The Department of Human Settlement's Policy on Eradicating Informal Settlements in South Africa: A De- colonial Feasibility Analysis.

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Declaration

I declare that this dissertation is my own original work submitted through the professional guidance of my Supervisor. All information utilised has been acknowledged. This study has not been submitted for any degree or examination in any other institution.

B.N. BOSMAN

………………………………………   December 2014

Dedication

I would like to dedicate this dissertation to my husband Gordon for the financial support and motivation to carry on with my studies. I also dedicate it to my parents and my children Zingisa and Zithile. I love you may the good Lord bless you.

Acknowledgement

Firstly I'll give thanks to the Lord Almighty for giving me courage and strength I needed to overcome my challenges in the course of this study. When I call upon His name, He would hear what I could tell and answered my prayers.

This study could not have been completed without the support, encouragement and contribution of many people.

I wish to express my sincere gratitude to all those who provided information and support for this study.

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List of Abbreviations

AIDS- Acquired Immune Deficiency Syndrome

ANC- African National Congress

BNG- Breaking New Ground

HIV- Human Immune deficiency Virus

IDP- Integrated Development Plan

ISUP- Informal Settlements Upgrading Programme

JHB- Johannesburg

MDGs-Millennium Development Goals

MEC-Member of Executive Committee

NDoH- National Department of Housing

NDHS- National Department of Human Settlements

NUSP- National Upgrading Support Programme

RDP- Reconstruction and Development Programme

RSA- Republic of South Africa

Stats SA- Statistics South Africa

UN- United Nations

WB- World Bank

Abstract

This thesis is a decolonial feasibility study on the National Department of Housing's (now National Department of Human Settlement) policy of eradicating informal settlements by 2014. In this thesis I argue that the policy intent of eradicating informal settlements by the proposed date of 2014 cannot be feasible without transcending the structure that produce these informal settlements in the first place. This is why even though we are towards the end of 2014 there is not yet clear evidence that the informal settlements are being eradicated or will be eradicated in the near future. In this dissertation, I argue that informal settlements are a product of a global power structure of coloniality (multiple forms of colonialisms that survive the demise of apartheid) that produces inequalities among human beings including the habitat sphere. I deploy the experience of Mshenguville informal settlement to demonstrate that the experience of informal settlement is just but a marker or sign of inequality among human beings in the age of Western-centred modernity. Thus those in informal settlement are considered to exist on the darker side of modernity as opposed to those in splashy suburb who experience the brighter side of modernity.

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Chapter One: *Introduction*

1.1   Outline

By and large, the phenomenon of informal settlements cannot be understood outside the structural systems of inequalities among human beings. However, since the phenomenon of informal settlements takes place within the context and process of urbanization, it is logical to conceive of it within the discourse of modernity, particularly Western-centred modernity, which brought about new ways of living among the peoples of the non-Western world at large. As will be seen later in this dissertation, the structural order of Western-centred modernity is hierarchically arranged system which consists of a 'brighter side' where the privileged few reap the fruits of modernity such as living in spacious houses and a 'darker side' (Mignolo 2011), where the less privileged are subjected to all kinds of deprivation. In this dissertation, the phenomenon of informal settlement is viewed as a sign of deprivation that physically manifests as a problem of spatial development but in fact extend beyond the sphere of the habit to encompass a whole range of experiences of deprivation by those who exist on the darker side of Western-centred modernity. Thus, being in the informal settlement is not only an experience of lacking a formal dwelling space but also other social, economic and political privileges.

This part the dissertation presents the background of the study, the problem statement, the objective of the study, the rationale as well as the research methodology. The overall objective of this chapter is to clarify the context of, and background to, the dissertation as a whole.

1.2   Background to the Idea of Informal Settlements

Informal settlements are described as illegal and spontaneous shantytowns lacking decent services and infrastructure. Informal settlements have been called by many names across the world. These range from slums, *favelas* (Brazil), *aashwa'i* (Egypt) and *ciudades perdidas* (Spanish, "lost cities") and *mkhukhus* (South Africa) (Kramer, 2006). According to Godehart and Vaughan (2008), informal settlements are characterized by illegality and informality, environmental hazards, poverty and vulnerability, social stress and others.There are also a number of reasons that have been identified as causes of the continued prevalence and/or proliferation of informal settlements in many parts of the world, and these include among them, the lack of state capacity, population increase, rampant corruption, rural-urban migration and shortage of land. Many of these are consequences of the global power structure of coloniality that are mistaken as causes of informal settlements. Thus, for instance, what causes urban-rural migration is usually the high level of suffering in rural areas as a result of colonially-induced land dispossessions—a clear evidence that migration is not a cause but itself a consequence of deprivation.

 Informal settlements are common in many of the South Africa urban areas. In South Africa, like in many other parts of the developing world in general, different reasons have been identified for the prevalence of informal settlements as well as their awful state. Thus, according to scholars such as Khan (2003a), the awful state of informal settlements in South Africa is often multiplied by constraints of land costs suitable for housing the urban poor and low-income groups. In other words, the lack of land and houses built by the state causes many of the urban poor—particularly migrants—to build their own houses in unregulated spaces, in order to solve the housing problems by themselves (Yuen, 2007: 5; Schlyter, 1995: 123). This leads scholars such as Mosha, 1995 (353) to conclude that the reality is that informal settlements which depict 'local housing markets and local cultural patterns are here to stay…' Thus, as Aldrich and Sandhu (1995) have also observed, the eradication of these settlements through

relocation, for instance, poses challenges of site improvement charges and bureaucratic breakdown, while political corruption may keep people from getting adequate housing.

Informal settlements are associated with many developmental challenges in South Africa. Thus, for instance, the existence of informal settlement is widely seen as linked to the spread of diseases such as HIV/AIDS. As put by Ambert (2006: 4) the frequency of this endemic is certainly strong in informal settlements because the mobility of the urban people often results in 'more opportunities for sexual networking and elevated partner-change rates'. In addition to the problem of diseases, informal settlements are also associated with service delivery protests, violence and xenophobia; all which make informal settlements sites of suffering by those who exist on the lowest end of the power structure that produces social inequalities.

In spite of the identification of many of the reasons that lead to the existence of informal settlements in South Africa and beyond, the problem of their prevalence and/or their proliferation has continued unabated. This prompts us to question, why, in light of the knowledge about what leads to the prevalence and/or proliferation of informal settlements, have actors that seek to eradicate informal settlements have generally failed to achieve that goal? This question is quite compelling because the identification of the reasons for the prevalence of informal settlements can be seen as the basis of developing solutions to the problem of informal settlements but, to date, the idea of eradicating informal settlements still evades key players in the habitat planning of urban South Africa.

The South African National Department of Human Settlement in collaboration with other subsidiary private and public institutions is a key player in the quest to eradicate the 'run-away' informal settlements in South Africa. In 2004, the then National Department of Housing made a declaration that it will eradicate all the informal settlements by 2014 (Department of Housing, 2004). This objective of eradicating informal settlements was seen as one of the ways of integrating the disjointed housing delivery sector caused by racial planning and zoning of the apartheid era (National

Housing Code DoH, 2007). In light of this ambitious objective by the Department of Human Settlements, the question that emerges is whether it is possible, given the circumstances that lead to their prevalence and proliferation in South Africa, to eradicate all of them by 2014.

In general, informal settlements are a product of what scholars such as Bozzoli (1978) have referred to as the colonial and/or the apartheid 'urban geography of privilege and empowerment'. Thus, the idea of informal settlements in South Africa cannot be understood outside the legacies of such colonial and apartheid legislative and urban planning apparatus, such as the Group Areas Act 41 of 1950, as well as the effects of the land dispossessions in rural areas that led to overcrowding in cities. The question that emerges from this historical background to the emergence of the idea of informal settlements in South Africa during the colonial and apartheid era is: why, in spite the demise of apartheid, has the problem of informal settlements continued in the present even after more than twenty years of democracy? This question is quite important because the advent of democracy in South Africa came with such noble ideals such as equality, which promised to close or lessen the divisions of the past that manifested themselves in the political, economic and social spheres of life.

 Indeed, the question of the present inequalities that have characterized South Africa in the social, political and economic spheres of life has been of concern ever since the birth of the democratic era, prompting a political figure such as the then President of South Africa, Thabo Mbeki (1998) to argue that South Africa is a country of 'two worlds in one': one that is 'rich' and another one which is 'poor'. In Thabo Mbeki's scheme of the two worlds in South Africa, it can easily be noted that the idea of informal settlements captures what he visualized as the 'poor world' that exist alongside the rich one within South Africa. The question that emerges from this understanding of the construction of informal settlements within the broader framework of the inequalities that characterize South Africa in general is that of whether it is possible to transcend the inequalities that manifest themselves in the dwelling space in South Africa. This question needs to be attended to because philosophers such as Fanon (1961) have

already observed how difficult it can be to transcend what he referred to as a Manichean structure. Thus, if informal settlements are part of the diametrically or vertically constructed structure of inequality, the question that remains is: is it possible to eradicate them without dismantling the very structure that produces them?

1.3   Problem Statement

The question of informal settlements in the South African urban landscape has become a problematic one. This is mainly because the prevalence of informal settlements in the urban sphere in South Africa has since the end of apartheid appeared as a form of a visible juridical–administrative colonial system that continues to make mockery of the key democratic ideals such as that of freedom and equality that are espoused in the much-acclaimed South African Constitution of 1996.   While the reasons for the prevalence and proliferation of informal settlements have been identified, the key actors in the sphere of human settlement have so far failed to eradicate informal settlements in South Africa.

The question, therefore, is that, given the identified reasons such as lack of state capacity, shortage and rural-urban migration, whether it is possible to eradicate human settlement in South Africa at all. This question is problematic because the South African National Department of Human Settlement has already proclaimed the objective of eradicating informal settlement by year 2014. As the set deadline for the eradication of informal settlement by the National Department of Human Settlement is fast-approaching, it is important to take stock of whether the 'eradication' objective is feasible and if not, provide a plausible argument on why informal settlement will remain a feature of urban South Africa. This can be the basis of developing a durable solution to the problem of informal settlements since the already known causes have not led to their eradication.

1.4   The Objective

The primary objective of this research is to articulate the existence of informal settlements in South Africa beyond mundane explanations, by unmasking the hidden structure that produces and reproduces the phenomenon of informal settlements in the South African urban sphere. This process of unmasking the hidden structure that leads to the prevalence and proliferation of informal settlement is itself aimed at enabling us to evaluate whether the policy of eradicating informal settlement is feasible without first dismantling the power structure that reproduces them. Thus, the researcher aims to achieve the main objective by addressing the following subsidiary questions:

a) What is the nature of the government's understanding and/or misunderstanding of the source of informal settlements?

b) When did the phenomenon of informal settlement begin in South Africa begin and why?

c) Who lives in informal settlements and why?

d) Are the conditions that led to the emergence of informal settlements in the past fundamentally different from those of the present?

1.5   Rationale /Motivation for the Study

This study is motivated by the desire to contribute to knowledge about the prevalence and increase of informal settlements in South Africa. Thus, while several factors such as land inavailability, overcrowding and lack of capacity have been identified as leading to the existence and proliferation of informal settlements, the identified factors have not yet been viewed from a perspective that links them to the global system of coloniality at large. This is viewed as leading to solutions that are ill-conceived and, as such, not sustainable and/or achievable since the bigger picture in the articulation of the existence and increase of informal settlement is missed. In a nutshell, this research is motivated

by the quest to find a lasting solution to the crisis of informal settlement through a proper diagnosis of the problem—the global power structure of coloniality.

1.6   Research Design and Methodology

Bhattacherjee (2012:35) articulates that a research design is '… a comprehensive plan for data collection in an empirical research project…' which specifies the data collection process, among other ingredients, of achieving the objectives of research project. Thus, a clearly conceptualized research design guides the researcher and validates the research product as scientific work. The study uses a qualitative research design to answer critical questions on whether it can be possible for the Department of Housing to achieve the policy goal of eradicating informal settlements by 2014 without first dealing with the very structure that produces and reproduces them. Thus, the study deploys mainly an interpretive paradigm to understand the meaning the intentions of the Department of Housing's policies and their possibilities of eradicating the informal settlement.

Blanche et al (2006) explain that qualitative research is suitable for a research such as this one because it allows researchers to explore selected issues in detail with openness as they recognise and try to explain information that emerges from collected data. By and large, the evaluation process of the feasibility of the intent to eradicate informal settlement by the Department of Housing requires an open and inquisitive interaction with data by the researcher.

1.6.1   Research Methods/ Approach

According to Creswell (2007), a qualitative study is defined as an inquiry process of understanding a social or human problem based on building a complex, holistic picture, formed with words, reporting detailed views of informants conducted in a natural setting. A qualitative research approach has been used in this study because it is consistent with the interpretive paradigm (Terre Blanche & Kelly, 1999). By utilizing a qualitative approach, an attempt was made to gain an in-depth knowledge into participants who

are residing in the informal settlements, ward councilor and the officials of the department of housing, whether it can be possible for the Department of Housing to achieve the policy goal of eradicating informal settlements by 2014 without first dealing with the very structure that produces and reproduces them.

According to Babbie et al. (2001) qualitative research has the following features which distinguish it from quantitative research.

- The research is carried out in the natural settings of the participants
- The focus is on the participants (insider's) view rather than on the outsiders view.
- The aim is in-depth description
- The self-qualitative research is regarded as the main instrument in the research process Babbie et al, (2001: 270).

1.6.2 Participative observation

According to Merriam (2005:17) participative observations are a major means of collecting data in qualitative research because they offer a first- hand account of the situation under investigation. Therefore, it is important to use the participative observation method of data gathering in order to obtain reliable answers, since it requires the researcher to be part of the people at the research site, observing their behavior in the environment.

