (Ha)	State Owned Land Extent (Ha)	Private Owned Land Extent (Ha)	State Land %	Private Land %	Total Extent	Unaccounted Extent (Ha)	Unaccounted Extent (%)
Eastern Cape	16,891,700	1,510,553	11,370,084	9%	67%	12,880,637	4,011,063	24%
Free State	12,982,600	845,084	11,857,160	7%	91%	12,702,244	280,356	2%
Gauteng	1,817,800	304,137	1,181,518	17%	65%	1,485,655	332,145	18%
KwaZulu-Natal	9,332,800	4,695,245	4,297,235	50%	46%	8,992,480	340,320	4%
Limpopo	12,575,600	2,551,790	8,844,083	20%	70%	11,395,872	1,179,728	9%
Mpumalanga	7,649,500	1,875,146	4,805,344	25%	63%	6,680,490	969,010	13%
North West	10,488,100	2,409,778	7,481,942	23%	71%	9,891,720	596,380	6%
Northern Cape	37,288,800	1,829,347	35,210,998	5%	94%	37,040,345	248,455	1%
Western Cape	12,946,300	1,040,801	11,502,427	8%	89%	12,543,228	403,072	3%
<b>Totals</b>	<b>121,973,200</b>	<b>17,061,882</b>	<b>96,550,791</b>	<b>14%</b>	<b>79%</b>	<b>113,612,673</b>	<b>8,360,527</b>	<b>7%</b>

Source: DRDLR (2013)

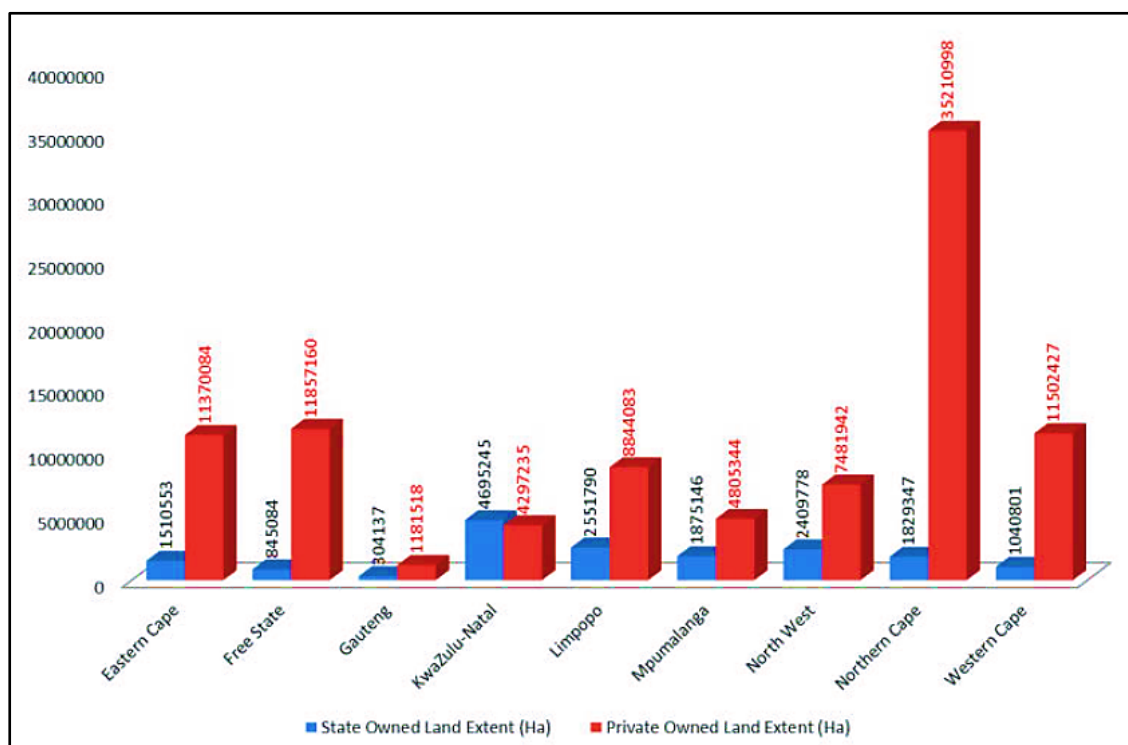


FIGURE 7: State versus private land in South Africa

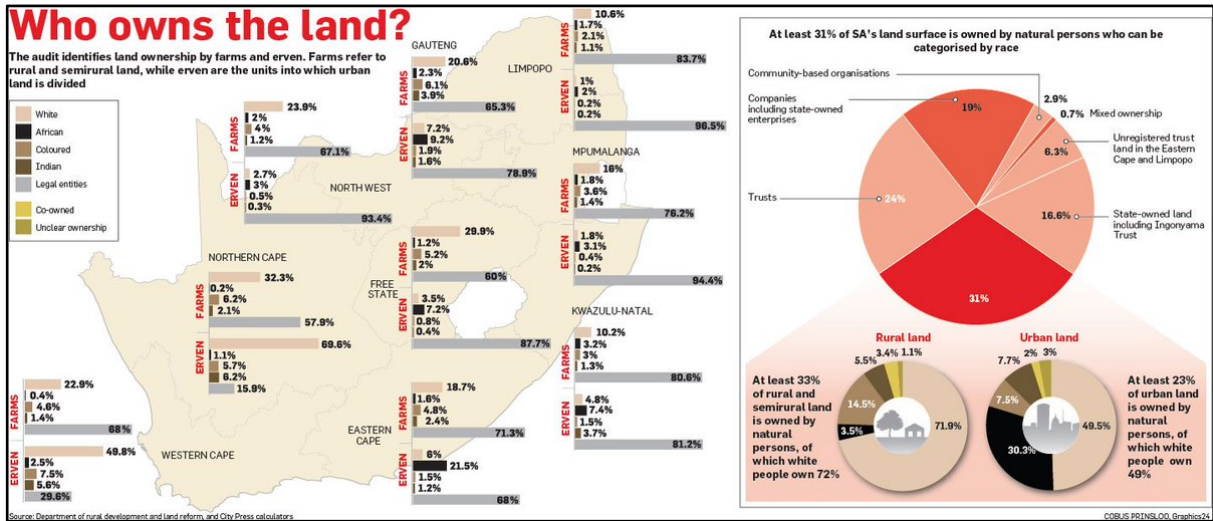


FIGURE 8: South African land audit, 2017

Source: Department of Rural Development and Land Reform, and City Press calculators; Figure produced by Cobus Prinsloo, Graphics24

Recent reports indicate that a lack of access to land and housing (and land) backlogs persist because not much has been achieved by the government in acquiring and redistributing land and more especially, private land (Brown-Luthango, 2009; Chetty, 2012; HDA, 2013b; 2014a).

From the beginning of land reform, the Department of Land Affairs (now Department of Rural development and Land Reform) (1997) and Guitierrez *et al.* (1995) had highlighted that the majority of the land in South African urban areas is owned and controlled by the private interest, which makes it less affordable and accessible to the poor. Ntsebeza (2000) and Hendricks (2004) argue further, that the guarantee that land will be made available to Black people is misleading simply because Whites privately own most of the land outside the former homelands. To this end, Nkwinti (2012) stated that redressing racial imbalances in land ownership remains land reform's most urgent priority because Whites still own most of the country's land (Mahlangeni, 2013). In addition to this, some of the private land is owned by foreign individuals and the law currently allows foreigners to buy land (Bendile, 2017). This is, arguably, further complicating land reform in South Africa.

#### 2.4.1.1.2. *An analysis of formal processes*

Major land management issues emerging out of the analysis of formal processes and institutions include:

*i) The role of the Housing Development Agency*

It clearly appears that the development and delivery of housing has been used as a means of redistributing land to the urban poor (Dyantyi, 2015). By 2014, the government had significantly redistributed land through the delivery of approximately 3.7 million housing opportunities (2.8 million completed houses and units, and just over 876 774 serviced sites) since 1994, providing a home to approximately 12.7 million citizens (almost a quarter of the South African population), to mostly women-headed households (about 54%) (USN & DW, 2004; Chiweshe, 2014; The Presidency, 2014). Despite this remarkable progress, the national housing backlog of over 2 million housing units and growth of informal settlements suggest that the scale of land acquisition made by the government over the past 20 years has not been enough to meet these land needs/demands.

The HDA (2013b; 2014a) states that land acquisition area major barrier to the development and delivery of housing. But, the Housing Development Agency (HDA) was accordingly established in 2009 as an agency of the (National) Department of Human Settlements (DHS) in terms of the Housing Development Agency Act 23 of 2008, for this reason, to expedite the development and delivery of housing/sustainable human settlements in South Africa (HDA, 2013a; 2013b; 2014b; 2015). This occurs by fast-tracking the acquisition and release of state-, private-and communal owned land for human settlements developments. Essentially, this entails the identification (state and private land), assembly, acquisition (of state land), preparation and release of land for the purpose of human settlements. In just four years after its establishment, the HDA admitted that this “has proved to be complex, inefficient and debilitating for the intended social objectives” (HDA, 2013b:1). According to the HDA (2013b), the problems presenting, currently, include the alignment between the three spheres of government (national, provincial and local) regarding:

- Divergent legal frameworks;
- Different operational imperatives;
- Fragmentations in ownership and asset management; and
- Complex division of powers and functions.



These problems “result in the chronic failure to acquire well located or habitable state-owned land to develop sustainable human settlements” (HDA, 2013b:1). To this end, a renewed effort was required to ensure that the three spheres of government work together in reforming the built environment to accelerate the development of housing/human settlements (HDA, 2013b). In 2015, recognising the high and increasing national housing backlog, the national DHS planned to fast-track land acquisition processes by working closer with municipalities and provincial departments using the HDA to facilitate land acquisition, especially at municipal level. Moreover, with the great focus now on transforming spatial patterns and spatial governance, a renewed effort is required to make sure that all levels of government (national, provincial and local) collaborate in reforming the built environment to achieve a quicker, effective and equitable human settlements development (HDA, 2015).

According to the HDA’s National Human Settlements Land Indices (NaHSLI), state land constitutes 12.9 % (15.7 million hectares) of South Africa’s land and water cover (121.9 million hectares), which is not far from the Chief Surveyor General land audit report (which provides that the state owns 14% of the land in South Africa as shown in Table 5) (DRDLR, 2013; HDA, 2013b; Magubane, 2014). To date, according to the HDA (Agency) Land Dashboard (“a web-based application that provides a summary of the properties that the HDA owns and manages, as well as those that were identified, acquired and released for the development of human settlements”), the Agency has identified more land than acquired (even purchased privately owned land),

While the state land that has been donated, released more than privately owned land countrywide (as shown in Figure 9). In 2015, the state reportedly needed nearly 10 000 hectares of land in order to meet the demands of the national backlog of over 2.5 million homes (Felix, 2015). At the time, the state had bought approximately 4200 hectares of land for low-cost housing (Felix, 2015). Figure 11 below shows a massive housing land backlog across South Africa (particularly in the year 2014) and especially in Gauteng, Western Cape, KwaZulu Natal, which are the provinces where informal settlements are most prevalent (Stats SA, 2012; HDA, 2013a). This is somewhat also illustrated in Figure 9 and Figure 10 which shows the current extent of provincial land (in Ha) assembled by the HDA for housing.



FIGURE 9: HDA land assembly status since establishment, as at October 18, 2016  
 Source: HDA (Land dashboard) (2016)

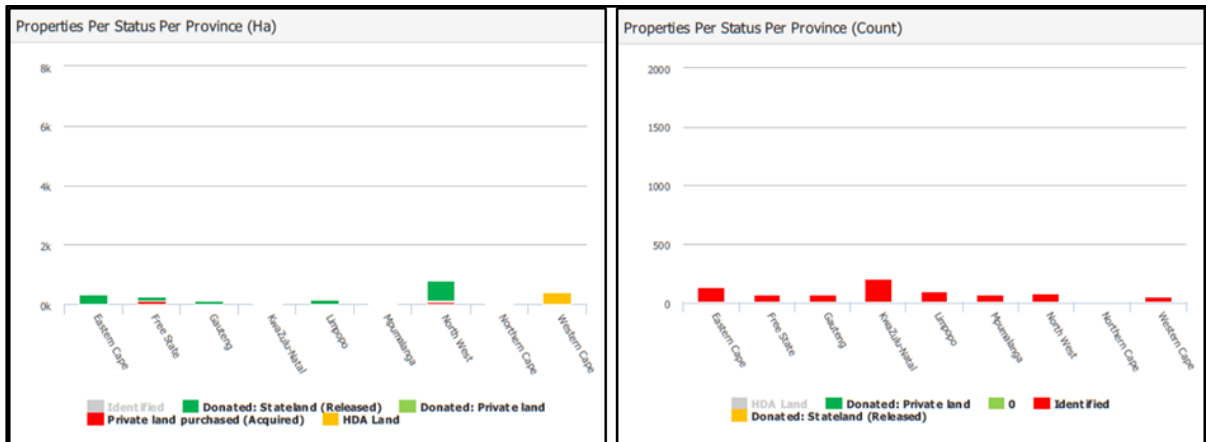


FIGURE 10: Provincial land per status

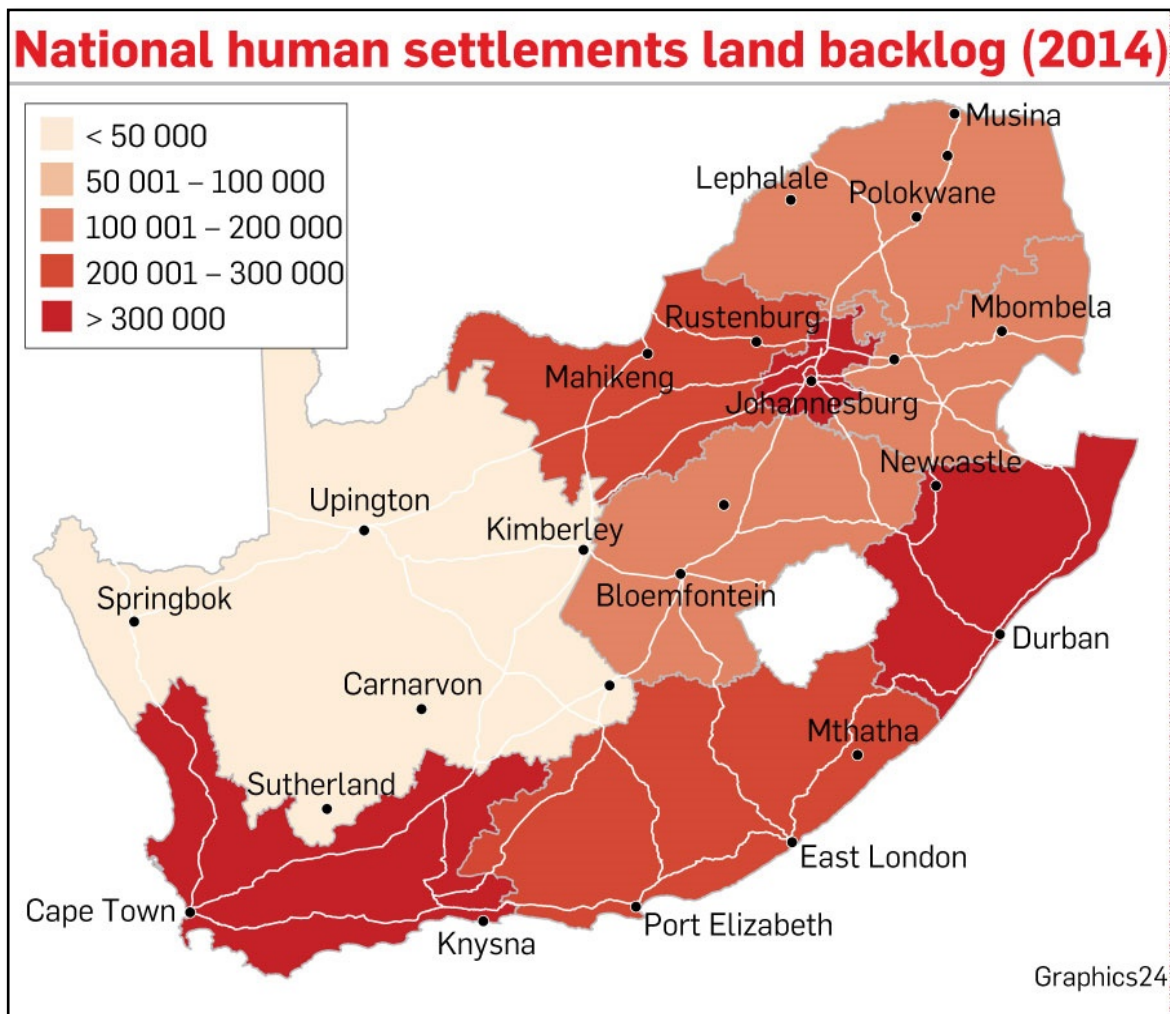


FIGURE 11: National housing land backlog (in Ha)

Source: Felix, 2015

*ii) The role of the land market*

The Market-driven approach to land reform, generally known as the ‘willing buyer, willing seller’, (in line with the 1996 Constitution and White Paper on South African Land Reform Policy of 1997) underscores South Africa’s land reform programme (Lahiff, 2008). Supporters of the modern neo-liberal policies, Dowall (1993) and the DFID (2005) hold that a land market free from government regulation, operates efficiently and automatically distributes land to the poor. On the other hand, Van den Brink (2004) opposes market-based and riven strategies and argues that they will not distribute land to the poor. According to Van den Brink (2004), the absence of effective and adequate government regulatory mechanisms will result in inefficient land use and management practices, more particularly land speculation. To a large extent, speculation affects the supply of land by withholding land from the market and drives up the price of land, making it almost impossible for the urban poor to access well-located land (Van den Brink, 2004).

Brown-Luthango (2009) also identifies the existence and set up of the land market as the main barrier preventing the urban poor, including newer urban dwellers, from accessing affordable and well-located land. As far as Smolka and Furtado (2003) are concerned, the operation of the land market is the main cause of the growing informal settlements. UN-Habitat (2016) confirms that the continued existence of informal settlements is directly associated to the persistence of inequality, poverty and distorted land markets. Dyantyi (2015) concludes that if left to the markets, land reform will not serve the purpose of transferring land from Whites to Blacks, particularly the poor and marginalised. To this end, although Lahiff (2008) believes that the willing buyer - willing seller approach embraced the spirit of reconciliation, Lahiff (2008:33) also notes that its bias is also excessively unwarranted:

*“The ‘willing buyer, willing seller’ model, based on the World Bank’s recommendations for a market-led reform, emphasised the voluntary nature of the process, payment of full market-related prices, up-front and in cash, a reduced role for the state (relative to previous ‘state-led’ reforms elsewhere in the world) and the removal of various ‘distortions’ within the land market. This approach fitted well with the general spirit of reconciliation and compromise that characterized the negotiated transition to democracy, although it can be seen as considerably more favourable to landowners than strictly required by the 1996 Constitution”.*

#### **a. What about land expropriation?**

Section 25 of the Constitution of the Republic of South Africa deals with the question of expropriation and reads as follows (RSA, 1996):

*25(2) Property may be expropriated only in terms of a law of general application-*

- (a) for a public purpose or in the public interest; and*
- (b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.*

*25(3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including-*

- (a) the current use of the property;*
- (b) the history of the acquisition and use of the property;*
- (c) the market value of the property;*

- (d) the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and*
- (e) the purpose of the expropriation.*

Currently, the notion is that the market determines/sets the price of land, bought or expropriated. Moreover, when it comes to acquiring land for redistribution, especially through expropriation, the issue of compensation as obliged by the 1996 Constitution and the role of the market, in particular, remains the main bone of contention in current and ongoing debates on land reform in South Africa (Ntsebeza, 2005; Dlamini, 2007; Brown-Luthango, 2009; Dyantyi, 2015). To this extent, Ntsebeza (2005) is among, if not the first scholars to call on the property clause in the 1996 Constitution to be re-visited, particularly the protection of the existing property rights section and the determination of land price by the market, to be urgently challenged. Ntsebeza (2005) insisted that as long as the property clause is entrenched in the 1996 Constitution, there will be no meaningful land reform programmes. It is only recent in 2017 that the government is set to grant powers to the state's Valuer-General to determine the price of land in line with the entirety of the 1996 Constitution as opposed to only the market value of the property, which is a submission or rather implies that the land is highly priced as said by the Rural Development and Land Reform Minister Gugile Nkwinti during the 2017 State of the Nation debate (Phakathi, 2017:3).

*"...emphasised that the willing buyer, willing seller approach will no longer be used. The government would instead purchase land at the value determined by the Valuer-General. This, he said, would prevent the government from paying higher costs and fast-track land reform."*

Significantly, this is set to end to the willing buyer, willing seller policy. Nkwinti stated that the Valuer-General is already drafting standards for future land purchases (Phakathi, 2017). Yet based on this, it can be said that while the government is set to abandon the willing buyer - willing seller approach, it has been reluctant to pursue the expropriation of land without compensation.

To date (2014 from former EFF MP Andile Mngxitama, and 2017 from EFF commander-in chief Julius Malema) the ANC has declined the EFF's votes offer two times in order to obtain a two-thirds majority that is required to amend the 1996 Constitution to allow expropriation of land without compensation. In 2014, the Minister of Rural Development and Land Reform, Gugile Nkwinti, on rejecting the EFF's offer said, "this thing of being agitated about expropriation without compensation does not speak to reality. The reality is that we are a constitutional democracy." The ruling party ANC instead proposed to codify the constitutional

requirement of just and equitable compensation (to be determined by Valuer-General) where the state is acquiring land for land redistribution purposes as expressed in its 2017 policy discussion documents (People's Assembly, 2014; Phakathi, 2017; Dlodlo, 2017). The parliament voted with a massive majority of 261 to 33 against the EFF's motion for amending the Constitution to allow expropriation of land without compensation (Herman, 2017). Effectively, according to (Deputy Minister of Public Service and Administration) Dlodlo (2017), the ANC voted against its 53<sup>rd</sup> national conference proposed resolution "to advance expropriation without compensation on land acquired through unlawful means, or used for illegal purposes, having due regard to section 25 of the Constitution". It was not the first time that the ANC has been offered the votes necessary to obtain the required parliamentary majority by the opposition. In 2001, the PAC's Chief Whip in the Gauteng Legislature at the time, Mosebjane Malatsi, provided that the PAC and Azanian People's Organisation (AZAPO) would help the ANC in order to act on its appeal to amend the Constitution to bring about proper redistribution/reallocation of the land (CDE, 2001).

According to the CDE (2001:3), Malatsi argued that "there was no moral justification for paying compensation for land that was simply being restored to its rightful owners". Yet notwithstanding this, according to retired Chief Justice Judge of the Constitutional court, Dikgang Moseneke, the 1996 Constitution does allow for expropriation of land [with compensation] and there is to date no evidence that the Constitution is hindering land reform, rather the Constitution is deliberately misinterpreted for two main political reasons: to deflect the responsibility for the land reform failure away from the ruling party and to blame the Constitution as a barrier to achieving meaningful land reform post-apartheid (HSRC Press, 2015).

*Other factors contributing to (non-)acquisition and redistribution of land:*

iii) *City integration: desegregating apartheid spatial patterns and NIMBYism*

**a. Desegregating apartheid spatial patterns**

During apartheid, spatial planning played a significant role- and was effective in urban policy design and implementation, informing the country's land use and spatial development. Yet several critiques agree that, post-apartheid, spatial planning has made little impact on restructuring urban land use management, spatial development and patterns (Watson, 2003; Todes, 2006; Harrison, Todes & Watson, 2008). As Todes (2006) puts it, spatial planning was marginalised as reflected by a lack of support (i.e. energy, time and financial resources) within local authorities for the spatial frameworks conducted for the DLA in 2003 to be effective. By

the late 1990s, instead of realising ideals of urban integration, “apartheid divides”, colonial/apartheid racially segregated spatial patterns “were being maintained” and post 1994 socio-spatial divides were transpiring, “often along class” (Todes, 2006:60).

Watson (2002) argues that the fundamentally managerialism approach of the Integrated Development Plans (IDPs) and its focus on the budget as a means instead of spatial plans, essentially marginalised spatial issues. Effectively, IDPs failed to realise urban restructuring. The closing down of the RDP Office in 1996 further undermined the urban spatial policy. Urban policy and responsibilities rested uneasily and without any strong holding centre between the DLA and DoH (i.e. 1995 Urban Development Strategy was delegated) and what later became the Department of Provincial and Local Government, thus effectively marginalising urban policy and spatial issues (Pieterse, 2006). Urban spatial policy had remained a low priority/focus in these departments.

Todes (2006) traces this decline of spatial urban policy to the introduction of GEAR policy in 1996, a neoliberal free-market policy which also framed land reform among other social and sectoral policies was “modelled on the International Monetary Fund (IMF) and World Bank’s stabilisation and structural adjustment programmes, which have been applied in many parts of Africa with disastrous effects” (Andrews *in* *Ntsebeza & Hall, 2007:206*), by the South African government in place of a relatively aggressive 1994 RDP. This marked marginalisation “radical” change ideas such as government building low-cost housing in wealthy white areas, which were apparently not in order and to demonstrate of to the world that it was stable and to “strengthen” or rather evade the necessary trouble of fixing its fragmented and weak local government system to meet the presenting needs. In essence, it was difficult to effect radical change, particularly within the existing bureaucracy at all levels and some constrains on policy aimed towards effecting more radical changes (Pieterse, 2004; Todes, 2006).

The idea of urban spatial restructuring, inclusivity and city integration has been an important element of South Africa’s post-apartheid urban policy. It was born early on in policy development, including the 1994 RDP and was central to the developmental/restructuring principles of 1995 DFA and later entrenched in the 1997 UDF and a number of White Papers and policy statements. Yet the later dumping of the RDP for the GEAR policy in 1996, which was linked with a new focus on urban competitiveness at municipal level (Watson, 2003), retrenched relatively free-market/non-interventionist policies regarding major market-driven urban developments (Todes, 2002; Bond, 2003). Being urban policy’s first major statement, the 1995 Urban Development Strategy generally embraced the notion of urban integration but

effectively failed to address land markets or come up with policy proposals to acquire land to realise urban/city integration (Bond, Bremner, Geldenhuys, Mayekiso, Miller & Swilling, 1996).

Ultimately, the remaining need to restructure apartheid spatial patterns and to disown apartheid geography has led to the development of the Spatial Planning and Land Use Management Act (SPLUMA) in 2013 which was to give effect to the 1995 Development Facilitation Act development/restructuring principles and to link to land use management as required of spatial frameworks by the White Paper on SPLUMA. The Municipal Systems Act also effected similar provisions in its regulations thus stating the requirements for the spatial framework component of the Integrated Development Plans (which received greater attention with the 1998 Local Government White Paper (Todes, 2006)). It is perhaps too early to judge the SPLUMA. Yet notwithstanding this, according to Mahlangeni (2013), the mass of the people of South Africa remain landless and development continues to be concentrated in areas and communities which have always had proper infrastructure. Moreover, currently, most of the land is acquired by the government through formal markets, involving huge amounts of compensation. Dyantyi (2015) notes, that this further entrenches colonial and apartheid injustice in terms of land ownership and, spatial and residential patterns.

As a remedial programme, the land restitution process has been important to partially address the forced removal of Black people in urban areas through apartheid instruments such as the 1950 Group Areas Act (Todes, Pillay & Krone, 2003). Quantitatively, land restitution has been a relatively insignificant delivery programme as the majority of urban land claims regrettably resulted in financial compensation rather than the transfer of the actual land. Yet there have been some notable cases of urban land restitution involving well-located vacant land, including West Bank and East Bank in East London, Cato Manor in Durban, Fairview and South End in Port Elizabeth, Payneville on the East Rand, District Six, Ndabeni and Tramway Road in Cape Town and Lady Selbourne in Pretoria (now Tshwane) (USG, 2003; USN & DW, 2004). Among these, according to the National Department of Human Settlements, are three particularly major monumental restitution projects of communities that were forcibly removed from the inner city under apartheid that have been reintegrated with new housing developments into the metropolitan/city centres and they include District Six, Cato Manor and Lady Selbourne (The Presidency, 2014).

Yet, while it is faster than the rural land restitution process, the urban land restitution process has been relatively slow-paced and created delays and uncertainties with low-income housing projects on land claims affected sites. For example, in one case in Durban a low-income housing project was put on hold for five years because of land claims (Todes *et al.*, 2003), while many of these projects have also been slow-paced in getting started, due to lack



of development support. Yet notwithstanding this, restitution projects can play an important role in integrating the urban areas and desegregation of apartheid spatial patterns, as in the notable case of Fairview noted above, wherein 1200 serviced sites were due to be delivered in 2004 (USG, 2003; USN & DW, 2004).

In the 2013 State of the Nation Address (SONA), the former President (Jacob Gedleyihlekisa Zuma) highlighted that municipalities have strived to address the issue of access to land, especially in urban areas and could no longer be left alone to deal with it (Zuma, 2013). Black and poor people are still struggling to find space in the urban areas, while many cities and towns still resemble spatial patterns set up by colonial and apartheid regimes. In substance, South Africa's land reform has failed to alter colonial and apartheid urban spatial patterns.

#### **b. NIMBYism: opposition to low-income housing and city integration**

Urban spaces are historically and continue to be contested spaces where socio-economic conditions are defining features and are used to achieve and maintain race and class segregation/exclusivity. Other factors that are contributing to the access to or lack of access to land and the provision or non-provision of houses, originate mainly from the apartheid legacy, where residential communities and housing was provided and used as an apparatus of social separation. Making for great opposition to low-income housing projects by wealthy homeowners of neighbouring communities, is the skewed wealth distribution along with the class segregation which are both very visible in the Western Cape. The tendency of new housing projects to turn into dysfunctional ghettos living up to the perceptions of neighbouring communities make for an even greater resistance (Department of Local Government and Housing, 2005). It is apparent that this legacy of the apartheid system cannot be ended without political will and the resolve to tackle and put an end to the opposition to city integration as it is visible in the "not-in-my-back-yard" (NIMBY) syndrome.

NIMBYism mainly expresses itself in the form opposition by wealthy homeowners to the development of low-income housing in the vicinity of their often well-located and affluent/higher income community (Department of Local Government and Housing, 2005). This appears to explain the notable government housing projects and developments in the peripheries of the city and existing black townships. Somehow, this also explains the prevalent development of informal settlements resulting from the difficulty to acquire/secure well-located land for housing. NIMBYism is a reality in South Africa and it is seriously problematic with regards to providing access to land and housing (Department of Local Government and Housing, 2005). It appears to seek to maintain and entrench colonial and apartheid segregated

spatial and residential arrangements and territorial boundaries. NIMBYism can lead to racial/class clashes over residential land as in the recent case of the Booyesen (in Tshwane) which headlined and took the front page of *Pretoria News* (shown in Figure 12) (Tlhabye, 2017).



FIGURE 12: Battle of Booyens – White residents of Booyens oppose relocation of residents from Jeffsville informal settlement in Atteridgeville after their shacks were damaged by a sinkhole

Source: Pretoria News, 2017

According to a *Pretoria News* article, the sentiments of the angry resident of Booyens were that; “they are coming in buses to burn our houses down, to rape our women and children” (Tlhabye, 2017:1). On forcing them out of the area, of the relocated shack-dwellers, one of the residents of Booyens was quoted by *Pretoria News* saying, “my main concern stems from the increase in crime as a result of the new shack dwellers”. Telling of horrible stories doing rounds in the community since the commencement of the erection of the shacks, the resident further said: “I know that they are just stories, but I think that is what caused people to go into a state of panic on their arrival” (Tlhabye, 2017:1). Mindfully, the resettlement of the Jeffsville shack-dwellers in Booyens by the City of Tswane was merely an urgent temporary relocation as repairs in their area were in progress and not even a permanent development of low-income housing (Tlhabye, 2017). Ultimately, despite maintaining the status quo, NIMBYism is subsequently a barrier to equal land and housing opportunities (Hilber & Schöni, 2016).

#### 2.4.1.2. Informal land acquisition and redistribution processes/channels

##### 2.4.1.2.1. Consequence

Informality, as in informal land acquisition processes, is a consequence of the failure of formal land acquisition processes to meet the peoples land (and/or housing needs) needs. In the history of informal settlements, the failure of formal (processes) and authorised institutions to provide access to land and formal housing to the (ever-growing) urban population had been a breeding ground for the development and growth of informal settlements (Ali & Sulaiman, 2006, Royston, 2006). The chronic housing backlog and growth of informal settlements also suggest that the scale of land acquisition and housing delivery output by the government over the past 20 years since 1994 has not been sufficient to meet

the demand. Accordingly, the Department of Housing (2004:1 – 2) and Huchzermeyer and Karam (2006: 43) argued that:

***“Informal settlements are products of failed policies, ineffective governance, corruption, inappropriate regulation, exclusionary urban economic development, poor urban management strategies, dysfunctional and inequitable land markets, discriminatory financial systems and/or a profound democratic failure”.***

The failure of formal process has seemingly created a general perception among the urban poor that the provision of land cannot be left to land and housing authorities. Subsequently, an Informal land acquisition and distribution process is in effect, resulting in more informal developments. Thus, the further development and growth of informal settlements can be viewed as a response to and a consequence of the failure of formal processes by filling of the land and housing gap (USN & DW, 2004; Ali & Sulaiman, 2006; Pepeteka, 2013; UN-Habitat, 2015). To this effect, Keivani and Werna (2001) and Lemanski (2009) makes a dominant argument that urban informal settlements are not an expression of illegality but are one of alternative and various efforts within the holistic process of providing housing. This alludes to the notion advanced by Fekade (2000) and Kironde (2006), that the failure of the post-apartheid government to acquire and redistribute land through formal processes including housing has led to the development of informal land acquisition and distribution (of vacant land) processes as an alternative for the urban poor and desperate land seekers.

i) *Unlawful land occupation/land invasion: politicisation of land and ‘land grabs’*

At the heart of colonialism and apartheid was the land dispossession of Africans and it has since constructed the identity and political economy of South Africa. This includes the prevailing culture of impunity resulting from violent struggles for liberation and the majority rule. Yet the attainment of political freedom and transfer of political power from colonial and apartheid administration to Black elites, African in particular, since the 1990s has not resulted in significantly altering South Africa’s land legacy. Prevailing instead are colonial land laws, policies, administrative procedures and infrastructures that are still being used and re-entrenched (UN-Habitat, 2010).

According to UN-Habitat (2010), instead of being radical, political change and land policies in South Africa have been adaptive and co-optive, only granting the new ruling Black elites more power to secure access and control over local and national economies. Consequently, with one of the ideals sustaining the liberation struggle of transforming land into a resource to be released to the equitable benefit of all South Africans, remaining unfulfilled,

land continues to be a core bone of contention not only in politics, but also within the economy, identity and culture of South Africa (UN-Habitat, 2010). Lodge (2002:845) argues that “politically, land reform has been assigned a low-priority status by successive ANC governments. ANC leaders suggest that this neglect accords with public perception; while ‘the issue of land was important for local people’, the ‘central issue’ for most is job creation”.

Over the years, since 1994, South Africa, especially urban areas, have seen an increasingly popular, common and widespread phenomenon of land invasion. Land invasions have been taking place despite the governments’ delivery of over 3 million housing units (The Presidency 2014). Yet it, interestingly, appears that land invasion is not new or original to the post-apartheid South Africa. Land invasion predates this present dispensation. Considering the manner of colonial and apartheid land acquisition, as described in terms of *The Scramble for Africa* (Rodney, 1970; Pakenham, 1991; Originalpeople.org, 2012):

*The process of European expansion through division, (armed and militant) invasion, occupation, seizure, colonisation and rule of African continent by European powers. [... which was an era of] pre-planned and rapid colonisation of the African continent by European powers.... They sliced up and divided Africa amongst themselves and invaded it without any consent of the African people.*

Against this dissertation’s definition of land invasion (HDA, 2013a):

*A form of an informal process that involves pre-planned occupation of land by an individual or a group of people without the consent or permission of the rightful owner of the land or person in charge of the land.*

Notwithstanding contemporary rhetoric, it is apparent that land invasion has historically been a manner and a process of the acquisition and distribution of land. Contrary to colonial and apartheid, post-1994 land invasions are not sanctioned and/ or conducted by Europeans or government.

Political stability and strong processes of democratic controls play a significant role when it comes to land invasions. The opposite enables politicians to support, allow or even facilitate land invasions. Political transitions including elections and election periods (local and national), are most vulnerable to land invasion, even though such invasions can be short lived. This was the case in Cator Manor, in Durban, where about 400 land invasions were recorded, but were short lived as soon as the ANC came to power (Gigaba & Maharaj, 1996; Coccato, 1996; Crankshaw, 1996; De Souza, 1999). Yet at a local level in particular, where for instance land invasion takes place or is concentrated in existing townships, the level of politics tends to

be harnessed for land invasion processes (Crankshaw, 1996:55). For fear of losing votes, the incumbent government or ruling party might be unwilling to respond to or overlook land grabs, while the other can instigate them for bolster their popularity with the electorate. The people have become aware of such political power (voting) and take advantage of (or use) it as their bargaining power, thus using their political power ('no vote') as a means to land and housing (see Figure 16), but success can be short lived (Gigaba & Maharaj, 1996; Coccato, 1996; Crankshaw, 1996; De Souza, 1999).

Most interestingly, this also seem to suggest that the prospects of the access to land and housing for the poor are based on a balance of their (public opinion or electorate) needs and political interest. Now if this holds, it is seriously alarming and may force a major shift/change in land reform. Particularly because a most recent study that was conducted by Gibson (2009) a political scientist, provides one of the most striking and compelling public opinion survey ever conducted in the country of 3700 South Africans, and it is revealed that there is a strongly shared land grievance among many Black people. As noted by Atuahene (2011:122) the survey findings revealed that:

*"85 percent of the Black informants believed that "most land in South Africa was taken unfairly by white settlers, and they therefore have no right to the land today." Only eight percent of white informants held the same view. Gibson's most alarming finding was that two of every three of these blacks agreed that "land must be returned to blacks in South Africa, no matter what the consequences are for the current owners and for political stability in the country"; 91 percent of the whites surveyed disagreed. According to Gibson's data, most blacks, whether they live in rural or urban areas, see the land as stolen and want it back even if redistribution will provoke political unrest".*

According to Atuahene (2014), that means "land injustice has become a sea of oil waiting for a match" and that match are the Economic Freedom Fighters (EFF). The EFF is (now) a five-year-old South African political party led by Julius Malema, former ANC youth league president. Regarding land, the party's founding cardinal pillar is 'of South Africa's land without compensation for equal redistribution in use' (Atuahene, 2014; Economic Freedom Fighters, 2013). Amongst other things, this survey revealed, arguably, that Blacks may have forgiven their oppressors, the perpetrators of colonialism, but have not forgotten about their oppressive deeds and hence their stolen land. Clearly, the peace, truth and reconciliation project did not return land to Black people as it was never its concern in the first place (Megan, 2011) and Black people are increasingly realising that they are still landless. Accordingly, this might as well be a justification or reason for the Black people to invade land.

Moreover, this is testament to the reality that the peace, truth and reconciliation project has not resulted in the transfer of land to the indigenous and rightful owners (Megan, 2011; Gibson, 2009). In fact, Megan (2011) notes that even though massive forced dispossessions, removals and displacements were at the very core of the colonial and apartheid project, they were never part of the Truth and Reconciliation Commission of (TRC) mandate or scope. Gibson (2009) also argues that, in reality, Black and White people are not reconciled in South Africa and instead, they are extremely and probably irrevocably divided on almost every issue associated to land. To this end, this implies that peace and reconciliation will not be realized until land is returned to the rightful owners. In the 2017 SONA, President Zuma spoke widely about land reform, saying that “it will be difficult, if not impossible, to achieve true reconciliation until the land question is resolved” (Dlodlo, 2017).

#### **a. Informal settlements: a phenomenon of land invasion**

The 2009 National Housing Code characterises Informal settlements as a phenomenon of land invasion. According to the HDA (2015), due to the rising housing backlogs and the challenge of evictions, informal settlements are the most accessible type of housing for the poor and are seemingly their only accommodation solution due to lack of affordable urban housing (USN & DW, 2004; Birkinshaw, 2008). The housing crisis, therefore, leads to land invasion which is the main driver of the perpetual growth in numbers of informal settlements across the country (Huchzermeyer, 2003; USN & DW, 2004; HDA, 2015).

Huchzermeyer (2003) also advances this narrative and asserts the need for lobbying groups and activists to recognise that the housing crisis that leads to land invasion on the urban outskirts, including rural district, is one of urban housing. Huchzermeyer (2003) further insists that this crisis will not be addressed unless the land reform discourse confronts the inequitable distribution of land in urban areas. Both privately-owned and state-owned land is prone to land invasions, including (often well-located and) high-income and affluent areas (HDA, 2015), resulting to infill informal settlements on vacant land between formally developed areas (CSIR, 1999), which is becoming quite more common than the traditional invasion of vacant within- and adjacent to existing townships, mostly on the urban periphery.

Furthermore, in turn, the Constitutionally enshrined right to adequate housing, which is also enforced through the 1998 Prevention of Illegal Eviction and Unlawful Occupation of Land Act (PIE Act), also places a huge burden on the land owners and municipalities in particular, before requesting an eviction order from the court, to provide alternative accommodation to evicted dwellers (HDA, 2015). Urgent court evictions can only be granted on the basis of existing health hazard or risk (but the right to appeal is still applicable) to which

alternative housing must still be provided where land had also already been occupied for more than 6 months and in both instances, the rights and needs of the elderly, children, handy capped persons and women-headed households (special need persons) must be taken into consideration (Huchzermeyer, 2003). This presents a huge challenge on municipalities in addressing land invasions as evicting dwellers without alternative and adequate housing results in a breach of the Constitution (HDA, 2015).

Legally, on one hand, the landless, homeless and informal settlement dwellers have evoked such Constitutional provisions and thus winning court rulings to their favour. On the other hand, municipalities have ensured that they are viewed as upholding/obeying the rule of law in acting in accordance with these court rulings. Yet Huchzermeyer (2003:3) noted that “the judiciary seemed reluctant to rule in favour of the poor, when the economy or investor confidence is at stake” as it were in the Bredell case in 2001 (which occurred within the period of Zimbabwe land invasion between 2000 and 2005), wherein the Pretoria High court gave tough judgement (Huchzermeyer, 2003), granting an urgent eviction order for unlawful occupants to be evicted, but without taking into consideration, the cold weather that evictees were to suffer from. Furthermore, the court did not order the private landowners and government to provide alternative housing (CDE, 2001; Huchzermeyer, 2003).

### ***A look at select few cases of land invasion and informal settlements post-1994***

#### **Grootboom case (1998 – 2000)**

According to Huchzermeyer (2003), by 2003, no court ruling had been radical in interpreting the right to housing to the extent that it resulted in the permanent right to occupy land that was unlawfully occupied. Yet the period saw forced evictions and informal settlements re-emerging elsewhere as in the Grootboom case (marked as a land mark ruling) in 1998 - 2000 wherein about 900 dwellers of the overcrowded Wallacedene settlement in Cape Town had illegally occupied vacant land that was set aside for low-income housing. Upon eviction, the dwellers realised that they could not go back to their previous living space in Wallacedene, as this had been occupied by others and consequently constructed shacks on a sports ground in Wallacedene (Davis, 1999; CDE, 2001; Huchzermeyer, 2003). In this (Grootboom) case, after the municipal and provincial government appealed (previous ruling that on the basis of child's right, the government must provide temporary shelter for the some 900 people including children) and argued that this would dilute the housing delivery programme's limited resources, the Constitutional court handed a “liberal judgement” and ultimately ruled that “the government's housing programme should not only provide for medium to long term housing delivery, but also fulfilment of immediate needs, and the management of crises”. Yet it was not ordered how and by when the government should

provide such provisions and only provided for temporary (land and housing) rights (Huchzermeyer, 2003).

### **Bredell land invasion (2000)**

'*The Bredell land invasion*' provides a typical invasion example/case and a consistent message as received by de Beer, that "we can't afford formal housing. Give us land and we will build for ourselves (CDE, 2001)." This seemingly included building shacks. According to the CDE (2001), 32 ha of vacant land, in Bredell near Kempton park in Ekurhuleni, owned by the government (former Transvaal Provincial Administration), State-owned Entities (Eskom, Transnet) and two farmers was invaded. There were several attempts in recent years before to occupy land at Bredell. *The Star* (2001) broke the news (on 3 July 2001) and reported that plots at Bredell were being sold for R25 by the PAC and that thousands of people, mostly from Tembisa, queued to buy the land. By 4 July 2001, the police estimated that approximately 5000 people had settled, but various newspapers reported 10 000 (News24, 2001; CDE, 2001). By 5 July 2001, the PAC confirmed that R179 000 had been collected representing 7 160 plots at R25 each and the number of shacks was also put at R5 000 (ZA\*Now, 2001, Daily Mail and Guardian, 2001). The High Court also established that plots had been illegally sold for R25 and that people had been illegally organised to occupy the land (CDE, 2001).

According to the CDE (2001), as told by Minister of Housing (at the time) Sankie Mthembu-Mahanyele, the government established that the invaders included housing subsidy applicants 'jumping the queue', people from neighbouring townships searching for rent-free accommodation and entrepreneurs eyeing emerging business opportunities. Yet "there were also political opportunists, crooks who wanted to make easy money, and foreigners". Before, there were many attempts to occupy land at Bredell but the invaders had been evicted by farmers and the police. It has been claimed that the people turned to the PAC when they began to see that informal settlements established by the PAC in Etwatwa and Daveyton through land invasion were successful and this came after appealing unsuccessfully to the ANC (CDE, 2001). Although the exact nature of PAC's role in the Bredell invasion was under dispute, it appeared that local PAC activists were deeply involved in orchestrating the Bredell invasion, while the national PAC leaders certainly took their motives and articulated the invaders' needs in radical ways (*The Star*, 2001; CDE, 2001). PAC's general secretary Thami Ka Plaatjie, denied the reports that the PAC was collecting money, saying that it was the people's own decision to contribute towards the community fund (*The Star*, 2001; CDE, 2001), meaning that they did not sell the land as "bogus owners" (Hendricks *et al.*, 2013:7). General Secretary Plaatjie further denied that the PAC had organised the invasion and said that the PAC had been called to assist by the African Renaissance Civil Movement (who had begun



registering people with the intent of establishing an informal settlement (The Star, 2001; CDE, 2001).

There are lessons to be learned from '*the Bredell land invasion*'. People were desperate and the poor people's interests were being flooded in a political battle of political parties. It was noted that the government's land reform system was very bureaucratic and they were taking too long to deliver on the need. It became clear "that a housing strategy, coupled with rapid land release, is a critical priority [and most urgent task]" for South Africa's cities and this highlighted the need for the government to be wary of- and responsive to the happenings in local communities and for the government to communicate more effectively with the ordinary (poor) people (CDE, 2001). Even though the poor and desperate people were exploited and "shamefully used for propaganda purposes", as it was in the case of the 80-year old evicted women, whom it was clear that she had been moved by others to Bredell and did not personally build the shack as de Beer puts it, "the underlying message from Bredell was clear: 'Give our people land'" (CDE, 2001:3). To de Beer, it was also reminiscent of the time that Johannesburg Council officials were trying to discourage people from jumping the queue in the early 1990s and they were trying to convince them that the government would deliver houses, but the consistent message that was heard, was: "We can't afford formal housing. Give us land and we will build for ourselves" (CDE, 2001:3).

In the end, the Pretoria High court gave "tough judgement" (Huchzermeyer, 2003) against the poor by granting an urgent eviction order for unlawful occupants to be evicted, but without taking the cold weather that evictees were to suffer from, into consideration. In addition, the court did not order the private landowners and government to provide alternative housing (Huchzermeyer, 2003; CDE, 2001). According to Huchzemeyer (2003), in the case of Bredell, the government's hard stance on land invasions and its support for forceful evictions were broadcasted through prime media coverage to every inadequately housed person and the underlying message was: the road to adequate housing in South Africa is not through the courts.

### **Imizamo Yethu (early 1990s - present)**

A notably informal settlement and land invasion success (from the landless, homeless and poor perspective), so often on the news for various reasons, but mostly for shack fires, is Imizamo Yethu (Xhosa for *our efforts*) (see Figure 13). Imizamo Yethu was established in the early 1990s when 450 households who had been squatting in shacks around Hout Bay were resettled to this new site on the foot side of the Constantiaberg Mountain seaside and looking over the harbour. Imizamo Yethu has since gradually grown to a fairly large township of approximately 15000 people between 2005 and 2011, with mostly African and mainly isiXhosa

speaking people (about 90%) who originate from the former Transkei in the Eastern Cape and came here in search for work (Stats SA, 2012; Monaco, 2008; Hout Bay Christian Community Association, 2005). Many are reported to still have family members living there (Hout Bay Christian Community Association, 2005). But, there are, allegedly, also a number of dwellers from foreign African countries such as Angola and Zaire dwelling in the Imizamo Yethu buffer zone. One theory advanced that these foreigners came into South Africa illegally by having come ashore in Hout Bay in fishing trawlers (Silikamva High School, nd). According to the Hout Bay Christian Community Association (2005), the influx of additional Xhosa's, Angolan and other foreigners have kept the employment and housing needs at a critical level. The township started as an area where mainly Black people were allowed by the authorities to build temporary shelters including shacks (Hout Bay Christian Community Association, 2005).

A majority of the Black people could not afford it and the law did not allow them to buy land or homes in Hout Bay and so they alternatively looked for vacant land on which their shacks were built. In many cases this was done without consent as this resulted in many illegally occupied land while causing much agitation and unhappiness with their White fellow residents. In 1988/89, Hout Bay saw the invasions of state and privately-owned land. A collective effort by invaders to get legal property rights and the reaction from existing Hout Bay property owners compelled the authorities to make formal property available for the invaders. In 1990, 18 hectares of forestry land was made available by the former Western Cape Regional Services Council on which Black people were allowed to build their temporary shelters (shacks) while the authorities were planning the formal layout and named the place, Imizamo Yethu Estate (Hout Bay Christian Community Association, 2005; Gawith & Sowman, 1992; Silikamva High School, n.d). According to Gawith and Sowman (1992), 429 sites were occupied in between March and April in 1991.

The Imizamo Yethu living conditions were improved by the Niall Mellon Township Trust with their People's Housing Process since 2003. This non-profit organisation based in Ireland (by an Irish businessman), sent volunteers to South Africa and they have built over 300 new basic, quality solid brick homes for individuals in Imizamo Yethu, therefore moving them out of the dreaded shacks (Brand South Africa, 2006; Hout Bay Christian Community Association, 2005). Thus Imizamo Yethu is now constituted of both a designated formal housing area and an informal settlement area. Yet newcomers continue to invade and illegally occupy the remaining piece of vacant land as seen by the change over time in the land cover in Figure 13, arguably, banking to receive the same fate. Figure 13 (on the next page) also shows the encroached land over the steep slopes of Constantiaberg Mountain behind Imizamo Yethu. Imizamo Yethu has more than doubled since its establishment with a population of about 15

000 (Hout Bay Christian Community Association, 2005). Imizamo Yethu is a typical example of a ‘daring’ informal settlement established (initially with consent and overtime through land invasion) around the political transition to this democratic dispensation and within a high income/affluent suburb, which is still standing.

Addressing on the department’s intervention following the fires which media reports to have killed three shack dwellers and left as many as 4000-4500 shacks burnt down (affecting about 15000 dwellers) on 11-12 March 2017 (Deklerk, 2017, de Villiers, 2017), according to Deklerk (2017), the Western Cape Human Settlements MEC, Bonginkosi Madikizela, said that “shacks are still going to be in Imizamo Yethu [even after houses are built] because those people who do not qualify [for formal housing] are still going to live in those shacks.” According to MEC Madikizela, “non-qualifiers” included South Africans whose income was too high and many foreigners in Imizamo Yethu who could not get a housing subsidy from the department (Deklerk, 2017). Desperate land seekers and “non-qualifiers” are certainly another reason for the persistence and probably the growth of informal settlements.

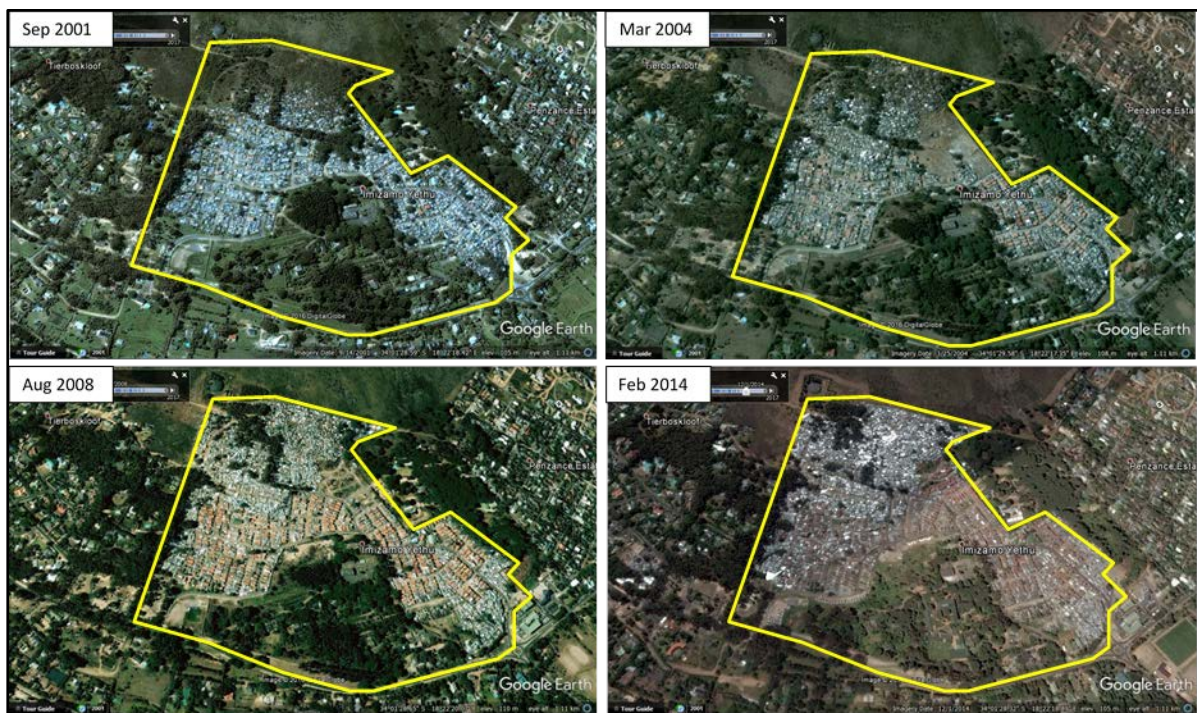


FIGURE 13: Aerial view of Imizamo Yethu nestled between the wealthy housing estates  
Source: Satellite images from Google Earth, DigitalGlobe, 2016

### Plastic View (2006/2009 - present)

Woodlane village, known as Plastic View informal settlement, is home to some 1000 shacks, accommodating an estimated 3000 people (Mudzuli, 2015a) and it is one of the most recent land invasion success cases in South Africa (see in Figure 14 and Figure 15). In 2015,

Plastic View informal settlement dwellers won the right to stay on the land when the (North Gauteng/Pretoria High) court ruled against the auction of the land (forming part of some 74 properties land release programme) by the City of Tshwane Metropolitan Municipality (CTMM) as part of its abruptly announced land release programme, without consulting the occupants (see Figure 14). The City of Tshwane was said to be selling the properties to raise funds (for further economic development, regeneration, townships including infrastructure development and other housing needs), ironically, in order to improve the lives of the poor in the metro (Madzuli, 2015a). The dwellers, mostly foreign nationals, claimed that several large portions of the properties, that were to be sold on auction, included land suitable for low-income housing developments. They further feared that the sale of the land would permanently impair the constitutional rights of those living in informal settlements and other homeless people in Tshwane (Mudzuli, 2015b).

After being legally represented by Lawyers for Human Rights (LHR), Tswelopele Step by Step (NGO) and the residents, after a series of orders in against home owners associations from around the area, again successfully obtained an urgent North Gauteng High Court order against the City of Tshwane wherein, according to Mudzuli (2015b) of *Pretoria News*, Judge Legodi Phatudi agreed that “the sale of the property [upon which Plastic View is located] before relocation would be an infringement on the rights of the occupants,” and would deal them irreparable harm (because it would be almost impossible to settle relocation after the land had been sold), thereby halting the sale of the land until all the legal proceedings were dealt with (LHR, 2016). Despite experiencing shack fires, the most devastating and deadly by far being the fire on 3 July 2016, which claimed as many as five lives and left more than 500 people homeless (Pretoria East Rekord, 2016; ENCA.COM, 2016), Plastic View dwellers keep on rebuilding (Makhetha, 2016; ENCA.COM, 2016). According to Mudzuli (2015a), this auction of municipal land was the first by the City of Tshwane Metropolitan Municipality.



FIGURE 14: Two Parcels of (216 ha) CTMM good vacant land (including 106 ha land bordered red and occupied by Plastic View dwellers) on the corner of Garsfontein Road and De Villebois Mareuil Drive, which were set to be auctioned in March 2015

Source: Photo from Mudzuli (Pretoria News), (2015); supplied by CoT

This litigation over the land took about 10 years, dating back from 2006, when the police burnt down Plastic View dwellers' shacks (LHR, 2016). Since then and following a visit to the devastated area, the government in the person of Gauteng MEC for Cooperative Governance and Traditional Affairs and Human Settlements, Paul Mashatile, has promised to formal development in the Plastic view area (Makhetha, 2016).

Yet, to date, Figure 15 shows that the informal settlement (Plastic View) is still standing. A trilateral agreement by the MEC that was reached in principle (in April 2016) with the City of Tshwane and the relevant Home Owners Associations to relocate the settlement across Garsfontein Road and next to the Woodlands Boulevard mall wherein construction of formal housing would also commence, are yet to be fulfilled as another group of Home Owners Associations later objected to the relocation. Thus, the matter of the land to be developed is yet to be finalised. Moreover, some of the shack dwellers are foreigners and may not qualify for the governments' social housing and because of this the dwellers are also wary of the MEC's promises (LHR, 2016; Makhetha, 2016). Meanwhile, another "Plastic View" developed behind the woodlands Boulevard mall. It appears that informal settlements have developed

and grown in the area since the development of the mall as seen in Figure 15, which suggests that people had been attracted by employment opportunities.

