



**Access to land and land ownership for residential and livelihood purposes in the historically disadvantaged areas in Mpumalanga province: A case study of informal settlement in Govan Mbeki Municipality.**

**By**

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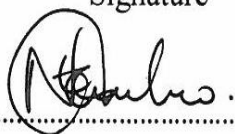
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I, Lindani Ernest Nxumalo declare that

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## ABSTRACT

It is certainly undeniable that the land question remains an emotive issue across the social and political spectrum in the national and local level of South African government. The legacy of Native Land Act of 1913 which gave effect to 'legal' dispossession of land from native black people and apartheid policies and laws left a remarkable fragmentation of spatial development in both rural and urban areas. In the post democratic South Africa, strides were and are still being made to address the social injustice and imbalances of the past policies through land reform programmes and other pieces of legislation. In contrast, a large number of poor black people are still confronted with challenges of access to land and ownership for residential and livelihood purposes in South Africa. In the past two decades South African municipalities have witnessed a mushrooming of informal settlements established through land invasions as a result of, among other things, ever rising population, poverty and immigration to urban areas.

The study was conducted in Mpumalanga province with a special case study of Govan Mbeki Municipality's informal settlements. The main objective of the study was to investigate the obstacles that impede the poor from accessing and owning the land within the municipal jurisdiction. This study adopted both qualitative and quantitative research designs. The exploratory method was used to gather the general insight on the subject. Key participants were identified through the use of convenience sampling which is a non-probability sampling technique. Interviews were conducted and questionnaires were distributed to the selected participants. Collected data was analysed using Statistic Package for Social Sciences (SPSS) which produced tabulations and graphs that made sense of the data and Content data analysis was employed which helped to establish themes from the data. These techniques assisted in understanding the challenges faced by the informal settlements in terms of the role of government with regard to redistribution of land for residential and livelihood purposes.

The findings of the study established that the growing population in Govan Mbeki Municipality led to a demand for land for residential. Accessing of residential land by the landless poor people was revealed as a major challenge which resulted in land invasions as means to acquire housing. The ownership of land by private entities such as Sasol and coal mines, were found to be one of the obstacles that impede the land redistribution programme in the municipal area. Most of the surface lands were found not to be compatible for settlements due to underground mining operations. Land is accessed through obtaining low cost housing and bidding for stands when they become available at the municipality. Given the fact that a number of them are poor, they found themselves excluded and the allocation of low cost houses move at a slow pace.

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## **TABLE OF ACCRONYMS**

ANC- African National Congress

ANCYL-African National Congress Youth League

COGTA- Cooperative Governance and Traditional Affairs

CBD- Central Business District

DRDLR-Department of Rural Development and Land Reform

DLA- Department of Land Affairs

EFF- Economic Freedom Fighters

ETLR- Evolutionary Theory of Land Rights

GMM- Govan Mbeki Municipality

GDP- Gross Domestic Product

SANCO- South African National Civil Organisation

SPSS –Statistic Program for Social Sciences

RDP –Reconstruction Development Programme

PAC – Pan African Congress

LPM –Landless People’s Movement

# CHAPTER ONE

## ORIENTATION OF THE STUDY

### 1.1 Background and Rationale of the study

The history of land dispossession through forceful removals and racially-skewed distribution of resources has left South Africa with a complex and painful legacy which continues to manifest itself through poverty, inequality and unemployment. In 1913, the Natives Land Act<sup>1</sup> was promulgated with a solemn aim of harshly and forcefully getting rid of African nationals from the arable land in some parts of the country which they had owned for centuries. Black people were not allowed to own large hectares of land. Henceforth the promulgated Act made concrete the then common and formally institutionalised the then common practice of blacks being removed from their land. Kahn (200:3) reveals that the “Act sought to provide 13 percent of the land to black people as reserves, from which labour for mines and urban work could be drawn. It also prevented black people from renting land independently or owning land on farms or anywhere outside the reserves.” Black people were allowed to stay on farms only as wage labourers or labour tenants. Over 100 years have passed since this human tragedy unfolded but still the scars and legacy linger on.

In the post-apartheid, following the inception of the democratic dispensation, strides were made by the ruling government to diminish the infamous landlessness plague as experienced by the historically disadvantaged groups. Several promises were made aimed at addressing land access inequalities by endowing rights of access to land and land ownership back to countrymen whose land were dispossessed by the white oppressive government after the enactment of the 1913 Natives Land Act. Programmes which sought to reverse the legacy of land dispossession to original owners were introduced. The Department of Rural Development

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<sup>1</sup> The Natives Land Act of 1913 refers to the colonial Act passed after the Union which was aimed at dispossessing blacks of their land.

and Land Reform<sup>2</sup> (DRDLR) in its *Land News Bulletin* (2014) stipulates that the first piece of legislation passed by the democratic government and signed into law by the late President Nelson Mandela, was the Restitution of Land Rights Act which he signed on 25 November 1994 to give effect to a right to restitution that was contained in the 1993 Interim Constitution.

These land reform programmes includes land restitution, land redistribution and land tenure. Hence a bulletin on tracking land reform in South Africa referred to as *Umhlaba Wethu*, a PLAAS project bulletin of 15 September 2012, provided a detailed synthesised expression that post 1994, about 82 million ha were white-owned agricultural land in South Africa (Kleinbooi 2012). Hence the African National Congress<sup>3</sup> (ANC) promised to redistribute 30% of this land (24.6 million ha) to the previously disadvantaged by 2014. When the last formal statistics were released by the DRDLR in at the end of 2009, it was revealed that the government had acquired only 6.7 million ha of that land, which almost equals to 26% of the 24.6 million ha target. Hence Kleinbooi indicate that post 2009, more land has been redistributed through land reform and land-restitution programmes, which brought the total to 7.95 million ha by May 2012. This statistical data confirms that the outcomes to the land distribution efforts have been inadequate.

After all the concerted effort aimed at redressing this emotive issue, the land question still remains an emotive issue. This is depicted by the ratios of land ownership where after 20 years of democracy the whites are still at the helm owning large swathes of land in South Africa while the black poor majority are still landless and at times without even a shelter. In Mpumalanga province in the Govan Mbeki Municipality there is currently an outcry that the local authorities acquire land and sell it to foreign investors/or private individuals and estate developers for profit gain. Hence the lack of access to land is presumed to have instigated the landless people of Govan Mbeki Municipality to resort into invading open spaces or unused

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<sup>2</sup> The Department of Rural Development and Land Reform (DRDLR) is the government department in South Africa that is charged with rural development, land reform and land administration.

<sup>3</sup> ANC refers to the current ruling party in this democratic era (from 1994) which is a liberation movement that fought against apartheid rule in South Africa

land in four townships of this municipality. It is believed that many of those who invaded land in these areas were responding to a call of land expropriation/land grabbing without compensation, as declared by the Economic Freedom Fighters (EFF), a political party which claims to be advancing pro poor policies with a radical transformation agenda of economic and land redistribution policies. There is some thinking that the rapid increase in population and industrialisation in the Govan Mbeki Municipal jurisdiction may also be a cause that prompted people to invade unused lands as a result of residential shortages. However, preliminary observation by the researcher in these townships reveals that not everyone invaded land due to landlessness and poverty. Amongst those who invaded are some who seek to generate income through renting the invaded spaces/or land to the desperately needy people.

The allegedly snail's pace in redistributing land and existing inequality in land redressing mechanisms, may also be a catalyst of land invasions particularly in this municipal jurisdiction. Furthermore, on 13 February 2015 the *Ridge Times* (community newspaper) reported a civic march led by the South African National Civic Organization (SANCO) to Govan Mbeki Municipality regional offices at Embalenhle Township. The angry residents/or protesters, according to the newspaper expressed their anger stating that they were sick and tired of maladministration, corruption and unfairness in land distribution by municipal officials and demanded the municipality to establish a community committee that would negotiate on the stand allocation and stop the unlawful allocation of stands. Such actions depicts how unsatisfied people are, especially those whose expectations haven't been met with regards to the land reform process in Govan Mbeki Municipality. After this march, many more open spaces were invaded in Embalenhle, Kinross, Emzinoni and Lebohang townships. This study therefore explored the constraints that impede the historically disadvantaged from accessing

land and the role of local government in equitably redistributing land for residential and livelihood purposes in the Govan Mbeki Municipality<sup>4</sup>.

## **1.2 Research questions and objectives**

The following are key research questions which guided this inquiry:

- i. What are the obstacles that impede the poor from accessing and owning land for residential and livelihood generation?
- ii. What is the role of the state in the regional redistribution of land for residential/settlement purposes?
- iii. Is lack of access to land the real cause of land invasions/ illegal occupation of land?
- iv. Does the frequently occurring of invasions in urban areas prohibit the local authorities from fairly distributing land and developing it for human settlement?

### **1.2.1 The broader issues within which this study was carried out:**

- i. Establishing the rights held by landless people particularly those residing in the informal settlements.
- ii. Finding out the potential impact that land ownership could possibly have on the livelihoods of the poor
- iii. Investigating the impact of the current land strategies in equitably and efficiently distributing land to landlessness.
- iv. Investigating the impact of the land market to the lives of the poor and landless residing in informal settlement in this municipal jurisdiction.

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<sup>4</sup> Govan Mbeki is a local municipality that falls under the Gert Sibande District in Mpumalanga province and is the study area of this to the study area in which this research was conducted.

### **1.3 Overview of Research Methodology**

Both qualitative and quantitative research methods were used in this research aimed at gaining the holistic insight of the said phenomenon. Babbie (2007) points out that “the most effective research design is the one that combines quantitative and qualitative methods, making statistical comparisons useful and so is gaining an in-depth understanding of the processes producing the observed results or preventing the expected result from appearing”. This study adopted the Govan Mbeki Municipality in Mpumalanga province as a case study because it well presents a visible scene where there is seemingly lack of access to land as it attested to by land invasions that are taking place there. The unit of analysis that was drawn are the individual households dwelling in the invaded informal settlements of Govan Mbeki Municipality that are located in four regions/ townships in the municipality.

This empirical study employed Convenience Sampling which is a form of Non-Probability Sampling technique. This is as a result of a large percentage of population earmarked for this exploratory study. The population is also scattered and unpredictable. Mathews and Ross (2010) roughly define sampling as the “selection of some cases from a large group of potential cases”. It changes time to time as land invasions and evictions occur on regular basis. The estimated numbers of households in the invaded or informal settlements per townships earmarked for this study<sup>5</sup> were as follows: eMbalenhle 500 households, eMzinoni 500, Afganistan 500, and Lebohang 600 households. The entire population was then equal to 2100 households. Since this was largely an exploratory study seeking to shed light to underlying constraints in the land redistribution process, twenty to thirty participants /households from each of the townships that was envisaged for this study. Hence thirty participants was selected from eMbalenhle, thirty eMzinoni, twenty Afganistan and twenty from Lebohang which makes a total of one hundred subjects which were studied. In addition, the total of three municipal

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<sup>5</sup> Statistics were provided by the Govan Mbeki Municipality officials of the Human Settlement department (May 2015).

officials, from Department of Human Settlement, one from each region was interviewed in this research. Land owners whose land has been affected by invasions were interviewed, i.e. the state (Department of Rural Development and Land Reform) and one farm owner in Lebohang, and one leadership member from the South African National Civil Organisation (SANCO) representing Govan Mbeki sub-region.

Data was collected through two data collection techniques which included administered questionnaires and semi-structured interviews. The first phase of data collection involved collection of data employing semi-structured interviews to allow for more probing from the local municipal officials who are knowledgeable of the land reform programs and who work in the land administration sections. The second phase involved the land owners whose land was affected and one official from Department of Rural Development and Land Reform located at Gert Sibande District<sup>6</sup> and one leader from SANCO. The last phase was undertaken using administered questionnaires to households, located within the invaded informal settlements in four townships.

Data was analyzed using two different tools, hence for quantitatively collected data, Statistical Package for Social Sciences (SPSS) was used to generate cross-tabulations and graphs. For data collected through qualitative methods, Content Analysis was employed to synthesize the contents emerging from the respondents' responses.

#### **1.4 Background information about the study area**

It is of great importance to provide the study area background information, essentially it is aimed in providing a crystal clear picture of where the research was conducted. This basically provided with a hope that it shall furnish the reader with an insight or better understanding of the area at which the study was based. Below (**Figure 1.1**) is the GMM map circled with a

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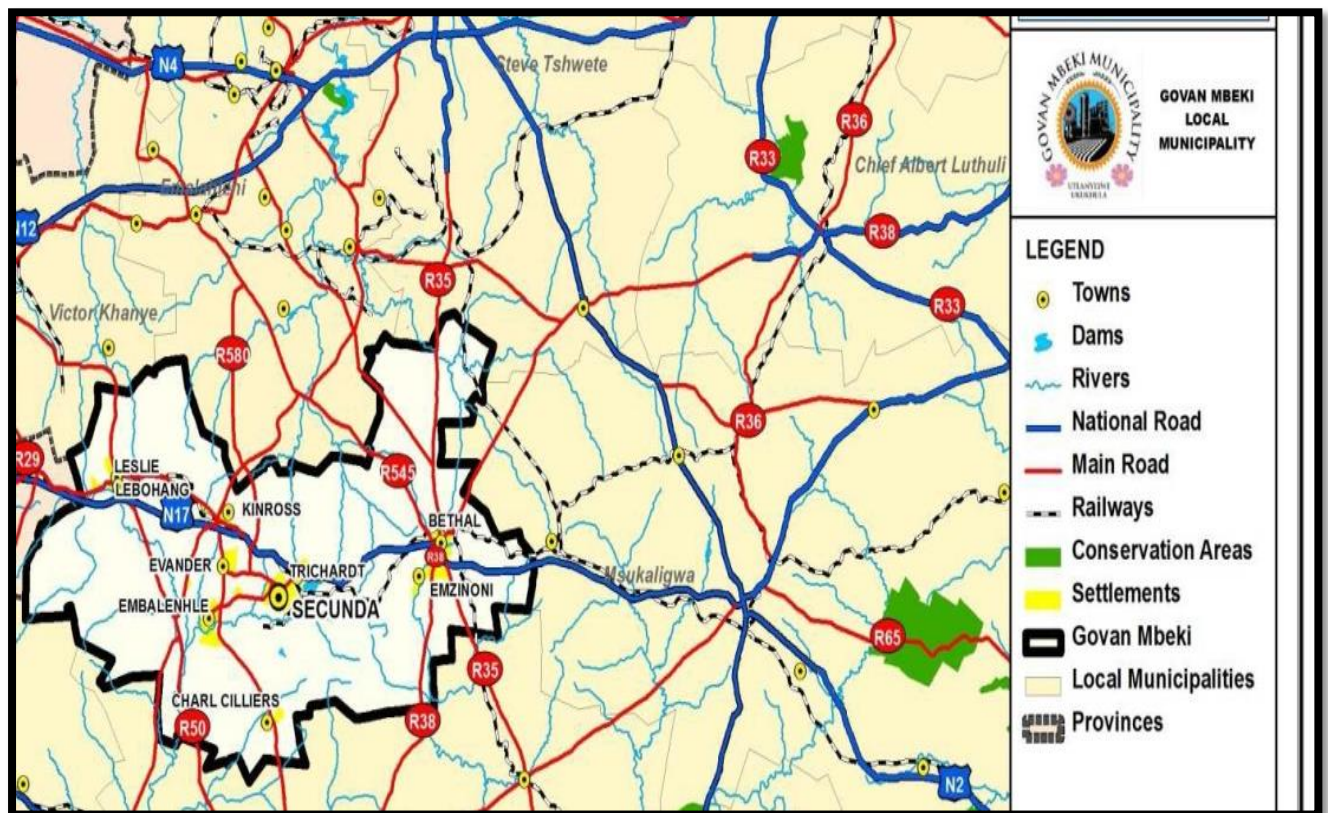
<sup>6</sup> The Gert Sibande District Municipality is the district under which the study area – the Govan Mbeki Local Municipality – falls.



black bold line. Under the map GMM is described in detail. The GMM land area is 2954.69 km<sup>2</sup>; whilst the population is: 294 538 (99.68 people per km<sup>2</sup>); and households: 83 874 (28.39 per km<sup>2</sup>). It must be noted that the population size and number of households are not fixed, they are dynamic in nature, and change from time to time.

**FIGURE 1.1** Locality Map of Govan Mbeki Municipality

Source<sup>7</sup>: Govan Mbeki Municipality: Spatial Development Section



Govan Mbeki Municipality is situated in the south-eastern part of Mpumalanga, abutting Gauteng in the south, approximately 150km east of Johannesburg and approximately 300km

<sup>7</sup> This map was supplied by the Planning and Development department, spatial development division. Govan Mbeki Municipality is shown within the black circled line. The yellow spots indicate the municipal townships with informal settlements where the research took place.



southeast of Nelspruit. Govan Mbeki is one of seven local municipalities under the jurisdiction of the Gert Sibande District Municipality. According to the GMM Integrated Development Plan (IDP) 2015/2016, the municipality covers an area of approximately 2958km<sup>2</sup> and has a population of approximately 295 000 people, most of whom reside in the various urban areas.

The area can be described as mostly agricultural/rural, with three urban conglomerations situated within it, namely Leandra ( Leslie, Lebohang, Eendracht) on the western edge, the Greater Secunda (Trichardt, Evander, Kinross and Secunda/eMbalenhle) conurbation in the central part and Bethal/eMzinoni on its eastern edge (IDP 2015/2016).

Before 1995 all the above mentioned towns were separate local authorities.

In 1995 Secunda, Trichardt, eMbalenhle, Evander, Kinross and Charl Cilliers consolidated to become the Highveld Ridge TLC while Bethal/eMzinoni and Leandra/Lebohang remained separate TLC's. During the final phase of local government rationalisation and transformation in South Africa in 2000 the TLC's of Highveld Ridge, Leandra and Bethal amalgamated to become the Govan Mbeki Local Municipality (IDP 2015/2016).

### **1.5 Economic background of Govan Mbeki municipal jurisdiction**

As far as its regional context is concerned, Govan Mbeki is situated on the Gauteng/Richards Bay Corridor formed by the National Road N17 and the Richards Bay rail line running through the area in an east-west direction. Govan Mbeki Municipality has the most diversified economy within the Gert Sibande District, dominated by the petrochemical industry (the SASOL II and III complexes) and coal and gold mining. Hence it has the largest underground coal mining complex in the world which makes it an important strategic area within the national context. Consequently it attracts a large number of people across the country and the world which increases a dense population on seasonal as well as yearly basis (Migration Policy 2015).

## **1.6 Structure of the dissertation**

Following this introductory and background chapter, chapter two deals with the literature review and conceptualisation of terms evolving around the access to land, land accessibility and distribution. It contemplates studies from international, and regional, further look in land access for residential purpose and land ownership for livelihood generation. It further critically engages the historical background of land question, expropriation/ dispossession of land from the indigenous people, the enactment of 1913 Native Land Act and the continual emergence of racial segregation, the establishment of townships and human settlement, the land reform issues in post-apartheid South Africa. Hence chapter three provides the research methodologies, research design/approach and data collection procedures followed in this research. Chapter four presents and analyzes the research findings from the data collected for the research with a show of graphs tables. Lastly chapter five focuses on drawing conclusions derived from the research findings and coming up with recommendations.

## **1.7 Conclusion**

This chapter has dealt with the rationale for conducting this research and gave a detailed background as to how the land question emanated with a special reference to South Africa's land history. It has also briefly contemplated the measures taken by the current ruling government since 1994 after the South Africa's democracy to present. It has covered the prime research questions for this study and the objectives which this research sought to achieve. Furthermore, this empirical study has dealt with the scientific methodological overview which this research followed in achieving the aims and objectives of this study. The structure to which the research aimed to adopt has been dealt with.

## **CHAPTER TWO**

### **LITERATURE REVIEW AND THEORETICAL FRAMEWORK**

#### **2.1 Introduction**

This chapter seeks to provide a detailed literature review on the recent, past studies regarding the access to land and land ownership for residential and livelihood purposes in the historically disadvantaged areas in Govan Mbeki municipality and present theoretical framework that is derived from this literature to guide the study. To make precise and efficient interventions, it is critically important to begin by understanding the historical evolution of the land question which culminates in the present land issues. Land problems emanate from back in the early 19<sup>th</sup> century as a result of the arrival of white<sup>8</sup> settlers in South Africa. A number of Acts/or legislations<sup>9</sup> were enacted to evict indigenous people from the land they owned and which they had inherited from their forefathers.

Upon the democratic dispensation, many strides have been made and are still being made to restore the land to the rightful owners. Through high expectations from the presumed poor blacks<sup>10</sup> who are still landless, a greater part of South Africa has witnessed a mushrooming of land invasions which point to the lack of access to land, a painful slow progress of land reform and recent political influences in civil society. After more than 20 years of democracy, South Africa is still battling to fight unbearable high poverty ratios, racial, land, class and wage inequalities and unemployment. It is arguable that the shacks largely known as ‘imikhukhu’ or ‘imijondolo’ in cities are a true reflection that a number of people are poor and landless.

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<sup>8</sup> White in this context refers to the British descendants or European nationals who came to South Africa after the arrival of Jan Van Riebeeck in 1652.