In this study the researcher also used the participative method, which enabled the researcher to gain an in-depth appreciation and understanding of the detailed process of Mshenguville Informal Settlements. As participant observer, the researcher aimed to observe details of daily life and activity of the participants, while participating in an interactive communication with participant both in the interviews and during observation of activities.

1.6.3   Unstructured interview

Creswell et al (2010) define an interview as a two-way conversation in which the interviewer ask the participant questions to collect data and to learn about ideas, beliefs, views, opinion and behavior of the participant in order to see the world through the eyes of the latter. According to Bryman, (2004:519-521) unstructured interview is an in-depth conversation that is designed to obtain rich and detailed data from a participant using follow up question unlike semi-structured interviews which includes predetermined set of questions. The researcher therefore used unstructured interviews with open-ended questions.

The purpose of the researcher as an interviewer was to obtain information from the participants in such a manner that they would be free to share their concerns and challenges verbally with the interviewer. The focus was on finding the challenges and possibilities on achieving the policy goal of eradicating informal settlements by 2014.

1.6.4   Selection of participants

According to Maree (2004:274) the exercise of selecting participants in a study is an important feature of research, as it may affect the outcome of the research. Participants were selected based on their participation involvement in the development of Mshenguville Informal Settlement. Five participants in this study were selected; three participants are residing at Mshenguville Informal Settlements, Ward Councilor of Mshenguville and government official who is responsible for implementing human settlement programmes.

My intention on selection was to focus on participant with rich- information about the phenomenon of Mshenguville Informal Settlements. As a participant observer, the researcher aimed to observe details of daily life based on activities of the participants, while participating in an interactive communication with participant both in the interviews and during observation of activities. Participative observation enabled the researcher to

gain an in-depth understanding of the detailed day-to-day processes of Mshenguville Informal Settlement.

Participants 1 the first set of participants is made up of two female and one male, the community leader who moved from Atteridgeville to Mshenguville informal settlement.

Participants 2 the second participant is a woman, the ward councilor of Mshenguville.

Participants 3 the third participant is male, that being the Director of Housing Settlements at Tshwane municipality.

1.6.5   Ethical Issues

In this study, ethical considerations have been dealt with. Everyone participating in the project is provided with sufficient information about the research so that they make an informed decision on whether to participate or not. No participant was forced to contribute reluctantly. The participants were allowed to terminate their participation at any time during the interview. Confidentiality was maintained with regard to the participant's personal information.

1.6.6   Data collection

The main data collection technique that was used in this study consisted of interviews, direct observation and participant observation to understand the resident view point. According to McMillan and Schumacher (2006: 352), a phenomenological interview is a specific type of in-depth interview used to study the meanings or essence of a lived experience among selected participants. I visited the Mshenguville informal settlements, Ward councilor and the Municipal official to inform them about the research before I could interview them. Permission was granted and we agreed on the date and time for the interview. According to Creswell (2008) and Merriam (2009) the vast amount of data is generated by open-ended, multimedia material such as images, text such as field

notes and transcripts. I therefore posed open-ended questions to the community participants, ward councilor and municipal officials.

The researcher conducted one-on-one interviews with the following participants: Ward Councilor of Mshenguville, and Municipal Officials responsible for housing planning and upgrading, as well as the three participants who are residing at Mshenguville Informal Settlement. The advantage of choosing this method was that it offered them privacy and confidence to respond in the manner that they would be free to share their concerns and challenges verbally with the interviewer, and it enabled the researcher to obtain detailed information from the participants. However, this type of method has disadvantages because it does not facilitate the sharing of ideas and is time consuming as compared to focus group interviews (De Vos et al., 2005:299).

1.6.7   Data analysis approach

In the current study, the analysis was done through interview and observation process. The researcher took notes on an exercise during the conversation with the participants. The report examined and analysed data collected from the interview with participants and direct observation. During the interview, the participants expressed their emotional and personal experiences.

1.7.   Outline of the Dissertation and chapter contents

This study is structured in six chapters in the following manner:

Chapter one

(Introduction and Background) this part the dissertation presents the background of the study, the problem statement, the objectives of the study, the rationale as well as the research methodology. The overall objective of this chapter is to clarify the context of, and background to the dissertation as a whole.

Chapter two

(Theoretical Framework) is founded on the discourse of de-coloniality. By and large, the problem of informal settlements in the developing world cannot be understood outside the context of the colonial experience of the region and how this experience affected the social, political and economic ways of living among the peoples of the non-Western world. Thus, while the informal settlements have generally been viewed as merely a problem of rapid urbanization and the failure of cities to respond adequately to the growing demands of urban growth (DoH, 2009b), it is also vital to note that most of the informal settlements are a result of migration from the countryside, fleeing rural poverty in search of urban opportunities (Kramer 2006) since in rural areas productive land is not accessible as a result of the colonial history of land dispossessions. In South Africa, urban areas after the demise of apartheid have seen more people living in cities than in rural areas. This is not only because the post-apartheid state lifted apartheid restrictions of movement but also because life has become unsustainable in rural areas as a result of colonial forms of land dispossession of mostly arable land.

Chapter three

Based on the International experience of informal settlements, the problem of informal settlements in South Africa cannot be understood without a consideration of the history of migration, urbanization and land dispossession. These processes, themselves cannot be divorced from the broader discourse of colonial domination and structure of coloniality at large. This chapter, therefore, seeks to articulate the origin of the idea of informal settlements in South Africa. However, the South African experience needs to be located within the international contexts in order to prove whether it is unique or part of the generic global experience of urban development. Since South Africa is located in the non-Western world, and specifically in the Global South, it is important that her experience with informal settlement is compared with the experience of countries of a similar context.

Chapter four

Themed on Policy Review: Analysis of Colonial South African Housing Policies and programs, this chapter begins by reviewing the housing policy during the colonial era on black housing provision in South Africa. This chapter will provide a brief history of apartheid policies, as well as outlining the effects it had on the population black community. It will also explore the housing policies and programs inherited in the post-apartheid era and the eradication of the informal settlements in 2014.

Chapter five

Titled The Experience of Mshenguville Informal Settlement, this chapter presents the case study of Mshenguville Informal settlement to examine the experience of living in the informal settlements in South Africa

Chapter six

This is the Conclusion and Recommendation Chapter. It concludes by giving a theoretical framework of the whole research report and the suggested recommendations based on the findings.

Chapter Two: *Theoretical framework: The Discourse of De-coloniality*

2.1   Outline

By and large, the problem of informal settlements in the developing world cannot be understood outside the context of the colonial experience of the region, and how this experience affected the social, political and economic ways of living among the peoples of the non-Western world. Thus, while the informal settlements have generally been viewed as merely a problem of rapid urbanization and the failure of cities to respond adequately to the growing demands of urban growth (DoH, 2009b), it is also vital to note that most of the informal settlements are a result of migration from the countryside fleeing rural poverty in search of urban opportunities (Kramer 2006) since in rural areas productive land is not accessible as a result of the colonial history of land dispossessions. In South Africa, urban areas after the demise of apartheid have seen more people living in cities than in rural areas. This is not only because the post-apartheid state lifted apartheid restrictions of movement but also because life has become unsustainable in rural areas as a result of colonial forms of dispossession.

2.2   Inequality and its genealogy in the project of modernity/coloniality

In spite of the positive objective of the current housing legislative framework, particularly its focus on redressing the inequalities of the past in urban centers, the question that emerges is that of whether it can be possible to achieve this objective within the current circumstances that have led to the prevalence and proliferation of informal settlements in urban South Africa. This gap in the literature on the feasibility of the objective of redressing urban inequalities needs urgent attention because, in spite of the existence of policies that seek to eradicate the informal settlements, the problem of their existence and/or increase does not seem to cease. Thus, while it is difficult to obtain figures as to the depth of the problem of informal settlements in South Africa, it can be noted from Statistics South Africa (2007) that by 2007, there were about 1.2 million people living within informal settlement—almost ten years after the promulgation

of the Housing Act in 1997. This is just but a conservative figure since there are obvious difficulties with estimating the figure of immigrants living in informal settlements.

This dissertation intends to deploy the epistemic perspective of decoloniality as analytical tool to articulate not only the depth of the problem of informal settlements in South Africa but to also to evaluate the feasibility of the idea of eradicating them. However, in order to clearly map-out the concept of decoloniality and its relevance to the study of the problem of informal settlements in South Africa, it is important to articulate it by explicating its opposite which is the global power structure of coloniality.

In this chapter, I trace the genealogy of what became the modern world-system predicated on the dominance of a Western-centred modernity as well as map-out its historical structural heterogeneity so as to unmask how being a non-Western subject came to be defined within the realm of what Blaut (1993) described as 'the coloniser's model of the world'. This is simply because the idea of informal settlements is just but an extension of the coloniser's model of the world whereby the victims of coloniality who are mainly the indigenous peoples of the non-Western world live in squalid places such as informal settlements whereas the beneficiaries of the global structure of coloniality who are mainly Western subjects and/or their descendants live in splashy suburbs such as Sandton.

There are, indeed, many points of entry into the discourse of modernity/coloniality but in this chapter I intend to discuss a version that views 1492 as the inaugural and foundational year to the formation of modern world-system that has since its advent turned the indigenous subject of the non-Western world into a perpetual object of oppression by the Western subject. Thus 1492 marked a major shift in the history of the relationship between the Western and the non-Western subject as the former began to question the humanity of the later in a way that opened up the possibility for inhumane practices such as slavery, racism, colonialism, imperialism, apartheid and neocolonialism, among others; all which firmly placed the non-Western subject in the realm of the sub-ontological being—a position of subalternity within the structural

system of coloniality-cum-modernity. This means that being a sub-ontological subject in the structure of colonial modernity is to occupy an invidious position of the sub-human in the scale of human-ness hence the struggles of those who live in informal settlement is just but a struggles to be recognized as complete human beings who deserve decent places of residence.

It was, indeed, after the discovery of the Americas by Christopher Columbus in 1492 that the Western world-view began to subject the humanity of the indigenous peoples of the non-Western world to some form of radical doubt. Thus, as soon as Christopher Columbus stepped out of the ship in the Americas during the voyages of discovery on the 12th of October 1492, the theological question that became his pre-occupation was that of whether the indigenous peoples of the America had a religion since they were not Christians or did not worship God in the manner the Europeans were doing. Indeed, what needs to be noted in the question of 'people without religion' and, indeed, of 'people without soul' (Grosfoguel 2013) is that this question later evolved into that of whether the non-Western subject is a human being thereby marking an end the idea of conversion as animals could not be converted. Today, though not simply a theological question per se but mainly a legal question, the humanity of those who live in informal settlements is doubted by being projected in terms of illegality—that is existing outside the law that governs human relations. Thus, in the discourse of informal settlements, those who live in them are viewed broadly in terms of the illegal: either illegal immigrants or illegal occupiers.

What is indeed hypocritical about this situation is that the epistemic foundation of the law that questions the legality of those who exist in the informal settlement and are mainly members of indigenous communities in Africa is the fact that it is an English-Roman-Dutch law. In this law, those who originate in the West are viewed as legitimately occupying the spaces within which they live while those who are indigenous and were dispossessed of their resources by the white settler to the extent that today they live in squalid environment have become the illegitimate in the space they occupy. This brings about the question of space and entitlement whereby some human beings

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are entitled to spaces they occupy while others are not. This is how the modern world system operates hence the idea of informal settlement can simply be conceived as a sign of lack of belonging in the modern world-system. Thus, to live in informal settlement is not to belong in every sense of the word, including in the economic system that benefits those who are fully human.

The advent of the modern world-system predicated on Western-centred modernity and with its darker and brighter side in 1492 has since been characterized by an ''abyssal line of thinking' (Santos 2007) that divides those who are privileged to live in what in Fanonian terms can be referred to as the 'zone of being' in the Global North and those who are condemned to the hellish 'zone of non-being' in the Global South with race as an organizing principle. This understanding of the new world system is quite relevant in a study as this one because this global system has come to replicate itself within South Africa in general as well as within the habitat planning of cities. Thus, the affluent suburbs of South Africa are symbolic of the zone of being where those who are at the apex of the system of coloniality live and the poor informal settlements are symbolic of the zone of non-being where the objects of exploitation who are mainly black in colour live in the proximity of the city so as to supply the rich with cheap labour.

 From the world system perspective, it needs to be noted that the majority of the world's population, particularly the indigenous peoples of the non-Western world came to occupy the zone of non-being not out of their will but through conquest while the conquerors in the name of Westerners in Europe and North America came to occupy the human zone of being. The zone of being represents the brighter side of Euro-centred modernity whereas the zone of non-being is the darker side of modernity also known as coloniality. What needs to be noted is that this modern world system that came to divide humanity in terms of sub-human in the 'zone of non-being' vis-à-vis human in the 'zone of being' (Grosfoguel 2007)is not only a global structural arrangement but can be found in different localities such as cities mainly in the formerly colonized world. Using the conceptual lens of zone of being vis-à-vis zone of non-being, I argue that informal settlements constitutes the periphery of the urban dwelling system

that have come to constitute themselves as 'darker' parts of urban dwelling in contrast to the 'brighter' parts in low density suburbs. In this scheme of things, informal settlements such as those found in the township of Alexandra must be juxtaposed against the 'bright' Sandton suburb so as to visually exemplify how this structure of zones of human and non-human operates within the urban geography of South Africa. Thus, it needs to be noted that while the people in the zone of non-being are characterized by a catalogue deficits and series of lacks, those located in the zone of being systematically reap all the fruits of Western-centred modernity from the sixteenth century 'rights of people' to the eighteenth century 'rights of man' and the late twentieth century 'human rights' (Grosfoguel 2007). In this dissertation, I argue that these global inequalities are something that can be observed between those who live in informal settlements in South Africa and those who live in low density suburbs and as such, the global structure of coloniality permeates the internal affairs in countries of the Third World such as the South African urban space.