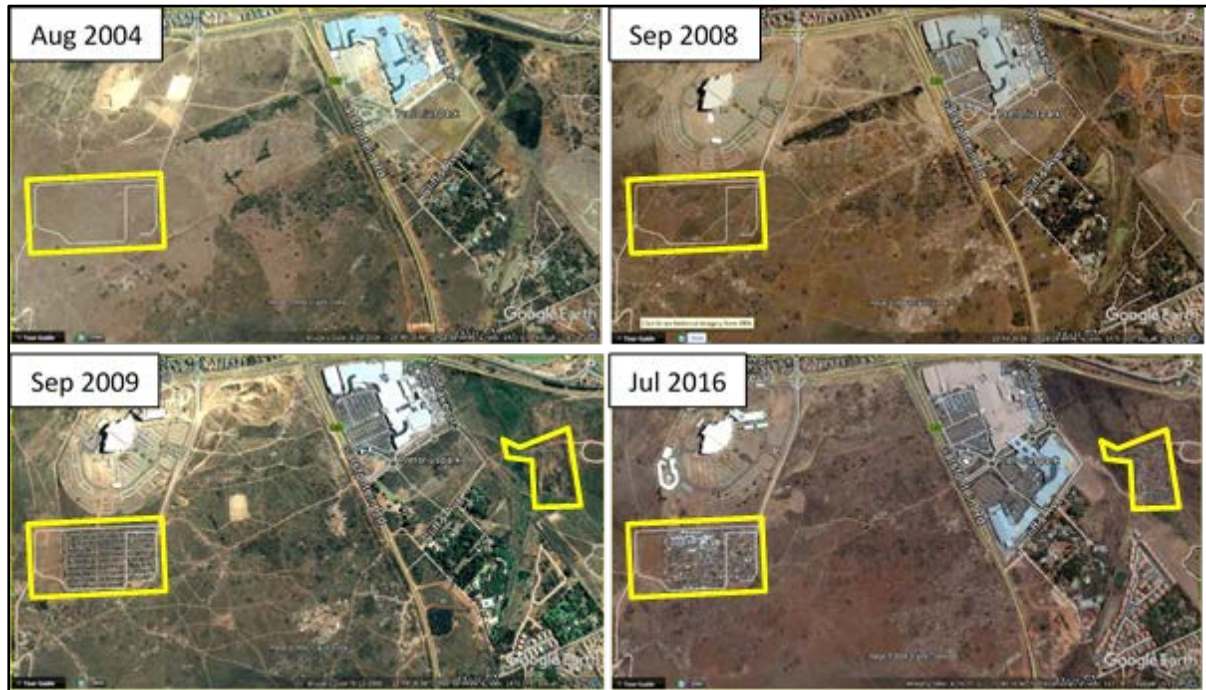


FIGURE 15: Plastic View informal settlement in a piece of state land within the affluent Woodlands Moreleta Park in Tshwane/Pretoria East, 2004 - 2014

Source: Satellite images from Google Earth, DigitalGlobe, 2016

### ***Land invasions in South Africa since 1994***

Among other things, these cases/incidents (above) show that the current and rapid land invasions in South Africa are not the first of their kind in the country, but that it is an ongoing and widespread situation. Following the failure of the early 1990s (400) short lived land invasions (as a result of strict evictions by the (new) democratic government of South Africa after majority rule) (Gigaba & Maharaj, 1996; Coccato, 1996; Crankshaw, 1996; De Souza, 1999), by 2001, the Centre for Development and Enterprise (CDE) reported over 50 land invasions, mostly in urban areas, since 1994 (CDE, 2001), which is seemingly still the case. According to the Paul Maseko (City Manager of the Ekurhuleni Metropolitan Council at the time), in the same year, Ekurhuleni alone (where Bredell is situated) had some 40 informal settlements (CDE, 2001). Yet other similar incidents (land invasions) at the time did not attract prime media coverage like the Bredell invasion (CDE, 2001; Huchzermeyer, 2003). At best, this is perhaps due to the comparison of the Bredell land invasion with the Zimbabwean farm invasions at the time (CDE, 2001). Yet this also suggests that the numbers of land invasions are more than actually reported. This is despite Lahiff's (2002) belief that sporadic land occupations would not extend widely (in the Southern Africa region or) beyond Zimbabwe,

because the South African government, unlike Zimbabwe, committed itself to “pursuing ‘orderly land reform’” (Moyo, 2007:79).

Cousins (2000:1) projected that Zimbabwean-style land invasions will likely take place in South Africa at some point in the future, in about a decade, despite the great differences between the political economies of the two countries:

*“And as in Zimbabwe, land invasions organized by populist politicians will call attention to society’s failure to adequately address deepening rural poverty, and put a dramatic spotlight on the emotive issue of our highly unequal and racially skewed land distribution. This could result in land reform moving higher up the political agenda than it is at present”.*

According to Cousins (2000), even between the 1990 and 2000 land invasions, fuelled by desperation, were a feature of urban areas in South Africa, but most were defused by the government finding alternative land for the homeless. By 2000, prospects of land invasions appeared very unlikely other than in isolated cases where communities and NGOs were trying to put pressure on the government to speed up land reform. Moreover, Cousins anticipated that land invasions were therefore likely to be met with a firm and unsympathetic response from the government.

Indeed, years on, land invasion has been normalised and simply treated as a criminal act by the government (HDA, 2015). Yet land invasions are evidently a manifestation of the state and land market failure to fulfil “*the promise of land*” (Ali & Sulaiman, 2006; Royston, 2006; Charlton & Kihato, 2006; Hendricks, *et al.*, 2013). Ultimately, land invasions have successfully managed to keep land reform on the agenda (Moyo, 2001).

#### **b. The rise of grassroots movements and new political formations**

Post-1994, South Africa has seen the rise of grassroots movements, the dominant driving factor being land and the relentless desire to gain or provide access to it, through representation, lobbying and the exercise of political power. As noted by Pepeteka (2013), during the 2000s irritations, impatience and pains arose regarding the slow land reform process in the country and were clearly expressed by civil society movements. The government, at the time, recognised the challenges, dismal achievements and critiques regarding land reform and convened the National Land Summit in July 2005, which brought together a variety of stakeholders. According to Jacobs (2012), the outcomes suggested the rejection of sole-reliance on neoliberal policies such as the willing buyer willing seller. Indeed, the persistence of landlessness and housing shortages/demand and the constant forced

evictions of the landless and poor (especially in the cities), has mainly led to the formation and rise of grassroots movements (Zikode, 2008; Losier, 2009; Hendricks *et al.*, 2013).

To mention the major ones, they include the Abahlali baseMjondolo (Zulu for shack-dwellers) Movement (generally called '*Abahlali*') formed in 2005, which is apparently the largest shack-dwellers' movement in South Africa, now largely operating in Durban, Pietermaritzburg, Pinetown (KwaZulu Natal) and Cape Town (Western Cape), (partly inspired by Brazil's Landless Workers Movement) the Landless People's Movement (LPM) formed in 2001 (founded by the likes of Andile Mngxitama, also founder of the Black First Land First (BLF) (Moyo, 2007:79)) and largely operating in Johannesburg (Gauteng) as well as the the Anti-Eviction Campaign (AEC) that was formed before the LPM and largely operating in the Western Cape. In September 2008, an alliance was established through the formation of the Poor People's Alliance by the Anti-Eviction Campaign in Western Cape, together with Abahlali baseMjondolo, the Johannesburg branches of the Landless People's Movement and the KwaZulu-Natal Rural Network (also known as '*Abahlali basePlasini*') (Zikode, 2008; Losier,



2009; Hendricks *et al.*, 2013: 3-8). Since its formation, the Poor People's Alliance refuses party politics and boycott elections under the banner "No Land! No House! No Vote!" (Zikode, 2008). (See Figure 16 below).

FIGURE 16: Abahlali baseMjondolo (shack-dwellers) refuse to vote under the banner 'No Land! No House! No Vote!' Source: Photo from Pithouse, 2010

With presence in the urban areas and farms, in the cities, these movements are mainly formed by the landless, poor and homeless South Africans and are known for mobilising the urban and rural poor for meaningful land reform, campaigning for public housing and against evictions of the landless shack-dwellers by government and private landowners (Losier, 2009; SACN, 2015). Their message is clear, they want land and formal (adequate) housing and they are prepared to use their votes to get it (as shown in Figure 16). According to the UN-Habitat (2010), South Africa has the most organised grassroots movements in the Southern African region, including the abovementioned. Yet "ironically, government and landowners perceive these social movements in criminal terms (or label them as a "Third Force" (Zikode 2006:185)) rather than as the voice of genuine citizen concerns" (Losier, 2009; UN-Habitat, 2010:1).



Furthermore, South Africa has seen the formation and rise of the disgruntled Economic Freedom Fighters (EFF) from the ANC in 2013 and the Black First Land First (BLF) from the EFF in 2015, both known for their radical stance on land reform and their founding commitment: “expropriation of land without compensation” (Mngxitama, 2015; Economic Freedom Fighters, 2013). Foundational and fundamental to their formation is the (strongly Africanist ideological and) relatively radical (and provocative) land reform stance similar to that of the old Pan Africanist Congress of Azania (PAC), who held, as the maxim goes, that “Africa belongs to Africans” as opposed to “South Africa belongs to all who live in it” contained in the Freedom Charter. Their argument is that those who colonised Africa had no rightful claim to South African land (ANC, 1955; BLF, 2016). PAC was formed by disgruntled members of the ANC, including Robert Sobukwe its founding President, in 1959 following the adoption of the Freedom Charter in 1955, which they strongly opposed and totally rejected (SAHO, 2011f). In terms of its policy, PAC believes that “South Africa’s land could not be bought or sold, as the liberation struggle had been about the return of land removed from indigenous people” (CDE, 2001). In 1958, on the adoption of the Freedom Charter, speaking on behalf of the PAC, Sobukwe said (SAHO, 2011f):

*“According to us the freedom Charter is an irreconcilable conflict with the 1949 Programme seeing that it claims land no longer for African, but is auctioned for sale to all who live in this country. We have come to the parting of ways and giving notice that we are disassociating ourselves from the ANC as it is constituted at present in the Transvaal”.*

The rise of grassroots movements as well as the brake away and rise of these new political formations, indicates, among other things, that the Black people’s grief over land remains and the demand for land still burns. It also suggests that there is no consensus, politically (and between the political and social), on how to address the land issue. Moreover, the formation of these grassroots movements has led to the further politicisation of land and intense interplay between oppositional campaigns of these social movements, government’s policies and responses (Hendricks *et al.*, 2013). To this end, grassroots and new political formations have also ensured that the land issue and land issues are not ditched/neglected or forgotten.

Established on the founding “cardinal pillar” of “expropriation of South Africa’s land without compensation for equal redistribution in use” (Economic Freedom Fighters (EFF), 2013), EFF secured 6.3% of the votes in South Africa’s national elections in May 2014. This was after only few months of campaigning, coming second to the Democratic Alliance (DA), the main opposition party which won 22% of the vote. Despite the ANC securing a 62%

majority vote, the EFF achievement is arguable one of the consequences of ANC's failed land reform programme (Atuahene, 2014). Atuahene argues that, after all, Black people cannot be expected to be more patient. If formal processes and legal channels to return stolen land are failing, then Black people may resort to informal, illegal or extreme measures to reclaim the land (Atuahene, 2014). To this end, grassroots movements have played an integral role in the survival and thriving of many informal settlements in South Africa by stopping evictions and providing opportunities for development. Such informal settlements include the Kennedy Road informal settlement (established in 2005) in Durban, Plastic View in Tshwane (since about 2006) and Marikana informal settlement by Symphony way in Philippi East Cape Town which started as early 2012 through land invasion (Zikode, 2008; Losier, 2009; Zikode, 2014; Mudzuli, 2015b).

### ***The use of the Freedom Charter as a land occupation/expropriation instrument***

Unlike the PAC and BLF who totally rejects it (SAHO, 2011f; BLF, 2015), the EFF, at least according to its commander-in chief's words, seem to mainly subscribe to the Freedom Charter and uses it to partially implement its land expropriation/appropriation policy and to encourage and justify the occupation of vacant land by Black people by evoking its provisions. Addressing EFF supporters and referring to the Freedom Charter on land at a local government election rally in Newcastle, KwaZulu-Natal, in June 2015, EFF commander-in chief Julius Malema criticised the ruling party for not implementing the Freedom Charter to achieve land reform. Yet the EFF leader said the clause: "restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it" "was problematic" and was further quoted saying that (Manyathela, 2016):

*"If we say that South Africa belongs to whites too it means we are defeating what our forefathers were fighting for[,...] These whites found us here and not one of them came with a piece of land in their pockets[....] So, if you see a piece of land and you like it, don't apologise, go and occupy that land. That land belongs to us".*

Regarding the land and housing the Freedom Charter, in terms of its clauses, promises/reads that (ANC, 1955):

*"The Land Shall Be Shared Among Those Who Work It!; Restrictions of land ownership on a racial basis shall be ended, and all the land redivided amongst those who work it, to banish famine and land hunger; The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers; Freedom of movement shall be guaranteed to all who work on the land; People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished; **All shall have the right***

***to occupy land wherever they choose; All people shall have the right to live where they choose, be decently housed, and to bring up their families in comfort and security; Unused housing space to be made available to the people”.***

The Freedom Charter appears to echo the sentiments of the EFF, but the rights to land and housing as enshrined in the Freedom Charter are limited by/to section 25 and 26 of the 1996 Constitution and the provisions of the PIE Act which outlaw the unlawful occupation of land (ANC, 1955; RSA, 1996, PIE, 1998). Nonetheless, the message of the EFF seem to resonate with the poor, homeless and desperate land seekers as in the case of Matlala road land invasion in Pietersburg (see Figure 17) (Erasmus, 2014). Yet, for this reason the National Prosecuting Authority (NPA) has charged the EFF leader Julius Malema for contravening the Riotous Assemblies Act through the calls for people to unlawfully occupy land in South Africa. The two charges relate to land-grabs: the first is based on similar comments made by the EFF leader in 2014, telling supporters that they should occupy lands in their respective branches (Business Tech, 2016).

## 2.5. The need for proactive land acquisition and redistribution in South Africa

Proactivity is required to deal with the issue of land, housing and informal settlements.

### ***Key to the survival of political democracy***

The Reconstruction and Development Programme (RDP) of 1994 was first of comprehensive policies that was used to prioritise and set out plans to deliver housing and transfer land to Black people (RSA, 1994). Yet the RDP had no target date to achieve land reform. Notwithstanding this, land reform as a top priority of South Africa's democratic government is long-overdue. A mass of the people, Black in particular, remain without land, thus it remains for the government to provide access to land in order to save South Africa's political democracy (Hendricks *et al.*, 2013) as the RDP states (RSA, 1994):

*“No political democracy can survive and flourish if the mass of our people remain in poverty, without land, without tangible prospects for a better life. Attacking poverty and deprivation must therefore be the first priority of a democratic government”.*

Lodge (2002) argued that land reform has been assigned a low-priority status, politically, by successive ANC governments. To date, the government has peacefully transferred only about 8% of the land, acquired through colonialism and apartheid from White to Black people (Mahlange, 2013) and there is a massive housing land backlog across South Africa (Felix, 2015). Essentially, this means that Black people are yet to recover from centuries of land dispossession. According to Huchzermeyer and Karam (2006:43), democracy itself has already failed, because it has produced informal settlements:

*“Informal settlements are products of failed policies, ineffective governance, corruption, inappropriate regulation, exclusionary urban economic development, poor urban management strategies, dysfunctional and inequitable land markets, discriminatory financial systems and/or a profound democratic failure”.*

### ***Delivering the promise land: eradicating housing land backlog and housing***

Given that land is a fundamental prerequisite for housing makes the failure to provide access to land for housing purposes in urban areas, the main challenge and stumbling block to housing developments and delivery (CDE, 2001; SAHRC, 2003; Brown-Luthango, 2009; HDA, 2013b; 2014a; Felix, 2015). Ultimately, eradicating the housing land backlogs may enable the eradication of housing backlogs and informal settlements by making land available, on an 'as and when (required) basis', for government housing projects and developments. Yet without proactively addressing the issue of land, informal settlements will continue to grow (Huchzermeyer, 2003; Ali & Sulaiman, 2006; Birkinshaw, 2008; HDA, 2015).

### ***A matter of restorative justice: repossession***

Land reform is a matter of restorative justice in South Africa that is yet to be served (Gibson, 2009; Mtswesi & Louw, 2013; Hendricks *et al.*, 2013) and a foundation for true liberation and freedom (Fanon, 1963; Zikode, 2014). According to Dlamini (2007), the need for post-apartheid land reform in South Africa is a matter of appropriate compensation of a mandatory nature. Land like in all contemporary societies has been stated to be the main source of inequality in South Africa. South Africa's long history of social manipulation has resulted in the distribution of land ownership and access to natural resources on the basis of race against the advancement of public interest in a democratic and open society based on freedom, equality and human dignity. In 1994, the democratically elected government of South Africa inherited a highly unequal land ownership pattern, hence the need for the post-apartheid land reform. To this end, it became necessary to adopt land policies for the purpose of redressing inequalities, which are historical and racially-based (Dlamini, 2007).

Moreover, the United Nations (UN) denounced and documented the continued invasion and occupation (colonisation) of African countries such as Namibia, Angola and Lesotho by apartheid South Africa as acts of "aggression and terrorism". The UN General Assembly also reaffirmed and declared apartheid as a constant violation of international law and the Charter of the United Nations (Article 1) and an international crime against humanity (Reddy, 1985; Alden & Le Pere, 2003).

The struggle for liberation was for land (Atuahene, 2011) and land reform is suggested as an appropriate means of compensating the Black people for the harm they suffered under apartheid and increasing their political empowerment and economic self-sufficiency (Robinson, 1997). For the reason that the dispossession of Black people was the source of their oppression, it is argued that they should be compensated with land and the redistribution of land is said to redress the historical inequalities caused by land dispossession (Dlamini, 2007). This is why this argument for the redistribution of land is premised on the idea that the land return is a tangible expression of not only the government's but also the willingness of the society to address far reaching past abuse (Zirker, 2003). Yet Hendricks *et al.* (2013) provides that overtime the struggle for liberation in South Africa tended to focus largely exclusively on securing majority vote and neglected their dispossession.

### ***Lessons from Zimbabwe – South Africa could be next***

According to Atuahene (2011), vast amounts of land were stolen from indigenous people (Africans) in South Africa and Zimbabwe by the ruling white minority under colonialism and apartheid. In both countries, taking back this land became a critical rallying cry for liberation movements. Yet years following the end of white minority, it became very difficult for

the new democratic governments to fairly and efficiently redistribute the land (Atuahene, 2011). The issue of land in South Africa is like a time bomb. There is a need to provide more housing whereby people can live in a dignified manner and prosper, as well as poverty that arises in the present-day South Africa, hence the demand for land still burns and the government has to resolve the land issue swiftly (Modjadji, 2016). Like in Zimbabwe, if left unresolved for long, the land issue may lead to socio-political upheaval.

When Southern Rhodesia got its independence from Britain as Zimbabwe, in 1980 (SAHO, 2011g) the redistribution of land was at the core and fundamental freedoms were to be returned to the Zimbabweans. Yet close to two decades on, the land question remained unresolved leading to a social-political upheaval. The Zimbabweans radically and forcibly took their land back, forcing the government to act almost arbitrary. Zimbabwe's Fast Track Land Reform Programme, which was implemented between 2000 and 2005, shook the land and the agrarian reality of Southern Africa to its foundations. The Programme transferred close to 90% of agricultural land, previously claimed by Whites, to Africans, mainly from communal areas of the country. It changed agrarian land relations in the former British colony within a short period of time effectively deracialising the ownership of land and agricultural production (Hendricks *et al.*, 2013).

Unlike in Zimbabwe, Black people in South Africa are for the most part still seemingly invading and occupying, primarily, pieces of vacant urban land in urban areas for housing (CDE, 2001; HDA, 2013a; 2015), at least for now. To this end, an accelerated, peaceful and lasting land reform solution is needed in South Africa. Failing which, South Africa could be next and it could do what Zimbabwe did (Cousins, 2000; Devenish, cited in Hendricks *et al.*, 2013:1).

It is important to note that the former minister of housing, Sankie Mthembu-Mahanyele, rejected the suggested comparison of Zimbabwe and South Africa in the Bredell land invasion (CDE, 2001). Yet in terms of land reform and particularly land invasion, the two countries are comparable. What is comparable is that in both incidents it became clear that people need land and should be given land (CDE, 2001). The Bredell land invasion in 2001, which occurred almost at the height of Zimbabwe's (Fast Track Land Reform Programme) land invasions, provided lessons for South Africa. The July 2001 incident, began gradually and was then followed by a rapid increase of land invasion by up to 10 000 people (News24, 2001; Huchzermeyer, 2003). It indicated that the "risk of Zimbabwe-style land invasions" is imminent in South Africa due to the slow-pace of land reform, landlessness and homelessness (CDE, 2001:4).

The invasion of land by Matlala road (shown in Figure 17), on the outskirts of 'Pietersburg city', is one of first EFF's instigated and organised land invasions. This land invasion, according to Erasmus (2014) saw thousands of people occupying some 800ha of land belonging to the municipality and private land owners. It took place shortly after the EFF's formation in 2013 and before its first national government elections (in May 2014). Yet to this end, land invasion and informal settlement growth in South Africa between 1994 and (May) 2014 can be attributed to several factors, but not to the EFF.

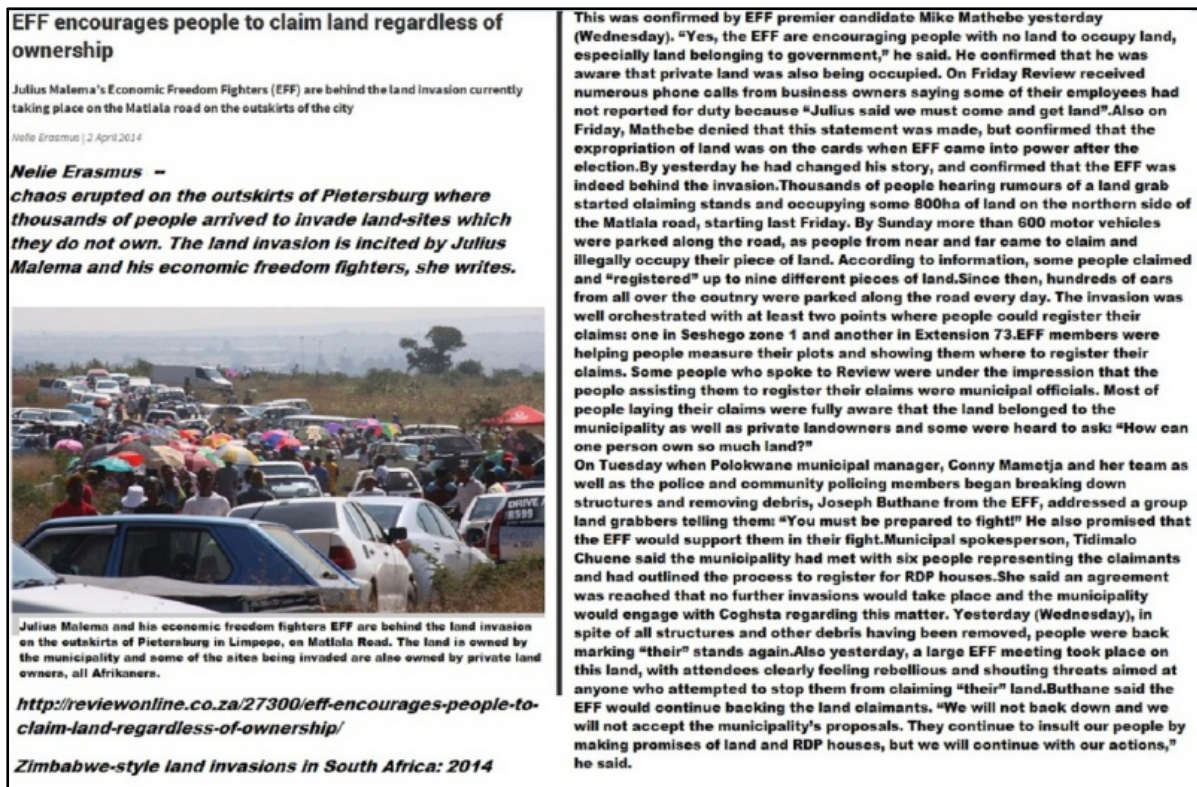


FIGURE 17: 'Zimbabwe-style land invasion in South Africa'

Source: Erasmus, 2014

### ***Inefficient management of vacant land***

The current management of urban land, particularly the existence or retention of vacant and underutilised land is inefficient, anti-poor, unproductive and unsustainable (Furtado & Jorgensen, 2006). This is especially within the context of a massive demand for housing and scarce public resources that can be exploited to address all the land needs (Brown–Luthango, 2009; Felix, 2015). To this end, vacant land presents itself as an immediate solution at the disposal of government (Brown–Luthango, 2009), and it is easily one of the immediate targets of PLAR.

Brown–Luthango (2009) considers vacant land tax as a measure to deal with vacant land. Brown–Luthango (2009) notes with interest that various countries such as the United States of America and Brazil have recognised the potential of vacant urban land and have employed certain land use and management strategies to make sure that such land is put to productive, efficient and sustainable use (Furtado & Jergensen, 2006; Fernandes, 2007). Brazil for example uses progressive taxation on vacant land to discourage land retention and land speculation, where vacant land is taxed at a progressively higher rate annually. One major achievement of this policy is that if the land is not put to maximum and productive use after five years, the government gets to expropriate the land without compensation (POLIS, 2002). Yet this is just one way of dealing with vacant and/or unused land. Moreover, there is also land that was dispossessed from Black people that is currently utilised for various purposes.

Brown-Luthango (2009) further advances that the presence of vacant land in urban areas presents a critical area for urgent policy intervention. It is, therefore, also necessary for the South African government to rethink the current land management practices, including urban land as argued by Brown-Luthango (2009), particularly land acquisition. Notwithstanding this, vacant land and its taxation is just one way of seeking to provide an access to land. Other issues requiring emphasise include rescuing land restitution, addressing the distorted land market and putting major focus on urban restructuring.

To this end, the literature review has mostly focused on the dispossession of land by colonists from the indigenous people of South Africa which is one part of the discourse. It has also looked at the progress of the democratic government of South Africa in dealing with the legacy of dispossession, particularly the tide of landlessness and homelessness left by colonialism and apartheid in the country. The next and last section of this chapter (2) looks at how other post-colonial societies have dealt or continue to deal with the land issue.

## **2.6. Land re-possession lessons from other post-colonial societies: Zimbabwe and Namibia**

### **2.6.1. Introduction to land reform and rationale for taking lessons from Zimbabwe and Namibia**

Land reform programmes, worldwide, are nothing close to a modern-day invention. It appears, instead, that historical and present circumstances continue recreating the causes or requirements for land reform. Additionally, new obstacles to the execution of the land reform programmes are being presented by the modern world. Post-colonial countries in the present



world system particularly come across not only political, but also economic challenges in execution of the land reform programmes. The reason for this is simply that reforms inherently require the redistribution or transfer of property or land from one segment of a population to another and in the process, those whom land is taken from them through the programme tends to oppose or reject the process. To this end, African countries continue to battle with the issue (The Institute for Domestic and International Affairs (IDIA), 2007:1).

The IDIA identifies two main conditions or circumstances that give birth to land reforms. The first is radical land redistribution to a population who previously had no land with the purpose of advancing economic equality (Ghimire, 2001). The second is the need for returning land to people from whom it was acquired or rather confiscated or expropriated under the rule of and by oppressive regimes. It is particularly the second circumstance upon which Southern Africa post-colonial nations, such as Zimbabwe, Namibia and South Africa, find themselves battling with the matter of land reform. Overall, as virtually the only group of land owners, the white minority inherently became the main and exclusive land reform 'targets' and tend to oppose the process (IDIA, 2007). Thus, the land issue remains largely racialised and relatable across Southern Africa (Moyo, 2007).

According to Moyo (2007), varied forms of settler colonisations in the Southern African region define the main differences in faced land questions and the extent, magnitude of amount of colonial land expropriation. For this reason, less tense or volatile land questions are noted/observed in Botswana, Swaziland, Zambia and Malawi, where relatively less (or mild) white settler occupation and land expropriation took place, although land concentration amongst Africans has turned into a source of contention. South Africa, Zimbabwe, Namibia, Angola and Mozambique contain "the most explosive land questions", and it is where extreme land expropriation by the settlers occurred (Moyo, 2007:62).

Moyo (2007:65) provides that the expropriation of land by white settlers varied in Southern Africa. It occurred to a largest scale in South Africa, Zimbabwe and Namibia, while it happened to a lesser scale in Mozambique, Swaziland, Botswana and Zambia. Yet the researchers assert that it is in South Africa where white settler land expropriation occurred at a largest scale. By the 20<sup>th</sup> century 87% of the land had been expropriated and alienated (Moyo & Ntsebeza, 2007:65+108). Both under colonialism and apartheid, the ruling white minority took huge or vast amounts tracks of land from Africans, not only in South Africa, but also in Zimbabwe and Namibia. It became the struggle of respective liberation movements to return or repossess this land (De Villiers, 2003; Dlamini, 2007; Atuahene, 2011). These countries received their independence from centuries with a white minority rule around about the same period (early 1990s; 1990 and 1994 respectively), except Zimbabwe, which get its

independence earlier (in 1980). Indeed, for many years post-independence land continued to be a major bone of contention and source of tension in these countries, particularly between Africans (the indigenous population) and Europeans (now simply referred to as whites due to the pale pigment of their skin). This can be attributed to the manner in which land was acquired and redistributed during the colonial and apartheid era and/or has had to be redistributed at independence, under majority rule (Dlamini, 2007; Moyo, 2007).

The fact that Zimbabwe and Namibia (both in the same region as South Africa) have, in addition, encountered similar land issues and have relied on the market-led economic approach, characterised by the so called willing buyer-willing seller, “pushed by the world on the basis that this is the only form of land reform that is compatible with its economic policies and those of the International Monetary Fund” (Dlamini, 2007:6+27). The Market-led approach has also been strengthened by proponents of neoliberal (free market) policies such as Borras (2003; 2004).

Moreover, Dlamini (2007:6) argues that, because Namibia which at some time in its history formed a part of South Africa is effecting or rather manoeuvring through issues related to their land reform approach at the same time, while Zimbabwe began their land reform process earlier, it gives the South African government a unique opportunity to take lessons from the country’ experiences. Therefore, the following section examines the manner in which Zimbabwe and Namibia have dealt and continue to be grapple with their land questions post-independence and whether there is anything for South Africa to learn – mainly from the academic work of De Villiers (2003), Dlamini (2007) and Chilunjika and Uwizeyimana (2015).

Unlike South Africa, both countries (Zimbabwe and Namibia) opted against a claims based (i.e. land restitution) land reform approach but instead chose solely the market-based approach, thereby “to acquire land as it becomes available on the market” (De Villiers, 2003:41). Therefore, this is also necessary to assess the appropriateness of the willing buyer - willing seller policy (that emanates from the constitutional protection of existing property rights post-colonialism/apartheid) as South Africa’s land redistribution strategy. As a preview, Dlamini (2007:30) argues “that the fact both Zimbabwe and Namibia abandoned it for expropriation strongly suggest that South Africa should do the same”. Yet the only issue is that the trajectory of or shifts in land reform processes or discourses of these two countries, like South Africa, tend to focus on rural and/or agrarian (land) reform, at the undermining or neglecting of urban land for housing purposes, in particular – despite the fact that land also remains fundamental and key to the development of housing (Moyo, 2007). To this end, Moyo (2007:61) argues that “growing urban and peri-urban demand for land, required for housing [among issues such as] petty commodity production, contingent upon growing semi-

proletarianisation and unemployment, has, however, also been neglected by South Africa's Market-based land reform and neo-liberal social security policies".

The following sub-section captures and provides an overview of post-colonial trajectory of the land reform in programme in Zimbabwe since its independence.

### **2.6.2. Post-independence land reform experience in Zimbabwe**

After years of a protracted struggle for liberation, Southern Rhodesia (now Zimbabwe) got its independence on 17 April 1980 from Britain while bringing to an end the conquest that began as administration by the Cecil John Rhodes' British South Africa Company in 1890 (De Villiers, 2003; Chilunjika & Uwizeyimana, 2015). The land reform policy of Zimbabwe for the first ten years after its independence, maintained a low profile and many viewed it as a model of how land reform should be carried out (De Villiers, 2003:5). Yet from the mid-1990s, De Villiers (2003:5) also notes that, "it became clear that the political currency of land, the demands of landless, unlawful occupation of land and unfulfilled promises of land reform could soon develop a momentum that would be difficult to control". According to Dlamini (2007:32), from the supposedly accessible domain of the 'law', the massive inequality in land ownership between blacks and whites shoved property into the public domain or space of 'politics'.

By the end of the (British) colonial rule, 42% of the country was in the hands of 6000 (white) commercial farmers and unequal land distribution was made worse by the bush or liberation war (of 1960s and 1970s) during which African populations fled their homes, abandoning and leaving their lands and country and peasants lived in protected villages, being rounded up therein by the government (De Villiers, 2003). No later than 1977, the German Development Institute had estimated that no less than 75% of land held by whites would be needed to settle the surplus population living in (native/African) reserves and tribal areas. There was recognition, therefore, that it would be impossible to sustain the inequalities of the past (De Villiers, 2003).

Like South Africa, the Constitution of Zimbabwe and several other statutes define the legal framework for land reform in the country. The attempts of Zimbabwe's government over the two decades to address the racially skewed and unequal land and wealth distribution resulted in the entrenchment of Constitutional provisions relating to land reform. Yet notwithstanding its democratic principles, the Constitution that guided Zimbabwe to independence did not give any hope for undoing that (land) legacy immediately (United Nations Development Programme (UNDP), 2002). The shifts in the Land Reform Programme of Zimbabwe since 1980, reveal four distinct stages (with unique and distinct characteristics)

namely: the Lancaster House which is characterised by the willing buyer willing seller model/approach (1980-1992), the compulsory acquisition with fair compensation (1992-1999), the Fast Track Land Reform Programme (FTLRP) which is characterised by compulsory acquisition with no compensation (2000-2002) and the partnerships and agricultural contracts between white commercial farmers and indigenous black landholders (2014 to date) (De Villiers, 2003; Dlamini, 2007; Chilunjika & Uwizeyimana, 2015).

### ***Lancaster House Agreement phase (willing buyer, willing seller) – 1980 - 1992***

Independence and the need for land reform (acquire land in white hands for redistribution) culminated in the Lancaster House Conference (negotiations that went on for three months in 1980) that culminate to the crafting of the independence Constitution with “a carefully worded section on the land issue” (Nyawo, 2014:36; Chilunjika & Uwizeyimana, 2015:134). This marked the beginning of the reign of the willing buyer - willing seller principle from 1980-1992 (Chilunjika & Uwizeyimana, 2015:134). Since land reform programme (land acquisition) required financing (first and foremost compensation), the Patriotic Front (ZANU-PF) compromised and also accepted the British demands to protect white farmers, but only after the British and United States governments promised money to pay for the land (All Party Parliament Group Report, 2009:13). This was actually not the case in South Africa as the full contribution is made by the South African government and/or Black elite/affording private buyers. In a bid to end war, the other frontline state also put enormous pressure on the Mugabe-led ZANU/ZAPU alliance to accept the outcomes of the Lancaster House Conference, leading the alliance to succumb to the “lure for immediate political independence” (De Villiers, 2003:7-8; Chilunjika & Uwizeyimana, 2015). De Villiers (2003) makes a point that the government of Britain had a very strong influence in the Lancaster House negotiations.

Unfortunately, the Lancaster House Agreement prohibited the Zimbabweans' Government for a period of ten years (of Constitutional protection of the rights of the white minority – not indefinitely as in the case of South Africa) after independence from implementing any land reform programme. It only allowed the government to purchase only unoccupied land for the purpose of resettlement (De Villiers, 2003; Chilunjika & Uwizeyimana, 2015). As a result of the Lancaster crafted a Constitution, the government was constrained to buy excess/left-over/remaining land to redistribute to the landless (Chilunjika & Uwizeyimana, 2015:134).

Notwithstanding this, the “Declaration” of Rights”, in addition, set out on the agreed draft Constitution, which comprised the “Freedom from Depreciation of Property” and it could not be amended for a decade (Richardson, 2005:25). In this regard, Section 52(4) of the Constitution stipulated that it could be amended or changed by a 100% majority (of members

of the Lower Chamber of the House of Assembly (Chilunjika & Uwizeyimana, 2015:134). Major principles put forward at the Conference included (Stoneman & Cliffe, 1989:1):

- *“Acquisition of land only on a willing buyer willing seller basis;*
- *[prompt] Compensation to be remittable in a foreign currency; and*
- *Under-utilised land could be acquired for public purposes but at the full market value”.*

Although the British government undertook to finance the land reform programme, this was provided that the Zimbabwean government would meet their contribution “pound for pound” (De Villiers, 2003:7). The Lancaster agreement, unfortunately, did not guarantee or enforce any foreign donors to honor their commitment to contribute to the financing of the land reform programme (De Villiers, 2003). The willing buyer - willing seller approach set out that land could not be bought compulsorily and that the government would rather only (voluntarily) purchase land for resettlement purposes that was on a voluntary basis (De Villiers, 2003; Chilunjika & Uwizeyimana, 2015). It was determined for all land to be offered to the Government before any alternative buyer in accordance to the willing buyer - willing seller principle and in the event that it turned down the offer, a certificate was issued to certify that the government had “no present interest”, thereby permitting the sale of land to another willing buyer (Chilunjika & Uwizeyimana, 2015:134).

Concerning the implementation of the willing buyer - willing seller, the new government of Zimbabwe was from its inception, faced with striking the balance between the necessity for instant and material land reform and retaining of skills and investment to promote economic growth, which was seemingly next to impossible. Signals serving as a warning were observed from the beginning (De Villiers, 2003:9). Riddell (1980:12) cautioned that:

*“In short, it appears that the proposed Zimbabwe Constitution has been designed more to maintain the present structure of commercial agriculture than to address comprehensively the national problem of land”.*

The Mozambique experience warned the Zimbabwe’s policy makers. Commercial farmers fight following independence and this resulted in great unemployment and poverty in the agricultural sector (De Villiers, 2003:8-9). Consequently, suddenly, white farmers who once led the war against independence of Zimbabwe ironically turn into an “almost protected species” (De Villiers, 2003:8-9). The willing buyer - willing seller approach, in addition, made sure that only whites sold land that had been deserted as a result of the War of Liberation, or was not of good quality, thereby setting the Black people up for failure in establishing a successful economic sector (Thomas, 2003, in cited Dlamini, 2007:34-35). Failing to acquire

8.3 million hectares on which to resettle 162 000 households through the first period or phase of its Land Reform and resettlement programme (Thomas, 2003, cited in Dlamini, 2007), between 1980 and 1989 the new government of Zimbabwe acquired only 2.6 million hectares of land and managed to resettle 52 000 families, 70 % of these late by 1983 (Dlamini, 2007).

The character of nonviolence and the orderliness of this phase, marked by the gradual distribution of land, distinguished it from the later Fast Track Land Reform Programme. In all, during this first decade, the resettlement of families displaced by the struggle for liberation had largely been completed, but with rising stability, the availability of affordable land for additional policy purposes was reduced and the government directly mounted down its commitments to the redistribution of land (Dlamini, 2007). Over the period between 1980 and 1992, the market-led land reform demonstrated its inability to deliver on the land question of Zimbabwe (Moyo & Yoros, 2005). Apart from being slow and incremental, the process placed heavy financial demands on the government of Zimbabwe which was already financially constrained. Thus, from the mid-1980s onwards, this character of the land reform process led to diplomatic conflict marked by bitterness between Zimbabwe's and United Kingdom's government (De Villiers, 2003).

To end with, the willing buyer - willing seller clause made land reform slow and costly. Essentially, though there was enough land for acquisition, the Government could not target certain areas and as a result it had to depend on land offers and buying it at market-based prices (De Villiers, 2003). Yet the Government did not have a sufficient amount of money at its disposal to compensate the landholders (The Mike Campbell Foundation, 2008). Rather than the farmers or communities, during the first phase, land redistribution and ownership were onerously skewed to the people who had political connections with the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and this was another significant downside of the land reform programme (De Villiers, 2003).

### ***Phase of compulsory acquisition with fair compensation (1992-1999)***

On 18 April 1990, the Lancaster House Constitution (agreement) with its imposed limitations expired (De Villiers, 2003; Chilunjika & Uwizeyimana, 2015). Effectively, the expiry of the Lancaster House Constitution gave the new government of Zimbabwe the first opportunity to address the issue of land, including other matters of the Constitution in its own way (De Villiers, 2003). For much of the 1980s, it was found by some observers that the land issue, which was high on the Lancaster House negotiations agenda, suffered a "curious silence" and others saw the new far-reaching land reforms proposed by government as "a precarious tight rope walk" (De Villiers, 2003:16). Leading to the expiry of the Lancaster House

Constitution and the upcoming elections, the issue of land turned out to be a point of rallying change of the Constitution and Policy; as summarised by Mugabe (De Villiers, 2003:16):

*“The biggest single problem yet to be resolved is that of land redistribution”.*

Early in 1989, land reform began to surface as a political issue. The land became a point of rallying support as political opposition led by Tekere, the leader of opposition party and the need to regain political ground in rural areas, rose. Mugabe consequently joined the bandwagon of land acquisition and once more promised a “revolutionary land reform program” (De Villiers, 2003:16), which appears to be the situation in South Africa, presently, as land has seemingly become a rallying point electoral politics and promise for support. Meanwhile, both behind the scenes and publicly, the British government was interfering and trying to secure a Constitution and model/system similar to the Lancaster House Constitution (De Villiers, 2003).

Since white commercial farmers were not willing to release the massive tracts of land that they held and that the willing buyer - willing seller proves unsustainable and ineffective since the government did not have sufficient money to pay off the white commercial landholders, with Britain, the former colonial master was not living up to its promises of assisting the Government of Zimbabwe to compensate the white landholders. There was a gradual shift, therefore, from the willing buyer - willing seller premise (Chilunjika & Uwizeyimana, 2015). Consequently, in the 1990s, land reform lost its momentum and the decade has been described as a lost decade for Zimbabwe's land programmes (ICG, n.d). The slowdown in the 1990s was officially attributed to the land acquired through the willing seller, willing buyer method which became more expensive for the government to buy (Moyo & Yeros, 2005a).

Eventually, following the expiry of the Lancaster House Constitution, in two phases, the government of Zimbabwe passed the introduction of its new land policy. It commenced by amending the Constitution, the Constitution of Zimbabwe Amendment Act No. 30 of 1990 and the Constitution of Zimbabwe Amendment Act No. 4 of 1993. According to the amended Constitution, both commercial (contrary to only under-utilised land in terms of the Lancaster Constitution) and under-utilised land, could be acquired for redistribution under the condition that a “fair” compensation was to be payable in a “reasonable time” (as opposed to the Lancaster provision requiring market value to be payable promptly). Phase two included the introduction of a new legislation in terms of the Constitution and this includes the Land Acquisition Act (LAA) 3 of 1992 which allowed for the compulsory acquisition of land by the Government (De Villiers, 2003:16; Madhuku, 2004:133).

Empowering the president to acquire rural land compulsorily, the LAA 3 outlined the procedure in that which the acquisition should occur: A written notice (with a one-year duration) was delivered to the owner of the farm whose land fell within the category of land to be compulsorily acquired, meaning they should no longer make any permanent improvements on it or dispose it. Additionally, there was a move away from the market-value principle and the period of compensation required by the Lancaster Constitution wherein section 19 of the LAA 3 of 1992 empowered the parliament to stipulate, by means of legislation, certain principles that would form basis for calculating compensation (De Villiers, 2003). In South Africa's case, this refers to the so called Gildenhuis formula (compensation =  $C - k_0 \bullet (B - A) - E_1 \bullet K_1 - E_2 \bullet K_2 - E_3 \bullet K_3 \dots$ ) that is used to deal with expropriation claims (Dlamini, 2007, which according to Ntsebeza (*in Hall & Ntsebeza, 2007*)) has also been argued that it can also be used to guide land redistribution cases (i.e. to calculate compensation). Basically, the formula determines compensation to be "the market value of the property minus the present value of past subsidies" (Dlamini, 2007:63). To this effect, the a Compensation Committee appointed to set a price tag for the land acquired as opposed to the landowners who were empowered by the Lancaster constitution to put the price tag to the land (Chilunjika & Uwizeyimana, 2015). Yet the implementation of the LAA 3 of 1992 encountered serious challenges from the onset. Two major challenges stood out. On one hand, the prices set by the land acquiring authority were challenged by the landowners. On the other hand, the LAA 3 of 1992 experienced a lack of support in terms of funding (Chilunjika & Uwizeyimana, 2015). Citing DeVilliers (2003:79):

*"The Lancaster House agreement did not contain a detailed and enforceable commitment from any of the foreign donors to actually contribute to land reform. In essence there were no guarantees of any kind, which in turn left the new government exposed to take political responsibility for the programme without necessarily having the means to abide by the constitutional guarantees."*

Chilunjika and Uwizeyimana (2015) argued that with the further absence of foreign donors, this meant that the Government of Zimbabwe deviated or shifted away from the Lancaster House Constitution. In fact, initially, according to De Villiers (2003:7) "the Government of Britain promised £75 million and the US promised US\$500 million, but there were no written guarantees". Unfortunately, De Villiers (2003:7) provides that, "by the year 2000 Zimbabwe had only received approximately £30 million, in contrast to Kenya where in its restoration and resettlement process £500 million was provided".



Meanwhile, the International Monetary Fund (IMF) and the World Bank (WB) stipulated specific conditions that they wanted to be met by the Government to support the Land reform programme scheme. These prospective donors, including the European Union (EU), declared that they were only prepared to support the scheme only upon the production of a sound resettlement methodology policy document (Massiwa, 2004). According to Massiwa (2004:12), these institutions wanted the Government “to employ a market-oriented approach which would involve taxation of under-utilised land that would induce subdivision of farms, as such, this approach would in turn release more land to the market”, thereby demanding a digression or shift away from a market-oriented approach or state-driven land reform.

A major lesson that could be learned from foreign donor promises, beside guarantees, is that the funds (and the very guarantees) come with or demand serious compromises or concession from the (prospective) beneficiary country as it was demanded of Zimbabwe. Yet, demands which, according to Chilunjika and Uwizeyimana (2015) the Government of Zimbabwe ignored (did not heed to) and went on to carry out the second phase of its land reform scheme. This led to an increase in invasion and occupation of farms including violence against white farmers (Chilunjika & Uwizeyimana, 2015), which is presently evidently occurring in urban areas in South Africa with the exception of violence against white landlords.

According to Maposa (1995; cited in De Villiers, 2003:19-20), “the vacuum that developed in the land policy field could have been prevented had the Government taken steps in the following areas:

- *Proper community-based land management, which should have included communities in decision-making processes.*
- *Improved education programmes and channels of communication.*
- *Equality in access to resources such as land and credit facilities.*
- *Clear tenure rights, which had as their aim security of tenure.*
- *The need for strong institutional capacity and [an] equally strong policy of political and economic empowerment to bring the population within the planning and decision-making framework of the resettlement programme”.*

Generally, the pace of the land reform programme remained slow-paced (Chilunjika & Uwizeyimana, 2015). Below is the third phase of Zimbabwe’s land reform programme known as the Fast Track Land Reform Programme (FTLRP) characterized by compulsory acquisition without compensation is analysed.

### ***The Fast Track Land Reform Programme (FTLRP) phase - compulsory acquisition without compensation (2000-2002)***

The liberation war fighters (also known as the war veterans or war vets) were not pleased with the pace with which the land reform programme was being implemented and organised themselves and several other disgruntled Zimbabweans. On their own, they went on to take violently grab the land and invade farms. This became a radical, revolutionary and boisterous third phase of land reform. This sporadic and spontaneous policy paradigm shift, as Chilunjika & Uwizeyimana (2005) describe it, marked the beginning of the so called the Fast Track Land Reform Programme (FTLRP), characterised by compulsory land acquisition without any compensation, which for a period of two years (2000-2002) saw vast tracts of land being repossessed by Zimbabweans from whites. Yet the redistribution of farms and the resettlement of the people on the land, carried on well beyond the spontaneous and sporadic 2000 to 2002 period (Chilunjika & Uwizeyimana, 2015).

It is worth noting that war veterans started occupying land on a small scale in 1999, but this lessened after the government promised that redistribution/reallocation would be accelerated (fast-tracked). Accordingly, in order to make the FTLRP (its process) legal and to implement it, the Constitution and the laws that is governing land reform had to be amended (Chilunjika & Uwizeyimana, 2015). According to the Human Rights Watch (HRW) (2000:3), a draft Constitution including proposals of clauses to allowing compulsory acquisition of land for redistribution without compensation (and make it easier) was written and in February 2000, the Government organised a national referendum on the new Constitution. Yet this Constitution suffered a blow as it was rejected, or rather it was defeated 55% to 45% in spite of ZANU-PF having a large and sufficient majority in Parliament (Chilunjika & Uwizeyimana, 2015), in a national referendum and this is said to have further angered the war veterans. It was this, combined with the fact that, between 1998 and 2000, only 90 000 hectares of land (against the targeted 1 million hectares a year) were redistributed, that is said to have served as the motivation for the massive land occupations that took place from 2000 (Dlamini, 2007).

In response, the Government went on to amend the Constitution, despite the rejection of the draft Constitution. The new Constitution empowered the Government to acquire white commercial farms without any obligation to compensate the landholders for the land marking the beginning of the government's FTLRP (Dlamini, 2007). Yet section (16A) (1) of the new Constitution obligated the Government to pay only for the improvements that were made on the farms, but because most farms acquired between 2000 and 2002 were virtually acquired through a violent invasion of the land, but this did not occur (Chilunjika & Uwizeyimana, 2015).

Taking land from rich white commercial farmers and redistributing it to poor and middle-income black Zimbabweans without land was stated to be the aim of the FTLRP (Dlamini, 2007).

According to Shumba (2002), the analysis of available literature suggests that it is not actually its genuine willingness to speed up land reform that motivated the Government of Zimbabwe, but rather the prevailing 2000-2002 political climate. Two elections (parliamentary (2000) and presidential elections (2002)) took place at the time of increased political competition that came with the rise of strong political opposition parties such as the Movement for Democratic Change (MDC) (Shumba, 2002). De Villiers (2003) argues that it was an accordingly heightened political competition that pushed the ZANU-PF-led government to seriously consider reviving the programme of land resettlement which it believed that it had slowed down during the years (De Villiers, 2003:20). In addition, during the time most Zimbabweans and war veterans, in particular, had become impatient. Thus, according to De Villiers (2003), it, therefore, came as no surprise that running up to the 2000 election, the land issue was used as a tool to mobilise public opinion and to redirect the attention of the masses from other major socio-economic issues confronting the country. De Villiers (2003:20), observed that the ZANU-PF election campaign was based on 'Land is the economy, economy is land' and took 63 of 120 parliamentary seats beating MDC which won 57 seats). Both the 2000 parliamentary and 2002 presidential elections were argued to be the "most violence-ridden election in Zimbabwe's history" (Shumba, 2002:327).

Yet Ntsebeza (2007:77) notes that while opposition parties in Zimbabwe, South Africa and Namibia tried to depoliticise the issue of land and reduce it to an aspect of good governance that is technical and managerial, President Mugabe's ZANU-PF, Zimbabwe's ruling party, advanced a FTLRP that was politically mobilised and then accused the opposition parties of being handled and seeking to reverse the momentum of land reform on behalf of the former colonial masters and landlords, whom they believed they had funded political opposition and civil society organisations. Zimbabwe's government's approach of state-led mass land expropriations, incited by and together with war veterans-led land invasions, mobilised a variety of social classes behind the distribution of land (Moyo 2001; Bernstein 2005) in a process that spanned for a period of five years beginning from 1997 (when 1471 farms were earmarked for expropriation (Moyo, forthcoming b)), which in just three years from 2000, the government declared complete.

After winning the 2000 parliamentary elections, and just two years to the 2002 presidential elections, once again the Government proceeded to amend the Constitution and the LAA 3 of 1992 and the LAA 15 of 2000 (amendment of LAA 3 of 1992) was enacted with the objective of fast-tracking of the acquisition of land (De Villiers, 2003). According to De

Villiers (2003), the issue of compensation was most controversial of the amendments, in that it sought to allow the acquisition of land without paying compensation (Chilunjika & Uwizeyimana, 2015). Since Britain could not support the implementation of the FTLRP from its inception because it grossly contravened the Lancaster House principles and a few days later, this according to Mitchell (2001:596) “angered and frustrated by the result of the referendum” resulting into pro-Mugabe War Veterans Association organizing and mobilising other war vets and villagers to run riot marching on farms owned by whites (Nyawo, 2014:36). The commercial farmers are alleged to have run the campaign for the rejection of the draft constitution through a no vote (Chilunjika & Uwizeyimana, 2015). The amendments (section 29) in the LAA 15 of 2000 stated that, “should Britain not establish a compensation fund, compensation would only be payable for improvements to the land and not the value of the land itself”, which was contrary to the LAA 3 of 1992 (De Villiers, 2003:21). Failing which, the Government of Zimbabwean was cleared from any obligation to pay compensation (De Villiers, 2003).

The plot allocation processes to those who wanted land are said to have been often in favor of those who were believed to support the ruling party of Zimbabwe, and it is argued that those supervising the process in some have required applicants to show support for ZANU-PF, the ruling party (Dlamini, 2007).

De Villiers (2003:64) argued that “these amendments were aimed at legalising the ultra-vires expropriation of land without compensation in the hope that the land reform process could be faster, cheaper, less complicated and less legalistic”. To this end, De Villiers observed that after 30 years of independence, Zimbabwe had finally achieved radical land redistribution at the cost of white settlers which was a goal that it envisaged during the liberation struggle. What was yet to be established over the four years dating from 1999 to 2002 was the ultimate price which the country was set to pay for radicalising the land restitution (De Villiers, 2003). Nonetheless, De Villiers (2013:22) provides that the process of resettlement has been labelled as “chaotic” and to have paid little attention to implementation or support services such as roads, schools and clinics.

Yet as cited in Chilunjika & Uwizeyimana (2015), the land occupations by which white farm owners were forcibly removed from the land through violence and without any compensation (Nyawo, 2014), marked the start of a complicated and huge crisis in Zimbabwe (Masiwa, 2004). De Villiers (2003:22) provided that this is to the extent that “the impact of the process has reverberated across Southern Africa and international confidence in the ability and willingness of young democracies to uphold liberal democratic values has received a serious set-back”. For their actions, Zimbabwe was met with external financial isolation,

coupled with internal policy incoherence and continuing repression was indeed said to continue to exacerbate the living and working conditions of the rural and urban working class and semi-proletariat (Moyo & Yeros, 2005b). At the time, Ntsebeza (2007:79), also expected “landlessness, unemployment, casual employment, poor working conditions and incomes, low peasant farm incomes, and food shortages”, in the medium-term, to remain as critical issues of the economy and politics.

Nonetheless, by 2003, almost 135 000 households had been allocated land and by 2010, the number rose up to almost 169 000 (Hanlon, Manjengwa & Smart, 2013). Eventually, in September 2005, a constitutional amendment was passed by a ZANU-PF dominated Parliament, nationalising farmland acquired through the process of fast-tracking land transfer and denying the white owners recourse to challenge Government’s decisions, to expropriate their land, in court (The Tobacco Institute of Southern Africa (TISA), 2011). Notwithstanding this, since 2014, the Government took on an incremental approach, whereby it has been encouraging partnerships between the black landowners and the white commercial who had previously been evicted. Yet it has been a challenge to come up with policy outlines and procedures of this current regime because a vigorous major legislative framework does not exist (Chilunjika & Uwizeyimana, 2015).

The following sub-section captures and provides an overview of the post-colonial land reform experience in Namibia since its independence.

### **2.6.3. Post-independence land reform experience in Namibia**

Namibia (previously called South Western Africa) received its independence from apartheid South Africa on 21 March 1990. But before this, the country was colonised by Germany from 1883 to 1915 when it was conquered by South African troops and became a South African protectorate (‘C’ Mandate) in 1919, under the League of Nations. Initially, South Africans were received as ‘liberators’ and the expectations were that South Africa would return some of the land that the Germans had seized. The German colonialists primarily wanted the native tribes to give up their land on which they had previously grazed their stock so that as they as white man might have the land to graze their stock (De Villiers, 2003:29). Yet soon after, South Africa went on to implement a mandatory land policy along racial lines, similar to its domestic law, which as early as in 1930 was concluded to be rather devoted to the interest of the white man as opposed to that of the natives (De Villiers, 2003).

The fact that 90% of Namibians derive their livelihood from the land either as subsistence or commercial farmers or as workers on commercial farms, easily demonstrated

the major role of land in the country. The racial distribution of land in Namibia predates South Africa's rule. With Germany invading as the first colonial power, the acquisition of vast tracks of land for new settlers began (De Villiers, 2003). Citing Adams and Werner (1990), De Villiers (2003) notes that, even before the German–Herero war of 1903, the German authority owned more than 19 million ha, concession companies owned more than 29 million ha and the new settlers 3.5 million ha, with the remaining 31 million ha in the hands of the indigenous people. Namibia's future policies were therefore tasked to deal with a 'spatial legacy' left by the German land policy. The formation of reserves intensified the effectiveness of colonial control and made it possible for the remainder of the Namibian peoples land to be availed to the new (colonial) settlers. The land and labour policies of the Germans had a lot in common, which meant that, similar to South Africa, the reserves became a key cheap labour recruitment base and South Africa perpetuated this set up and built on it in later years. A grasping of the country's labour policy is, therefore, required to have a comprehensive understanding of the land policy (De Villiers, 2003:31). The Germans proceeded to confiscate the remaining land of the Herero and Nama people's as a punishment for their revolt against the taking of their land. With the sale of this land, the land holding of those white settlers increased to 13 million ha and by the time Namibia became a protectorate of South Africa, the ownership of land by blacks had dropped from 31 million ha to 13 million ha.

With the entrance of South Africa in Namibia, it is said that "in the 1920s a 'second scramble' for land occurred". South Africa began to undertake a homeland and reserve system based on race and by 1938, 25 million ha more had been reserved for settlers. Earlier on, by 1926, 880 new farms of 7.5 million ha had been distributed to white farmers as a result of the generous financial assistance that they received. Namibia was 'fast running out' of suitable settlements of which an Administrator of Namibia admitted in 1937 (De Villiers, 2003:31). From the Odendaal commission of the 1960s, in 1962, a policy of ethnic groups similar to that of South Africa was recommended by the commission to be pursued in Namibia in which 10 homelands was established for all this respective groups, each with limited self-governing power exercised by means of an elected assembly. The reserves covered about 33 million of the country's total land area of 82 million ha. The limited control of the homeland's authorities over the land was subject to their self-governance in which they were allowed to allocate land to individuals or a group of people (i.e. on a communal basis) (De Villiers, 2003).

Essentially, Namibia was managed by the South African government as its *de facto* fifth province with similar racial and other matters policies being followed, which like in Zimbabwe and South Africa, consequently privileged and/or benefited the new white settlers exclusively and in particular commercial farmers. Intensive support schemes for commercial

farmers were made available with financial and technical support, while communal areas were almost neglected with few resources being directed towards them. Schemes in the form of soft loans were also made available to white farmers, for an example, under the Agricultural Credit Act 1966 that restricted support to white farmers (De Villiers, 2003).

Thus by the late 1960s, land redistribution had essentially been completed with the white commercial farmers well established and the reserves/ homelands system in place. Adams and Werner submit that white settlers controlled 50% of all agricultural land making the “best pastures” of Namibia while black people were allocated a less quality “meagre 25%” of the land. As a consequence, in 1962, white farmers held 75% of all the cattle herd, almost all (96%) karakul sheep and 50% of the total goats (De Villiers, 2003:32).

### ***Land reform: 1989–2002***

Consequently, at independence in 1990, the new government of Namibia inherited a system of racially skewed land distribution which had evolved for over a century with intensive state intervention and support, financially and otherwise. Forty three per cent of all agricultural land was held by only about 4,500 commercial farmers while as many as 15,000 black families had access to 42% of the land. As such, after independence the new government of Namibia was compelled to deal with the inequitable access and ownership of commercial land. It was resolved that a national consultation on how to address the land issue going forward, was necessary as the important role of land in the country’s development was realised (De Villiers, 2003).