<sup>9</sup> Acts/Legislation refers to the Natives Land Act of 1913 and other subsequent acts which made legal that the indigenous people be evicted from their land.

<sup>10</sup> Blacks in this context refer to the indigenous people and disadvantaged groups of South Africa.

## 2.2 The Historical Evolution of Land Dispossession in South Africa

### 2.2.1 The Impact of 1913 Native Land Act

Kostiv (2008)<sup>11</sup> in his study revolving around the ‘*land question in South Africa*’ maintains that it is impossible to analyse land reform in South Africa without referring to history because the historical background is vital to understanding the land question in South Africa. Kahn (2007) reveals that the history of land dispossession in South Africa is a harrowing one. Although legislation had been implemented earlier diminishing the ownership rights of black people, the most significant denial of rights came with the enactment of the Native’s Land Act of 1913<sup>12</sup>.

Thus this act infringed/or made illegal for the indigenous people of South Africa to own land, subsequently allowed for forceful removal from their land of birth. According to the Act only 7% of land were disposed to black as reserve for settlement from which labour for farms and mines would be drawn (Kahn 2007). The impact of Native Land Act of 1913 was noted early on in the days after its enactment, as was eloquently captured by one of the founders of South Africa’s liberation movement, Sol Plaatjie <sup>13</sup>in the following:

*“Awaking on Friday morning, June 20, 1913, the South African Native found himself, not actually a slave, but a pariah in the land of his birth”.* (Plaatjie, 1916: 21 cited by Kahn

Ntsebeza (2007) in his paper, *the land question in South Africa* allude to that upon the arrival of white settlers in South Africa, 90 per cent of land ended up allegedly expropriated through the process of colonialization and institutionalized dispossession, subsequently a process that was formalized with the passing of the notorious Natives’ Land Act of 1913. Modise and Mtshiselwa (2008) argue that the Natives Land Act of 1913 deprived the majority of black

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<sup>11</sup> Masters dissertation by Petro Kostiv 2008; The Progress of Land Reform in South Africa 1994 - 2008: Two Case Studies from KwaZulu-Natal

<sup>12</sup> Natives Land act of 1913 was the first piece which was adopted by the white rule to make it legal to appropriate swatches of hectares from indigenous people of South Africa

<sup>13</sup> Sol Plaatjie the political activists/veteran and the writer of the earlier 19<sup>th</sup> century

South Africans of the right to own productive land for their economic wellbeing and sustainability. Consequently this led to an increase in the poverty ratios amongst the black people as there was no land for them to generate means for sustainable livelihoods. Henceforth, with the progression of time and years, new acts were enacted which further deprived native people of the right to own land.

The advent of apartheid<sup>14</sup> policy in 1948 further exacerbated suffering for blacks as more legislation or policies were passed by the National Party, which sought to segregate on the basis of race. Carter and May (1998:1) argue that apartheid simultaneously denied people the opportunity to develop new assets by restricting access to markets, infra- structure and education. Apartheid thus both produced poverty, and compressed social and economic class. The other Acts which were entrenched caused divisions between families and marginalized many African households, particularly women and children these. Acts includes the likes of Development Trust and Land Act of 1936, the Native Urban Areas Act of 1923, Pass Laws and Group Areas Act of 1950, and the Influx Control Act as well as the Migrant labour system Act. Thus these acts enforced residential segregation whereby racial groups were separated, leaving the majority of the African population to live in inadequate housing until the 1990s. Kahn (2007) argue that about approximately 3.5 million black people in South Africa were further dispossessed of land and resettled on the reserves i.e. Bantustans<sup>15</sup>. This eventually led to 80 percent of South Africa's population living on 13 percent of the land.

The impact of the 1913 Native Land Act is however still notable in the geographical spread of the South African urban and rural areas. The Act was not only responsible for dispossessing black people of the right of land ownership, but it is conceived to be also directly responsible for inherited poverty mostly noticeable amongst the black population. It is argued that the

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<sup>14</sup> Apartheid a policy/ system of racial segregation promulgated by the National Party in it rule from 1948 to 1994.

<sup>15</sup> Bantustans refers to the 13% of reserved land for settlement of black population

socio-economic injustice and landlessness of many black South Africans were inherited from colonial and apartheid land dispossessions and exploitation of black Africans (Helliker 2011; Hall 2010; Mngxitama 2006; Bradstock 2005:1979; Hendricks 2004; Carter & May 2001:1987 cited by Modise and Mtshiselwa 2008). As rapid dispossession of land from black people continued, Khan (2007) reports that native people were forced to the already overcrowded settlements in black reserves areas (Bantustans). Hence, Ntsebeza (2007) argues that despite increasing the size of land for African occupation in terms of the Land Laws of 1936, there was a chronic shortage of land in these Reserves. As a result, the indigenous people were gradually converted from once successful farmers prior to the discovery of minerals, particularly gold in the 1880s, to poorly paid wage labourers (Mafeje 1988 and Bundy 1988 in Ntsebeza (2007)).

The African National Congress (ANC) in its *Ready to Govern* policy guidelines<sup>16</sup> before 1994 elections stipulated that “the legacy of forced removals and dispossession must be addressed as a fundamental point of departure to any future land policy for our country” (Levin and Weiner 1997). In the same vein, Ntsebeza (2007) alludes to the fact that in the Freedom Charter, which was drafted in the 1950s by the anti-apartheid formations led by the ANC during when decolonisation in Africa was on the agenda, had promised that “the land shall be shared among those who work it” and will be “re-divided among those who work it, to banish famine and land hunger”. It is argued that in the ANC’s liberation struggle whose prime agenda was mainly the realisation of land restitution to blacks and political freedom, land reform holistically did not receive quite as attention as was the case in Zimbabwe and Kenya (Kostiv 2008). Hence the black South African who lost their lands through brutal evictions had high expectations that when the ANC is in power, their lands would be restored back to them as rightful owners (Ntsebeza and Hall, Bernstein 2007).

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<sup>16</sup> ANC Ready to Govern policy guidelines is the concept document which gives the future of the African National Congress in government. It was adopted in the ANC conference in the year 1992 by the elected delegates.

Modise and Mtshiselwa (2008) point out that the legacy of socio-economic injustice which was inherited from the Natives Land Act of 1913 continues to haunt the majority of black South Africans. They further establish that the land dispossession of the indigenous people of South Africa under this Act caused poverty which is still prevalent in this country today. Hence when the white settlers forcefully expropriated land from indigenous African a large number of rural residents were compelled to leave rural areas to urban areas and farms in search of work for livelihood purposes (Ntsebeza and Hall 2007). People started to do things they never had done in their entire life, to work for a wage, for food and for a place to live.

Consequently, the population in urban areas dramatically increased. Land for accommodating the masses who flocked in to cities drastically fell short as a result of increase in population. Thus there was an increased demand for land for housing. In the struggle to undermine apartheid rule and obtain land, various civic organizations adopted strategies such as land invasions, boycotts against rent, service charges and bonds. Hence community struggles around housing were an integral of the broader struggle against apartheid were strategies in the ungovernability campaign intended to bring down apartheid (Royston (1998) in Olufemi (2004). Furthermore legislation such as Black Communities Development Act and the Group Areas Act was tightly used to control the occupants from the location and quantity of land set aside for black South African.

Cousins (2000) maintain that the historical colonial and apartheid map of land ownership is to be blamed for major catastrophic results for those who remain trapped in vicious cycle of poverty and landlessness particularly the black people. Hence it is the outcome of these historical circumstances that prompted the newly emergent democratic state in South Africa to prioritize the land reform issues. The following discuss the land reform post 1994; looking at the impact it had so far to the lives of the dispossessed and generally to landless people. It further discusses the challenges concerning access to land and ownership.

### **2.3 The land question in South Africa in the post-apartheid era**

In the post-apartheid<sup>17</sup> era, at the inception of democratic dispensation, strides were made by the ruling government to diminish the infamous landlessness plague as experienced by a great majority of black South African. Several promises were made aimed at endowing the rights of access to land and land ownership back to citizens whose land were dispossessed by the white oppressive governments after the enactment of the 1913 Natives Land Act. Programmes which sought to reverse the legacy of land dispossession to original owners were introduced.

Obeng-Odoom (2012) affirms that the primary concern of land reform was the correction of ‘apartheid inequalities’ by redistribution and restitution of land as it was adopted in 1994 which was further consolidated in the South Africa Constitution of 1996. Hence the first ANC Minister of land Affairs, Hon Derek Hanekom, on the occasion of his maiden budget speech to parliament in September 1994/24 declared that "the resolution of the land question...lies at the heart of our quest for liberation from political oppression, rural poverty and under-development” (Walker 2005). And went on to outline the framework which the land reform programme resolutions were to be achieved:

- The restitution of land rights to the victims of forced removals.
- The redistribution of land to address land hunger and needs; and
- Provision of security of tenure

Land reform in South Africa seeks to address a legacy bequeathed to the democratic state by the previous discriminatory systems of apartheid and colonialism (Cousins 2000). The following are the land reform programmes briefly discussed to shed light on them.

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<sup>17</sup> Post-Apartheid is a democratic era which took effect following the democratic elections in 1994 where the African National Congress emerged victoriously as the government ruling party till present.



### **2.3.1 The restitution of land rights**

Ntsebeza and Hall (2007) reveal that “restitution<sup>18</sup> for the victims of land dispossession and forced population removals since 1913 is enshrined in the Constitution”. Cousins (2000) concurs that Section 25(7) of the Constitution of Republic of South Africa provides an injunction for restitution programme to be carried. DLA<sup>19</sup> (1997) in Cousins (2000) provide an explicitly defined objective for restitution, that the goal of the restitution policy was initially aimed at giving back land and provide other restitutionary remedies to people dispossessed by the geared racially discriminatory passed laws by the white colonisers and practices, in such a way as to provide support to the vital process of reconciliation, reconstruction and development.

### **2.3.2 The redistribution of land**

The purpose of the land redistribution<sup>20</sup> programme is to provide the poor with access to land for residential and productive uses (livelihood means) in order to improve their income and quality of life (Makopi in Cousins 2000). This programme put focus on the poor, labourers, tenants, farm workers and emergent farmers. Lahiff in (Cousins 2000) reinforces the point that the redistributive programme is predicted on the principle of ‘willing-seller/ willing-buyer. Therefore due to its market based approach, Van den Brink, Thomas and Binswanger (in Ntsebeza 2007) contends that land redistribution has often been slow and costly because many governments redistribute land through legal process of expropriation or compulsory acquisition. Hence, they further concede that the legal process is rooted in the legal principle of *eminent domain*: the state’s power to take private property for public use, following the payment of just compensation to the owner of the property.

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<sup>18</sup> Restitution is a land programme promulgated by the then Minister Hanekom of Department of Land Affairs in 1997, aimed at restoring land rights to the dispossessed after 1913 Natives Land Act.

<sup>19</sup> Department Land Affairs prior referred to Department of Rural Development and Land Reform.

<sup>20</sup> Land Redistribution is among the programme which aims to give back land ownership through negotiated market value, it is known as ‘willing seller willing buyer’ concept

### 2.3.3 Security of Tenure

Cousins (2000) briefly define land tenure<sup>21</sup> as the terms and conditions through which land is transmitted from one party to the abided by the legislation. While Obeng-Odoom<sup>22</sup> (2012) defines land tenure as the system of institutions or rules of land ownership, use, and management, obligations, responsibilities and constraints on how land is owned and used. Further it is commonly said “to be ‘secure’ if it assures owners that their rights will be free from expropriation, encroachment or forced eviction” (Food and Agricultural Organisation, 2002 cited by Obeng-Odoom 2012). Ntsebeza at el (2007) maintains that its constitutional mandate for occupants of Bantustan to be afforded security of tenure.

Hence it (tenure reform) is basically about the transaction of land a planned change in the terms and conditions under which people hold (Bruce 1993 cited by Cousins 2000). In a nutshell, tenure reform is understood to be dealing with individuals who are currently occupying the land and other conditions related to that. Ntsebeza at el (2007:23) reveals that “most land in the former Bantustans is state-owned, with the democratic state inheriting a system of nominal trusteeship, *de facto* neglect, from the apartheid state”. Redefining trusteeship, and determining the most suitable locus standi of land ownership and what the different possibilities for individuals, households, groups and tribes mean in practice are among the most policy challenges the DLA has had to face since 1994.

Ntsebeza and Hall (2007) rightly point out that more than a decade after democratic elections in South Africa from 1994, there have been exceptionally impressive achievements in combating the undesirable legacy of apartheid. Economic growth has occurred, inflation has been kept under control and the provision of infrastructure and social services such as houses, water, electricity, and medical services to ordinary citizens has improved dramatically. Despite

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<sup>21</sup> Land tenure is a land reform measure which seeks to endow right of land ownership/or security tenure of land mostly to the reserves or communal land and to farm dwellers

<sup>22</sup> Obeng-Odoom (2012) in a journal published in *Habitat International, Volume 36*

these achievements, there is compelling evidence that structural poverty, a key apartheid legacy, is deepening. With regard to land reform, it is argued that the pace of delivery has been painfully slow since 1994.

Land reform in South Africa can be viewed as “the redistribution of property rights in land for the benefit of the landless, tenants and farm labourers” (Adams 1995 cited by Cousins 2000). The South African land question still remains unresolved, as long as the peasant question remains underestimated and rejected by the civil society and the intellectuals, land question shall remain gradualistic ‘that chose growth over equity’, Moyo<sup>23</sup> (in Ntsebeza et al 2007)

Growing urban and peri-urban demand for land, required for housing and petty commodity production, contingent upon growing semi-proletarianisation and unemployment, has, however, also been neglected by South Africa’s market-based land reform and neoliberal social security policies (Ntsebeza et al 2007).

In the recent decades, in the post-apartheid era, due to the increase in population in urban areas, demand for land has also increased dramatically. Consequently, this has arguably led the poor/ particularly the landless to resort to illegally occupying unutilised land adjacent to cities and townships. Hence various parts of South African regions and municipalities have experienced land invasion in their jurisdictions. This is an indicative that people are running out of patience due to pressures of landlessness and homelessness. In Govan Mbeki Municipality<sup>24</sup> all three regions in four townships namely; Embalenhle-Secunda, Afganistan-Kinross, Emzinoni-Bethal and Lebohang-Leandra, have experienced land invasions on the state owned land and land which is privately owned. Evictions have occurred in other regions, but were unsuccessful.

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<sup>23</sup> Moyo, Land question in Southern Africa: a comparative review paper. This paper was integrated in a book called *The Land Question in South African* by Ntsebeza and Hall (2007).

<sup>24</sup> Govan Mbeki Municipality in this context is the study area where this study is undertaken, it in Mpumalanga province under Gert Sibande District Municipality. This municipality covers three regions under its jurisdiction.

There are of course other external influences prompting the massive invasion of land including local politics and civil society organisations such as South African National Civil Organisation (SANCO). Olufemi (2004) point out that land invasion and evictions still remains a challenge for land, housing and planning policy makers. Therefore this suggests that the local government should commence contemplating land redistributive mechanisms in forcefully such as prioritising equitable distribution of land without prejudice. In the same vein Walker (in Ntsebeza and Hall 2007) in the paper *Redistributive land reform: for what and for whom?*, argues that land redistribution can make a contribution to economic development at both household and societal level. But this is not assured and one cannot assume it is a cure for deeply entrenched problems of poverty and inequality.

Over two decades of South Africa's democracy, research has shown that much emphasis has been put on the need to restore land based on agri-commercial objectives. This overemphasis has seen other subsistence livelihood means being surpassed or neglected, such small scale farming for household consumption and reforming land for human settlement. The political implications are clear, the time has come to rethink land questions, de-linking them from agriculture and connecting them to broader demands for livelihood, secure housing and a social wage. Such strategies might well include some form of agriculture, but would extend well beyond that (Hart (1996) in Cousins and Ntsebeza at el 2007).

Land reform must be clearly distinguished from agrarian reform. The former is concerned with rights in land, and their character, strength and redistribution, while the latter is concerned with a broad set of issues, the class character of the relations of production and distribution in farming related enterprises, within both local and non-local markets (Cousins in Ntsebeza at el 2007). Cousins further suggests that in order to complement programmes which seek to reduce poverty or enhancing rural livelihoods, land reform is urgently needed to secure rights to land.

He therefore suggests the following objectives to be achieved by this process (Cousins in Ntsebeza at el 2007:43):

- To create equitable access to land and natural resources, across the whole country, including in communal areas;
- To secure people's rights to land and resources, both in law and practice, within a range of tenure systems (including both group and individualized systems as options) which receive strong institutional support from government;
- To restore land to those with valid restitution claims;
- To increase the tenure security of farm workers and labour tenants and to provide them with access to land in their own rights wherever possible.

Esteemed writers on land reform have questioned the programme of land reform as to whom is it intended for poor or the richer. Hence consideration of this theme tends to gravitate towards the tension between the need and opportunity, whereby it often felt that the poorest of the poor are the most deserving but not necessary the most qualified to make a success of opportunities created via land reform (Cousins, Aliber, Maluleke, Manenzhe and Paradza 2013:46). Arguably, such contestation of ideas around the notion of 'deserving or intended for whom, sense of belonging and access to right of land' has presuming led confusion to the land policy, the state and land administrators. Simultaneously masses of the poor landless are continuously occupying the unused land mainly within the peri-urban areas in South Africa.

## **2.4 Livelihood Strategies**

The South Africa economy has suffered a prolonged deterioration in real growth, domestic savings and employment creation since the mid-1960 (Cousins, 2000). Over the past decades, employment rates have declined dramatically giving a sharp boost to the high rates of poverty. The decline of employment growth remains a huge problem in the South African political economy even today. Hence big industries, mining houses, manufacturing companies,

agricultural sector and parastatals are still seen retrenching/dismissing many workers. Recently Sasol, the largest petrochemical company in South Africa, with a number of operations around the globe including the one in Secunda, Mpumalanga Provincial Government have recently introduced a worker 'elimination strategy' called Project Phoenix which has resulted in a large number of workers being retrenched and/or imposed with early retirement packages.

On the other hand, Telkom and Eskom which are parastatal companies have also cut off large number of their employees due to cost curtailment as a result of sluggish economy and employee redundancy. All of these dismissed/retrenched individuals inevitably add up to the already overcrowded pool of unemployed in the labour market. In this sense, poverty continues to rise rapidly. Conversely, these events therefore, are compelling households to seek diversified sustenance means (livelihood strategies<sup>25</sup>) by non-income activities in both rural and urban areas.

Between the period 1994 to 1999, the Department of Land Affairs used R16 000 to purchase land from willing buyer, will sellers mechanism. This was basically aimed at endowing the disadvantaged and poor with land for residential and productive purposes (livelihood) Mutanga (2011). This effort was insufficient as a great number of people were left poor. In order to generate livelihood means with which poor households are able to achieve food security, it is of great importance for those households to engage in a wide range of diversified activities to achieve that (Lipton et al. 1996; Maxwell and Smith 1992 in Cousins, 2000). However there are several activities which may include the exchange of goods or services for cash which can be used to buy other households necessities. The options for livelihood strategies may vary to a large extent depending on the family units and locations. Toulmin and Quan (2000) assert that "the significance of common pool resources for livelihood varies significantly by social

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<sup>25</sup> Livelihoods strategies in this context are various means of survivalist strategies, to meet daily needs on the table.

identity and position within social structure; class, gender, age, ethnicity, political status and affiliation, spatial location and other identities can all be important” (Clarke et al, 1996; Campell et al, 1997; Kepe, 1997; Arnold and Townson, 1998 cited by Toulmin and Quan, 2000).

Cousins (2000) argue that other livelihood options may include the consumption of self-produced goods, or items obtained through foraging / hunting and gathering. “Some activities may involve no productive action at all, but rather are based upon transfer of income or resources”. In essence most of this diversified livelihood strategies, for them to be achieved successfully; equitable access to land is of paramount importance. It is where non-income activities are derived/or generated by the poor households such as in backyard gardens in urban areas or even the communal gardens.

In spite of backyards plots/or garden generated livelihood, Cousins (2002) professes that by engaging in diversified activities, individuals within the household may be thought of as trying different tactics that they hope will generate an adequate and a sustainable livelihood. To affirm this, a number of writers who contributed to subject of livelihoods have indicated that multiple or wide range of livelihood strategies are an important characteristic of poor households in South Africa (May 1987; Sharp and Spiegel 1985; Murray 1987, Cousins 2000). Households who engage on a number of activities tend to overcome the scourge of poverty than families who are focusing only one livelihood strategy. This view may also hold to the already wealthy families who obtain their riches from an array of activities.

Policy emphasis should focus on the equitable access to land and endowing people’s land rights (title deeds) in their residential settlement. In addition arable land should also be allocated to them in order to uplift themselves out of poverty through effective use of land. This may also give effect to the enhancement of their livelihood strategies and maintain tenure security of the land they occupy. Recent literature has shown that since the democratic dispensation in South

Africa, semi-urban areas and rural areas has witnessed development in the view of land redistribution although there are challenges to be mitigated. Ntsebeza and Hall (2007) assert that there is evidence of a pattern of migrant workers choosing to return to the rural areas of the former Bantustans to pursue land-based livelihoods. They further allude that there are limited resources available in these areas as a result of overcrowding and limited fields for cultivation and land for grazing. In essence this gives an indication that in the event of unemployment, land remains an important asset that can serve as a means to alleviate poverty.