In his description of how those in the zone of non-being are treated by those in the zone of being, Grofoguel (2007:214) argues:

> *We went from the sixteenth century characterization of 'people without writing' to the eighteenth and nineteenth century characterization of 'people without history', to the twentieth century characterization of 'people without development' and more recently, to the early twenty first century of 'people without democracy'.*

In contrast to the characterization of people in the zone of non-being who are governed through 'appropriation/violence', those in the zone of being are represented as progressive and are governed through 'social regulation and social emancipation' (Santos 2007:46). This can be translated to the urban existential circumstance in South Africa because the condition of 'lack' and violence are some of the important features of informal settlements in South Africa while those living in rich suburb reap all the benefits of modernity that are almost similar to those living in what constitute the zone of being at global level.

What can be seen as typically defining the relationship between the zone of being and the zone of non-being is not only the vertical social hierarchization of identities informed by race but also that the zone of non-being perpetually produce subjects who are deceived and crushed by the power of the bone of being. Thus, according to Fanon (1961, 29)

> *The colonial world is a world cut into two. The dividing line, the frontiers are shown by barracks and police stations. In the colonies it is the policemen and the soldiers who are the official, instituted go-betweens, the spokesmen of the settler and his rule of oppression…the policemen and the soldier, by their immediate presence and their direct action maintain contact with the native and advise him by means of riffle-butts and napalm not to budge. It is obvious here that the agents of government speak the language of pure force. The intermediary does not lighten the oppression, nor seek to hide domination; he shows them up and puts them into practice with the clear conscience of an upholder of the peace; yet he is the bringer of violence into the home and into the mind of the native.*

The above reflection by Fanon is typical of the South Africa urban setting where the police always harass those who live in informal settlements while protecting those in rich low density suburbs.

The relationship between the zone of being and the zone of non-being resembles what Fanon (1961) described as a Manichean structure. According to Fanon:

> *The zone where the natives live is not complimentary to zone inhabited by the white settlers. The two zones are opposed, but not in service of a higher unity. ...they both follow the principle of reciprocal exclusivity. ...The settlers town is strongly-built town, all made of stone and steel. It is a brightly-lit town, all covered with asphalt... The town belonging to the colonized people.... the native town ... the reservation, is a place of ill-fame... It is a world without spaciousness; men leave there on top of each other, and their huts are built one on top of each other. The native town is a hungry town, starved of bread, of meat, of shoes, of coal, of light (Fanon 1961: 29-30).*

In due consideration of the above, it is feasible to extrapolate that the South African cities are not an exception to the above observation by Fanon. Through Fanon's descriptive analysis of the modern world-system, it is easy to reject a Marxist articulation of informal settlements as product of class relations since such as critique run short of explaining the racial dimension of urban geography of inequalities.

In general, the South African cities resemble an urban geography of 'privilege and disempowerment' (Bozzoli 1978) whose origin can be traced to the advent of the Euro-American-centred modernity that came to cast its darker side on the peoples of the non-Western world in and its brighter side on the peoples of the West. However, within South Africa, the genealogy of the urban geography of privilege and disempowerment can be traced to apartheid statutes such as Group Areas Act—a master plan for internal urban apartheid whose origins are rooted in the Western abyssal form of thinking. In other words, the Group Areas Act in South Africa did not represent any new thinking about race and racial segregation, but was merely a codification of 'comprehensive segregation' and to serve as a planning apparatus of segregation.

2.3   The Myth of a Post-apartheid South Africa

The prevalence of informal settlements in the period dubbed 'post-apartheid' in South Africa or 'post-cololnial' in the non-Western world in general raises the question of whether the demise of juridical administrative colonialism really inaugurated a truly post-colonial world order or we are merely experiencing colonialism in an invisible form. Thus, in South Africa, it was hoped that the demise of apartheid in 1994 was going to bring about an end to inequalities of the past in all spheres of life but up to this date colonial features such as informal settlements are still abundant.

In the so-called 'post-colonial world', the continuing existence of the 'zone of non-being' vis-a-vis the 'zone of being' cannot be understood without grappling with the idea of coloniality. This is mainly because the concept of coloniality captures the idea of several forms of colonialisms beside a visible juridical administrative colonialism—a

development that exposes the myth of a post-colonial world. Thus, according to Grosfoguel (2007: 219):

> One of the most powerful myths of the twentieth century was the notion that the elimination of colonial administrations amounted to the decolonization of the world. This led to the myth of a 'postcolonial' world. The heterogeneous and multiple global structures put in place over a period of 450 years did not evaporate with the juridical-political decolonization of the periphery over past 50 years. We continue to live under the same 'colonial power matrix'. With juridical administrative decolonization we moved from a period of 'global colonialism' to the current period of 'global coloniality'. Although 'colonialism administrations' have been entirely eradicated and the majority of the periphery is politically organised into independent states, non-European people are still living under crude European exploitation and domination. The old colonial hierarchies of European versus non-Europeans remain in place and are entangled with the 'international division of labour' and accumulation of capital at a world-scale.

The above articulation of coloniality simply means that the celebration of the removal of juridical administrative colonialism tend to obscure the continuity between the colonial past and vast other invisible 'colonialisms' in the present. This research will deploy Grofoeguel's analytical framework to dismiss the overly-optimistic idea of a 'post-apartheid dispensation' within the context of articulating urban inequalities as it obscures a continuity between apartheid urban planning and the present planning that leads to the proliferation of informal settlement. Thus, the idea of RDP houses will be dismissed as reproducing the structure of inequality because it carries the connotation of difference in privileges between the rich and poor within the urban planning mentality.

In this research I will argue that coloniality survives colonialism and apartheid. This will be substantiated using scholars such as Maldonado-Torres (2007: 243) who argued that:

> Coloniality is different from colonialism. Colonialism denotes a political and economic relation in which the sovereignty of a nation or a people rests on the power of another nation, which makes such a nation an empire. Coloniality,

instead, refers to a long-standing patterns of power that emerged as a result of colonialism, but that define culture, labour, intersubjectivity relations, and knowledge production well beyond the strict limits of colonial administrations. Thus, coloniality survives colonialism. It is maintained alive in books, in the criteria for academic performance, in cultural patterns, in common sense, in the self-image of peoples, in aspirations of self, and so many other aspects of our modern experience. In a way, as modern subjects we breathe coloniality all the time and every day.

The concept of coloniality, unlike the critique that underpinned classical colonialism unveils the mystery of why, after the end of colonial administrations in the juridical-political spheres of state administration, there is still continuity of colonial forms of domination. This is mainly because the concept of coloniality addresses the issue of colonial domination not from an isolated and singular point of departure such as the juridical-political administrative point of view but from a vantage point of a variety of 'colonial situations' that include cultural, political, sexual, spiritual, epistemic and economic oppression of subordinate racialized /ethnic groups by dominant racialized/ethnic groups with or without the existence of colonial administrations (Grosfoguel: 2007: 220). This holistic approach to the problem of colonial domination allows us to visualize other dynamics of the colonial process which include among them 'colonization of imagination' (Quijano: 2007), 'colonization of the mind' (Dascal: 2009) and colonization of knowledge and power. Within the context of the South African state of inequalities, the idea of eradicating informal settlements fails to imagine something else beyond re-affirming inequalities through RDP houses—a clear case of the colonization of imagination which re-structurates the structure of coloniality within the urban sphere.

 This research deploys the analytical tool of decoloniality to explain whether it is possible top eradicated informal settlements in South Africa. According to Maldonado-Torres (2006: 117):

By decoloniality it is meant here the dismantling of relations of power and conceptions of knowledge that foment the reproduction of racial, gender, and geo-

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political hierarchies that came into being or found new and more powerful forms of expression in the modern/colonial world.

The conceptions of knowledge that emanate from the above quotations are such that there must be an interrogation of colonial and apartheid relations of power that produced the present day inequalities were dismantled. Thus, if land shortage is one of the factors that have led to the prevalence of informal settlement, is it possible to eradicate the same informal settlement when land remains unavailable as a result of colonialism and apartheid. In other words, the above analysis by Maldonado-Torres will make it easy to dismiss the feasibility of the 'eradication' rhetoric because the structure that breeds informal settlement is intact.

Decoloniality is a cocktail of liberatory projects of critical thought from the ex-colonised epistemic sites that seek to make sense of the position of ex-colonized people within the current world system (neo-apartheid system within South Africa) which Mignolo (2000) described as Euro-America-centric, Christian-centric, patriarchal, capitalist, hetero-normative, racially-hierarchized, modern world system that came into being in the fifteenth century.

In decolonial thought, the question of 'locus of enunciation' is quite an important one because as noted by scholars such as Donna Haraway (1988), our knowledge's are always situated. Dussel (1977) has referred to situated-ness of knowledge as the 'geopolitics of knowledge' while Grosfoguel (2007) refers to it as the 'body-politics of knowledge'. In this study, I decode my object of study from the epistemic standpoint of being a de-colonial scholar as well as from my social location of being a subaltern subject in the present world order. This approach to studying social phenomena is different from the knowledge production practices of Western philosophy and science which tend to hide the locus of enunciation of the subject that speaks. Thus, according to Grosfoguel (2007: 213),

> By delinking the ethnic/racial/gender/sexual epistemic location from the subject that speaks, Western philosophy and sciences are able to produce a myth about a Truthful universal knowledge that covers up, that is, conceals who is speaking as

well as the geopolitical and body-political epistemic location in the structures of colonial power/knowledge from which the subject speaks.

By projecting a universal, God-eye view of knowledge, the Euro-American worldview has succeeded in making the subjects that are socially located in the oppressed side of colonial difference, to think epistemically like the ones that are located on the dominant side. This 'point-zero' (Castro-Gomez 2003) perspective that represents itself as being without a point of view or as being beyond a particular point of view has historically allowed Western man to represent his knowledge as the only one capable of achieving a universal consciousness. In the process, as Grosfoguel (2007: 214) has noted, non-Western knowledge came to be dismissed as particularistic, and thus, unable to achieve universality. In this research, the researcher does not intend to hide her biases and as such, she reveals that her views about the crisis of informal settlements in South Africa are influenced by her social location as a subalternized subject of being poor, a woman and of a black race within a racist structure that negatively affect the people of social-historical background as in the example of informal settlements.

Chapter Three: *The International Experience of Informal settlements*

3.1 Outline

The problem of informal settlements in South Africa cannot be understood without a consideration of the history of migration, urbanization and land dispossession. These processes, themselves cannot be divorced from the broader discourse of colonial domination and structure of coloniality at large. This chapter, therefore, seeks to articulate the origin of the idea of informal settlements in South Africa. However, the South African experience needs to be located within the international contexts in order to prove whether it is unique or part of the generic global experience of urban development. Since South Africa is located in the non-Western world, it is important that her experience with informal settlement is compared with the experience of countries of a similar context.

3.2 The International experience of informal settlements

One of the international experiences of informal settlements is that of Brazil. This is simply because the Brazilian case study falls within the category of the experiences of the non-Western world—a context with a potential of elucidating the influence of global coloniality in the proliferation of the phenomenon of informal settlements in South Africa. Brazil is one of those countries that are renowned for high levels of inequality dating back to colonial times where wealth became heavily concentrated in the upper classes. In Brazil the problem of squatting or *favelas* increased after the development of new industries as most of the rural residents migrated to the urban areas to search for employment. The first the *favelas* appeared in the late 19th century and were built by soldiers who had nowhere to live. Poor citizens were pushed away from the city and forced to live in the far suburbs (Hewitt, 1999: 29).

Brazil's economic development especially since the 1970s, including its resulting socio-spatial structure, has often been criticised as a process of "social apartheid". This

process has been visibly marked by intense socio-spatial segregation, and over several decades an enormous segment of Brazilian society – the vast majority, – had only access to urban land and housing through a wide range of informal processes. However, informal development is not new in Brazil, nor is the formulation of public policies aimed at the regularisation of consolidated informal settlements (Fernandes, 2011).

 The word *favela* is commonly associated with slums, shantytowns, squatter communities and/or the ghetto. Each of these words carries negative connotations. Thus, the word 'slum' implies squalor and 'shantytown' is a form precarious housing. The idea of squatter communities hints at illegality and ghetto presupposes violence. None of these definitions do justice to the richness of *favela* culture or acknowledge the historical place of the *favela* in Brazilian history. In the early '40s *favelas* were seen mainly as a social problem hindering urban planning of the 'Marvellous City.' Most of the population of Rio de Janeiro at the time lived in the *favelas* and that the majority were 'trabalhadores,' or workers, this somewhat tempered the negative image of the *favela* (Perlman, 2010).

The development of Rio's *favelas* is linked to the end of the slavery, in the late 19th century. Landless and unemployed, many of the freed slaves moved to Rio de Janeiro, at that time Brazil's capital. The large number of families seeking housing and employment led to the informal occupation of areas that had little value, were difficult to access, and lacked urban infrastructure. With the Proclamation of the Republic in 1889, Rio's administrators and the elite wanted to erase all traces of its colonial past. Unsanitary tenement housing inhabited by former slaves was demolished in Pereira Passos' reform. Having no other options for housing, the homeless were forced to build their own homes. They began to move to the central hills (Perlman, 2010).

The growth of *favelas* in wealthier neighborhoods seemed the only possible solution for the poor who needed to live near their workplace. At a time when only precarious trains and trams reached the poorer outskirts of the city, the rich did not want to wait for hours

for their employees to arrive at work. Their hillside living was also a convenient solution for the elite. By 1930, the first subdivisions in the West Zone offered housing options for the low-income population. In 1937, construction of new favelas and improvements to already existing *favelas* were prohibited. The law remained in force until the 1970s. Many *favelas* were removed during this period. Some residents were moved to housing developments with poor infrastructure, far from the city's business areas. This constant displacement and disregard for the city's needy population encouraged citizens to organize themselves in associations to demand their rights (Perlman, 2010).