A motion was filed to Hage Geingob, the Prime Minister, within the first month of the National assemblies’ first sitting calling for a national conference on the ‘land question’ which, President Nujoma cited “one of the most burning issues facing our young nation” (De Villiers, 2003:33). This led to the 1991 National Conference on Land Reform and the Land Question has been described as an important milestone towards land reform and it defined the way in which the state would implement reform in both communal and commercial agricultural areas. At the conference, a policy aimed at redressing the history of skewed land ownership in Namibia was adopted through a national reconciliation process and in terms of Article 16 contained in the Namibian Constitution which required for just compensation to be provided for acquisition of any private land (De Villiers, 2003). De Villiers (2003:39) describes the conference as a “unique event” and provides that its contribution towards the relatively low profile received by land reform in its first decade was great. Becoming conscious of the public demand for the redistribution of land, the government of Namibia adopted the willing seller - willing buyer approach as the main means to achieve land acquisition. The Namibian land reform took the form of resettling small-scale farmers and the creation of a scheme for up-

and-coming black farmers to obtain large-scale farms. The conference in addition provided a basis/foundation for the development of the programme, policies and legislation for land reform (De Villiers, 2003). Thus, since gaining its sovereignty in 1990, Namibia has focused on the disparities in land ownership among races. Under Sam Nujoma's presidency, since the independence, Namibia's land reform policies mainly focused on acquiring land from (the so called) 'willing sellers', which the government formally abandoned in 2004, blaming it for very slow land reform progress (Melber, 2005; Ingle, 2011).

The land reform process of Namibia is based on two main legal positions/precepts, namely the Agricultural (Commercial) Land Reform Act which endorses the willing buyer-willing seller principle and the (Communal) Land Reform Act. Thus, the discussion focuses only on land reform from the Agricultural (Commercial) Land Reform Act point of view, particularly because it is the Act that endorses the willing buyer - willing seller principle (De Villiers, 2003).

### ***Overview of the Agricultural (Commercial) Land Reform Act 6 of 1995***

The Agricultural (Commercial) Land Reform Act, which was only passed in 1995, was Namibia's first major piece of land reform legislation. Through the Act, a legal framework for land acquisition by the state for redistribution purposes was established, after the willing buyer - willing seller principle (De Villiers, 2003). In terms of this principle, willing commercial farmers voluntarily offered to sell their ranches to the government. From then on, a Land Reform Advisory Commission established in terms of the Act would pay an official visit to the farms and advise the government whether or not to purchase them, based on or subject to the quality and suitability of the land for the purpose of resettlement (Dlamini, 2007). Part of this official commission's task was to resolve disputes resulting from other parts of the Act. The Act included provisions which entail a requirement that any commercial farmland that are offered for sale, is offered first to the Government for resettlement purposes as in Zimbabwe, in order to make sure that the market would work as expected. It also prohibits multiple land holdings/ownership by a one individual. The Act also ensures the availability of land for redistribution by containing a provision of prohibiting ownership of commercial farmland by foreigners (Dlamini, 2007).

### ***The legislation effects***

Gradual and wary has been the pace of land reform in Namibia. An estimated 6600 households consisting of approximately 37000 people had been resettled in terms of the willing buyer - willing seller policy by November 2003. Generally, it has been said that land reform is set to continue in a slow pace (De Villiers, 2003). This is primarily because the balance of forces politically is pushing against the landless and particularly the dispossessed.



It is only communities who practiced transhumance pastoralism that were really affected by dispossession, while the ones in the north-central and north-eastern regions who practiced mixed farming (cultivation and animal husbandry), never lost their land through dispossession (Dlamini, 2007). Colonial policies have rather limited their mobility by establishing artificial boundaries. It is for these reasons that redistributive land reform is suggested to have been overshadowed by other issues, such as the provision of water that were more pressing. It has been argued as a result that the land question in Namibia was not central in the liberation struggle as politicians would want people to believe. Furthermore, the country's dispossessed make up a small minority of Namibians, while the north-central and north-eastern regions of mixed farmers not only make up the large majority of the country's population, but also constitutes the main constituency of the governing party, SWAPO. It is said that the dispossessed are also not well organised and therefore do not have any bargaining power (De Villiers, 2003). SWAPO is thus under very little political pressure to speed up the land redistribution process (Dlamini, 2007).

The president of the Namibia Agricultural Union gave assurance to the members that a 'Zimbabwe-style' land invasion was not about to take place in Namibia as it had a good relationship with the government. Yet some sceptics pointed out that as little as three years before, similar assurances were given by the Commercial Farmers Union of Zimbabwe to its members. Nujumo's recent attacks at the time on Zimbabwe's policy critics combined with the refusal to condemn it, caused anxiety in that Namibia may be taking the same path. Yet there are accusations that, as contest for the support of the electorate become strong and as socio-economic issues are headlined, the ruling party is in need of "scapegoats to divert attention from the real issues of poverty and unemployment..." (De Villiers, 2003:39). By 2003, it appeared that there was no major support, in the National Assembly, for a paradigm shift away from the willing buyer – willing seller approach. Yet this does not necessarily represent the grassroots views where support for a 'Zimbabwe-style' land reform process is gaining popularity (De Villiers, 2003:39).

De Villiers (2003) argues that although the route taken by Namibia (as in Zimbabwe) to not restore ancestral land has made the process simply and less legalistic (unlike in South Africa) and uncooperative, it also left those who lost their ancestral land without any compensation, bitter and this will continue to be a festering sore. The farms could only be purchased as they were offered through the market and this meant that the government had little control over where to channel resources in accordance with a sub-regional land development policy. Also, the government can acquire only land that is offered. Like in Zimbabwe, the international community role in funding land reform is highlighted by the

experience of Namibia (De Villiers, 2003). De Villiers (2003) points out that given the scarcity of resources combined with budgetary constraints, it was virtually impossible for the government to compensate the farmers for the land they held while it could direct the funds towards socio-economic objectives such as education and health, especially considering that the removed communities were not compensated for their land which was taken from them.

The Namibian land reform process was, nevertheless, too slow to even proceed from the start. According to De Villiers (2003), this was not entirely surprising as the dispossession was relatively at a lesser-scale in comparison to Zimbabwe and South Africa. This is also because the governing party's (SWAPO's) political stronghold, Ovambo land, did not constitute some of the areas that were really affected by previous dispossessions where most of the population had lost its land. Yet, as cited in De Villiers (2003), there were clear indications of the land debate gaining momentum and political currency. At the time, the Namibia Agricultural Union provided that, of the country's 5273 commercial farms, white farmers still held about 4456. While 30000 people had been resettled, it was estimated that a minimum of 243000 landless were still awaiting their portion of land, which was the reason behind the yearly increase in the budget for land acquisition from N\$20 million to N\$1000 million. With regards to land expropriation, the government decided to direct its focus towards land held by foreigners which constituted a total of 192 farms (De Villiers, 2003). Although a 'Zimbabwe-style land invasion' was not yet on the table, De Villiers provides that it must be recalled that Zimbabwe took on its radical land reform programme some twenty years after independence. In Namibia, therefore, the grass was still green (in the early 2000s). According to De Villiers (2003), the land reform's success through market forces in the following few years was to have a great impact on the direction that Namibia's land reform was going to take.

Since 2001, there have also been efforts to achieve land reform, by improving the Namibian land redistribution policy and strategy (as in South Africa), but in both these countries minimal attempts to use land expropriation legislation have had limited impact. Namibia falteringly introduced a land tax in terms of the Agricultural (Commercial) Land Reform Second Amendment Act 2 of 2001, which, combined with the threat of land expropriation, was expected that it may redistribute more land. The Act required every commercial agricultural land owner to pay a land tax based on the land value (known as the Unimproved Site Value). This tax aims to penalise unproductive farmers in order to oblige them to sell to the government and availing more land for the purpose of resettlement (De Villiers, 2003). It is a progressive tax that discourages the retention of unused land and it forces individuals to release some of their land units as they become unable to pay tax and it

also generates revenue for the state to purchase more commercial agricultural land for the programme of resettlement. No tax has been collected so far, despite the fact that the procedures necessary were put in place in April 2002 (De Villiers, 2003).

South Africa, on the other hand, was streamlining its bureaucratic land restitution procedures, which apparently has since resulted in an increased speed of land transfers. The scale of the entire effort far from the 30% target initially set for 1999, which was again set for 2015 (Moyo, 2007). Moyo further notes that both countries started to introduce legislation which limit the land acquisition (i.e. purchase) by foreign nationals, in particular by absentee landlords.

In July 2003, the Agricultural (Commercial) Land Reform Act was again amended. Effectively, section 20 of the Act gave the government the power to expropriate land "in the public interest", but with "the payment of just compensation" (Dlamini, 2007:42-43). The government in 2004 announced that it was to implement the expropriation of agricultural land so as to speed up the process of land reform. The government at the time blamed the willing buyer - willing seller approach for inflating market related land prices, which consequently resulted in the unaffordability of productive agricultural land, basically rendering it unavailable. Thus, the (Commercial) Land Reform Amendment Bill marked the beginning of a new land reform process era, abandoning the willing buyer-willing seller principle (Dlamini, 2007).

As was the case in Zimbabwe, the bureaucracy and financing of the land reform programme, together with the "willing sellers" that are sparse in terms of number, have kept land reform policies such as these from having significant impact. Factions such as the Namibian Farm Workers Union became more militant and threatened to invade lands if workers there are abused, intensifying the need for an economic structure based on the principle of equality for all (LaFraniere, 2004). Later on in May 2006, the executive branch of the government of Namibia approved a plan to speed up the availability of land plots, including a recommendation for discussion of the feasibility of compulsory/forced expropriation, like in Zimbabwe, as a means to achieve that end (Dettlinger, 2006).

Like in Zimbabwe, Namibia's redistributive land reform was viewed as a prerequisite for achieving effective rural development and ensuring economic stability. The willing buyer - willing seller policy was initially favoured as the main approach to land redistribution, but, as discussed in the section, the Namibian government later abandoned the policy for expropriation notwithstanding the presence of adequate mechanisms set for its implementation. The Namibian experience, as discussed, demonstrates that a lack of prioritisation is one of the primary stumbling blocks towards the attainment of effective land

reform in Namibia. The little primary drive or momentum for land reform in the country was provided by the dispossessed who, to their disadvantage, did not form the main political base of the ruling party and constitute a small minority with little to no bargaining power at all (Dlamini, 2007).

#### **2.6.4. Final comments and observations on Zimbabwe and Namibia experiences**

The general comments and observations below can be made on Zimbabwe's and Namibia's experiences in addressing the land reform process (De Villiers, 2003). The section discussed the land reform programmes undertaken by the post-colonial governments of Zimbabwe and Namibia and established that while both governments had started with the market-centered land reform policy, this was abandoned relatively early on in the process of reform, for a more state-based expropriation policy (Dlamini, 2007).

According to De Villiers (2003), in both rural and urban areas, land reform is required, but the access to land is required most urgently in rural areas where the levels of poverty are highest. Yet both countries experience an outmigration of people from rural areas and especially in Zimbabwe, Namibia and South Africa, the three countries, which is but, needless to say, a cause for increased pressure on and need for urban resources such as land and housing. Settling new farmers including some with relatively little farming experience is, therefore, a difficult act as rural infrastructure is under severe pressure and in several places in deterioration and might not be replaced (De Villiers, 2003). Furthermore, the large subsidies in Africa that were in the past availed to support white farmers now have to be used for socio-economic objectives such as health, education and housing that had previously been neglected by past minority regimes. It would, therefore, be even more difficult to resettle and retain rural populations on the required scale. Allocation and restoration of land have generally privileged those who demonstrate the best chance of creating a success and thus ensuring a good return on investment, however, to the disadvantage and disempowerment of those most in need, (De Villiers, 2003), which is common in dealing with cases of commercial land.

Though it appears that the primary focus of Zimbabwe's and Namibia's land reform programmes has been the acquisition commercial farms, the same principles are applicable to urban land for the purpose of human settlement, as in the case of utilised and unutilised farm land in Mamelodi. The case of Zimbabwe provides the possibility of organisation and mobilisation of the landless massive and violent land occupations over a period of two decades of slow-paced land reform, thus putting political pressure, even in South Africa, for the introduction of radical land redistribution programme in order to accelerate the acquisition of land. Generally, as observed by Dlamini (2007), this entire section has demonstrated that the

willing buyer - willing seller approach has failed as a means of attaining speedy provision for distribution of land. It is said that a faster, more effective process is required to satisfy majority needs and to show that past dispossession issues are being dealt with. Both Zimbabwe and Namibia moved away from market-based redistribution programmes characterised by the willing seller, willing buyer premise for state-led expropriation of land and this insinuated that South Africa should be able to relate to their land reform experiences. Moreover, Zimbabwe and Namibia arguably provide a strong case for the abandonment of the policy of willing buyer - willing seller and towards the adoption of a more active constitutional-based expropriation and state-led reform (Dlamini, 2007).

### ***Willing buyer-willing seller as a hindrance to land redistribution in South Africa***

The principle of the willing buyer-willing seller as it is employed in the content of South Africa entails that the whole concept is shifted from the government to the targeted beneficiaries. Yet as observed above, the landless people's mere 'willingness' is something but not a guarantee that they will be able to acquire the land that they need. This is simply because landless people are dependent on the state willingness to approve their land applications and required funding as well as the cooperation of the landholders. Basically, the state has been alleged to have become the centre of key decision making on land such as in consultation with stakeholders or outsourcing of function to service providers, thus setting a stage for a 'state-centred' land reform politics (Dlamini, 2007:52).

Lahiff (2008) indicated that the state had chosen not to enter the land market on the beneficiaries' behalf, despite (in theory) having the power and the resources to do so. Instead it provided grants to targeted beneficiaries who, own their own, were expected to enter the land market, find a 'willing seller' and consequently, a property that is on sale (Lahiff, 2008). They were to, in addition, enter into negotiations with and secure a settlement wherefore the owner is willing to sell at an agreed land price (De Villiers, 2003). Yet the problem with using the principle of willing buyer-willing seller as an instrument for redistributive reform seems to rest in the fact that the 'willing seller' and 'willing buyer', even as concepts, do not enjoy equal consideration and protection. It is debated that if a 'willing buyer' is said to exist, it may not represent the state (which neither buys land on its own behalf nor initiative) or the intended land beneficiaries. Instead, it represents an abstract concept which is in essence a combination of state and prospective/hopeful beneficiaries, supposedly working as a unit or in agreement. The 'willing seller', precisely represents the lack of force on landholders, while the 'willing buyer', as noted before, does not provide any assurance to the landless that they will certainly get any land at all, let alone the one they need (De Villiers, 2003). Although proponents of market-driven land reform describe the component of the willing seller which

represents the entire group of landowners as the most important aspect for any successful implementation of land reform, (De Villiers, 2003) it has been argued that this in itself is a cause of weakness of the policy (Dlamini, 2007).

Africa, like various parts of the world, such as Asia and Latin America, the World Bank has advanced and rallied behind a market-led land reform model (Andrews, 2007). It has based its support for such a model on the argument that the failure of past state-led land reform programmes is due to its land acquisition methods that were largely expropriatory and forceful and that this has led to serious tensions between the state and landholders and has resulted in corruption and the undermining of the process of land reform (Borras 2004). Negrao (2002) points out that the policy paradigm shift to neo-liberal land reform programmes was guided in by the World Bank following Africa's the poor economic performance at the end of the Cold War, which led to the rise in foreign debt and consequently the dependency on IMF and World Bank funding and the imposition economic structural adjustment (programs).

Borras (2004) did a comparison of the impact of market-driven agrarian reform programmes in the Philippines, Brazil and South Africa and developed a model, based on the pro-market to enable the review policy impact with regards to experiences in South Africa as it tries to provide help and support to communities to access land and work within the constraints of Land Redistribution for Agricultural Development. The model clearly emphasises the arguments used by the proponents of market-driven land reform thus insinuating that the market is more efficient and more effective than state-driven land reform (Andrews, 2007:206-208). Yet Andrews in Ntsebeza and Hall (2007:208) note that South Africa's reality/experience disputes this positive characterisation of market-driven land reform. Andrews makes a point by referencing the case of Muldersdrift, a rural community in Gauteng and by evoking the words the leader of this landless community.

The Trust for Community Outreach and Education (TCOE) tribunal and the case studies that were presented at the tribunal are useful in providing insights into the misconceptions of the so-called efficiency of the market-driven land reform programme. The case of Muldersdrift highlights the weaknesses of the market-driven model clearer than any other case. Consistent with the doctrine of 'willing buyer, willing seller', the landless African community of Muldersdrift organised themselves and formed an association that identified a plot of land and started negotiating the price of the land with the white farmer. After reaching an agreement on its price tag, it raised the money and began paying for the land in instalments. Yet after over half of the money had been paid, the landowners in the area organised themselves and intervened. They halted the land acquisition process by persuading the willing seller not to sell to the African community, but rather to white landowners in the area. In a

desperate bid to maintain land ownership and control exclusively in White hands, the white landowners went as far as buying out the Muldersdrift community. The Muldersdrift community leader, Molefe Selibo, told the tribunal:

*“To struggle for land is an uphill battle for the poor. Current government policies treat all parties – the landowners and the landless – as equals but we are not equal. The landowners have the resources to resist our land development initiative” (TCOE, 2003b:48).*

### **Expropriation: from last resort to land reform driver?**

To this end, the begging question is whether expropriation is the way for South Africa or not. Atuahene (2011:127) argues that “the ANC must realise that aggressive land reform would be far less destabilising than violent revolt”. Yet it described this land reform policy as one that relies on court-based land expropriation in line with section 25(3) of the constitution. Atuahene (2011:129) further argues that:

*“Whatever policies the ANC adopts, the bottom line is that land reform in South Africa must move quicker and more efficiently. Thus far, South African citizens have waited patiently for the ANC to transfer land from Whites to Blacks to remedy the massive land theft that happened under colonialism and apartheid. But without significant progress, there may be a point where these citizens will tire of waiting and take matters into their own hands.”*

Moyo (2007:65) also argued that the growing land acquisition radicalisation approaches in Namibia and South Africa, and the increase of the tactic of land invasions in SADC region from the 1990s, are signs of this shared grievance over land questions that have not yet been resolved, and the markets or landowners failure to redistribute land to a broader constituency. Moyo (2001) noted that both formal and official studies have a tendency of underestimating the demand for land, especially in South Africa, Zimbabwe and Namibia. The latest experiences of rural land invasions in Zimbabwe and in peri-urban South Africa and Namibia, serve as an indication of intense popular demand for the distribution of land amongst “a diverse range of beneficiaries such as the rural landless, former refugees, war veterans, former commercial farm workers, the rural poor, the urban poor and the African elite” (Moyo, 2007:74).

The national liberation process, in addition, has had different consequences/effects on the way in which the land questions, democracy and the entirety of the national question (i.e. racism, discrimination and other inequalities such as income, wealth etc.) have been dealt with

in Southern Africa. For instance, despite internal and armed conflicts over the national question with external destabilisation fuelling them, in countries such as Mozambique and Angola where liberation was decisively concluded (through revolution), it appears that the land question have been resolved. Yet in Zimbabwe, Namibia and South Africa, the main settler territories, wherein “liberation was relatively partially concluded”, compromises (negotiated settlements) left the land question relatively unresolved. Yet liberal democratic constitutions and market tenets, amongst other measures, protect these structures of wealth, income and redistribution of land that are inequitable remain unaltered, in spite of them being the reason the land question to be left unresolved. This constrains the reach and pace of land and agrarian reform (Moyo, 2007:62).

Yet De Villiers (2003) on the other hand warned that the consideration should be given that the market-led reform process may become very slow and rigid to the extent that a rational land reform approach may be the first victim. This is as the winds of change that were started by Mugabe were blowing across South Africa and Namibia, fueling the voices that call for radical, non-market-led land reform processes (De Villiers, 2003:149). The below analysis of land reform in various countries demonstrates the dilemma (regarding land reform that South Africa is faced with) (De Villiers, 2003:149):

*“Rarely has land reform occurred anywhere in the world without some form of force used to compel land owners to sell land or discount the price of land compensation, quite apart from outright expropriation ... land reform using purely market processes has rarely occurred as the criteria of the market and social justice do not always tie-up.”*

To this end, De Villiers (2003:3) argues that “a successful land reform model probably requires a combination of market and non-market reform”. Yet Dlamini (2007:1+8-10) argues that the willing buyer, willing seller, which characterises the market-led reform, act as a hindrance to effective land redistribution and thus there is a “need for post-apartheid land reform” and “taking land reform seriously”, which suggests a shift from the willing seller - willing buyer approach to expropriation. Dlamini (2007:30) further argues “that the fact both Zimbabwe and Namibia abandoned it for expropriation strongly suggest that South Africa should do the same.” To this end, Dlamini (2007) further notes Zimbabwean risk associated with the expropriation of land. In this regard, Dlamini (2007:65-67) points out that “South Africa’s constitutional, legal and institutional mechanisms ensure that the probability of the same occurring here is very low”. Upon examining the constitutional provisions with relevance to expropriation and the meaning the courts has assigned to them by means of interpretation,



Dlamini (2007) also notes that the constitution endorses expropriation as a means of achieving land redistribution.

Overall, Ntsebeza (2007) makes a point that compensation, which has been described as critical elements of expropriation, is central to the analysis of expropriation. It has been described as important because without compensation, the constitutional protected existing property rights would be violated upon and this would amount to confiscation (Ntsebeza, 2007).

### ***'Expropriation and the Zimbabwean Risk'***

In the past, the South African government has been criticised for its clear reluctance to use its power to expropriate land for the purposes of land reform and for its apparent unwillingness to accelerate land reform through land expropriation as opposed to compensation at less than market price. While policy fundamentals are evidently in place and derive their mandate from the constitution, most commentators argue that what is remaining is the government's commitment to ensure policy implementation. This allegation is often placed in the context of the government's lack of political will (Dlamini, 2007). Dlamini (2007) also notes that expropriation is not new and that the South African government expropriates many properties on regular basis, every year, for public purpose including roads and the construction of dams. On this point, one other example is the expropriation of land along Gautrain's route, for public purposes and in the public interest, in urban Gauteng (Fin24, 2006). What is new is the expropriation of land from one private owner to another, for the purposes of land reform. In all, at the heart of it, there remains the constitutional subjected compensation, which is the main bone of contention (Dlamini, 2007).

The emergence of land invasions in Zimbabwe took place when it was becoming increasingly clear that the land market did not possess the potential of providing a speedy large scale land transfer to black farmers. Moreover, it was definitely not on the scale which the government itself had promised (De Villiers, 2003). Meanwhile, due to South Africa's three key pillars of government land reform policy, the progress of land reform has been extremely slow. Moreover, the Department of Land Affairs has on numerous occasions failed to spend its budget allocated for land acquisition (De Villiers, 2003). Some critics were accusing the resistance of white landholders or the protection of existing property rights. Yet a growing consensus also placed the problem on poor programme design and a lack of capacity that exist at all government levels (De Villiers, 2003). As argued above, this has resulted in calls for government policy to be changed, particularly, towards an expropriation-based land reform. The general view arguably suggests that South Africa has probably now reached that stage. To this end, there were fears that South Africa will face the problems of farm invasion, similar

to what occurred in Zimbabwe. Beyond all the hype, it has been also argued that the incidents in Zimbabwe do not seem to threaten South Africa and that the country's poor and landless, are yet to follow the example/model of the Zimbabwe's war veterans (Dlamini, 2007).

Limited by RDP prescriptions friendly to the market, the South African government took serious measures to ease the concerns of private landholders and foreign investors. As a matter of fact, Dlamini (2007) notes that, to date, expropriation has only been taken up as a means to deal with land restitution and not in the comprehensive land reform process, in particular, land redistribution. Moreover, and contrary to Zimbabwe, South Africa possesses legal and institutional mechanisms to provide supervision as the government intervenes on behalf of Black and landless South Africans to settle historical land claims. Unlike Zimbabwe's forcible land expropriation model, which favours the rule of law in the resolving a problem of a similar nature, South Africa has a commission responsible for land claims, and land claimants and owners can resort to a land claims court specialising on such cases (Dlamini, 2007).

The situation in Zimbabwe brought the politics of land redistribution to the fore (Dlamini, 2007). Notwithstanding this, Dlamini (2007) argues the constitutional, legal and institutional mechanisms of South Africa make sure that the likelihood of what happened in Zimbabwe happening in the country is very low. Moreover, it is upon the South African government to decide whether to continue using expropriation as the last resort or to graduate it to become the first resort. Ultimately it is upon it to decide whether to amend the constitution to allow for the expropriation of land without compensation in order to avoid a situation of confiscation where existing property rights would be infringed, but the acquisition of land would be compulsory and thereby effecting a state-led land reform (Dlamini, 2007). Alternatively it could employ a "combination of market and non-market reform" as suggested by De Villiers (2003:3) for a successful land reform model, but it would still have to deal with the big question of compensation. There are no reports of war veterans who are displeased or angry over land reform as in Zimbabwe. Yet in South Africa as in Zimbabwe, the influence of or rather pressure from the grassroots land seekers combined with the need by political parties to (re)gain or keep political ground/power in rendering/forcing a land reform policy shift, should not be underestimated. In this regard, Hendricks *et al.* (2013:2) argues "that social movements have a role critical role to play in charting a new course, both in respect of access to land and influencing the broader policy options". They believe that struggles from below are critical for rethinking purely statist efforts at land reform (Hendricks *et al.*, 2013).

## 2.7. Summary

Deeply rooted in colonisation and apartheid, informal settlements and the housing backlog has increased in South Africa since 1994, notwithstanding the provision of over 3 million houses and housing opportunities by the government and the BNG set to eradicate informal settlements by 2014. Vacant lands in existing/segregated townships continue to be informal settlement magnets, while former buffer zones separating white and black people have become informal settlement zones. Land can be acquired and redistributed formally and/or informally. Land reform has been extremely slow to the extent that it is in crisis/has failed to the extent that the pattern of land ownership and colonial and apartheid geography remains barely altered.

The poor, even in urban areas in need of housing have been the most affected by this continuing struggle for land. This is to the extent that South Africa has seen the rise of grassroots movements and new political formations, which have kept the issue of land on the national agenda. Ultimately, land invasion have become common even within affluent residential areas such as Hout bay (in Cape Town) and Woodlands where ordinarily black people would not dare to invade during the days of apartheid and colonisation.

There is a need for pro-poor proactive land acquisition in South Africa. Zimbabwe and Namibia have suffered and endured similar land dispossession and land reform circumstances as South Africa. The circumstance on the ground and lessons from the two countries, points South Africa towards compulsory land expropriation as the approach to land dispossession.

In the next chapter (3), attention is given to a methodology appropriate to the study, which provides a detailed and practical explanation of the research plan (of what is actually intended and how it will be done).

## CHAPTER 3: RESEARCH METHODOLOGY

### 3.1. Introduction

This chapter provides a detailed explanation and justification of how and why the study has been conducted/approached and designed in the manner detailed herein below. This includes the methodological approach, strategy and study methods (e.g. population, sampling methods, and sample size, and recruitment activities; data collection methods tools - showing how these will help to answer the research questions), describing how data will be analysed, providing evidence of reliability and validity as well as briefly explaining how the trustworthiness and rigour of the study will be enhanced.

*This chapter contains two main sections:*

Section 3.2: Research methodology

Section 3.3: Research strategy and design

In the following section attention is given to the research methodology.

### 3.2. Research methodology

A qualitative methodological approach was used. Qualitative research is an inductive process of categorising data and observing relationships between categories (McMillan & Schumacher, 1993). This implies that data and meaning transpires purely from the study context and data requires further interpretation as a qualitative methodology that captures underlying meanings, mainly narrative data, to inform the understanding of a phenomenon (McMillan & Schumacher, 1993; Bamberger, 2000). This approach allows the informants to give a contextual response to the research objective and problem being investigated (McMillan & Schumacher, 1993; Krueger & Casey, 2009). In this study, the objective it is to gain insight into the current land management practices of the City of Tshwane, particularly land acquisition and informal settlement growth in Mamelodi.

The justification of adopting qualitative methodology further lies in its ability to allow for flexible approach in the process of conducting the research. Notwithstanding this, researchers research in context and do not impose their experiences, beliefs, limitations and research strategies upon the emerging data. Therefore, this suggests that the researcher's responsibility is to document the data that is observed and collected from informants' in their context (Wiersma, 1995). This methodology allows informants to give a background, experiences and perceptions of the research problem and objectives.

### 3.2.1. Research strategy

The study was conducted using a case study as a research strategy. Research within the social sciences often poses 'how or why' questions, where the researcher has little or no control over events and has the desire to understand a contemporary or social phenomenon, which is, in this case, the access to land and the growth of informal settlements in real-life situations instead of general knowledge and a case study is the most preferred strategy for this kind of a research (Yin, 2009). According to Merriam (1998), a case study is, "... an intensive, holistic description and analysis of a bounded phenomenon" (Merriam, 1998:xiii). The ability to provide a holistic description and analysis of the research focus or topic serves as justification of a case study strategy being employed.

Moreover, a case study investigates a case or situation over time in depth, while making use of multiple sources of data found in a setting or situation (McMillan & Schumacher, 2010). This is further advanced by Patton (1990) and Yin (2003), who argue that the use of multiple data sources, a strategy which also enhances data credibility, is the hallmark of a case study research. Baxter and Jack (2008) add that, possible data sources may include, but are not limited to interviews, documentation, observations and physical artefacts. Yet for such a narrative form of data to effectively respond to the research problem and objective(s), it relies upon a flexible, well-organised and thoughtful data collection process.

#### 3.2.1.1. Study area

A need remain to heed to such long overdue call such as this, to: "look at the historical perspective to the rapid increase in the number of informal settlements in our [Gauteng] province post 1994", more than when it was initially raised by Mashatile (2003) (who was the Gauteng MEC for housing at the time and currently the Gauteng MEC for Human Settlements and Co-operative Governance). Yet this is not only important for Gauteng but also for the rest of South Africa as informal settlements continue to exist and grow across the country. This is evident when one bares in mind that just four years ago, Tokyo Sexwale, Minister of Human Settlements at the time, was quoted by the City Press (2013) raising similar sentiment to that of Mashatile and concerns about the informal settlements across South Africa, and saying; "The number of informal settlements is growing uncontrollably. Likewise, the populations inside these ghettos is increasing rapidly".

Nonetheless, Gauteng presents itself as a good starting point and a good case study due to the prevalence of informal settlements in the province (Stats SA, 2012; HDA, 2013a). To this end, and because of having its roots in apartheid, the study area is Mamelodi Township located in the City of Tshwane, North of Gauteng province of South Africa (as shown in Figure

18) and particularly the informal settlements located therein. Mamelodi as a study area was particularly selected because it presents circumstances that are related to the problem statement and the topic (i.e. the relationship between land and informal settlements) and it is easily accessible, geographically, to the researcher. The Township and its informal settlements are considered extensively in Chapter 4.

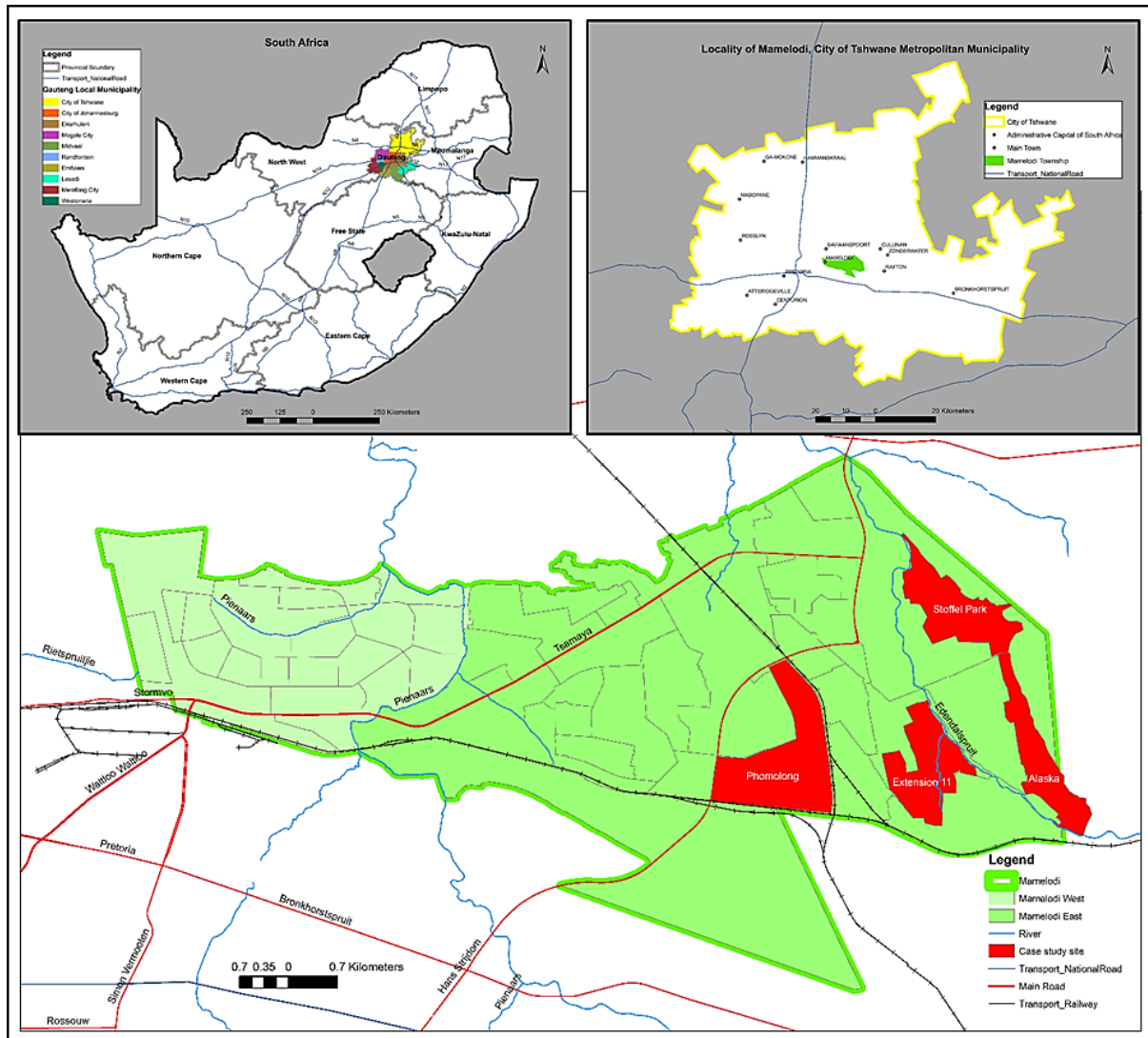


FIGURE 18: Study area and sites

Source: Maps at the top created by Author

Note: Hans Strydom road is now Solomon Mahlangu road

Moreover, these informal settlements were deliberately and particularly selected due to the pre-study evidence indicating that they were established respectively just after 1994.

### 3.2.2. Research Paradigm

A research paradigm is necessary to conduct primary research (Antoni, 2014). Gray (2009) makes it clear that the informants' experiences of reality are the ground upon which any investigation of phenomena must be based. This study adopted a phenomenological paradigm and applicable qualitative methods to collect and explain the experienced reality. According to Cohen, Manion and Morrison (2007), the focus of the phenomenological paradigm is on understanding the informants' interpretations of the world around them and hence the data gathered should give meaning and aim or intent of the people who are data sources. Therefore, the phenomenological paradigm seeks to give a description of the informants' experiences that are gained from interacting with the phenomenon and the meaning derived from such interactions (Springer 2010). The phenomenological paradigm is grounded on the assumption that reality is not discrete from the observer and that it is rather formed by the observer's perspectives or perceptions (Collis and Hussey, 2009).

The study revolves around gaining insight on land acquisition and the growth of informal settlements using qualitative methods. The study employed a multimethod approach, thus comprising of semi-structured interviews, document analysis and satellite imagery and a bit of non-informant observation (involving taking photos) (Bowen, 2009). Data collection and methods are discussed in greater detail below.

#### 3.2.2.1. *Data collection tools*

##### 3.2.2.1.1. *Primary data*

Primary research entails gathering data from informants of the present study (Collis & Hussey 2009; Zikmund, Babin, Carr, & Griffin, 2010). Primary data refers to raw data or data gathered by the researcher first-hand, especially to answer the research question (Cooper & Emory, 1995), rather than data previously collected for other purposes or studies (Wiid & Diggins 2013). The primary aim of the process of data collection were, firstly, to test whether or not the statements made and views expressed in the literature that was reviewed, are valid, secondly, to determine the trend and extent of the problem and lastly, to get additional recommendations from informants, which would hopefully contribute towards the possible solution to the problem identified earlier. Yet efforts were focussed towards finding solutions to the research problem, the main and sub-questions. The logic linking data collection and analysis to get results/findings and thereafter conclusions, to the primary research question under investigation, must be taken into account in determining what the most appropriate research design to adopt is. The primary priority is to make sure that the research maximises the change of achieving its objectives (Maritz, 2003). Therefore, it is necessary for the

research design to consider the research questions, determine what data is required and how the data is to be analysed (Fellows & Liu, 2003).

The primary study was, therefore, conducted using the stages of a questionnaire-based descriptive survey to gather data as outlined below in Figure 19.

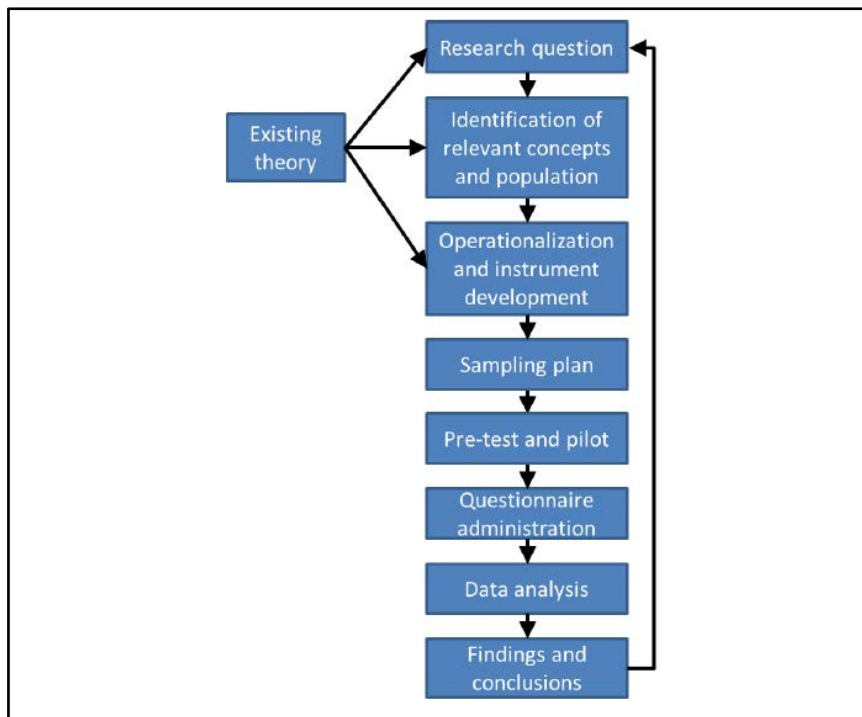


FIGURE 19: Questionnaire-based descriptive survey study

Source: Figure from Rose, Spinks & Canhoto, 2015

According to Altinay, Paraskevas, Jang (2015:103), “descriptive surveys are concerned with particular characteristics of a specific population and are used to gather information largely on what people do and think”. According to Rose *et al.* (2015), a detailed design starts with the research questions from which relevant concepts that one wants to measure together with confirming the research population of interest. They further argue that one should refer to existing theory and previous research to ensure that important concepts (or all the aspects relevant the topic) are included in the study (Rose *et al.*, 2015).

Once the concepts to be included in the survey are identified, they need to be operationalised as measurable variables for data collection. This entails moving from an abstract concept (such as land reform process and informal settlements) to reliable and valid indicators (such as questions to be included in an interview survey) that will be used to measure that specific concept. Theory and previous research play a critical role here as a source for defining the concepts and selecting appropriate indicators through which they will



be measured. The next step is the development of appropriate instruments for collecting data. A schedule with interview questions was developed for collecting administrative data (Rose *et al.*, 2015).

It was also necessary to develop a sampling plan for the study. Like most survey studies, this study collected data from only a sample of the population of interest and then used qualitative deductions (thematic analysis), by identifying patterns that are indicated by the data that was collected and making inferences to make generalisations about that overall population based on the data from the study sample. Lastly, the interview questionnaire was pre-tested and piloted, face-to-face, as a matter of high importance in order to reduce the risk of problems later on (Rose *et al.*, 2015). It is only after pre-testing and piloting the data collection instrument (i.e. interview questions) that data collection began. There was a need to use more than one administration method to reach the informants, such as time, availability and English literacy of informants. (Rose *et al.*, 2015).

According to Rose *et al.* (2015), these early stages are very important when conducting a survey study since mistakes made at this point are difficult or impossible to correct later. Thus, it was important to appreciate this and to not move on with enthusiasm to start data collection using inadequately prepared and untested questions that produce poor data leading to an inability to answer the original research question. They further argue that without pre-testing and piloting, “it is a simple case of garbage out, garbage in: an inadequate data collection instrument will generate inadequate data” (Rose *et al.*, 2015:5).

Formal data analysis began only once all data had been collected. This involved identifying patterns, making deductions and drawing inferences to draw conclusions about the population from which study sample came. Once the analysis was completed, the findings and conclusions were presented in a strategic format, so as to respond to each study objective and question (see Chapter 4 and 5).

#### 3.2.2.1.1.1. *Interviews*

According to Cooper and Emory (1995), data from primary sources can be collected in two ways, observing people, conditions, etc, or by surveying or questioning people. This research made use of a face-to-face interview to collect primary data by questioning the key informants (Leedy, 1997).

#### *Key Informant Interviews (KIIs)*

Key informant interviews were conducted to collect primary data from the key informants. Carter and Beaulieu (1992) describe KIIs as qualitative in-depth interviews with a

wide range of people who have first-hand information/views about a topic of interest and can provide expert insight on what is going on in the community, the nature of problems and possible solutions. Basically, the informants (key informants) were purposely selected due to their knowledge of the study area and topic/subject being investigated investigation. Thus, key informants included public officials, community leaders and shack dwellers. As an in-depth interview, this involved conducting intensive face-to-face interviews with a small number of informants to investigate their perceptions on a particular situation or idea towards realising the study objective and solutions to the study questions, using standardised or a guide with questions to be covered (Gall, Gall & Borg, 2003).

According to Boyce and Neale (2006), in-depth interviews are useful in obtaining detailed and rich data in a relatively easy and inexpensive manner about a person's practices, perceptions and behaviours as well as to understand in detail the answers provided. Bryman (2006) further advances that in-depth interviews gather background information, such as expert knowledge, and are likely to gather facts as well as the descriptions of processes. Yet it may be difficult to select the right key informants with diverse but relevant viewpoints and it may even be challenging to get hold of busy informants and to secure appointments for interviews (Carter & Beaulieu, 1992; Mountain States Group, Inc., 1999).

Sixty-seven key informants were interviewed, including 59 dwellers, five (5) community leaders and three (3) government (City of Tshwane Municipality (CTMM)) officials, namely: two (2) ward councillors and the Director of human Settlements Planning. However, altogether, the collected data yielded 64 usable interviews which were subjected to thematic analyses. Three interviews with the dwellers were not usable as they were extra and void of a lot of critical information. Furthermore, as provided by Peek and Fothergill (2009), KIs can also be conducted where the potential informants may not be included or comfortable talking openly in a group or to particularly to individualise (as opposed to group) their experiences, perceptions and behaviours. Taking this into account, interviews were also conducted with 14 informal settlement dwellers from each of the four selected informal settlements, namely: Phomolong, Extension 11, Alaska and Stoffel Park. Five community leaders, one (1) from each of the aforementioned informal settlements, with the exception of Extension 11, were also interviewed. Two (2) community leaders were interviewed in Extension 11 because of its historical complexity and sub-division/composition.

Whereas Marshall, Cardon, Poddar and Fontenot (2013) provide that, ideally, one case study should be about 15 to 30 interviews and it should be noted also that the general rule on the sample size for interviews is that when the same narratives, themes, problems and subjects are emerging from interviews, then a sufficient sample size has been achieved

(Boyce & Neale, 2006). Yet McMillan and Schumacher (2010) advance that qualitative samples can range from 1-40 or more. Moreover, it is worth noting that the KIIs were conducted with several key informants from different positions and as such the sample size should be considered in terms of the overall number of the government officials, community leaders and informal settlement dwellers. Suffice to say, qualitative research (methods) are concerned with quality and not quantity data (Boyce & Neale, 2006).

*The key informants for the purpose of this study*

The interviews were limited in number and restricted only to the following (in Table 6), considered in whole to constitute a key informant for this study.

TABLE 6: Key informants

Informal settlement dwellers		City of Tshwane Officials	
Dweller	Community leader	Department of Human Settlement Management	Mamelodi Ward Councillor
Have arrived and/or been living in one of the selected informal settlements between 1994 and 2014. 56 dwellers were interviewed.		Director: Human Settlement Planning ('the Director'): Ms Metse Mabeba	Ward 40 (Phomolong): Ms Doris Maja (ANC)
A community leader, must be legally authorised, as well as recognised and acknowledged by the community. Five community leaders (Phomolong (one), Extension 11 (two), Alaska (one) and Stoffel Park (one)) responded.		Despite referral by the Director, Region 6 informal settlements manager was not available to the end.	Ward 10 (Extension 11 and Alaska): Mr Morwangwato Mantjane.(ANC)  The ward councillor of ward 17 and 97 (Stoffel Parks) were both not available to the end.

Source: Author

Human settlements and local officials (i.e. ward councillors) and informal settlement dwellers are generally well-informed about the human settlement (including informal settlement) processes and issues.

*Interview survey*

An interview survey containing a list of semi-structured to open-ended questions was prepared and used as an interview tool to guide the interview and to ensure that questions are consistent and that they are all answered (see Annexure 5). One challenge though in using interviews, particularly semi-structured to open-ended interviews, is data coding. This is due to the extent and nature of detailed and varied data (from one informant to another), which

makes it difficult to identify and get themes (Creswell, 2007). Yet Gall *et al.* (2003) argues that this provides rich data and reduces the researcher ability to impose personal biases within the study. Although it is advisable to avoid yes and no questions as they tell very little, a space was provided to expand on the answer.

Overall, the interviews were structured in such a manner that the specific objectives, which are listed in 1.3.1, also taking in to account the issues/concepts, statements made and views expressed in the literature reviewed, could be realised. The draft schedule was then submitted to the Faculty of Humanities Research Ethics Committee (FHREC) of the University of Pretoria for scrutiny of its ethical acceptance. No comments were raised on any aspects of the questions and the technical structure of the draft. First, for consistency and clarity of the draft schedule, a pre-test was conducted by a sample of two informants. Feedback received from the comments and the pre-test were incorporated in the final version (Maritz, 2003).

While questions were asked in English, interviews were conducted in the local language of the informants, especially where informants are illiterate and/or not fluent in English. Stewart and Shamdasani (1992) argue that conducting a study in the language of the informants increases the ability of the informants to articulate their views. Notes of the interviews were taken. The interviews, where necessary, were, in addition, recorded and transcribed in order to ensure that the views are captured (Krueger, 1994).

**a. “Closed” type questions**

“Closed” type statements or questions were mainly used in the interview survey for the following main advantages mentioned by Maritz (2003:19):

- They are relatively easy to respond to and attract a high rate of response.
- Terminologies used to describe the issues raised by different informants are limited, which facilitates the processing of data.
- The objectives of the survey can conveniently be achieved.

“Closed” type statements are primarily used in the interview survey strictly on their own in Part 1 of the survey to obtain the general demographic information of the informants. Meanwhile, the informants, in Part 3 and Part 4 of the interview survey, were required to indicate their agreement/disagreement on each question posed by answering, in the great majority of cases, either “yes” or “no” respectively.

**b. “Open-ended” comments**

The Division of Research Support of the Department of Information Technology at the University of Pretoria describes the use of “open-ended” questions in its *Guidelines for*

creating Questionnaires in this way: *“This type of questions are usually used when insufficient knowledge regarding the particular subject exists and the researcher is uncertain whether predefined categories [for possible answers] will cover all possibilities. Open questions are, therefore, particularly useful for exploratory studies”*. This extract was found to be particularly relevant, as the main aim of the decision to conduct the interviews providing for “open-ended comments.

Informants were, in addition, given the opportunity, in an “open-ended” format, to express themselves in their own words on the subject in a space allocated after “closed” statements or questions on each subject area. “Open-ended” questions were asked particularly to acquire perfect understanding of informant experiences (Neuman, 2000; McMillan & Schumacher, 2010). These comments were all taken into account when the results of the interview survey were analysed.

### **c. Bias**

Maritz (2003:20) notes that “the possibility of bias in response to “closed” type statements or questions is usually high due to the fact that there is no evidence that the informants have thoroughly considered the statements or questions”. Yet this possibility was mitigated as follows:

- Fieldwork assistant (a final-year Land Reform student) recommended by Dr Nerhene Davis, a Land Reform lecture amongst other modules at the University of Pretoria, who on request also agreed to facilitate the interviews with the informants. The student was taken through or oriented on the study topic, interview survey and how to facilitate the interviews (which includes asking and explaining the questions or statements) and was deployed to assist with data collection, specifically from informal settlement dwellers in the study area. This procedure was also followed in an effort to select the appropriate key informants (i.e. informants) and in terms of the sampling technique explained in 3.2.2.3.2, and to secure their commitment to participate in the study through and in terms of the informed consent form attached herein as Annexure 4 (see also the interview survey attached as Annexure 5).
- The case study area was extensively covered by ensuring that the interviews are not conducted with dwellers living in shacks next or close to each other. Interviews were conducted with dwellers who met the key informant criteria for the purpose of this study (i.e. who have lived in the informal settlements between 1994 and 2014). A space to elaborate on the direct responses was provided on the survey.

“Closed” type statements such as “yes” and “no” are not necessarily quantitative but followed with qualitative explanations. Discrete statements also often allow a neutral situation

where people are not sure. They were only used to obtain a direct response, which was supplemented by an “open-ended” comment to particularly illicit meaning or to acquire a perfect understanding of informant experiences as indicated above. Thus, the interview survey is said to contain semi-structured to open-ended questions, rather than strictly “closed” and “open” questions. Overall, in determining the preferred manner of data collection for this study, being moderately easy to administer and analyse was taken into account in choosing semi-structured questions (Neuman, 2000; McMillan & Schumacher, 2010).

#### 3.2.2.1.2. *Secondary data*

Secondary data refers to information that has been gathered before the present or current study (Collis & Hussey 2009; Zikmund *et al.*, 2010). The necessary secondary data for this study was collected from various secondary databases accessible in and from a variety of academic information centres including the University of Pretoria library. A variety of secondary sources such as previous research studies, journal articles, books, conference papers, web-based databases such as Google Earth and United States Geological Survey (USGS) EarthExplorer interface (for Landsat–earth observation satellite images) etc. were reviewed/utilised.

Firstly, secondary data sources enabled for a comprehensive synthesis of the relevant literature on land acquisition and informal settlements to be conducted. Finally, while key informant interviews provided insight through first-hand experiences and views on land acquisition and the informal settlements, particularly in Mamelodi – documents (e.g. From government) and Landsat satellite images were analysed to obtain some well documented evidence to be tested against and complement the primary data. Secondary data sources are discussed below.

##### 3.2.2.1.2.1. *Landsat satellite imagery*

Landsat satellite imagery was used for the sole purpose of responding to the first research objective and question – to analyse the development and growth of informal settlements in Mamelodi. To establish the extent of the expansion of informal settlements. The Landsat program is the first series and over four decades of space-based orbiting satellites (sensors) co-managed by USGS and National Aeronautics and Space Administration (NASA) that observe the earth/land masses (excluding Antarctica and Greenland), it offers the longest-running enterprise for satellite imagery of the earth’s continental land cover/surface (including coastal shallows and coral reefs), acquisition and record (University of Maryland, 2004; NASA, 2014; Nagaraj, 2015:8). Thus Landsat imagery are “collected from hundreds of remote sensing satellite sensors [that] offer accurate, frequent and almost instantaneous data

covering the earth in a relatively short time” (Liu, 2014:iv). This program resulted in a long-term record of changes induced by nature and humans on the global landscape (Miller, Richardson, Koontz, John & Koontz, 2013). An additional seven satellites have been successfully launched since the first, civilian observation (Byrnes, 2012), Landsat 1 satellite image in 1972 (USGS, 2003; University of Maryland, 2004; Byrnes, 2012).

Having been imaging the planet for over four decades, Landsat helps make comparisons by allowing people to see how the earth has changed. Landsat collects imagery data at the scale of human relations with the land and the necessary frequency to monitor, detect and have understanding of the changes in land cover and land use. This data has benefits to society. For instance, a number of historical images of a single area can now be obtained and analysed to detect to change (or for ‘Change detection’) over time. The user can land-use or land-cover conditions across an entire site or region. Landsat was the first satellite to keep an eye on or to monitor and help preserve the geoheritage of the lands throughout the world (NASA, 2016). Pixel-by-pixel, Landsat images of the landscape are put together to provide data at a scale required to effectively manage the lands, cities, and natural resources over time (USGS, 2016).

Overall, because of its consistency, Landsat data obtained through the years allows for the direct comparison of current specific area images acquired in earlier months, years, or decades. This process of comparison can show changes in land-cover that take place gradually and subtly, or rapidly and devastatingly. The archive’s richness, together with a policy of no cost data, allows users to take advantage of time series of data over geographic areas that is extensive to find long-term trends and to monitor the rates and characteristics of the change on the surface of the land (Miller *et al.*, 2013). Landsat satellites acquire imagery in a regular, tiled style, after the World Reference System (WRS1 for MSS, WRS2 for TM and ETM+). For example, Bands 1, 2 and 3 are combined and used to approximate the appearance of the real world. Bands 4, 5 or 7 from ETM+ are used together with 1, 2 or 3 to demonstrate the conditions of the vegetation Landsat imagery that is acquired in a manner that is very precise, to better emphasize specific aspects of the land cover (University of Maryland, 2004). Yet, Unsupervised Classification was not very useful (accurate) since the resolution of acquired Landsat 5 imagery (in particular) was poor resulting to inaccurate classification (such as categorisation of some built areas as bare/vacant land or confusion of built areas to be bare land, vice versa). Thus, we alternatively opted for Tasseled Cap (TC) transformation and True colour composition to demonstrate change in land cover/use as result of informal settlement developments.

Landsat imagery can be selected, previewed and downloaded for free using the USGS Earth Explorer application at <http://earthexplorer.usgs.gov> (USGS, 2008). The first step following the download is therefore to 'gunzip' the file and this opens the Landsat image band in a GeoTIFF file format which is its native. A GeoTIFF file can be utilised as a TIFF file in any graphical software or using spatial software (such as the ENVI or ArcMap) and it produces or present georeference data. In addition to this georeference data, a file of a Landsat image from the USGS EarthExplorer will have been processed through a resampling technique. "Finally, the Landsat image may have been orthorectified, especially if it is a Landsat GeoCover image" (University of Maryland, 2004:2).

### *Software*

ENVI was employed to process and analyse the downloaded Landsat satellite images while ArcGIS-ArcMap (10.4.1) was used to create the maps. ENVI is a premier application or software tool that is used for analysis and (pre)processing of geospatial (or satellite) imagery in a quick and easy manner, which prepares the imagery for viewing or additional analysis (Exelisvis, 2011). "It provides user friendly interface to process and analyse satellite imagery that helps in effective decision making. ENVI can be used by GIS Professionals to image analysts, image scientists without prior experience with imagery" (Abburu & Golla, 2015:134). In this regard, classification is instrumental in "group(ing) satellite image pixels into meaningful classes" (Abburu & Golla, 2015:131).

Change detection "assists to identify modification land cover within the same category. This feature can be used in various applications such as disaster management, urban monitoring and land cover change analysis etc" (Abburu & Golla, 2015:131). Composite generation as it were proved fruitful in visual analysis. NASA (2014:14) provides that "for visual analysis, colour composites make fullest of the capabilities of the human eye. Depending upon the graphics system in use, composite generation ranges from simply selecting the bands to use, to more involved procedures of band combination and associated contrast stretch". Change detection overtime was therefore possible through TC transformation (i.e. applying surface Brightness Channel or brightness vector) and True colour composition (i.e. relying on associated contrast stretch) of the acquired Landsat imagery (TM and ETM+ data) of the study area for four dates (1993, 1994, 2004, and 2014) rather than selecting the bands to use or more involved procedures of band combination. TC transformation makes bare land look dark grey or dark and built areas (something that it is not water or vegetation) to look bright.



### 3.2.2.1.2.2. *Document analysis*

Document analysis was used as an additional secondary data to compliment primary data and to enhance the rigour of the study by enabling data triangulation – to provide credible facts to validate the raw data (Cacilley, 1983, Bowen, 2009; Matthews & Ross, 2010). Given also their usefulness, lack of reactivity, efficiency and cost-effectiveness, documents present major advantages that evidently offset its limitations such as high irretrievability, insufficiency of detail (Bowen, 2009) and “biased selectivity” (Yin, 1994:80). Particularly, the analysis includes the consultation of documents which contain information on land, housing and informal settlements in Mamelodi in the CoT, Gauteng. Through documents analysis, data from relevant documents was studied, assessed and interpreted with the aim of eliciting meaning, gaining understanding and developing empirical knowledge (Corbin & Strauss, 2008; see also Rapley, 2007). Documents contain words and images whose recording is free of the researcher’s involvement or interference (Bowen, 2009). The use of document analysis is important as Atkinson and Coffey (1997:47) describe documents “as ‘social facts’, which are produced, shared, and used in socially organised ways” and so are research findings.

Documents that were sampled and analysed mostly took the form of relevant secondary data sources such reports in newspapers, academic papers and research series/issues/articles on the study area and government publications from the DHS, CTMM, HDA (including web-based applications) and Stats SA. Few documents were obtained from the research area and they were treated as authentic since they were signed by the community leader and/or the dwellers. This would include land audit data for the study area. This is in line with Bowen (2009), who provides that documents that may be analysed or used as part of a study, come in a variety of forms. Documents which can furnish documentary material for research purposes take a variety of forms including advertisements, agendas, minutes of meetings, attendace registers, letters and memoranda, newspapers, maps and charts; organisational or institutional reports and various public records as well as scrap books and photo albums (Bowen, 2009:27–28). Such documentary sources were also treated as sets of field notes and analysis.

Several documents were methodologically searched over several months. The Sustainable Human Settlement Plan Draft Report (CoT, 2014a:6), for example, contains:

- “a municipal housing needs assessment;
- the identification, surveying and prioritisation of informal settlements; and
- the identification of well-located land for housing”.

This was used to obtain the context and situational analysis of informal settlements and housing supply and demand as well as challenges in Mamelodi. Data from documents were analysed together with interview, satellite imagery data so that/and themes emerged across the data sets. Moreover, observation of the community conditions allowed for the development of a deeper understanding of how the informal settlement looked, was demarcated, has developed and the developments that have taken or have been taking place since its establishment. These field or study area observations in the form of pictures were undertaken during the same period in which the interviews were conducted.

Documents were particularly useful pre- and post-interview situation. In this regard, data collected from the documents was used to check data from interviews, satellite images and vice versa. Therefore, despite their flaws (i.e. incompleteness and unevenness), the documents reviewed, served another useful purpose as they augmented the satellite images, interview and observational data. This is apart from the rich context and background information that help with an understanding of the establishment of Mamelodi Township and the development and expansion/growth provided as a result of a comprehensive, systematic document review. Data from documents served to ground the research in the context of the phenomena or topic being investigated (Bowen, 2009:37). Data from various documents is analysed and discussed in Chapter 4 hereinafter.