## **2.5 The Land Market**

It is of critical importance, prior divulging any further, to provide clarity of what is meant by the land market. Toulmin and Quan (2000) unpack what is generally constituted by a land market<sup>26</sup>, in pointing out that it deals with land rights operate in both formal and customary systems. Such transactions may not be limited to individuals only but also includes the private sector and lineages such as family units. According to Toulmin and Quan (2000) transactions evolve around, but are not limited to, the following:

- ❖ The buying and selling of freeholds, including temporal transfer i.e. lease and rental
- ❖ Long and short term land borrowing including land pledging
- ❖ Land mortgaging
- ❖ Land exchanges
- ❖ Land pooling and other informal arrangements

However, there is a rapid growing trends of land market sales in this current global market (Bertaud 2010). Toulmin and Quan (2000) argue that “whether or not land is registered and titled, the emergence of formal and informal land markets is increasingly apparent in many

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<sup>26</sup> By Land market, I mean all the activities of selling and buying of land operating in dual contexts i.e. informal and formal land market. Formal land market is legally recognized where land is registered and titled with title deeds offered to the rightful owners while informal land market normally take place in peri-urban areas. In this form land ownership is not legally secured



parts of Africa”. They further state that this is the exception in high density populated areas, particularly in urban and peri-urban areas. Hence the growing evidence depicts that, subject to land demand and scarcity, land sale business transactions grows exponentially.

The growth of land sales produces acute inequalities within the communities, which gives effect to the class hierarchy/or class segmentation. Bertaud (2010:26) assert that “market conditions, land prices and consumer demand for floor space change continuously”. This makes even difficulties for the poor particularly in urban areas. However in countries that are rapidly urbanising, in particular cities in Asia with buoyant economies, there is a very large difference between the income of urban households that are fully integrated into the urban economy and those that are emigrating from the countryside and have not yet acquired the skills and the productivity that characterize the more established urban labour force (Bertaud 2010:27)

Moreover, Toulmin and Quan (2000) provide a crucial analysis that even after the land has been bought, in accelerating the tenure security and transfer of land (as it usually takes lengthy processes), they argue that “the benefits tend to accrue to the better off with the poor often losing out”. In essence, this reveals the issues of corruption and fraud amid land transactions. The ‘survival of the fittest notion’ is seen to be prevailing in those community structures, consequently the poor often lose out in the land transaction processes. This gives affirmation that ‘landlessness is equally associated to poverty’. Consequently those who are without land, neither some sort of income, find it extremely difficult to compete and secure land rights in such societies. Therefore poverty tends to continue to be exacerbated into further generations.

## **2.6 The impact of the urban Land Market**

Segregation, fragmentation and distortion of the urban land market around urban land ownership come as a result of South African history. Apartheid is to be blame for all these distortions, as it made legal to dispossess black Africans’ land and further prevent them from owning it (Nell 2007). Segregations further divided the urban/cities into Group Areas with each

having its own administration. These led to competing and confusion regulation towards the arrangements of land, the former 'whites' administrative with formal regulation whilst the 'black' areas (townships) had informal regulations over land (particularly spatial development). Zille, Viruly, Tomlinson, Hobde, Erasmus (2008) assert that "apartheid created an urban fragmentation in the commercial and residential property markets that continues to this day". However, these fragmentations are today perpetuated further by the high rates of unemployment and poverty, income inequality and poor public transport networks and infrastructure backlogs within the black townships.

The report of Urban LandMark containing a vision for the land sector 2020 in South Africa as prepared by Nell and associates (2007) provide an expression that "Generally, there are high degrees of formal regulation in formal "White" areas and low degrees in African townships and informal settlements. The reduced levels of regulation impact negatively on property prices in the affected areas". The impact of apartheid on land market adversely affects mainly the black land ownership and access of land near the places of work. The black poor and the unemployed are much affected as they are unable to access and penetrate the land market.

The value of land/house located within the black townships is considerably lower compared to the house/land within the former white residential areas. The surrounding neighbourhood, the population density and access to key points such as Central Business District (CBD), shopping centres and schools have an effect on the land market to a certain degree. Residential areas that have low population density, less crime, nearest to workplace, good transportation network and all other facets, are mainly white dominated areas whose land market is difficult to penetrate for lower class and middle class black people.

There is a growing consensus that some of the limitations on urban sprawl through implementation of an 'urban edge' for residential and other purposes such as commercial or industrial use, is that the appropriate land for development is becoming scarcer over time and costly. On the other hand "municipalities are fast running out of affordable urban land on which to settle the poor" Zille (2008). The higher the costs in the land market, the poor blacks become vulnerable subjects and encounter severe exclusion. This is arguable the reasons that instigate the mushrooming of informal settlements in black townships and in areas adjacent to urban and cities.

### **2.6.1 State Intervention over Land Market**

The intervention of state over land market has always been known as a regulator. However in other parts of the world, the state plays an active role over land transactions. Bertaud (2010:24) contends that it is often difficult to point out the role of state particularly in urban land development. Nevertheless, s/he further maintains that "in matters of land development, the government often takes a much more active role as a '*de facto*' developer because many public goods and the primary infrastructure network cannot easily be built privately". While the state may be actively involved, s/he further argues that the successful countries with strong and established economies like South Korea, Japan, and Singapore the intervention of the government contrasts in this area with strong *laissez-faire* approach in other sectors of economy.

In South Africa, the state is reported owning not more than 14% of land as compared to 79% of privately owned land, while 7% of land could not to be verified according to Department of Rural Development and Land Reform Survey-Audit report released and approved by cabinet in 2013. The Minister of DRDLR<sup>27</sup> Mr Gugile Nkwinti indicated in the report that this overall

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<sup>27</sup> DRDLR is the South African government department endowed with the responsibility to administer the land affairs and development of rural areas in South Africa. It is the custodian of land reform, all land applications and other matters are dealt with in this department.

view of land ownership in South Africa can now be used constructively in redistribution matters, tenure reform, and administration and in a variety of developmental decisions to enhance the effectiveness of the land reform programme.

He further alluded that the role of his department is to constructively reform land ownership patterns and to develop vibrant and sustainable rural communities. In South Africa in terms of land reform programme, the state has to acquire land through purchase and give it back to the deserving groups. However, in contrast, the work of Atuahene (2011) contends that the ANC led government has put little efforts in funding land reform. The same ruling party has further implemented and endorsed Section 25 of the constitution in a way that reinforces inequalities between the races, and failed to assist the beneficiaries of the land reform in obtaining the capital and skills necessary to use their newly acquired land productively. This is one of the aspects that the government of the ANC has failed to master in its period of rule. After beneficiaries have successfully obtained land, a significant number of them subsequently fail to utilise the land effectively and productively. The biggest challenge become the lack of skills, lack of access to capital and other resources crucial for utilising the land effectively.

Atuahene (2011:18) reveals that the Land Restitution Commission (LRC) in 2010, an agency pivotal to the land reform efforts, placed a moratorium on buying land claimed under the restitution program because it had run out of money to honour those sales agreements it had already entered into with landowners. In the continued efforts to honour outstanding commitments to landowners, the LRC asked the South African Treasury for 5.3 billion rand. In contrast the agency was allocated only 1.9 billion rand. Due to the failure of government (through LRC) to honour the sales agreements entered with the landowners, the landowners resorted in suing the commission. Further to that the agency has sent the message that the ANC led government is not serious about land reform (Atuahene 2011).

As individualized land rights increasing, numerous conflicts emerges which are difficult to resolve and as a results costs rise (Toulmin and Quan 2002). It must be noted that the rising incidence of land conflicts and accompanying threats to social order provide clear signals for the government to act. Hence the hoped response from the state to these signals is to swiftly address the land question effectively and efficiently. Automatically it can be rightly argued that the social tensions arising from the land disputes would lessen once the land reform question has been addressed properly.

## **2.7 Constraints over land redistribution and barriers to land market**

Research literatures have suggested a number of impediments that evolve around the question of land reform. Cotula, Toulmin & Quan (2006) suggest that the capacity (skills) lacking in government agencies, lack of legal awareness, and economic, geographic and linguistic inaccessibility of state institutions all contribute to limit the outreach of state policy and legislation in rural areas. These limitations in most cases are encountered by the developing world and newly democratic states such as South Africa.

Atuahene (2011) argues that other challenges than land restitution in South Africa is the Land Commission's failure to follow Section 25(3) of the constitution of South Africa, a provision deftly negotiated by the ANC to ensure land reform is fair for beneficiaries both blacks and whites. According to this provision the state is expected to compensate present landowners based on fair market value but also to reduce the price paid based on several equity-enhancing factors, such as direct state investment and subsidies for acquisition and capital improvements on the property.

It is argued that the crisis is exacerbated further by the fact that the state when redistributing the land does not give new landowners much needed support for them to succeed. This renders newly black farmers being unable to compete in the market and subsequently fail. The new

land owners require financial and technical support to access markets, credit, technology, infrastructure, and training for them to succeed in their endeavors (Atuahene (2011)).

Greenberg (2009) in the paper '*Crisis In Land Reform: The Way Out Is Not Complicated*' asserts that land reform is in crisis and it one of the aspects that everyone across political spectrum can attest to. It is argued that the pace of land transfer to black ownership through land reform programs is painfully and persistently slower than planned for. Research evidence suggests that the already redistributed land is not utilized productively as it was before being transferred to black ownership (Ntsebenza and Hall (2007) and Cousin 2002). One could argue that the ineffective use of land by the new owners correctly signals that there are explicit crisis around land reform in South Africa.

The government policies endorse land redistribution, but land distribution and use models are not so clearly defined. For new land owners, it is even difficult for them to access resources such as capital. The state should pay attention to that to avoid land reform being rendered into a failed project. In as much as there are a number of crisis in land reform efforts, research indicates that more lands have been moved through private transaction from white to black ownership as compared to government land transaction (Cousins 2002). However the black individuals are still marginalised in terms of market access and they lack access to large amount of credit to help sustain their endeavors. Banks, creditors and other financial institutions are adamant to take risks by offering loans to the newly emergent land owners. It should be said for the purpose and benefit of this research that land access is not holistically meant farming and agricultural purposes, but for livelihood and residential purposes as well.

## **2.8 Land as basic subsistence means for livelihoods and poverty eradication**

It is argued that the land reform agenda is generally intended to enhance and resolve an array of social issues, for instance, providing social justice especially to the families or victims of land dispossession after the enactment of 1913 Native Land Act. Most importantly it seeks to

promote livelihoods and exponentially alleviate poverty. It also seeks to provide tenure security to the farm dwellers and to the farm workers. While in the process of redistributing land, the government is careful not to undermine or distract the agricultural production efforts (Ntsebeza and Hall 2007). The land is one of the strategic key resources and it can be used as a base or means for uplifting the poor people from poverty. Reflecting on land shortages and accessibilities India, Mearns (1999) point out that lack of access to land and poverty are correlated, although the direction of causality in this relationship is not clear.

"We are committed to seeing that those communities that were wrongfully evicted during the apartheid era receive just compensation for their loss. Our aim here is to ensure that poverty alleviation goes hand in hand with the return of land". Those were the words of the South African President Jacob Zuma in a 2009 speech as noted by Atuahene (2011). In many countries like Kenya in West Africa where agricultural Cooperatives are encouraged, agricultural economic activities have been viewed as a crucial and a weapon to fight against poverty more especially in rural areas.

However the underlying factor has been with regard to land access, as to how best to make land available to rural residents and to peri-urban<sup>28</sup> dwellers. Kepe and Cousins (2002) argue that an effective support by the state to land-based livelihoods can play a crucial role to enhancing the rural livelihoods. "There is a broad consensus that the main causes of rural poverty lie in low rates of agricultural growth and factor productivity" (Fan, Hazell and Thorat 1998 cited by Mearns 1999:32).

Hence land reform, in a broader sense, is anticipated to stimulate socio-economic endeavours in favour of the poor. There is a positive argument that suggests that land reform impacts on economic growth (World Bank, 2004 and Anseeuw and Mathebula 2008). They say further

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<sup>28</sup> Peri-urban are the areas which are not rural and not urban but adjacent to urban/ cities.

that since poverty alleviation is one of the major objectives of land reform, socio-economic factors affecting land reform beneficiaries must also be considered.

This may comprise an array of aspects, which among others may be resources, such as finance, skills/education and equipment to enable them to utilise the land productively and effectively. Kepe and Cousins (2002:6) report that “movement between rural and urban areas is not all one-way: many unemployed workers are returning to rural areas looking for new livelihood opportunities”. It therefore becomes imperative for the government to adopt a dual or parallel development. In contrast, as much as the urban areas are fast developing and being catered for, rural areas should never be ignored in order to avoid immigration caused by skewed development and imbalances.

However to deal with urban poverty, the state needs to pay attention respectively to rural based poverty. The post 1994 debates reflect that poverty and inequality is concentrated in rural settings in despite of the rural infrastructure investments directed towards there (Kepe and Cousins 2002). “Over 70% of the country’s poorest people reside in rural areas, and over 70% of all rural people are poor” (May & Roberts 2000 in Kepe at el 2002). Once the issue of poverty is successfully tackled in rural areas, immigration to cities would be lessened.

The most vulnerable to these misfortunes are the women headed households, those affected with HIV and AIDS and the elderly who are particularly dependent on pensions and migrant remittances (Kepe and Cousins 2002). It is argued therefore that if the state can resolve livelihood related issues in rural areas, poverty can substantially decrease. Olufemi (2004:7) alludes to that “it is no longer possible to underestimate the pervasiveness of poverty in our human settlements with resultant invasion and re-invasion of land and buildings by the poor/destitute homeless people in the urban areas.”



## 2.9 The reasons behind land invasion

A handful of writers in research literature have recently speculated various reasons behind the unabated spates of land invasions<sup>29</sup> taking place in and around South Africa, more especially, since the democratic dispensation (Huchzermeyer 2002, Seymour Bedderson, Kobus Boshoff [Co-ordinator], Sanet Botha, Colin Cyster, Lionel Esterhuizen, Deon Gardener, Marek Kedzija 2003). Leduka RC (2010) on Southern African cities established that “the majority of urban residents are poor and live and work in insecure, overcrowded conditions that lack adequate services. He further points out that “such settlements indicate that the formal supply of urban land is not keeping up with the demand for land”. Olufemi (2004) concurs that “land invasion is one of the alternative tactics that the poor, powerless and homeless people adopt to access land on which to build their shelter. Land invasion by the homeless people is a consequence of desperation for space to put up a shelter”

The Western Cape Provincial Department of Housing, in 2003 released a document entitled “*Unlawful Occupation of Land*” with a prime rationale to bring about general understanding regarding issues behind land invasions and how should such circumstances be legally resolved by the state, courts and other affected parties. The document goes on to suggest various reasons believed to be the catalysts of land invasion, and these are listed as follows:

- ❖ Poverty and unemployment
- ❖ Past policies that prevented people from obtaining housing in urban areas
- ❖ Shortage of legally obtainable housing alternatives
- ❖ Faster urbanisation and natural growth than the development of housing in urban areas
- ❖ Jumping the queue, hoping to be helped to housing sooner
- ❖ Shortage of developed land in the vicinity of job opportunities
- ❖ Intra-urban migration to better-located land

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<sup>29</sup> Land invasion refers to the illegal occupation of land.

- ❖ Encouragement of unlawful land occupations for political and financial gain
- ❖ The perception of unfair housing allocation
- ❖ The unlawful sub-letting and vacating of dwellings, leaving subtenants in occupation and
- ❖ The illegal selling of land before the expiry of the applicable sales restrictions.

However there are quite a number of factors that bring about land invasions notwithstanding the above mentioned facets. A study undertaken by Resetselemang Leduka of the Institute of Southern African Studies, National University of Lesotho, and commissioned by Urban LandMark and UN-HABITAT in 2010, found that the southern African cities have rapidly grown. Specifically “Angola, Botswana and South Africa have the highest levels of urbanisation in the southern African region, with about 60% of their population living in cities in 2010 and this percentage is expected to rise to about 80% by 2050”. The study further established that the main drivers of urban growth in these Southern regional cities are:

- Natural increase (human reproduction)
- The inclusion within city boundaries of peri-urban rural settlements
- Rural to urban migration, both within and between countries, although migration in southern Africa is largely circular and seasonal with people moving between their homes in rural areas and workplaces in industrial, commercial and mining towns.

Such drivers reportedly contribute significantly to the mushrooming of informal settlements as these people constantly seeks place to dwell.

The Department of Land Affairs in the White Paper on Land Policy, published in 2004 on page 28, made the following statement with regards to land invasion in South Africa:

*“Landlessness and land invasions are a stark reality in South Africa. Delays in the release of land and slow delivery of housing programmes have exacerbated the problem, as have*

*unrealistic expectations and a lack of information, particularly with the time it takes to transfer land. This has led to urban land invasions and subsequent evictions by local and provincial authorities and ongoing legal disputes. Some community groups who have been involved in planning land and housing developments on identified land have found their development brought to a halt by land invaders.”*

The above mentioned/or speculated causes does not complete the wide range of reasons which contribute towards land invasion.

### **2.9.1 The Media’s Role**

A number of unoccupied lands owned by farmers, government, parastatals, private business and individuals have experienced illegal invasions in one way or the other. These include among other places, unoccupied land near Bredell suburb, Kempton Park in Johannesburg which was widely popularised by the media coverage in 2001 (Huchzermeyer 2002 and Bulger 2004). Before then there were other series of illegal occupation of land in South Africa which were not reported by media including Alexandra, (Mzinoni in Bethal, Afganstan in Kinross, Marikana in Embalenhle) Secunda and others.

The Bredell case gained popularity due to the political interest and interference particularly by the Pan African Congress<sup>30</sup> (PAC) which is known for being the vanguard on advocating equitable access to land for black South Africans. Huchzermeyer (2002) referring to the land invasion in Bredell in 2001 and others which followed around the country argue that the South African media's concern about the squatters and the infringement of their human rights did not enhance investors' perceptions in relation to the rule of law and levels of development in South Africa.

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<sup>30</sup> Pan African Congress (PAC) is one of the oldest South African Political party which branched out the ANC.

She further notes that South African media reports were diverse. In the national weekend press, many reports were emotive, casting Bredell as a battlefield. "Battle lines drawn in the dust of Bredell: from the harsh wasteland at the centre of the land invasion furore comes a wake-up call from the poorest of the poor: *give us land or we'll take it* (The Sunday Independent, 8 July 2001), headline, with reference to Zimbabwe; "*All I want is a plot somewhere*" (Sunday Times, 8 July 2001); "*Save us from hell on earth*" (Mail and Guardian, 13 July 2001); "*The battle for Bredell*" (Mail and Guardian, 13 July 2001, front page); "*Grotesque scene as hopes of coming home end in piles of wood*" (The Sunday Independent, 15 July 2001)" (Huchzermeyer 2002).

The media has played a spontaneous role in reporting land invasions particularly in various parts of the South African post- apartheid era. The following are incidents of land invasion and evictions from the period of 1999 to 2002 which was widely perceived to have been influenced by the Zimbabwe fast track land reform as noted by Olufemi (2004):

❖ in 1999

- Wallacedene settlement, Cape Town (Grootboom case), 1999

❖ March 2000:

- About 50 people erected shacks on the planned Cosmo City mass housing development site north of Johannesburg; Security guards later relocated them to another area between Krugersdorp and Pretoria, from where they again face eviction
- Court orders were issued against illegal squatters from Lawley Extension 2 near Ennerdale, south of Johannesburg, 1000 dwellings were demolished, although some people remained.

❖ June 2000

- About 1000 squatters invaded government-built homes in Stellenbosch, Western Cape which cost R6m to build in 1996 but were never occupied.

- About 200 squatters settled on private land in Zandspruit, north of Johannesburg, after buying the Nooitgedacht farm from its previous owners. But the local council and private company went to court to get them evicted, claiming they contravened zoning laws.
- June 17 about 2000 defied court order and occupied vacant land in the posh suburb of Kloof, west of Durban.
- June 23, 2000, 19 people were arrested in Kuruman in the Northern Cape after they occupied land the previous day.
- ❖ July 2000
  - Over 5000 people were reported to have illegally occupied farmland in KwaDukuza, northern KwaZulu Natal.
  - More than 200 residents of Diepsloot occupied vacant land in the township.
- ❖ October 2000
  - 2 people died and nine were injured when security guards tried to stop new dwellings being built in a settlement near Atteridgeville, outside Pretoria.
- ❖ November 2000
  - Hundreds of people invaded and occupied 600 low-cost houses in Alexandra, Johannesburg.
- ❖ 2001
  - Alexandra, Johannesburg eviction of 6000 households residing at the banks of Jukskei River due to risks of flooding and cholera outbreak, February 2001
- ❖ 2002
  - Thembelihle, Johannesburg eviction, July 2002
  - Alexandra, Johannesburg eviction, October 2002.