Despite the decades of policy interventions by local, state and governments the exclusion of a billion urban poor people from full citizenship rights in the cities deprived them of better housing and land. High level of inequality is associated with the epidemic of violence that is constraining the conviviality and trust needed to keep the social contract intact. A large number of people lack suitable areas in which to build their homes and lack access to urban water and sanitation.

Favelas and their people did not get land titles and their populations continued to grow faster than the rest of the city, and the stigma against them. Through their history *favelas* have been rejected by the "formal" city and have continually been threatened with destruction (Perlman 2010, p. 26). Under Brazil's military dictatorship, which lasted from 1964 to 1985, a federal agency (CHISAM) was created to administer slum clearance by removing over 100 *favelas,* destroying more than 100,000 dwellings and leave half a million of poor people without their homes. The eradications were systematic and relentless targeting where land values were the highest and the families were relocated to one room barracks (Perlman 2010, p. 271). Although 100,000 inner city dwellings were removed by this process (Perlman 2010, p. 271), today *favelas* are more a part of Rio's urban fabric than ever.

In Brazil today, most invasions occur on private property, since publicly owned land is scarce, and new legislation has made it a punishable crime to occupy government land. Sometimes invasion of private land is actually promoted by landowners, particularly in cases where profit can be made; some invaded areas have low real estate value, so receipt of due compensation for what could be characterized as a taking may be

advantageous to property owners who could not realize any profit if they were to place their property in the market. As for public land, invasion might not only be encouraged but also consummated by politicians attempting to expand their constituencies, particularly during election campaigns (Valladares, 1978).

With the political opening in the end of the 1970's and the transition to democracy in the mid-1980's, state policies towards the informal settlements were revised again. As they had proved incapable of solving the housing deficit in the city, the removal policies were put to an end and the public debate shifted to concentrating on the necessity of integrating the *favelas* in the city (Oliveira 2012: 47).

The legal framework of the new urban order was enshrined in the 1988 Constitution, which recognized the social right to housing and the right to regularization of consolidated informal settlements. The election of Leonel Brizola as governor of the state of Rio on a platform that supported building relationships with *favelas* and the Residents' Associations (*Associações de Moradores* or AMs) was also central. Recognizing the large potential voting base the *favelas* represented, Brizola initiated mayor urban upgrading programs in the *favelas.* These included *Proface* (1983-1985), which sought to bring basic sanitation, lighting and garbage collection to the *favelas, Cada Família um Lote*, a property regularization program distributing land titles, *Mutirão*, a project that used work force from local community in construction work, and finally the *Favela-Bairro* project, launched by the municipality in 1993, that proposed to upgrade all of the city's favelas (Oliveira 2012: 47-49). Brazil has produced legislation to expedite the process of providing long term tenure to the poor community in order to allow faster upgrading (Huchzermeyer, 2004).

3.3   Informal settlements in South Africa: The origins up to present

In this section, I will focus on historical developments in the twentieth century, as this is the era when specific Acts were passed which formalized racial discrimination, or apartheid, with respect to the land and the mushrooming of the informal settlements. Segregation became an important feature of informal settlements in South Africa during

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the apartheid era. Black people were evicted from properties that were in areas designated as "white only" and forced to move into segregated townships. Despite the colonial era, Huchzermeyer (2008) suggests that informal settlements are key performance indicators of a country and myriad government departments with respect to their ability to control poverty. The settlements are often created due to socioeconomic pressures and the result of the struggle to live under these pressures. It is therefore important to realize that informal settlements are not necessarily the root cause of poverty and depression, but a result of these and of opportunities centered more in urban areas.

As can be seen in the above example, informal settlements are not unique to South Africa though the circumstances leading to their formation can be seen as site-specific. In the mid-1900s, the minority white population, led by the National Party, instigated Hendrik F. Verwoerd's segregation technique called apartheid. Segregation had always been an understood social dynamic but now it was law. Under apartheid, the Afrikaner elite passed as many laws and amendments as possible to instigate total racial and ethnic segregation, confounded in part by a desire to exploit people as laborers. Apartheid was more than just segregation; it was using terms of ethnicity to separate equality and distribute inequality. For example, the Bantu Education Act of 1953 was linked to employment inequality through education. Under this act, funding and authority were removed from the missions and provincial authorities that had been providing an education resource for Africans (Frankental and Sichone 123-124).

 In spite of the defeat of the Afrikaners and their initial exclusion from some privileges after the Anglo-Boer/South African war of 1902, the Afrikaners, nonetheless, gained from Lord Milner's post-1902 reconstruction dispensation as the agreement was reached with the British to reject the principle of equality between whites and blacks. Thus according to scholars such as Ndlovu-Gatsheni (2012) and Odendaal (1984) the agreement to reject the principle of equality between blacks and whites was concretised through the Report of the South African Native Affairs Commission (SANAC) that was chaired by Sir Godfrey Lagden which inaugurated the policy of segregation of white and blacks in South Africa. This means that what was envisioned in the 'new South African brotherhood' (Bozzoli 1981: 135) of Afrikaners and the British was a 'South

African, white version, of a bourgeois state' (Bozzoli 1978: 13) where blacks had to be excluded from the white nation. In other words, even though Afrikaners were defeated by the British in the Anglo-Boer/South African war of 1902, they had to be incorporated into the imperial hegemony.

With the economic, cultural and political ascendancy of the white Afrikaans speaking people incorporated into the white imperial hegemony, the plight of black people as subordinates further deteriorated. Thus, it was the white Afrikaner nationalists who 'called for more rigid political and social frontiers diving white and black races leading to the invention of natives as a homogenous identity' (Ndlovu-Gatsheni 2012: 416) hence it was no coincidence that by 1948, apartheid was officially instituted. During apartheid, there were restrictions of franchise for Africans, spatial racialization of cities and rural areas with blacks confined to separate townships and homelands, extraction of cheap labour from black communities and segregation of blacks in employment, education, health and other daily human activities (Cohen 1986). This overt imagination of South Africanism in terms of the white race being the only rightful citizens of the nation with blacks excluded is something that Africanization process is attempting to rectify. Thus, as Ndlovu-Gatsheni (2012: 417) puts it, 'African imaginations of a South African nation were born within the context of resisting imperial, colonial and apartheid exclusivist imaginations'. This is a process that began as early as when identities began to be conceived in racial terms within the cartographic space that later became known as South Africa.

Under apartheid, segregation was mandated by law. Blacks could not live in "white" areas but had to live in townships or in impoverished rural areas know as Bantustans. Very little housing was built for Africans by the apartheid regime. As a result when the ANC led government came to power there was only 1 formal brick house for every 43 Africans compared to one for every 3.5 whites. The urban backlog alone was estimated as at least 1.3 million units in 1994. To meet population growth, 130,000 houses have to be built every year. By 1993 only about 50,000 houses were built. Between 7.5 and 10 million people lived in informal housing such as shanties in squatter camps and back

yards of Black township houses. In the 1980s, as part of the struggle against apartheid, township residents organized rent and services payment boycotts (Knight, 2001).

Deep-seated social and economic inequalities persist in post-apartheid South Africa (Bracking, 2003). The legacy of Apartheid endures, as poverty, unemployment and homelessness remains high, despite significant progress made since the end of apartheid in meeting basic needs (Knight, 2006:19).

The South African history of unequal land distribution and resettlement policies also contributed greatly to the current problems facing government in terms of urban housing. One of the characteristics of apartheid was control over the urbanisation process through pass laws and racially defined urban planning (Huchzermeyer, 2003:601). In addition, the gap between rich and poor is enormous in South Africa, and in general it is still a very unequal relationship in for example land ownership. This equality is much based in the Natives Land Act from 1913, which restricted African landownership to 7% in designated areas. This number was later increased to 13%, but the land was of poor quality and unable to sustain the needs of a growing African population (Clark & Worger 2004).

From 1994, the democratic government has been faced with massive challenges around urban housing. This is taking place in the face of an increasing national population and significant in- migration from rural areas. South Africa's population was approximately 42.8 million in 1995 with an estimated annual growth rate of 2.27 per cent. There were approximately 8.3 million households in South Africa with an average household of 4.97 persons. Given the population growth rate, the national department of housing projected that 200,000 new households would be built per year between 1995 and 2000. There were 3.4 million formal housing and 1.5 million informal housing units in the early 1990s (Department of Housing 1994: 27).

The Government of South Africa is still struggling to redress the imbalances of the past, particularly in the areas of health, education, housing and other social issues (Kautzky

and Tollman, 2008). Service delivery has been one of the biggest challenges of the government. Since 2009, poor access to services has led to public demonstrations and strikes, which continue to compromise the socioeconomic developments made in the past decade. Despite many achievements in redressing the inequalities of the past – notably the transformation of informal housing the government still faces many challenges and struggles to ensure adequate access to services for all. South Africa is characterised of poor quality programmes of addressing inequities between races and place of informal residence.

The unequal distribution of land led to the unequal distribution of resources amongst the inhabitants of South Africa. Apartheid policies pushed millions of black South Africans into overcrowded and impoverished reserves, homelands and townships. As a result of the above and other related apartheid legislation, there existed landlessness, poverty, illiteracy, unemployment and insecurity of tenure amongst the country's majority population, namely the black people. By the 1990s the land ownership patterns in South Africa were racially skewed with 87 per cent of the land owned by white people and the remaining 13 per cent of land being occupied and utilized by black people. In addition white farmers owned the commercially arable land (Kariuki &Van der Walt; 2000).

 Inequality in urban areas was exacerbated in post-apartheid by increasing proliferation of informal settlements (Mohamed, 2006:36). Christopher (2005:2306) argues that various aspects, of the transition from apartheid to democracy in South Africa and the resulting policies, contributed to an urban environment where newcomers resorted to informal settlement. He further argues that the transitional phase from 1991 to 1994, under National Party control, lacked clear policy direction for the reintegration of excluded citizens as attention focused on peaceful and orderly political transfer. Subsequently, the removal of restrictive legislation did not result in residential reintegration in post-apartheid South African cities. Urban spatial segregation continued to mark post-apartheid development, and the 'legacy of segregation' persisted as the poor mainly "African arrivals typically settled, in the areas historically reserved for

Africans" (Goebel, 2007:3). This resulted in 'squatter camps' without proper water or sanitation emerging around the major industrial centers (Clark & Worger 2004).

Africans were also increasingly moved to ethnically defined 'homelands' or 'Bantustans', and as a result these became overcrowded and poverty-ridden areas, and in general economic disasters (Clark & Worger 2004). Another 5.2 percent of households stayed in hostels and 13.5 percent stayed in squatter housing. The total housing backlog in 1995 was approximately 1.5 million units. A further 720,000 serviced sites were in need of improvement (Pottie 2003: 124; Rust and Rubenstein 1996: ix). The new government sought immediately to downplay the possibilities of tackling these housing backlogs noting, that "while high expectation exist, it should be recognized that fundamental changes to government bureaucracies are a slow process and conditions on the ground will show little change in the short term" (Department of Housing 1994: 1).

When the democratic transition in South Africa was initiated in the early 1990s by the National Party (NP) after a shift of leadership there was an influx of rural people to white towns and cities in search of jobs which resulted in further development of informal settlements and squatting (Crankshaw and Hart, 1990: 66; Manona et al, 1996: 4). Thus, when the African National Congress (ANC) Party came to power, the extent of the housing problem was estimated as a backlog of 1.5 million urban units, plus an additional requirement of 178,000 new units a year to provide for new family formation (Department of Housing, 1994: 11). At the time, housing for the blacks consisted mainly of relatively limited township housing stock, while low and decreasing rates of formal and informal housing delivery17 saw massive increases in the number of households seeking accommodation in informal settlements, backyard shacks and overcrowded formal township houses which further contributed to the increase in poverty (Tomlinson, 2006:63; Huchzermeyer, 2002: 85).

The post-1994 ANC government aimed to address and redress the inherited gross inequalities of apartheid, socially, economically and spatially. Not only was inequality expressed through race which largely coincided with class but also through the

geographic configuration of the country, as a result of the system of homelands: 'independent' territorial and administrative units (ANC, 1994). And yet South Africa is in a far worse state than at any point since 1994. The protests are a symptom of the deep malaise that has taken hold of South Africa and its failure is the yawning gap between rich and the poor. Yet, the inhabitants of informal settlements still live in some of the poorest living conditions in South Africa.

Housing is proving to be a major problem for the new government. Not only is there an acute shortage of available land for sustainable living but for housing as well. There has been a dramatic increase in the rate of migration of people from the rural areas to the cities in search of jobs and better living conditions. The result thereof is acute shortages of housing where people have resorted to the erection of informal settlements (ANC, 1994).

The housing challenge has been exacerbated by mushrooming informal settlements and squatter camps in urban South Africa (Saff 1993: 235–255). The vast majority of informal settlement residents live in abject poverty. In 1994, about 1.06 million households consisting of 7.7 million people lived in such settlements (Department of Housing 1994: 9). Despite the extensive government-subsidized housing delivery since 1994, informal settlements have become pervasive at a shocking rate (Huchzermeyer 2008: 41).

Close to half of South Africa's 44 million people live in urban centres. A quarter of those in the major urban centres live in informal settlements. Despite considerable government efforts to transform urban environments and deal with developmental challenges such as education and health, many people continue to live in poverty and suffer a lack of access to basic services. This has been aggravated by unemployment at 50% or more within many of the largest urban informal settlements. In 2007, Stats South Africa estimated that there were approximately 1.2 million households (9.7% of South Africa's estimated 12.5 million households) residing within informal settlements (Misselhorn 2008: 14).

3.4   Rural Urban migration

South Africa is characterized by migration patterns inherited from colonial times (including migrant labour in mining) juxtaposed with contemporary forms of migration associated with the opening of the borders after 1994, urbanization, and economic development that induced an increase in formal and informal migration. The factors that enabled this cross-border migration also encouraged internal migration from poor rural areas towards urban centres where new migrants often concentrate in peri-urban informal settlements (Williams et al., 2002; Landau and Segatti, 2009; Vearey, 2009).