#### *3.2.2.2. Data validation*

To enhance the data credibility, trustworthiness and validity of the study, the researcher will use data triangulation where data obtained from documents, Landsat satellite images and key informant interviews (KIIs) will be cross checked against each other. Data source triangulation is essential in providing data validity and reliability as it considers more than one source of data for the same data and enhances data validity and credibility (Patton, 1990; Yin, 2003; Runeson & Host, 2009). Therefore, to be sure, the diverse data source sources provided a more complete picture of the trend of informal settlement expansion, land acquisition sources and their role in the expansion/growth and strategies that could be employed to proactively manage informal settlements, more especially in Mamelodi, that would have been provided by a single data source. Effectively, triangulation of data sources “countered the threats to trustworthiness, such as reactivity, research bias, and informant bias” (Bowen, 2009:38).

All of the evidence from the Landsat satellite imagery, interviews and documents created a consistent picture of- or insight into the land acquisition processes and their role in the growth of informal settlements in Mamelodi and only then was the researcher satisfied that

the data collection processes and analysis were complete. The interviews did not unearth some of the data set. The document analysis confirmed the authenticity of the data from interviews and Landsat satellite imagery and vice versa.

### *3.2.2.3. Population of interest and sampling technique*

#### *3.2.2.3.1. Population and sample size*

The survey (interview) population was restricted to Mamelodi informal settlement dwellers and community leaders as well as government officials. Yet as stated by McMillan and Schumacher (2010), qualitative samples can range from 1-40 or more. Thus, the total sample size was 67 key informants including 59 informal settlement dwellers, five (5) community leaders and three (3) government officials (including the City's Director of Human Settlement Planning and two (2) ward councillors who were also dwelling within the informal settlements that they lead).

#### *3.2.2.3.2. Sampling technique*

The sampling technique to be used for this study was the purposive sampling technique, where Mamelodi informal settlement dwellers and CTMM officials, particularly from the Department of Human Settlements and ward councillors of the study's settlements were chosen for their knowledge concerning the study topic and their role in the area. Purposive sampling is associated with small and in-depth studies, including case studies (Matthews & Ross, 2010). As provided by Maxwell (1997) and Tongco (2007), purposive sampling allows the researcher to selectively choose particular group of informants and areas to provide significant/insightful/ expert information to feed into the study objectives and to address the research question. Maxwell (1997) further defines purposive sampling as a method of sampling in which, "particular settings, persons, or events are deliberately selected for the important information they can provide that cannot be gotten from other choices" (Tashakkori & Teddlie, 2003:87).

The hallmark and strength of purposive sampling essentially lies in its deliberate bias. Notwithstanding its intentional bias, purposive sampling has the ability to provide dependable and strong data (Bernard, 2002; Lewis & Sheppard, 2006; Tongco, 2007). Furthermore, a random sampling is often neither feasible nor efficient (Alexiades, 1996). A high dispersal of samples may bring about relatively higher costs for a researcher (Alexiades, 1996; Bernard, 2002). Hence a non-random sampling technique in purposive sampling will be used. Purposive sampling proves efficient in that easily accessible informants are chosen, including those keen to participate in the study (Teddlie & Yu, 2007). Tongco (2007:153) also provides that,

“Informants may be chosen out of convenience or from recommendations of knowledgeable people”.

### **3.2.3. Data collection challenges and limitations of the study**

The following challenges are expected for data collection tools to be used in the research, yet, these limits will not compromise the research findings or results credited to data triangulation. Other mitigations are discussed below:

- Unavailability of informants: rescheduling, excuses and non-responses to set appointments and questions occurred. The regional manager responsible for the management of informal settlements in Region 6 and two ward councillors (ward 17 and 97 where Stoffel Park is located) were perpetually unavailable.
- Language: interview questions (where necessary) were drafted in English and interpretation in the local language of informants was required to provide an understanding of the questions. The researcher dealt mostly with the Nguni (IsiNdebele, IsiZulu, SiSwati and IsiXhosa) speaking informants, while the Field assistant dealt mostly with the Sotho (Sepedi, Setswana and Sesotho) speaking informants. This mitigated the possible selective bias of targeting only Nguni language speaking informal settlement dwellers as a mainly Nguni language(s) speaker. Fortunately, Tshivenda (or Luvenda) and Xitsonga speaking informants could communicate at most in Sotho and least in Nguni (especially Vatsonga). Overall, the informants spoke South African Bantu languages which are widely spoken and often mixed in the country's Townships, particularly within the Gauteng province.
- The use of a GPS to capture coordinates (i.e. building footprints) would (have been) be a better option to show the area covered rather than stand or shack numbers which have a potential of compromising the confidentiality and anonymity of the informants.
- Time and Budget: whereas the intention of the research was to interview a larger number of informants, it was not possible due to time and budgetary constraints.
- The study is topic (land and informal settlement), geographical (Mamelodi) and time bound (1994 – 2014).

In the research proposal the below possibility was raised:

- *Aerial photographs of settlement patterns may not be available or exclusively for the period under investigation, 1994 – 2014. Thus, only certain aerial photographs available for the period will be used for analysis and/or interpretation.*

This abovementioned challenge became a reality. As mentioned in the research proposal, aerial photographs were to be obtained and interpreted/analysed to show trends that can be identified in terms of informal settlement patterns in Mamelodi over a period of 20 years since 1994. Yet this was not the case for Mamelodi, for various reasons including that, important images for certain years were either of too poor a quality in terms of resolution or they were not available at all. Therefore, aerial photographs were abandoned for Landsat satellite imagery which did not present the challenges presented by the aerial photos and provided relatively far better quality results because:

- The United States Geological Survey (USGS) EarthExplorer has a bigger quality archive of Landsat satellite images.
- Imagery is available for every year stretching from 1972 to the present, specifically for the study period (1994-2014).
- The only limitation is basically clouds covering the land, which was mitigated by downloading another aerial photograph for a different (or closer) date
- Images came with a coordinate system.
- All that was required was to, without any restriction, download them from the USGS (EarthExplorer) Landsat archive and then to analyse them.

If used, the challenges relating to using the aerial photographs would have had negatively affected (decreased) the quality of the results mainly because (of):

- Poor (i.e. early aerial photos) and varying photo resolutions thus required resampling (which could be done in ENVI) which further reduced the quality (resolution) of the photos, because when conducting change detection, ENVI was somewhat guessing or did not know exactly what the land feature is. For an example, whether it is a building or not. For this reason also, classification was not accurate.
- They were not geo-rectified/orthorectified and had varying coordinate systems.
- Common ground control points also could not be consistently identified in all aerial photographs. Firstly, because of the varied quality of the photographs and secondly, changes on the surface or in land over time. Thus no landmarks or points (such as a bridge, swimming pool etc.) were found that are common in every photo; and
- It was not a norm for the government or air-survey companies to take aerial photographs from 1994 to 2000 as suggested by the unavailability of the aerial photos in their database, specifically for this period.

### *3.2.3.1. Generalisability*

Furthermore, Stewart and Shamdasani (1992) claim that generalisation is often not possible for qualitative (interview) findings due to their nature of using small samples and purposive sampling technique, rather than random samples. Maree (2012) also asserts the claim by stating that generalisation is not compatible for qualitative data. Polit and Hungler (1991) define the term generalisability as the extent to which the research findings can be generalised from the sample of the study to the entire population. Meyers (2000) argues that while generalisability with qualitative data in the traditional meaning of the term is not possible, partial generalisations may be possible to similar populations and/or contexts.

### **3.2.4. Ethical considerations**

As the study involves people, it is essential to understand the ethical duties of conducting research (McMillan & Schumacher, 2010). Accordingly, firstly, ethical clearance was obtained from the University of Pretoria (see Annexure 2 attached). Secondly, before conducting the study, permission to conduct research within the City of Tshwane Municipality was granted by the City of Tshwane's Group Head: City Strategy and Organisational Performance and obtained through the City's Knowledge Management Unit (Annexure 3 attached). Key informant consents were obtained from all informants by signing off the provided consent forms. Prior to signing the consent forms (Annexure 4 and Annexure 5), all consent forms, where required, were read to the informants in their respective or local languages to ensure that they understood. Moreover, all informants were assured of confidentiality and anonymity. Yet officials and community leaders consented to the use of referenced quotes (to be identified as informants).

Finally, the informants were informed in detail about the purpose of the study, the intended use of the information obtained from them and the findings of the study thereof. In order to ensure voluntary participation and avoid information bias, no incentives were offered, promised or provided. Consent forms clearly stated that the informants were free to withdraw from research if they wished to do so at any stage without any disadvantages. Moreover, permission was granted by the City's Director of Human Settlement planning to take photos in the study area.

### **3.2.5. Data analysis**

The data collected through key informant interviews, document analysis and Landsat imagery made up the study data and findings. A thematic analysis was used as the main analysis technique in generating study findings. The analysis started with data coding

(Boyatzis, 1998; Creswell, 2003). According to Creswell (2003), this involves the comprehensive process of grouping together evidence or collected data and labelling ideas that are similar, so that they ultimately provide the researcher with wider perspectives. Accordingly, after data collection, the interview survey transcripts and selected documents, in particular, underwent a comprehensive process of data coding and identification of themes (Rice & Ezzy, 1999), to enable an organised critical discussion of findings and presentation. Downloaded Landsat imagery was processed and analysed using ENVI Classic 5.3 while ArcGIS-ArcMap (10.4.1) was used to create the maps (i.e. for the study area and from the Landsat imagery). Themes capture significant data in relation to the research objective and question and provide patterned responses within the data (Braun & Clarke, 2006). In this study, the research questions made up the main themes of the research data. These themes were categorised and captured in the interview survey. The researcher then made a list of the sub-themes by summarizing the respondent's response to the interviews which relate to each main theme (Cresswell, 2013). Once this was done, the researcher catalogued, categorised and put together, all the data that fit under each sub-theme. Finally, all sub-themes were put together to summarize the respondent's comprehensive responses (Creswell, 2013).

Therefore, data analysis involved categorising and relinking aspects of data from the key informants, selected documents and Landsat satellite imagery so that data can be analysed, therefore finding underlying meaning and discussing the meaning of the data (Matthews & Ross, 2010; Maree, 2012). Furthermore, the relationship between the categories of the data, for example, land acquisition and the development of informal settlements, were explored. Thus, similarities, differences and general patterns were identified (Bowen, 2009).

### **3.3. Summary**

The study took a qualitative methodological approach and a case study strategy was used to conduct the study where Mamelodi was a study area. Various primary and secondary data sources, such as Satellite imagery key informant interviews and document analysis, were used to collect the data. In terms of scope and limitations, the study is topic (land and informal settlements), geographical (Mamelodi) and time bound (1994-2014). Following the thematic analysis, the collected data was triangulated for completeness and validation purposes. Permission and ethical clearance to conduct the study was obtained from the University of Pretoria and the City of Tshwane Metropolitan Municipality. Moreover, the respondents participated voluntarily and their identity was kept anonymous while their information was treated confidentially.

In the next chapter (4), the collected data or study findings are presented and discussed.

## **CHAPTER 4: THE CASE OF INFORMAL SETTLEMENTS IN MAMELODI, 1994 – 2014**

### **4.1. Introduction**

This chapter presents and discusses the study findings relating to informal settlements in Mamelodi Township, which is the case study area. This includes a presentation and analysis of the development of Mamelodi and the growth of informal settlements in the township over a period of 20 years (1994-2014). Focus was placed on four informal settlements, namely; Extension 11, Phomolong, Alaska and Stoffel Park. The role of the current land acquisition processes in their growth is also determined. Attention is given to the presentation and discussion of data that was obtained from the Landsat imagery, key informant interviews and from documents relevant to the study in an effort to achieve the study objectives listed in 1.3.1 and respond to the study questions listed in 1.3.2.

*This chapter therefore contains three main sections:*

Section 4.2: Two decades of informal settlement growth in Mamelodi in satellite imagery

Section 4.3: Presentation and discussion of data from key informants

Section 4.4: Documentary data review and discussion of findings

This is thus done purely to allow for the data to be disseminated or presented in order, in a manner that allows the presentation and discussion of findings to flow. Yet it is important to note that the sections are not presented in isolation to each other. Document data for example is presented and discussed with hindsight of the data from interviews and Landsat imagery.

#### **4.1.1. Mamelodi in context - history to present**

During the pre-apartheid years, the level of segregation was fairly high, but Blacks often lived next to whites and also quite near to the city centre, in communities/areas such as Marabastad and Bantule (Bernstein & McCarthy, 1998; see also Horn, 1994 – for depiction of Segregation city of Pretoria – also cited in Bernstein & McCarthy, 1998). Shortly after the beginning of apartheid in 1948, tens of thousands of black residents, Africans in particular, were forcibly removed in the 1950s, in terms of the Illegal Squatting and Group Acts, to the more peripheral Atteridgeville and Mamelodi townships serving as dormitory residential areas (Bernstein & McCarthy, 1998).

By 1961, these two townships already experienced a shortage of many thousand housing units. The Pretoria City Council made a case for the creation of the Ga-Rankuwa township behind the so called 'black reserve' (later the Bophuthatswana homeland) boundary



about 30 km north-west of Pretoria in order to accommodate the growth. Settlements of Blacks in the area rapidly expanded and extended into what became known as the Winterveld complex (Bernstein & McCarthy, 1998) (see also Figure 20 on page 148). Table 7 shows a more detailed breakdown of Pretoria's housing and basic services situation by 1994.

TABLE 7: Pretoria's housing and basic services situation by 1994

<b>Table 2: Pretoria's black insiders and outsiders, 1994</b>						
	Population	Housing formal	Housing informal	Electricity (%)	Water in house (%)	Sanitation (waterborne)%
Atteridgeville	101 000	11 000	2 200	57	32	79
Mamelodi	320 000	18 500	3 000	68	74	79
Laudium	40 000	4 000	~	100	100	100
Ga-Rankuwa	62 000	10 700	4 000	100	100	100
Winterveld	180 000		23 700	30	4	0
KwaNdebele	640 000	96 000	32 000	90	20	14

Source: 'CDE Research: Policy in the making' issue by Bernstein & McCarthy, 1998

Following the promulgation of- and in line with the Group Areas Act, in Pretoria (now officially called Tshwane after Chief Tshwane of Chief Mushi), whites had their own demarcated and segregated residential areas within the radius of the city centre (Pretoria). Meanwhile, Coloureds, Indians and Africans were forcefully removed from those areas designated as "Whites/Europeans Only", namely, Lady Selbourne and Marabastad, to townships located in outskirts of the city. These include Mamelodi, Hammanskraal, Atteridgeville, Mabopane, Ga-Rankuwa, for Africans, and Eersterus (for Coloureds) and Laudium (for Indians) (Harrison *et al.*, 2007; SAHO, 2011d; CoT, 2013) – (refer to Figure 20). Figure 20 also serves as a model of- or conform to the Apartheid city (spatial structure) illustrated in Figure 3 on page 42, with Mamelodi as an African township with freestanding informal settlements (Davies, 1981; Simon, 1989), located adjacent to an industrial sector and thus making Pretoria "apartheid's model city" as referred to by Bernstein and McCarthy (1998:3).

Mamelodi (literally meaning and short for father of melodies) is one of the oldest (traditionally African) townships in South Africa and it is named after Paul Kruger, a colonist (a name known by to the Black population and for his ability to 'imitate birds') and was established by the apartheid government in 1953 as a native location for black migrant workers, African in particular, on the farm 'Vlakfontein' (as the township was also initially known), near the train station at Eerste Fabrieken (Gottsmann, 2009; SAHO, 2011d). According to SAWeb (n.d), this township was founded with just 16 houses built for Black people, who were removed from other areas where they were unwanted in line with the Group

Areas Act. The first residents worked at factories making bottles and brick (van Onselen, 1976; SAWeb, n.d). In line with the 1950 Group Areas Act, It is reported that Africans were forcefully removed to the outskirts of Pretoria (now officially Tshwane) including Mamelodi, Atteridgeville and Ga-Rankuwa (Harrison *et al.*, 2007; Gottsmann, 2009; SAHO, 2011d).

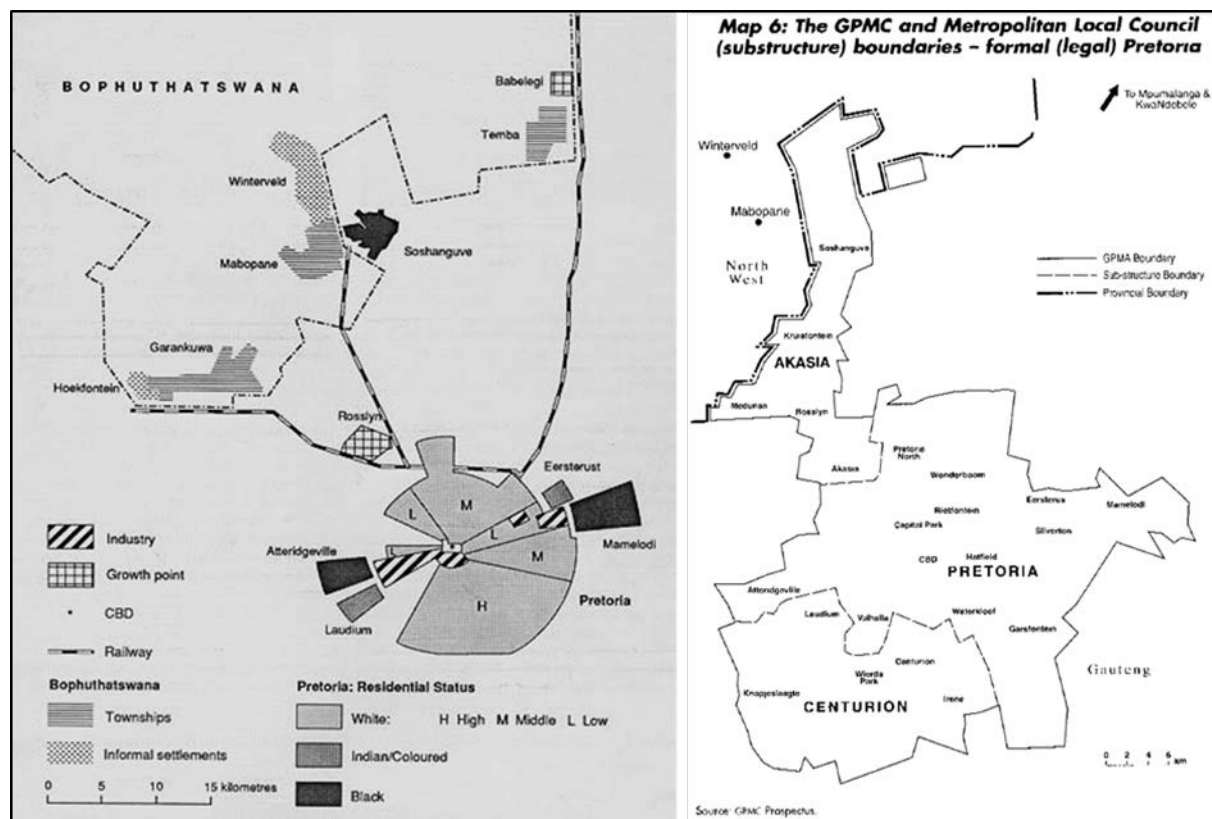


FIGURE 20: Apartheid Pretoria city and surrounding dormitory settlements in the former Bophuthatswana homeland  
 Source: Krige and Donaldson (1999); GPMC Prospectus, 1996 (official 1994 Pretoria Metropolitan boundaries)

The present day Mamelodi is under the City of Tshwane Metropolitan Municipality (CTMM) and it is located on the north-eastern peripheries of Region 6 (as shown in Figure 74), about 25 km (in terms the City’s 2014 Sustainable Human Settlement Strategy (SHSS; see Figure 85a)) from the city centre of City of Tshwane (CoT) in Gauteng province as shown in Figure 18 (Peeters & Osman, 2005; Mamelodi Mesh, 2008). Accordingly, Mamelodi, especially the East, is isolated from the city centre and the major employment areas (Metroplan, 2006; CoT, n.d; Ramafamba & Mears, 2012). In terms of spatial structure, Mamelodi is still located close to the industrial/commercial sector (CoT, 2014b).

Effectively from 18 May 2011, a new single metropolitan municipality followed the Municipal Demarcations Board’s re-drawing and re-determination of the boundaries of four

municipalities of Gauteng province namely, Metsweding District, Nokeng Tsa Taemane Local, Kungwini Local and City of Tshwane Metropolitan Municipalities. The result was that the reformed City of Tshwane Metropolitan Municipality covering about 35% of the Gauteng's total land area of 18 178 km<sup>2</sup>, with seven Administrative Regions, 105 wards and 210 Councillors. (See Figure 18 and Figure 75 to note the change of the municipal boundary and size). The government's continued commitment of improving service delivery and ensuring economic growth to all its citizens, was given as an explanation for the re-determination of the City of Tshwane municipal boundary that existed from 2001 to 2011 (CoT, 2013).

The amalgamation now means that the CoT has a total land area of 6298 km<sup>2</sup> making it the world's third largest metropolitan municipality in this regard after New York in USA and Tokyo in Japan. Gauteng is the most densely populated province despite being the smallest of South Africa's provinces and is home to at least 24% of the country's population which is about 12.3 million people. Between 2001 and 2011, the population of the City of Tshwane increased from 2.1 million people to 2.9 million (with a total of 911 536 households). As the result of migration of people from surrounding provinces to Gauteng while searching for economic opportunities notwithstanding at a slower rate, it is expected that overtime the City's population will continue to increase. In 2016, the Metropolitan's population was growing at 2.6% per annum (Stats SA, 2016). Moreover, Metsweding region's (and its local municipalities) incorporation can partly explain the growth in the population of the City of Tshwane (CoT, 2013).

### ***Regional Context***

Region 6 is 885 km<sup>2</sup> (88524 ha) in extent with 24 wards accommodating a population of 605 556 and about 22% (44377) of the regions dwelling units are informal. This includes 30373 shacks that make up the informal settlements. Ward 40 of Mamelodi with wards 85, 86, 91 and 101 are the most populated. These high population and density wards are located in areas that had been previously disadvantaged and are in need of requiring service delivery of a special kind and the establishment of sustainable human settlements (CoT, 2014a).

The City has identified land invasions as one of the main challenges facing Region 6. The Municipal has determined to mitigate this by "fast-track[ing the] allocation of RDP houses and formalisation of informal settlements". Moreover, unemployment stands at 20.5 % which is below the national average of 25%. Forty-five per cent of the population are low-income earners (monthly household income of less than R 2000.00 per month), with also a concentration of a no-income group. The north-eastern section of the Region, including Mamelodi, accommodates mostly low-income communities and industrial land uses. (CoT,

2017). Figure 21 shows a more detailed breakdown of the profile (dwelling units) Region 6 (CoT, 2014a).

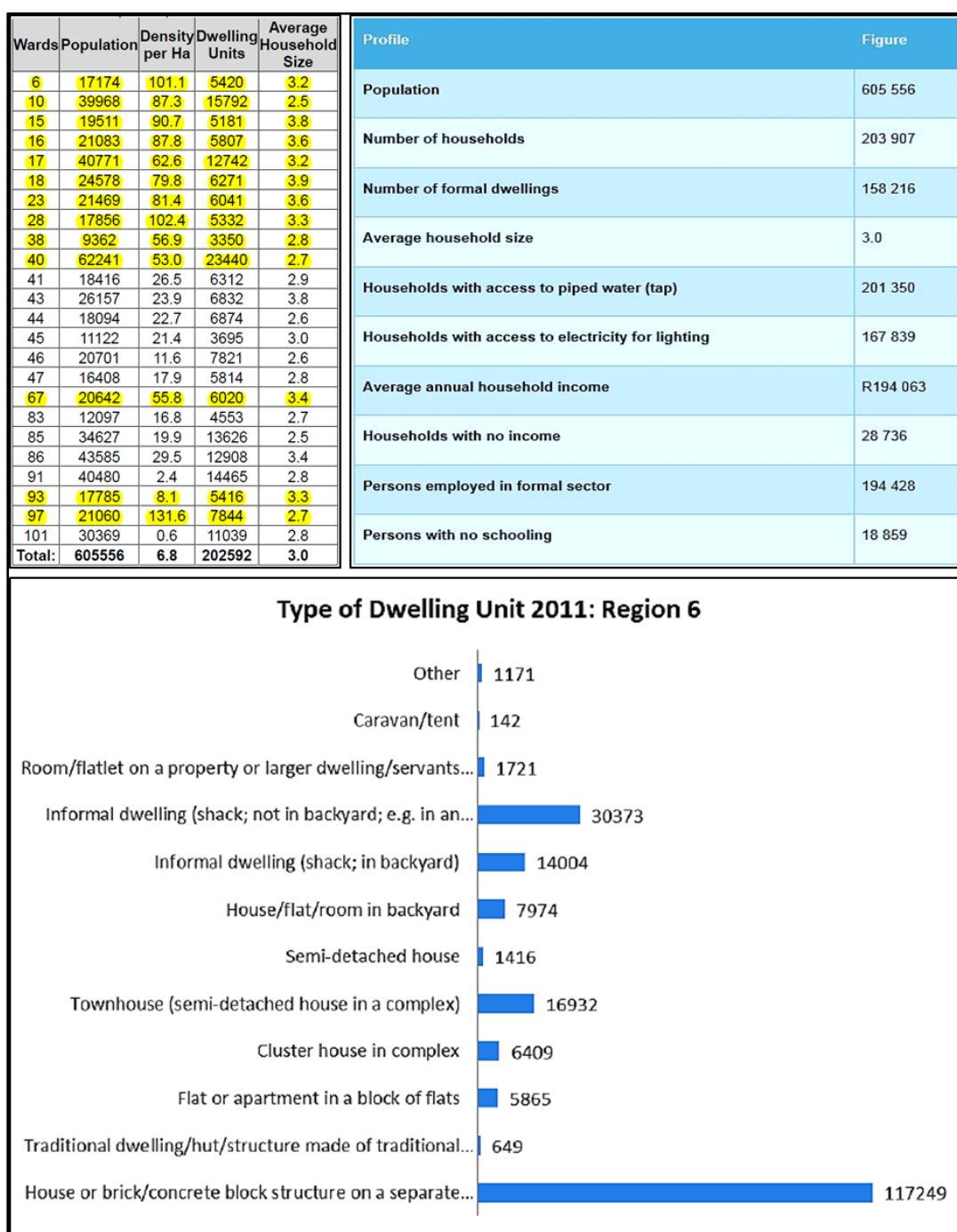


FIGURE 21: Profile of Region 6

Source: Stats SA, 2011 Census; (top right and bottom) CoT, 2013

#### **4.2. Two decades of Informal settlement growth in Mamelodi in satellite imagery**

This sub-section and the data contained herein relates to the following research objective and the related question:

**Objective 1:** *to analyse the development and growth of informal settlements in Mamelodi.*

*Question: what are the trends that can be identified in terms of informal settlement patterns in Mamelodi since 1994?*

##### ***Interpretation of historical and recent Landsat satellite imagery of Mamelodi Township***

Using the ENVI Classic 5.3 to process and analyse the Landsat satellite images (and ArcMap to create the map), detected change in land cover and a use over time (1994-2014) can be observed in Figure 22 and Figure 23. The year 1993 is used as a base-year showing the use or state of the land cover before 1994, the dawn of democracy. Tasseled Cap (TC) transformation and True colour composition was used to construct and contrast four pairs of TC transformed and true colour composite images. Firstly, what appears from observing and analysing the satellite images (in Figure 22 and Figure 23) over time, is that the municipality has had so much time and opportunity to proactively secure, develop and release serviced stands or the vacant land for the purpose of formal housing. In this way, it would have, probably, avoided a number of informal settlements that have mushroomed on the land since 1994.

Consequently, left to fend for themselves, it appears that the land occupants did not manage to resist the temptation and miss their chance to occupy and erect shacks on the vacant land. Thus, it can be said that the municipality now is generally reacting to a crisis that could have been prevented/avoided. The further problem is that new shacks and informal settlements continue to be erected and develop while the municipality is in the protracted process of replacing some shacks with formal housing. Since 1994, Informal settlements in Mamelodi East have expanded, mushroomed and expanded primarily towards the South-East as particularly indicated also by Gottsmann (2009) (see Figure 72).

Finally, the Landsat satellite images show that Stoffel Park Village is the last informal settlement established within the traditional boundary or demarcated border of Mamelodi in 2014.

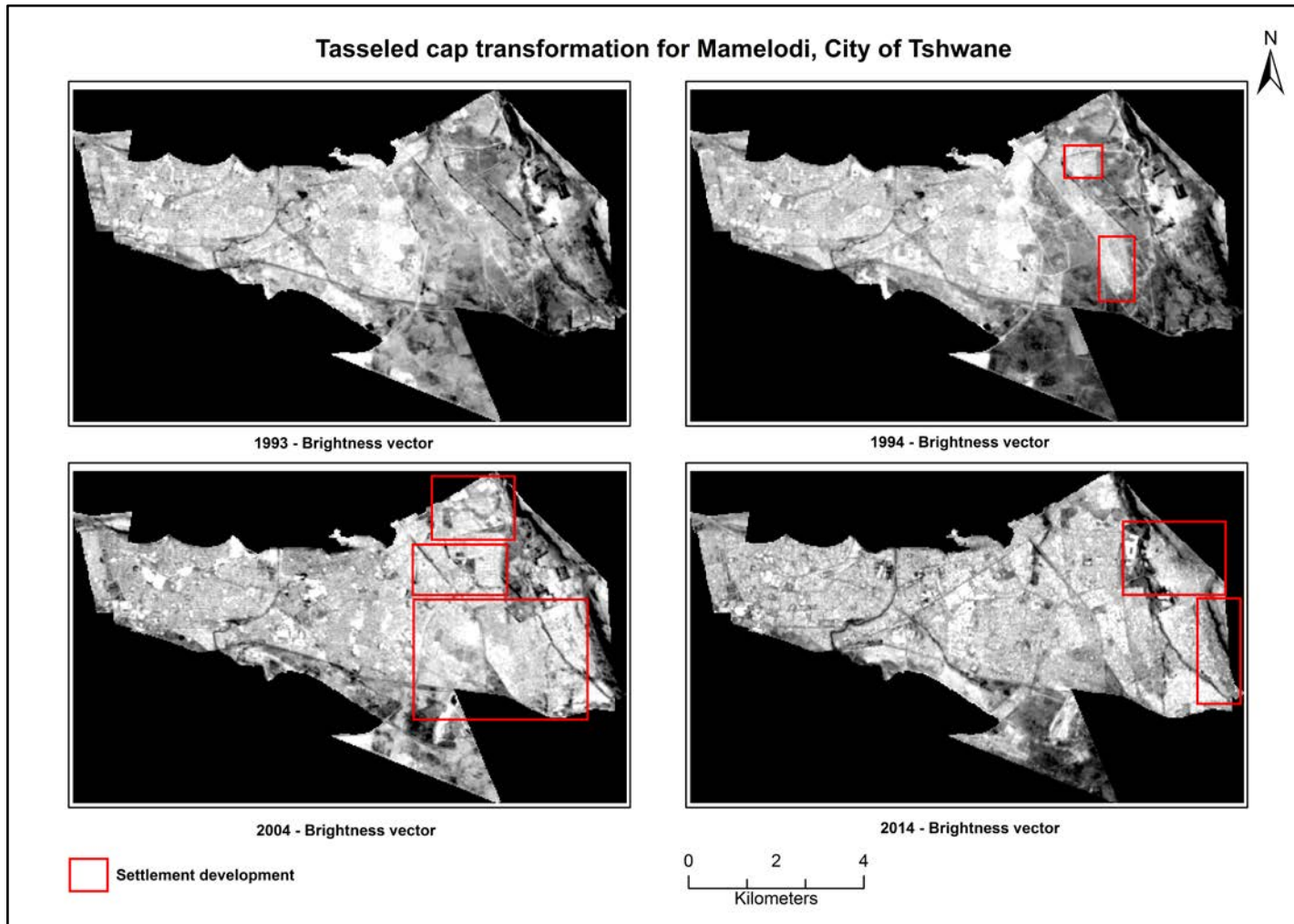


FIGURE 22: Informal settlement developments since 1994 – 2014 (Tasseled Cap Transformation for Mamelodi)

Source: Compiled by Bongiwe Tshabalala, student, University of Pretoria; imagery Courtesy of USGS EarthExplorer. 19/09/1993 (Landsat 5 (TM)); 22/09/1994 (Landsat 5 (TM)); 31/07/2004 (Landsat 5 (TM)); 31/10/2014 (Landsat 8 (ETM+)).

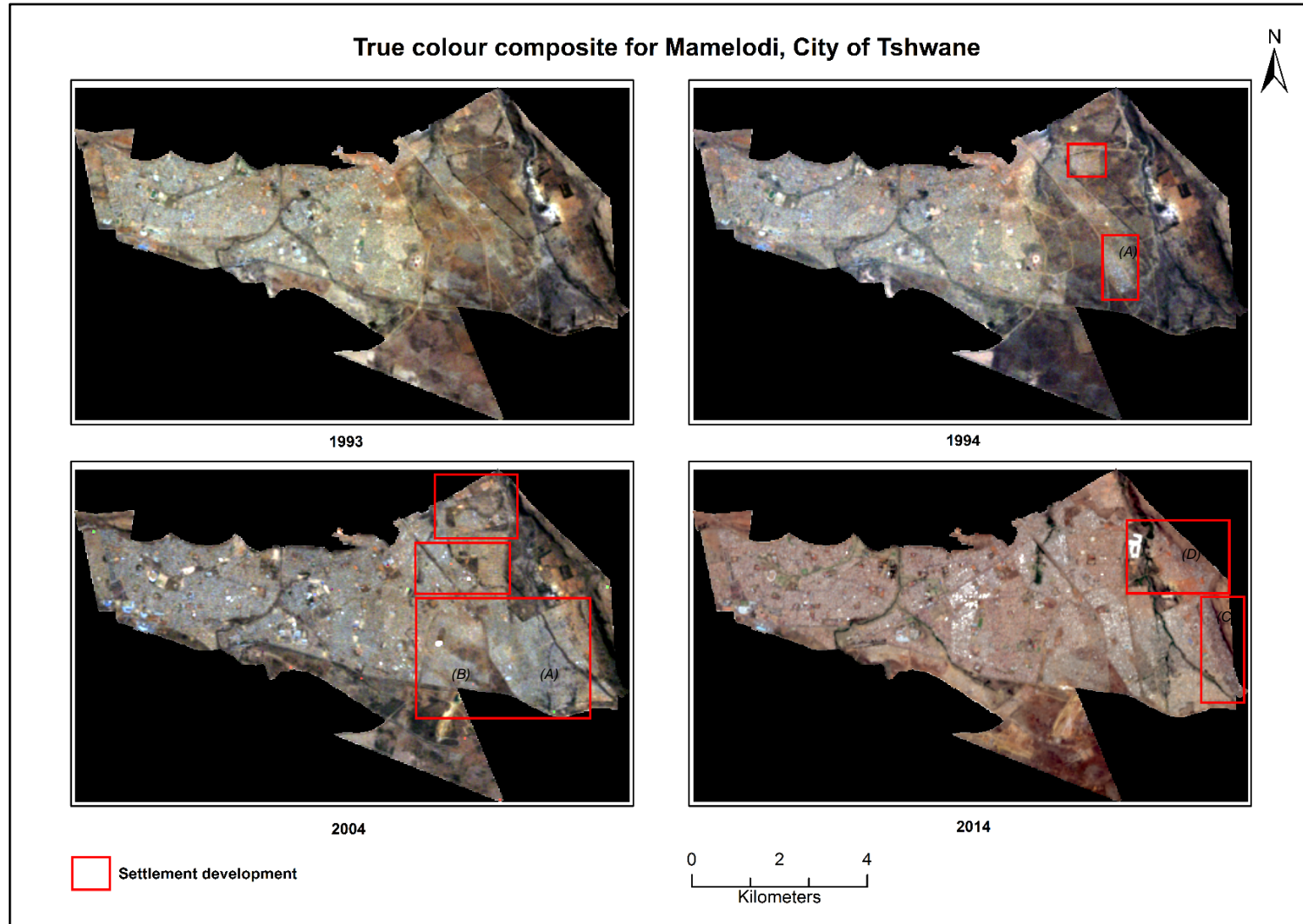


FIGURE 23: Informal settlement developments since 1994 – 2014 (True colour composition for Mamelodi)

Note: (A), Extension 11 informal settlement; (B), Phomolong; (C), Alaska; (D), Stoffel Park.

In Figure 22, in accordance to TC transformation (brightness channel characteristic), the dark grey or dark area depict areas that are bare or vacant land while the bright areas depict built areas including informal settlements that have developed and expanded since 1994. Looking at the 1993 imagery, Mamelodi West seems to have reached its limit of expansion sometime before 1994, while it is visually clear that there were virtually no settlements, formal or informal, developed on the land on the east of Mamelodi East. The bright land area by Edendalspruit River is not built, but it is instead a sandy area. Carefully considering or visually analysing all the images in both Figure 22 and Figure 23 to identify or detect change, it can be said also that the greatest settlement expansion in Mameldi East particularly, began in 1994 and occurred over a period of 20 years (1994-2014) with major informal settlements such as Extension 11, Phomolong, Alaska and Stoffel Park as marked by the red neatlines. Figure 26a and Figure 26b provides snapshots confirming that the great deal of the development and expansion marked in Figure 22 and Figure 23 has been of these informal settlements. Yet though located in today's Extension 12, it is not clear from the figures whether or not (A) (in 1994 imagery Figure 22 and Figure 23) was the beginning of today's Extension 11 informal settlement.

Before 1994 and occupying the land to form Extension 11, the informants (dwellers) explained that the place was a dairy farm belonging to a Boer couple and two of its built structures were still recognisable and standing on the site. The housing structures are largely unaltered and are being used and used for business purposes, (Top right) Nkele liquor store and another (Bottom left) 'Mandela Supermarket', as shown below in Figure 24.

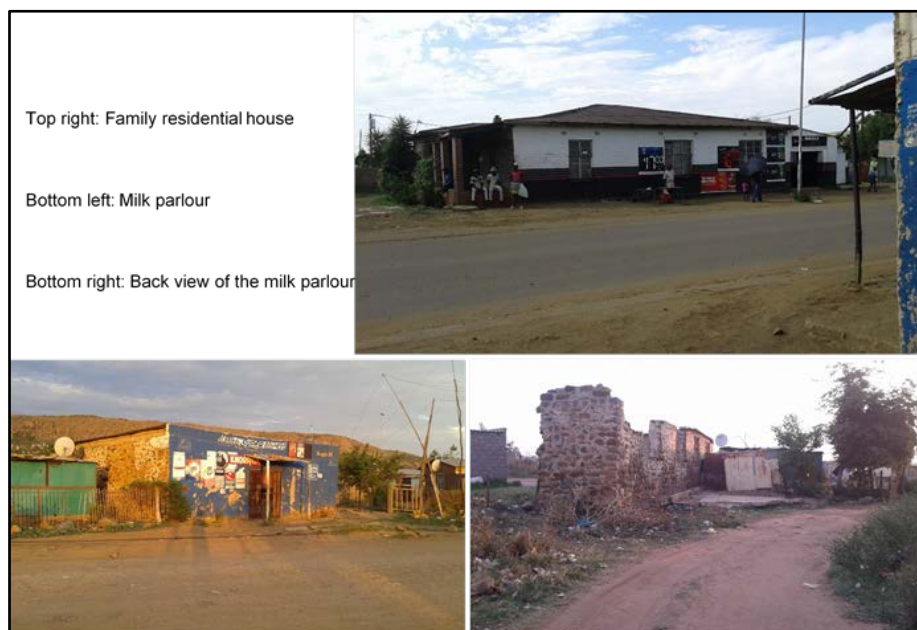


FIGURE 24: Extension 11 and surroundings, land use and structures before 1994 (Dairy farm)  
Source: Data from key informants; photos taken by author on 26 October 2017



The literature review provides the spatial organisation of informal settlement with Gottsmann (2009) noting that “the finer grids networks typically represents the informal sector” (see Figure 72). Noting therefore the spatial pattern, structure or organisation of the settlements in Figure 25, it clear that informal settlements, especially the indicated four, are a significant feature in and of Mamelodi East and their development has contributed massively to the great occupation and expansion of Mamelodi (East).

Supplementary to Figure 22 and Figure 23, Figure 25 also validates the figures and shows that of the four major informal settlements that have mushroomed in Mamelodi since the dawn of South Africa’s democracy in 1994, two were established in the second decade of the democratic South Africa between 2004 and 1994, namely, Alaska and Stoffel Park. Needless to say, Extension 11 and Phomolong were established during the first decade, between 1994 and 2004. It seems also that with patches of open area/land, that Phomolong was not fully occupied by the year of 2004. Looking at the 2014 image in both, Figure 22 and Figure 23, Mamelodi seems to have reached the limit of its greatest expanse. The informal settlements, Alaska and Stoffel in particular, are encroaching upon Magalies Mountains, on the East (as seen in Figure 26). If this informal settlement trend (of land demand and occupation) and pattern continues, there is a reasonably high possibility that the shacks will summit or extend over the mountains or to another nearby open land which has been the case already since 2015 as the settlements reached virtually full capacity, especially, as newer urban dwellers continue to define new boundaries.

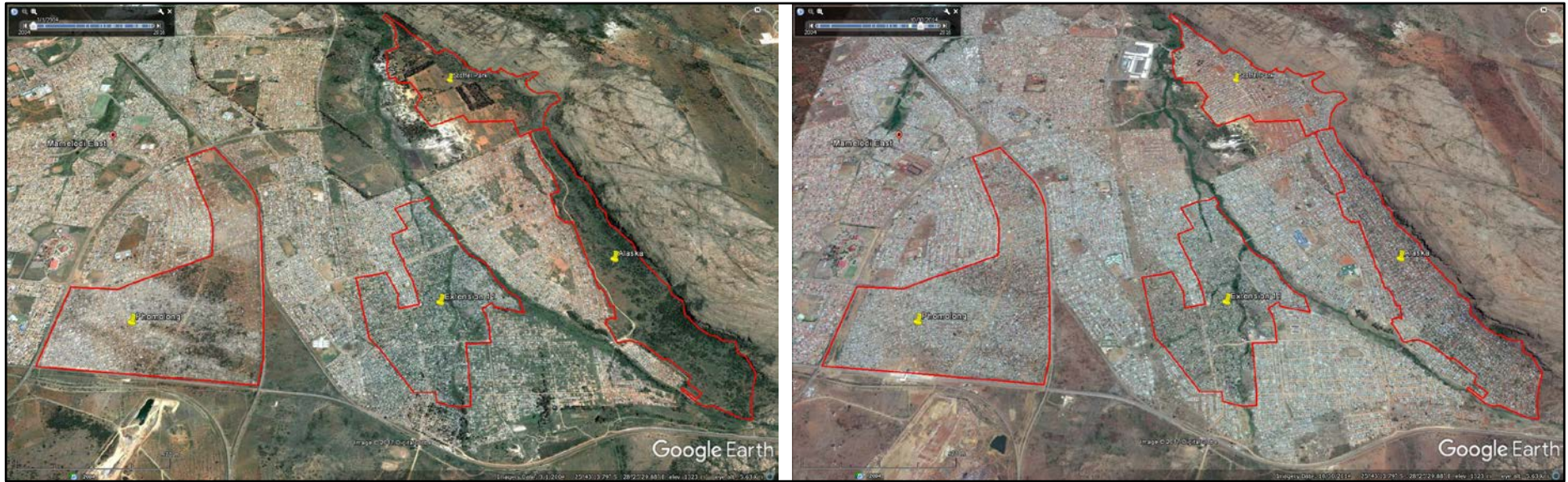


FIGURE 25: Screen shot confirming informal settlements, 2004 (left) and 2014 (right)

Source: Google Earth (DigitalGlobe, 2004; 2014)

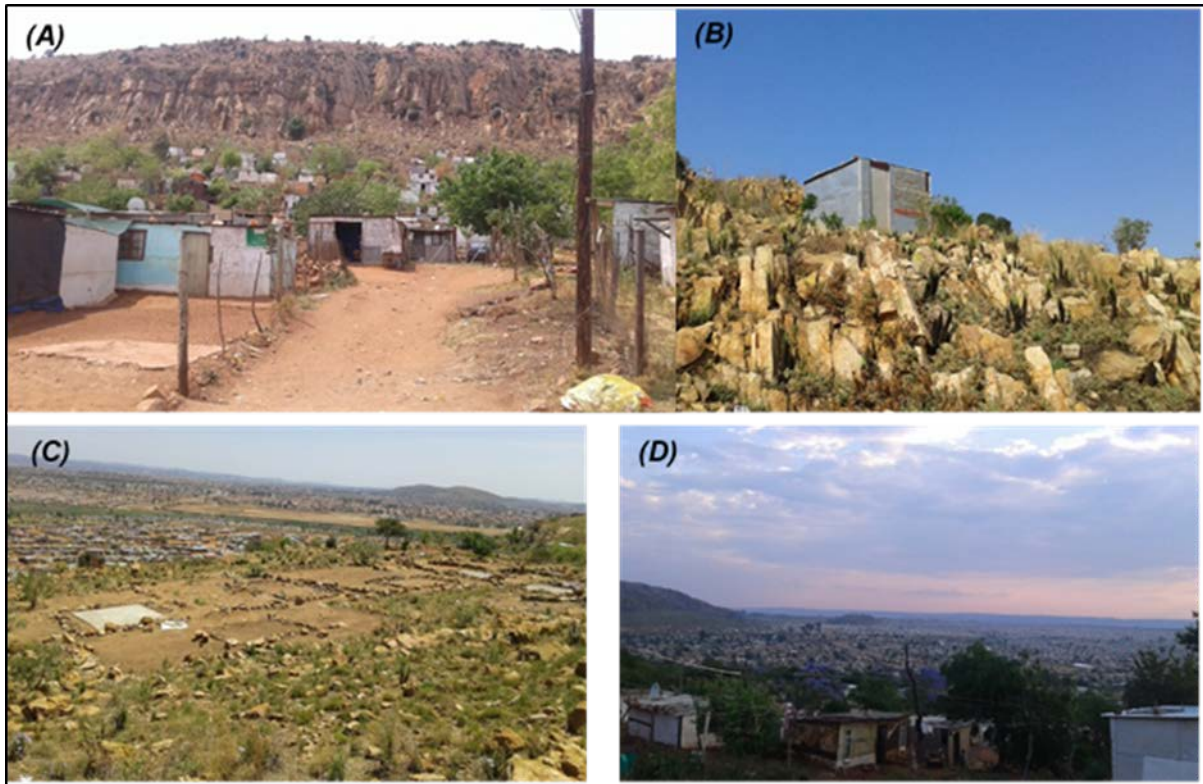


FIGURE 26: Redefining limits and boundaries – over the hill, other remaining vacant surrounding outskirts

Source: Imagery by Author, 2017; (A), Alaska upon Magalies Mountain; (B), Stoffel Park on top of Magalies Mountain; (C), Trail of removed Stoffel Park shack on top of Magalies Mountain; (D), new informal settlement development (e.g. *Silahliwe*) in Pinaarspoort and Skierlik over the railway line and Pinaarspoort station.

Data collected from key informants in the final analysis does not contradict the above data from the satellite imagery. More details about the four informal settlements, which were collected from key informants, are presented and discussed in the following section to achieve the research objectives and to respond to the research questions. This includes how the land was acquired and what has caused the informal settlements in Mamelodi to grow, something which the Landsat satellite imagery does not indicate.

### 4.3. Presentation and discussion of data collected from key informant

Data collected through interviews with informal settlement dwellers, herein and after referred to as respondents, is presented and discussed in this section. Therefore the data, including the charts that are presented herein, relates to the shack-dwellers in Extension 11, Phomolong, Alaska and Stoffel Park, with 56 respondents altogether (excluding the Director, ward councillors and community leaders), unless stated or referenced otherwise.

Following a comprehensive analysis, the study findings are presented and discussed below at once for all of the four informal settlements under common themes, in charts and written format beginning with demographic information. Some of the answers that were obtained are given verbatim and written in italics to give reference to the presentation and discussion of data collected from the respondents as well as to explain or give an expression of their positions in their own words.

## GENERAL DEMOGRAPHIC INFORMATION

### Gender, ethnicity and home language

70% of the respondents were females and were a majority in all the informal settlements (71%, 64%, 86% and 56% respectively in Phomolong, Extension 11, Alaska and Stoffel Park). Furthermore, all the respondents in the study were Africans, mostly Pedi and Tsonga (as shown in Figure 27) to an extent that the most spoken language were Sepedi (41%) and Xitsonga (23%), while Selobedu (2%) was the least spoken language. Sepedi was the most spoken language especially in Stoffel Park (57%), Alaska (50%) and Phomolong (43%), while Xitsonga (43%) was spoken the most in Extension 11.

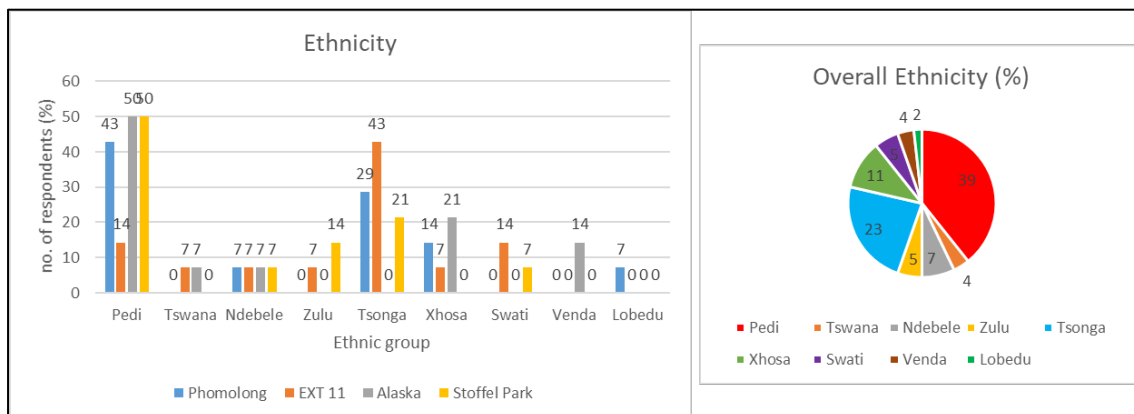


FIGURE 27: Respondents ethnicity

## Age

In terms of age, the respondents were generally and fairly young with most between the ages 22-25 and 36-45 years. The respondents from Alaska were the youngest of all the respondents, ranging between 18 to 35 years of age, but it also had a senior citizen between 66-75 years of age. (See Figure 28 for more details). In fact, one of the respondents stated that Alaska is a youth informal settlement.

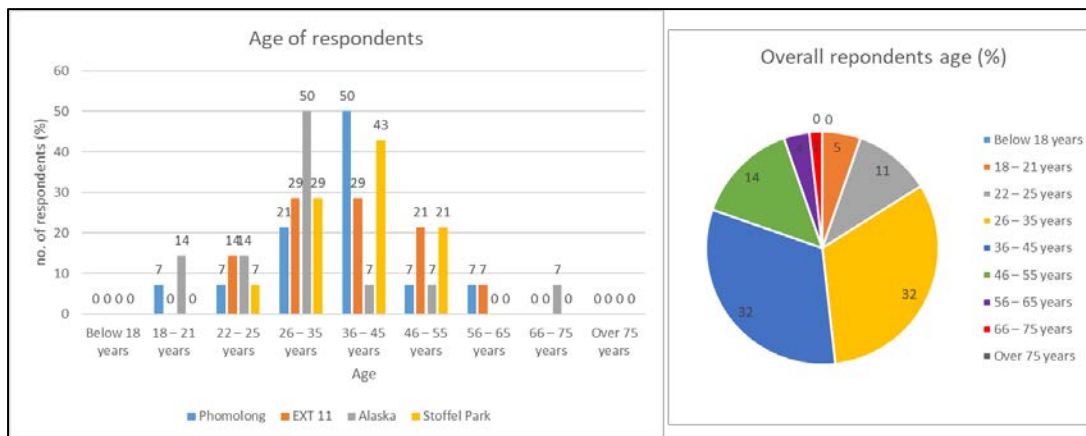


FIGURE 28: Age of respondents

## Rural-urban migration/urbanisation

In terms of migration/urbanisation as one of the main drivers of informal settlement development, growth and continued existence, a great majority (87%) of them were not born in in Gauteng, while a few were from outside the country. They come from Limpopo (55%), Mpumalanga (16%), Eastern Cape (11%) and Outside South Africa as well as from Mozambique (4%) in Chokwe and Gaza and from KwaZulu-Natal (2%). Data collected (see Annexure7) also shows that many of the respondents come from villages in rural areas. Only 13% (seven out of the 56 respondents) were born in the province. In terms of citizenship status, two (Tsonga speaking) respondents came from outside South Africaa, of which one had a work permit, while the rest of the respondnets were South Africans by birth.

The reasons for migrating to the City of Tshwane are manifold. They included coming to work having found a job, looking for work, school, coming to live with a partner or spouse and while one came just to live. Many (66%) of the respondents came to look for work and for school (16%), respectively in all the four informal settlements. This indicates that there are few or no jobs or job opportunities where they come from and that the quality of the schools or education is poor where they come from, while some had come to live with their parents and to study.

It is also particularly interesting to note that none came to start a business (see Figure 29 below for more detail). Only five of the respondents were born in the City of Tshwane (four from Mamelodi and one from Hammanskraal) making up 7% of all the respondents. They have found a land and place to live in, in Mamelodi and in the informal settlements in particular.

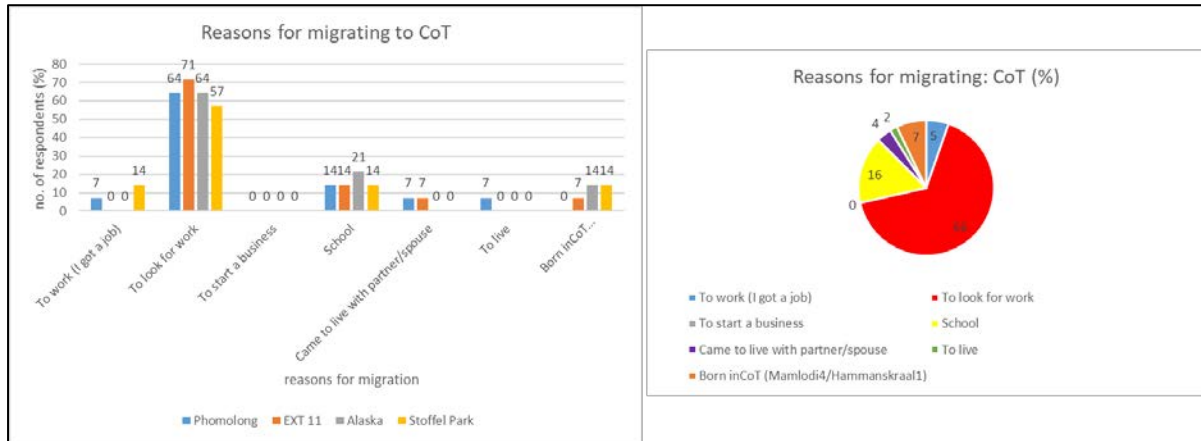


FIGURE 29: Reasons for migration

### Education, employment and income

Unemployment was a serious challenge facing the majority of the respondents from all four of the informal settlements with as many as 66% unemployed and no more than 50% were unemployed in all the settlements. Poor levels of education probably play a significant role in this since as many as 48% of all the respondents did not complete any schooling, while 38% had matric (Grade 12). (See Figure 30 and Figure 31). Some never even went to school. Interestingly no more than 10% had a formal qualification other than matric. Consequently, a great lack of skills and training is likely to be a major cause of unemployment and low-income levels as shown also in Figure 31. Adding to this is that none of the respondents came from to the City of Tshwane to start a business, but most to look for work.

Among the respondents, women had a higher rate of unemployment when compared to men, with as many as 77% of the women unemployed, of which five per cent were female students. This is perhaps why they are the dominant respondents.

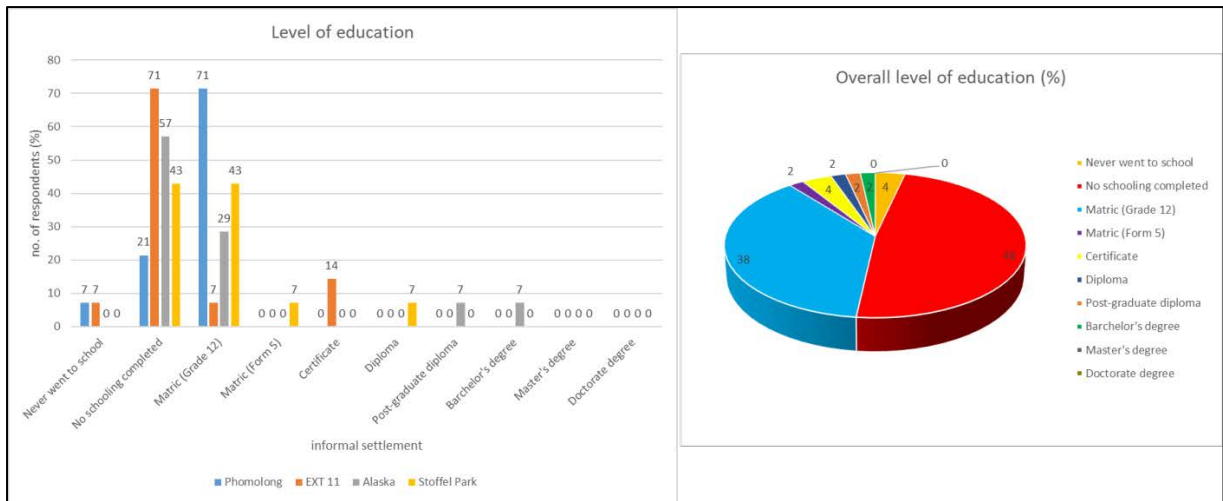


FIGURE 30: Level of education

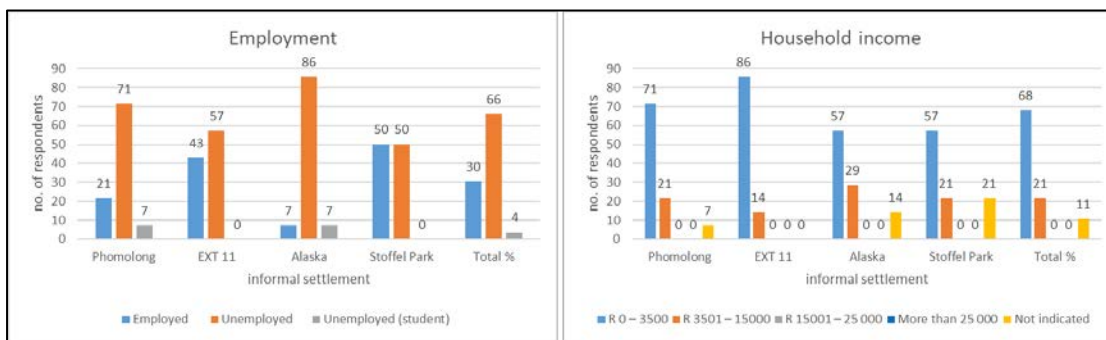


FIGURE 31: Employment and Household income

## LAND ACQUISITION: LAND AND HOUSING

### Arrival in the City of Tshwane and the informal settlement

Tshwane has been receiving a number of new residents, with a few respondents having been born in the City, in Mamelodi and Hammanskraal. Some of the residents arrived in the City 30 years ago as indicated in Figure 32, in the early 1980s, with some arriving between 1989 and 1992 in Extension 11, but to date they live in an informal settlement and are yet to own a house. There is a trend and order represented by the respondent's year of arrival which coincides with the years that they arrived in the informal settlement (shown in Figure 33) and the years that the informal settlements are said to have been established (shown in Figure 47). A majority of the residents from Extension 11 arrived in the City between 1989 and 1992, with others arriving later between 1995 and 1998, 2001 and 2004, as well as 2004 and 2007. A large number of respondents from Phomolong arrived in the city between 2001 and 2004

as well as 2004 and 2007. Phomolong is followed by Alaska and Stoffel Park. A large number of respondents from Alaska arrived between 2007 and 2010 as well as 2004 and 2007, while respondents from Stoffel Park mostly arrived between 2001 and 2004, as well as 2004 and 2007. Overall the majority (41%) of the respondents arrived between 2001 and 2007, followed by 2007 – 2010 with 13%.