### **2.9.2 Political Influence**

Political influence is said to hold a significant role in exacerbating of land invasion the democratic dispensation. In the recent past, following the expulsion of the African National Congress Youth League's president Mr. Julius Malema, South African political landscape saw the formation of the allegedly radical Economic Freedom Fighters political party. The then president of the ANCYL, became the president renowned for his unequivocal public remarks on radical expropriation of land without compensation. His public statements and his party's involvement in the land grab circus is believed by most land reform commentators to have encouraged the illegal invasion of land in South Africa. In the year 2014, his party was seen amongst the land invaders in the outskirts of Pretoria city actively participating in illegally occupation of land which belonged to a certain farmer and, also next to Ballito in Ethekewini Municipality. Hence the invaders encouraged by the EEF were evicted following the court order.

Hence, while he was still at the helm of the ANCYL, Malema once visited the Zimbabwean president Robert Mugabe to applaud him for his infamous land reform known as 'fast track' land reform programme, which was widely criticized by many individuals, academics, heads of states and inter alia Western as it was an infringement of human rights which was uncalled for.

The fast track land reform programme in Zimbabwe which was complemented by violent mass action saw the demise of Zimbabwe's economy as it was imposed with sanctions to date by the world's powerful states i.e. America and the British. Hence, Atuahene (2011) argues that theft of land has come to symbolize the more extensive theft of wealth that occurred under colonialism and apartheid. It is possible that one day a charismatic populist leader could use the land issue to rally the vast army of poor and frustrated black citizens from both rural and

urban areas to reclaim the stolen wealth, making the focal point all whites and not, as in Zimbabwe, primarily white farmers.

### **2.9.3 Population Increase**

Growing population pressures particularly in post 1994, necessitate and compel the ruling government to view and recognise complexities amid land question less ominously. Hence national government, provincial and local authorities are expected, due to an ever rising population, to shift into an amicable land restoration paradigm to remedy the ordeal of land shortages for settlement mainly in urban areas. The Govan Mbeki Municipality migration strategy<sup>31</sup> maintains that the migration of people from rural to urban areas has not only created the need for urban social services such as education and health but has put pressure on the physical infrastructure such as housing, sanitation and other social services.

Cotula, Toulmin & Quan (2006) argue that rural and urban land access issues are inseparable. Rural land is absorbed by rapid increasing urbanisation for housing, commercial, speculative purpose and other purposes. The high population pressures in townships and areas surrounding cities have led to a magnitude of landless people to resort into forcefully occupying unutilised land. Huchzermeyer (2002) reveals that “in 1998, some 900 residents of the overcrowded Wallacedene settlement in Cape Town had illegally occupied vacant, privately owned land that was earmarked for low cost housing”. Subsequently such actions are arguably the consequence of stagnation of development in the area. The lands which the land invaders occupy are in some cases earmarked for housing development. During the illegal invasion of that land, this makes it difficult for rapid infrastructural development to continue. The process of getting eviction orders becomes lengthy at times, which would require the municipal authorities to provide an alternative place as the legislation stipulates.

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<sup>31</sup> Migration Strategy is the Govan Mbeki Municipal concept document informing the Municipality about the migration issues and entailing guidelines as to how it can be best dealt with.

The ever increasing population in South African cities is not only increasing through human reproduction. It is also arguably closely associated to the people's movement 'immigration' from rural areas (other provinces) to cities (huge industrial/ economic hubs) in a quest for better economic opportunities such as jobs, businesses and better services. Toulmin & Quan (2000:21) allude that "migration can lead to rapid population growth in targeted area". Unbearable conditions in rural areas are pushing people to migrate in large percentage from other part of the country to urban areas with a hope to secure jobs and better social services. It should be noted that is not all areas within the city that are overcrowded, but areas that are closer to the industrial areas (Mvuyane 2010)<sup>32</sup>.

Urbanisation results from various factors which includes industrialisation. The concentration of job opportunities in urban areas where the cost of living is relatively high, as opposed to a rural areas, contributes towards rural-urban migration. Industrialisation has subsequently brought mechanisation of agriculture, thus displacing erstwhile rural workers from the land.<sup>33</sup>

Others migrate as far from beyond the borders of South Africa and overseas due to poverty, economy and political instabilities as well as wars taking place in their countries. Toulmin and Quan (2000:34) assert that "involuntary migration often results from civil or military conflicts". This is a wide spread phenomenon in many regions of Africa and millions of refugees have flowed across national borders in recent years (Leys, 1994 cited by Toulmin & Quan 2000). Hence it is reported that pressure on land is predicted to increase over coming decades, given the impact of continued population growth, urbanisation, globalisation of markets and activities, international investment flows, trade negotiations and climate change.

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<sup>32</sup>Mvuyana, BYC : Study of Relationship between Rural and Urban Migration and Housing Delivery, December 2010



## 2.10 The impact of informal settlements

There are a number of negative impacts that comes about as a result of land invasions and informal settlements<sup>34</sup>. Such impacts may constitute instability ranging mainly from socio-political, socio-economical and other social relativities.

**Social security** Illegal land invasion occurs mainly in urban areas and townships. Hence the high rate of unemployment is believed to be amongst other factors which perpetuate such actions. “Loss of employment and housing could lead to squatting or homelessness or even invasion, hence continued urbanization of poverty. In desperate situations people who find themselves in such circumstances become vulnerable and continues the vicious cycle of homelessness and poverty” (Olufemi, 2000 cited by Olufemi 2004).

**Crime-** As land invasions continue, there are a number of claims from the informal settlement neighbouring communities, that most of the dwellers/invaders are associated or linked to various criminal activities. It is perceived that the informal settlements serve as a point where criminals are harboured and crime activities are orchestrated. A reliable source from the local police in Govan Mbeki Municipality reported that a number of crime related activities stem from informal dwellings. Hence a number of rape cases, domestic violence, drugs and alcohol abuse are reported to emanate from such areas. These represent a culmination of serious security concerns amid citizens in greater part of the municipal area.

**Property Devaluing-** the informal settlements are not only criticized for the perceived role they hold in various reported crimes, but they are also criticized for devaluating property. As informal settlements becomes concentrated in areas surrounding urban areas, a reliable source who is a residents of Kinross in an urban area, indicated that the residents have been

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<sup>34</sup> Informal settlements are the informal built structures such as shacks, built on the unauthorized land for settlement purposes

complaining about the influx of temporal structures/ shacks erected in their neighbourhood, when they want to sell their houses, the property seem to have depreciated in value.

**Social instability-** In the event of illegal occupation of land, there is unabated social turbulences within the society. The economy of the area begins to decline as investors withdraw their investments as asserted by Huchzermeyer (2002). There occurs a relative rise of interest groups such as civil society, faith based organization and political actors who want to advance their interest and at the other hand, the media perpetuate the social disturbance negativity, bias and exaggerated reporting.

## **2.11 Theoretical Framework**

### **2.11.1 Conceptual Framework**

The Land Rights discourse remains the fundamental conceptual framework for this study, as it is the basis from which theories are drawn, analysed and applied in relation to this study. The Department of Rural Development and Land Reform define land rights as registered or unregistered claims in land, the interest of labour tenants and sharecroppers, customary law interests, or beneficial occupation for the period of more than ten years. Since the onset of the democratic dispensation in many parts of former South African homelands, occupants rights to land have not been legally recognised (Cousins 2000). The Land Rights Bill was re-examined. Significant change was on the Land Redistribution for Residential Settlement and other important programmes such as Land Redistribution Programme. Moreover Sub-programmes were established among which includes: Land Redistribution for Agricultural Development (LRAD), and for non-agricultural enterprises such eco-tourism (Mutanga 2011:3).

This non-recognition of occupants' rights to land brings confusion as to whose rights take precedence over those occupied (invaded) pieces of land vis-a-vis the land rights of those who have been there for many decades. Cousins alludes to "the lack of legal recognition of rights is also one of the factors which enabled forced removals and stopped settled communities being

able to challenge the fact that many of those removed from ‘white’ areas were dumped on their land”. The Republic of South African Constitution Section 25 (5) establishes that everyone has the right to land as the government should take measures to provide citizen with land. Rights to land are not exclusive to certain individuals, but appropriate to everyone who is a South African citizen. What about the vulnerability of the poor, who lack access to land rights and consequently who are not financially capable to seek legal means to secure tenure.

### **2.11.2 Evolutionary Theory of Land Rights (ETLR)**

The evolutionary theory of land rights is set to be undertaken in this research with an aim to help guide the direction, analysis and overall discussion of the research. It is imperative to provide the general understanding of what is essentially meant by this theory and how does it fit to this research. The ETLR suggests that as land scarcity increases, people begin to seek greater land tenure or land security (Toulmin and Quan 2000). Consequently, private property rights in land tend to emerge and once established, to evolve towards greater measures of individualisation and formalisation (Demsetz, 1767; Ault and Rutman, 1979; Noronha, 1985; Feeny, 1991 as in Toulmin and Quan 2002). “Deepening individualisation takes place in relation to the range of rights held, and the level of autonomy with which the landlord can exercise these rights.” (Platteau, in Toulmin and Quan 2000). This is essential to the capitalist society where the survival of the fittest is enshrined and the land market is prevalent. Often, the poor people have no influence therefore are left to struggle in the process.

This theory in this study will help guide the discussion and argument on land market, accessibility and land shortages and land rights. It is worth noting that high land market, in the formal and informal spaces, are taking precedence in the study area (GMM). Hence the land in this municipal jurisdiction is increasingly becoming scarce, also taking into account its peri-urban and urban residential settings. Those who dwell in the townships and those who holds swathes of land are seeking land tenure/or land titling which will safeguard their land security.

It is also becoming highly difficult for the poor to access land through purchasing as land owners are unwilling to sell it, and the land which is being sold is at a very high cost. However, this is not to mention the equitable land share by the government as people wait in long municipal lists for years for housing subsidies.

The Evolutionary Theory of Land Rights professes that a spontaneous movement towards individualisation and formalisation of land rights unfolds under the combined pressure of growing land scarcity and the increasing commercialisation of land pressure of growing land scarcity and increasing commercialisation of land based activities. It can be hypothesised that as the scarcity and demand of land are both escalating, those who seek land and who cannot afford to purchase at the market value, are left with no alternative, but to illegally occupy those particular unutilised land surrounding towns.

### **2.11.3 Social Capital Theory**

The second theory to be undertaken in this research is Social Capital theory. Fundamentally the idea of Social Capital theory is that, for instance, “one’s family, friends, and associate constitute an important asset, one that can be called upon in crisis, enjoyed for its own sake, and/ or leverage for material gain” (Woolcock and Nayaran, 1999). The theory further suggests that “what is true for individuals also holds for groups. Those communities endowed with a diverse stock of social networks will be in a stronger position to confront poverty and vulnerability, resolve disputes and/ or take advantage of new opportunities (Moser 1996; Nayaran 1996; Schafft 1998; Varshney 1999; Isham 1999 in Woolcock and Nayaran 1999). Hence, conversely, the absence of social ties can have an equally important impact (Woolcock and Nayaran, 1999).

The relevance and importance of the Social Capital theory in this study is to provide a complex and comprehensive conceptual understanding of how connections with high profile individuals benefits the few connected. Hence it’s worth noting that the land question is an emotive issue

as it remains the important asset in merely everyone's life. Access and ownership of it is a struggle to the less connected and to those who are less fortunate. To have an access to the best of it, it requires one to have money and know relevant people. The Social Capital theory assert that in the event of such lack of social ties with people in high places, one could be rendered neglected and left to struggle.

The application of this theory in this study seeks to help guide the analysis and arrive at an explanation of the causes and influencing factors that lead people to engaging in the land invasion activities. The usage of this theory will assist in distinguishing whether it is the lack of connections with relevant people in high places or poverty/lack of money to purchase land or rent in property/housing, that lead to illegal occupation of land in Govan Mbeki Municipality.

Through the researcher's observations, those who have social and political ties with people in high places such as politicians with strong influence, esteemed organised businesses, business people and local administrators, tend to easily acquire properties such as land. They use these social ties to leverage material gains. In contrast, Mearns (1999:2) affirms that "those who control land tend to exert a disproportionate influence over other rural institutions, including labour and credit markets".

The Social Capital Theory goes with the general aphorism "It's not what you know, it's who you know" (Woolcok and Nayaran 1999). For an example, it is alleged that a number of mining companies operating within this municipal area, accessed land and mining rights through connections with provincial and local politicians. Recently some of the land which was earmarked for human settlements between and Evander and Kinross were given away to a wealthy mining company. Such things happens throughout, and the voiceless poor remain subdued. The hypothesis is that those who have strong social ties with officials working in land administration may benefit from land disposed in various municipal regions though their

defined connections. Furthermore, those who are without connections with politicians may be discriminated against in the process as politicians hold significant power in decision making. In this case, the poor are the ones who merely suffer from such kinds of discrimination as most of them have no such social ties especially with people in high places. Therefore in the event of land shortages, they normally resort to occupying the unutilised spaces, an action which is broadly considered illegal.

## **2.12 Conclusion**

This chapter has dealt with a number of issues including the historical background of the land question in South Africa, how it all started culminating into today's land issue, the legislation passed to give effect to legal dispossession of land from indigenous people. It also covered the current issues over land, constraints over land reform, debates around conceptions about land reform, land invasions and its impact within the society, land market issues and livelihoods strategies in South Africa. It further advanced the conceptual and theoretical framework.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

Research methodology is regarded as set of guidelines that provides direction as to how the study should be conducted in order to yield reliable and valid data. This research adopted the qualitative and quantitative research design. Mustafa (2010) defined research methodology as a way “to systematically solve a research problem.” On the other hand Curtis and Curtis (2011) concur that “methodology is the logic of methods or of research.” However this chapter will incorporate the research methods followed by this study in systematic collection of data and in its analysis. It will also discuss limitations encountered by this research as well as ethical consideration issues.

#### **3.2 Research methodology and methods:**

As far as this inquiry was concerned, taking into account its exploratory nature, the mixed methods comprising both qualitative and quantitative research methods were employed aimed at gaining holistic insight on the said phenomenon. Babbie (2007) points out “that the most effective research design is the one that combines quantitative and qualitative methods, making statistical comparisons useful and so is gaining an in-depth understanding of the processes producing the observed results or preventing the expected result from appearing”. This study adopted the Govan Mbeki Municipality in Mpumalanga province as a case study because it presented a scenario where there was seemingly lack of access to land as was attested to by land invasions that have been taking place there. The unit of analysis comprised of the households dwelling in the invaded informal settlement of Govan Mbeki Municipality. These were drawn from four townships in which the land invasions occurred. These areas were strategically chosen because of their high population density and because they comprised both urban and semi-urban residences. Under this municipal jurisdiction there have been frequent occurrences of invasions and evictions and protests over land acquisition for residential

purposes. From this selected study area the researcher was in a good position to determine the hindrances to redistribution of land particularly to poor black people.

### **3.2.1 Sampling**

Mathews and Ross (2010) roughly define sampling as the “selection of some cases from a large group of potential cases”. This empirical study made use of convenience sampling which is a form of non-probability sampling technique. This was due to the large population for who are scattered and unpredictable for this exploratory study. It changes from time to time as land invasions and evictions occur on a regular basis. Hence this sampling technique was employed due to the fact that it fitted well to this study as it an exploratory study, it was inexpensive, fast, easy and subjects were readily available. Units of analysis were drawn from Govan Mbeki Municipal (GMM) informal settlements from four townships located in three regions. Since the aim of convenience sampling is ‘easy access’, respondents were selected randomly, meaning only those that was available to participate were selected. The aim was to achieve a sample size of 100 informal settlement households who would participate in this study.

The estimated numbers of households in the invaded/informal settlements per townships earmarked for this study were as follows: eMbalenhle 500 households, eMzinoni 500, Afganistan 500, and Lebohang 600 households. The entire populations then equaled to 2100 households. Since this was largely an exploratory study seeking to shed light on underlying constraints in the land redistribution process, twenty to thirty participants /households from each of the townships that was studied were included in this study. Hence 30 participants were selected from eMbalenhle, 30 eMzinoni, both these areas had a high rate of land invasions and rapidly growing populations. Hence, 20 Afganistan, 20 Lebohang, the populations in both these areas were not too large bearing their small towns with low economic activities. Sampling made the total of 100 subjects which were studied. In addition, a total of five municipal officials, from the Human Settlements section, one from each of the three regions, were



interviewed in this research. A Landowner whose land was affected by illegal invasions was also interviewed, i.e. the state (Department of Rural Development and Land Reform) and farm owners in Lebohang, in addition one leadership member from South African National Civil Organisation (SANCO) was interviewed, (SANCO) is a civil organization which is very much involved in the service delivery, socio-political and socio-economic matters of the society. Below is the detail tabulation of sample distribution which was intended for this research:

<b>SAMPLE SITE</b>	<b>POPULATION</b>	<b>UNIT OF ANALYSIS</b>
Embalenhle (Secunda)	500	30
Emzinoni (Bethal)	500	30
Afganstan (Kinross)	500	20
Lebohang (Leandra)	600	20
Govan Mbeki officials	-	3
DRDLR official	-	1
Civil Society (SANCO)	-	1
Farm owner	-	1
<b>TOTAL</b>	<b>2100</b>	<b>106</b>

### **3.3.2 Data Collection Methods**

Data was collected through two data collection techniques which involved the use of administered questionnaires and semi-structured interviews. The first phase of data collection which involved collection of data employing semi-structured interviews allowed for more probing from the local municipal officials who are knowledgeable about the land reform programs and who work in the land administration sections. The second phase involved the land owners whose lands have been affected, one official from Department of Rural Development and Land Reform located at Gert Sibande District and one SANCO leadership

member. This process helped in eliciting rich understanding and knowledge on the phenomenon and improved the questionnaire for the next phase. The last phase was undertaken using administered questionnaires to households, located within the invaded informal settlements in four townships of Embalenhle, Emzisoni and Lebohang and Afganistan.

### **3.3.3 Data analysis and presentation**

#### **3.2.3.1 Quantitative approach**

Curtis and Curtis (2011) point out that “data analysis involves the checking of the material against what is expected (as in the case of hypothesis checking) or the use of the technique of analytical induction.” Since this inquiry adopted the mixed methods which are quantitative and qualitative approaches, the data was analysed categorically employing different data analysis techniques. Thus for quantitatively collected data, Statistical Package for Social Sciences (SPSS) was utilized to generate cross-tabulations and analyse data.

#### **3.2.4.2 Qualitative approach**

Content analysis was employed to synthesize the contents emerging from the respondents’ responses for data collected through qualitative methods. Maree (2012:33) professes that “it (Content Analysis) is a process of looking at data from different angles with a view to identifying keys in text that will help us understand and interpret the raw data.” He further maintains that Content analysis is an inductive and iterative process where we look for similarities and differences in text that would corroborate or disconfirm theory. This data analysis technique was used simply to generate an overall understating of the phenomenon, deriving from the respondent’s responses.

### **3.3 Reliability and Validity**

Curtis and Curtis (2011:43) state that “reliability measures the extent to which the analysis of the data yields reliable results that can be repeated or reproduced at different times or by different researchers.” The methods employed in this study can be used time and again and

reproduce the same results. Hence this study has yielded valid results which are logically sound as well as factual. The instruments which were used can be tested hence the quality can be proved.

### **3.4 Limitations**

There were quite a number of limitations encountered by this study. First and foremost, some of the intended participants were reluctant and others unwilling to participate at all. They brought arguments such as being afraid of victimisation by the municipal authorities, while others claimed that there are a number of government department officials who would come and extract information from them and raised high hopes for assistance but have never come back with any positive responses. Nevertheless the researcher had to explain the impartiality of the study as it has no connection with government, nor is by any means affiliated to or funded by any organisation.

Hence some of them did not respond to questionnaires to the researcher's satisfaction as some questions in the questionnaire were left unanswered. Due to the spatial demographics of these informal settlements and the historical lack of education of the black majority in South Africa, a number of old and middle aged black Africans were absolutely illiterate while some were semi-literate. To accommodate all the willing participants the researcher had to administer the questionnaires and translate it to the local vernacular.

This consumed a lot of time compared to the anticipated time allocated for each questionnaire. In other areas like Emzinoni, Extension 11/22/23, the informal settlement dwellers who invaded open spaces there had been recently evicted by the local municipality following purchase of occupied land by the estate developers who intend to build middle class houses on the land. Those who were evicted were still on the lookout for land or open spaces while others have relocated to other neighbouring locations such as Embalenhle. This event compelled the researcher to look for other informal settlements which consequently were far from the

previous. The attempt of getting hold of the farm owner in Lebohang whose farm had been invaded, was in vain as the farm owner was reluctant to cooperate. However the researcher managed to get hold and interviewed the farm owner from Sakhisizwe farm located next to Evander and Kinross.

### **3.5 Ethical Consideration issues**

This research study has conformed to all the principles and the standards of research ethics as stipulated by the UKZN ethics policy. Informed consent was requested and obtained from all the participants in the study. All participants were requested to sign the declaration form prior to answering the questions and after the informed consent were read and understood by the respondents.

Gatekeeper's letters were obtained from Govan Mbeki Municipality, Human Settlements Section and from Department of Rural Development and Land Reform. All procedures with regard to participation in this study were explicitly explained to all who participated on this study. The right of protection against any harm, use of pseudonyms and the right of withdrawal at any stage from participating in the study were explained to the respondents.