The problem of inequality in South Africa has resulted in mass movement of people from rural to urban areas in searching/seeking better livelihood opportunities. According to Gcabashe (1995:36), this took place during the discoveries of diamond in Kimberly 1886. That development created an ever-increasing appetite for cheap labour to work for these mines and industries around mines. Most of the land was owned by white people; therefore African people were residing in white-owned places as squatters.

In South Africa, women represent 42.7 per cent of the total cross-border migration (UN DESA, 2010). They are predominantly concentrated in cross-border trade, domestic work and informal sector activity, are usually younger than men (Crush et al, 2010c), and often hold irregular status, hence they are more exposed to adverse conditions. Children as young as seven migrate alone from neighbouring countries because they need to find work after the death of their parents, they lack money, or they are in search of education (Landau and Segatti, 2009).

Finally, migrant populations, both internal and cross-border, are largely concentrated in urban and peri-urban areas. The latest census conducted in 2011 reveals that Gauteng's population grew by 31 per cent and the Western Cape's (whose main city is Cape Town) by 29 per cent between 2001 and 2011. Gauteng has had the biggest influx of people at more than 1 million since 2001. This increase is largely due to the

migration of South Africans from neighbouring poor provinces (such as the Eastern Cape and Limpopo, bordering the Western Cape and Gauteng, respectively) to economic hubs.

Migration is fundamentally linked to changes in the socioeconomic status of individuals and households (Guest 2006; White 2009). It is usually seen as a livelihood strategy (Lucas 1997; Quisumbing and McNiven 2007; Stark and Bloom 1985), however not all immigrants are successful and the links to socioeconomic status in securing household units depend on whether or not the migrant becomes employed (Aliber 2003; White 2009). Similarly, Harris & Todaro (1970) postulate that migration is determined by the individual's expectation of earning a higher income in the urban area. Therefore, people in the rural area migrate mainly because of economic gain to areas with higher income levels and better work opportunities.

According to Vearey, (2009) cross-border migrants are mainly concentrated in certain neighborhoods in the inner city, while internal South African migrants mainly converge in peri-urban informal settlements. The nature of migration within South Africa derives from a history of racial discriminatory policies during the nation's apartheid era. The migration patterns during this period were not merely an incidental outcome of disparate government policy. Rather, control over the spatial distribution of individuals was a key component in the apartheid government's strategy to maintain state power (Robinson, 1997). The policies utilised by the apartheid government were a form of territoriality, defined by Sack (1983) as "the attempt by an individual or group to influence, affect, or control objects, people and relationships by delimiting and asserting control over a geographic area" (Sack, 1983: pp. 56).

According to (Abram's, 1964; Turner, 1977) informal settlements are not simply a result of massive rural-to-urban migration or the perception that urban areas offer a better quality of life, let alone the allure of the bright lights of the city. Informal settlements are products of national and regional inequalities due to the changing economic nature of nations and the lack of appropriate policies to mitigate the effects of change.

Migration pattern did not change after apartheid. This is simply because:

> *The need for illegal occupation of land and informal dwelling arrangements stems from a deep marginalization and exclusion from formal access to land and development. Informality has made possible the survival of a large percentage of the urban population, enabling a range of precarious livelihoods. The way informality does this is not compatible with formal processes. (Huchzermeyer & Karam, 2006: 4).*

Of the estimated 2.4 million households in South Africa (16% of the total population) residing in informal settlements nationally (Leibbrandt, Poswell, Naidoo, & Welch, 2006; SACN, 2006) just over 1 million households are located in the nine major cities of South Africa (Del Mistro & Hensher, 2009). Huchzermeyer further explains that "the officially unplanned, illegal occupation of urban and peri-urban land for residential purposes is an ongoing phenomenon of South African towns and cities" (Huchzermeyer, 2004: 3).

The City of Johannesburg estimates that one quarter of the city's residents reside informally within and on the edge of urban areas (City of Johannesburg, 2008).

> *The lack of acceptance of urbanization has had the most severe impact on the urban poor. Too often poor urban residents, particularly the most recent waves of rural-urban migrants, are treated as a temporary presence on the urban landscape. There is a reluctance to regularize informal patterns of settlement, provide infrastructure and services, or provide alternatives to the ever-present threat of forced eviction."* (Garau, Sclar, & Carolini, 2005: 14).

The livelihoods of the poor are determined by the context in which they are located, and the opportunities and constraints that this context provides. The context (economic, environmental, social, political) determines the assets that individuals are able to access, how they use them, and therefore their (in)ability to obtain a secure livelihood (Meikle, 2002).Urban livelihoods are particularly distinct as a result of the specific complexities presented within a complex urban context (Meikle, 2002). High levels of unemployment aggravate the inequalities experienced within the city, and the number of those without access to a secure livelihood continues to grow (Beall, Crankshaw, &

Parnell, 2002). Although migrants may typically struggle to access a secure, formal urban livelihood, it is important to recognize that informal livelihood opportunities in urban areas exceed employment opportunities in rural areas in South Africa (Cornwell & Inder, and 2004).

Chapter Four: *Policy Review: Analysis of Colonial South African Housing Policies and programs*

4.1   An overview

This chapter begins by reviewing the housing policy during the colonial era on black housing provision in South Africa. This chapter will provide a brief history of apartheid policies, as well as outlining the effects it had on the population black community. It will also explore the housing policies and programs inherited in the post-apartheid era and the eradication of the informal settlements in 2014.

4.2   The Native land Act 27 of 1913

During the colonial period South Africa was divided into four colonies (the Cape colony, Natal, Transvaal and the Orange Free State). This colonial period served as the basis in early urban developments, the emergence of segregated locations and the introduction of legislative measures to control urbanization and housing (Morris, 1981: 6-11). In 1910, the Union government was established with several policies to control the movement of blacks, especially in white urban areas. Since 1910 various mechanisms have been proposed to tackle this issue. Most significantly from the literature was the drafting of a policy on segregation in towns. This South African model in public housing has thus come to be distinguished by its emphasis in strengthening housing development as a solution to the housing problems of the country. It was also repeated that the segregation policy has been developed at a national and provincial level of government (Morris, 1981).

According to (Davenpot & Saunder 2000:19) there was a shortage of land for both white and black farmers from 1870 onwards because of the succession problem that took place under Roman Dutch law. This resulted in squatting, share-cropping and labor tenancy. Although such practices were common in rural areas they caused concern because they threatened commercial farming by overburdening the soil and blocking

the supply of the labour. With the growth of markets and the flow of money into the region, land values had begun to rise. A new generation of white entrepreneur landowners had come into being who wished to exclude the competition of the smallholder or accept only white squatters. The independent black peasants should rather be drawn into the labour force. It was this attitude with which the parliament of South Africa tackled the land problem and carried the Native Land Act 27 of 1913 (Davenpot &Saunders, 2000:191).

The Native Land Act also known as the Black Land Act, was passed in 1913. This preserves cheap labor but created more difficulties for the black community. It is stated that over 80% of land went to white people who made up to less than 20% of population. According to this Act, Black people could live outside the reserves only if they could prove that they had been employed by white people (fotheringham &Harry, 1999:14; Native Land Act 27 of 1913).

This principle of segregation influenced policymaking with regard to African land tenure and marked a significant change in the history of African land holdings as they were not allowed to have title deeds. Africans thus stayed on the union reserved which were not producing enough food to feed people living on them and which were being over grazed resulting in increasing soil erosion. This condition led to the movement of some Africans from the reserves to squat in other areas, which were owned by whites. The prevention of illegal squatting Act was promulgated in 1951 as a mechanism to enable the South African Government to remove squatters from white owned land. This Act provided the basis for the establishment of resettlement camps and towns in the Bantu homelands (Davenport & Hunt; 1974:34).

The Native Land Act 27 of 1913 restricted land ownership for Africans as well as the capacity to build homes farm and live normal lives. Many Africans continue to live in rural areas reserved for whites as tenants and laborers on white farm but also on their own land. Form 1960, the government stepped up forced removals moving the Black people, but the attempt was to shift all Africans into "Bantustans". However, the

shortage of land posed a problem and made possible the growth of informal settlements and unsatisfactory location conditions (Hellmann 1949: 242). The state decided to take over land owned by Black people (Beinart, 1994:14) However, Cameron and Spies (1991:234-235) conclude that the Native Land Act of 1913 came into being to provoke the most profound black reaction and made the black South African not only slaves but also homeless and a pariah in the land of his birth.

4.3   The Urban areas Act of 1923

The Urban Areas Act or Housing Act no (35 of 1920) was introduced. This Act was to control the housing developments of local authorities and was viewed as a purely administrative organization, which would supervise the lending government funds (Hellmann, 1949:16). Under this Act local authorities could borrow money from administrator of the province to construct approved dwellings. For many years according to Hellman (1949), the power given by the Act with regard to Black and colored housing were little used.

During that period little attempt were made by the Municipality to deal with the housing for urban Blacks. There was for instance no separate department for black affairs, all matters being handled by an official, the superintendent of locations who reported to the Parks and Estates Committee (Morris, 1981: 17 and Buell, 1928: 2). It stated that the Council had recognized its responsibility for the housing of better paid Europeans and its own Native and Indian employees. Nothing had been done for the sections of the native population most in need of better conditions. In 1927 a new location to accommodate 5 000 natives was nearing completion in Cape Town and it was intended to abolished the existing location. It was stated that even when the new one was completed there would still be thousands of natives living in the back street of the city (Lavis, 1927).

National government took over the control of local government adopted a strategy to increase control over black urban areas (Morris, 1981:144). Peterson (1975:49) argues

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that the Act was a plan by Nationalists to carry their own plan of complete separation of the races step further. When the Natives resettlement Act of 1954 provided the mechanism required to remove Blacks from inner Black areas, while the legislation and its modification enabled the government to control virtually all aspects of Black group areas in an era when blacks could not own land in freehold tenure outside homelands further confused the issue (Christopher, 1994:105). He further alludes that apartheid was thus conceived as a spatial policy, with markedly geographical consequences.

The prevention of illegal squatting Act of 1951 was made illegal. Individuals started erecting accommodation out of wood or iron. This affected a number of Blacks in terms of security and formal accommodation because of limited financial resources (Smith, 1982: 32-33). In May 1971 restrictions on the provision of family housing in a white areas were further strengthened according to the official planners, it was feasible to transport workers daily than to let them build houses in white areas (Morris, 1981:76). By the late 1970s it was estimated that the backlog of housing in white South African was approximately 141 000 family housing units and 126 000 hostel during this period, the housing need in the homeland areas was estimated to 170 000 units (Lind, 2003:75).

The elimination of slums, control of crime, and control of disease such as influenza and the segregation of blacks from white people in response to the hazards posed to white communities all played a part in the decision to set aside separate areas for Africans. According to Davenport and Saunders (2000: 645), there is not much evidence that Africans themselves wanted locations, or relished the prospect of living on wrong side of quarantine barriers – hence the decision of many of those living in Johannesburg, who were required to move to locations when their suburbs were cleared after the 1930 amendment, moved instead to backyards in suburbs not yet cleared.

 According to Mabin and Smith (1997: 209) the underdevelopment of black settlements of which substandard housing was a factor became intolerable and led to the Soweto revolt of 1976. Shortage of houses and poor service delivery also played a role in the

Soweto revolt of 16 June 1976 (Spiegel et al, 1999:48). The right to housing and to settle in areas of choice formed a basis for political demands (Maharaj1996: 64).

The Urban Areas Act of 1923 further enforced severe influx control over black migration by prohibiting natives from buying or renting land outside the reserves ("20th century south" 2000). Any lands inhabited by Africans outside of the reserves were labeled as "black spots" and individuals were forcibly removed from these areas under the Slums Clearance Act of 1934 (Johnson 2012, p219; "20th century south", 2000).

In 1997, the Community Council Act of 1977 which replaced the urban Bantu Council was introduced (Bekker &Humphries, 1985:39, Christopher, 1994:55). However, the Community Council never gained any legitimacy in the Black urban areas. It was therefore, replaced by the Black Local Authorities Act of 1982 which installed local government structures similar to those representing the white population. According to Lind (2003:76), this initiative never solved the lack of legitimacy and material resources for providing sufficient services to the urban black population.

According to Dewar and Ellis (1979:1) there were tremendous housing backlogs and the need for housing was increasing daily. In the same year, a system of 99 year leasehold of housing was introduced which allowed urban dwellers to own houses but not the land where white were residing (Smith, 1982:94). This reaffirmed the (National Party) policy that Backs would not be receive land ownership rights in white areas and that these new leasehold would not be granted to blacks (Morris, 1981:109). Therefore, the political rights and decision making structures of the black population in South Africa remained in the land of the Bantustan Administration and apartheid local government institution.

4.4   The Group Areas Act of 1950

Apartheid as a system was obsessed with separating the citizens of South Africa on a racial basis, which was discriminatory and suppressive especially towards the black

population. This Act enforced the segregation of the different races to specific areas within the urban locale. It also restricted ownership and the occupation of land to a specific statutory group. This meant that Blacks could not own or occupy land in White areas; they were forced to live in people's backyards, where they live overcrowded in corrugated iron shack structures. Running water was limited and sanitation was poor. While the law was supposed to apply in converse, it was essentially land under Black ownership that was appropriated by the Government for use by Whites only (Giliomee, 2003).

 The result of this Act was that the best, most developed areas were reserved for the white people, while the blacks, Indians, and coloureds were assigned to the more rural outskirts of the major metropoles. 84% of the available land was granted to the white people, who made up only 15% of the total population. The 16% remaining land was then occupied by 80% of the population. This led to overcrowding, diseases, shortage of food and funds and a host of other problems. The areas assigned to the black people were dubbed the Tribal Homelands. Once the areas were defined, anyone living in the "wrong" area was required to move, or else be forcibly removed. However, of the 3.5 million people who were required to leave the homes they had established for themselves, only 2% were white. And this group was moved to better areas than where they had been living (Johnson, 2012: 240).