None of the respondents was indicated to have arrived in the City or informal settlements between 2013 and 2016, most probably because the study and the interviewed respondents were also time limited between 1994 and 2014. This does not all indicate that the City has not received new residents and/or that Mamelodi have not given birth to new shacks. As a matter of fact, new shacks have been erected and new informal settlements have been developed.

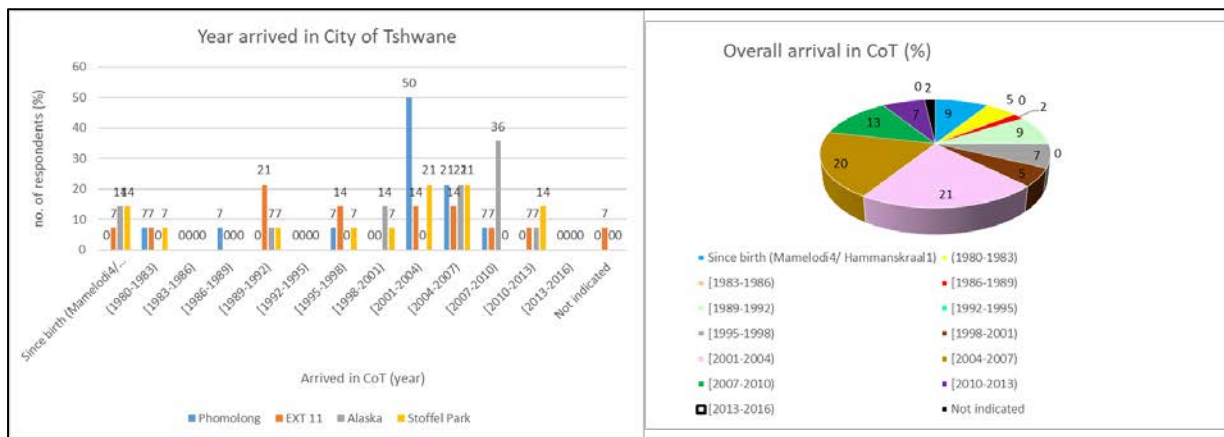


FIGURE 32: Year arrived in City of Tshwane

Data graphically presented below in Figure 33 somewhat indicates that Extension 11 was established before- and is therefore older than Phomolong, Alaska and Stoffel Park. Alaska and Stoffel Park came after Extension 11 and Phomolong and are relatively new informal settlements. Moreover the arrival of most of the respondents was also the establishment of the respective informal settlements (consider Figure 33 together with section 4.2/satellite imagery, Figure 32 above, Figure 76 and Table 11 under section 4.4/Documentary data).

Most of the respondents in Extension 11 arrived between 1995 and 1998; Phomolong, between 2001 and 2004; Stoffel Park and Alaska, between 2007 and 2010; and in Alaska, between 2010 and 2013. One of the respondents in Extension 11 was born in the informal settlement now called RDP in the adjacent Extension 18 before being relocated to Sizanani in Extension 11 in 2005. According to the respondent born in 1992, now a father of one, *the whole area from the railway and before Lusaka, was Sizanani*. This indicates that Extension 11 or Sizanani to be precise by the account of the respondent was established at least 2 years before 1994. Moreover, it appears that Extension 11 and Stoffel Park has continued to receive



new arrivals/dwellers since the respondents first arrived even between 2013 and 2014 as indicated in Figure 33 below.

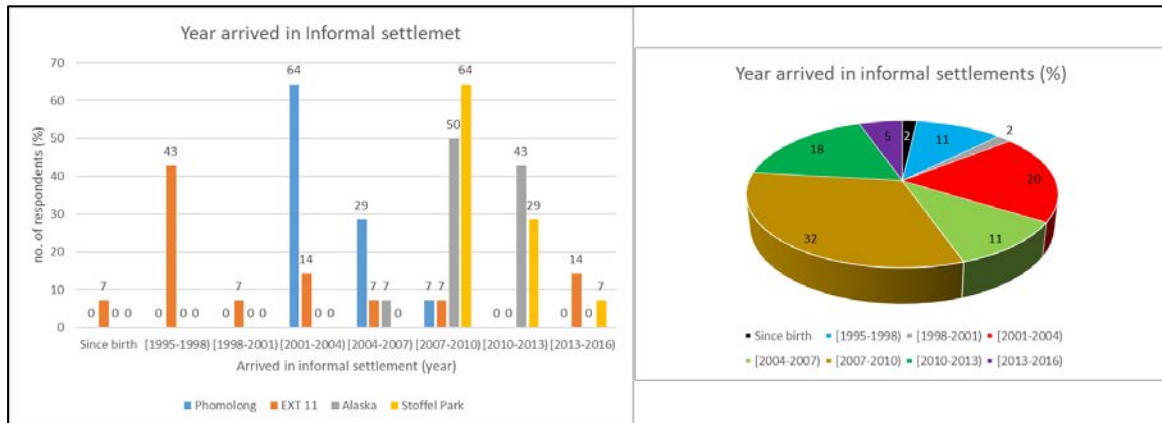


FIGURE 33: Year arrived in informal settlement

## Access to housing and land

### Access to housing and land: application, allocation and occupation

Overall, a great majority of the respondents, as shown in Figure 34 below, have not applied for housing and most of them are in Alaska and Stoffel Park the newer informal settlements.

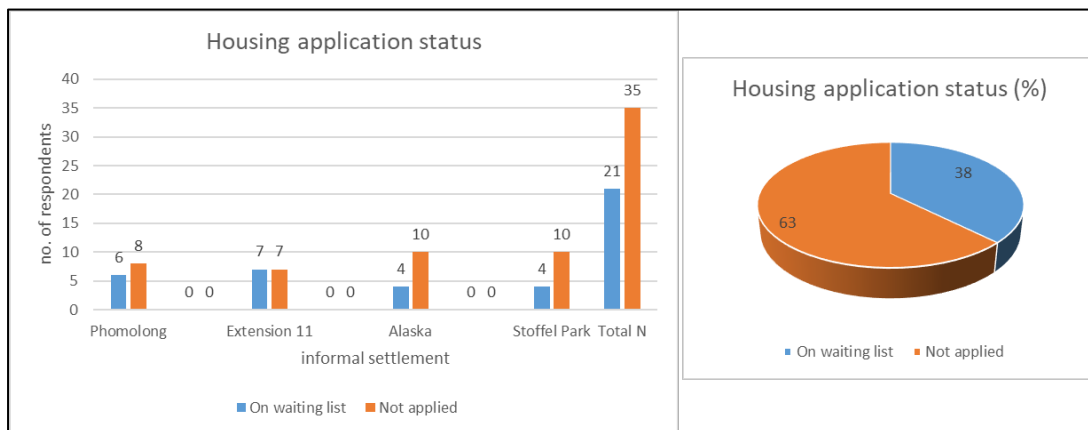


FIGURE 34: Housing application status

Even though it was not asked, there are a couple of explanations given by the respondents as to why they have not applied for housing such as being a foreign national and not having an identity document and unfulfilled housing promises. These are just some of the explanations given:

*Because things here are not forthcoming; they always promise us houses but not deliver.*

*Because they want IDs and I do not have it. – Respondent in Extension 11 from Mozambique.*

Of the 21% who have applied for government housing and on the waiting list, some have been waiting for close to 20 years (since 1998 and 2001), but are yet to receive housing from the government. Some of the respondents had applied even before arriving in their informal settlements, especially in Stoffel Park, Phomolong and to a lesser extent in Alaska. Some among those who had applied had lost hope in the housing system while some felt cheated. One of the respondents in Phomolong, who applied in 2000, expressed that *it is now the fourth councillor, I have been applying every time right through*. The other who applied again in 2008 said that *I applied first in 2006, but the office burnt down with the records, we were told*.

This indicates that they had a need for a place to live, while the government has not demonstrated hastiness and is yet to respond adequately or to meet their need. It could also be said therefore that some people, shacks and these informal settlements have persisted due to lack of government housing delivery as many have remained without housing while new dwellers with the common need, erect their own shacks and or apply for housing to join them on the housing waiting list. Out of a declared need for a roof over their heads, some of the respondents have gone to occupy land and erect shacks in these informal settlements. That the other respondents applied for housing even before arriving in the informal settlements as mentioned above, suggests that the government had not been proactive and active in addressing/managing the respondents' need for housing.

A majority of the respondents in Phomolong (33%) and Stoffel Park (50%) applied between 1998 and 2001 and recently between 2013 and 2016 in Alaska. While some of the respondents in Extension 11 applied as early as between 1998 and 2001, the majority (57%) of the respondents from the informal settlement did not indicate the year that they applied for housing. (See Figure 35 below).

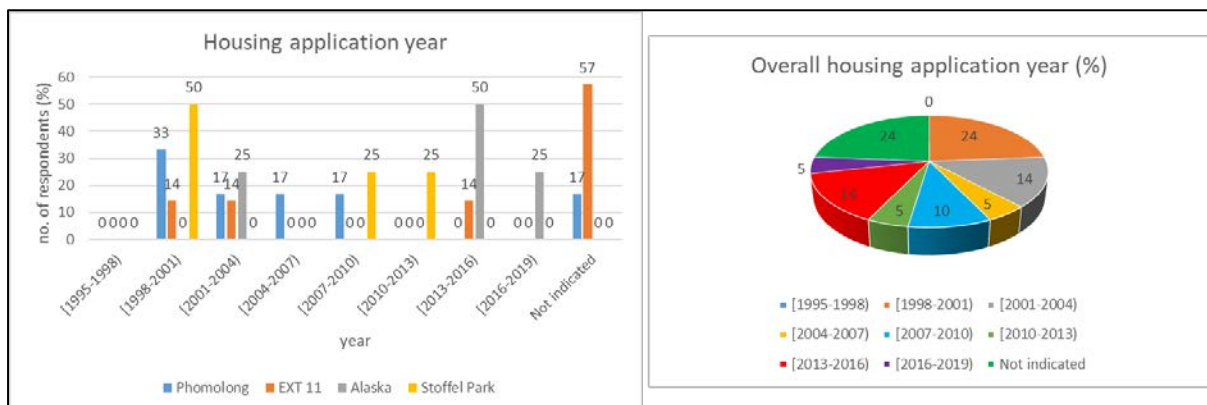


FIGURE 35: Housing application year

Overall, as many as about 49 out of 56 (87.5%, effectively 88%) respondent's interviews indicated that they occupied the land first before applying for housing (see Figure 36 below). This includes both respondents who have applied and those who have not yet applied and are not on the housing waiting list. This suggest that land was alternatively and relatively much faster or easier to acquire than housing.

All of the respondents in Extension 11 occupied the land first before applying for housing.

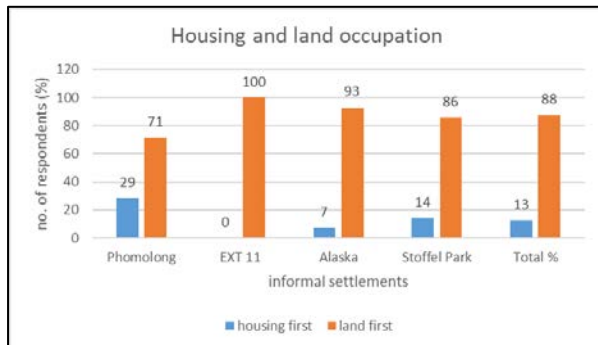


FIGURE 36: Housing and land occupation

The City identifies, as stated in its strategic plan (Integrated Development Plan), presented and discusses in hindsight in section 4.3 that every person has a democratic right to apply for inclusion on the City of Tshwane Municipal Waiting List. Yet notwithstanding this, the municipality belief that it would be an impossible task for it to provide housing to all the people on the database, has determined that qualification is a requisite for a person to benefit from the process of the Waiting List. A person has to meet the following criteria to qualify, which largely corresponds to the National Department of Human Settlements eligibility criteria for the Housing Subsidy Scheme:

- The total household income should not exceed R3500.
- Neither the applicant nor his/her spouse must have received a grant or subsidy of any form from the Government.
- Neither the applicant nor the spouse should ever have owned a property before.
- The applicant must be a South African citizen or have permanent residence.
- Applicant must be married or single with dependants

Figure 37 reveals that of all the respondents, overall most (57%) of the respondents – including across all the four informal settlements – d were eligible for (subsidy) housing from the municipality, especially in Extension 11 and Phomolong. Household income and to a lesser extent not having dependants stood as the main qualifying elements of whether or not they were eligible for housing. As many as 7 (13% - two, one, three and one respectively from

Phomolong, Ext 11, Alaska and Stoffel Park) respondents were not eligible for housing simply because they had no dependants.

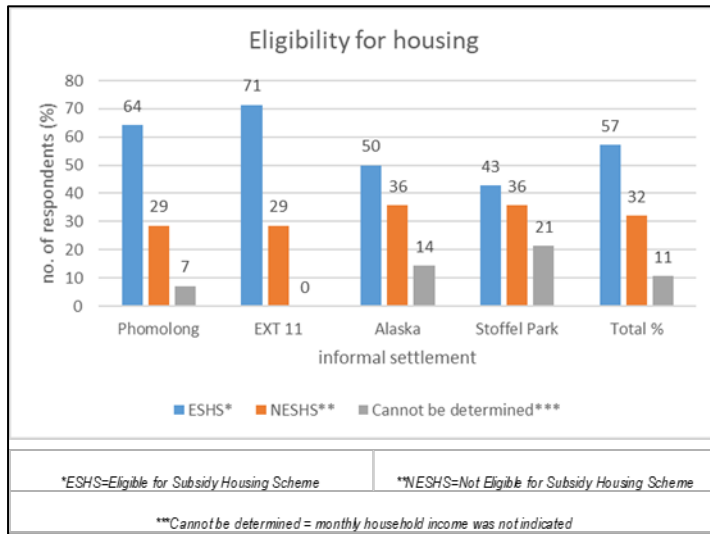


FIGURE 37: Eligibility for housing

All of the respondents lived in a shack and none has or own any form of housing from the government.

**Evictions and housing location preference**

The municipality have attempted to evict the dwellers from the informal settlements, but with little success. Only 5% of the respondents from the four informal settlements indicated that they have actually been (once) evicted by the municipality, but were still living in the same informal settlements (one in Phomolong and two in Extension 11). With extremely few successful eviction attempts as indicated in Figure 38 and without formal housing delivery or relocations, the informal settlements have continued to stand since their establishment.

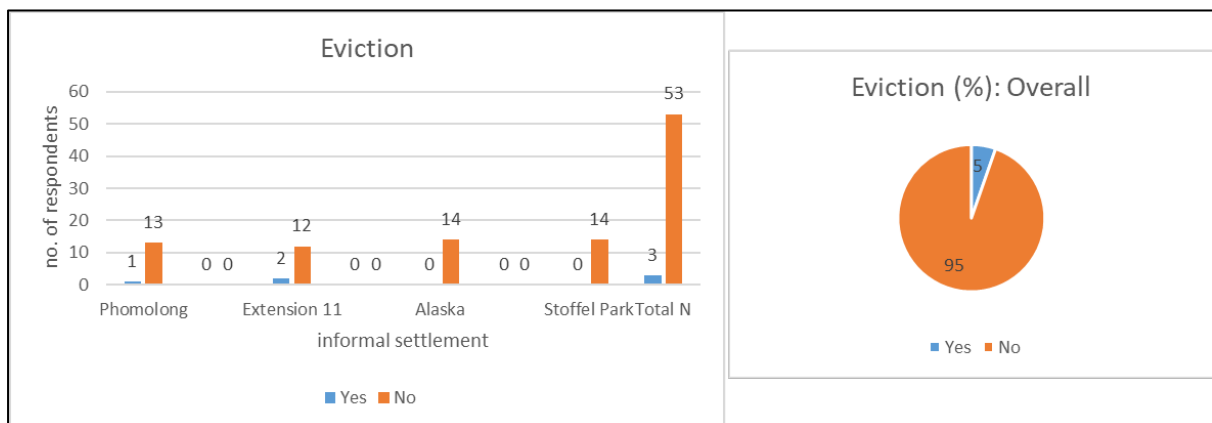


FIGURE 38: Eviction

One respondent (a mother of three) in Phomolong, who arrived in the informal settlement in 2003 when it was established, had to pay money to ultimately survive eviction, while the respondents who had been living in (old) Extension 11 since 1995, indicated that they were not spared but saved by the court. With their shacks demolished in August 2014, some of the people, including the community leader, slept outside with their children for as long as three months depending on when they afforded to raise their shack again. The Phomolong respondent was actually saved by the costly red mark from the hands of the shack destroyers (Red Ants), which was still visible on the shack shown in Figure 39 below. This is what these respondents had to say regarding what happened:

*Red Ants would come, even if you are at work to demolish the shacks. We paid money, R300, to some self-appointed community leaders. They marked the shack red and when the Red Ants came to demolish, they would see the mark pass. Because we gave them the money they wanted, we remained. We were saved by the mark.* – Phomolong respondent.



FIGURE 39: Shack red marked against eviction – Phomolong

*They wanted us to move. They came and demolished badly. It was the first time. They came with Metro police, Red Ants, all of them. It was bad. The people got sick and some died here. We slept outside for 3 weeks. We cooked outside before dark. You waked up at 04:00 [am] and wash and go to work, some to sell. Rain did not pour. God exist. Do not just hear people telling you. This (old) Extension 11 respondent added that, they did not come back because we bought a lawyer. We won in court. This place has a court order. Municipality demolished our shacks without a court order. They used a Soshanguve court order to demolish with it here. They had to provide us with shacks within 15 days but failed.*

*It depended on peoples affording to raise the shack; I stayed in [the] car for 3 months. Some are still outside.* – added Swapo, Extension 11 section committee leader.

One of the respondents also confirmed that, *we stayed outside for 3 months. Rain did not pour,*

These two separate incidents demonstrate planned exploitation and the abuse of desperate and landless shack dwellers with children by corrupt ‘leaders’ and unsympathetic authorities.

With regards to the housing location, a great majority (68%) of the respondents indicated that if they were to get a house, they would prefer for it to be located where they lived (on the land or settlement). Yet most of the respondents in Alaska did not prefer to have their houses in the area. (See Figure 40). Yet notwithstanding their preference, this goes against the City integration, desegregation and destruction of apartheid spatial planning and patterns.

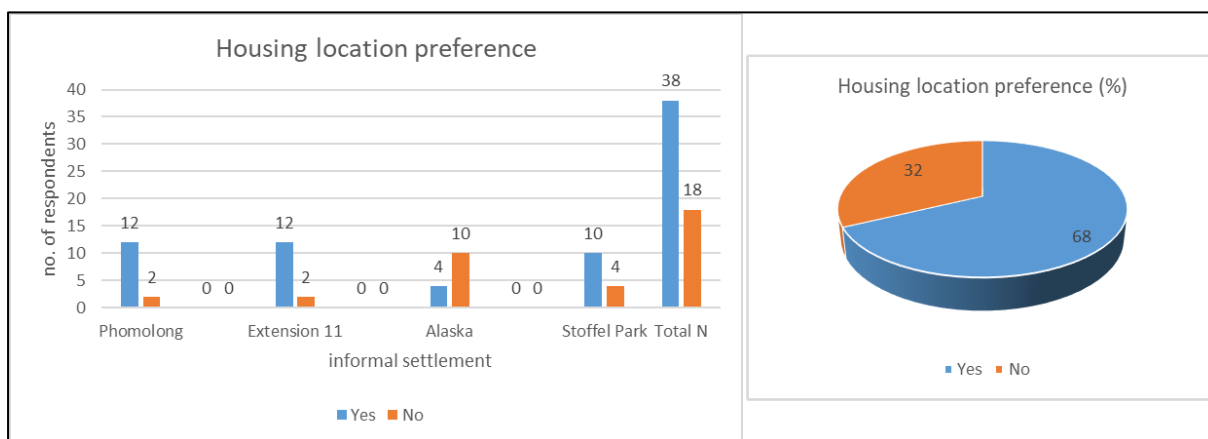


FIGURE 40: Housing location preference

A large number of respondents preferred to have their houses in their current locations essentially because they were settled, had social relations and livelihoods, were close to transport and their children’s schools, were doing business, while some believed it was suitable for housing developments and were thus not keen on moving to another place. Meanwhile, some stated the places where they would prefer to have their houses. These are just some of the statements made by the respondents that stood out.

*I have stayed here for too long now, and moving to another place would be hard to adapt.*

*It’s closer to children’s school and transport.*

*Moving would disturb our social lives and livelihoods.*

*This place is suitable for housing developments.*

*At the mountain in Particular; here houses are tracking. The place is not hard; it is sandy.*

*It is good for me. I am doing business here so that I can have bread.*

*Stoffel Park has good transport networks and closer to shopping centres.*

*There is also evidence of upcoming development.*

*We have now been issued permanent residence, so having a house here would mean stability.*

Moreover, one of the respondents who were a foreign national thought that they cannot get a place to stay since they had no Identity document. Having housing in the informal settlements because they were close to work was not among the main reasons provided by the respondents, overall. This is understandable since the majority of the respondents were unemployed.

Alternative areas stated by respondents include Nelmaphius, anywhere but Phomolong, Mahube Mamelodi West and even Cullinan and Soshanguve, but Nelmaphius stood out. One respondent stated: *Anywhere in Mamelodi because it is close to factories, work, town, many things. But specifically I would like it to be in Nelmaphius.* The respondents in Stoffel Park who preferred to have their houses elsewhere, also stated that the place was sandy.

The majority of the respondents in Alaska were opposed to having a house in Alaska mainly because they said that the place was rocky and located dangerously on the mountain. Their statements were such as: *Alaska is on a mountain; anywhere flat would be an ideal preference. The settlement is on the foot of the mountain making it dangerous to live here. This place is too mountainous. Anywhere besides Alaska would be fine.* These are just some of the remarks made by some of the respondents that capture the overall impression.

On the other hand, this suggests that these respondents were not particularly opposed to relocation, of which the CTMM strategic plan and the ward councillor revealed that the municipality plans to relocate dwellers from Alaska because it was not suitable for human settlement.

## **Land acquisition**

People can acquire land as individuals or as a collective. This part of the report does not deal with perceptions about or of the collective, but individual personal experiences and related responses in relation to land acquisition.

### **Land ownership**

A majority of the respondents, as shown in Figure 41, in all the informal settlements except in Extension 11, indicated that the land was owned by the municipality. Some (29%), but a majority in Extension 11 had no idea who was the land owner of the land they occupied. One thing that is clear though is that none of the respondents owned the land, including those with permanent stands. Moreover, there were also those who specified otherwise and indicated that the land was owned by Metrorail/Prasa (Passenger Rail of South Africa) in Phomolong,

army (South African National Defence Force) in Extension 11, Joe Kgopa (the founder and leader of Alaska) in Alaska and by Borotho the current ward (17) councillor in Stoffel Park.

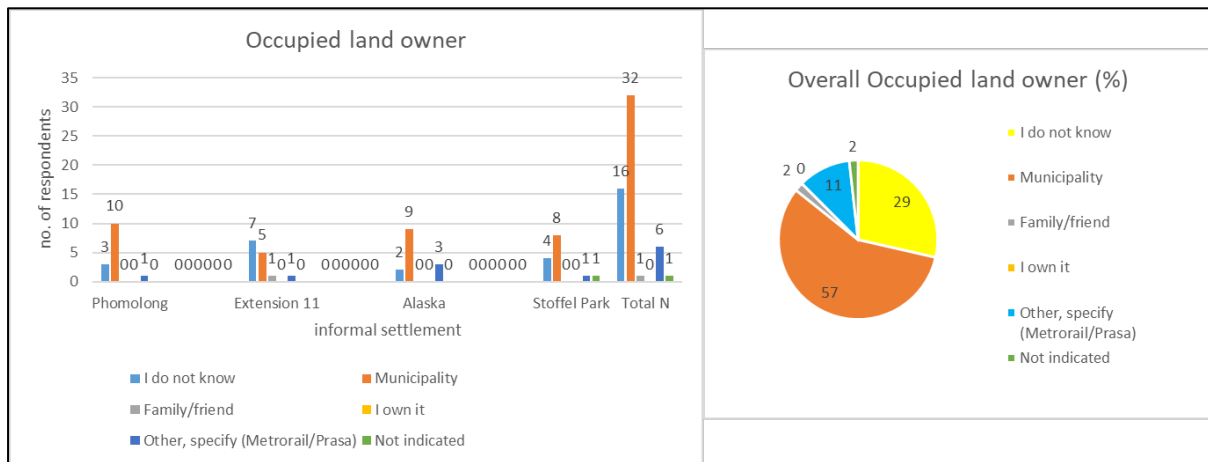


FIGURE 41: Occupied land owner

According to Mautjane, the ward councillor, *before, it was privately owned. After 1994, the municipality bought it with the plan of housing the people of Mamelodi.*

It is mind boggling as to why the municipality did not develop the place a while ago and/or redistributed the land to the people to date, even though the provision of housing and given them title deeds (secure tenure) such that the people have had to acquire it through illegal means (informal means i.e. invade or buy the land). Instead, this land is been sold to the people in order to gain their votes.

It can be deduced that the respondents that did not know who owned the land also did not obtain permission from the land owner to occupy the land and thus have illegally occupied or invaded the land. Moreover, it could be reasoned also that these respondents in particular wanted the land regardless of the owner and knowing who the owner was, if at all, the least of their concerns.

It also became apparent that the land upon which Extension 11, Lusaka, Alaska and Stoffel Park was located, was farmland abandoned by white people in the early 1990s. The final analysis, that the land is owned by the municipality and state-owned enterprises such as Transnet, is consistent with the land audit conducted for the purposes of this study on who owns the land in Mamelodi. (See Figure 78 and Table 11 section under 4.4. Documentary Data Review and Discussion of Findings). There was also great consensus among the Director of Human Settlements, the ward councillors and community leaders, with the exception of Stoffel Park and Extension 11 where it was also argued that its owner, a white couple, abandoned the land in the early 1990s before the establishment of the informal



settlements. The state does not seem to have a written policy position on abandoned land, but has in the past assumed ownership of the land such as in the case of land that was revealed by the land audit to be without recognised owner and/or unaccounted for (DRDLR, 2013).

**State of land occupation**

With regards to the state of land upon occupation, Figure 42 shows that the respondents either found the land vacant or being used already. The majority (71%) of the respondents found the land vacant upon occupation, except in Extension 11 where it was not clear by numbers. Yet most of the first arrivals indicated that they found the land vacant as the initial occupants, while some indicated that the land was part of the dairy farm owned by a white (*Boer*) couple who had left when they came, meaning it was not occupied. Stoffel, the founder of Stoffel Park, also raised this matter regarding the land where Stoffel Park is established. Stoffel tells that they went on a search for the owner of the land but no one produced any papers for the land to claim ownership, including the government (municipality). According to Stoffel, the land was abandoned land and therefore it belonged to the people. This is supported by section 4.2: Two decades of Informal settlement growth in Mamelodi in satellite imagery, particularly Figure 22 and 23, as well as the remaining farm houses and walls in Figure 24.

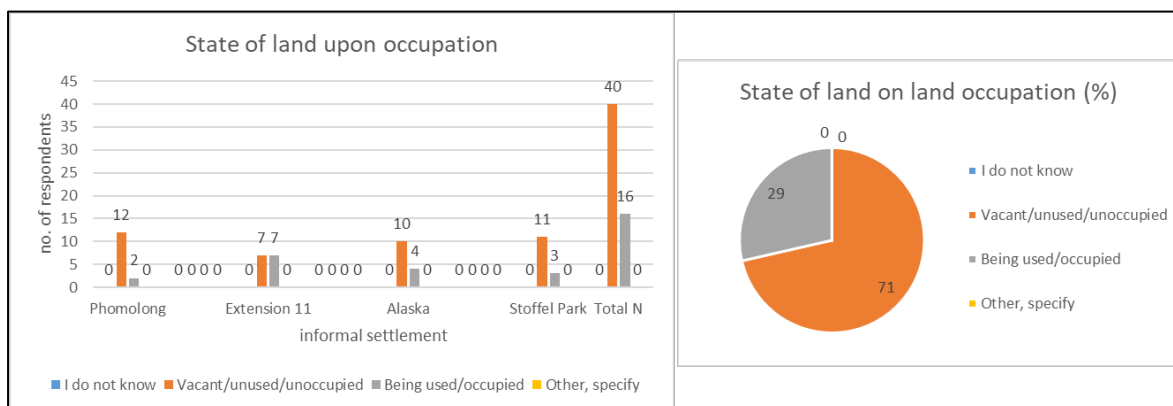


FIGURE 42: State of land upon occupation

The respondents from the four informal settlements describe the state/use of the land when they arrived. Those who found the land vacant, essentially, briefly explained that it was a bush or just open land (stony, especially in Alaska), while some found the land/area already either an informal settlement with shacks (or are neither the owner nor original owner of the shack they lived in) or occupants or with land remaining.

### Extension 11

*The white people were gone then.*

*There were weeds and it was bushy when we arrived...I know the house in the corner was here.*

*The land was not used. There were no occupants.*

*There was house belonging to a Boer couple, thus it was called Pienaarspoort before it was sectionalised. – (Sizanani).*

*It was initially a forest. When I came here people were already staying.*

*There were occupants I bought the shack.*

*I am renting, so it was occupied. (Sizanani)*

### Phomolong

*We bought a shack from previous owner.*

*We removed weeds and erected our shacks.*

*There was nothing, just land.*

*There were no houses.*

*We were the first occupants since we were evicted from Marabastad.*

*Having moved and settled people from Marabastad, there was still more land, so we occupied.*

### Alaska

*Nothing, nothing, nothing. We struggled. We paid man to carry our shack building material.*

*There was nothing, it was just open.*

*It was open land and stoney.*

*There were already shacks.*

*There were occupants.*

### Stoffel Park

*The place had bushes and when it started and people had to cut them down.*

*There were a lot of bushes and stones.*

*There was nothing and no people. We started the place.*

*Stoffel Park had begun when we came.*

*There were no occupants and the land was vacant.*

Given that the majority of the respondents found the land vacant upon occupation, this suggests the land has been vacant and was there for the municipality (as an indicated land owner) to develop and distribute it. It also indicates that the people identified the land to meet their land needs and were faster and more proactive than the municipality in acquiring and using the land.

### **Manner of land occupation: process, permission to occupy**

The respondents explained how they acquire the land in their respective informal settlements. With the exception of initial Phomolong dwellers resettled there by the municipality, land acquisitions (i.e. illegal land occupations) had been generally led either by a founder/leader of the community, deliberately overlooked by government/politicians during elections, local/street committee. Some of the respondents paid various amounts to get access to the land, whether towards water services or fixing the gravel road or accessing the land/stand itself. It has been common for dwellers to be informed by family or friends that there was land or stands being allocated. Some saw people occupying the land and erecting shacks. Moreover the people invaded or bought the land because it was vacant and they needed a place to live. There are also few among the respondents who bought the stands from previous owners. According to the Director of Human Settlements, the dwellers invaded the land because of unemployment and they had no place to stay.

This how some of the respondents explained how they heard and got the land:

#### **Extension 11**

*The land was vacant and we needed housing.*

*The plot was for sale and I needed land for housing.*

*I came home to study in this area. The stand was bought for R500 – R1500.*

*The place was already established when I came, I am renting.*

*We were removed from Shushumele, now Mahube) in 1998. I came from work with my shack removed all of the shacks were piles in in place here in Extension 11; community leader of Sizwe at the time allocated us the plots to erect shacks.*

*I came out of my parents place to look for a place. I had that the stands were available here and allocated by initial occupants turned community leaders.*

#### **Phomolong**

*We went to the ANC committee office here and paid R10 and were given stand. They said it was for the book/stamp. The office is still exist n Phomolong.*

*We saw people dividing and occupying the land, so we came and divided for our self and erected a shack.*

*We bought the shack from the previous owner.*

*We were relocated from Marabastad.*

## Alaska

*We invaded the land for job purposes, because it was unused.*

*My family member was relocating and I inherited the place.*

*We went to Joe, the owner and he showed us the place.*

*We went to the office, to Joe Kgopa. He gave us a stand for R1500.*

*I was renting in Lusaka, a street around the corner and saw that there was a place open here and spoke to Joe noting that he was allocating stands. I paid him R1500.*

## Stoffel Park

*I bought the stand for around R10000 from previous owner.*

*I was renting in Extension 6, Gardens; bought a stand without a shack for 25000 from previous owner.*

*The plot was for sale so I bought the stand, together with the shack for R800.*

*The land was vacant and bought from municipality for R1500.*

*The land was vacant and we started invading because we need plots for housing.*

*It was bought by my boyfriend. At that time it was R500 from Stoffel.*

*I bought a place for R2500 at the office.*

*Councillor Borotheo gave me the Place at the mountain. I also got the permanent stand from him in September 2017 at no cost.*

*The land was vacant and bought from the municipality for R1500.*

*I had that stands were sold here and I came and bought a stand for R700 from Stoffel.*

The matter here essentially is that the land was occupied because it was vacant, but a few have bought shacks from previous owners, particularly in Stoffel Park. Most of the respondents indicated that the land was vacant and they were coming from renting and wanted their own place to live as some could not afford rental homes. Some add that the land was closer to job opportunities. Notwithstanding this, people have paid to gain access to land in all the four informal settlements, regardless it was for water services, stamp and waste removal as the explained by the founders and community leaders. Moreover, that there are some respondents who are renting, particularly in Extension 11, indicates that they were not the owners of the shacks and the owners of some of the shacks do not live in them, but are renting them out for income. This is why Extension 11 is viewed to have remained the same size over the years.

Figure 43 show that as many as 63% of the respondents indicated that they obtained permission from the actual land owner. Yet the Director of Human Settlement Planning in the municipality stated that the all of the informal settlements were initially established through land invasion as also declared in the municipality's strategic plan (Integrated Development

Plan). Notwithstanding the Directors statement, it is only initial dwellers in Phomolong who were relocated from Marabastad in 2002 by the municipal who can say they occupied the land with the voluntary consent of the land owner (i.e. municipality). The case of Stoffel Park is also unique because it was initially established through land invasion as confirmed by Stoffel Motloutsi, the founder and current community leader of the informal settlement, but were later assisted by the Democratic Alliance to remain in the land and for the ANC-led municipality to formally develop the informal settlement. One of the respondents who actually got permission from Stoffel to occupy also highlighted that, *Stoffel mentioned that we were under DA; we were told that DA gave us the land to occupy.*

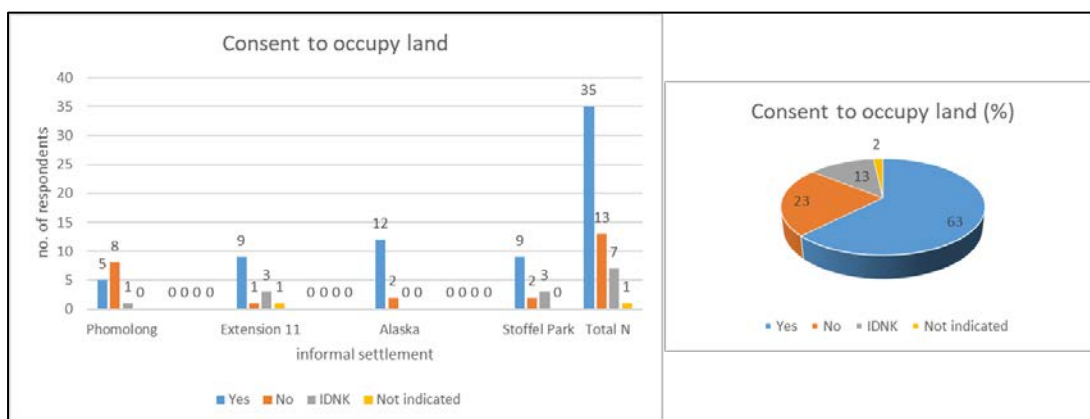


FIGURE 43: Consent to occupy land

When probed further, it was found that a considerable number of those who indicated that they obtained permission to occupy the land, did not obtain it from the actual land owner (but from the founders in Joe Kgopa, Sizwe and Stoffel Motloutsi; community leaders, and organised local offices/committees, some not even elected by the ordinary community members): For example, a considerable number of respondents in Alaska indicated that they were actually allocated stands by Joe Kgopa, whom some also believed was the owner of the land.

Those (13%, found in Extension 11, Stoffel Park and Phomolong) who did not know that they obtained permission to occupy the land and the one respondent from Extension 11 who did not indicate at all are most likely to have actually not obtained the permission from the actual land owners.

Moreover, all the informal settlements with the exception of Phomolong were initially established through illegal land occupation that was organised and facilitated by their founders.

**Stand status**

The majority (43%) of the respondents, at least according to their knowledge, across the informal settlements with the exception of Extension 11, indicated that their stands were presently legalised by government, but had not been promised housing. 25% had their stands permanent, but said that they were also waiting for housing from the municipality. 14% of the respondents, exclusive of those respondents in Phomolong, were bold enough to indicate that their stands were illegal. (See Figure 44 below).

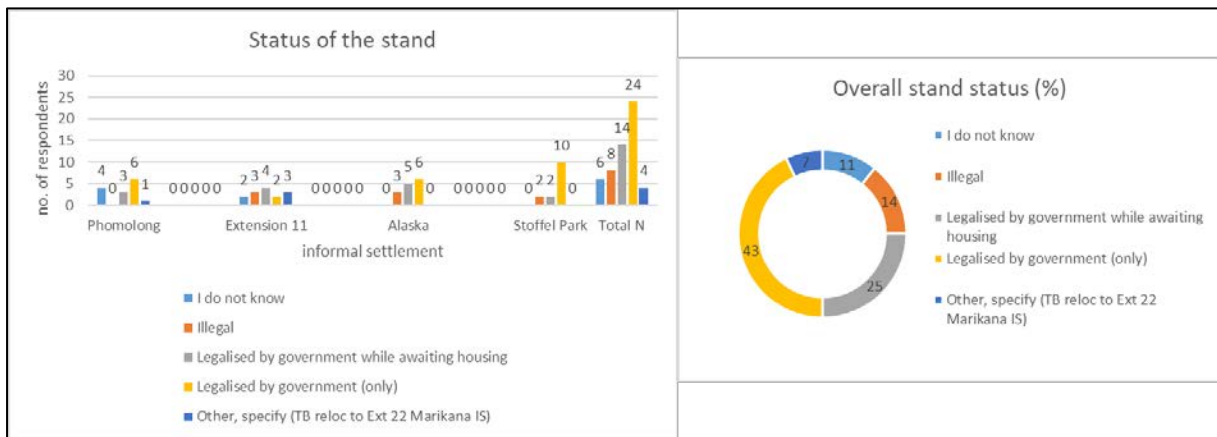


FIGURE 44: Status of the stand

In extension 11, the few respondents who indicated that their stands had been legalised were not convinced that their stands were legalised to an extent that they did build brick and mortar houses. Some indicated that they were not allowed to build houses but they were informed that their stands were permanent.

Stoffel Park is in the process of development and is relocating. Many of the respondents in Stoffel Park who were there as initial occupants and who dwelled by the mountain, had been relocated down to permanent stands in the informal settlement. Yet some stated that they were not happy with the way that the informal settlement had been restructured and the stands and that they were not prepared to have a house built in the informal settlement because the drainage and water passage was poor and rainwater came down from the mountain to flood the shacks when it rained significantly. According to Stoffel Motloutsi, the founder and community leader, *the stands in Stoffel Park are permanent, except the ones on the mountain*, because others entered illegally and not through Stoffel. Stoffel added that *some I do not know* and that they were not registered. Stoffel also added that he was not consulted on the development of the informal settlement.

Moreover, in Stoffel Park, though established in 2008, development only started in 2015 before the other settlement such as Extension 11 and Phomolong which have been in existence over 20 and 10 years respectively before.

A minority (5%) indicated otherwise and respectively specified that they were to be relocated to Extension 22 Marikana informal settlement (due to development) from Phomolong and others explained that their stands were to be made permanent and packed (meaning that they were permanent but were not receiving basic services such as water and electricity) in Extension 11. Sibusiso Mathelele (in Figure 46), Phomolong community from SANCO also confirmed that, *the rest of the rest of Phomolong is going to be permanent. It is already under-development. It is being formalised.* (See also Figure 45 below).



FIGURE 45: Relocation of shack dwellers in Phomolong to re-subdivided and formalised stands in Phomolong, 23 November 2017

Source: Researcher on site



FIGURE 46: Researchers interview with Sibusiso Mathelele, Phomolong SANCO branch Executive community leader (left)

Moreover, it is not likely that there were stands in Alaska that were made permanent because the municipality was planning to relocate the dwellers since the area was environmentally unsafe, hazardous and costly for residential purposes as indicated by the municipality in its strategic plan and the ward councillor. According to the ward councillor, *people [Alaska] invaded the land and live in hazardous condition, especially when it rains and people are to be relocated [from Alaska] because it is a flood area.*

## **PERCEPTIONS REGARDING THE SETTLEMENT: ACCESS TO LAND, HOUSING POLITICS AND GROWTH**

### **About the settlement (when, how and name)**

Using the area, Figure 47 gives an indication of when each of the four informal settlements was established according to the respondents that were interviewed in each settlement. In the final analysis it appears that Extension 11 is the oldest informal settlement of the four as it was established as early as 1991 extending the years of its formation to 1998. One of the respondents, a mother of two who arrived in the City in 1981 from Mpumalanga to look for work as a young girl (now between 46 – 55 years of age), indicated that she has been living in Extension 11 for 26 years. Two respondents were definite that it started in 1994 and 1996 as they were among the initial or first occupants/dwellers to live in the informal settlement. The Extension 11 informal settlement is divided into two main sections: ('old') Extension 11 which began in as early as 1991 and received more arrivals between 1994 and 1998 with the founding of Sizwe in 1996. Swapo, the section committee leader, indicated that the informal settlement was established in 1994. Sizwe is known as Sizanani as indicated by some of the respondents who were the initial dwellers in the informal settlement. Extension 11, as the main area and broader section of the informal settlement, was already existing with dwellers by when Sizanani was established. One of these two respondents of the dwellers, a mother of two who arrived in Extension 11 in 1995, highlighted that this place is older than Sizanani, *Sizanani just came, is new, 1996. This place is old.*

By the respondent's accounts, Phomolong must have been established from 2002 and 2003 to 2004. Alaska was established in 2007 and it was immediately followed by the establishment of Stoffel Park in 2008. This is also confirmed by the ward councillor and community leaders. According to Stoffel, who still had the records, Stoffel Park was established exactly on 01 April 2008.

There are also a considerable number of respondents who did not know when the informal settlement they lived in, was established, particularly in Extension 11, Alaska and Stoffel Park respectively. They did not know simply because many stated that they came after their informal settlements had already been established and this was especially the case with the respondents in Sizanani, in Extension 11.



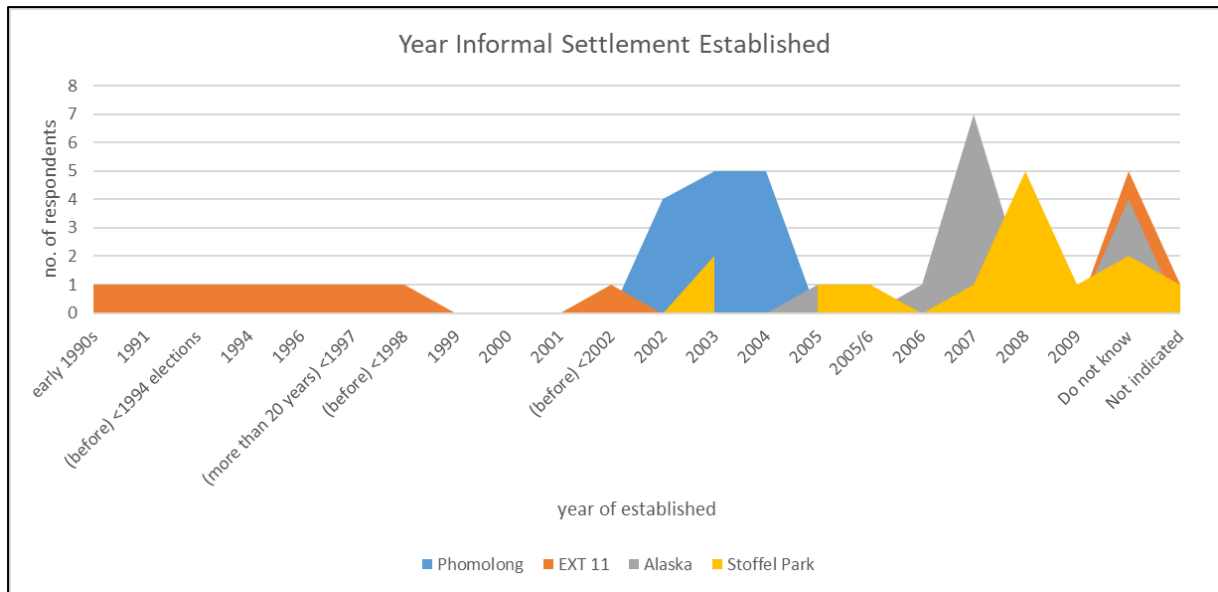


FIGURE 47: Year informal settlement established

Some of the respondents explained how their informal settlement was established. It is apparent that Phomolong was founded by the municipality when they relocated people from Marabastad there, while Extension 11, Alaska and Stoffel Park was founded by different individuals from the masses of the landless and land seeking people who took it upon themselves to divide and distribute the land they found vacant to the people given that they needed a place to live.

Informal settlements are established by people or institutions formally and/or informally. Moreover there is a meaning and/or story behind the establishment and naming of each of the informal settlements. Considering both quantitative and qualitative data elements, the following can be established about the four informal settlements in which the empirical study was conducted. As many as four informal settlements have developed in Mamelodi East and still exist since the early 1990s when South Africa was transitioning to a new era of constitutional democracy. The four informal settlements basically came to being in two ways: Either by government action, or by a led-collective/community.

### Extension 11 informal settlement

While Morwangwato Mantjane, the ward councillor, states that Extension 11, shown briefly in Figure 48, was established after 1994, some of the respondents indicated that they arrived in the informal settlement before 1995. Yet it is difficult to reconcile this with the Satellite imagery as it does clearly show housing structures in the area in 1994. Mamelodi is large and has been divided into a number of sections called extensions. Thus extension 11 is one of the extensions of Mamelodi (i.e. 11<sup>th</sup> extension). The informal settlement is also just called Extension 11. Yet Sizanani, another section of Extension 11, was established in 1996. Sizanani was founded by a man simply called Sizwe and then named after him. Sizanani is an Nguni word meaning help each other.



FIGURE 48: View of Alaska from Extension 11 through Lusaka

Regarding the establishment of Extension 11, the following statements made by some of the respondents give essence:

*We did not buy the land. There was a man who issued the stands, but he said it is difficult for him.* – This is one of the first arrivals in Extension 11, who came before 1995.

*People were looking for land places here; they said there is a place called Extension 11. They were supposed to put people from Phase 3 [here in Mamelodi].*

To this end, the section committee leader, Mr Swapo stated that, *people came to live on the land as a result of land grab back in 1994.*

Extension 11, particularly the section were the first occupants dwell, has been a bone of contention between the municipality and the dwellers. One of the respondents who arrived in 1995 and suffered the 2014 eviction by the municipality, had so much to say about the informal settlement: *You would write a novel about this place and it would sell This place is a problem. Many people say, Jesus will come back, here ("la pha kuyobuy'uJesu)... This place has overcome four councillors.... It was destroyed long ago. It was destroyed by the first councillors.*

Regarding Sizanani, the respondents provided:

*Sizanani/Sizwe; it's the same thing. The person who was in charge (helping people to get the land) of the place was called Sizwe, people loved him to the extent that they named the place after him.*

*Sizwe is the one who started the place that is why it is called Sizanani. Sizwe said it is Sizanani. He wanted to help people so that they could live well.*

*It started with people by Dumisa and then it got full. Sizwe saw that there was space where white people farmed their stock; cows and donkeys lived here. I came here from Joburg and I bought a shack.... I got it with already 25 people occupying the land.... I came back after 3 months; the pace was full and the whites were no longer there. – This respondent arrived in Sizanani in September 1996.*

Over the years the community leaders, both founders (except Sizwe) and community/local committees have played a central role in the administration (i.e. providing access to land) across the informal settlements as indicated also by the interviewed ward councillors and community leaders. One of the community leaders, Regina Mapholisa of Extension 11 (Sizanani), indicated that people got a stand from an organised local committee/office and added that there was *no alternative beside committee; when it was starting people only paid (R10.00) for water.*

### Phomolong

Phomolong (seen in Figure 49), meaning resting place in Sepedi, was established in 2002 when the government removed and brought people from Marabastad to Mamelodi and in 2003 when the people of Mamelodi protested and invaded the remaining land. As Ms Maja, the ward councillor (who was part of the Mamelodi people), puts it, *the City gave Marabastad*

people land in Mamelodi, whereby people of Mamelodi stayed in the backyard, they started to invade the land as they were tired of paying rent and with their parents and some had some have bigger children and need space and to have privacy. The municipality also tried to evict the occupants but failed. If you look now, the shacks are many. It is the biggest of all squatter camps. There are about 12000 shacks, said Sibusiso Mathelele, SANCO Executive committee leader in Phomolong (ward 40).



FIGURE 49: Phomolong from where dwellers were relocated in 2009 after pipe burst

The name Phomolong was given to the informal settlement by its dwellers in 2003, who were tired of renting and saw and declared Mamelodi as their place of rest from renting.

The main ways of accessing land in the informal settlement have been buying a stand and a plot from the local committee/office and land invasion.

### Alaska

Alaska, shown Figure 50, is located in Mamelodi far East and was established by Joe Kgopa around June in 2007 on land that remained vacant on the steep part of the Magalies Mountain on top of Lusaka after RDP housing developments in Lusaka. It is not clear why the informal settlement is named Alaska, but Joe explained that it was in a committee meeting that one of

the members who came up with the name since the settlement was located on a mountain, like Alaska in America.



FIGURE 50: Alaska informal settlement

According to Morwangwato Mantjane, the ward councillor and former chairperson of the Extension 11 informal settlement, Alaska was established through a *form of land invasion*, which has been the only means by which land has been accessed in the informal settlement. Since its establishment, similar sentiments were echoed by some of the respondents:

*People moved from rent-out houses and invaded, by then, vacant Alaska.*

*People just invaded the land, and some moved from rent-out houses and seek their own plots in Alaska.*

The ward councillor also provided that the municipality actually tried to evict the people through a private security company more than once, but failed. Instead, people died including one of the security personnel, this also happened when it started in 2007 as the dwellers fought back. According to Joe, the municipality did not just fail to evict the people, but had no eviction order to begin with.

Overall, in Alaska, land has been accessed through Joe Kgopa, the founder. Joe found the place vacant and allocated the stands to the people. Joe is the founder and chairperson of the Alaska settlement, thus remaining responsible for the affairs of the informal settlement. It is widely acknowledged that many dwellers bought the land from Joe, generally for R1500.

It is widely acknowledged, even by Joe that the easiest way of accessing the land has been through him (Joe) and the committee, while others sell stands on one hand and others steal stands on the other. Moreover, though the informal settlement is located on a dangerous, unsafe and hazardous area, people still dwell there which signals desperation for land.

### Stoffel Park (Bamoshate wa Bhurundi)

In a naming meeting, Stoffel Park as widely known and called was named 'Stoffel' by the dwellers of the informal Settlement, after and in honour of Stoffel Motloutsi (pictured in Figure 51), who founded the informal settlement. To make it suitable, Stoffel requested to add 'Park', because there was also a Park then in the informal settlement, to make it Stoffel Park. Mindful and remembering the history and the time when there was an ethnic/civil war in Burundi (and they killed each other) between the 1960s and 1970s, Stoffel also requested the addition 'Bamoshate wa Bhurundi' Sepedi for capital city of Burundi. Some regard and refer to him as the king of Stoffel Park because he founded the settlement. Officially referred to as Stoffel Park Village (Bamoshate wa Bhurundi), Stoffel Park was established in 2007, adjacent to and less than a year after Alaska when Stoffel led evicted and destitute landless people to dwell on Magaliesburg (see Figure 52).



FIGURE 51: Founder of Stoffel Park Stoffel Motloutsi with the land occupancy file

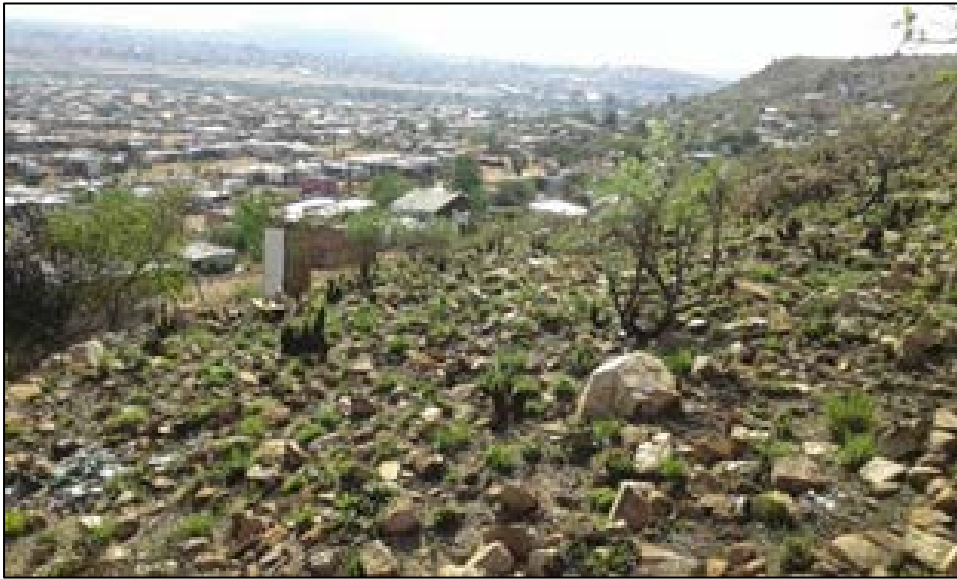


FIGURE 52: Stoffel Park

The informal settlement was nearly born and raised in Mahube by the river, but the people were evicted before they could even live in the shacks they had built. Thus in less than a year, Magalies Mountain gave birth to another informal settlement, called Stoffel Park. This how some of the respondent's responded to how Stoffel Park was established:

*We were with him in Mahube valley (before it was developed) police removed us before we could even live in those shacks to live there by the mountain and we went. We came and occupied the place. Stoffel would allocate people plots and say "you live here, you live there".*

*Stoffel organised the community removed from the place now called Riverside informal settlement to move to the mountain. Sizwe Mthethwa (the then Mayor of Pretoria) told us not to stay any anywhere but to go to the mountain.*

Without contradiction, Stoffel Motloutsi submitted that *many people got the land/stands from him and some through land invasion.*

To get a stand, many dwellers have paid amounts ranging between R500 and R2500, which Stoffel states was for water and waste removal, as well as constructing and maintaining the road. Narrating the beginnings of the informal settlement, Stoffel provided that:

*I am the founder just like a King. It started on 1 April 2008. Upon occupation it was open land with nothing; nothing, nothing, nothing.*

*This land does not belong to the municipality. When I came here, I had done research and found that it was a normal place; it does not belong to the municipality. The person it belonged*

*to had died and his child did not care about it. It is a Boer; so I was researching from the Boers and found that it is a normal and it had no owner. I decided that I must start it. Municipality said no person was allowed to live I fought and fought, getting arrested until I got out, today it is developed. I have been arrested (more than fifteen times) for opening a squatter camp. I am arrested because I am fighting for the people's course.*

The first dwellers of Stoffel Park came from Phase 3 in Mamelodi. *There was no good service there. We had lived there for 10 years; there was nothing happening. After trying, together with the committees and the community leader (committee, section leader), to establish the Informal Settlement since 2002, who eventually got tired, Stoffel pressed on: So I started this place where there is Mahube Metro police came with owners of those houses and said they were removing us there, but we were fighting and some saw that we are going to get arrested. His comrades, others they were going with ran. Ultimately we came here. We were a community. I started to allocate stands and I have been allocating them since. People got the land from the office, every day. [From] Monday, I opened from 08:30 until 16:30, and Sunday 08:30 to 12:00. The municipality responded with eviction court orders and seeing that the area was governed by the ANC, they approached an opposition party, the DA for assistance.*

*They gave me court orders, saying that the place is not for us to live. So I said it is better I use opposition party (DA). That time Sizwe Mthethwa (the Mayor at the time) was the enemy of this place and called police.*

*The reason why it started on the mountain is that when they (the police) were giving us court orders. I saw that it was better that we go up to the mountain until the DA told us to live here. DA told us, "remain there". They knew that the place did not belong to anyone; we were being harassed. According to Stoffel, the DA supported them but did not want something in return. We saw thought it is better that we vote for DA; we supported them.*

As for the money that was paid by the dwellers, Stoffel explained: *we talked and did a collection for water, dustbin; it was controlled by me. I did the bridge by myself; with my hands. Figure 53 is the bridge, built by the founder, Stoffel Motloutsi, crossing over Edendalspruit River to Mahube mall, on to Tsamaya Road.*





FIGURE 53: Bridge built by Stoffel Motloutsi crossing to Mahube mall on to Tsamaya Road

Given the above accounts, the initial occupants of Stoffel Park might have illegally invaded the land in Mahube or Riverside and were thus evicted, but it is not reasonable to conclude that the people illegally occupied the land now called Stoffel Park informal settlement. It had been stated by the City's Director of Human Settlement Planning and in its Strategic Plan, that the informal settlements, including Stoffel Park, were established through land invasion. Yet the dwellers of Stoffel Park were told by Sizwe Mthethwa (the Mayor of Pretoria at the time) to rather go to the mountain.

Considering that a lot of land has been acquired through the government and especially during elections, the issue of politics and political parties play a huge role in land acquisition and the development and growth of informal settlements, particularly in Mamelodi. In fact, Stoffel also provided that they were helped by the DA to obtain secure tenure in the land and for it to be developed. In Phomolong, the ANC has played a huge role in granting people stands and they had even done it via an office that has existed since the informal settlement's establishment to date.