Most of the participants who participated in this study were Zulu speaking, in that respect informed consent was translated into Zulu and the researcher, during the distribution of self-administration of questionnaires, translated the questions into Zulu. All participants voluntarily participated in this study without being coerced. No promises were made to potential respondents in terms of material gains and so forth to lure them to partake in the study.

The researcher ensured that the rationale for this study was explained clearly beforehand. Hence participants were allowed to ask questions where they didn't understand prior taking partaking in the study.

### **3.8 Conclusion**

This chapter has defined and covered the methodological approach which this study followed in obtaining relevant data and results as initially planned. It dealt with the methods and techniques which were employed to select the sample from the entire population, the methods used data collection techniques and data analysis. It further discussed the limitations of the study, reliability and validity of the study. It also dealt with the issues of research ethics in accordance with the university ethical principles.

## **CHPAPT FOUR**

### **RESEARCH ANALYSIS**

#### **4.1 Introduction**

This chapter presents findings of the study derived from the data collection. The chapter uses graphs, tabulations and several pie charts to give meaning of the data collected from the respondents. The aim of this research study was to explore and establish the key constraints that impede or pose obstacles to the poor from equitably accessing land for residential purposes and for livelihood generation, using informal settlements in Govan Mbeki Municipality as a case study. To achieve this, this research study tried to answer the following research questions:

- What are the obstacles that impede the poor from accessing and owning land for residential and livelihood generation?
- What is the role of the state in the regional redistribution of land for residential/settlement purposes?
- Is lack of access to land the real cause of land invasions/ illegal occupation of land?
- What potential impact will the ownership of land possibly have on the lives of the poor?
- Do the frequently occurring invasions in urban areas prohibit the local authorities from fairly distributing land and developing it for human settlement?

In this research study, data was obtained from the households within informal settlements in Govan Mbeki Municipality, local municipal officials, South African National Civil Organisation (SANCO), Department of Rural Development and Land Reform (DRDLR) and from farm owner/land owner whose land is affected by the illegal land invasion.

To make the meaning of data collected from the respondents, for data collected through a quantitative instrument, Statistic Program for Social Sciences (SPSS) was used to analyse

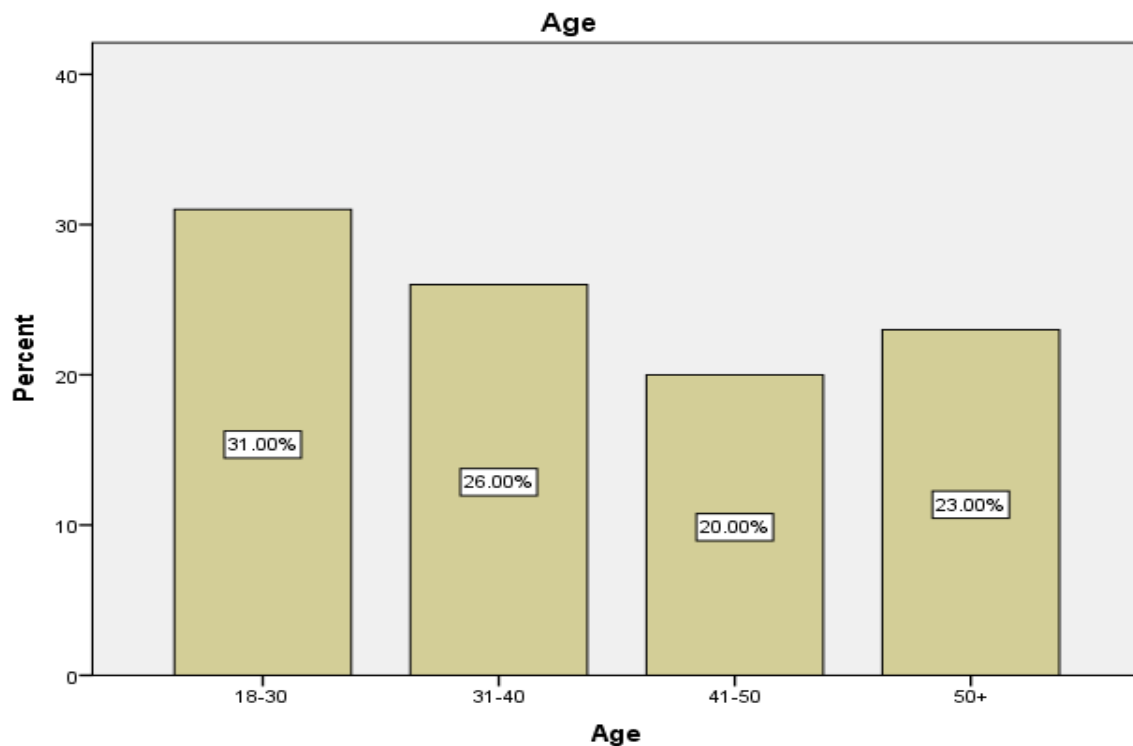
data. For qualitative data, content data analysis instrument was employed where data was categorised or grouped into themes and sub-themes which were derived from the research questions guiding this research and from the respondent's responses.

## 4.2 SECTION A: DEMOGRAPHIC CHARACTERISTICS

This section provides demographic features of the respondents who participated in this research. It includes age, gender, and level of education, employment status and household income.

### 4.2.1 Distribution of participants according to their age

**Figure (4.1) The AGE categories of the respondents who participated in the study**

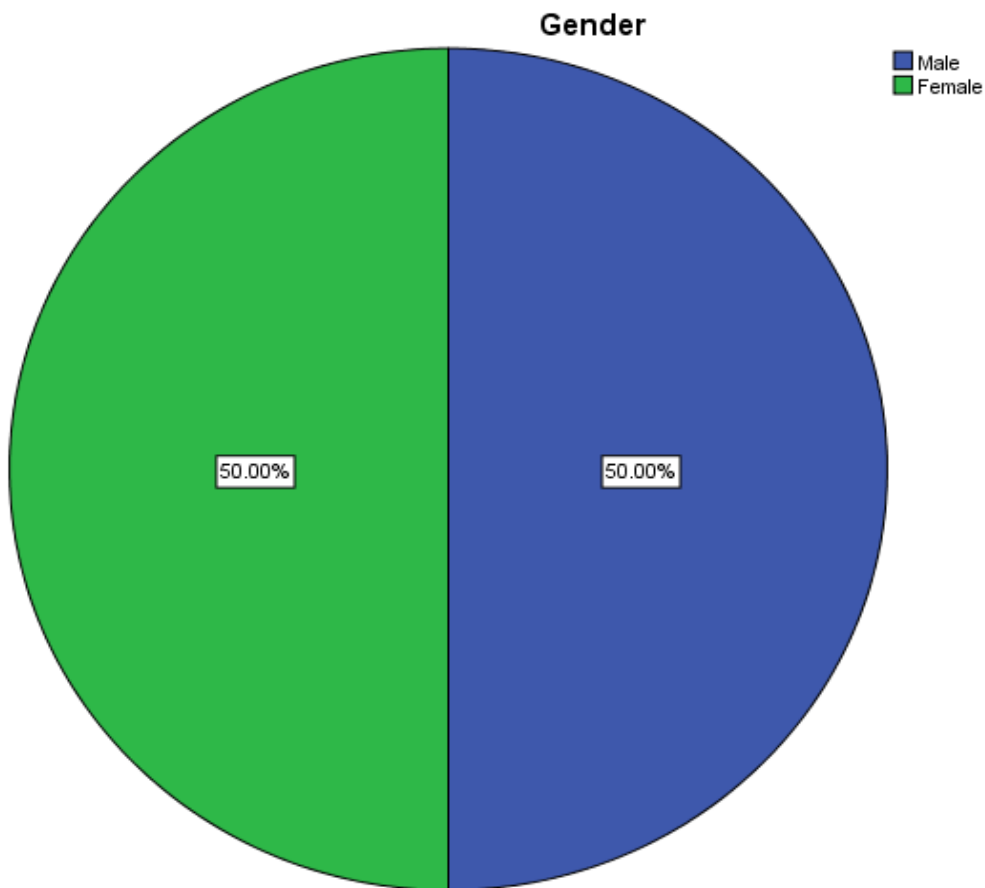


The above bar graph represents the age distribution of respondents who participated in this study. Hence the graph indicates that 31% are the respondents who were between the ages of

18-30. 26% depicts the participants who were between the ages 31-40, while the participants who were between the ages of 41-50 were only represented by 20% respondents. The graph also exhibits the 23% of the participants who were 50 or more. The above demographics indicate that a large number of youth and middle aged population who participated in this study are mostly affected by the scarcity of land for settlement.

#### 4.2.2 Distribution of respondents according to gender

Figure (4.2) the number of males and females who participated in the study

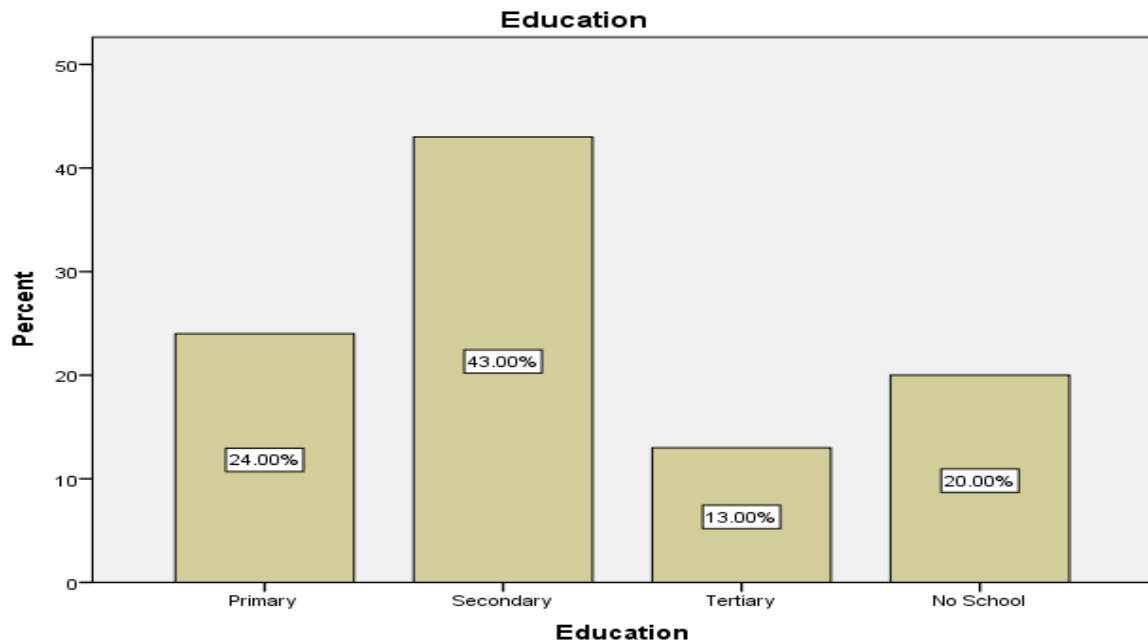




This pie chart depicts the gender distribution of respondents who participated in this study. This chart shows that 50 percent of respondent were males while the other 50 percent were female respondents. This indicates that both sexes are in dire need of land in this municipal informal settlement and both are vulnerable to evictions as they are residing in the illegally occupied land. Ellis (1999) argues that “men and women have different assets, access to resources, and opportunities. Women rarely own land, may have lower education due to discriminatory access as children, and their access to productive resources as well as decision-making tend to occur through the mediation of men”. However it is not true in this case as the pie chart depicts. Both sexes desire to own land as it serves an important role in their lives.

#### 4.2.3 Education

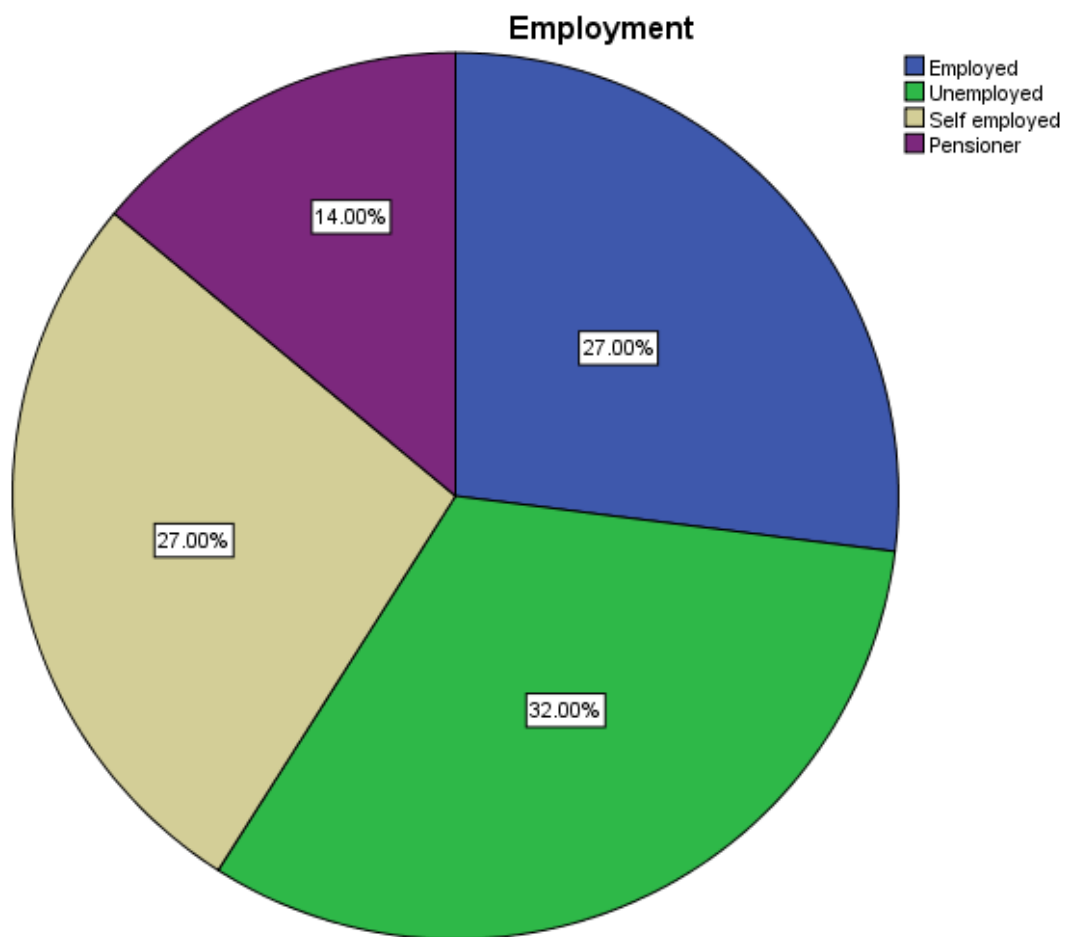
Figure (4.3) represents the educational level of respondents who participated in this study



The bar graph above indicates the level of education amongst the participants. The highest level of education the respondents holds is reflected on the graph as 43 per cent which were mostly amongst the youth, while the 20 per cent indicates the participants who have never been to school at all. The 24 per cent exhibit the respondents who hold primary education while only 13 per cent depicts those who have been to tertiary institutions but mostly from the local colleges.

#### 4.2.4 Employment status

Figure (4.4) represents the employment level of respondents who participated in this study



The above pie chart shows the level of employment amongst the respondents who participated in this study. The 32 per cent of respondents reflects the respondents who are totally unemployed as a result live under absolute poverty and others in relative poverty. Hence 27 per cent indicates participants who are self-employed while the other 27 per cent shows the respondents who are employed but staying in those informal settlements. However the chart also depicts the 14 per cent of respondents who are pensioners residing within the Govan Mbeki Municipal informal settlements. The data as represented herein correctly indicates that many respondents residing in the informal settlements of Govan Mbeki Municipality are poverty stricken. Those who happens to be employed are not earning enough money which can enable them to secure proper residences and lead better lives.

#### 4.2.5 Household monthly Income

**Figure (4.5) represents the household monthly income of respondents who participated in this study.**

		Income			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No income	11	11.0	11.0	11.0
	R500-1000	30	30.0	30.0	41.0
	R1001-3000	51	51.0	51.0	92.0
	R3001-5000	6	6.0	6.0	98.0
	R5001+	2	2.0	2.0	100.0
	Total	100	100.0	100.0	

The table above (Figure 4.5) shows the monthly income per households of participants who participated in this research study. This graph reflects 51 percent of respondent's households

who make monthly income of between R1001-3000. The graph also indicates 30 percent of respondent's income who get between R500-1000 on monthly basis. Hence 6 percent reflects respondents who make between R3001-5000 these were mostly the employed respondents with minimal of the self-employed. The graph depicts only 2 percent the respondent's household income get R5001a Monthly basis. Those were mainly the participants who work in the big industries around Govan Mbeki Municipal jurisdiction like Sasol and other mining houses. The 11 percent indicates number of respondents who either did not respond to this question or don't get any income at all. From the elicited data herein, signify that almost a third of informal settlements residents qualify for government subsidy houses.

#### **4.3 SECTION B: QUANTITATIVE DATA ANALYSIS ON LAND ACCESS AND OWNERSHIP**

##### **4.3.1 Distribution of respondents according to their residency**

**Figure (4.6) shows how the respondents are residing in those informal settlements.**

**Residency**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Own place	61	61.0	61.0	61.0
Renting	14	14.0	14.0	75.0
Relative's place	10	10.0	10.0	85.0
Parent's place	14	14.0	14.0	99.0
other	1.0	1.0	1.0	100.0
Total				
	100	100.0	100.0	

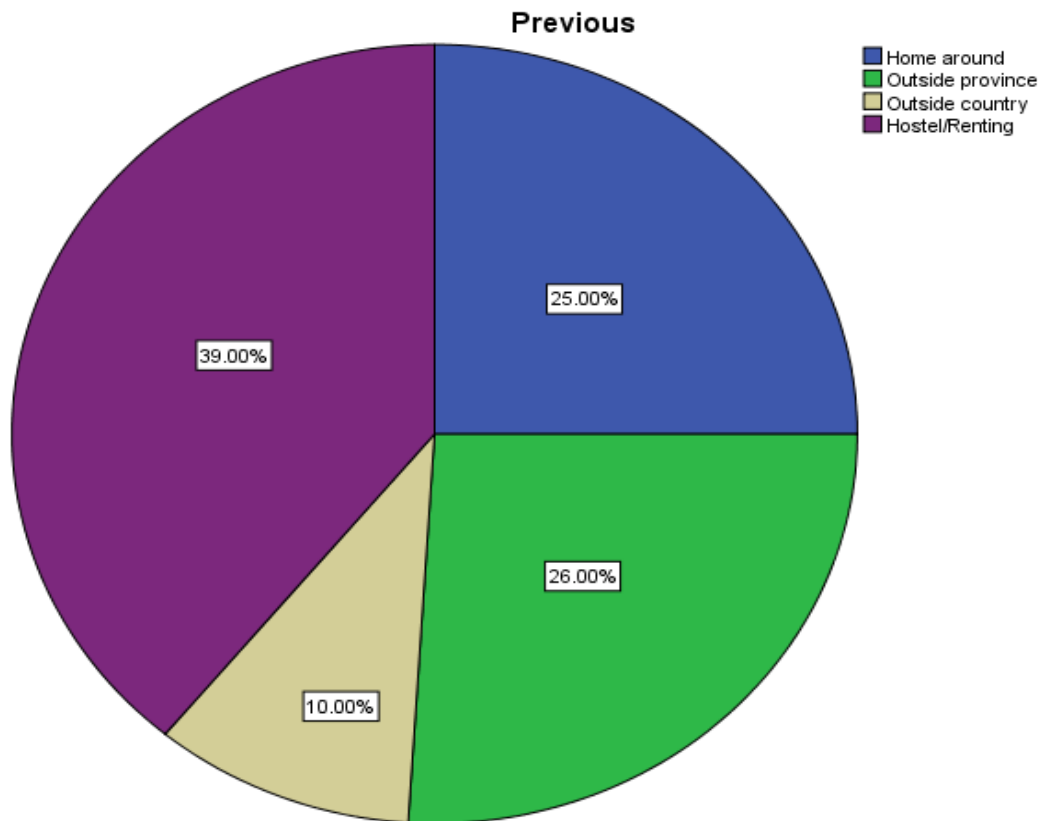
The above table (figure 4.6) points out how the participants residing in informal settlements in Govan Mbeki Municipal jurisdiction, whether it's their places or not they are principal

occupier. 61 per cent of the participants responded that they're residing in their own places within the informal settlements. The 14 per cent indicate

that they are renting the places at which they are currently residing. Hence the table shows that 10 per cent of respondents who dwell in their relative's place, while only 14 per cent of respondents live in their parent's place. Those are especially the unemployed youth. However one percent in the table indicates other respondents staying outside the places mentioned.

#### 4.3.2 Distribution of respondents according where they were staying previously.

Figure (4.7) represents the respondent's previous residences.