 In 1952, the Native Laws Amendment Act was adopted to control the movement of the black population. During this Act, anyone living in the "wrong" area was required to move, or else be forcibly removed. The only exceptions made were for non-whites who worked within the white suburbs, such as domestic workers. These workers were often required to stay on the white boss' premises to avoid the daily commute and they were issued with special permission to allow for this. However, none of their family members were able to live with or even visit them. If they were found on the premises, they could be charged and imprisoned. The Group Areas Act also stipulated that non-whites were not allowed to own or run businesses within the white areas. This limited their growth and financial development considerably, as they were only allowed to work in their

townships and homelands. Even there, they could not usually afford major enterprises and would try to survive off small supply stores or basic services run from a shack (Morris, 1981). Even though whites were the minority, they had the most land and gave the majority far smaller areas to live in. When non-whites traveled to the 'white' areas they needed to carry a passbook containing details of their lives.

Additional segregation laws, including the Reservation of Separate Amenities Act (1953), which established segregated buses, post offices and other public facilities were passed. In 1959 the extension of University Education Act prevented black people from attending universities of their choice, further restricting opportunities to advance their careers and escape poverty (TRC Report vol.1, 61). Apartheid policy was felt in all areas. Everything within South Africa was divided, and the white minority was consistently given the best part:

> *All over South Africa, public buildings and amenities were divided and sometimes even duplicated according to race group, retaining the best for the white group. The wealth, the cities, the mines, parks and the beaches became part of white South Africa (TRC Report vol. 1, 61).*

In the mid-1950s there were amendments in system of local government within the urban areas that were introduced and that included the introduction of the Bantu Affairs Administration Act and the subsequent introduction of Administration Advisory Boards set up under the 1923 Natives Act in the early 1970s. The Administration Advisory Boards ended the role local authorities they had earlier in terms of housing provision for the black community (Christopher, 1994: 53). Furthermore, the prevention of illegal Squatting Act of 1951 made squatting illegal. Individuals erecting accommodation out of wood or iron, i.e. substandard structures conducted illegal acts according to this legislation.

By 1960 approximately 31 percent of the South African populations were urbanized; however in 1968 the government decided to establish limitations for the extension of townships in so called white South Africa (Gelderblom and Kok, 1994: 87). In May 1971 restrictions on the provision of family housing in the white areas were further

strengthened when the Deputy Minister of Bantu Administration stated that according to the official planners, it was feasible to transport workers daily than to let them build houses in white areas (Morris, 1981: 76). By the late 1970s, it was estimated that the backlog of housing in white South Africa was approximately 141 000 family housing units and 126 000 hostel beds and during this time period, the housing need in the homeland areas was estimated to stand at 170 000 units (Lind, 2003: 75).

4.5   The promotion of self-government Act

The Community Council Act of 1977, which replaced the Urban Bantu Councils, was introduced (Bekker and Humphries, 1985: 39; Christopher, 1994: 55). However, many of the functions outlined in the Act, which are extensions to those provided in the earlier Act, include the power to appoint staff were subject to the approval of the Minister and could be withdrawn at any time.

By 1978 it was still conceded that there was a tremendous housing backlog and the need for housing was increasing daily (Dewar and Ellis, 1979: 1). In the same year, a system of 99-year leasehold of housings was introduced which allowed black urban dwellers to own houses but not the land where they were residing (Smith, 1982: 94). This was done to make blacks less wary of acknowledging their links with the homelands by assuring them of their urban rights. It also reaffirmed the National Party policy that blacks would not receive land ownership rights in White areas and that these new leasehold would not be granted to blacks in the Western Cape, which was to remain a Coloured Preference area, (Morris, 1981: 109).

4.6   The South African policies in post- apartheid

4.6.1   Housing White Paper of 1994

During the apartheid era, a human settlement was used as a tool for segregation. Black South Africans were moved out to live in the rural areas and in homelands with

inadequate services and the apartheid policies affected social capital in South Africa in 1994. Post-apartheid South Africa was officially ushered in by the first all-race elections held in the country from 26 to 29 April 1994, which permitted the convening of the first democratically elected Parliament on 5 May 1994, followed by the appointment of the new President of the Republic (Nelson Mandela) and the transitional Government of National Unity on 10 May 1994. According to Andrea Cortemiglis (2006), the ANC government came into power and number of policies and programs were introduced to address the exacerbatiion of informal settlements and squatter camps in urban South Africa (Saff 1993:235-255).

South Africa's government housing development policy stems from Section 26 of the Constitution of the Republic of South Africa. Post-1994, the new South African government had the challenge of realizing the right to adequate housing, as well as addresses the devastatingly poor living conditions related to basic services delivery (water, sanitation, electricity). Housing Act (RSA, 1997) has underlined the importance of viable sustainable settlement and provision of rights of squatters as per constitutional Section 26. The mandate, through such legislation as the prevention of and illegal eviction from unlawful occupation of land Act of 1988 (RSA, 1988) prior to the introduction of the Breaking New Ground (BNG) Policy, ensured that the housing program was dominated by producing housing in quantity:

- BNG was introduced to fast track housing delivery by introducing more effective and responsive housing programs. The new policy focused on the quality of housing products and the development of sustainable human settlements by introducing a variety of alternative and innovative housing programs.
- The key objective of the policy was to eradicate informal settlements by 2014. South Africa is also a signatory of the United Nations Millennium Development Goals which targets slum free cities by 2014 (DHSPR,2012).

Moreover, Housing policy is regarded as the primary mechanism for addressing the phenomenon of informal settlements because the assumption is that informal settlements emerge as a result of a lack of housing. Thus, current policy directs attention to different levels of government to design housing strategies and integrated

development plans to meet the goals of integrated, healthier, safe and more vibrant urban areas (Todes, Pillay &Kronje:2003).

Despite all these policies, Informal dwellers are experiencing insecurity of tenure which results to eviction. The Upgrading of Informal Settlement Programme drives it immediate policy context from the Breaking New Ground policy document of 2004. However, in order to proceed on a discussion of the BNG, it is important to highlight briefly on the 1994 White Paper on Housing, which lays out the basic principles upon which the BNG as well as other housing policies are built upon.

The post-apartheid South African state managed to lift apartheid restrictions which resulted in the promulgation of new urban policy. Legislation such as the White Paper of 1994, Constitution of 1996, Housing Act of 1997, Breaking New Ground of 2004 and others which were enacted to redress apartheid inequalities.

The White Paper on housing, adopted by the African National Congress (ANC) government after the 1994 democratic elections, was the first post–apartheid housing policy. It sought to:

create viable, integrated settlements where households could access opportunities, infrastructure and services, within which all South African people will have access on a progressive basis, to: (a) a permanent residential structure with secure tenure, ensuring privacy and providing adequate protection against the elements; (b) portable water, sanitary facilities including waste disposal and domestic electricity supply (Cited in Tissington, 2010, 33).

The White Paper again stipulates that:

Despite the constraints in the environment and the limitations on the fiscus, every effort will be made in order to realize this vision for all South Africans whilst recognizing the need for general economic growth and employment as well as the efforts and contributions of individuals themselves and the providers of housing credit, as prerequisites for the realization thereof (White Paper 1994).

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One of the main goals of the 1994 White Paper was to secure an upward adjustment in the national housing budget to five percent, in order to realize a sustained increase in housing delivery to reach a target of 338,000 units per year. This was to enable the government achieve its stated target of one million houses in five years (White Paper on Housing 1994, 19). The aim of the White Paper on Housing was to create viable integrated settlements where households could access opportunities, infrastructure and services, within which all South Africa's people will have access on a progressive basis:

- A permanent residential structure with secure tenure, ensuring privacy and providing adequate protection against the elements; and
- Potable water, adequate sanitary facilities including waste disposal and domestic electricity supply (National Department of Housing 1994: section 4.3).

Therefore the White Paper covers aspects such as infrastructure, housing finance, housing delivery strategies and necessary institutional arrangements for housing provision.

It is in this context that perceptions and expectations of adequate housing need to be re-assessed to ensure that sustainable housing solutions are not constrained by 'predefined of what people want or need with regard to housing types or tenure options' (McLean, 2006: 55- 19). Furthermore, the promulgation of a new housing strategy in the White Paper on a New Housing Policy and Strategy for South Africa of 1994, the *Housing Act* 107 of 1997 and subsequently, the *Gauteng Housing Act* 6 of 1998 has been a policy framework developed to facilitate public housing provision. *Housing Act* 107 of 1997 and the *Gauteng Housing Act* 6 of 1998 should be regarded as the appropriate policy. Other policy guidelines are provided in the White Paper on a New Housing Policy and Strategy for South Africa of 1994 and Breaking New Ground of 2004 are examples of government policy.

4.6.2 Constitution of 1996

The 1996 Constitution of South Africa contains clear and justiciable provisions under Article 26, which guarantee the right of the individual to adequate housing. Article 26

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(1) states that, "everyone has the right to adequate housing" and Section (2) of the same Article enjoins the State to "take reasonable legislative and other measures, within its available resources to achieve the progressive realisation of this right." It further adds in Section (3) that "no one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions."

Section 41 (1) (b) stipulates that, all organs of state should endeavor to "secure the well-being of the people of the Republic" and to "provide effective, transparent, accountable and coherent government for the Republic as a whole" (Section 41 (1) (c)). Furthermore, Section 41(2) (a) and (b) also charge the various spheres of government to foster mutual partnerships and harmonious working relationships among themselves in the discharge of their functions. The Act puts down general principles for housing delivery. The Act is the cornerstone policy to facilitate and provide for sustainable housing development procedures. It recognizes housing as (a) a sufficient shelter to fulfill the basic need, (b) a product and a process, (c) product of endeavor and an enterprise, (c) an integrated developmental planning, (d) a significant sector of economy, and (e) key to socio-economic well-being of the nation (RSA, 1997).

Section 2 (iii) of the Act advocates for the development, establishment and maintenance of communally and economically viable communities of safe and 'healthy living conditions to ensure the elimination and prevention of informal settlements' and their conditions (RSA, 1997: 6). It also hopes to advance conditions in which every citizen can meet obligations with regard to housing development. Sustainable housing development can be achieved by only promoting the effective functioning of the housing market to ensure equal access for all to the housing market.

General principles of the Constitution Act (i) (ii) define the administration of any matter relating to housing development should be based on 'respect, protect, promote and fulfill the rights in the Bill of Rights in Chapter 2 of the Constitution' and 'observe and

adhere to the principles of co-operative government and intergovernmental relations referred to in section 41(I) of the Constitution' (RSA, 1997:8).

Budlender (2003) remarks that the South African Constitution has failed to oblige to the four elements identified by international conventions: to respect, protect, fulfill and promote right to housing by the urban poor. In relation to this, Huchzermeyer (2003c) states that low-income households in urban areas normally find it difficult to access the courts to fight for what they believe as their democratic right to a decent home in the city.

According to (Tissington 2011: 59) the White Paper on Housing demonstrates the ways in which the government's entire programmatic approach to the housing problem is designed to harness and organize the joint resources, efforts and initiatives of communities, the state, and the private and commercial sectors.

4.6.3   The Housing Act of 1997(Act No.107 of 1997)

The Housing Act of 1997 together with the revised Housing Code of 2009 was enacted to give effect to Article 26 (1) of the Constitution. The Act provides for a sustainable process of housing development by laying down the general principles that should govern such processes in all the spheres of government. It also spells out among others, the functions, and relationship between the various tiers of government and the individuals and communities with regards to housing development (Tissington, 2011).

The Housing Act under section (2) further stipulates the relevant provisions which oblige municipalities to ensure a non-discriminatory, pro-poor, racially integrated, and participatory process of upgrading of informal settlements based on the principles of good governance. Section 2 (1) states that national, provincial and local spheres of government must:-
  • Give priority to the needs of the poor with respect to housing development;

- Consult meaningfully with individual and communities affected by housing development.

Section 2(1) further enjoins all the spheres of government to ensure that housing development:-

- Provides as wide a choice of housing and tenure options as is reasonably possible;
- Is economically, fiscally, socially and financially affordable and sustainable;
- Is based on integrated development and
- Is administered in a transparent, accountable and equitable manner, and upholds the practice of good governance.

According to the Housing Act and the National Housing Code, local government has a role to play alongside national and provincial governments to ensure the constitutional right to housing is realized.

4.6.4   Breaking New Ground on Sustainable Settlements

The Department of Housing promulgated a new housing policy, Breaking New Ground in 2004, with the aim to redress the problem of adequate housing (DOH, 2004a). BNG continued to underpin original policy objectives by stating that sustainable settlements should be safe, secure developments with reliable and affordable basic services, adequate housing, access to welfare, police, education and health services (DOH, 2004a:11-12). The BNG resulted in the creation of the Upgrading of Informal Settlement Programme (UISP). This also supports the realization of multifaceted and interconnected policy aims including tenure security, health and safety and empowerment within urban households (Tshikotshi, 2009). Further, BNG (2004) goals are created to integrate sustainable human settlements focusing on providing tenure options and creating economic opportunities for the urban poor by using the house as a catalyst and an asset to eradicate poverty, promote social inclusion, empowerment and merging of the first and the second economies.

However, since 2004 when the BNG was introduced, South Africa has been experiencing protest in informal settlements around the country. These protests are a response to ineffective government, failed policies, corruption, dysfunctional and inequitable land market (Huchzermeyer, 2004).This is the comprehensive plan for housing delivery of sustainable settlements (2004) which was put in a place in order to scale up housing in terms of the quality and location through a variety of housing programs and projects as indicated by SHF (2010:7). The aim of the BNG was to augment the delivery rate of well-located housing of suitable quality through various innovative, demand-driven housing programs and projects (Tissington, 2011). The policy sought to achieve the following specific objectives:

- Accelerate the delivery of housing as a key strategy for poverty alleviation;
- Utilize the provision of housing as a major job creation strategy;
- Leverage growth in the economy;
- Combat crime, promote social cohesion and improving quality of life for the poor;
- Support the functioning of the entire single residential property market to reduce duality within the sector by breaking the barrier between the first economy residential property boom and the second economy slump;
- Utilize housing as a tool for the development of sustainable human settlements, in support of urban restructuring. (DOH 2004, p. 7).