## Land acquisition and settlement expense

### Means of access to land

Access to land in the informal settlements have been obtained in various ways including receiving a plot/stand from government, occupying/invading land illegally, buying land from Politician or an organised committee/office, community founder and/or leader as shown in Figure 54 below. Overall, the majority (30% and 29% respectively) of the respondents are of the view that getting a stand from the government and invading the land illegally has been the 'easiest' way of getting the land in the informal settlements. Only 5% of the respondents respectively either indicated that it was easier to obtain the access to land through housing from government or buying a stand from a politician or buying an existing shack from its owner (see also Figure 55 and Figure 56).

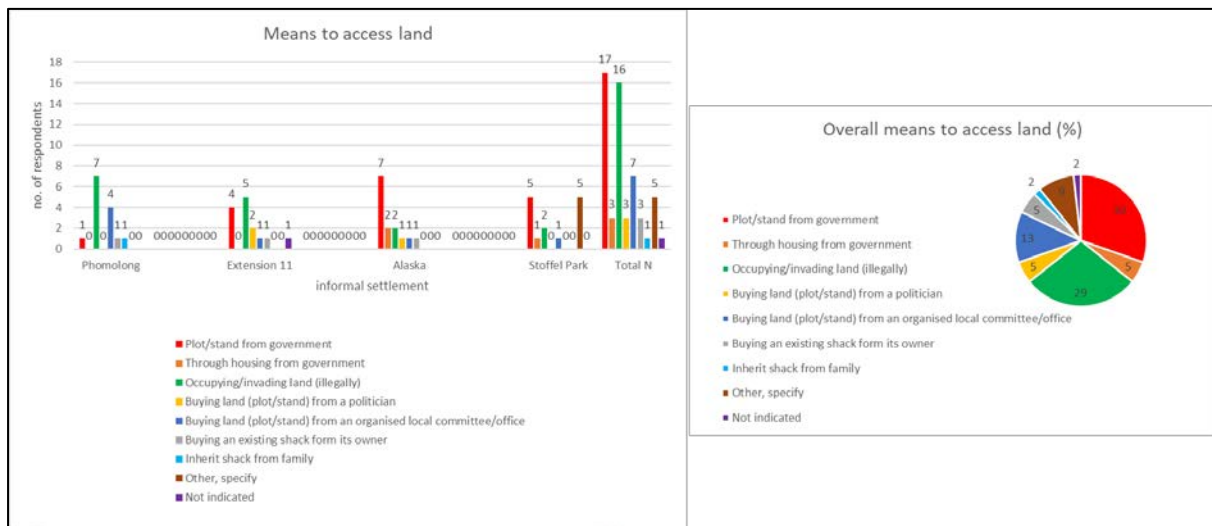


FIGURE 54: Means to access land

Figure 55 and 56 show and confirm that the sale of stands also occurs in Alaska where most respondents do not prefer to have their houses built due to environmental and safety concerns. The place is situated on a rock mountain and water sweep down through the shacks when it rains. Some of the respondents in Alaska were worried that one day the rocks from the mountain top will fall down on them.



FIGURE 55: Advert of a stand for sale in Alaska posted in Maluti Tuckshop, Alaska



FIGURE 56: Change of stand ownership after its sale, facilitated by Joe Kgopa (Chairperson of East Alaska Residents Association)

According to the City’s Director of Human Settlement Planning, Metse Mabeba, land in all of the informal settlements have been mainly accessed through illegal land occupation, buying an existing shack from its owner and to a lesser extent inheriting a shack from a family. Yet

data from the dwellers (respondents) reveal that accessing land from the government or through land invasion had occurred in all the four informal settlements, but getting a stand from the government was surprisingly perceived to be the most prominent way of accessing land in and by respondents in Alaska and Stoffel Park, while land invasion was prominent in Phomolong and Extension 11. Yet Swapo, the section leader of Extension 11, stated that buying a stand from comrades (i.e. some ANC members) was the prevalent way of accessing land in the informal settlement and that, *there was no alternative by 1994* but land invasion, which occurred all the time. Inheriting a shack from family was the least prominent way and only one respondent (in Phomolong) provided that some people inherited a stand with a shack from family, such as when they died or were old and going back to live in the villages where they were born.

Other respondents (9%), particularly those in Stoffel Park, were specific to mention that they got the land from Stoffel the community leader, while one out of the five of these respondents bought the land from other people.

Beside land invasion, the buying of a stand from an organised local committee or office was found to happen in all of the four informal settlements, but it was the most dominant in Phomolong. Figure 57 is the office where respondents in Phomolong were allocated stands. Almost all of the informal settlements had an operating office where the access to land, among other things, the offices are run by the community leaders. In Extension 11 there was also an



ANC and SACP branded office, while the office in Phomolong is used and operated by the SANCO Phomolong branch.

FIGURE 57: community leadership office in Extension 11, Phomolong, Alaska and Stoffel Park (in order, from left to right).

The offices in Phomolong and Stoffel Park have been in operation since the establishment of the informal settlements. Joe Kgopa, the founder and leader of Alaska, operates from his house. It is worth adding also that all of the community leaders and ward councillors that were interviewed, owned a shack and lived in informal settlements.

**Land access period**

Figure 58 below show the times that the respondents viewed to be the periods in which land was most accessed in their informal settlements. They include elections, weekends, Christmas and other holidays including long weekends. The respondents in all the four informal settlements provide that it has been easier or people have obtained stands mostly during elections. Thus is is interesting and alarming to note that accessing land or a stand from the government was the most utilised means beside an outright land invasion. Overall, a great majority (70%) of the respondents indicated that people in these informal settlements gained access to land mostly during elections. Some of the respondents also provided that land invasions were not met with a firm, but a divisive/selfish response by the municipality or authorities during elections. To thiss end, some invasions were assisted land invasions. Given this, politics and political parties and particularly elections have played a major role in terms of the access to land and the growth of the informal settlements.

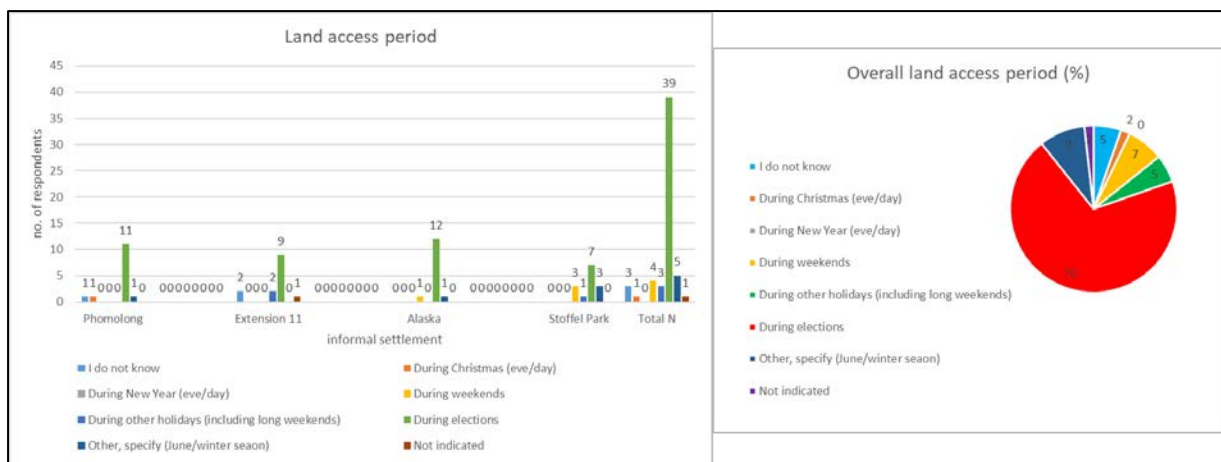


FIGURE 58: Land access period

The explanations that were provided by the respondents indicate that government and/or politicians have been heavily involved and that they have been the greatest contributors in giving the people in the four informal settlements access to land, yet this occurred to buy their votes.

*Before voting, people are allowed to occupy open spaces. There is usually a number of people during that time.*

*Street committees would say there is land available; but after elections they sell it for R6000 and no house.*

*During elections, politicians make everything possible and speed-up processes.*

*They [politicians] promise people houses during elections; people get the land but there is no delivery of houses after elections.*

*The politicians are not concerned with people voting for them. Land is a bribe to occupants. They want us to vote for them. DA and ANC come and promise to build us roads, electricity, RDP...*

Meanwhile, *some would be off-duty and some would get time during weekends.* Moreover, on a different and more detailed note, the City Director of Human Settlement Planning, Metse Mabeba, provided that a number of people accessed the land during the night. This is because *monitoring it during the evening is difficult for the municipality. They also invade during weekends aware that most of the City's employees are not operating.* Monitoring was also reported to be poor during year-end, while there was also more time during holidays, including long-weekends.

Notwithstanding this, the settlements, with the exception of Phomolong, were not (initially) established by the municipality nor have they been under local government leadership and control. Besides accessing land during elections and other means, some (9%) respondents, except those in Extension 11, specified other means including June/winter in Phomolong, every day in Alaska and anytime as well as towards year-end in Stoffel Park. With the Exception of the ward councillor of Extension 6, in the case of Phomolong (who indicated it was during Easter), all the community leaders and ward councillors pointed out that there was no particular time where land was easier or mostly accessible or acquired, but that it was accessible or acquired all the time or every day in their informal settlements until they were full.

### **Informal settlement size**

Overall, with the exception of Extension 11, according to respondents the the other informal settlements have increased since their establishment. Seven out of fourteen of the respondents that were interviewed in Extension 11, are of the view that the informal settlement has remained the same, while four perceived that it has increased and only three noted that it decreased as shown in Figure 59. Given this, it can be said, among other things, that none of the informal settlements have decreased since their establishment and they have expanded in terms of size and population.

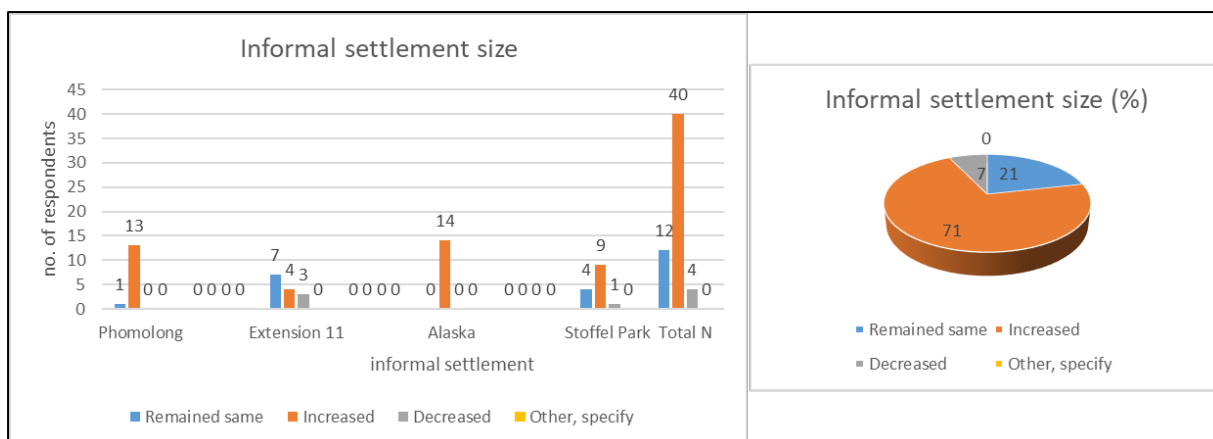


FIGURE 59: Informal settlement size

The size of the informal settlements has increased, mainly, because people do not have a place to live and they have continued to occupy the land:

### Extension 11

*It has remained the same because some people have been moved and many have been relocated to Nelmaphius. They say there is a road to be built here from Mahube. They say we are living on top of a mall and school. When you go to Mentoria to look for a map they say there is no road; you are on a permanent [stand], but you do not have service delivery. They know this place as having RDP (housing)... they do not know that we still have shacks.*

*Some people left, some moved into RDP houses, but decreased a bit since others among those who go, especially not to an RDP house, live the shacks to rent them out.*

*Two respondent who indicated that Sizanani has increased explained that, it does not have space to extend [and it has increased] because people do not have a place to live.*

*There are children who were born here who had now become man, now they wanted a place to live here. Not long, there are others with children who will also want a place to live.*

### Phomolong

*It is because people flock in and stay here. It was not full when we arrived [in 2003]. There were establishment of newer sub-sections and the number of occupants has increased. People have no place to stay; also they come here because there is no rental.*

### Alaska

*There are more occupants now.*

*There are many people staying here. They (Joe) have added people.*

*It is still increasing even now, even now you can see someone hammering a shack. People even go to the mountain foot.*

*There are more occupants compared to 2012.*

*Because it has been here for a long time and there are many people.*

### Stoffel Park

*It was even bigger. It is just that those who lived down by the river were moved to Skierlik and they moved us down from the mountain. It will still grow again as others are occupying the mountain again.*

*People are being moved to permanent stands.*

*According to one of the respondents who arrived in 2009, it is the way it has been, but there are changes. At least people have changed, we stay in permanent [stands]. That is the only difference now, but the size is the same.*

Above are just some of the reasons that were provided by the respondents on the size of their settlements. It appears that in the absence of formal development and overtime, the shacks continue to absorb new dwellers; as long as there are still some pockets of land that remain unoccupied or vacant.

According to Metse Mabeba, the Director of Human Settlement Planning, *several shack counts have already been conducted and all of them shows an increase in numbers* since the informal settlements were formed. Notwithstanding this, the City's Strategic Plan's (i.e. Integrated Development Plan) consolidated shack count that was conducted between 2006 and 2013, reveal that the number of shacks have decreased in the older informal settlements, (Extension 11 and Phomolong), whilst they have increased in the newer informal settlements (Alaska and Stoffel Park).

Figure 60 show that as initial occupants are being relocated, in Stoffel Park, down from the mountain to permanent stands in the restructure and re-divided lower area, new dwellers are coming in to occupy and build on their stands. It was also indicated that some people had been removed from Stoffel Park to form other informal settlements outside the presented demarcated border of Mamelodi. *Stoffel Park is the last informal settlement, now people are developing informal settlements in places like Silahliwe [in Skierlik in Pienaarpoort] where some people had been dumped from Stoffel Park.* Silahliwe is an Nguni word meaning – 'we have been dumped'.





FIGURE 60: Stands left vacant on the mountain and new shacks constructed on them in Stoffel Park

### Thriving informal economy - business of selling shack structures

Moreover, the informal economy of selling corrugated iron shack structures is thriving (as shown in Figure 61 below) and exists in all of the four informal settlements except in Alaska, but some shacks erected in Alaska resemble the same structures that are sold in the other informal settlements. In Extension 11, alone, there is more than one shack structure selling business. The structures vary in prices by settlement, the size and quality of the structure; some are for one room, while some are for two and three room. In the final analysis, this confirms and indicates that more shacks are being continually erected or new informal settlements are developing in the area (such as Riverside informal settlement in Figure 63).



FIGURE 61: Thriving shack structures making and selling business in Phomolong – over a year after

The municipality requested the community leaders, particularly those of Alaksa and Stoffel Park, to not allocate stands any further in 2015 to allow for promised developments to take place. Thus, in 2015, development (i.e. re-subdivision and allocation of permanent stand, as well as electrification) began in Stoffel Park. Since then, informal brick businesses have opened in the informal settlement and some households have various types of built brick and mortar houses, including rental flats (as shown in Figure 62). This indicates that the primary thing that people needed was land and giving them permanent stands and tenure has the potential to reduce the number of shacks and ultimately eradicate informal settlements.

Yet as dwellers are being relocated down from the mountain in Stoffel Park to the flat and re-subdivided flat area, others are occupying the stands that are left vacant. Moreover, one new

informal settlement called Riverside (shown in Figure 63 below) was also established on a pocket of sandy and flood prone land below Stoffel Park in 2015.



FIGURE 62: Emerging brick-making business in Stoffel Park and newly constructed houses on permanent stands



FIGURE 63: Riverside informal settlement established in 2015 on a pocket of land

## PERCEPTIONS REGARDING LAND/HOUSING OWNERSHIP: LAND REFORM

### *Protection of existing property rights*

In all the four informal settlements, the respondents rejected the constitutional protection of property rights of property that was acquired through colonialism and apartheid and indicated that it was not right. Figure 64 shows that a majority (79%) of the respondents, disapproved the protection of those existing property rights by the constitution of the Republic of South Africa, overall indicating that whites should not continue to own it because it belonged to black people and they took it forcefully.

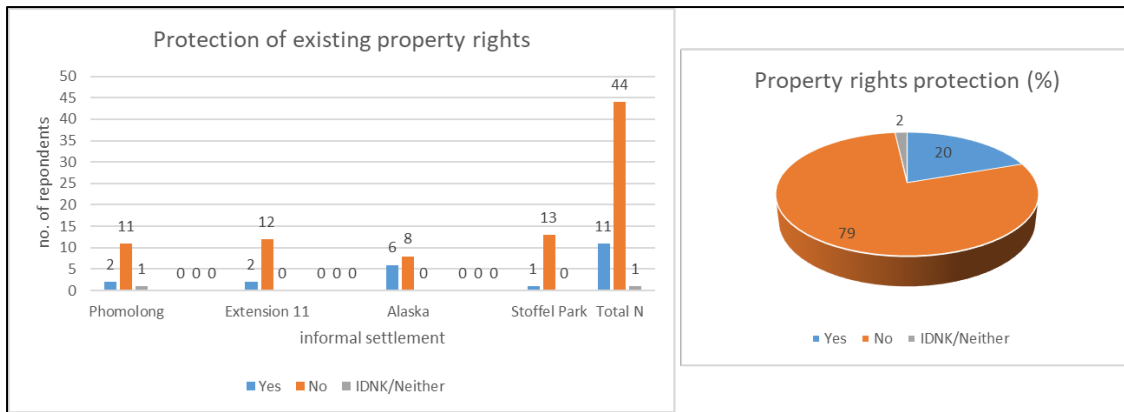


FIGURE 64: Protection of existing property rights

**Land expropriation without compensation**

Data findings, as shown in Figure 65, on whether the respondents agreed or not that the Constitution should be amended to allow the government to expropriate land without compensation, reveal that there was no clear agreement for the constitution to be amended to allow for land to be expropriated without compensation. Fifty percent of the respondents agreed that the constitution should be amended to allow land expropriation without compensation (LEWC), while 46% disagreed and the rest did not indicate their stand on the matter. Thus on the basis of these findings, LEWC is not an obvious and may not be an easy land reform approach to take because it has not received convincing support.

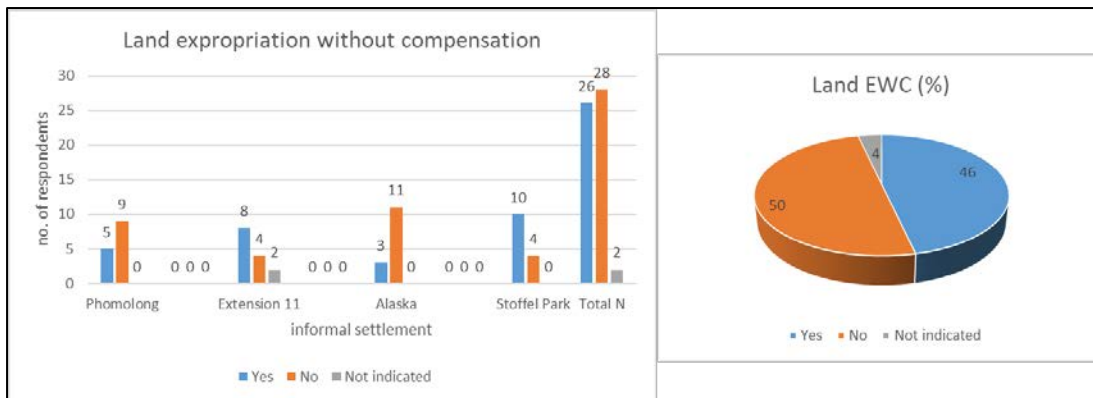


FIGURE 65: Land expropriation without compensation

Land expropriation without compensation received much support particularly in Alaska and Phomolong, while it received less support in Extension 11 and Stoffel Park respectively. The respondents provided a number of reasons for and against LEWC. Those who disagreed did so mainly because they perceived that if LEWC were to be allowed then there could either be tension and war, and/or that the landholders should be compensated for their investment. The main theme from those who agreed to LEWC was “the land is ours”. The officials and

community leaders were for LEWC except for Joe Kgopa, the founder and chairperson of Alaska, and Swapo, Extension 11 section committee leader. (See Table 8 for selected common respondents' responses)

**Vacant land invasion**

Concerning vacant land, 61% of the respondents agreed that vacant land should be invaded, among other reasons, because people had no place to live and could not afford rent and some have been waiting for a long time for housing. Those who disagreed to vacant land invasion, in the main, stated that permission should first be obtained from the actual land owner (government or person).

Here are some of the brief explanations provided by the respondents:

*A lot of people do not have a place to stay and are tired of paying rent.*

*One might not know the nature of the place and might end up in dangerous places.*

*I no longer agree; like the place occupied in Riverside is dangerous; water flows down to that place. It is a dangerous zone.*

*People need housing. You find that you apply for housing, but it never comes. It is theirs, yes they should invade it so that government may open its eyes to see that there are people without a place to stay.*

Thus it also became apparent that long waits for housing provision have driven some of the people to invade vacant land. Most of the respondents agree that vacant land should be invaded because people need housing and have no place to live (see Figure 66).

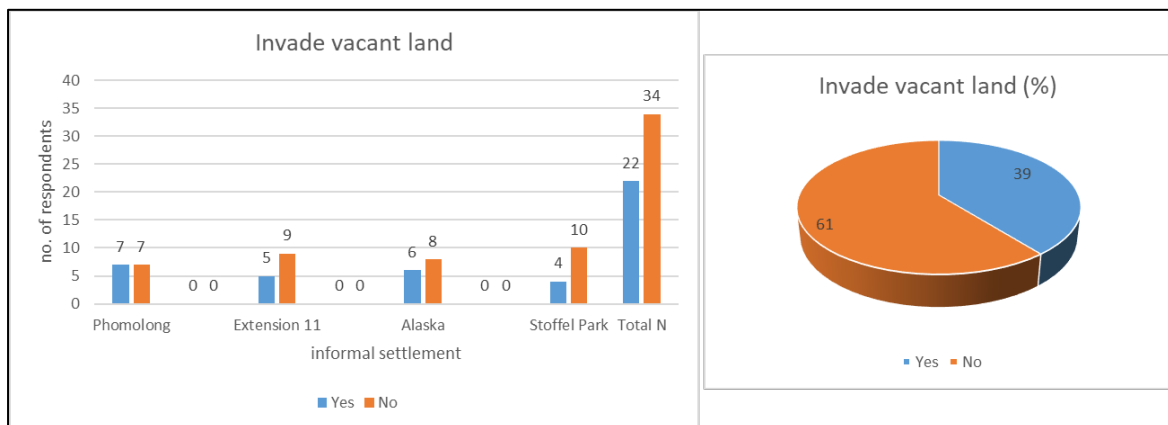


FIGURE 66: Invade vacant land

**TABLE 8: Selected common views of respondents on Land Expropriation by government**

Expropriate land without compensation (50%)	Not Expropriate land without compensation (46%)
<i>The land is ours, black people. White people came from overseas.</i>	<i>It will lead to war.</i>
<i>This is our fathers land; Boers enslaved them.</i>	<i>People should be compensated as they have invested a lot in the land.</i>
<i>The land was forcefully taken from blacks and should be returned through whichever means.</i>	<i>It is impossible. There would be chaos. No one would allow, they would not allow or give land they already have without compensation.... So that there is peace.</i>
<i>Who did you buy it from that I should buy it from you? You can't sell something that you find there.... It is difficult but they do not have to pay according to me.</i>	<i>It is not right. At least it must give them something.</i>
<i>It must take it must take it by force, because they also took it by force. Besides people have no place to stay.</i>	<i>Land owners should be compensated because they own the land and have invested too much.</i>
<i>It depends on what has been done on the land. When they have spent and done developments, they must be compensated. Where nothing has been done on the land, there is no problem the government can take it.</i>	<i>Land owners should be paid for their land; it is only humane to do so.</i>
<i>How did they take this land, because in the beginning it belonged to black people? Did they pay for it before taking it? Now how can we pay for it just because they did not pay for it? Even us we will take it by votes.</i>	<i>Land owners should be compensated as they have invested a lot and so to avoid tensions.</i>
<i>We have no place to stay.</i>	<i>Land owners should be compensated to avoid tensions and respect the rights of ownership.</i>
<i>When I look now the government is struggling. When it takes it, it will be able to provide services like water, roads, sewage.</i>	<i>They must talk with white people. Grown children want a place to stay. If government takes it by force there will be too much war. It would take us back to apartheid. This thing called Black power will kill people. There should be a person peaceful process.</i>
<b>City official, ward councillors and community leader</b>	
<i>The process that was used during apartheid to acquire land was unlawful. - Metse Mabeba, Director of Human Settlement Planning</i>	<i>South Africa has been through a lot. - Swapo, Extension 11 section committee leader</i>
<i>Because, this white made a lot of money on our land through minerals, ploughing and farming. - Shadi Doris Maja, ward 40 councillor (Extension 6, Phomolong)</i>	<i>We must rest restart and correct things. If you take the land it means you own it, likewise when they take it will mean they own it. It kills the grass. If we fight like that, our children will suffer. - Joe Kgopa, founder and chairperson of Alaska (Residents Association)</i>
<i>As long as they take it in the lands of white people, 100%. - Sibusiso Mathelele, Phomolong SANCO branch Executive member</i>	
<i>We must not give them anything, especially this land, the land that is not productive (not being used). - Morwanqwato Maujane ward 10 councillor (Extension 11, Extension 18/RDP, Lusaka and Alaska)</i>	
<i>The land is the governments! - Regina Mapholisa, Extension 11 (Sizanani) street committee member</i>	
<i>Municipality is supposed to buy only if they they provide where they bought it. They must take the land. They must talk to each other. If they are not using it, it must take it so that municipality can use it appropriately. - Stoffel Motloutsi, Stoffel Park founder and leader</i>	
<b>Note: 6% of the respondents did not indicate.</b>	

**Foreign land ownership**

The sale to and ownership of land in South Africa by foreign nationals was strongly disapproved by 88% of the respondents (as shown in Figure 67). The common and dominant reason provided by the respondents was that they owned land back in their countries of birth and that they can rent as there was already huge and pressing demand for land from the people of South Africa and foreign nationals already had land back home. The two foreign nationals from Mozambique living in Extension 11 and Stoffel Park agreed that foreign nationals (including companies) should be allowed to buy or own land in South Africa.

*The land belongs only to South Africans.*

*Land is scarce and selling it to foreign nationals would leave South Africans homeless.*

*Already, they have land where they come from. What they can do is to rent.*

*We came here to work and send money home, so they must do the same national could own land in South Africa. This is our children’s place, our forefathers, uncles; they are dead now so we are fighting for them.*

The Director of Human Settlement Planning in the City was not indifferent: *There is still a high demand in the country. More focus should be on that.* Yet there were some among the respondents who were South African nationals, who agreed to foreign land ownership, because:

*Government has no problem, it is the locals who have problems. We have no problem; we work for ourselves, buying and selling. We are not troubling anyone.*

*They should be allowed to own land because their businesses create employment for South African.*

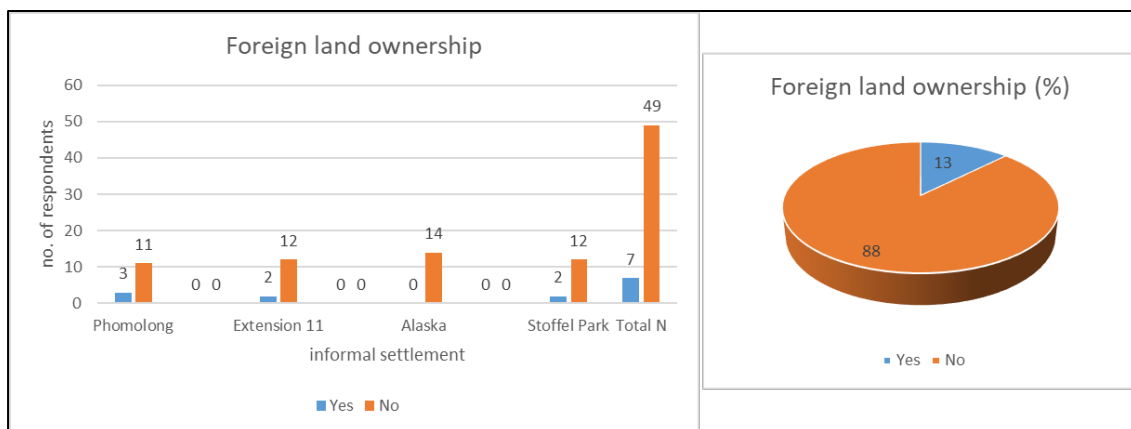


FIGURE 67: Foreign land ownership

**Sale of state land**

Figure 68 show that 86% of the respondents were opposed to the sale of state land by the government under any circumstances, even to raise funds or revenue for service delivery. The stated reasons, in essence, included:

*Land is not sold. You do not sell land.*

*They should sell gold and silver.*

*Already, there is money from tax payers. It should find other means.*

*People would be homeless and would not be able to receive the very same services.*

*Housing is a basic human right. So it should be provided first before service delivery.*

*Housing is crucial and giving land to the people would stop the formation of informal settlements.*

Overall, land is imperative for housing and the indication is that people need housing and understand that land is required for housing, thus they advise that the government should not sell state land, but look to taxes and other forms of avenues to raise funds, including minerals.

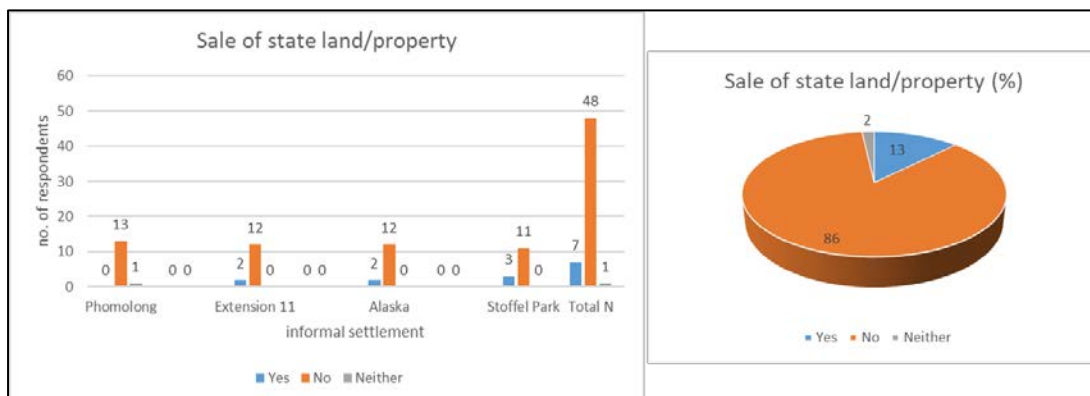


FIGURE 68: Sale of state property/land

**Eviction of illegal land occupants**

As shown in Figure 69, an overwhelming 93% of the respondents generally understood that people who occupied land unlawfully (i.e. without owner’s permission), by law, will most likely be evicted. Yet notwithstanding this, 68% of the respondents disagreed that it is right for the municipality to evict unlawful land occupants because they are landless and homeless. This indicated that under certain conditions people may be prepared to invade the land even when they know that they might be evicted from the land by the municipality. The trend was common from the majority of the respondents in all the informal settlements. Some stated that people needed a place to stay, while those who agreed qualified their disagreement by citing many

times that evictions were wanted in areas that were dangerous zones such as Phomolong where a water pipe burst and caused destruction and killed children. Rather than evicting them, the respondents argued that the government should access the area and develop it (provide housing), should it be suitable for housing.

Metse Mabeba, the Director of Human Settlement Planning in the City, provided that *there are other options such as homeless shelter that can be utilised*. Yet the respondents indicated overall that people indeed need a place, but their own permanent place to stay. One of the respondents who disagreed that it was right for the municipality to evict unlawful land occupants reasoned: *Unless government provides a permanent place for them to stay*.

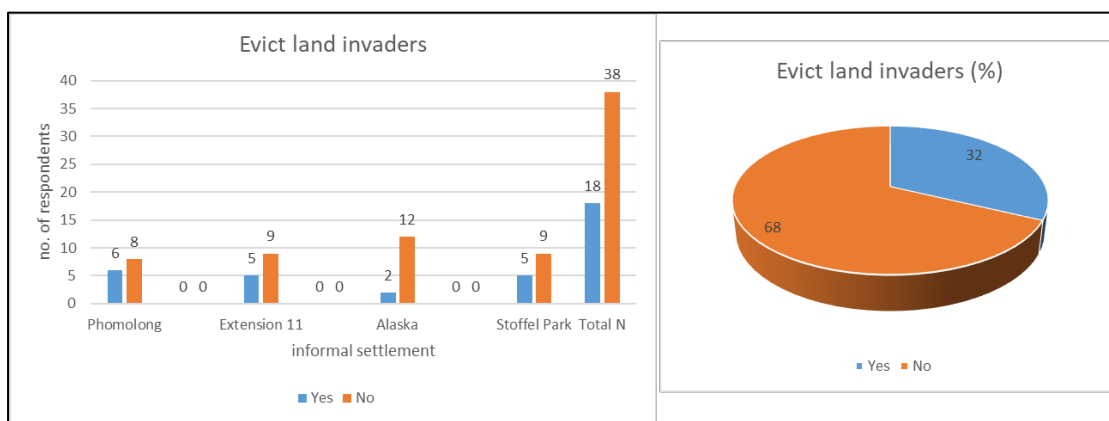


FIGURE 69: Evict land invaders

**Housing allocation process: waiting list and trust**

Figure 70 below show that a majority (48%) of the respondents are concerned with the housing waiting list, while Figure 71 show a general mistrust in the manner in which houses are being allocated by the municipality.

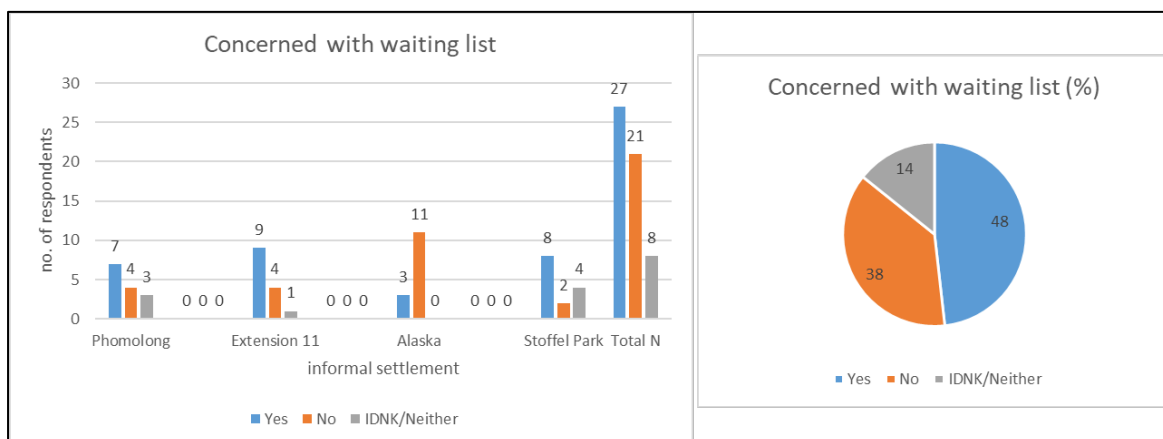


FIGURE 70: Concerned with waiting list



Some (14% and 13% of the respondents, respectively) were neither concerned or not concerned about the housing waiting list and/or did not know about housing allocation, particularly because they had not applied for housing and were not on the waiting list, or in their settlement there was no housing being provided, but instead there were a distribution/allocation of permanent stands or eminent relocation. The informal settlements where respondents either did not now, or were neither concerned or not concerned are Stoffel Park, Phomolong and Extension 11, while a greater majority of respondents were in Alaska. (See Figure 70 and Figure 71 below). Among those who were concerned, the respondents stated that:

*The municipality does not follow the housing waiting list as houses are being sold to the highest bidder.*

*We have applied for housing and we've received no feedback.*

*I had accompanied someone [and] I had that there are still millions who are on the waiting list; they are too much.*

In essence, the respondents wanted the government to provide feedback on the housing waiting list and allocation and for it to eliminate corruption and deliver on its housing promises faster, but in line with an incorruptible waiting list. Failing which, land invasion and shacks would not end.

Figure 71 below show that the respondents in their overall majority (70%) believed that the manner in which government houses were being allocated is gripped by corruption and is not trustworthy. This was raised also by respondents who had not applied for housing and were not on the municipal housing waiting list. A majority of the respondents held the same view in all the four informal settlements.

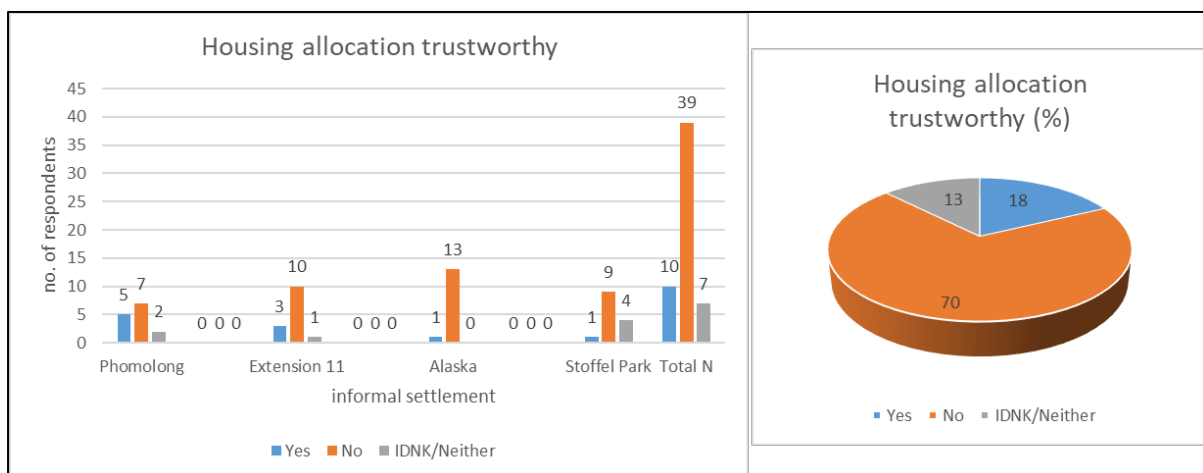


FIGURE 71: Housing allocation trustworthy

The respondents who believed that there was corruption and mistrusted the housing allocation process, more often, explained that they have seen and knew people who came in their settlement (after them) receiving houses before them and those who applied a long while ago, such as in 1998. They also believed and stated that it was those with money who received the stands (in the main) and and that some people have lost their lands/stands to this corruption. Statements such as, *we have been squatting for 18 years, no house and there is corruption and nepotism. Housing is allocated to people who afford bribes* were common among the respondents.

#### 4.4. Documentary data review and discussion of findings

Documents provide the background, and detailed and relevant information concerning the study area and sites. Documentary data herein is presented and discussed with hindsight of the data from interviews and Landsat imagery.

##### 4.4.1. Mamelodi and informal settlement growth

Along with the population growth of the CoT, the number of people in Mamelodi as in other townships in the City has been rapidly increasing since 1993 and Mamelodi has remained the second biggest and growing township in the Greater Pretoria Metropolitan Area (GPMA) shown in Table 9.

TABLE 9: Distribution of population in the GPMA

<b>SUBSTRUCTURE</b>	<b>1993</b>	<b>%</b>	<b>1995</b>	<b>%</b>	<b>2000</b>	<b>%</b>
Soshanguve	375 000		400 383		864 000	
Akasia	19 821		21 773		27 545	
<b>Subtotal North</b>	<b>394 821</b>	<b>24,92</b>	<b>422 156</b>	<b>25,15</b>	<b>891 545</b>	<b>37,65</b>
Pretoria	508 115		521 284		556 360	
Atteridgeville	194 000		206 710		242 000	
Mamelodi	328 352		357 168		439 410	
Eersterus	29 770		31 905		37 940	
<b>Subtotal Central</b>	<b>1 060 237</b>	<b>66,93</b>	<b>1 117 067</b>	<b>66,54</b>	<b>1 275 710</b>	<b>53,87</b>
Centurion	106 762		116 324		175 095	
Laudium	22 278		23 252		25 880	
<b>Subtotal South</b>	<b>129 040</b>	<b>8,15</b>	<b>139 576</b>	<b>8,31</b>	<b>200 975</b>	<b>8,49</b>
<b>TOTAL</b>	<b>1 584 098</b>	<b>100,00</b>	<b>1 678 799</b>	<b>100,00</b>	<b>2 368 230</b>	<b>100,00</b>

Source: CDE Research: Policy in the making' issued by Bernstein & McCarthy, 1998

Meanwhile, a comparative analysis of commuting patterns to and from Pretoria metropolitan in 1987 and 1994 also show that the number of people commuting by bus from Mamelodi was more than other townships (Atteridgeville, Ga-Rankuwa, kwaNdebele, as well as Temba and Hammanskraal, and Winterveld, Mabopane and Soshanguve combined) and increased during the period (from 13870 to 48600) thereby confirming the growth of the townships population, which is most probably behind the intensified housing problems in the area. Today, Mamelodi is not only one of the biggest townships in the City of Tshwane with an almost 98% representation of black communities speaking Northern Sotho (Sepedi and Setswana) as well as Ndebele, Zulu and Tsonga (Nkosi 2014:14). It is also one of the largest and fastest growing townships in South Africa with a predominantly black population of about

1 million (rough and unofficial) (Mamelodi Mesh, 2008)) or 334, 577 people (over half of Region 6 population (605556)) according to the 2011 census (Peeters & Osman, 2005; Stats SA, 2012; Mamelodi Trust, n.d). Over time and since 1994, Mamelodi has absorbed an ever-expanding informal settlement (Peeters & Osman, 2005). The township is divided into western and eastern parts (Nkosi 2014) as illustrated in Figure 18 and Figure 72.

According to Peeters and Osman (2005) as well as Gottsmann and Osman (2010), Mamelodi Township has a very large number of informal settlements (predominantly on the East outskirts), with self-built shacks made from corrugated iron, cupboards and plastic sheets. With inadequate housing, the rapid urbanisation of the rural poor, an influx of immigrants from neighbouring countries in search of employment and opportunities for better life, ineffective land use management practices, family growth and the likes, informal settlements are growing even larger as the CoT struggles to meet the ever-growing need for employment, land and formal housing amongst other needs from the list of demands. According to CoT (2014b), by 2013 there were 32536 informal dwellings in Mamelodi representing 24 informal settlements in Township which formed part of the 155 948 informal dwellings and 178 informal settlements within the City of Tshwane. This is presented in greater detail in section 4.4.5.

Informal dwellings in Mamelodi increased drastically between 1994 and 2011, from 3000 to 14 004 (see Table 7 and Figure 21). The Mamelodi informal sector has been identified as one of the disadvantaged communities in the City (CoT, 2014b). Peeters and Osman (2005) notes that informal settlements have given the poor and needy a foothold in the CoT. Many people in Mamelodi live in shacks, either in areas/land occupied through illegal land invasions and/or on legalised plots still waiting on the queue for government housing (Peeters and Osman, 2005). To this effect, illustrating segregation and desegregation in the City of Tshwane, Hamann (2015) visually represents Mamelodi as an area of continued racial segregation.

A number of informal settlements and informal dwellers have been continuously eradicated and moved into formal housing. Yet as this happens, new urban dwellers are occupying the shifting erratic-outer edges of the township. Informal settlement patterns as depicted by the historical expansion of the township layout, has been largely towards the East, while in the West boundaries have remained relatively fixed throughout the growth of Mamelodi. Even though Mamelodi looks like it has reached its limits of expanse, through innovation the informal settlement dwellers, especially newer urban dwellers continue to define new limits (as shown in Figure 72) (Peeters & Osman, 2005; Gottsmann & Osman, 2010) leading to urban sprawl. Figure 73 also, shows a basic aerial view map of the present

day Mamelodi, herein the informal settlements now are developed even beyond the Edendalspruit River (wetland), under Extension 22 and Extension 15 (incorrectly labelled as Ext 6 in Figure 73, Figure 78 and Figure 80).

The City acknowledges the threat of the unavailability of suitable land to accommodate and put up with Mamelodi's expansion and that this will require "re-development and urban re-generation projects" (CoT, 2014a:17). Notwithstanding this, the City has identified the Koedoespoort Transnet land as strategically located and with the potential to accommodate a substantial number of housing units in an environment of mixed use (CoT, 2014a).

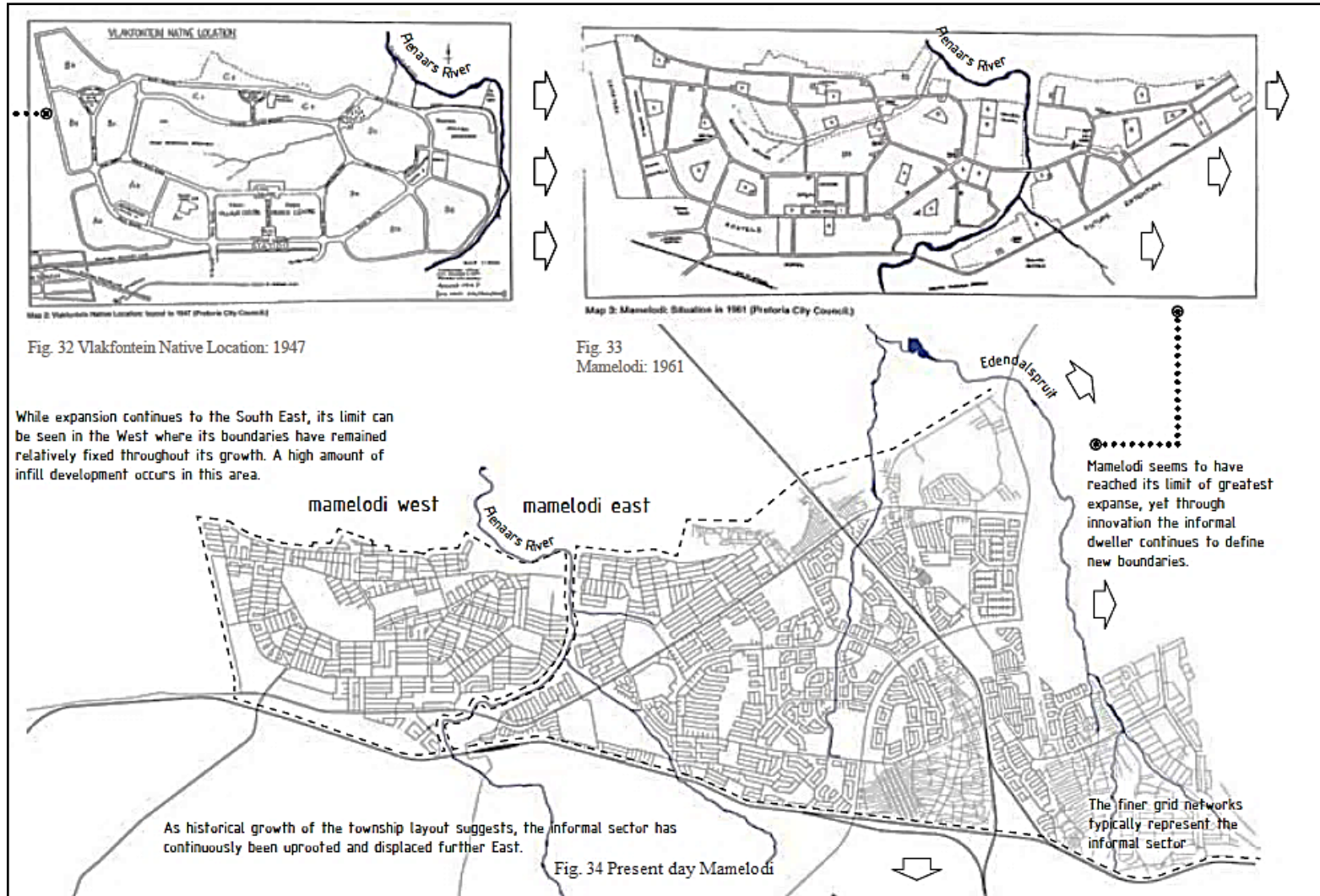


FIGURE 72: Architectural representation of the historical growth of Mamelodi Township, extending eastward (1947 - present day)

Source: Extracted from Gottsmann, 2009

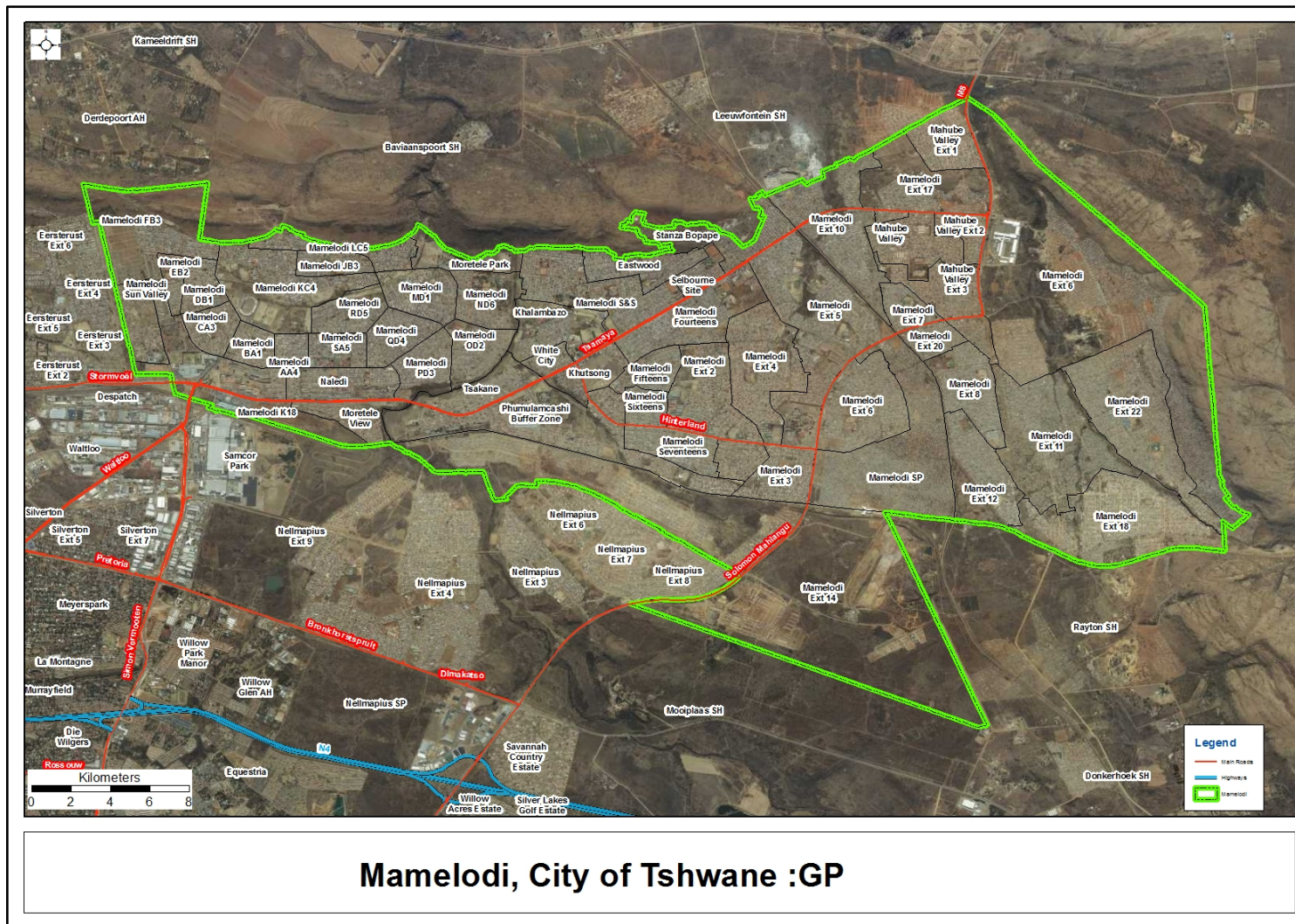


FIGURE 73: Satellite view of present-day Mamelodi

Source: Compiled by Thabitha Sebeyi (GIS Technician at HDA) on 22 May 2017, data from HDA (NaHSLI) (2017)

#### 4.4.2. Prevalence of informal settlements in Mamelodi

Located in Region 6, one of the largest regions of the City of Tshwane, to date Mamelodi has 13 wards, representatively four in Mamelodi West (6, 28, 38, 67) and eight in Mamelodi East (10, 15, 16, 17, 18, 23, 40 and 97). Ward 93 is located in both the West and the East divided by the Pienaars River (see Figure 74). According to Gottsmann (2009), with the Mamelodi expanding eastward, the informal sector in Mamelodi is also in the East peripheries of the township (see Figure 73 and Figure 75) and predominantly consists of ward 10, 40, 17, 97, (partly) 93 and 23, which compromise over one third of the area of the Mamelodi Township. This, according to Gottsmann (2009), includes Lusaka (which is primarily actually Extension 11 informal settlements) established before 1994 and Alaska, both in ward 10, Phomolong (Sotho for 'resting place') established in after 2003 in ward 16 (now ward 40) and Extension 6 (see Figure 76 and also Figure 74 with Figure 78, Figure 79 and Figure 80 hereinafter).

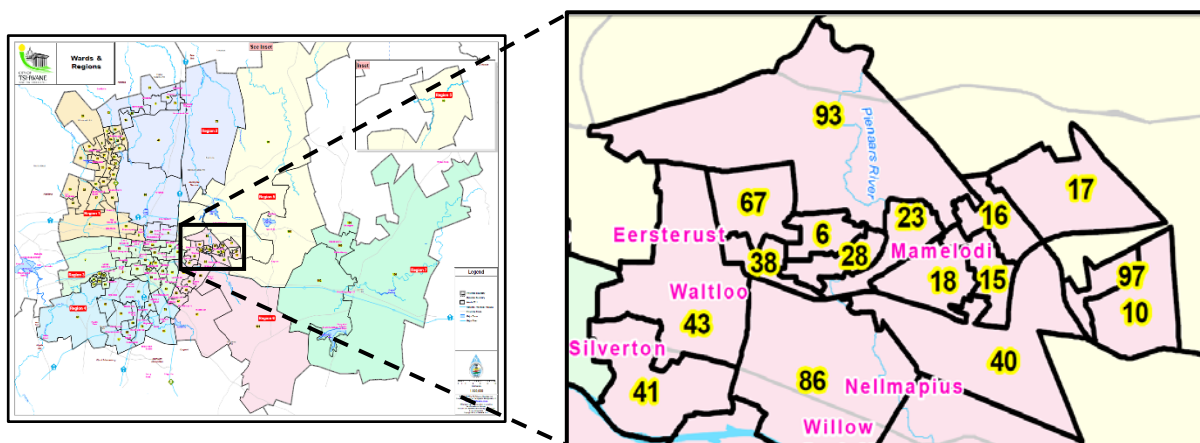


FIGURE 74: Distribution of Region 6 wards – Mamelodi

Source: Extracted from City of Tshwane (2012) (original map compiled and issued by: Cartographic Management, JD Cartography@Tshwane.gov.za)



FIGURE 75: Geographic location of Tshwane and Mamelodi informal sector before 2011 municipal demarcation

Source: Extracted from Gottsmann (2009)



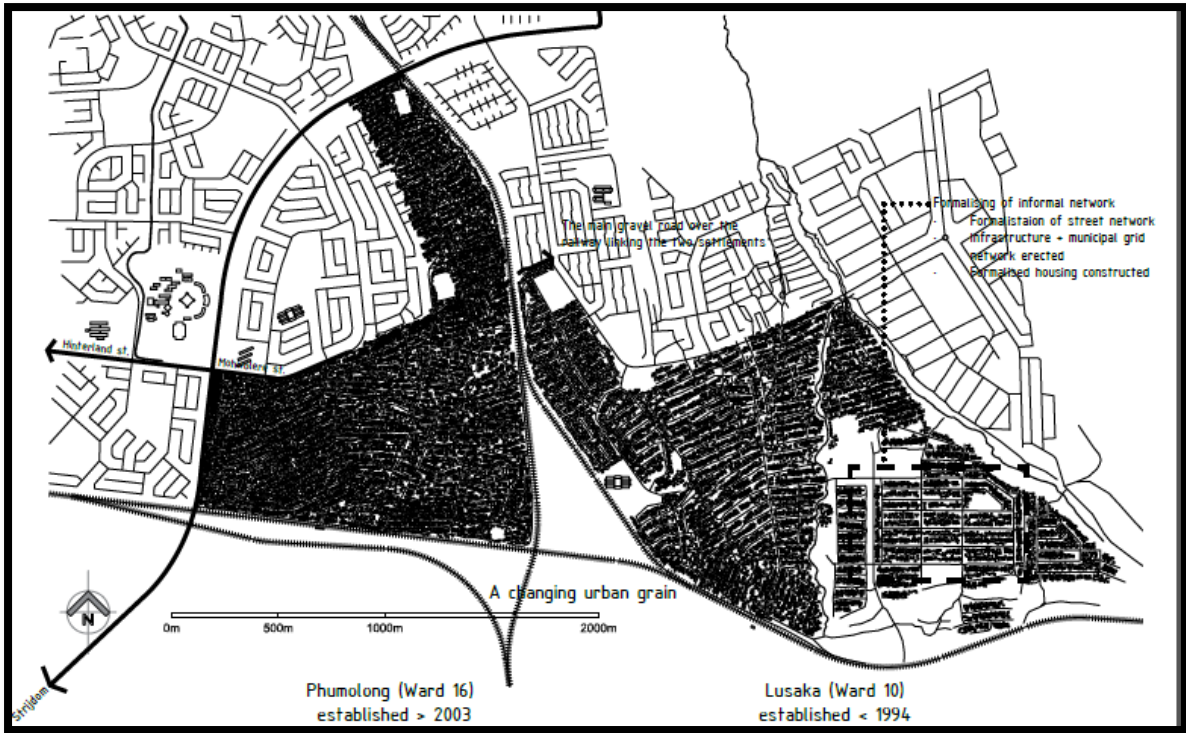


FIGURE 76: Extension 11 and Phumolong informal settlements – established before 1994 and after 2003, respectively

Source: Extracted from Gottsmann (2009).

#### 4.4.3. Land audit – who owns the land in Mamelodi?

Contrary to Table 5 and Figure 7, representing government’s land audit of South Africa, which indicates that the state owns minority of the land in Gauteng and in comparison to all other province(s), the HDA web-based data, as illustrated in Figure 77, provides that most of the land in the City of Tshwane (North of Gauteng) is owned by the state (*note: state land is highlighted in red*).