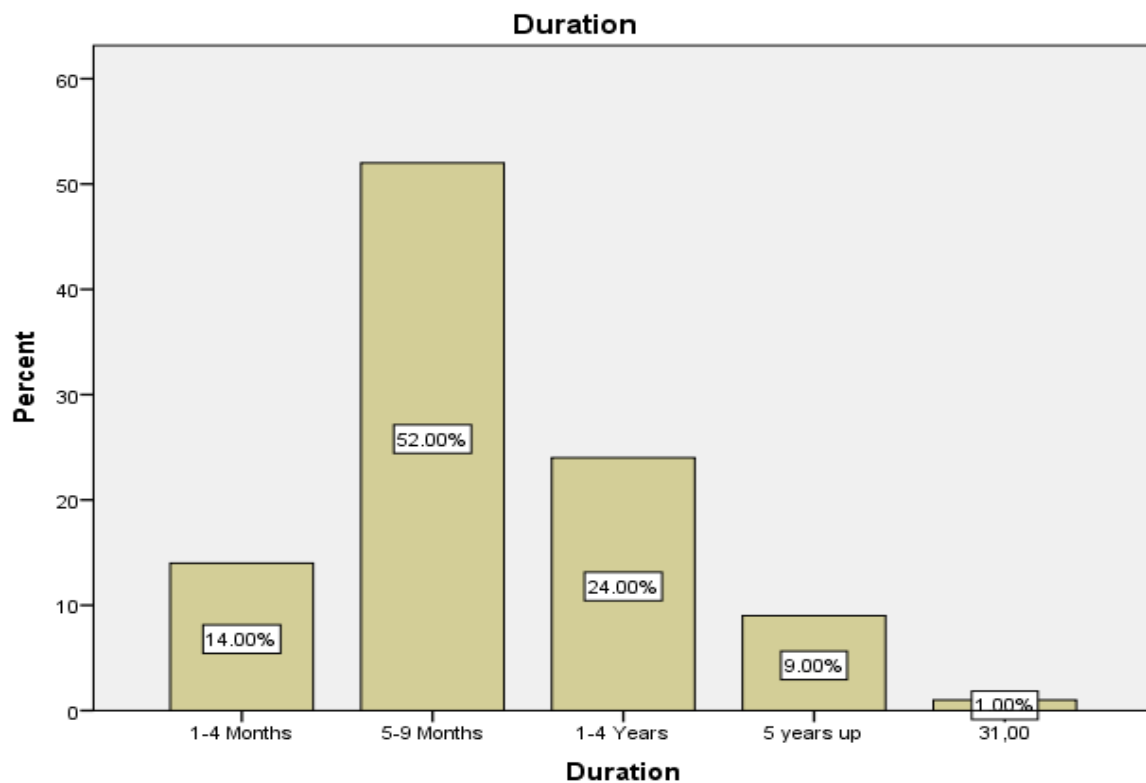


The above pie chart (Figure 4.7) reflects where the respondents were residing prior taking residence in the informal settlements of Govan Mbeki Municipality. The pie chart above indicates that the 39 percent of respondents who were either renting rooms or staying in

hostels and paying rent. The 26 per cent shows respondents who were staying outside Mpumalanga province only came there to look for employment or economic opportunities. Hence the 25 per cent depicts the respondents who were staying at home around the municipal jurisdiction. According to the chart above, only 10 per cent of respondents were staying outside the country, where they migrated from mostly from Southern African region in quest for economic interests.

#### 4.3.3 Distribution of respondents according how long have they been staying there

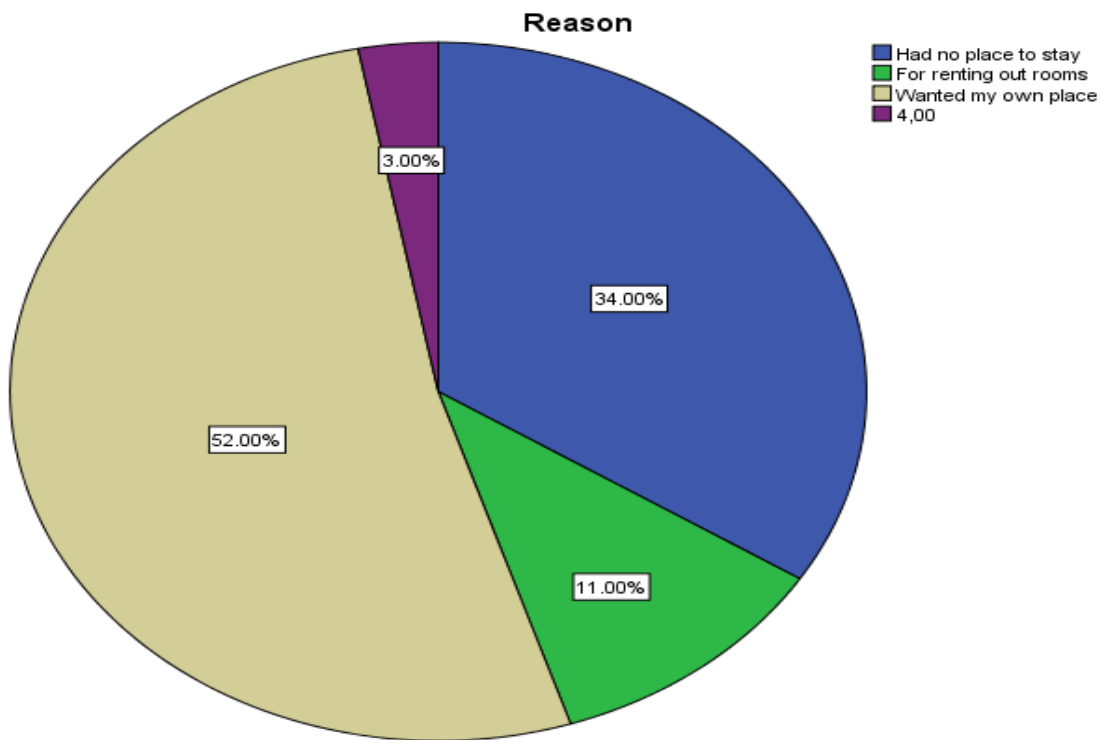
Figure (4.8) reflects the respondent’s duration at those informal settlements they currently residing in.



The Bar graph above (Figure 4.8) depicts the residence longevity of respondents who are currently residing at the informal settlements as to how long have they been there. Almost two thirds of the respondents 66% have been in the informal settlements for less than a year

(52% = 5-9 months whilst 14% have been there for only 1-4 months). Hence 24% of respondents are reflected to have been staying there for 1-4 years whilst 9 % indicates respondents who have been in the informal settlements for more than of 5 years. Nonetheless 1 percent couldn't be located as some respondents didn't respond on this question. These figures reflected here signify that the informal settlement residents have been occupying these lands for quite sometimes now and numbers are expected to rise as they keep flocking in. The Prevention of illegal Squatters Act establish that after the period of six months of squatting, when eviction takes place, the squatters should be afforded an alternative place to occupy.

**4.3.4 Distribution of respondents according to the reasons that led to occupation of land**  
**Figure (4.9) shows the reasons that led them to invade the land.**



The above Pie Chart (Figure 4.9) shows the respondent's rationale behind occupying the land at which they are residing and which is given a status of informal settlement. The chart therefore depicts 52 percent of respondents who expressed that they occupied the land because they wanted their own place, tired of renting and staying in the back room at their parents' places. However 34 percent of respondents indicated that they had no place to stay, therefore that's the reason which instigated them to occupy the land in those areas. The 11 per cent indicate respondents, who occupied the land to rent out rooms, build 'umkhukhu' (shacks) and make profit. However the three per cent could not be located as some respondents couldn't respond to this question.

**4.3.5 Distribution of respondents according to how the land at which they residing was acquired.**

**Figure (4.10) shows the responses about land accessibility.**

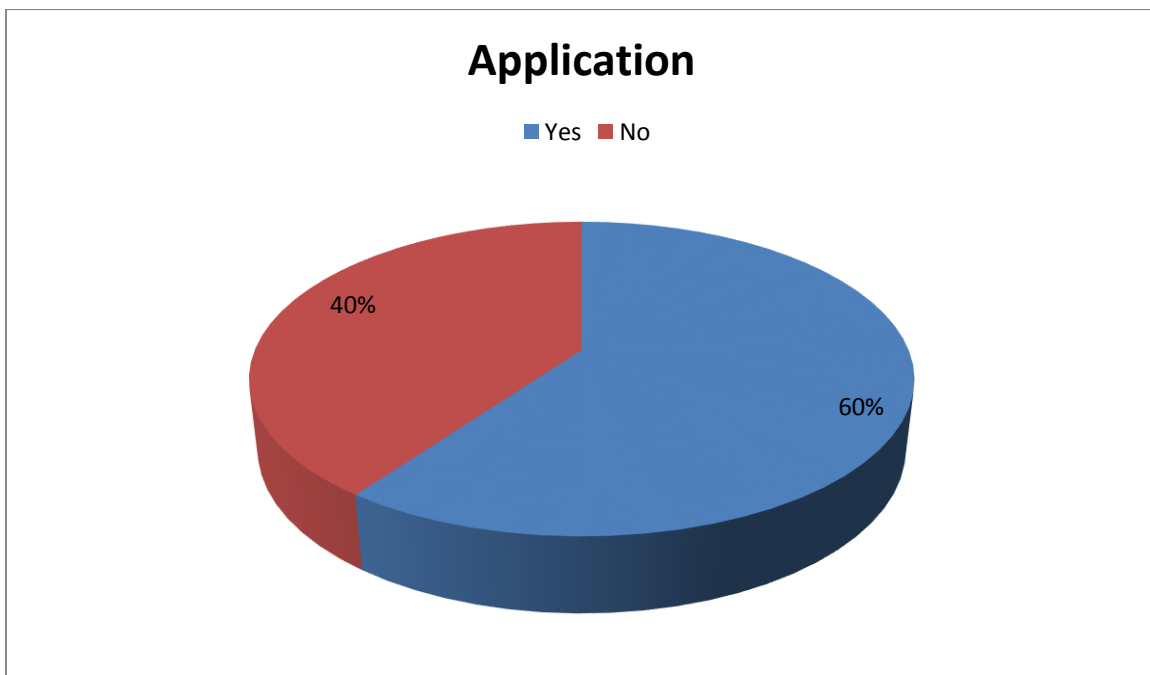
	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Unknown	4	4.0	4.0	4.0
Site purchase	11	11.0	11.0	15.0
Land leasing	12	12.0	12.0	27.0
Illegal Occupation	66	66.0	66.0	93.0
Human settlement/Municipality	7	7.0	7.0	7.0
Total	100	100.0	100.0	100.0



The above table (Figure 4.10) tabulates respondents' responses about how they accessed or acquired the land at which they are currently occupying. The four per cent shows respondents who did not respond to this question. Hence 11 per cent indicate participants who claim that they bought or purchased the land which they are residing. The 12 per cent depicts the respondents who say they are leasing the land; these are in particular participants who claim that they are running businesses in those stands and pay a certain levy to the authorities. Further 66 per cent indicates respondents who accessed the land through illegal invasion. While only seven percent are respondents who claim that they accessed the land through the municipality's Human Settlements unit. The overall findings here shed a light that people are now impatient of waiting for local government to award them with land for settlements.

#### 4.3.6 Distribution of respondents according to land application.

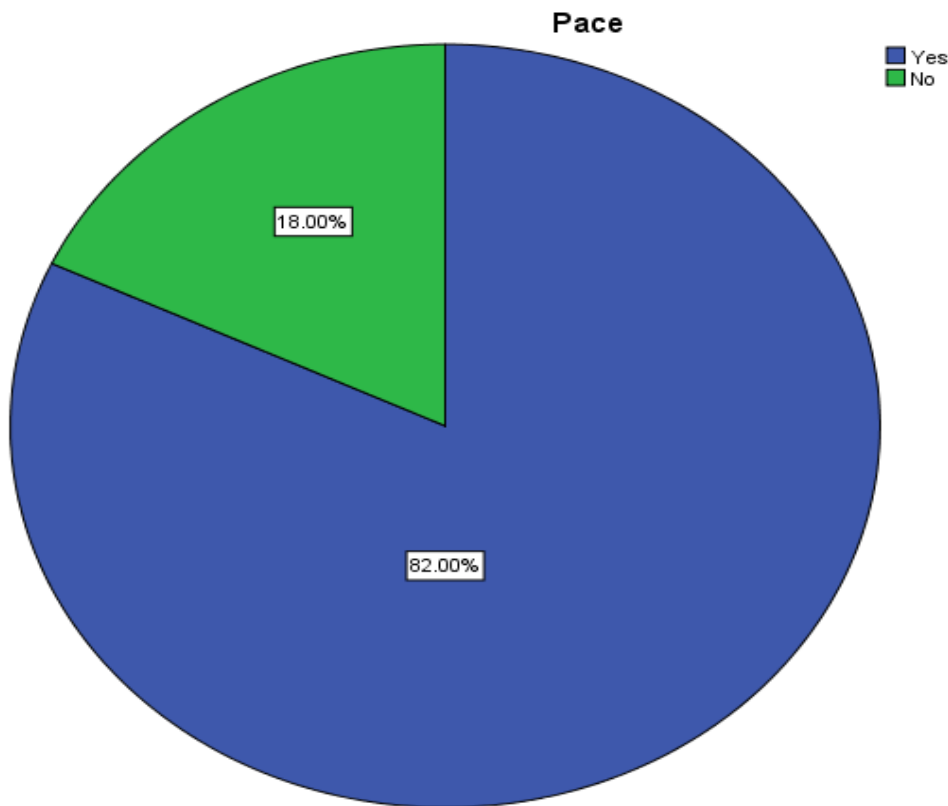
Figure (4.11) shows the responses whether they ever applied for the land.



The above pie chart (Figure 4.11) depicts respondent's responses about whether they ever applied for any piece of land for residential and livelihood purposes through land reform programmes. The 60 per cent indicates respondent's responses who replied that they applied for land mostly for low cost houses (RDP). Hence 40 per cent indicates respondents who said they have never applied for land. The large number of those who applied for land were South African citizens who had eligible documentation which allowed them to access housing. While others either had no necessary documents or uninformed on application processes.

#### 4.3.7 Distribution of respondent's perceptions according to the pace of land redistribution.

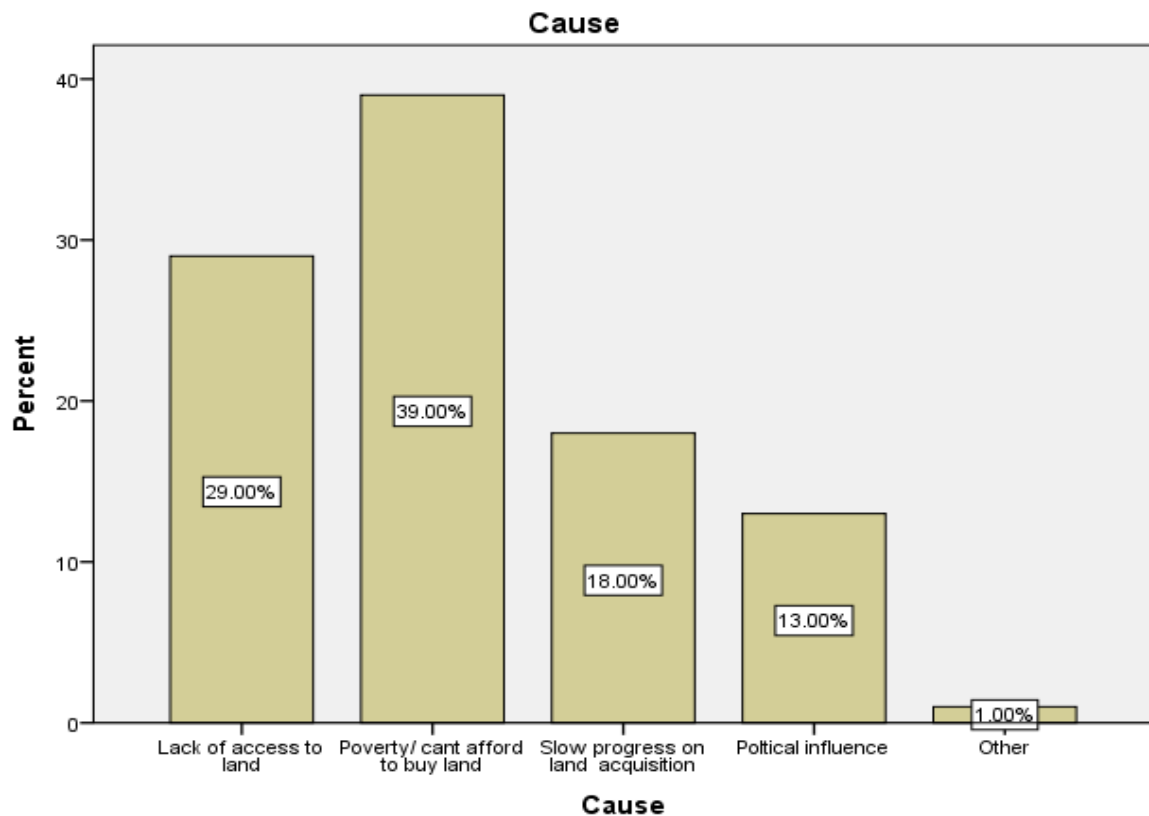
Figure (4.12) shows the responses whether the pace of land redistribution is fast or slow.



The above pie chart (Figure 4.12) reflects the feeling of respondents about the pace of land redistribution. The chart shows 82 per cent of respondents who responded in affirmation that the pace of land redistribution is moving quite slow. Hence the other 18 per cent reflects respondents who said the pace of land redistribution is not slow. The highest percentage of respondents, who felt that the pace of land redistribution is moving slowly, indicates that a greater number of people, particularly the informal settlements dwellers are not satisfied with the movement of land redistribution to its rightful owners and to those who apply for land for residence and livelihood purposes.

#### 4.3.7 Distribution of respondent responses about causes of land invasions.

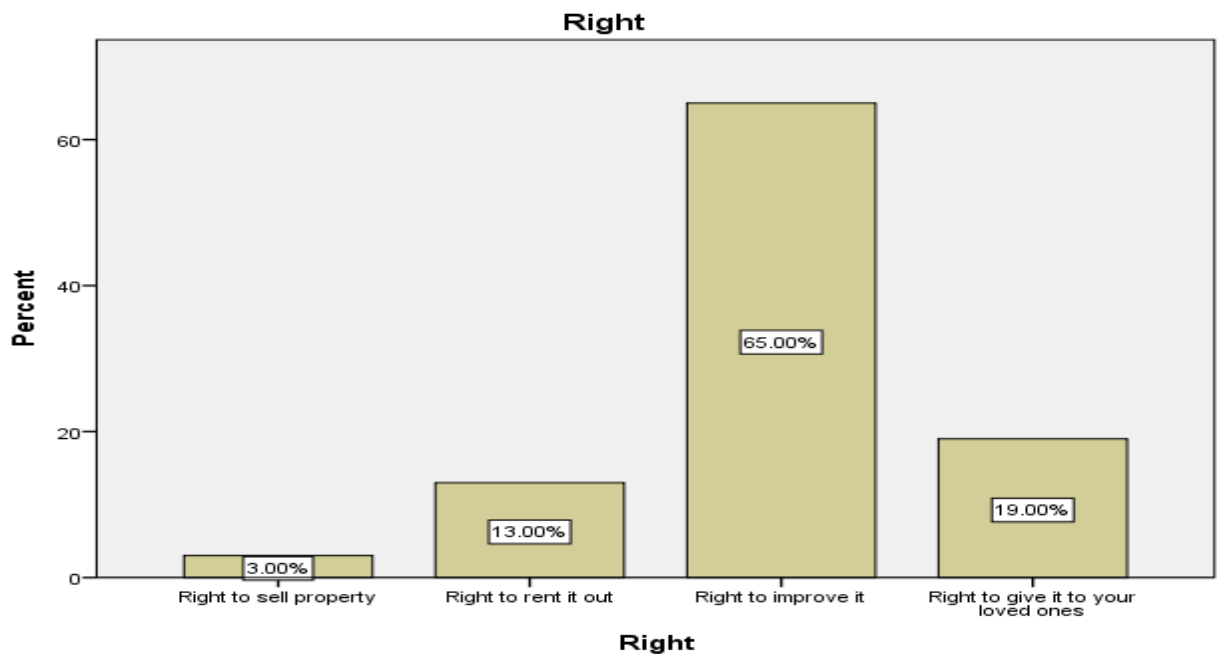
Figure (4.13) indicates the perceptions regarding the causes of land invasions.



The above bar graph (Figure 4.13) exhibits the respondents' responses amid the factors that instigate the illegal invasions of land in Govan Mbeki municipal jurisdiction. The graph shows 39 percent of participants expressed that poverty and being unable to purchase land are the main factors leading to the illegal invasions of land in this area. Hence 29 per cent indicate respondents who feel that lack of access to land is the cause of land invasions.

The 18 per cent reflects respondents who suggest that slow progress with regards to land acquisition by the national and local government are the factors that prompt the invasions of land. Further, the 13 per cent of respondents associate the land invasions amid political influences of Economic Freedom Fighters (EFF), Pan African Congress (PAC) and other civil organisations such as the Landless People Movement and South African National Civil Organisation (SANCO). The graph above also depicts one percent who felt that there are other factors which leads to invasion of land despite the other prominent factors mentioned.