The above objectives reflect a revolutionary approach to the challenge of slums, in the sense that, for the first time, the slums problem was conceptualized not merely as a housing problem but as the product of an underlying socio-economic predicament that needed to be addressed. Hence, the policy saw housing as a catalyst to achieve broader socio-economic goals, including economic growth, job creation, poverty alleviation, and social cohesion. Despite the new policies there has been no concerted state effort to deal comprehensively with supporting informal settlements in the post-apartheid period (Marx; 2003).

BNG also establishes the means to achieve specified ends and provides instruments to be used in the process. These instruments, as mentioned before, include nine

programmatic responses, which are meant to enable the achievement of BNG's specific objectives. These responses are:

- Redefining institutional arrangements within government;
- Information, communication and awareness building;
- The restructuring of financial arrangements;
- Institutional support and capacity-building
- Shifting from housing to sustainable human settlements;
- The use of existing and new housing instruments;
- Support for the entire residential property market;
- The utilisation of housing as a job creation and poverty-alleviation strategy;
- Establishing monitoring and evaluation systems (DOH, 2004a:7-27).

The Department of Human Settlements (DHS) has disclosed that the BNG policy was the outcome of a comprehensive appraisal of previous national housing programs, after recognizing several unintended consequences. These notably included the "peripheral residential development, poor quality products and settlements, lack of community participation; corruption and maladministration; slowdown in housing delivery; underspent budgets; limited or decreasing public sector participation; the increasing housing backlog; and the continued growth of informal settlements" in the cities (DHS, 2008, cited in Tissington, 2011).

According to McLean (2006), even after the adoption of the BNG since 2004 the poor are still being located on the urban outskirts. Instead of the above objectives informal settlements remain eyesore in the urban cities in South Africa. As Goebel (2007) has correctly captured, BNG faces the challenges of apartheid legacies and relentless inequalities.

Parnell &Hart (1991) argue that the phenomenon of informal settlements is not new and details on how they were viewed and dealt with particularly by the authorities date back to colonial times in South Africa. It becomes apparent that informal settlements and the associated forms of self-help housing have neither emerged by accident nor as an anomalous form of urban area. They continue to ask that if the South African state, and

indeed other state have been dealing with informal settlements since after the post-apartheid, why do such levels of human deprivation and inequality continue to exist?

According to the Department of Local Government and Housing (2005), housing programs did not offer choices in meeting all housing needs; for example, there were no plans for the managing of informal settlements. Although progress can be seen in the delivery of low-cost housing since 1994, South Africa has failed as statistics presented earlier show – to overcome the past race-based differences in housing provision as well as associated municipality service delivery failures (Rust 2008: 32).

There are number of internal and external global and local challenges that have contributed to the governments' national and provincial failure to eradicate the housing backlog by 2014. According to the Socio-Economic Rights Institute of South Africa (SERI) the housing backlog has grown exponentially since 1994 and the National Department refers to the housing backlog as a moving target.

4.6.5   The statistics results of housing backlog since 1994

According to statistics South Africa (1996) estimated that1.5 million households lived in informal houses in the urban areas. In 2001 Census estimated a total housing backlog 2.4 million households; between 1994 and 2013 government has built 2.7 million houses estimated. A rapid verification study conducted by the HSRC in 2010 estimated the number of informal settlements and backyard shack at approximately 225000. The Census 2011 results reveal a provincial backlog of 606 616 (Mukorombindo: 2004).

4.7   The Three tiers of the government and the informal settlements Programmes

Since the newly elected democratic government in 1994, the improvement of living conditions and upgrading of informal settlements are regarded as a central importance in South African government. The South African government introduced a number of policies and programmes to address the backlog of the black population. In 2004,

Informal Settlements Upgrading programme as part of National Housing Policy which referred to 'Breaking New Ground' was aimed to focus on the A comprehensive Plan for the Development of Sustainable Human Settlements (Huchzermeyer, 2006: 41).

The new housing strategy *Breaking New Ground* unveiled by national Department of Housing in September 2004, indicates a new direction and includes a programme specifically for informal settlements upgrading (Department of Housing, 2004). The Upgrading of Informal Settlements Programme (UISP) was incorporated into policy (Chapter 13 of the National Housing Code) (2004). It was published with some small but important changes (e.g. emphasising in situ) as part of the Housing Code in 2007.

The Upgrading of Informal Settlements Programme (UISP) was incorporated into policy (Chapter 13 of the National Housing Code) (2004). It emphasis was based in situ as part of the Housing Code in 2007 which makes in situ upgrading of informal settlements possible with minimal disruption to residents' lives (Huchzermeyer, 2006). Moreover, In situ upgrading of informal settlements should be promoted as a core component of government housing strategy based on the focus of provision of security of tenure and create more living space.

The Upgrading of Informal Settlements Programme (UISP) offers grants to accredited municipalities to undertake sustainable housing development projects aimed at improving the conditions of slum communities. The main idea of the programme is to facilitate a phased in situ upgrading of informal settlements as against the relocation of slum dwellers to greenfield not the brownfields development. By this, the programme seeks to achieve three interrelated objectives: tenure security, health, and safety and finally, to empower the inhabitants of slum communities through participatory processes (Housing Code Part 3, 2009).

Although there has been a history of informal settlement upgrading, this has not been adequately put in practice and translated into positively changed delivery on the ground. Instead of using the flexibility and space that this policy allows to find innovative

solutions that translate into action on the ground, many Municipalities have utilized UISP and BNG funding to fast-track subsidies for conventional projects (Misselhorn, 2008).

Part 3 of the Housing Code (2009) states that the programme to upgrade informal settlements promotes security of tenure as the foundation for the future individual and public investment. The Housing Code Part 3 (2009) also set the objectives of the UISP as follows:

- Facilitate structured in situ upgrading of informal settlements as opposed to relocation.
- Recognize and formalize the tenure rights of residents within Informal Settlements.
- Address social and economic exclusion by focusing on community empowerment and the promotion of social and economic integration. Build social capital through participative processes and address broader social needs of communities.

Despite all the objectives identified above, the Upgrading of Informal Settlements Policy has not been adequately put in practice and translated into changed delivery on the ground. Instead, formal residents are being evicted on daily bases.

The National Upgrading Support Programme (NUSP) (2009) is a joint project of the National Department of Housing (NDoH) and the Cities Alliance which was set to strengthen informal upgrades.

Furthermore, the National housing Code (DHS 2009) further strengthens the profile of Informal Settlements upgrading on "one of the government's prime development initiatives and that upgrading projects should be dealt with on a priority basis" (DHS2009:25). The National Housing Code set out the main objectives of the UISP as follows:

- Facilitate structured in situ upgrading of Informal Settlements as opposed to relocation.
- Recognised and formalise the tenure rights of residents within Informal Settlements.

- Provide affordable and sustainable basic Municipal engineering, infrastructure that allows for scaling up in the future.

- Address social and economic exclusion by focusing on community empowerment and the promotion of social and economic integration, build social capital through participative processes and address broader social needs of communities (DHS 2009:29).

However, South Africa has almost the same number of people living in informal settlements as it did in 1994. This is in spite of the fact that the government has provided nearly three million houses, according to Trevor Manuel (Minister in Presidency, July, 2013). It is estimated about 1.6 million households live in the informal settlements in South Africa despite the ANC government's efforts to tackle the problem with the promise of free housing for all who cannot afford it, He continues to state that the number of people on the so called RDP waiting list has grown soaring past 2.3 million by Census 2011. The reconstruction and Development Programme is the South African government's plan for upgrading the poorest settlements in the country and improving people's quality of life.

However, South Africa has prompted the interpretation of Millennium Development Goals (MDG) obligation to achieve Informal cities. The 2005/09 Minister of Housing Lindiwe Sisulu articulated the obligation as follows:

In line with our commitment to achieving the MDG we joint the rest of the developing world and reiterate our commitment to progressively eradicate Informal Settlements in the ten year period in 2014" (Sisulu, 2005). Furthermore, she stated that "as a government, we have articulated our concern over Informal Settlements. These are growing at an alarming rate and this government has indicated its intention to moving toward a shack-free society. The difference now is that we are not dealing with intent, we will now be operational. There will be visible results within the timeframe we set ourselves (Sisulu, 2004).

However, in the same address, the Minister referred to "*our war against shacks*" in 2005, the Member of Executive Committee (MEC) committed to achieve shack-free cities by 2010 in the time of FIFA World Cup (SAFM, 2005) and Johannesburg vowed to

eradicate Informal Settlements by 2008 (City of Johannesburg, 2005). However, in her term of office, legislation was to increase state power for eviction, tightening the criminalisation of land invasion and mandating security measures in the prevention of new Informal Settlements formation all used during apartheid but repeated by legislation in the first decade of democracy in South Africa. One may argue that South Africa ought to have been singled out as a norm breaker in its use of "cities without slum" norm to legitimise repressive anti-slum measures. However, UN-Habitat has long endorsed South Africa's commitment to Informal Settlements eradication (Tebbal, 2005; UN-Habitat, 2006).

Moreover, the predecessor of the current Human Settlements, the then Housing Minister Tokyo Sexwale announced that the recent concession to upgrade a select list of settlements in- situ goes hand in hand with a continued intention to repressively tighten the state measures to prevent land invasion by desperately poor households (Steenkamp, 2010). Therefore, the Informal Settlements redevelopment paradigm that is openly implied in these visions contradicts the approach of Informal Settlements upgrading. In turn, it undermines the actual improvement of Informal Settlements dwellers' lives through reduction of rights as in the South African legislative changes, demolition of urban living spaces, and displacement of poor from cities and budgetary commitment that bear no relation to the scale and reality of urban deprivation

Giovannini (2008:25) suggest, as a "disappointing departure from how they were conceived and framed in the 2000 Millennium Report". Because the UN experiences pressure from its member states to translate its initiative that may have "radical ethical mandate into achievable a measurable goals in order to satisfy member states." Eagerness for practical results, this departure may be due to a political compromise among members states (Ibid: 225). In addition, Haferburg (2011) states that the hosting of FIFA world cup helped motivate state expenditure for a urban competitiveness drive, funding for highways world class stadium precincts and speed-train and did not follow right procedures that may other MDG's followed from 1995.

Government collects revenue (income) from taxes and uses this money to provide services and infrastructure that improves the lives of all the people in the country, particularly the poor. The Constitution of South Africa sets the rules for how government works. There are three tiers of government in South Africa, which are National Government, Provincial Government and Local Government. The human settlements redevelopment programme initiated in 1999, aims to improve the quality of urban poor and imbalances the backlogs inherited from the apartheid government (RSA, 1996a).

4.7.1   National government

The national government is the first tier and is driven by the constitution. The different spheres of government are encouraged to work in a coordinated manner to tackle the development needs in a local area. This department is meant to not only assist the other two tiers of government but also to link the top tier of government to the lower tiers. It is generally responsible for policy making, regulation and oversight (RSA; 1994).

- Assist and enhance capacity of provincial and local government to meet targeted objectives.
- Formulate national housing policy, including national norms and standards for implementation on national housing programs. The most important function at national level is design of the housing subsidy scheme coupled with the allocation of finance and resources.
- Develop national norms and standards which are incorporated into the national housing code.
- Continuous evaluation of performance related to the delivery targets and funding allocations.
- Determine nationwide delivery targets through a multiyear strategic plan with appropriate funds allocated from the South African housing fund.

4.7.2 Provincial government

Provincial government has a critical role to play in ensuring effective and sustained housing delivery at scale. It is envisaged that the following housing functions will be executed at a provincial level:

- Devising provincial policy within the framework of National Housing policy. The policy must enable the development of adequate housing in the province.
- Promotion of provincial legislation that promotes effective housing delivery.
- Preparation and maintenance of a multiyear strategic provincial housing plan. This plan will be in line with housing delivery targets determined by the province. These programs must be carried out in line with national housing policy.
- Providing a supporting function to municipalities and to intervene where municipalities cannot perform their duties as defined by the Act (RSA; 1994).

4.7.3 Local government

Local government is bound by the Constitution to provide services for people in its area of jurisdiction in a sustainable and equitable manner (DWAF, 2001). According to department of local government and housing, 2009, members of executive council (MEC) for local government and housing state that human settlement houses provide shelter to communities as well as various economic and social opportunities to improve their quality of life. Moreover, municipalities have become the lead agencies in implementing Informal Settlements upgrading programmes that work with community groups. In addition section 152 and 153 of the constitution describes the objectives and duties of Local government as being to:

- Promote social and economic development
- Promote safe and healthy environment to all
- Participate in National and Provincial development programmes.
  However, people are experiencing poor realization of upgrading, extreme levels of social exclusion, poverty and discrimination.

According to the Housing Act and the National Housing Code, local government has a role to play alongside national and provincial governments to ensure the constitutional right to housing is realized. According to the Housing Act of 1997: all municipalities as part of their function promote integrated development planning must utilize the framework of National, Provincial housing legislation to ensure that:

- The local residents of its area of governance have access to adequate housing opportunities.
- The health and safety of residents are adhered to.
- Infrastructure services in respect of water, sanitation, electricity, roads, storm water drainage and transport are provided in viable manner (RSA, 1994).

However, the local government transition has been the slowest of the sphere of government. At a local government level, the response is typically reactionary. The language used to describe people living in the informal settlements serves further to marginalized them. They have been commonly termed "squatters" categorized as outside the system (Heinemann; 2003:302).