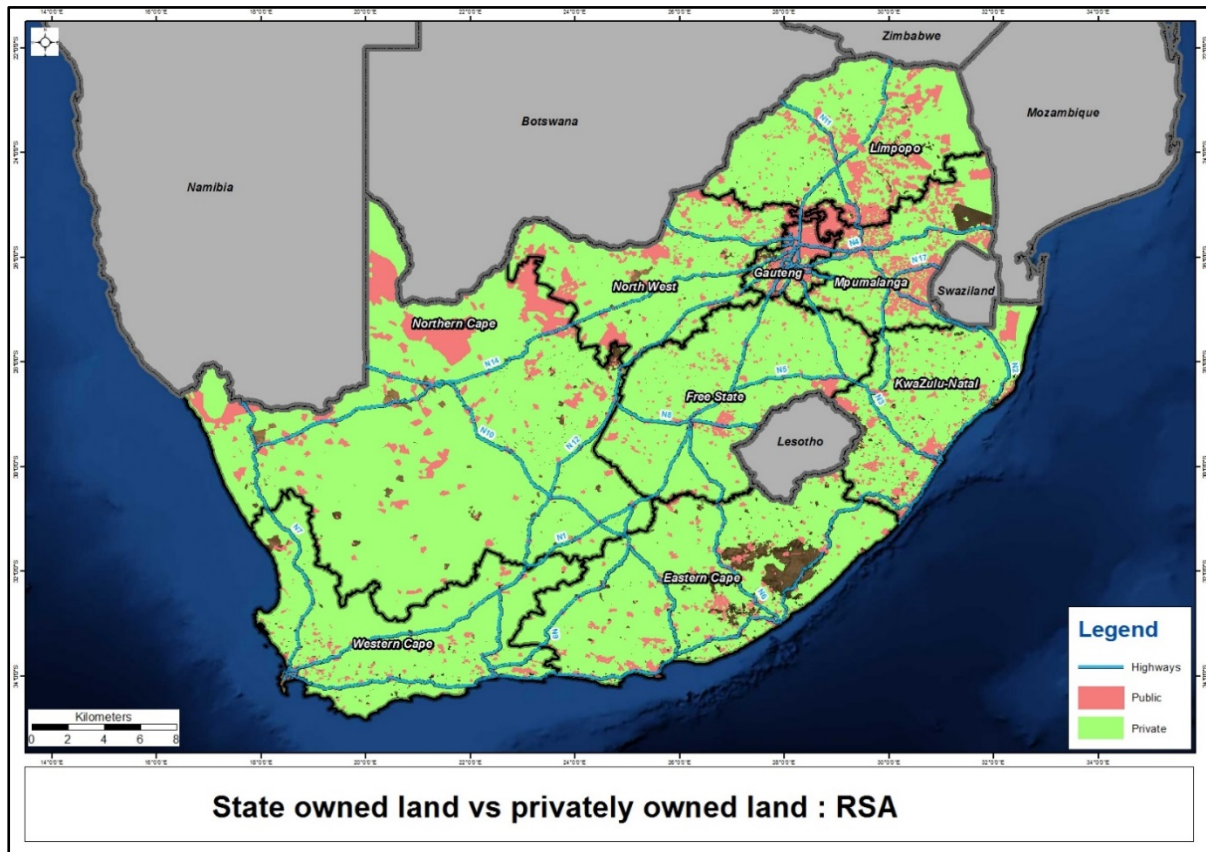


FIGURE 77: Spatial distribution of state and private land in South Africa

Source: Compiled by Thabitha Sebeyi (GIS Technician at HDA) on 22 May 2017, data from HDA (NaHSLI) (2017)

The township's land audit (illustrated in Figure 78; yellow=municipal, red=national, purple=provincial, orange=SOE, sky blue=private) confirms further that most of the land within the CoT is state owned as the greater part of the land in Mamelodi East is state owned. This contradicts the historical account that most land is privately owned, by whites in particular and begs a question or for an assessment of whether the state is taking land reform serious or not. This can be seen or shown by its willingness and/or ability to first redistribute its own land which it has control of. Figure 78 also shows that the informal settlements in the township, including those in Extension 11 (in Ward 40), Phomolong (in Extension 6, ward 40), Alaska (in Extension 22, ward 10) and Stoffel Park (in Extension 15, ward 17 and 97) are primarily located on state land. Land use in Mamelodi is illustrated in greater detail under 4.4.4 on pages 214-215.

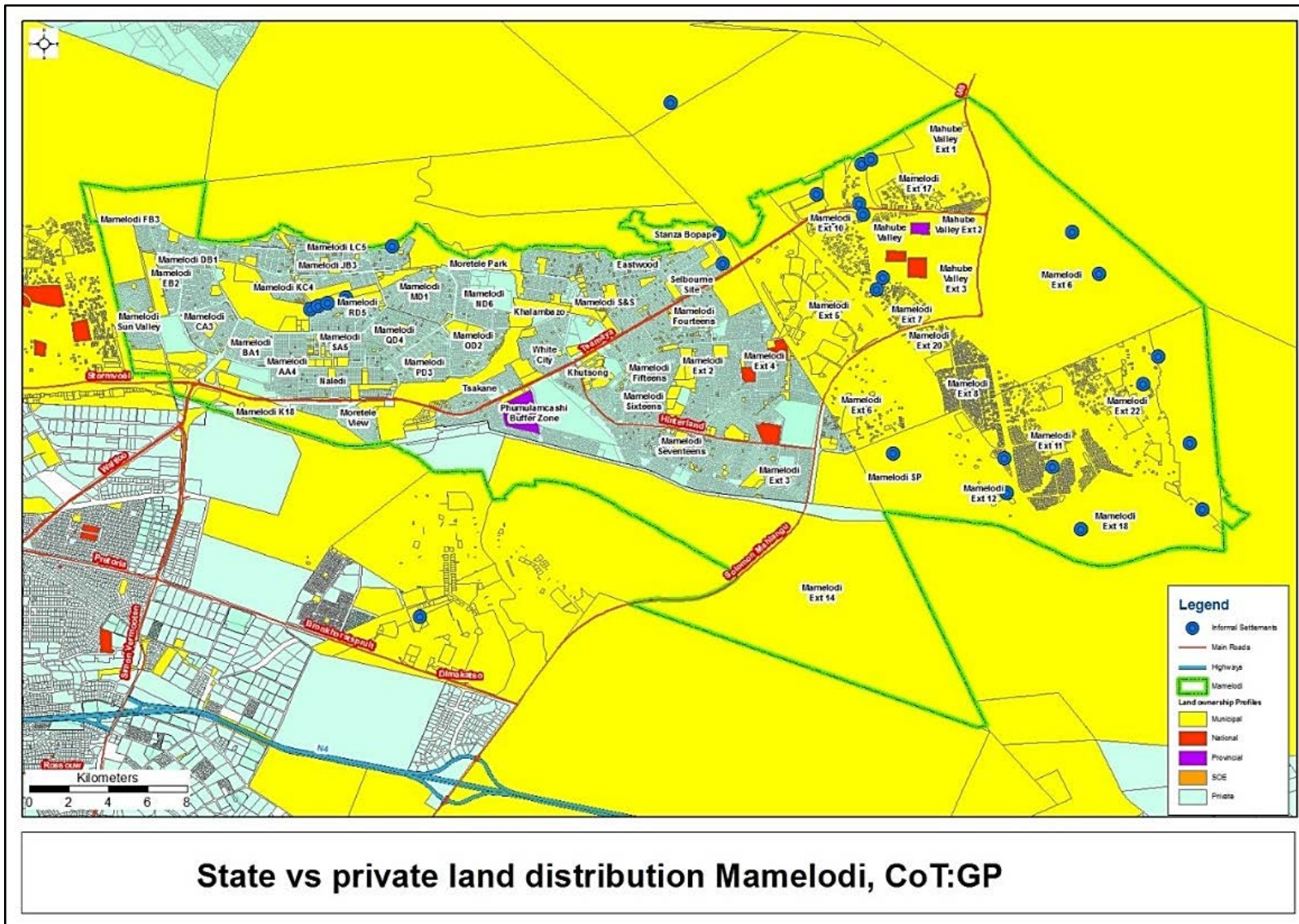


FIGURE 78: State versus private land distribution, and informal settlements in Mamelodi

#### 4.4.4. Land use

HDA (2017) repository (web-based applications – including NaHSLI, LaPSIS, HDA Land Dashboard) based on 2011 Census, further affirm Gottsmann’s (2009) observation (shown in Figure 75) and informal settlements in Mamelodi are predominantly located on the Eastern and outer-peripheries of the township (as shown in Figure 78, Figure 79, and Figure 80). Figure 79 and Figure 80 illustrating land use in Mamelodi, also shows a broader and clearer depiction of the informal settlements, informal (land) use, in Mamelodi. This includes the four selected informal settlements (Extension 11, Phomolong, Alaska and Stoffel Park) where the data was collected which indicates that the these informal settlements are the main informal dwellings in Mamelodi, both West and East.

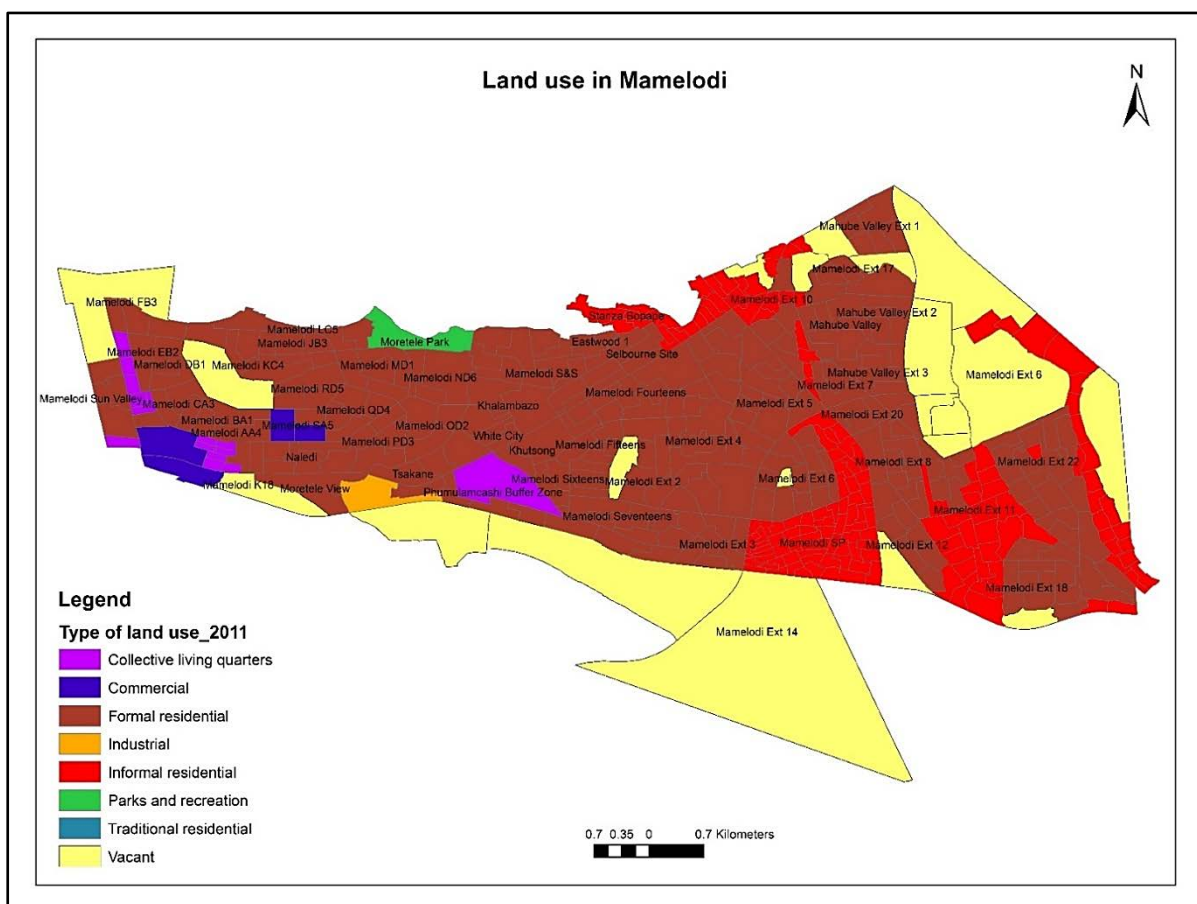


FIGURE 79: Land-use in Mamelodi  
Source: Compiled by Author, data from Stats SA, 2011 Census

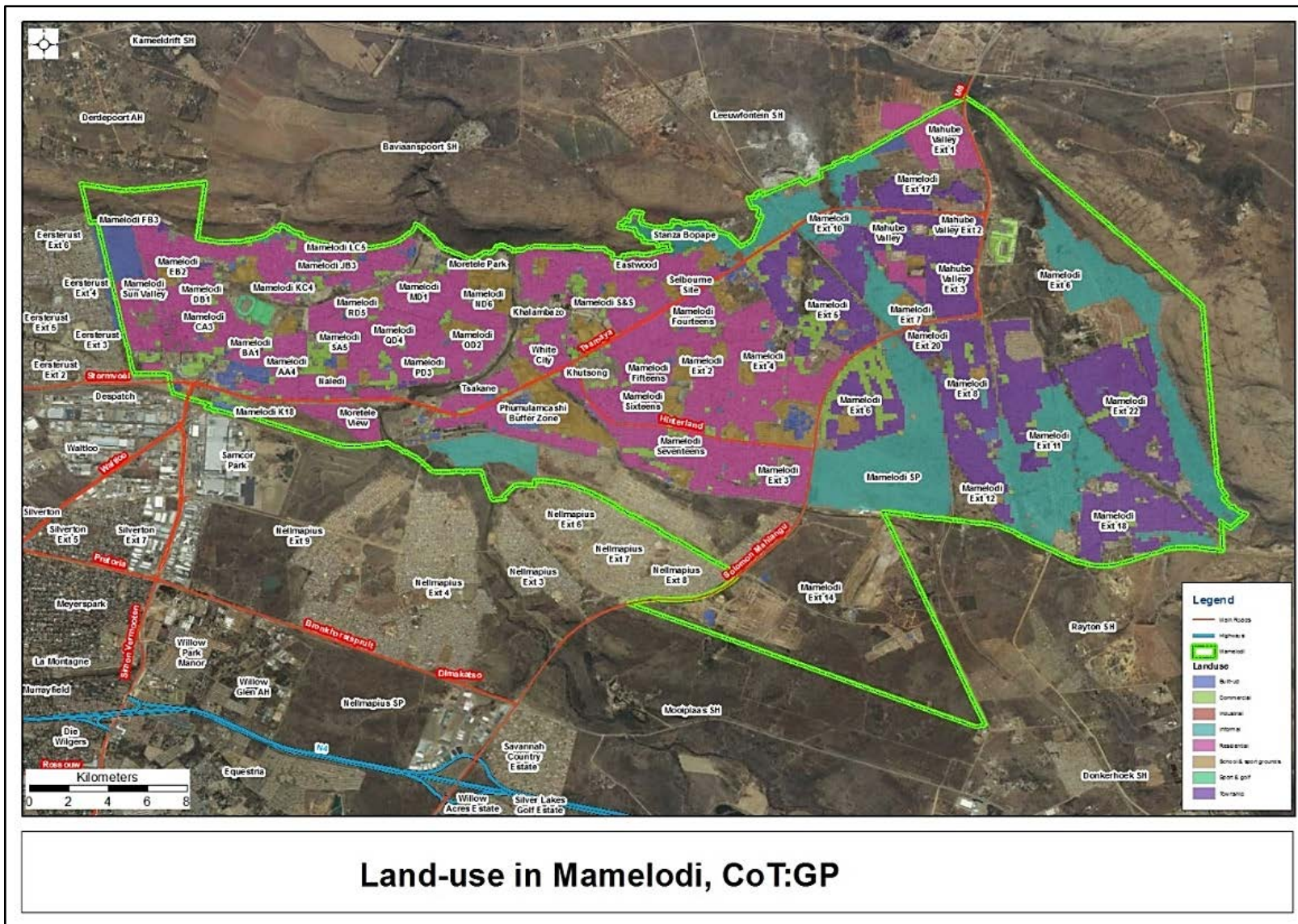


FIGURE 80: Aerial view of land-use in Mamelodi (informal settlements highlighted in aqua)

#### **4.4.5. City of Tshwane sustainable human settlement strategy (IDP housing chapter): of relevance and interest to the study**

Since 1994, South Africa has embarked on several programmes particularly towards providing shelter for the poorest and poorest of communities in the country. The country's municipalities are required to develop Integrated Development Plans (IDPs) that work as the basis for service delivery. This is required as part of a developmental local government system and by the Municipal Systems Act (1998). According section 9(1)(f) of the Housing Act, 1997, every municipality must, as part of the process of integrated development planning of the municipality, take all reasonable and necessary steps within the national and provincial housing legislation and policy framework to initiate, plan, coordinate, facilitate, promote and make possible appropriate housing development in areas under their jurisdiction (CoT, 2014b). Following this, over the years the CTMM (the City) has had in place a Sustainable Human Settlement Strategy (revised every four years). This is one of few documents that provide a contextual and comprehensive record of informal settlements in the municipal areas.

##### *4.4.5.1. Situational analysis: human settlement demand and challenges in the CoT*

#### ***Housing demand quantity, type and spatial distribution***

In terms of local policy context and Spatial Development Framework directives, the CoT represents the northern most parts of Gauteng Department of Human Settlement. The housing demand extent and spatial distribution in terms of informal settlement throughout the entire metropolitan area (as illustrated on Figure 81) is summarised under this section of the document. The information is first provided per region and then summarised for Region 6. Table 10 indicates an estimated 155 948 informal units in the City of Tshwane, in terms of the 2013 Survey, compared with 160 564 counted in 2011 and 145 475 in 2009. These informal units form and are part of a total of 178 informal settlement incidences/clusters. The three regions with the highest number of structures recorded are Region 6 (34153 structures), Region 2 (33 399 units) and Region 1 (33991 structures). Together these three regions represent 66% of the entire informal settlement in the City. According to the Informal structure counts, Region 6 (Mamelodi) has demonstrated the highest annual increase at about 1339 units per year. Moreover, even though the informal structures decreased slightly in the Region between 2011(35 045)-2013 (34 153), overall, they increased by 9374 from 2006-2013.

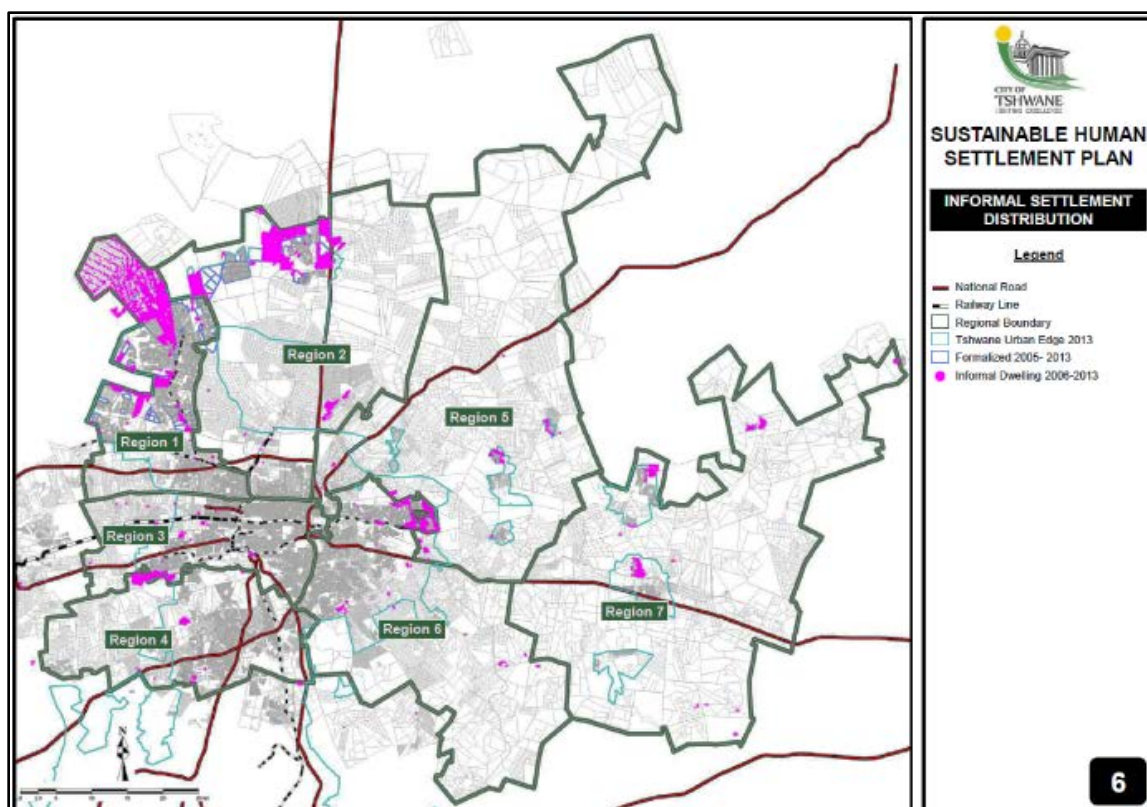


FIGURE 81: City of Tshwane Informal settlement distribution

TABLE 10: Number of Informal Units per CoT Region, 2006, 2009, 2011 and 2013

REGION	2006	%	2009	%	2011	%	2013	%	2006 - 2009	2009-2011	2011-2013	2006-2013	Average change p.a.
Region 1	38 526	26%	36 221	25%	38 335	24%	33 991	22%	-2 305	2 114	-4 344	-4 535	-648
Region 2	44 803	31%	37 483	26%	38 918	24%	33 399	21%	-7 320	1 435	-5 519	-11 404	-1 629
Region 3	12 674	9%	11 606	8%	15 411	10%	18 665	12%	-1 068	3 805	3 254	5 991	856
Region 4	16 289	11%	16 196	11%	16 956	11%	16 933	11%	-93	760	-23	644	92
Region 5	3 524	2%	4 903	3%	7 012	4%	8 942	6%	1 379	2 109	1 930	5 418	774
Region 6	24 779	17%	30 389	21%	35 045	22%	34 153	22%	5 610	4 656	-892	9 374	1 339
Region 7	5 369	4%	8 677	6%	8 887	6%	9 865	6%	3 308	210	978	4 496	642
<b>Total Tshwane Informal Housing</b>	<b>145 964</b>	<b>100%</b>	<b>145 475</b>	<b>100%</b>	<b>160 564</b>	<b>100%</b>	<b>155 948</b>	<b>100%</b>	<b>-489</b>	<b>15 089</b>	<b>-4 616</b>	<b>9 984</b>	<b>1 426</b>

Sources: GeoTerralmage Pty Ltd, Aerial Photos 2009, 2010; Plan Associates, Aerial Photos Counts 2009, 2011, 2013

Note: 178 Informal Settlements in total

#### 4.4.5.1.1. Focus: Region 6, Mamelodi and informal settlements – location, establishment, size and growth

According to the CoT (2014b), Region 6 contains the eastern areas of the urban complex of the City of Tshwane around Mamelodi and the rural areas of Boschkop-Tiegerpoort to the south-east thereof. The informal settlements in the region are largely concentrated in Mamelodi (East). Meanwhile Mamelodi is located on the North-eastern peripheral extents of the Region as depicted in Figure 82.

Table 11 shows that the Region recorded about 34 153 informal structures of which the vast majority ( $\pm 32\ 000$ ) are situated in and around Mamelodi (also refer to Figure 82 which depicts the spatial distribution of informal settlements in the region and the clustering of informal settlement at Mamelodi eastern end). This is the area in the City that represents the highest people influx from other parts of Southern Africa. Figure 83 depicts the Mamelodi East area in greater detail. Informal settlement in this precinct occurs in two linear/parallel strips and a central core area.

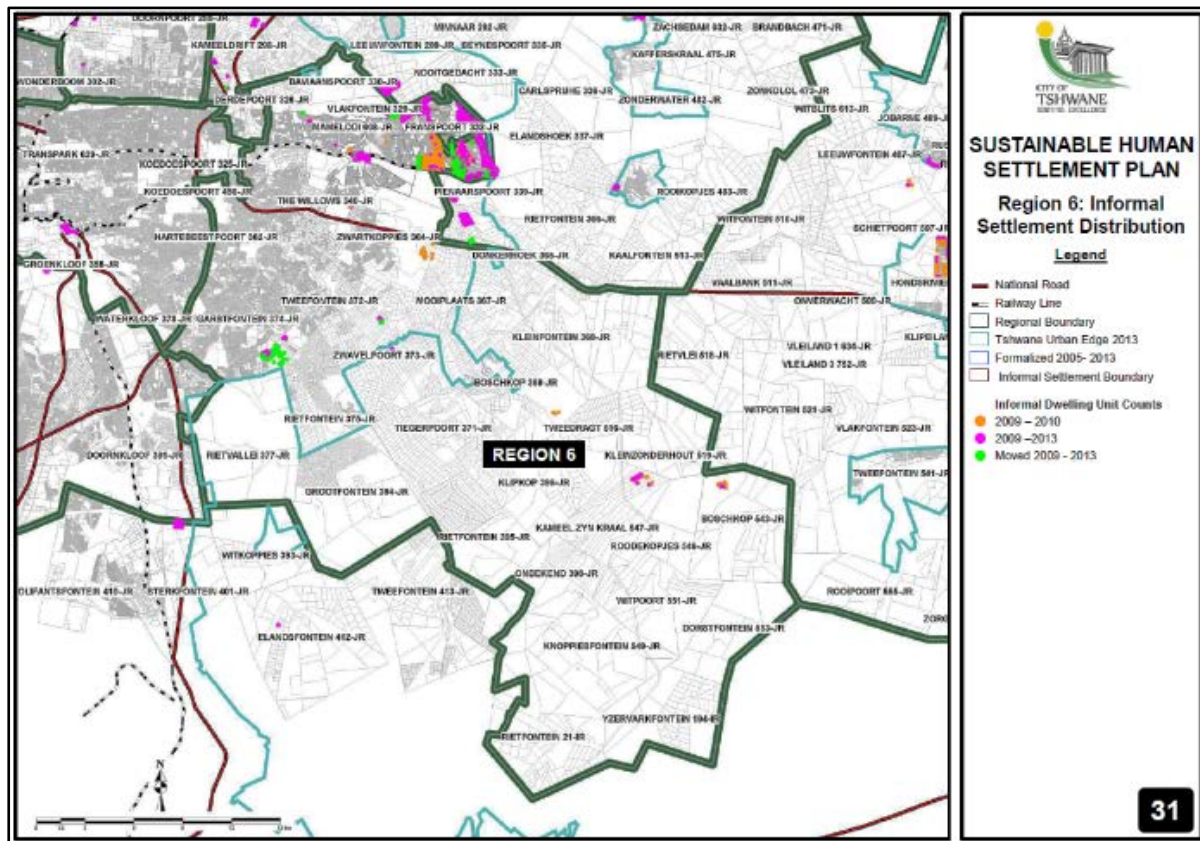


FIGURE 82: Region 6 informal settlement distribution



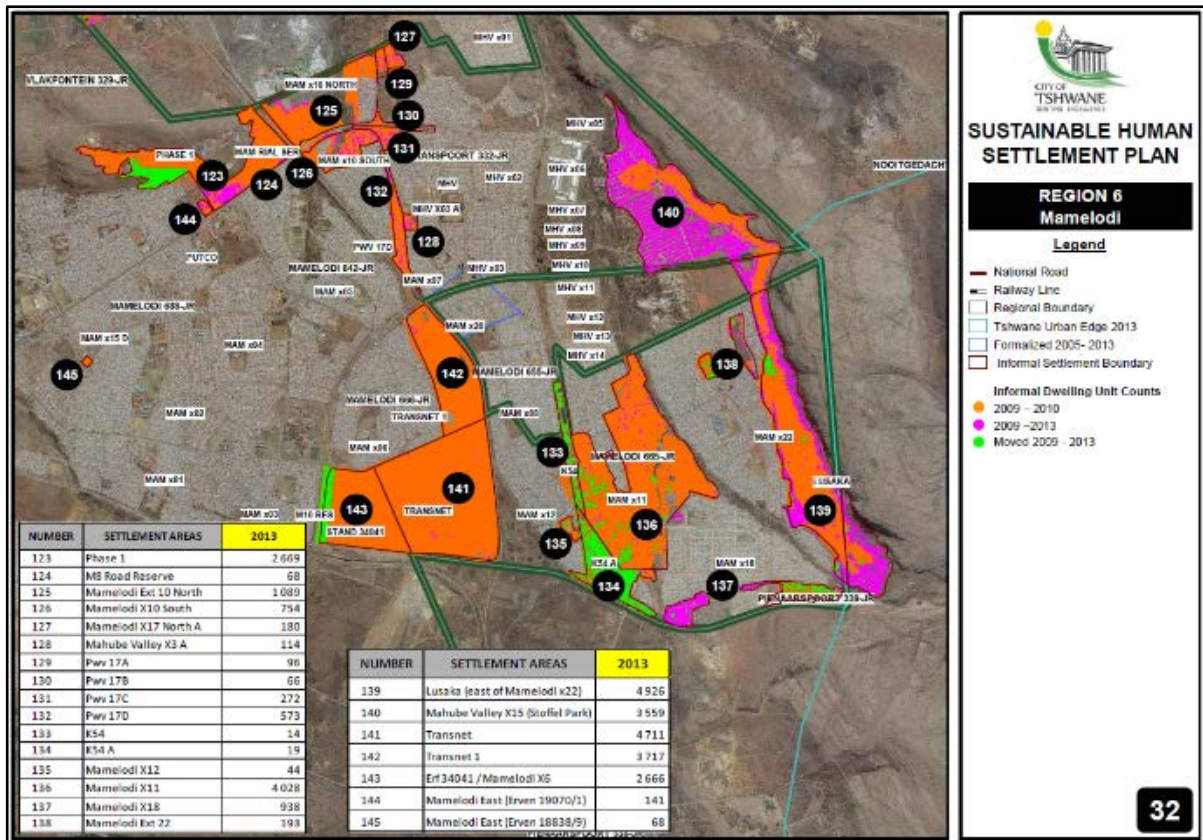


FIGURE 83: Mamelodi East Informal settlements

Table 11 also contains a comprehensive record of informal settlements in Region 6 and Mamelodi in particular since 2006 (Region 6 – Study area sites (in yellow) – historic growth of informal counts, 2006 – 2013) and also shows the areas that have been formalised since then. Yet none of the case study sites had been formalised by 2013. Even by 2013 Mamelodi had the most number of informal settlements (24) and shacks (32536) in the Region (refer to Figure 83, Figure 84 and Table 11). Transnet, Transnet 1 and Erf 34041/Mamelodi X6 (Phomolong) – number 141, 142 and 143 form Phomolong informal settlement.

TABLE 11: Region 6 – Case Study Site – historic growth of informal counts, 2006 – 2013

NUMB	Note	SETTLEMENT AREAS	2006	2009	2011	2013
		Ptn 65 Derdepoort 326-JR		30 RELOCATED	RELOCATED	RELOCATED
		Ptn 182 Derdepoort 326-JR		100 RELOCATED	RELOCATED	RELOCATED
		Ptn 218 Derdepoort 326-JR		32 RELOCATED	RELOCATED	RELOCATED
109		Ptn 249/R Derdepoort 326-JR		38	44	44
110		Ptn 15 Derdepoort 326-JR		6	9	9
111		Ptns 532, 536, 111/R Derdepoort 326-JR		54	54	114
		Ptn 162 Kameeldrift 298-JR		40 RELOCATED	RELOCATED	RELOCATED
112		Ptn 175 Kameeldrift 298-JR		920	691	781
113		Ptn 651 Kameeldrift 298-JR		51	59	79
114		Ptn 125, 124 Leeuwfontein 299-JR		323	465	681
115	Outside UE	Ptn 79 De Wagendrift 417-JR		85	102	128
		Ptn 70 De Wagendrift 417-JR		73 RELOCATED	RELOCATED	RELOCATED
116		Onverwacht		191	588	604
117		Refilwe/Machaka View		1 648	1 840	1 945
118		Mahube Valley X15 (Region 5)		0	203	359
119		East of Lusaka		0	969	868
120		Phumzile (Ptn 138 Elandsheek 337-JR)		250	279	324
121		Ptn 45/R, 66,67 Plenaarspoort 339-JR		0	176	269
122		Letshabong (Ptn 3, 4/R Donkerhoek 370-JR)			1 139	1 422
		Ptn 108 Donkerhoek 365-JR		70 RELOCATED	RELOCATED	RELOCATED
		Ptn 127 Donkerhoek 365-JR		85	183	RELOCATED
						0
		<b>TOTAL REGION 5</b>		<b>3 524</b>	<b>4 903</b>	<b>7 012</b>
123		Phase 1		2 722	2 614	2 920
124		M8 Road Reserve		40	49	68
		Mamelodi Rail Servitude		64	62	62
125		Mamelodi Ext 10 North		1 018	997	1 032
126		Mamelodi X10 South		551	639	727
127		Mamelodi X17 North A		133	156	174
		Mamelodi X17 South		0	FORMAL	FORMAL
128		Mahube Valley X3 A		51	84	109
129		Pww 17A		85	86	94
130		Pww 17B		42	64	66
131		Pww 17C		190	229	271
132		Pww 17D		425	497	534
133		K54		430	100	69
134		K54 A		417	232	86
135		Mamelodi X12		90	76	76
						0
136		Mamelodi X11		4 213	4 069	4 131
137		Mamelodi X16		1 005	1 103	1 348
		Mamelodi X20		70	113	113
138		Mamelodi Ext 22		244	158	189
139		Lusaka (east of Mamelodi x22)		0	3 913	4 470
140		Mahube Valley X15 (Stoffel Park)		0	896	3 478
141		Transnet		3 079	4 693	4 711
142		Transnet B		3 503	3 999	3 999
143		Erf 54041 / Mamelodi X6 (Phomelong)		3 437	3 250	3 250
		M10 Road Reserve		239	257	259
144		Mamelodi East (Erven 19070/1)		61	114	141
145		Mamelodi East (Erven 18838/9)		35	68	68
146		Ptn 1 Hatherley 331-JR		33	38	1 021
147		Mamox14 (Eerste Fabriek)		31	81	81
148		Erf 19122 Mamelodi West		25	27	27
149		Erven 2026-2036, 2052-2056, 1482, 1483 Mamelodi West		139	141	141
		Soul City		0	89	89
150		Ptn 149 The Willows 340-JR			18	18
151		Ptn 223 Zwartkoppies 364-JR			137	137
152		Ptn 47/R Zwartkoppies 373-JR		130	266	55
153		Woodlands			665	1 530
154		North of Woodlands (Ptn 284/R Garrofontein 374-JR)			58	88
155	Outside UE	Ptn 495 Zwartkoppies 373-JR			76	95
156	Outside UE	Ptn 1/R Boschkop 369-JR			22	22
157	Outside UE	Kanana (Kameel Zyn Kraal 547-JR)		356	434	460
158	Outside UE	Ptn 43-48 Kleinzonderhout 519-JR		11	45	49
159	Outside UE	Ptn 2 Boschkop 543-JR			68	75
		<b>TOTAL REGION 6</b>		<b>24 779</b>	<b>30 389</b>	<b>35 045</b>

Sources: GeoTerralmage Pty Ltd, Aerial Photos; Plan Associates, Aerial Photos Counts

Note: 1. Some of Mamelodi (East) informal settlements, such as area number 118 and 119 are located in Region 5

2. Area number 118 combines with 140 to form Alaska; 119 combines with 139 to form Stoffel Park; Extension 11 informal settlements are mainly represented by number 136.

3. The yellow highlights indicate Mamelodil informal settlements

Overall, the number of informal settlements and shacks in Mamelodi has increased since the early 1990s as shown in Table 12. Table 12 shows the number of shacks in the four informal settlements in 2006 and 2013 and indicates whether the informal settlement grew, remained the same or decline over the period.

TABLE 12: Number of shacks and Informal settlements Growth

Informal settlement	2006	2013	Change	Increased, remained same, decreased
Extension 11	4212	4028	-184	decreased
Phomolong	12161	11094	-1067	decreased
Alaska	0	5940	5940	increased
Stoffel Park	0	3927	3927	increased
<b>Overall</b>	<b>16373</b>	<b>25029</b>	<b>8616</b>	<b>*Increased</b>

Source: Derived from Table12, above

\*Overall growth attributed to Alaska and Stoffel which were not yet existing by 2006. In 2013, Phomolong remained the largest informal settlement in Mamelodi and Region 6 with 11 094 shacks followed by Alaska (5940), Extension 11 (3927) and Stoffel Park (3559). While there were some shacks moved in some informal settlements particularly in Phomolong and Extension 11 (between 2009 and 2013) there were also additional shacks with Stoffel Park and Alaska experiencing the major/greater expansion. (Refer also to Figure 83, 84 and Table 11).

According to the City, a total of 548 families were relocated from the main bulk water pipe (Phomolong), following its burst in 2012 that led to the death of two children, to Hatherley Portion 1, 331-JR and another 100 beneficiaries on the new site were allocated permanent stands (CoT, 2017).

Further towards the east, the Leeuwfontein informal settlement form nearby to Mahube Valley and represents the beginnings of the northward expansion Mamelodi pressure through the Magaliesburg (Magalies Mountain). The Mamelodi East informal settlements and those related to South (area number 118, 119, 121 and 122) are depicted in Figure 84 (30). Together these represent approximately 3300 units.



FIGURE 84: Region 5 and other informal settlements in and around Mamelodi

The western strip which mainly consists of people who settled in route PWV15 road reserve and the rail reserve as well as the large Transnet land portions, including Stand

33041/area number 143 (in Figure 83) to the south, was established in the early 2000's. This corresponds with many of the key informants' narrative and particularly refers to Phomolong (represented by number 141, 142 and 143) which, according to the Satellite imagery, was established no later than 2004 and/or in 2002-2003 according to the data collected from key informants (presented and discussed in 4.2). According to the news reports, Phomolong was established in 2002 when the Municipality relocated some homeless families from Marabastad, in Pretoria, against the resistance of about 150 people who protested against the relocation (news24, 2002), because the area among other things had no portable water (Moatshe, 2017). The residents were moved because the council planned to turn most of Marabastad into a business district, with an area designated for residents (news24, 2002).

The eastern strip on the other hand represents Mamelodi's eastern edge of bordering or encroaching onto the Magalies Mountain. Invaded during the period 2008-2014, this is the last strip of developable land to the east of Mamelodi. Approximately 8500 households currently dwell in this area. (Refer to area number 139 and 140 in Figure 83). Correspondingly, these (139 and 140 respectively) represent what is commonly known as Alaska and Stoffel Park by key informants, official and on the ground. What is evident also from Table 11 is that Alaska and Stoffel Park did not exist in 2006 (both with 0 informal structures), but emerged later between 2007 and 2009 (and increased steadily from 4282 and 1099 to 5940 and 3927 informal structures respectively in 2013). This establishment and growth corresponds with both the Landsat imagery data and key informant narrative on the establishment of the informal settlements.

The central southern parts of Mamelodi (K54, Mamelodi X11 (i.e. Extension 11 informal settlements) and Mamelodi X12 and X18 (i.e. also known as RDP) also consist of a large informal settlement concentration estimated at about 5000 units (refer to Figure 83). Yet informal structures in X18 decreased from 1003 in 2006 and only 938 existed by 2013. A number of smaller isolated informal settlement incidences occur directly next to the south of the railway line, bordering Mamelodi, around Hatherley and Nellmapius (see Figure 84 (33)) and in the rural areas to the south-east.

Figure 83 and 84 also show that a majority (22) of the informal settlements are located in Mamelodi East, while only two are located on the West. Overall, records (Table 11) show that the study sites (all in Mamelodi East) were the largest informal settlements in Mamelodi; Extension, Phomolong, Alaska, and Stoffel Park. According to Table 11, in 2013, Phomolong remained the largest informal settlement in Mamelodi and the Region with 11 094 shacks followed by Alaska (5940), Extension 11 (3927) and Stoffel Park (3559). While there were some shacks moved in some informal settlements particularly in Phomolong and Extension

11 (between 2009 and 2013), there were also additional shacks with Stoffel Park and Alaska experiencing the major/greater expansion. (Refer to Figure 83, Figure 84 and Table 11).

Table 13 below summarises some important figures pertaining to the City of Tshwane's informal settlements, backyard units and the official Housing Demand Database.

TABLE13: City of Tshwane housing demand

DEMAND	UNITS
- Informal Housing Counts	155 948
- Backyard units (Affordable Rental Demand)	83 378
- Demand database (Subsidised Housing Demand)	151 168

In 2013, the number of structures recorded in informal areas totalled approximately 155 948 units. Yet it is important to note that not all these structures were “shacks” as several of the houses located in areas under traditional authority are of a permanent structure. Backyard units total approximately 83 378 units and it can be assumed that most of these represent affordable rental demand. The third critical figure to note is the 151 168 records on the Housing Demand Database (former Housing Waiting Lists) of Tshwane which strongly corresponds with the recorded 155 948 informal units. It can be concluded overall from the above that the demand for subsidised housing in the City of Tshwane stands at a minimum 151 168 units and affordable rental stock demand could be 83 378 units or thereabout. This assumes or suggests that those who live in backyard units prefer and can afford rental housing and thus do not need or demand subsidised housing, but affordable rental housing.

#### 4.4.5.2. Identification and assessment of strategic development land (land supply)

Having established the extent and spatial distribution of the several forms of housing demand (e.g. informal settlements), in the City of Tshwane, the City has noted the necessity to identify the land (areas) where in future the demand can be accommodated. This process is very important especially to ensure that the disadvantaged communities and the poorest of the poor are accommodated in areas where they can access social and economic opportunities and facilities and public transport easily. In the Tshwane Vision 2055 and the Tshwane Spatial Development Framework, this is defined as a pre-requisite to future Sustainable Human Settlement within the City of Tshwane.

The City of Tshwane: 2007 Municipal Housing Development Plan began the exercise of identifying smaller land pockets aimed at promoting infill development and contributing towards the consolidating the existing urban fabric in and around the former township areas. Significantly more parcels of land were identified during the review of the Tshwane Sustainable

Human Settlement Strategy in 2010 when the process was repeated. The 2007 and 2010 exercise results are depicted in Figures 85a and 85b respectively. The land parcels in red depicted in Figure 85a were intended for the process of infill development and the strengthening of the urban fabric of the former township areas. These areas (including those in and around/adjacent Mamelodi) were mostly linked to the informal settlement (located on and around them) insitu formalisation. Yet at the time (2007-2010), some of the land identified particularly in Mamelodi was already either used by informal settlements such as Extension 11 and Phomolong, or later occupied to form informal settlement such as Stoffel Park from 2008.

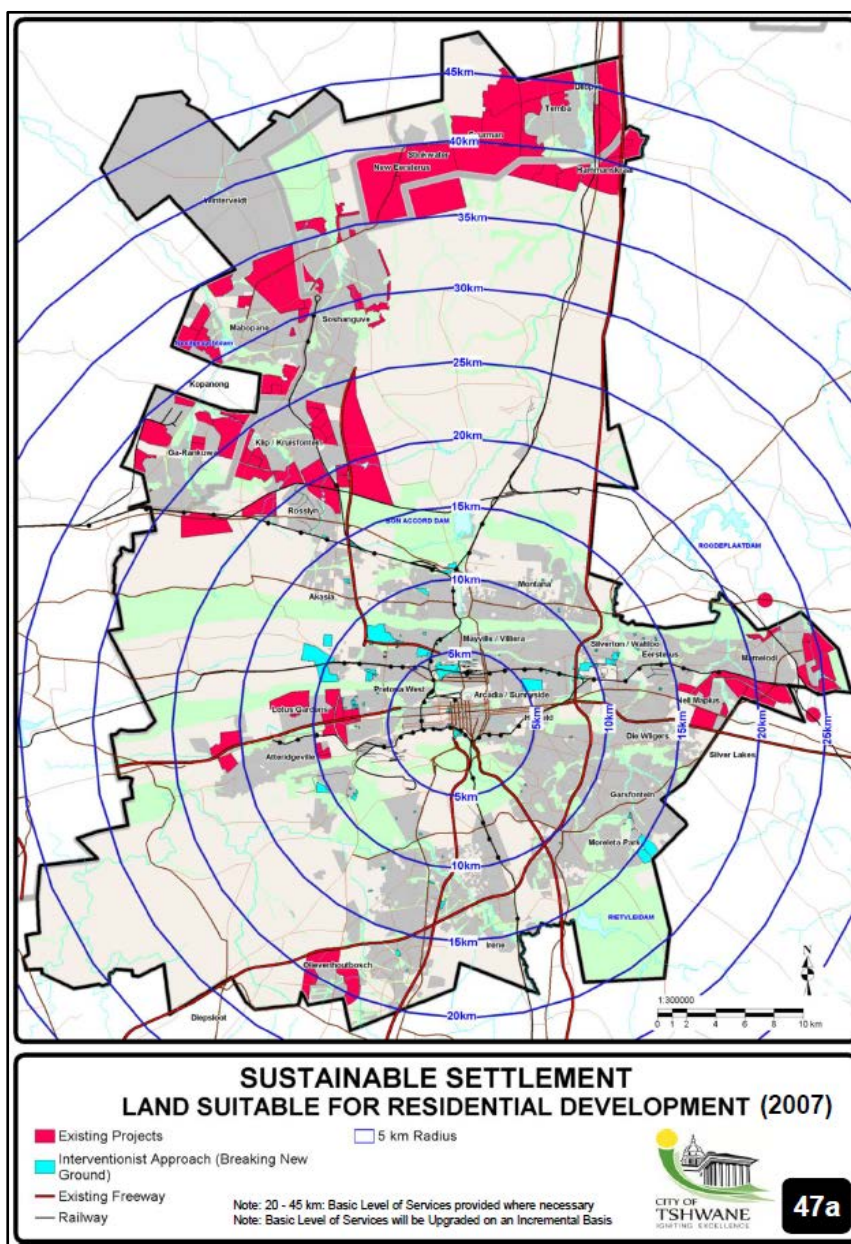


FIGURE 85a: Sustainable land suitable for development, 2007

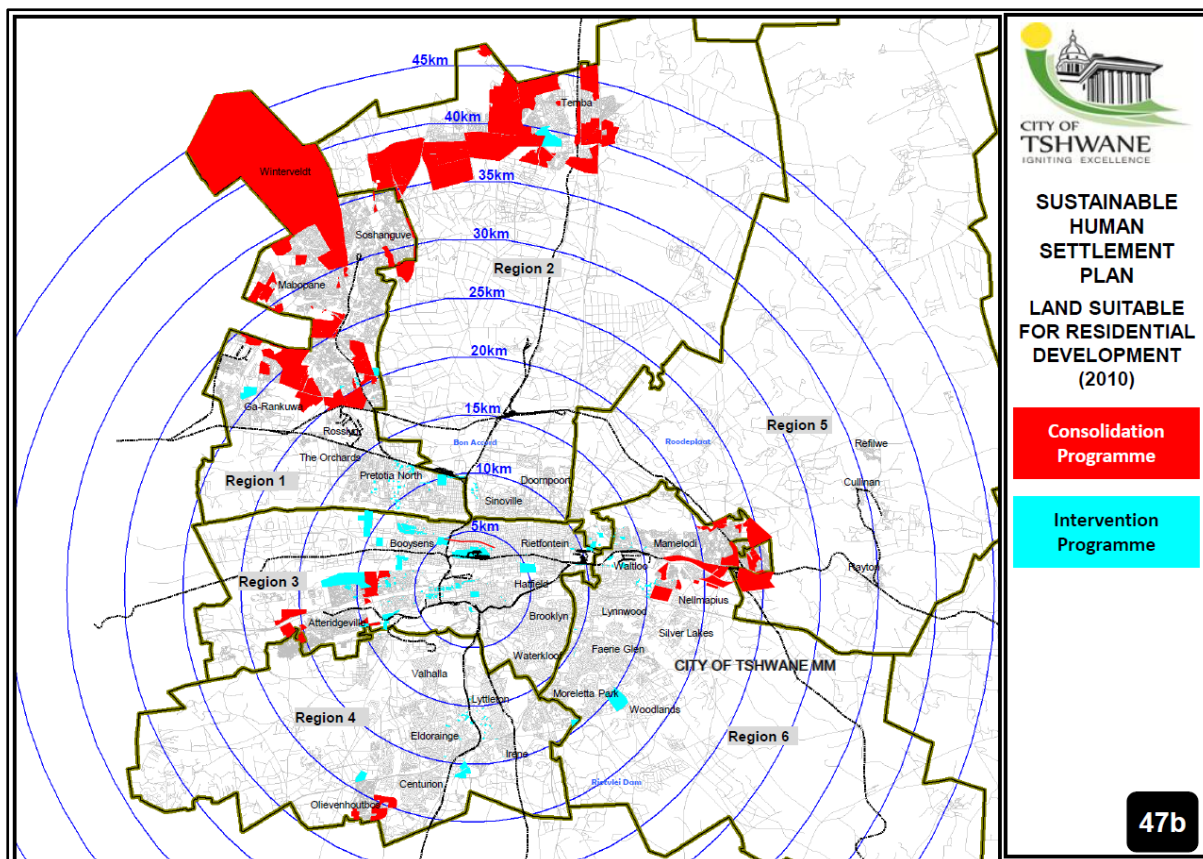


FIGURE 85b: Land suitable for residential development, 2010

#### 4.4.5.2.1. City of Tshwane (council owned) strategic land parcels

A release of approximately 35 Council owned strategic land parcels located throughout the City was approved by the City of Tshwane during 2009 with the aim that their development should serve as a catalyst for local and metropolitan economic growth. Figure 86 (48a) graphically illustrates a number of originally identified land parcels. They also included Plastic View informal settlement land in Woodlands, Garsfontein, which was saved from the hammer when the North Gauteng High Court ruled against its auction (See also area number 5 in Figure 86 (48a) and Figure 14). According to Mudzuli (2015), Judge Legodi Phatudi agreed that “the sale of the property [upon which Plastic View is located] before relocation would be an infringement on the rights of the occupants,” and would deal them irremediable harm (because it would be almost impossible to settle relocation after the land had been sold).

The City decided to release 12 priority parcels of land to the private sector as a first phase in the process. The 12 sites representing about 1483 hectares of strategically located vacant land nearby, or within existing or proposed future nodes of activity in the City's disadvantaged areas, are marked on Figure 86 (48a). Figure 86 (48b) illustrates the four sites representing 300.2 hectares that were approved for development following the call for

proposals. The estimated residential yield of the four projects is about 11 002 residential units (of which 606 are from 4.4 ha land in Denneboom, Mameldi Extension 13 which yet to be awarded to a developer).

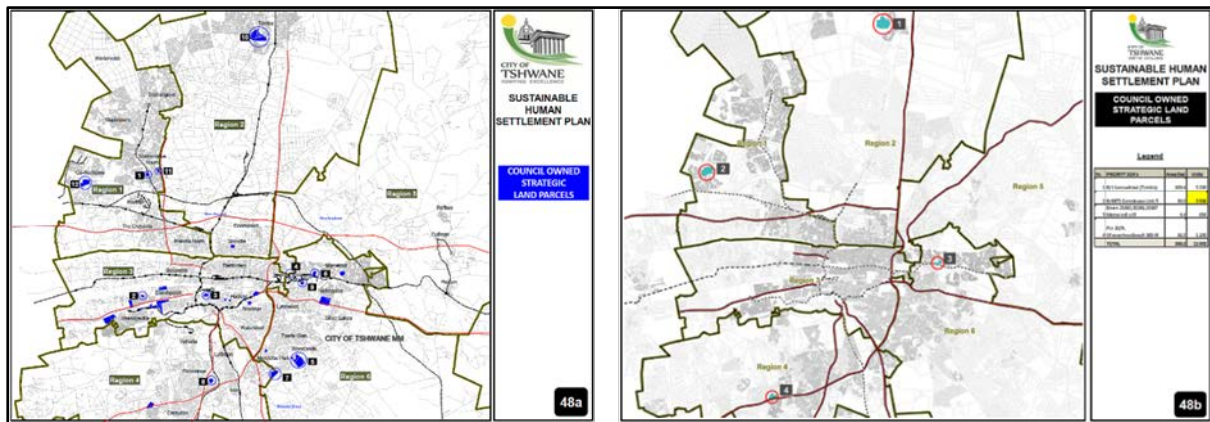


FIGURE 86: Council owned strategic land parcels

#### 4.4.5.2.2. Vacant private land parcels adjacent to Mamelodi

The City of Tshwane identified two private sector driven project areas (bonded housing) adjacent to Mamelodi and Olievenhoutbosch where it wishes to negotiate for some subsidised housing to be included (Figure 87, number 1 is 226.7 ha and number 2 is 168.8 ha). While most of the land (including the strategically located) is owned by the Municipality and already occupied, some the land parcels adjacent to Mamelodi such as in Figure 87 had been vacant and privately owned.

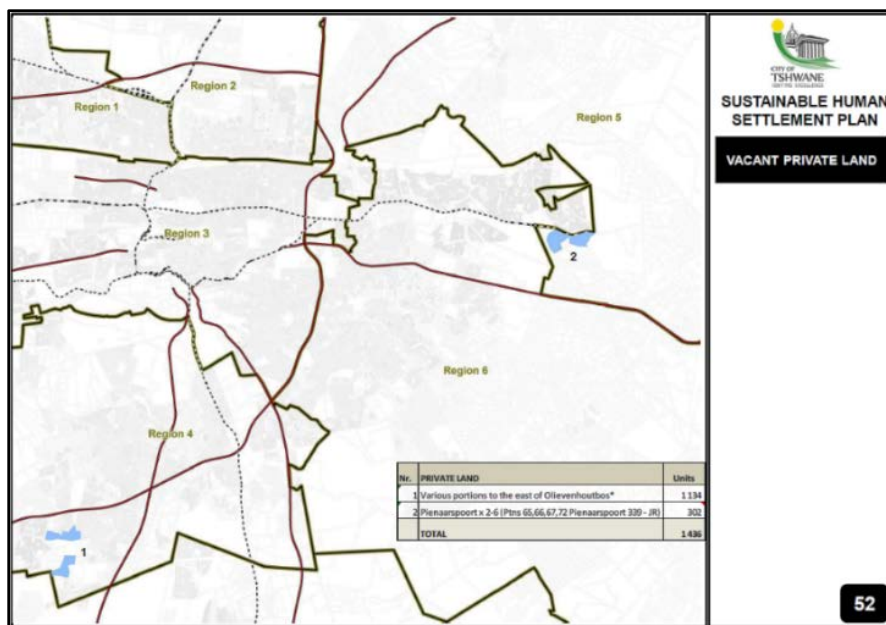


FIGURE 87: Private vacant land



The residential development potential of all vacant land in the City of Tshwane that is strategically located discussed above, is summarised and spatially illustrated in Figure 88. From this, it is evident that well-located, smaller land pockets within the City's existing urban fabric can accommodate about 150 736 low income (subsidised) houses and 191 955 middle and higher income units which brings the total number residential units on these parcels of land parcels to 342 691. Collectively, this significantly exceeds the 95 006 low income units and 15 050 middle and high income residential units (110 055) capacity as identified in the 2010 Sustainable Human Settlement Strategy (SHSS).

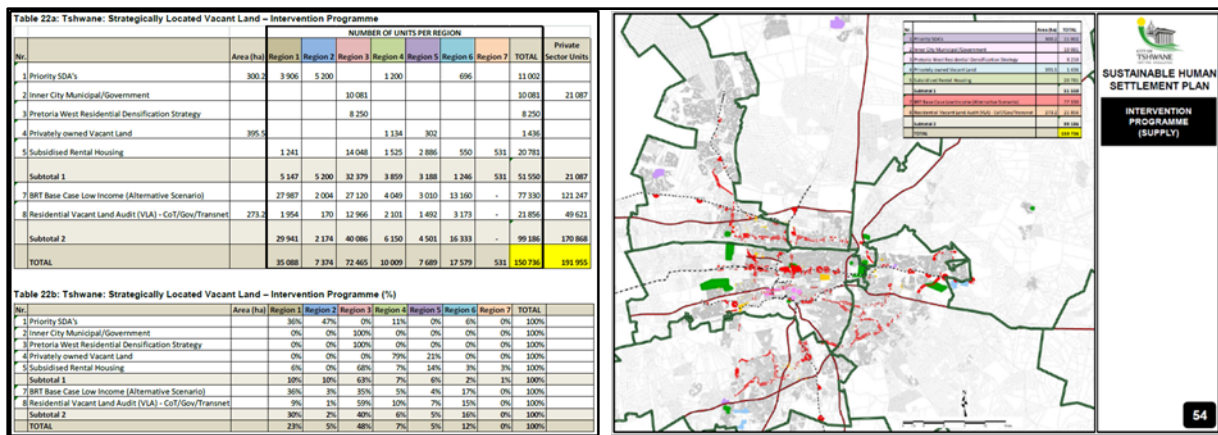


FIGURE 88: Strategically located vacant land supply for intervention programme

#### 4.4.5.2.3. City of Tshwane municipal human settlement strategy

### Housing delivery principles

#### Important considerations

In its 2014 SHSS, the City makes an unpopular statement and doubts that it will ever be possible to provide alternative housing for all (CoT, 2014b:64). It submits that:

*“though it will probably never be possible to provide alternative housing for all of the residents currently living in peripheral areas of the City of Tshwane including Mamelodi, the most likely solution is to do everything possible to enhance the sustainability of existing housing development for the poor in these areas (as contemplated in terms of the Neighbourhood Partnership Development Grant for example), but to refrain from encouraging extensive future expansion of the footprint of such peripheral areas. Instead, the approach should rather be to concentrate on offering a choice of housing in areas as close to the core areas of the city as possible in line with the Breaking New Ground Initiative” (CoT, 2014b:64).*

The City discourages future expansion of peripheral areas. Yet field work and key informant narrative indicates that new shacks and informal settlements have since been erected in and mushroomed south of the railway line, adjacent to Mamelodi East, in areas such as Pienaarspoort. This is despite and following the City lobbying the community leaders against allocating new shack stands or admitting of incoming/new dwellers in the settlements, by promising to develop them, particularly in Alaska and Stoffel Park in 2015.

In blue, the most prominent land pockets identified through this process and which as part of the City's Housing Intervention Programme could be regarded for typical mixed income, multi-typology and multi tenure, is illustrated in Figure 89.

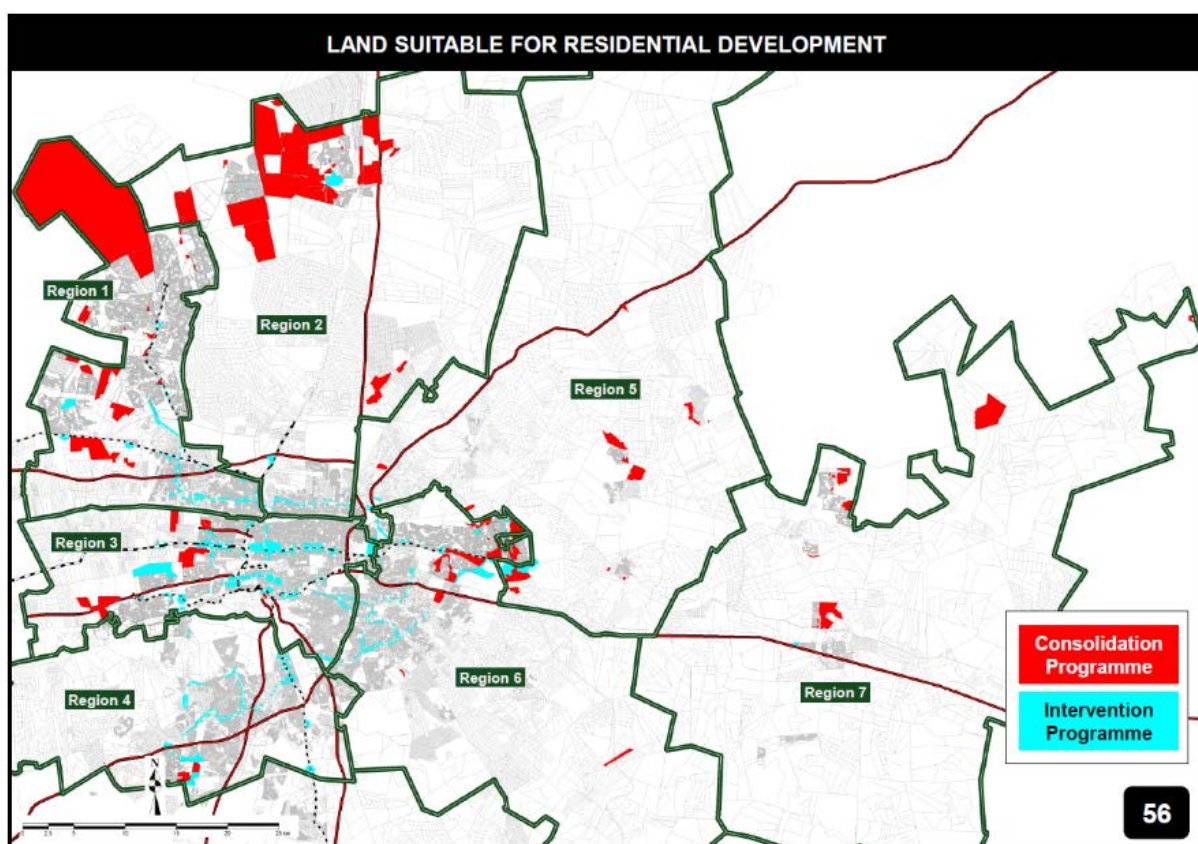


FIGURE 89: Consolidation and intervention programme on land suitable for residential development

Important to note also is that there is significant capacity (149 377 low income units) which could contribute hugely towards enhancing the sustainability of the broader urban from of the metropolitan even though this is not enough to address the entire housing backlog existing in the City of Tshwane. In terms of the South African Cities Network (SACN, 2014 in CoT, 2014b:65), BRT-based an urban integration investment that is based on a BRT may be a good strategic option particularly for Tshwane and Ekurhuleni.