**4.3.8 Distribution of respondents' responses on land rights.**



**Figure (4.14) indicates the perceptions regarding the meaning of land rights.**

The above bar graph (Figure 4.14) presents perceptions of respondents with regards to the meaning of land rights. The graph indicates that 65 per cent of respondents expressed that land rights means to have right to improve land of your own. The 19 per cent which are largely elders felt that to have land rights means to give to your loved ones or your generation. Hence 13 per cent of respondents felt that with land rights they can rent out the land as they wish. And lastly, the three percent of respondents felt that to have land rights means you can sell the property as you wish.

#### **4.4 SECTION C: QUALITATIVE DATA ANALYSIS: INTERVIEW RESPONSES**

This section present data analysis derived from the respondent's responses and were categorised into themes, which groups various ideas from different participants to bring about the entire picture of what transpired. These themes were presented as follows:

**THEME #1:** Access to land and ownership for residential and livelihood purposes

**THEME #2:** The role of the government over land redistribution

**THEME #3:** The causes of land invasion

**THEME #4:** Impact of land ownership

**THEME #5:** Land rights

The three Municipal Officials who were interviewed are coded as MO#1, MO#2, and MO #3. The Farm Owner will be represented as FO#1, SANCO Member will be SM #1, and the official from DRDLR Official will be coded as DO #1

#### **4.4.1 THEME 1: ACCESS TO LAND AND OWNERSHIP FOR RESIDENTIAL AND LIVELIHOOD PURPOSES**

One of the main objective of this research was to ascertain the obstacles that impede the poor from accessing and legally owning land for residential and livelihood purposes. Thus in the new democratic South Africa, every citizen regardless of colour, gender, ethnicity and so forth, have a right to equitable access to land. Chapter 2 (Bill of Rights) of the South African Constitution of 1996, Section 25 (5) rightly points out that “the state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis”. Hence the Bill of Rights Section 26 (1) further enshrines the right to adequate housing to all citizens of South Africa. This means no one may be denied, excluded or be discriminated against access to residential, housing and a place where livelihood means shall be sourced when all requirements are met.

##### **4.4.1.1 Equitable access to land and land shortages**

The Govan Mbeki local municipality as the lowest rung of government is charged with the responsibility of ensuring that local citizens; particularly the disadvantaged, have access to land for settlement purposes. One respondent from the Municipality (Human Settlement Section) when asked whether the Govan Mbeki Municipality does have unutilized land and what are the plans with it, asserted that “yes, the municipality does have unused and available land earmarked for future housing development.” MO# 1. The second respondent shared the same sentiments but with a bit more specific response, he said “yes, but it is mostly a flood line land, public open spaces, parks and agricultural land” MO#2

The third respondent couldn't provide any key details about the availability of land in his jurisdiction which is Region 3. Govan Mbeki Municipality is the home of a multibillion rand

petrochemical industry which is SASOL. It also houses giant mining houses like Anglo American and Anglo Coal which contribute significantly to the South African Gross Domestic Product (GDP) and as well as to the local economic development of the area.

These industries operate within the private sector, and own vast areas of surfaced land which is largely ruined by undermining and pollution. The researcher was keen to establish from respondents whether what the municipality intends to do with the surfaced lands, because in some cases, open spaces which are unused for a long time are prone to illegal land invasion. Further to this another respondent said *“when it comes to buying of these hectares of land through land acquisition process by mainly, the provincial government, after land analysis and assessments have been completed, it is normally established that those pieces of land are incompatible for residential settlement due to the underground mining operations”* (interview 2 November 2015).

One respondent indicated that they face numerous challenges with regards to owning and accessing land due to the private companies occupying land and traditional communal land which is only reserved for certain individuals. Another respondent revealed that the shortage of land is caused by the ever rising population (immigration) which is the resultant of mining sectors and Sasol operating and located within the municipal jurisdiction.

A leader from SANCO, a civil organisation prominent in the townships of this municipal jurisdiction for organising civilians on issues of service delivery argued that *“it (land shortages) is merely caused by the mining industries around the area and individuals who own swathes of land i.e farms in the surroundings of this municipal area”* (Interview 6 November 2015). He further maintained that the municipal authorities always insist that there is a shortage of land in this area, but is not really the case, due to that much land have been

consumed as a result of mining activities but there is still available land which can be transferred to people for residential settlements.

In addition to this, the respondent reflected that “we have in many cases engaged with the municipality to stop corruption when distributing land and do away with nepotism. We have further organised marches including the one held in 2014 whose memorandum was received by the MEC for CoGTA. The march registered our concern about the shortage of land in this municipality” (interview 6 November 2015)

From these responses it is evident that access to land particularly in this municipal jurisdiction is encountered with a vast of challenges, one being the underground mining operation taking place there. The ownership of land by private companies also poses obstacles in terms of redistributing land. It also appear that the local government does not fully exercise control over administration of land which should not only serve the interests of the few or individuals but vast marginalised majority. The involvement of civil society on matters of land, simply entails that the land access, redistribution and land shortages are of great concern in this municipality. Therefore the municipal authorities should find means to resolve these land issues to avoid social tensions through violent mass demonstrations and other mass actions by the landless.

#### **4.4.1.3 The process to accessing land**

In order to have access to land, one is compelled to follow due procedures and processes that the national government (DRDLR), provincial Human Settlements department and local municipality have stipulated. Asked whether how they (informal settlements residents) attempt to access land, they indicated that although they frequently applied for land/houses but were unsuccessful to date, as a result they decided to illegally occupy the unused land.



The respondent from the municipality indicated that, to ensure equitable land redistribution and inclusiveness for all, land is distributed by means of the *'transversal waiting list'*. This list is in the custody of the Govan Mbeki municipality in the Human Settlements Section which is reviewed on an annual basis. The aim is to assess the backlog of land and houses needed to be distributed to the less fortunate and qualifying for housing subsidy. However is method rather not addressing or satisfying the shortage of land in Govan Mbeki municipality.

The second respondent indicated that the land is accessed or made available to community members through tender processes and in the process Africans are afforded preference. The third one further elaborated that *"most of the land is distributed by the municipality through Bid process (where a bidder buy a tender document, each at a cost of R250 a non- refundable) and part of it is distributed by means of a waiting list to beneficiaries earning between R0- R3500 (household income)"*

Bidding for land is a process where every community, individual members and private organisations are given a fair opportunity to compete for land purchase, for residential stands, business stands, and church sites and for non-profit organisation (GMM 2015). In this process often the poor unemployed youth, those who have little or no income and the elderly are left out from the process. They cannot even try to buy the tender document, knowing that they will not be able to afford making payments should they be awarded those residential stands. Hence the table above (Figure 4.5) indicated that a large number of informal settlements dwellers are poor and unemployed. Therefore the bidding for residential stands is an insurmountable for them.

The majority of participants in this study responded that they had applied for low cost houses where they could have a shelter and generate livelihoods. When they were asked whether

they had ever applied for land and what was the process like, one of the respondents revealed that the *“land redistribution program is very slow, I applied for this piece of land to lease it for development purposes, but it was denied”*. He said he spotted one of the open spaces where he wanted to build a park for children and invest infrastructural wise which could have enhanced the economic well-being and boost local economic development, but he was denied by the Municipality.

One respondent indicated that she never received an RDP house since she applied for it in 2012, she claim that the progress is very slow and it was the reason she decided to settle in the informal settlement. Another respondent revealed that *“I applied for a stand for RDP, but still today there is no sign of it. Due to this slow progress, I then decided to come and settle here with my kids”* (interview, 2 November 2015). Embalenhle extension 22 in a newly established section of the township which was also formed through land invasion, is one of the places which were directly affected by the illegal invasion. All open spaces within that extension are fully illegally occupied. Some of these respondents claimed that there were tired of renting, staying at the back room of their parents’ house and wait for long periods for the government to provide them with land.

Some respondents claimed that the sluggish progress of land redistribution is directly caused by the nepotism within the municipality where officials give land and RDPs to their relatives and friends. The Social Capital theory under theoretical framework in this study assert the notion of leveraging the material gains for those who knows people in higher places. This hold true in this case where those who have relatives and friends in higher are prioritised during the allocation process of housing. Furthermore corruption and maladministration is

also claimed by the participants to be pervasive amid government officials who are responsible for land redistribution.

While there are individuals who are without land for residential settlement, there are individuals who own large-scale of land for farming. When the farm owner asked about how he obtained his farm. He said: *“This is a family farm, which we inherited from our father who passed on in 1995. Since then we have been taking care of the farm business”* (Interview date: 5 November)

He further insisted that he saw no reason for selling any portion of the farm for it to be distributed to those who lack land. He said the farm is used for business purposes and it where he generate livelihood. In the farm they specialize in crop rearing and they own a large number of livestock i.e. cows and sheep which they buy and sell. This consequently means, according to the landowner, that the land they own can never be sold because it is in usage, and can never be shared with outsiders because it is a family business. Part of the farm is illegally occupied. It was first occupied by the farm workers and subsequently by the local people from the adjacent townships. The farm owner, as a result sought legal options through eviction, it was granted but evictions never materialised. Hence the farm is still illegally occupied.

#### **4.4.2 THEME 2: THE ROLE OF THE STATE IN LAND REDISTRIBUTION**

This research asked an important question in terms of the role of the state in redistribution of land for residential purposes livelihood. As stated earlier on, it can never be overemphasised that the state has an enormous responsibility or important role of ensuring that land is made available and accessible to all eligible South African citizens regardless of where they come from and for whom they are. In the post-apartheid era, the generated literature review in this

study revealed that the ANC government introduced land reform to correct the ‘apartheid inequities’. That meant that the state had to ensure that the land is made available for housing people who were dislocated and poor. The then Land Affairs now Department of Rural Development and Land Reform (DRDLR) and Department of Human Settlement were given a status custodianship of land affairs, land tenure security, land restitution, redistribution and land acquisition for human settlement.

Hence the Department of Human Settlements in Mpumalanga Province is tasked with the responsibility to ensuring that land for housing disadvantaged groups is made available to those whose household monthly income is on or below R3500. The municipality on the other hand, has the responsibility to conduct efficiently a land need analysis in its municipal jurisdiction through transversal lists, compile a report and do land acquisition and redistribute it to those who are indigent and who meet necessary requirements in terms of the legislation.

When the researcher asked one of the officials from DRDLR whether have the department received any claims from Govan Mbeki Municipality, residents or community members or from other structures, he responded that “*indeed there are land claims*”. He maintained that “*most claims received from urban to semi-urban areas are property claims*”. Hence land claims come from different parts of South Africa not only GMM.

Nevertheless, the respondent could not disclose the figures as to approximately how many hectares of land that have been redistributed. But he reflected that “*there is significant progress in terms of land redistribution*”. Equally there are also a number of challenges which tend to counter the realisation and progress of land reform programmes (land redistribution, restitution and tenure security). Some of the key challenges are presented below.

#### **4.4.2.1 Challenges over land redistribution**

There are a number of challenges upon which the respondents reflected, which are faced by the state in swiftly providing tenure security and redistributing land to those who were dispossessed as the result of the past laws. The typical challenges which are often faced by the state (nationally and provincially) in terms of land redistribution mechanisms as indicated by the respondents, is the market, where land is often highly priced, limited state resources i.e. money, skills and experience to handle professionally and efficiently land reform programmes. The infighting among families, how the land is going to be divided or shared among family members and how they are going to benefit after all is a problem. The literature in chapter two of my research reported that some people would get their land restituted back to them, eventually they sell it. These are some of the challenges which are arguably contributing to the snail's pace of land reform programmes

It has been shown above in this chapter that land acquisition for residential purposes rests with the provincial Department of Human Settlements. The respondent from the municipality indicated that *“the province has a lower or minimum budget which cannot cater for all municipalities within the province, so a priority system is being used”* (interview; 6 November 2015)

The priority system basically means that in one financial year, GMM may not be prioritised due to the fact that, for instance, there might be urgent land issues which have to be swiftly attended to in one municipality. Then the gap of land shortages in this municipality may then be widen, becoming larger to a point where people become agitated and impatient and claim forceful occupation on the unused open spaces and surrounding farms.

The other municipal official agreed that: the process of acquiring land is very long. These lengthy processes may lead to lack of transparency over time. Hence fraudsters and corruption may take a toll which can further undermine any prompt response to the land challenges faced by the municipality. Another participant affirmed that there are challenges over land acquisition in the province “Land acquisition is scanty in the province as most land belong to the private individuals” MO#3

According to the Municipal Spatial Development Unit, almost 70% of surface land is privately owned by entities and individuals. This includes farms, mines with Sasol included and other business individuals owning a large number of plots.

#### **4.4.2.2 Political interferences**

The land question is one of the emotive issues in South Africa. In the literature review it has been discovered that it’s a political matter ever since the inception of the discriminatory policies of the past. It still remains a political debacle even in this decade of democracy and freedom. A number of respondents pointed out that during the land acquisition processes, political Interference takes precedence. After the land has been acquired, politicians interfere in terms of whom the land is allocated. In the event nepotism and corruption activities takes precedence.

For one of the municipal officials, the issue of land is a political matter and there is always interference when it comes to it. The second official indicated that the land acquisition and allocating of houses have been and are provided by the Mpumalanga Department of Human Settlements. The process is monitored by the political principals. The respondent elaborated that “some politicians within the municipality are inevitably corrupt, they use unduly influence to interfere and benefit themselves and those related to them”

This means while the politicians are trying to resolve land issues, they are at the same time concerned to who they give the land to and who benefits. This highlights Social Capital Theory which argues that those with social ties or connection in high places are in a better position to leverage material gains (Woolcock & Narayan, 2000). Hence those in GMM who have strong networks with politicians are at a good advantage to induce material gain, in this case is land. The individual community member who does not belong to any of the relevant structures or networks in the society is likely to suffer.

#### **4.4.3 THEME 3: THE CAUSES OF ILLEGAL LAND INVASIONS**

The number of shacks and informal settlements in Govan Mbeki Municipal jurisdiction have dramatically increased over the past decade, mainly because of illegal occupation of land by the poor disadvantaged groups. In the three regions of this municipality most open spaces, and farms have turned into housing hundreds of families through illegal land occupation. This study's literature review has shown that there are many factors contributing to the invasion of land. A document compiled by the Western Cape provincial Housing Department in 2003, points to poverty and unemployment as primary aspects attributing to the accelerating levels of invasion of land. It is also noted that invasion of land is associated to an alternative means to obtaining housing, natural growth and jumping queue to be helped to housing sooner.

There are a number of reasons which the participants in this research study have pointed out as prime instigators of land invasion. Some of the prominent causes of land invasion which the respondents made mention of is poverty, slow progress of land reform, lack of access to land and political influences. The respondent from DRDLR "*land invasion is caused by lack of security of tenure, legacy of colonialism, immigration driven by employment and economic opportunities seeking*" (DO#1). In addressing this he stated that the government is still

dealing with the legacy of the past through land reform programmes and creating secure employment for the disadvantaged groups to benefit from the economic fortunes of this country.

The municipal officials, the farm owner and local SANCO leader were also asked the same question as to what are the causes of land invasion in this municipal jurisdiction. The first respondent pointed out a number of industries operating in this municipal area which claim a swathe of land. They also pointed out that it is caused by the lack of job opportunities in the area which inevitably lead to poverty and landlessness.

Another participant indicated that *“most industries are allocated in this municipal area, so most people immigrate to this area and ultimately need land”* (interview 3 November 2015). Overpopulation arguably led to land invasions and shortages of land. Upon immigrants’ arrival in that municipal area, they require places to stay, as some of them over time are unable to pay rent. They allegedly resort to occupying the open spaces available.

Another respondent highlighted a number of aspects which are presumed to instigate a land invasion. The respondent maintained that land invasion is caused by the failure of government to distribute land and the shortages of land as a result of mining surrounding the area. In addition another pointed out that it is caused by an inability, ineffectiveness and inefficiency of government to prioritise the residential areas/settlements for landless people.

On the background of this study, it has appeared that, by virtue of GMM being an industrial zone and people immigrating from other countries and provinces for job opportunities remains the causal factors leading people to resort to illegal land invasions. Political influence is present but very minimum only 13% as indicated in figure (4.13) by the residents residing within these informal settlement. The presence of civil society, the likes of SANCO and LPM



are present in townships like Afganistan, Emzinoni in Bethal and part of Embalenhle and Lebohang. Hence the Ridge Times, a local newspaper has reported a story that the EFF organised and led a service delivery protest on behalf of the residents of Sakhisizwe farm (an informal settlement located adjacent to Evander Mine). One of their demands was that the municipality provide residents with security of tenure and they be provided with houses and fully fledged municipal services. The argument of the municipality was that the land at which the informal settlement was located in is not legally proclaimed, which means it is not occupied legally. One of the questions asked by this research was whether the lack of access to land the real cause of land invasion. The findings obtained herein reflect that factors like poverty, unemployment, rise in population and immigration are the main land invasion instigators. The presence of political influence is at very marginal level though they have a certain degree of influence.

#### **4.4.4 THEME 4: THE IMPACT OF LAND OWNERSHIP**

One of the objective of the study was to establish the possible impact of land ownership among the informal settlements residents. The findings obtained indicate that there are a number of possible impacts that the land tenure security, land access and land ownership could have in the lives of the disadvantaged groups. A large number of participants, particularly those who reside in the informal settlements, lack security of land tenure. A number of respondents who participated in the research reflected that they didn't feel secure where they are residing. *"At times the municipality officials accompanied by 'red ants' would come and force us out of here, so I feel really insecure being here because I don't know the day at which they will be coming here"* (interview 10 November 2015) said one of the respondents residing in Emzinoni Ext 22/23 informal settlements. The respondent was

referring to an eviction incident which happened on the 7<sup>th</sup> May of 2015 in Extension 11, where they got evicted by municipal council.

Municipal officials and those from DRDLR, the representative from SANCO and participants from the municipality's informal settlements were asked what role they thought land ownership could play in the lives of the poor who cannot afford to purchase and independently acquire and own land.

The municipality is on the other hand expected to lead and swiftly provide solutions to the ever raising challenges of land shortages in its jurisdiction. The farm owner suggested that the government must have reasonable funds to fund the land reform programmes because they can't just give out land without having been correctly compensated. Another respondent said *"the only solution to this is for the government to take drastic, reasonable and urgent measures to resolve the land issue, by swiftly taking the land without compensation and distributing it to the landless poor majority"* (SM#1)

From these participants' responses, it is apparent that the only institution that is vested with power and enormous responsibility to tackle correctly the land question is the government. It is therefore within the political and administrative will for these issues to be promptly resolved as all resources are in their disposal.

In addition the member of SANCO further indicated that *"the poor people lack a strong voice which shall advocate on their behalf, they lack financial means which can enable them to access land, they lack connection ties through which could be used to access land"* (SM#1)

The Social Capital Theory is in support of this statement as it emphasizes that through social ties or connections with people in high places, who have political influence, strong voice and

economic power, one can leverage material gain (Woolock and Nayaran, 1999). Hence that is if the poor do align themselves with highly connected individuals and relevant organisations, their lives can be dramatically transformed in terms of material gain, in this case the land ownership.

#### **4.4.5 THEME #5: LAND RIGHTS**

The objective here was to establish the rights held by the people in their places of residence. Thus the literature review in this study raised that land is a resource that has always been used to fulfill basic livelihood subsistence since the ancient times. Land can be collectively owned, in this instance land rights are given a status of communal ownership through ‘Ingonyama Trust’ in rural areas. It can also be individually owned mainly in cities through title deeds, that which endow a single individual land rights and full land ownership status. The literature review in this study reveal that in cities, land is increasingly becoming privatised, as a result, individual owners seek to be legally protected on their land. The Evolutionary Theory of Land Rights (ETLR) suggests that as land scarcity increases, people begin to seek greater land tenure (Toulmin and Quan 2000). Individualism and capitalism also tend to grow. People become anxious to have accumulate, be comfortable and be secured with their private assets. The gap of ‘haves and have nots’ gradually widen over time. Some lose their land while the land owners continue to accumulate.

Participants were asked what it meant to have land rights according to their understanding. The farm owner indicated that, land rights to him means that he has every right to do whatever he wants to do with the land he owns. Another respondent said *“I have a right to erect any building of my choice in consultation with the municipal bylaws on building”*. Another respondent stated she had right to choose to give away or pass on the land when she dies.

Another respondent alluded that as he was unemployed he had right to rent out his land so that he can obtain some income and he also stated that he can decide whether to build rooms or just sell the plot any time he wishes.

Land security and land rights remain important subject to the lives of the informal settlement residents. It remains a huge concern as they don't know the future regarding the land which they are occupying. In a nutshell, it is safe to say that their lives remain precarious as they have no fixed home. One respondent who was settling in the informal settlement of Ext/23 in Emzinoni, who has been evicted and recently relocated to Embalenhle Ext/22 informal settlement with her five children, complained that she has lost so many belongings after the eviction. She is living in terror due to the uncertainty of when they are going to be once more evicted from the place they are currently occupying. The findings here reflects that land rights to remains crucial and people understand what is meant by land rights.