Moreover, democratic local government is assumed, largely as an act of faith in many instances, to be a prerequisite of national democracy. Strong local government, it is commonly argued, improves service delivery, restrain the excesses of national governments and the anti-democratic tendencies of centralized power and its spatial proximity compared to national and regional government- affords citizens and communities more opportunities to engage official and politicians (McCarney ;1996).

Chapter Five: *The Experience of Mshenguville Informal Settlement*

5. 1   Outline

This chapter presents the case study of Mshenguville Informal settlement to examine the experience of living in the informal settlements in South Africa. It seeks to understand the experience of staying in the informal settlements and the challenges residents are faced with at Mshenguville Informal Settlements.

5.2   History of Mshenguville

Mshenguville is an informal settlement located in Atteridgeville about 20 kilometres west of Pretoria Tshwane district. It was established in 1988 when the state land which was previous owned by the South African Defence Force was invaded by homeless people. It is stated that the land now belongs to Tshwane Municipality. Most of the residents are retrenched mine workers and farm workers, some of the residents were removed from Marabastad during the operational clean up by the Tshwane municipality. Others had been staying in back rooms in Atteridgeville and needed a piece of land on which to settle. The first occupants of land were about 3100 families and today the Mshenguville settlement is estimated to house approximately 40 to 80 000 families. The residents have no security of tenure. The settlement attracted many homeless people from far. The residential plots are small, ranging in size between 100 m2 and 400 m2. Most of the shacks are composed of plastic, wood, cardboard, and corrugated iron.

Mshenguville is compromises mainly of black African, there are also people from various neighbouring countries Mozambique, Somalia, Zimbabwe and Pakistan, the creation of which was initiated during the apartheid era, although extensive growth occurred during post-apartheid era according to scholar such as Huchzemeyer (2006). It is a dense, unplanned and impoverished settlement located on the top hill of the mountain, and housing is constructed by occupants themselves. Acute poverty is related to day–to-day survival. Despite the long walk to freedom, housing condition sat

Mshenguville since the democratic era is not improving, the situation is worse; this has caused a number of violent protests which are associated with housing, roads and sanitation (Sowetan, 12 July 2013). According to ANC, (1994) the new government housing programme under the Reconstruction and Development Programme policy was adopted, and implementation around the country commenced in 1997. Under this programme, improved social services and settlements structures in other areas were improved. However, Mshenguville Informal Settlements is still enduring the hardship of inadequate housing and basic social services.

During a field visit, it was observed that Mshenguville residents lack access to basic services such as proper houses and land, sanitation, water, electricity waste removal services, road infrastructure wide spread of poverty and unemployment. This settlement is overcrowded and exposed to a number of hazards.

5.2.1   Infrastructure at Mshenguville Informal Settlement

According to the Department of Local Government and Housing (2009), members of executive council (MEC) for local government and housing state that human settlement houses provide shelter to communities as well as various economic and social opportunities to improve their quality of life. However, infrastructure upgrading has become a serious issue in the local and provincial government. Mshenguville informal settlement has very poor road construction, the streets are narrow and this makes it difficult to access transport such as taxis, ambulance in that area especially during rainy season. There are no street lights hence there is high rate of crime and is not safe walking at night in the dark. There are poles set up for electricity but residents are able to access illegal electricity connections.

With regard to water, there is no running water pipe, instead there are water tanks which are strategically placed on the street, but the municipality does not often fill water in those tanks. A water lorry delivers water three times a week to strategically placed tanks and people pushed wheelbarrows with plastic containers to collect their supply of

water from the tanks. Sometimes the water is not enough for the whole community, and people end up buying 20 litre of water for R20 rand.

Regarding to Sanitation, few plastic toilets are being used and strategically placed in the settlements by the municipality but are poorly maintained. It is estimated that about 10 families share one toilet and the municipality hardly service them. When the waste is uncollected residents suffer from the unpleasant smell which contributes to the spread of diseases. There is no allocated space for sports ground because even the plot sizes are too small.

Regarding solid waste, the vulnerable residents are faced with an intractable condition, which is one where there is inadequate garbage and waste collection because collection did not take place on daily basis, due to lack of proper service, residents are forced to dump household waste in the open space and between the houses exposing themselves to diseases such as cholera. However, the municipality is bound by Municipal System Act to deliver waste collection service.

Irregular and lack of sustainable jobs are a cause of concern at Mshenguville Informal Settlement. Unemployment conditions have resulted in worsening poverty and hardship for the Mshenguville residents. Conditions are desperate among Youth and old in the settlement: drugs and prostitution are prevalent. According to the *City Press* February (2012), two-hectare dagga plantation was found at Mshenguville Informal Settlement, west of Pretoria with an estimated street value of R5 million. Severe poverty and high level of unemployment persist as a continuing legacy of apartheid. Presently, it is estimated that approximately 80% of residents are unemployed. This has also led to high rates of crime, drug addicts, HIV/AIDS and unwanted pregnancies.

It is stated that only few residents are employed and mostly irregular jobs and their incomes range is approximately R1500- R3000. They also rely on social grants and state pensions. Despite the level of high economic growth, the level of unemployment is high; millions of black people still live in shack with no houses and little access to

service delivery. The education level of those with education is very low; some they have standard 10 and others have standard five.

5.2.2 Economic Activities

The residents at Mshenguville are largely engaged in informal trading as a major economic activity. There are many Informal businesses at Mshenguville which are the extensions of their own houses. There are people selling cooked food, vegetables and fruits on the street; other businesses are spaza shops, taverns and hair salon. Most of the spaza shops are owned by the foreigners. The residents view informal trading as an important issue to support their families. Few of residents are employed mostly in irregular jobs while others are unemployed. There are no shopping centres or an industrial area within the settlements. There are no agricultural holdings even though the area is characterised by several small farms.

5.2.3 Land and housing

It has been revealed that land is available in South Africa yet that land is mostly affordable to the elites while the urban poor are frequently forced to look for shelter elsewhere, possibly in informal settlements cited by V. Tshikotshi (2009). The land where Mshenguville is situated belongs to the Tshwane Municipality. It is noted that in South Africa, where this study was conducted, the local municipal council are bound by the Act No 108 Section 152 of 1996 to promote safe and healthy environment. Further, the BNG (2004) goals are created to integrate sustainable human settlements focusing on providing tenure options and creating of economic opportunities for the urban poor by using the house as a catalyst and an asset to eradicate poverty, promote social inclusion, empowerment and merging of the first and the second economies.

However, there are no proper houses or RDP houses at Mshenguville, even the security of tenure which may results to eviction by the landlord. Even though the land policy

programmes and legislations were introduced the implementation of this land reform indicates to be ineffective.

5.3   Research findings

5.3.1   Introduction

The chapter presents the findings of this study. In this study interviews, observations were conducted with the aim of achieving the objectives of research project within Mshenguville Informal Settlements. During interviews, the researcher was not permitted to record their conversation; as a result, the researcher took notes for the data. The data obtained from these interviews was analysed by the researcher. The findings and the profile of the participants are discussed below.

5.3.2   The findings

During the interviews the researcher observed that most of the residents are mostly South Africans and few foreigners. Their shelters are overcrowded and composed of plastic, wood, cardboard, and corrugated iron. The houses are closely attached to each other with little or no space between them. The findings revealed that some residents are staying at Mshenguville Informal Settlements because they are unemployed and others have no place to stay. Most of these people are coming from underdeveloped areas in searching for employment in developed areas. On their arrival, they find no places where they can stay and end up staying in Informal Settlements. The other reason that others live at Mshenguville is that they don't have their own shelter and land as South Africans.

The researcher observed that the population of Mshenguville Informal settlement is growing more rapidly in such a way that some shacks are on the top hill of the mountain. Land tenure at Mshenguville is a major problem by the fact that the land belongs to Tshwane municipality and it is secured for other purposes not for housing.

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This means that there is no hope for the residents of Mshenguville in having access to suitable land and better houses.

It is explained that post-1994, the first democratically elected government of South Africa developed a programme of social service change to help it achieve the priorities it had set itself; and that would take place in the process of transforming objectives practices. The South African government decided to address social issues as quality, access and redress. The researcher also observed that Mshenguville lacks proper basic services such as sanitation, water, electricity and that residents are exposed to dumped waste which posed health risks. It has been revealed that even though Tshwane municipality is entitled to deliver these services to Mshenguville Informal Settlements. However, the services are not supplied on consistent basis. Under such circumstances, the community gets these services from an alternative source, which is dangerous and unhealthy for their lives.

With regard to housing, the findings reveal that poverty and employment play an important role in the development of Informal Settlement. The researcher observed that almost 80% of the people live below the poverty line at Mshenguville Informal Settlement.

5.3.3 The profile of the participants

Three different groups of participants were interviewed for this study, as mentioned in chapter one. The first group constitutes the participants of Mshenguville Informal Settlement. The second group comprises of ward councilor of Mshenguville. Lastly the third group comprised of government officials who implement the human settlement programmes.

The interviews with participant 1

Interview was conducted in their respective homes. Participant 1, a male, is an elected community leader. He is 47 years old, and he originally stems from rural area at Denilton Kwa-Mhlanga. He decided to move to Pretoria in search of employment

because where he comes from is rural and there is high level of unemployment. He stayed in Atteridgeville and rented a backyard; however, things did not work out the way he had planned. He could not afford rent and he decided to squat at Mshenguville Informal Settlement while seeking for employment. He had resided at Mshenguville for period of 21 years.

During the interview, participants expressed sadness about staying in the informal settlement, and also about how the government keeps on promising houses yet nothing is happening. Provincial and local administration officials are at the center of land tenure management in the Informal Settlements; they control access and delivery of land shelter. He concludes by saying *"land and houses allocation is not equally distributed or managed due to the corruption within the government, poor people will remain poor and rich will remain rich in this new democratic government"* . According to the community leader "the people of Mshenguville have lived for 21 years without proper housing, electricity water and employment and are very frustrated.

 Interview with participant 2

The participant is 58 years old; she's been staying at Mshenguville for 28 years. She originally stem from Polokwane. She was working as a domestic worker and it was far from her original place. She was renting a backroom at Atterdgeville until she decided to relocate to her own place at Mshenguville, with the hope that the government will build them better houses. She expressed that the municipality is not promising anything about building houses or moving us to a better place. She explained that when the government does not deliver people begin to feel that they are left out:"as frustrated community we are vulnerable and it is unfair to expect them to be pleased to share the little space we have with foreigners under these circumstances."

She concluded by saying "this attacks are intended to draw government's attention. However, the government's response to the attacks made us look like fools nobody ever say anything about our problems and promises government always makes we have become victims of the vote

Interview with participant 3

The participant is 28 years old; she has been staying at Mshenguville Informal Settlement for 12 years. She is running a Salon business attached to her shack. She raises the concern that the government has not done much to change the situation. "We do not have our own toilets; we do not have enough water and we are isolated from livelihood opportunities and social service because we are poor". The government is building flats which are for employed people while we are unemployed, she continue to say that "I don't understand why is it difficult for the government to give us land not RDP house, always the government says there is no land when is it going to have land."

Interview with participant 4

According to the Mshenguville Informal Settlement Ward councillor *"the residents at Mshenguville is one of those settlements growing on a daily basis, it has become very difficult to manage, politically and developmentally"*, she says. Looking at the statistic results of Informal Settlements during 1996 comparing the current problem of shacks at Mshanguville things are getting worse since the new democratic era.

The councillor emphasised that the challenge of Informal Settlement at Mshenguville is a serious problem because the resident have occupied municipal land. In addition, the councillor voiced out that upgrading Informal Settlement had not been tried on any substantial scale, and that no progress has been done up to this present because the residents occupied the land illegally. She concluded by saying " I wish I can take the law into my hand to solve this problem, otherwise Informal Settlements will continue to mushroom until the government provide residential plot to poor people".

Interview with participant 5

The last participant is a government official; the Director of Housing Settlements at Tshwane municipality. He's been working there for 10 years. The government official made it clear that formalising Informal Settlements was essential to alleviating poverty in the Informal Settlements; He said "I must admit that the Housing Settlement is moving slower than expected. However, we will remain focus and equal to task working

together with our people in ensuring that the mandate of eradication of Informal Settlement is fulfilled. It may not be 2014, while many have succeeded in getting proper houses; others are still waiting for far too long for us as government. He continued to say "we have taken into account the importance of National, Provincial including Local government in ensuring better houses for all.

Chapter Six: *Conclusion and Recommendation*

Post-apartheid South Africa has witnessed a number of court judgments with regard to housing rights, and that no one may be evicted or houses destroyed. However, the urban poor households faced increased inequalities, insecure tenure, and other disadvantages. The Department of Housing which indicated to develop a policy for in-situ upgrade and provide people with a permanent solution to their housing problem, or give people long term rights to invaded land' (DoH,2004: 4). Housing policies and programmes are part and parcel of upgrading Informal Settlements. Despite all these promises, where black people reside they are surrounded by informal settlements, and poverty is more prevalent even though we are living in the post-apartheid era.

Upgrading policies has failed people in the informal settlements, in terms of not providing affordable and adequate housing. Further, the housing policy has also failed to create long-term sustainability in the delivery of low-cost housing.This is the situation in post-apartheid South Africa since 1994. Though the repressive laws and apartheid are over, the apartheid policies and law still have an effect on life in South Africa today. Informal settlements—associated with their illegal structures and unauthorized occupation of land—remains the common features of South African major cities (Huchzermeyer, 2009).

 The planning process of the department of housing should, as a priority, involve dwellers of Informal Settlements in the development of efficient strategies. They need to have a say in this process about knowledge of the areas in question. Lessons learned from their challenges could be of use to the department. This is important in that they are the people most affected and they are expecting bigger houses.

The Department of Human Settlements also needs to ensure that such a programme is well communicated, even to other stakeholders, that there is visible commitment behind it, so that it is differentiated from others presented in the past. Local government needs to actively involve communities in the upgrading of Informal Settlements to become

active partners in improving the issue of land, houses and service delivery in the Informal Settlements.

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