Yet it is further noted that the City will also not be able to realise the successful eradication of housing backlogs where all efforts are focused exclusively on the new Breaking New Ground model (i.e. higher density housing in more accessible locations). This is as a result of the long lead-time from start to implementation of a project ( $\pm$  2 years).

It is inevitable therefore if the City intends to significantly erode the current backlogs to undertake in-situ upgradings of informal settlements in peripheral areas where backlogs presently exist through a Housing Consolidation Programme to deal in the main with the existing backlogs (completing and consolidating the existing housing programmes). The total development potential of the identified land as part of the Intervention and Consolidation Programmes is 341 923 low-income housing units.

The land parcels marked red (Consolidation Programme) in Figure 89 above have the potential to accommodate the development of about 191 187 residential units while the land parcels in blue (Intervention Programme) have the capacity to provide for low income units of approximately 150 736 (of which. This excludes the capacity to provide for 57 357 (11 271 in Region 6) middle income units and 63 890 (21 087 in Region 6) high income units calculated for these areas. These lands also include private-owned land.

Acknowledging this inevitability, therefore, the City determined to follow a dual approach towards housing delivery which consists of the following two programmes (CoT, 2014a:67):

1. Intervention Programme: which aims at promoting higher density, mixed income (Inclusionary Housing) and mixed land, use developments around the Tshwane IRPTN and nodal network.

The following three initiatives make up the Intervention Programme:

- Breaking New Ground/Inclusionary Housing.
  - Social Housing and Community Residential Units focusing on affordable rental stock.
  - Medium to higher density full ownership housing (i.e. RDP Walk-ups).
2. Consolidation Programme: which seeks to complete and consolidate existing housing initiatives in all areas in the City of Tshwane with the aim towards improving and supporting the sustainability and viability of these communities and addressing the most urgent local needs and Upgrading of Informal Settlements (UIS) backlogs. It broadly comprises all the red parcels of land as illustrated in Figure 89.

To this end, the City redefined well-located and thus:

*“it will broadly mean continuing to provide land for new informal occupation on the peripheries. Upgrading projects will then enable these areas to shift up to middle-class status. As this process continues, space will need to be identified incrementally for further informal shack-level occupation by the incoming migration stream, so that new settlements can continue to be upgraded in an orderly, planned progression”. (SACN, 2014 in CoT, 2014b:67).*

The Consolidation Programme mainly includes three initiatives:

- To upgrade informal settlements in peripheral locations where they are close to existing mass public transport infrastructure and economic and social opportunities and where the current layout makes sensible upgrading possible.
- Formalisation of well-located informal settlements (UIS Programme) which contribute towards the consolidation of the existing urban fabric.

According to the City, the size and growth rate of the housing backlog and the great pressure towards the upgrading of informal settlements, calls for intervention to be considered in housing delivery in the City of Tshwane. Yet it is imperative for it to consider various related matters including suitable land availability, the land price, the location of planned developments, type of developments and funding availability in the main.

Following this, the City of Tshwane in Mamelodi has initiated a process of upgrading some of the informal settlements, particularly since 2015.

In addition to these “hard issues” the City further noted that there are also “soft issues” which need to be taken into account such as the family income, Structural investments made by households, other influences, peripheral areas etc. These are issues which could impact on the thinking and decisions taken by affected families and are reflected briefly below.

#### Family income effect

The City is of the view that a family which earns a constant monthly income of R2500 to R3500 could feasibly afford to consider options of tenure such as full tenure (because it may qualify for a housing subsidy) or rental/institutional housing with at 25% of the monthly income (R625 to R875 rental per month). A family on the other hand which earns an income of R0 to R1500 per month or who is unemployed in a way which ensures a constant income would be reluctant to take an option of rental housing, understandably so. The household would face a constant risk of eviction due to the income limitation or the uncertainty of income

uncertainty. It is expected that such a household may prefer a “full-tenure” option. This income category currently represents the largest portion of the housing backlog.

Yet the reality is that the narrative presented by several informal settlement dwellers (who also fell within the low-income category – R0-3500 and were eligible for subsidy housing known as RDP houses) interviewed in Mamelodi indicates that they came about to live in shacks because they could no longer or not afford rent. The key informants (informal settlement dwellers) provide a narrative that indicates clearly their disinterest and opposition to renting and rather insist for land/housing ownership.

#### Structural investments made by households

Many households have over the years of dwelling in informal settlements invested in permanent housing structures (brick and mortar). It is anticipated that such households would choose to stay where they are and be granted “full-tenure” of a land portion on which they have made the investment after the land has been developed by means of a process of in-situ upgrading. This is because these are believed to be generally poor families.

#### Peripheral areas

In it 2014 SHSS, the City proposed that current development should be completed due to the fact that a large number of families reside in these areas already and that a significant number of development has already taken place.

#### Other influences

Some communities do not even want to consider alternatives because they have lived in a particular area for so long while other families only dwell in an informal settlement because they have no other alternatives.

Furthermore, the City could implement few such projects over the next decades beginning in 2014. This is because of fiscal constraints. Yet it is very important that the land on which such developments are to be executed is controlled by the City of Tshwane. Consideration will therefore need to be given to development to be implemented on Council owned land as a matter of priority and thereafter to expropriation and/or agreements of availability of land regarding private owned land. It will also be necessary, when required, to engage with other Government ties with respect to State and Parastatal/State Owned Entities’ (SoE) owned land. Even from the SHSS, it is not evident or clear that the City has in the past engaged the SoE’s, particularly Transnet, to harvest and secure their land, before invasion as in the case of Mamelodi, for human settlements development purposes.

## **Region 6: consolidation and formalisation programme in context**

Figures 90 and Figure 91 illustrate the formalisation strategy that was proposed for the Mamelodi area and surrounds in the CoT Region 6. In total, the Region has 34 153 informal settlement units which are approximately 2876 units more than the demand. The eleven identified Strategic Development Areas and the in-situ formalisation process have a capacity to accommodate about 37 913 units for Region 6. In-situ formalisation in areas like Mahube Valley, Mamelodi X11, Transnet land and Phase 1/Mamelodi X10 to the north will accommodate approximately 18 206 housing units. Major areas identified to accommodate the Mamelodi surplus demand are Mahube Valley X15 (Stoffel Park), Nellmapius X24, The Willows and Pienaarspoort in Region 5. Figure 90 graphically depicts the details of the strategy for Region 6 and indicates that most of the surplus from Lusaka and route K54 reserve and Mahube Valley will be moved or relocated to The Willows and Pienaarspoort next to, but outside Mamelodi. Data collected from key informants indicate that this relocation has already occurred and is still taking place. From the site visits during field work, it was evident that the consolidation and formalisation programme is taking place in Mamelodi X11, Mahube Valley X15 (Stoffel Park) and Transnet land with the formalisation of the informal settlements (i.e. re-subdivision, allocation of permanent stands etc).

Nellmapius Ext 22, also outside Mamelodi, will be only utilised to accommodate part of the demand database. In this regard, in preparation and as part of the programme, several dwellers have been relocated in for example Transnet land/Phomolong to Nellmapius Ext 22 as indicated by the community leader, dwellers and ward councillor. Evident indeed, also in Figure 90, is that the entire Alaska informal settlement is not set for formalisation, but only relocation (see highlighted in pink) to The Willows and Pienaarspoort which suggests that relocation was necessary because the land is either not suitable (e.g. geological risk area) for human settlement development or the settlement needs a total overhaul.

The City points out that it is important to note that Nellmapius Ext 24, The Willows and Mamelodi Ext 5 and Erf 2006 development capacity are all at average densities of about 80 units per hectare which is not single RDP housing. Further notes found that if the housing to be developed is not 2 and 3-storey walk-ups, the surplus capacity of about 2876 units in Mamelodi will not be attained. The implication of this essentially is that if the development of all the informal settlements that exist in Mamelodi is at single RDP densities, then the identified land as illustrated in Figures 90 and 91 will be used solely to accommodate existing housing backlog in and around Mamelodi. It should be noted that the Council will then have to acquire additional land to accommodate future demands.

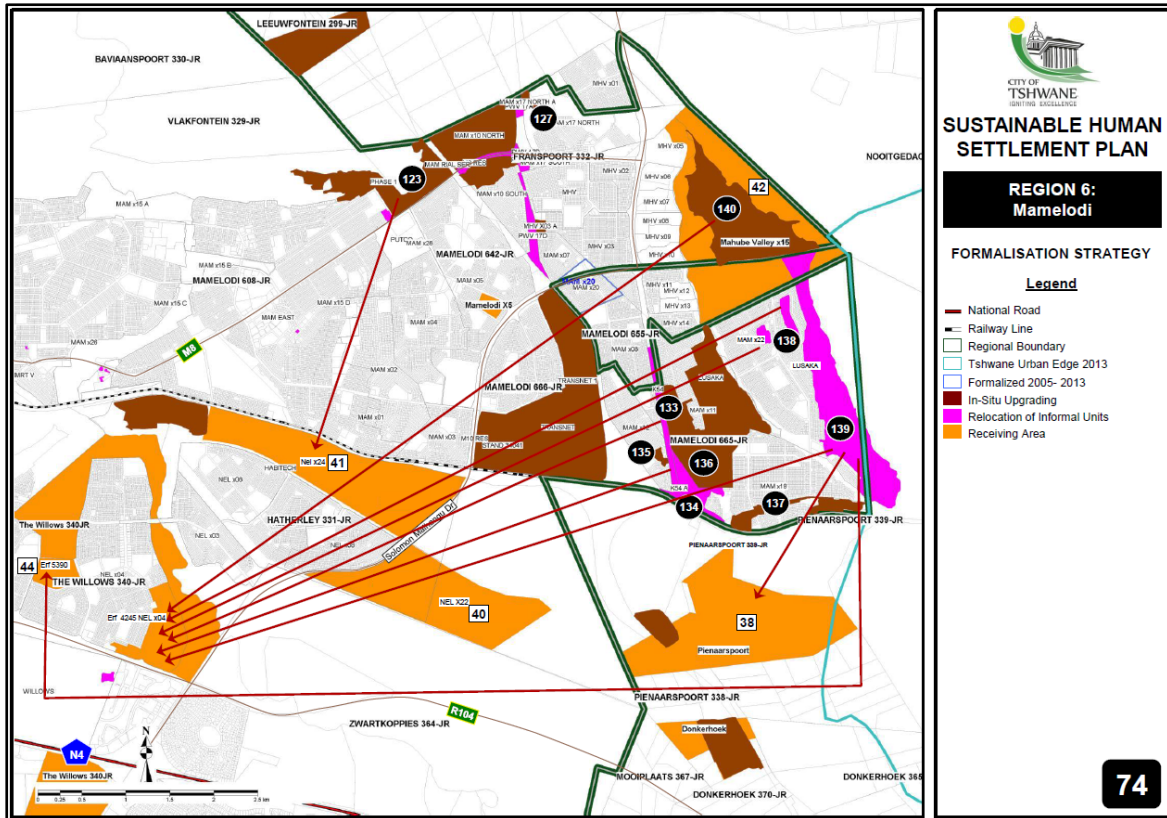


FIGURE 90: Mamelodi formalisation strategy

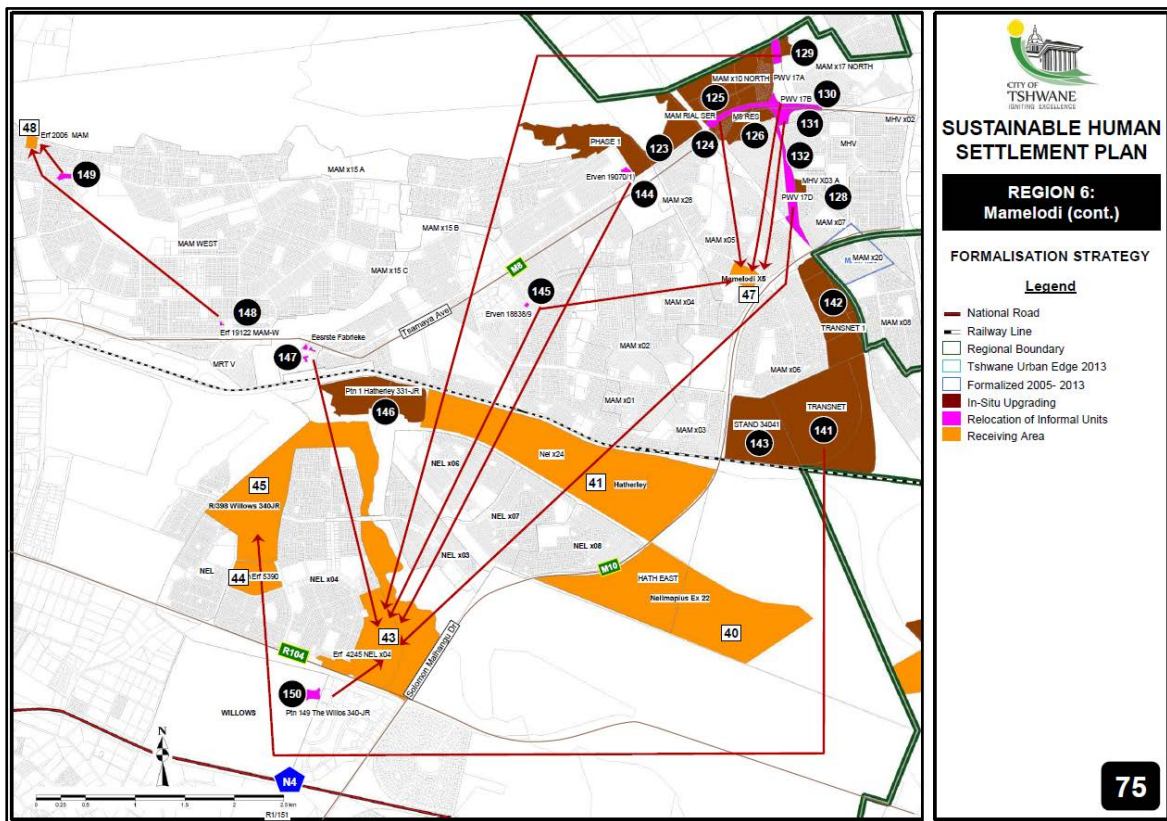


FIGURE 91: Mamelodi formalisation strategy (continues)

## **Management of informal settlements**

The City has had no (at least adequate) formal or Standard Operation Procedure to deal or manage informal settlements as suggested in its SHSS (CoT, 2014b). In its SHSS, as a Strategic Intervention, the City determined that three key programmes to strategically deal with issues related to land and building invasions and informal settlement management should be implemented (CoT, 2014b:92):

### ***Strategic programme 1: eradication of informal settlements***

This is aimed at, in essence, providing an estimated program for eradication of informal settlements through formalization and/or relocation.

### ***Strategic programme 2: informal settlement management policy***

The aim of this project is to provide an informal settlement management policy that seeks to deal with the management of informal settlements which are lining up to be either formalised and upgraded, or to be relocated and should deal with the following (CoT, 2014b:93):

- Illegal and unchecked growth of these settlements;
- The illegal selling of land and the registration of beneficiaries; and
- To ensure the provision of rudimentary services and facilities etc.

The necessity to strategise and address the above-listed challenges indicates that that the City has been experiencing or facing them.

### ***Strategic programme 3:***

#### **a) The land and building invasion prevention and monitoring**

This programme will entail the utilisation of security personnel to prevent, monitor and get rid of unlawful land and building invasions within the City of Tshwane jurisdiction area. Notwithstanding this, all informal structure/shack evictions and/or demolitions should follow the applicable legislation. It is of critical importance to note that for this to take place a court order to this effect must first be granted as required by legislation. Effectively, this means that the City will further apply or use force to deal with land invasion.

### ***Waiting lists***

The City proposed The Waiting List System to avoid queue jumping in terms of housing allocation by the Department of Housing and to set municipal wide criteria for the allocation of houses (which is in line with the National Housing Department). The Waiting List System will in addition provide the Municipality with crucial statistics on the housing need and the related data necessary to make decisions concerning future human settlement/housing development



planning. This clearly indicates that queue jumping in terms of housing allocation was indeed a reality in the city and the current waiting list system was not able to avoid it. The City was also, to an extent, probably not able to make decisions concerning future human settlement development and planning.

### **Waiting list goals**

Moreover, the Waiting List has been set the following goals (CoT, 2014b:104):

- Facilitate the orderly, but effective allocation of housing within the municipal area.
- Ensure that the policy guidelines of the Waiting List are maintained.
- Ensure that a uniform approach to housing allocation is followed by the Municipality.
- Ensure the sustainability of the Waiting List through the empowerment of Municipal Housing Officers, but at the same time co-ordinating criteria amongst different communities.
- Integration of the Waiting List System into the global information technology system of the Municipality.
- Persons on the Waiting List should receive priority treatment in the allocation of subsidies (depending on their ranking on the list).
- The list should cater for community groupings.

The City has recognised that it is necessary that the information contained on the Waiting List has to reflect the situation on the ground in order to achieve these goals. The system, therefore, as matter of utmost importance has to be effectively maintained. Moreover, the above beyond queue jumping in terms of housing allocation, indicates that the City's waiting list system has not been computerised, integrated or that it is somehow not effectively managed. It has been vulnerable to human error and/or manipulation.

The significant difference between the CTMM housing subsidy eligibility criterion to that of the National Department of Human Settlements is that it does not require a single person with dependants to be over 21 years of age and does not consider whether the person has received government housing subsidy except for the consolidation subsidy and disabled people.

Finally, in 2010, it was realised that an agreement with national, provincial and municipal as landowners to release land (6250ha) over the next four years (2010-2014) and the use of densities of 60 units per ha can only be realised by means of appropriate planning at a provincial and municipal level. This calls for a robust mechanism to be established to harvest public land from all government spheres and to secure such land for the purpose of human settlements development. Of note is that, as with the State Owned Entities, this

suggests that the City had no working agreement with the other two spheres of government (national and provincial) on harvesting and securing land human settlements which is possibly the main reason for the failure to secure such land. In its SHS Plan, the City has noted the need to “develop and adopt criteria to inform identification of suitable land and its development” (CoT, 2014b:17). It recognised that this can be achieved through “the Housing Development Agency (HDA) [which] undertakes, in consultation with all spheres of government, the identification of required land and produces a single periodic list of prioritised publicly-owned land to be released for human settlements” (CoT, 2014b:18).

#### **4.5. Summary**

Analysing satellite imagery of the over a 20 year period (1994-2014), the trend and growth pattern of the informal settlements in Mamalodi was established. Moreover, key informant interviews and documents were further triangulated to provide an understanding of the differences between official positions and the views, experiences and demands of the informal settlement dwellers. These include the access to land and housing, as well as the establishment and growth of the informal settlements and land reform questions. The summary of the study findings, as well as the conclusion recommendations are presented in the following chapter.

## CHAPTER 5: SUMMARY, CONCLUSION AND RECOMMENDATIONS

### 5.1. Introduction

*This final and summary chapter contains two main sections:*

Section 5.2: Summary and conclusion

Section 5.3: Recommendations

The main finding of the study are summarised in the following section.

### 5.2. Summary and conclusion

Informal settlements in South Africa are deeply rooted in colonialism and apartheid. Despite the delivery of over 3 million houses by the democratic government of South Africa between 1994 and 2014, informal settlements' numbers and shacks have grown rapidly and uncontrollable in the country. Meanwhile, Whites still own majority (about 76%) of the land in South Africa. To this end this study aimed to gain insight into the current urban land management practices in South Africa, with particular focus on the role of land acquisition in the growth of informal settlements in Mamelodi, as its primary objective. In the final analysis, it can be established that: Failure by this democratic government to effectively manage and address the demand for land and housing by proactively acquiring and redistributing land for the purpose of housing the urban poor has led to this historically dispossessed, landless and homeless group of people from their poor provinces of birth to resort to informal land acquisition and (re)distribution processes, in the form of illegal land occupation and informal settlement as an alternative solution.

The study findings are summarised methodologically and relevantly under the three objectives of the study. The recommendations of the study are made under objective 3.

#### **Objective 1:**

*To analyse the development and growth of informal settlements in Mamelodi.*

*Research Questions: What are the trends that can be identified in terms of informal settlement patterns in Mamelodi since 1994?*

Study findings reveal that Mamelodi has expanded largely towards the East, to a great extent, because of the establishment and growth of informal settlements in the area, while the West boundaries have remained relatively fixed throughout the growth of Mamelodi. Four main informal settlements, namely Extension11, Phomolong, Alaska and Stoffel Park, have been established in the area between 1994 and 2014.

The land in Mamelodi East was vacant and unused until the establishment of the four informal settlements, with the exception of the land on which Extension 11 was established around 1994. The respondents provide that the land is an abandoned white-owned dairy farm. Thus, it appears from observing and analysing the satellite images over time, that the local municipality (now the City of Tshwane Metropolitan Municipality) has had so much time and opportunity to proactively identify, secure, develop and release the vacant land for the purpose of formal housing or serviced stands. In this way, it would have, probably, avoided a number of informal settlements that have mushroomed on the land since 1994.

Consequently, left to fend for themselves, it appears that the land occupants did not manage to resist the temptation and miss their chance to occupy and erect shacks on the vacant land. There are four major informal settlements that have mushroomed in Mamelodi since the dawn of South Africa's democracy in 1994. Two were established in the second decade of the democratic South Africa, between 2004 and 1994, namely, Alaska and Stoffel Park respectively. Extension 11 and Phomolong were the first informal settlements and were established during the first decade, between 1994 and 2004, respectively.

Landsat satellite imagery also shows that Stoffel Park was the last informal settlement that was established in Mamelodi by 2014. With Alaska and Stoffel Park, the last informal settlements in Mamelodi East, established on the bordering Magalies Mountain, in 2014, Mamelodi looked like it has reached its limits of expanse. Yet through innovation, newer urban dwellers continue to define new limits. If this informal settlement trend continues, there is a reasonably high possibility that the shacks will summit over the mountain or to another nearby open land.

Data from the key informants, considered in the light of satellite imagery analysis and various documents, provides insight on how the dwellers have acquired the land, as well as the establishment and growth of the informal settlements as a result.

### **Objective 2:**

*To determine the role of the current land acquisition processes in the growth of informal settlements.*

#### *Research Questions:*

- *What are the current processes of land acquisition?*
- *What role (if any) does the current processes of land acquisition play in the growth of informal settlements?*

Mamelodi came with apartheid in 1948 and was established for Africans, providing the much needed migrant labour in the segregated white city of Pretoria. As indicated above, over time and especially since 1994, Mamelodi has absorbed an ever-expanding informal settlement. Many people in Mamelodi live in shacks, either in areas/land occupied through illegal land invasions and/or on legalised plots still waiting on the queue for government housing.

The informal settlement dwellers (respondents) are Africans and a great majority of them come from outside the Gauteng province, mostly from Limpopo, to look for work of which a majority of them remain unemployed, especially the women. This means that Mamelodi has continued to be an African Township to the perpetuation of Apartheid design, as well as racial and class segregation. Apart from employment, their immediate need in the City is housing of which they do not find immediately, except rental housing mainly in the township. With inadequate housing, rapid urbanisation of the rural poor and even some influx of immigrants from neighbouring countries in search of employment and opportunities for better life, and family growth, informal settlements have grown even larger.

None of the dwellers owned a house and they had no places of their own to live and many came from renting and could no longer afford rental. The majority of the respondents were eligible for subsidy housing, yet as many as 63% had not applied for housing. Some, despite having applied, have been on the waiting for over 20 years, while some have not applied because they were undocumented foreign nationals without Identity Documents whose income was more than R3500 and/or had no dependants and some did not believe that the government will ever give them housing. Moreover, a great majority (84%) occupied the land first before applying for housing.

The initial dwellers found the land unoccupied and vacant. It was left vulnerable and exposed for years to desperate urban land seekers. The dwellers came to occupy the land not because it was close to work or facilities, but because they needed a place to live and the land was vacant. To this end, it is established that the City of Tshwane Metropolitan Municipality (CTMM) has consistently failed to proactively acquire and even attempt to develop and redistribute the vacant lands, to the poor and have thus led the poor to resort to occupy these lands mostly without the permission of the municipality to form the four informal settlements: beginning with Extension 11 around 1994, followed by Phomolong, Alaska and Stoffel.

Phomolong is the only informal settlement that was initially established by the government by relocating homeless people from Marabastad in 2002, but most of the land remained unoccupied and was soon invaded in 2003. To this date, the settlement remains

informal with shacks because the municipality did not provide the dwellers with formal housing. The municipality has attempted to respond to land invasions in the four informal settlements with force in the form of eviction, many without a relevant court order and all without success. Extension 11, Alaska and Stoffel Park were founded by individuals who took personal initiative to divide and release the vacant to the land seekers.

Data from the Housing Development Agency reveals that most of the land within the City of Tshwane is state owned, while a Mamelodi land audit shows and confirms that the greater part of the land in Mamelodi East, including the one on which the four informal settlements are located is owned by the state, including Transnet, which is a state-owned entity. This contradicts the narrative that most land is privately owned, by whites in particular and begs a question and concern: whether the government is serious about providing the poor access to land reform has willingness and ability to redistribute its own land, which it has control over. Land use in Mamelodi also shows that the Extension 11, Phomolong, Alaska and Stoffel Park settlements are the main informal settlements in the entire Mamelodi.

Beyond establishment, the access to land in the informal settlements have been obtained in various ways such as receiving a plot/stand from government, occupying/invading land illegally, buying land from politician or an organised committee/office or community founder and/or leader, as well as buying an existing shack from previous owner or inheriting a stand with a shack from family. Overall, the majority of the respondents are of the view that getting a stand from the government (but not through housing) and invading the land illegally has been the 'easiest' way of getting the land in the informal settlements. Accessing land from the government or through land invasion has occurred in all four of the informal settlements, but getting a stand from the government was surprisingly perceived to be the most prominent way of accessing land in and by respondents in Alaska and Stoffel Park, while land invasion was prominent in Phomolong and Extension 11. With regards to Extension 11, it is provided that there was no alternative in 1994 but land invasion, which occurred all the time. All of the informal settlements had an operating office where access to the land among other things has been facilitated in the community and run by the community leaders.

Land has been acquired in various specific periods, but ultimately all the time until the informal settlements were seemingly full to capacity. The periods in which land was most accessed in informal settlements include, during: elections, weekends, Christmas, other holidays (including long weekends) and year-end. It was also reported that a number of people accessed the land during the night, because monitoring it during the evening is difficult for the municipality. People also invaded during weekends while being aware that most of the City's employees are not operating and/or simply because they were either off-duty or would get

time during weekends. Monitoring the situation was also reported to be poor during year-end, while there was also more time during holidays including long-weekends. Meanwhile, some occupied the land in June/winter because it was cold, to suggest that they were basically homeless.

It appears to be not coincidental that accessing land/a stand from the government was the most utilised means besides outright land invasion, given that respondents in all the four informal settlements provide that it has been easier or people have obtained stands mostly during elections. A great majority (70%) of the respondents indicated that people in these informal settlements gained access to the land easier during elections. Some further provided that land invasions during elections were not met with force or a firm response by the municipality or authorities, but with divisiveness and selfish intentions, while some invasions were assisted land invasions. Given this, politics and political parties and particularly elections have played a major role in terms of access to land and the growth of the informal settlements. The municipality and some politicians have been heavily involved and have given many people in the four informal settlements access to land, yet it was to buy their votes.

Mamelodi East is the Capital of informal settlements in the City of Tshwane. In 2013, Region 6, where in Mamelodi is located within the CTMM, it recorded about 34 153 informal structures of which the vast majority ( $\pm$  32 000) are situated in and around Mamelodi. Furthermore, 22 out of 24 informal settlements in Mamelodi are located in Mamelodi East. The case study sites, all located in Mamelodi East, were the largest informal settlements in the Township. Phomolong remained the largest informal settlement in Mamelodi and the Region, followed by Alaska, Extension 11 and Stoffel Park.

Given that all the four informal settlements were established between 1994 and 2014 and still stand as informal settlements to this date, Mamelodi has seen growth in the number of informal settlements between the aforementioned years. This is despite the drop in the number of shacks in some of the informal settlements between 2006 and 2013, particularly Extension 11 and Phomolong, the older informal settlements, as the total number of shacks (including informal structures) in the four informal settlements combined increased by 8616 from 16373 to 25029. There were some shacks moved from Phomolong and Extension 11 between 2009 and 2013, leading to a decrease in the number of shacks in the in these two informal settlements, but there were also additional shacks with the establishment of Stoffel Park and Alaska. Moreover, None of the four informal settlements, under study, had been formalised by 2013 and Mamelodi had 32536 informal structures of which many were in Phomolong, Alaska, Extension 11 and Stoffel Park. Phomolong was the biggest of all the four informal settlements with over 11000 shacks.

In the main, the number of informal settlements and their size have increased because people do not have a place to live and have continued to illegally occupy the land.

Despite the landlessness and homeless that exist the municipality and Mamelodi, as well as the shack-dwellers resistance towards evictions, land invasion has been normalised and simply met with force and treated as a criminal act by the government. This is not only being reactionary, but it also portrays the government as one that is out of touch with the poor and unsympathetic towards their land needs. It portrays the government as not being seriously committed to providing access to land and housing to the historically dispossessed and poor and hence can be seen as anti-poor and against its very own people.

In fact, some of the respondents indicated that they would do even with permanent stands and work to build their own brick and mortar houses. This was the case in the Bredell land invasion in the early 2000s as reported by de Beer, the people said, “we can’t afford formal housing, give us land and we will build for ourselves” (CDE, 2001:6). With the formalisation, Stoffel Park has shown that this works for some small number of dwellers. Stoffel Park, though established last among the four informal settlements, has been under-development since 2015, and has been allocating permanent stands to the initial occupants who dwelt on the mountain. This is notwithstanding that the informal settlement is still predominantly made up of shacks, since obtaining permanent stands, some people have started building permanent brick and mortar houses. Moreover, most of the dwellers across the informal settlements, except in Alaska, would prefer to have their houses built on the land they occupy presently, because they have become used to and have strong social relations in the area and their children’s school and transport and the mall are close.

There is land suitable for housing developments in the City of Tshwane Metropolitan Municipality, though not enough to meet the current housing demand, to accommodate over 341 low-income units through the municipality’s Intervention and Consolidation programme. The failure to provide land and housing has been a breeding platform for the development and growth of informal settlements in Mamelodi. Until an access to land and housing is provided in the city, informal settlements will continue to grow. As a matter of fact, the stands on the mountain left vacant by dwellers relocated to permanent stands in Stoffel Park were being illegally re-occupied by new dwellers. In 2015, a new informal settlement, Riverside, was also established on a pocket of sandy land below Stoffel Park.

The situational analysis, presented herein, of land acquisition and growth of the four informal settlements under study, is summarised in Table 14 on the next page.



TABLE 14: Land acquisition and selected informal settlements in Mamelodi

	Extension 11 informal settlement		Phomolong	Alaska	Stoffel Park Village	Lusaka (Formal settlement)
	Extension 11	Sizanani				
<b>Land owner</b>	Abandoned land/ CTMM	Abandoned land/ CTMM	Transnet and CTMM	Abandoned land/ CTMM	Abandoned land/ CTMM	RDP housing beneficiaries with title deeds
<b>Ward</b>	10	10	40	10	17 & 97	10
<b>Extension</b>	11	11	6	22	15	22
<b>From - to</b>	±1994 –	1996 –	2002 –	2007 –	2008 – (invasion of stands on the mountain left vacant by relocation/resettlement of initial and old occupants to permanent stands)	2002 –
<b>State/use of land upon occupation</b>	Vacant	Vacant	Vacant	Vacant	Vacant	Vacant
<b>Land acquisition (establishment)</b>	Land invasion	Land invasion	Relocation from Marabastad by municipality (2002) and land invasion (2003-)	Land invasion	Land invasion	Land invasion (then lawful occupation through RDP housing)
<b>Number of shacks (2013)</b>	4028		11092	5940	3967	–
<b>Legal status of stands</b>	Not permanent	Not permanent	Not permanent	Not permanent	Partly permanent (under- going development)	Permanent

Sources: HDA; Mamelodi Mappers, 2015; Gottsmann, 2009; Author; CoT (2014b) SHSS (from: GeoTerralimage Pty Ltd, Aerial Photos; Plan Associates, Aerial Photos Counts)

Note: The state claims ownership of abandoned land, particularly where there is no documentation and it is unaccounted for (DRDLR, 2013).

Finally, there is a leaning away from the market-led (willing buyer – willing seller) land reform approach to the state-led land reform approach in the form of land expropriation without compensation, which began in Namibia and Zimbabwe and which is now in the political, social and academic discourse in the South Africa. For a previously forcefully dispossessed people, land expropriation without compensation (LEWC) (i.e. expropriation of land from one private owner to another, for land reform purposes) is just, appropriate and logic. Compared to Zimbabwe, in South Africa, the constitutional, legal and institutional mechanisms can make sure that the Zimbabwean risk is avoided. Yet considering the study findings, though half of the respondents agreed that the government should expropriate land without compensation, on the other hand LEWC was short of support of almost a half (46%) of the respondents because they either thought that it could lead to war or were of the view that the landholders should be paid for their investment on the land. Four per cent did not indicate whether they agreed to LEWC or not.

Notwithstanding this, providing access to land and reversing the patterns of land ownership in South Africa's is certainly long-overdue and Africans are by far the most landless in the country. To this end, the survival of South Africa's democracy rest on providing access to the land to the historically dispossessed, homeless and poor. Despite the urgency to provide access to land since 1994, it is evident throughout this research, particularly considering the four informal settlements in Mamelodi East that the post-apartheid and democratic government has, largely and consistently, failed to proactively acquire and to redistribute land to the poor, therefore inadvertently promoting and encouraging land invasion, particularly of vacant land. Moreover, the growth of informal settlements effectively suggests that the urban poor on the ground are securing land on their own through informal processes much faster than the government and its formal processes.

Beyond the issue of migration, unemployment and poverty, informal settlements are a land issue. How the people and the government, especially the municipality, relate with each other and the land to meet their needs and fulfil their promises is at the centre of the establishment and persistence of informal settlements. The respondents' accounts on how they came to live in the land and views on the establishment and growth of the informal settlements as well as the land question, prove that the people on the ground, the landless and homeless land seekers are a key stakeholder and cannot be ignored, side-lined or underestimated if the government is to address the land issue. The people need a place to live, for which the land is needed. To this end, they will access the land even without the permission of the actual owner's (government or private person), to the extent that they will fight with the armed securities to death, to remain in it.

The poor, such as the shack-dwellers of Mamelodi informal settlements, are the most affected by the struggle for land. Ultimately, whatever actions and policies the government takes and adopts the bottom line is that providing access to land in South Africa must move quicker and more efficiently. Thus far, it is widely acknowledged that South African citizens have waited patiently for the ANC-led government to transfer land from Whites to Blacks to remedy the massive land dispossession that happened under colonialism and apartheid. At least for now, people are still invading vacant and unused lands, for housing purposes. But without significant progress, there may be a point where these citizens will tire of waiting and take matters entirely into their own hands. Moreover, the poor are the most affected by the continuing struggle for land. Thus, the land issues will be best resolved by government in consultation with the poor on the ground as the intended beneficiaries and main stakeholders.

### **5.3. Recommendations**

#### **Objective 3:**

*To briefly explore and propose strategies for proactive land acquisition and use.*

*Research Questions: In what ways can land be proactively acquired and effectively used in order to promote formal settlement growth?*

(a) It is evident that what makes the informal settlement to grow is that many people come from poor provinces such as Limpopo and Eastern Cape. If there were firms in their provinces, they would most probably remain. Therefore, to begin with, the following is recommended.

- Regional and Local economic development (RLED), entailing the creation of jobs and enterprises should be prioritized in each province, particularly the impoverished and underdeveloped provinces, to alleviate poverty and provide a better life for the people.
- Rural development and economies should be revitalized as most informal settlement dwellers come from rural areas.
- The government and the private sector should also create jobs and employment opportunities to reduce the dependency on government to provide housing.
- Youth and women empowerment and entrepreneurship/enterprise developments are necessary because the informal settlement population is mostly young/youth, women and unemployed.

This can also decrease the population to invade open space or vacant land in urban areas. If the government can create jobs in small provinces, many people would not have to come to Gauteng for employment and increase housing backlogs.

The study, mainly, proposes proactive land acquisition and redistribution (PLAR) as a means to enable the eradication of housing (land) backlog and informal settlements by making land available on an 'as and when required basis', for housing to manage urbanisation. Considering the study findings and in order to proactively acquire and effectively use the land to promote formal settlement growth, the following actionable commitments are further recommended (for government attention):

**(b) Stop sale of state land**

The state should not sell its property/land under any circumstances including raising funds for service delivery. It should look for other means of raising revenue/funds and speedily develop and redistribute the land to landless, poor and homeless people according to their needs.

**(c) Expedite land acquisition, restitution and redistribution – accelerate the development and/or allocation of housing**

Proactively and speedily, identify, acquire, develop and redistribute land to avoid its invasion. More specifically the government should:

- Conduct a comprehensive land audit for the municipality in consultation with the Housing Development Agency and spheres of government.
- Human settlement development should not take place on geological risk areas such as Alaska, but only on suitable land.
- Prioritise the release of state-owned land.
- Have urgency and develop vacant land speedily by building houses on vacant land before it could be invaded, because people come looking for work and they erect shacks to stay.
- The government should expedite development and land redistribution to end landlessness and homelessness.
- Develop the existing informal settlements and not wait for shacks to increase.

Where providing housing to all the people is not possible or may take long or there are budgetary constraints:

- Allocate permanent and serviced stands.
- At least put bulk infrastructure: electricity and water and flushing toilets in for each household, and also construct tarred roads.
- Give people bricks to build houses instead of shacks.

With land people are given a chance and possibility to build brick and mortar houses for themselves and not wait for the government.

(d) Furthermore, to prevent the establishment and growth of informal settlements, the municipality should:

- Accelerate housing allocation and/or land development to avoid land invasion.
- Dependants should not be required to qualify for subsidy housing (as the dwellers are mostly youth and it could encourage the practice of having children for housing).
- Have more resources to curb the mushrooming and Monitor the vacant land 24/7.
- The town planning process is still long and by the time it is completed, the settlements have increased ten (10) times or more. Shorten the town planning process.

(e) The Integrated Development Plan should not marginalise spatial Planning as it is critical to altering apartheid spatial development and patterns.

**(f) Deal with and put an end to corruption; particularly in land and housing allocation.**

- Follow strict protocol concerning house provision and allocation.
- Approve, integrate and use an automated Municipal Housing Waiting List System.
- Provide constant feedback on the process and progress of housing waiting list and the allocation for transparency and trust.
- Criminalise the sale of land by persons who do not own the land.
- People must have the relevant documentation required for housing allocation.

(g) Political parties and government, in particular, should fulfil promises made during elections, particularly of providing access to land and housing. This is important to avoid impatience, loss of trust, service deliver protests and anarchy.

**(h) Performance monitoring and evaluation**

Monitor and evaluate the performance of government officials including councillors in terms of budget spending and service delivery. Remove poor performing officials in between elections. Failing which, the people should also use their political power or votes, to remove poor performing officials and to get service delivery.

**(i) Policy intervention on vacant and abandoned lands**

Vacant and abandoned lands is an immediate solution at the disposal of government and easily the immediate targets of PLAR. Thus, a government policy intervention is required on vacant and abandoned lands. The government should:

- Develop a clear and coherent government policy on vacant and abandoned land.

- Consider immediate expropriation of land that has been vacant or unused for a determined period of time.
- Consider the taxation of private-owned vacant land (not eligible for immediate expropriation without compensation), where land is taxed at a progressively higher rate annually. Progressive taxation on vacant land can discourage land retention and land speculation. If it is not put to maximum and productive use, say after a period of a determined time, government can expropriate the land without compensation.

Otherwise, the government can legalise the occupation of vacant land, including abandoned land, wherein people would first obtain permit from municipality to the occupy land and monitor land invasions. This will also require the Land Act 19 of 1998 (i.e. PIE Act) review.

**(j) Land repossession approach**

- Disallow financial compensation of land claimants. It does not directly translate or guarantee equitable land redistribution/change of patterns of land ownership.
- Review the entrenchment existing property rights, of property/land acquired through colonialism and apartheid, in the constitution.
- The acquisition and redistribution of vacant land, alone, will not be enough to achieve fair and equitable distribution of land and the opportunities to use them. For this reason alone, constitutional land expropriation without compensation (LEWC) for comprehensive acquisition and redistribution of used land (expropriation of land from one private owner to another, for land reform purposes) to some extent will be necessary.
- Yet clarity and serious and decisive leadership on land expropriation without compensation, as well as action to prevent war that might arise is required.

**(k) Disallow foreign land ownership**

Moreover, the ownership of land by foreign nationals including companies should be prohibited by law. Instead, foreign nationals can rent-out space. This is because:

- of the great landlessness and homelessness that exist in the country.
- it compromises the country's land reform process and progress.

### **5.3.1. Recommendations for further/future research**

*The following needs further research:*

- What will it take to build RDP houses in prime and affluent areas such as Woodlands (in the City of Tshwane) in Gauteng, rather than primarily in the peripheries, as well as in and adjacent to colonial and apartheid established townships such as Mamelodi?
- The capacity, willingness and progress of South African government in redistributing/releasing its own land.
- The extent, suitability and potential use of abandoned land in South Africa.
- The implications or effects of taking cash for land in land claims or restitution cases.

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## LIST OF ANNEXURES

### Annexure 1: Letter for proof of dissertation edit

PO Box 15439  
Emerald Hill  
Port Elizabeth  
6011

To whom it may concern

This document serves to confirm that the following thesis paper has been checked:

**NAME:** Aphiwe Mgushelo

**Student Number:** (16299061)

This paper has been checked for:

1. Grammar
2. Spelling
3. Punctuation
4. Other formatting errors

I have left my comments in the review section of the document.

Should you have any further enquiries, please do not hesitate to contact me.

Kind regards

Simoné Ferreira

**Bachelor of Arts in Language Practice**



## Annexure 2: Research ethics clearance



UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA

Faculty of Humanities  
Research Ethics Committee

28 August 2017

Dear Mr Mgushelo

**Project:** Land acquisition and the growth of informal settlements in South Africa: the case of informal settlements in Mamelodi, City of Tshwane, 1994 - 2014  
**Researcher:** A Mgushelo  
**Supervisor:** Prof D Darkey  
**Department:** Geography, Geoinformatics and Meteorology  
**Reference:** 16299061 (GW20170402HS)

Thank you for your response to the Committee's letter of 21 April 2017.

I have pleasure in informing you that the Research Ethics Committee formally **approved** the above study at an *ad hoc* meeting held on 25 August 2017. Data collection may therefore commence.

Please note that this approval is based on the assumption that the research will be carried out along the lines laid out in the proposal. Should your actual research depart significantly from the proposed research, it will be necessary to apply for a new research approval and ethical clearance.

We wish you success with the project.

Sincerely

A handwritten signature in blue ink, appearing to read 'Maxi Schoeman'.

**Prof Maxi Schoeman**  
**Deputy Dean: Postgraduate and Research Ethics**  
**Faculty of Humanities**  
**UNIVERSITY OF PRETORIA**  
**e-mail: tracey.andrew@up.ac.za**

cc: Prof D Darkey (Supervisor)

Research Ethics Committee Members: Prof MME Schoeman (Deputy Dean); Prof KL Harris; Dr L Blokland; Ms A dos Santos; Dr R Fasselt; Ms KT Govinder; Dr E Johnson; Dr C Panebianco; Dr C Puttergill; Dr D Reyburn; Dr M Taub; Prof GM Spies; Prof E Taljard; Ms B Tsebe; Dr E van der Klashorst; Dr G Wolmarans; Ms D Mokalapa

## Annexure 3: Permission to conduct research in the City of Tshwane



### City Strategy and Organisational Performance

Room CSP23 | Ground Floor, West Wing, Block D | Tshwane House | 320 Madiba Street | Pretoria | 0002  
PO Box 440 | Pretoria | 0001  
Tel: 012 358 742  
Email: NosiphoH@tshwane.gov.za | www.tshwane.gov.za | www.facebook.com/CityOfTshwane

My ref: Research Permission/ Mgushelo  
Contact person: Pearl Maponya  
Section/Unit: Knowledge Management

Tel: 012 358 4559  
Email: [PearlMap3@tshwane.gov.za](mailto:PearlMap3@tshwane.gov.za)

Mr Aphiwe Mgushelo  
1278 Burnett Street  
Hatfield  
0028

Date: 15 August 2017

Dear Mr Mgushelo,

**RE: LAND ACQUISITION AND THE GROWTH OF INFORMAL SETTLEMENTS IN SOUTH AFRICA: THE CASE OF INFORMAL SETTLEMENTS IN MAMELODI, CITY OF TSHWANE, 1994-2014.**

Permission is hereby granted to Mr Aphiwe Mgushelo, a Master of Arts in Geography candidate at University of Pretoria (UP), to conduct research in the City of Tshwane Metropolitan Municipality.

It is noted that the research study seeks to gain insights into the current urban land management practices in South Africa, with particular focus on the role of land acquisition in the growth of informal settlements in Mamelodi. The City of Tshwane further notes that all ethical aspects of the research will be covered within the provisions of University of Pretoria Research Ethics Policy. You will be required to sign a confidentiality agreement form with the City of Tshwane prior to conducting research.

Relevant information required for the purpose of the research project will be made available upon request. The City of Tshwane is not liable to cover the costs of the research. Upon completion of the research study, it would be appreciated that the findings in the form of a report and/or presentation be shared with the City of Tshwane.

Yours faithfully,

Nosipho Hlatshwayo (Ms.)  
GROUP HEAD: CITY STRATEGY AND ORGANISATIONAL PERFORMANCE



## Annexure 4: Consent forms

(for informal settlement dwellers)

<b>Respondent:</b>				
<p><b>CONSENT FORM</b></p> <p>I hereby agree to participate in research "Land acquisition and the growth of informal settlements in South Africa: the case of informal settlements in Mamelodi, City of Tshwane, 1994-2014".</p>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Yes</td> <td style="width: 50%;"></td> </tr> <tr> <td style="padding: 5px;">No</td> <td></td> </tr> </table>	Yes		No	
Yes				
No				
<p>I understand that I am participating freely and without being forced in any way to do so. I also understand that I can stop this interview at any point should I not want to continue and that this decision will not in any way affect me negatively.</p> <p>I understand that this is a research project whose purpose is not necessarily to benefit me personally.</p> <p>I agree to the interviews being audio recorded and transcribed, and to the use of anonymous quotes in the research findings/report.</p> <p>I have received the contact details of a person to contact should I need to speak about any issues that may arise in this interview.</p> <p>I understand that this consent form will not be linked to the interviews, and that my answers will remain confidential.</p> <p>I understand that if possible, feedback will be given to my community on the results of the completed research.</p>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Yes</td> <td style="width: 50%;"></td> </tr> <tr> <td style="padding: 5px;">No</td> <td></td> </tr> </table>	Yes		No	
Yes				
No				
<p>I hereby agree to the tape recording of my participation in the study.</p>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Yes</td> <td style="width: 50%;"></td> </tr> <tr> <td style="padding: 5px;">No</td> <td></td> </tr> </table>	Yes		No	
Yes				
No				
<p><b>Name and Surname of respondent:</b> .....</p> <p><b>Signature of respondent:</b> .....      <b>Date:</b> .....</p> <p><b>Signature of witness:</b> .....      <b>Date:</b> .....</p> <p><b>Legal guardian (if interviewee is under 18):</b> .....</p>				

(for official & community leaders)

<b>Respondent:</b>					
<b>CONSENT FORM</b>					
I hereby agree to participate in research regarding "Land acquisition and the growth of informal settlements in South Africa: the case of informal settlements in Mamelodi, City of Tshwane, 1994-2014".					
<table border="1" style="border-collapse: collapse; width: 100px;"><tr><td style="padding: 5px;">Yes</td><td style="width: 30px;"></td></tr><tr><td style="padding: 5px;">No</td><td></td></tr></table>	Yes		No		
Yes					
No					
I understand that I am participating freely and without being forced in any way to do so. I also understand that I can stop this interview at any point should I not want to continue and that this decision will not in any way affect me negatively.					
I understand that this is a research project whose purpose is not necessarily to benefit me personally.					
I agree to the interview being audio recorded and transcribed, and to the use of even referenced quotes (that is giving permission to be identified as the respondent) in the research findings/report.					
I have received the contact details of a person to contact should I need to speak about any issues that may arise in this interview.					
I understand that if possible, feedback will be given to my community on the results of the completed research.					
<table border="1" style="border-collapse: collapse; width: 100px;"><tr><td style="padding: 5px;">Yes</td><td style="width: 30px;"></td></tr><tr><td style="padding: 5px;">No</td><td></td></tr></table>	Yes		No		
Yes					
No					
I hereby agree to the tape recording of my participation in the study					
<table border="1" style="border-collapse: collapse; width: 100px;"><tr><td style="padding: 5px;">Yes</td><td style="width: 30px;"></td></tr><tr><td style="padding: 5px;">No</td><td></td></tr></table>	Yes		No		
Yes					
No					
<b>Name and Surname of respondent:</b> .....					
<b>Signature of respondent:</b> .....					
<b>Date:</b> .....					
<b>Signature of witness:</b> .....					
<b>Date:</b> .....					

**Annexure 5: Interview survey**

Respondent:
-------------

(Similar and relevant questions were posed to the officials and community leaders)

<b>PART 1: GENERAL DEMOGRAPHIC INFORMATION</b>
--

Date: .....

Title: ..... Name and Surname: .....

Cell: .....

1.1. Name of informal settlement: .....Extension: .....Shack/stand no: .....

1.2. Who owns the shack you are living in now? Pick one and mark with X.

I own the shack	
Other, specify	

1.2.1. If not, owner, I am:

Renting	
A caretaker	
A child	
Other, specify	

1.3. Including you, how many people are living in the shack? .....

1.4. How long have you been living in this informal settlement?

Since its establishment		mm	yyyy	number of years
Other, indicate date		mm	yyyy	number of years

1.5. Indicate your gender? Mark with X.

Male	
Female	

1.6. Please indicate your age category? Pick one and mark with X.

Below 18 years	
18 – 21 years	
22 – 25 years	
26 – 35 years	
36 – 45 years	
46 – 55 years	
56 – 65 years	
66 – 75 years	
Over 75 years	

1.7. Indicate your marital status? Pick one and mark with X.

Never married	
Never married, but living with a partner	
Married	
Separated/divorced	
Widowed	

1.8. Please indicate to which population group you belong? Pick one and mark with X.

African	
Coloured	
White	
Indian/Asian	

1.9. Indicate your ethnicity and (home) language? Pick one (in each row) and mark with X.

<b>Ethnicity</b>	Pedi		Tswana		Ndebele		Other, specify	
<b>Language</b>	Sepedi		Setswana		Isindebele		Other, specify	

1.10. Indicate your nationality? .....

1.10.1. Indicate your South African (SA) citizenship Status. Please pick one and mark with X.

SA by birth	<input type="checkbox"/>
SA by naturalisation	<input type="checkbox"/>
SA permanent residency	<input type="checkbox"/>
Non SA with work permit	<input type="checkbox"/>
Non SA no work permit	<input type="checkbox"/>

1.10.2. Where were you born?

- a) Province/state: .....
- b) City/Town: .....
- c) Location/township/village (rural area): .....

1.10.3. If not born in the City of Tshwane, what brought you to the City? Pick one and mark with X.

To work (I got a job)	<input type="checkbox"/>
To look for work	<input type="checkbox"/>
To start a business	<input type="checkbox"/>
School	<input type="checkbox"/>
Other, specify	<input type="checkbox"/>

1.11. How long have you been living in the City of Tshwane?

Since birth	<input type="checkbox"/>			
Since moving into the City	<input type="checkbox"/>	mm	yyyy	number of years
Other, specify	<input type="checkbox"/>	mm	yyyy	number of years

1.12. Do you owned property, or have you owned or received any form of government housing subsidy before (*except for the consolidation subsidy and disabled people*). Pick one and mark with X

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

1.13. Do you have a disability? Pick one and mark with X.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If 'Yes':

- a) Describe the nature of the disability: .....

b) Since when have been disabled?

mm	yyyy	number of years
----	------	-----------------

1.14. Indicate the highest level of education you have completed? Pick one and mark with X.

Never went to school	
No schooling completed	
Matric (Grade 12)	
Certificate	
Diploma	
Post-graduate diploma	
Bachelor's degree	
Master's degree	
Doctorate degree	

1.15. Are you currently employed? Pick one and mark with X.

Yes	
No	

1.15.1. If 'Yes':

a) Indicate your type of employment. Pick one and mark with X.

I am permanent	
I am on a fixed-term contract	
I am temporary	
I am on a project contract	
Other, specify	

b) How long (years or months) have you been working at your current employ? .....

1.16. Please indicate your monthly combined household income? Pick one and mark with X.

R 0 – 3500	
R 3501 – 15000	
R 15001 – 25 000	
More than 25 000	

1.17. If any, how many children do you have? .....

**PART 2: LAND ACQUISITION**

2.1. Who owns the land which you are occupying? Pick one and mark with X.

I do not know	
Municipality	
Family/friend	
I own it	
Other, specify	

2.2. Please indicate with X and briefly explain the state of the land upon occupation. The land was:

I do not know	
Vacant/unused	
Being used/occupied	
Other, specify	

.....

2.3. Explain briefly how you came to live on this land .....

.....

2.3.1. Did you get permission/consent from the owner?

Yes	
No	

2.4. What is the present status of the plot/site? Pick one and mark with X. Explain briefly why.

I do not know	
Illegal	
Legalised by government while awaiting housing	
Legalised by government (only)	
Other, specify	

.....

**PART 3: PERCEPTIONS REGARDING GOVERNMENT AND LAND/HOUSING OWNERSHIP**

3.1. Explain briefly your knowledge of the history of land dispossession in South Africa.....

.....

3.2. Is it right for the Constitution to protect existing property rights including those of property/land acquired through colonialism and apartheid? Pick one and mark with X. Please provide justification for your response.

Yes	
No	

.....

3.3. Should the Constitution be amended to allow expropriation of land without compensation? Pick one and mark with X. Please provide reasons for your response.

Yes	
No	

.....

3.4. Should vacant land be invaded? Pick one and mark with X. Please explain briefly why.

Yes	
No	

.....

3.5. Should foreign nationals (including companies) be allowed to buy and/or own land in South Africa. Pick one and mark with X. Please explain why.

Yes	
No	

.....

3.6. Should, under certain circumstances (such as raising funds/revenue for service delivery), the municipality sell its land/property? Pick one and mark with X. Please provide a reason(s).

Yes	
No	

.....



3.7. Do you understand that, by law (i.e. PIE Act), people who occupy land unlawfully (without the owner's permission) will most likely be evicted? Pick one and mark with X.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

3.8. It is right for the municipality to evict unlawful land occupants, regardless of they are landless and/or homeless? Please pick one and mark with X. Please explain briefly?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

.....

3.9. What is your housing application status? Please pick one and mark with X (and fill in the date of application if on the waiting list)

I am on the housing waiting list	<input type="checkbox"/>	Date (yyyymmdd)	<input type="text"/>
I have not applied	<input type="checkbox"/>		
Other, specify	<input type="checkbox"/>		

3.9.1. If you have applied for government housing, please indicate which occurred first. Pick one and mark with X.

I applied for housing before occupying the land	<input type="checkbox"/>
I occupied the land first before housing	<input type="checkbox"/>

3.10. Are you concerned about the housing waiting list? Please pick one and Mark with X. Please explain briefly why.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

.....

3.11. The manner in which houses are being allocated by the municipality is corruption free and trustworthy. Pick one and mark with X. Please provide justification for your response.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

.....

**PART 4: PERCEPTIONS REGARDING THE INFORMAL SETTLEMENTS**

4.1. Please explain briefly why the informal settlement is called (or provide meaning);

- a) Lusaka: .....
- b) Phomolong: .....
- c) Alaska: .....
- d) Stoffel Park: .....

4.2. If you know, indicate when and how the informal settlement started or was established.

mm	yyyy
----	------

.....

4.3. What has been the easiest way of accessing/occupying land here? Pick one applicable option.

Plot/stand from government	
Through housing from government	
Occupying/invading land (illegally)	
Buying land (plot/stand) from a politician	
Buying land (plot/stand) from an organised local committee/office	
Buying an existing shack form its owner	
Inherit shack from family	
Other, specify	

4.4. Generally, which period, time or event has land been easier accessible or acquired. Pick one and mark with X. Please explain briefly what makes it easier to access land during this time/period (?).

I do not know	
During Christmas (eve/day)	
During New Year (eve/day)	
During weekends	
During other holidays (including long weekends)	
During elections	
Other, specify	

.....

4.5. Have you ever been evicted (from this land or settlement) before? Pick one and mark with X.

Yes	
No	

If 'Yes', please elaborate:

- a) How many times? .....
- b) Please explain briefly what happened? .....
- c) Following eviction, where did you live/stay? .....
- d) Please explain briefly why you came back. ....

4.6. Indicate; by the look of things, since its establishment the informal settlement has: (Pick one and mark with X. Please explain briefly why?)

Remained same	
Increased	
Decreased	
Other, specify	

.....

4.7. What do you think the government (particularly the municipality), should have done to prevent the establishment (and/or growth) of the informal settlement? .....

.....

4.8. If you were to get housing, would you prefer/want to have it built on this land (or settlement)? Pick one and mark with X. Briefly explain why?

Yes	
No	

(If 'No', also state where you would want your house built)

.....

**PART 5: CLOSING REMARKS**

5.1. What will it take to address the land issue and informal settlements? .....

.....

5.2. Would you like to add anything more? .....

**Thank you very much for your time, participation and contributions.**