#### **4.5 Conclusion**

This chapter has attempted to produce a clear presentation, analysis and interpretation of data aimed at creating an understanding of the land question phenomenon, particularly for residential and livelihood purposes in Govan Mbeki Municipality. It is evident that there are numerous challenges with regard to accessing of land and land ownership for residential and livelihood purposes in Govan Mbeki Municipality. There seems to be only limited work that the local government is doing to respond to these challenges as it lack resources such as financial means to purchase the land on behalf the landless while land itself as it is largely consumed by the underground and surfaced mining activities. On the other hand, SANCO which is a civil organization and other political parties, are also playing an important role in

mobilizing the Govan Mbeki community to demand that the government fast-track the land reform and the poor be legally allocated residential stands.

## **CHAPTER FIVE**

### **FINDINGS, CONCLUSION AND RECOMMENDATIONS**

#### **5.1 Introduction**

This chapter focuses on providing a summary of the findings/results derived from the data analysis and further provide recommendations and concluding the study. This will be achieved through addressing the research questions which were initially asked by this study. This research study analysed how access to land and land ownership for residential and livelihood purposes in Govan Mbeki Municipality occurs with a special reference to the municipality's informal settlements.

#### **5.2 Discussion and Summary of findings**

Essentially this study focused on how land for residential and livelihood purposes is accessed, the challenges in accessing land, illegal land invasion, land reform programme and the role of the local government, civil society and other state departments on the land question in Govan Mbeki municipal area. Both qualitative and quantitative designs were employed in this study to gaining rich research results. Participants were selected through using convenience technique from four townships in three regions of GMM informal settlements.

It is worth noting that this study was triggered by illegal invasions of land and the ever rising population and mushrooming of informal settlements as a result of forceful occupation of land within Govan Mbeki Municipal jurisdiction. The study findings indicate that 31 % which is the highest age group of informal dwellers/invaders are the youth. This basically means that youth of this area are the most vulnerable population in terms of land scarcity, as a result, they resort to invading the open spaces within the municipal area as an alternative to addressing homelessness. The findings indicated that there's no gender difference with regard

to the informal settlement dwellers, male and females are all in dire need of residential land and homes.

The study results reflect that 43% of informal settlement dwellers or respondents obtained a secondary education as the highest educational achievement, with 13% obtained tertiary education. These were the youth who are readily available to be absorbed by the labour market, the rest had primary education whilst others had no schooling at all especially the elderly. Hence this study found that 32% of the informal settlement dwellers are unemployed, which renders the majority of these communities poor or living under the poverty line. Furthermore findings indicate that of those who are employed 27% and self-employed (27%), 51% receive an income of between R1001-3000 per month which is relatively little for someone who is a breadwinner in a household of more than five members. Hence only 14% represents the pensioners of whom 30% earn between R500- 1000 per month. Thus as reflected herein, more than a half of the 'informal settlements' residents of this municipality qualify for RDP houses.

The findings further reveal that 61% which were the highest percentage of respondents were the shack/home owners located within the informal settlements of Govan Mbeki municipal area. This informs us that the informal settlers are really in need of land for housing. Hence some respondent 14% were renting those shacks while in other cases it was their parents' places. The results also reveal that 39% of participants dwelling in the informal settlements were previous staying in hostels or renting rooms while other respondents 10% immigrated from other countries and provinces 26%. Hence by virtue of this municipal area being an industrial and economic hub, most of them immigrated there to seek jobs and economic

opportunities. As a result they needed places to stay as they couldn't afford to pay rents during the period of unemployment.

The findings of this study also reveal that 52% of the population in the informal settlement resorted to illegally occupying the open spaces because they want to have their own residential land. The study results further show that 34% of participants had no place to stay, these were mainly the immigrants who could not afford to pay rent. Hence not all the participants residing within the informal settlement were desperately in need of land. The findings indicate 11% of them needed land for business purposes, to build rooms and rent them out. This depicts that not all the informal dwellers are poor and landless, but there are those driven by entrepreneurial aspirations to maximise profit while others are desperately in need of land for settlement. The study found that the municipality consists of methods in which land in the form of housing is distributed, which is through the transversal waiting list and through a tender process by affording the South Africans first preference. It is however crystal clear that this method does not address the increasing demand of land and housing in GMM.

The study results further indicate that 66% of participants illegally occupy the land while 11% bought the land from those who initially invaded it. This confirms that the shortage or land scarcity lead to the possibility of land invasion. Hence most parts of the four townships namely eMbalenhle, Lebohang, eMzinoni and Afganstan within Govan Mbeki municipal jurisdiction has been illegally occupied. Court orders or interdicts are not respected by the invaders. One respondent stated that it has been a trend that townships in this area are established after land invasion has occurred. In essence the municipality does not plan for new township establishment in advance, but plans after realising that the land has already



been occupied. Therefore the respondents feel that illegal occupation of land remains the only resort to instigate the municipal authorities to react on their need for land.

The findings of this research also reflect that 60% of the participants applied for land but mainly for low cost housing generally referred to as RDP houses. The respondents indicated that getting RDP houses will put them at an advantage to secure proper residences and a place to call home and bring back their dignity and self-confidence.

In the same vein, there are those respondents (37%) who stated that they did not apply for land or houses because they have no faith in the system, while some have no proper documentation to make application and as a result could not meet necessary requirements. In addition, the findings reveal that 82% of respondents feel that the pace of land redistribution is moving very slowly. Most respondents pointed out that maladministration, corruption, lack of commitment by government officials, lack of experience and expertise in dealing with land question, lack of financial resources and the absence of political will to tackle swiftly these challenges are to blame on the slow progress of land redistribution programmes.

The findings of this study suggest that significant proportion of 39% feel that the causes of land invasion is basically poverty and being unable to afford to buy land. This rightly confirms that scores of people living in the informal settlements are poor and unemployed thereby living in appalling squalid conditions. The study shows that 13% of respondents believe that political manoeuvres have a certain degree of influence in stimulating the rise of informal settlement in the municipal area. The above is a minimal percentage which points out that study respondents believe it is not literally political influence that exacerbate the rise of land invasion but rather other factors like lack of housing. Furthermore, political parties like Economic Freedom Fighters (EFF) and Pan African Congress (PAC) are seen playing a

huge role in mobilising the communities especially on the ground roots level. The findings further suggest that civil societies such as SANCO and the likes of the Landless Peoples Movement (LPM) are playing a major role in organising marches, advancing, advocating on behalf of landless people's rights and provision of service delivery to the already existing squatter camps. Ever rising population caused mostly by immigration and increasing of family members through birth, was also found to be the cause of land invasions.

The results of the study further indicate that it is crucial for informal settlements dwellers to be afforded secured land rights so they do can be able to do anything they want with their land knowing that their land rights are protected. Hence 65% of the respondents reflected that if their land rights are secured, they can improve their land. Whilst 19% of respondents indicated that they would have rights to transfer it to their loved ones where needs arise.

The study further found that the municipality does have the unused land which includes public open spaces, parks and agricultural land. But a significant part of these lands mentioned herein are not compatible for human settlements as they have been largely ruined by the underground mining operations. Hence it was indicated that there is land which is earmarked for future housing development in which some of it is already crowded as result of illegal invasion. It also appeared that most part of the land is owned by the surrounding mining houses and South Africa's largest petro chemical industry, SASOL. The municipal respondents pointed out that some of the land can never be developed for housing purposes due to the underground mining which leave the surface land unsettled, which therefore poses serious hazards to human beings.

The findings also indicate that the Department of Rural Development and Land Reform (DRDLR) is embattled with a number of challenges in its endeavour to redistribute land to

families and individuals who were dispossessed as a result of past laws. This therefore inevitably makes it difficult for families to access land.

Some of the challenges which this study sourced out, is land which is sold at a high price which makes it untenable by the department, limited resources such as funds to fund the land reform programme, and the infighting among families which makes it difficult for land to be redistributed back to the rightful owners. Hence the above mentioned constraints are to blame for the snail's pace land of the land reform programme.

The findings further indicated a rise in people who seek to be legally protected on the land in which they occupy through title deeds due to uncertainties of the future. A number of respondents felt that the land which they are occupying is not safe at all as they periodically get threatened about evictions and court interdicts.

### **5.3 Recommendations**

First and foremost it is worth noting that Govan Mbeki municipality, located at the southern-western Mpumalanga Province, houses a number of huge industries including SASOL and coal mines such as Exxaro, Anglo American, Shanduka Coals, Pan African Resources and so forth. As far as the study is concern, the findings reveal two major problems in this municipal jurisdiction. First being the ever rising population as a result of natural growth and immigration due to the employment and economic well-being prospects presented by the aforementioned industries. The findings indicate that a significant number are unemployed youth in crowded homes.

Furthermore a sizeable percentage of the population is poor and unable to buy or rent decent housing, some remain unemployed, precariously employed or employed at very low wages.

It is recommended thereof that the municipality enhance business investments and

entrepreneurship development that would in turn create job opportunities which will absorb a large population especially the youth. It should be noted that if most of the population in this area had decent jobs that allowed them to buy and afford a rent in property, state or privately owned, the housing shortage would be marginal.

The second problem is that, the government led by the African National Congress, since the inception of the democracy in 1994, is reluctant to plan for urbanisation in advance. This eventually culminate into land being invaded. The study findings establish that in this municipality, it has been a trend for the past decades that new township establishment occur after the land has been invaded. This includes the notable places such as Ext/20/21/22 at Embalenhle, Ext/25 at Kinross and parts of Lebohang and Emzinoni townships. The municipal council should use every available means to address the question of access to land for residential by conducting land analysis and needs and categorically afford eligible people suitable land for settlement before land invasion take place.

Due to the continuously growing population, at least one new township establishment should be the integral part of an every five year Integrated Development Plan (IDP) of the municipality and be strictly monitored and materialised. The earmarked open spaces for housing development as indicated by municipal authorities should be urgently developed and be given to the deserving individuals to avoid further illegal invasion of land. However, the findings reveal that, as a result of underground mining operations, most of the available surface lands are not compatible for human settlement. Therefore, while the municipal authorities are under pressure of addressing the land question, they should conduct land assessments that would help them distinguish the proper land for human settlement.

As far as the situation stands, there is no concrete partnership or relationship between the municipality and DRDLR, hence a strong relationship is needed and should be institutionalised to ensure the viability and realisation of land claims. At least one satellite office should be located within this municipal jurisdiction. During the interviews, it emerged that many respondents seemed to be unaware of the location of this department hence they are unenlightened about the processes and procedures of claiming land.

Furthermore the municipality should from time to time commit itself to making an appearance to the community to engage them in terms of the procedure and processes of how land is acquired. The relationship between the provincial Human Settlements departments should be intensified. Hence this department should fast-track the process of land acquisition for the municipality due to the fact that people become impatient and agitated as they wait longer periods and in the process they start to invade open spaces. Lastly, further research is needed in this subject as this was the exploratory study which sought to obtain the insight to the land question phenomenon particularly for residential purposes in Govan Mbeki municipality.

#### **5.4 Conclusion**

This research has endeavoured to uncover the underlying reasons that lead to the mushrooming of informal settlements in Govan Mbeki municipal area and challenges thereof with respect to equitable access to land and ownership. High rate of unemployment, poverty and the ever increasing population are part of the underlying factors that lead to illegal occupation of land in Govan Mbeki Municipality and the ANC government should resolve these issues immediately. Recommendations have been explicitly outlined.

## REFERENCES

Aliber M, Maluleke T, Manenzhe T, Paradza G, and Cousin B, (2013) Land reform and livelihoods; Trajectories of Change in Northern Limpopo Province, South Africa, Published by HSRC, ISBN 978-0-7969-2415-5

Anseeuw W and Mathebula N, (2008) *Evaluating land reforms contribution to South Africa's pro-poor growth pattern*, TIPS Annual Forum 2008 South Africa's economic miracle has the emperor lost his cloths?

Atuahene B, (2011) *South Africa's Land Reform Crisis Politics & Society Race & Ethnicity, Eliminating the Legacy of Apartheid*, Essay

Babbie. E, Mouton .J, Voster .P, Prozesky .B (2001), *The Practice of Social Research*, Oxford University Press, Southern Africa, Cape Town

Bulger P, (2004) *Disposable People at the Peri-Urban Fringe, At the end of a road that meanders through dismal mealie fields, fire-blackened veld, and winter smog lies South Africa's newest settlement [at Bredell], our own little piece of Zimbabwe.*

Bertaud A, (2010) *Land markets, Government interventions, and Housing affordability*, Wolfensohn Center for Development Working paper 18

Cousins B, (2000) *At the crossroad: Land and Agrarian Reform in South Africa into the 21<sup>st</sup> Century*, Programme for Land and Agrarian Studies (PLAAS), Bloemfontein, South Africa

Cousins B and Hall R, (2011) *Rights without Illusions: Rights without Illusions: The Potential and Limits of Rights-Based Approaches to Securing Land Tenure in Rural South Africa*, Working paper 18, PLAAS

Cousins B and Kepe T (2002) *Radical land reform is key to sustainable rural development in South Africa*, Policy Brief, Debating Land reform and rural development, PLAAS

Cotula L., Toulmin C. & Quan J., (2006) *Better land access for the rural poor*. Lessons from experience and challenges ahead, FAO. ISBN: 1-84369-632-0

Carter M. R, (1999) *Poverty, Livelihood and Class in Rural South Africa*, University of Wisconsin, Madison, USA and JULIAN MAY: ' University of Natal, Durban, RSA World Development Vol. 27, No. 1, pp. 1-20, 1999 © 1998 Elsevier Science Ltd All rights reserved. Printed in Great Britain.

Curtis B, and Curtis C, (2011) *Social Research: A practical introduction*, ISBN-13: 978-1847874757

Greenberg S, (2009) 'Crisis in Land Reform: The way out is not complicated' <http://www.sacsis.org.za/site/article/244.1>, Source: The South African Civil Society Information Service (<http://www.sacsis.org.za>)

Hall R, Jacobs P and Lahiff E, (2003) *Evaluating land Agrarian reform in South Africa*, an Occasional paper series, Programme for Land and Agrarian Studies School of Government University of the Western Cape, Final report

Huchzermeyer M, (2003) *Housing Rights in South Africa: Invasions, Evictions, the Media, and the Courts in the Cases of Grootboom, Alexandra, and Bredell*, Postgraduate Housing Programme University of the Witwatersrand

James D, (2001) *Land for the Landless: Conflicting Images of Rural and Urban in South Africa's Land Reform Programme*, Journal of Contemporary African Studies, 19, 1, 2001

Kahn N, (2007) *Land and Agrarian Reform in South Africa*: Centre for Policy Studies (CPS) Associate Johannesburg, Policy: issues & actors Vol 20 no 12

Kostiv P, (2008) *The Progress of Land Reform in South Africa 1994 - 2008: Two Case Studies from KwaZulu-Natal*, A dissertation submitted to the Faculty of Arts, University of KwaZulu-Natal, Durban

Lahiff E, (2001) *Land Reform in South Africa; is it meeting the challenges?* Policy Brief, Debating land reform and rural development,. PLAAS.

Leduka RC (2010) *Urban Land Markets in southern African Cities*, prepared for Urban LandMark and UNHABITAT, Pretoria.

Levin R and Weiner D (1997) "No More Tears..." *Struggles for Land in Mpumalanga South Africa*, Africa World Press: ISBN 0-86543-508-1

Mearns R, (1999) *Access to Land in Rural India Policy Issues and Options*; World Bank Policy Research Working Paper 2123,

Mathews B, and Ross L, (2010) *Research Methods: A practical guide for the social sciences*, ISBN-13: 978-1405858502.

Maree .K, Creswell,J.W, Ebarsohn L. Eloff .I, Ferreira.R, Inankova.N.V, Jansen. J.D, Plano. V.L, Vander Westhuiszen.C (2007) *First Step in Research Third Impression*: Published by Van Shaik Publishers.

Modise, L & Mtshiselwa N, (2008) *The Natives Land Act of 1913 engineered the poverty*

*of Black South Africans: a historico-ecclesiastical perspective*, Department of Philosophy, Practical and Systematic Theology, and Department of Biblical and Ancient Studies, University of South Africa, Pretoria, South Africa.

Mustafa.A, (2010) *Research Methodology*, First Edition; Published by Virender Kumar Arya For A.I.T.B.S Publishers India.

Mutanga S. S (2011) *An Assessment of Livelihood Realities in the Lowveld of Zimbabwe and South Africa After the Land Reform*, What are the policy implications? Africa Institute of South Africa, Tshwane, South Africa.

Nell M. (2007) *Towards a vision for the urban land sector in South Africa by 2020*; Report prepared for Urban LandMark; Matthew Nell & Associates (Pty) Ltd.

Ntsbeza L, and Hall R, (2007) *The Land Question in South Africa, The Challenge of Transformation and Redistribution*, Human Science Research Council, ISBN 0-7969-2163-6, South Africa.

Ntsebeza L, (2007) *The Land Question: Exploring obstacles to land redistribution in South Africa*. Department of Sociology University of Cape Town South Africa.

Olufemi O, (2004) *Socio-political imperatives of land invasion and eviction: Revisiting the Bredell case*, Johannesburg, South Africa, Associate Professor of Urban and Regional Planning Newfoundland, Canada.

Toulmin, C and Quan, J F (Eds) (2000) *Evolving Land Rights, Policy and Tenure in Africa*, DFID/IIED/NRI, London.

Walker C and Cousins B, (2015) *Has land reform lost its purpose?* (<http://www.bdlive.co.za/opinion/2015/03/04/has-land-reform-lost-its-purpose>)

Walker C, (2005) *The Limits to Land Reform: Rethinking 'the Land Question'*; Journal of Southern African Studies, Volume 31, Number 4, December 2005, Stellenbosch University

Woolcock M, and Narayan D, (1999) *Social Capital: Implications for Development Theory, Research, and Policy*, Final version submitted to the World Bank Research Observer, published in Vol. 15(2), 2000

Zille P. Viruly F. Tomlinson M. Hobden T. Erasmus. M (2008) *The dynamics of the formal urban land market in South Africa*, A report prepared for Urban LandMark by Genesis Analytics.



## **Other unpublished documents**

Govan Mbeki Municipal Migration strategy 2015

Govan Mbeki Municipal Integrated Development Plan 2015/2016

Provincial Government of the Western cape Department of Housing Directorate: Housing Settlement Cape Town, March (2003) *Unlawful occupation of land; General notes and comments on unlawful occupation of land/land invasions and orderly settlement*, with reference to the prevention of illegal eviction from and Unlawful Occupation of Land Act 19 of 1998 [pie act] and other related legislation.

Chapter 2 (Bill of Rights) of the South African Constitution of 1996, Section 25

## Appendix 1

### QUESTIONNAIRE TO BE ANSWERED BY HOUSEHOLDS

**Access to land and land ownership for residential and livelihood purposes in the historical disadvantaged areas in Mpumalanga province: A case study of informal settlement in Govan Mbeki Municipality.**

*May I have few minutes of your time to respond to the following questionnaire?  
Be informed that all your personal information will be kept confidential at all cost  
You are also protected against any harm*

*Please respond to the questions given below by using a cross [×] where appropriate  
Please note that your participation is entirely voluntary. You have a choice to participate, not to participate or stop participating in the research.*

#### SECTION A: Background information

1. Age	18-30	1	31-40	2	41-50	3	51+	4
2. Gender	Male			1	Female			2
3. Level of education	Primary	1	Secondary	2	Tertiary	3	No schooling	4
4. Employment Status	Employed	1	Unemployed	2	Self employed	3	Pensioner	4
5. Household Monthly income	500-1000	1	1001-3000	2	3001-5000	3	5000+	4

#### SECTION B: land ownership and Land access

6. How are you staying here?

Own place	1	Renting	2	Relative's Place	3	Parent's place	4	Other	5

7. Where were you staying before settling here?

Home around here	1	Outside province	2	Outside country	3	Hostel/renting	4

8. For how long have you been staying here?

1-4 months	1	5-9 months	2	1-4 years	3	5 years upwards	4

**9. What made you to occupy this land?**

Had no place to stay	1	For renting out rooms	2	Wanted my own place	3

**10. How the land at which you're residing was acquired?**

Site Purchase	1	Land Leasing	2	Illegal occupation	3	Local Human settlement/municipality	4	Government

**11. Have you ever applied for any piece of land through restitution, land tenure and Land redistribution program or low cost housing?**

Yes	1	No	2

If yes for which program and did you receive it, how was the process fast/ slow, please expand

.....  
 .....  
 .....

**12. Do your think the pace of land redistribution is moving slowly?**

Yes	1	No	2

If yes wat do you suggest are the causes of that?

.....  
 .....

**13. What do you think is the cause of land invasion in Govan Mbeki Municipal jurisdiction?**

Lack of access to land	1	Poverty/can't afford to buy land	2	Slow progress on land acquisition	3	Political Influence	4	other	5

**14. Please elaborate on your answer.**

.....  
.....  
.....

**15. What possible impact do you think land ownership could interplay in your life?**

.....  
.....  
.....  
.....

**16. In your view, what does it mean to have 'land rights'?**

Right to sell property,	1	Right to give rent it out	2	Right to Improve it	3	Right to give it your loved ones	4	Other	5

**17. What challenges do you often face in your endeavors to accessing and owning land for settlement and livelihood purposes?**

.....  
.....  
.....

## Appendix 2

### INTERVIEW QUESTIONS TO BE ANSWERED BY MUNICIPAL OFFICIALS

#### INTERVIEW QUESTIONNAIRE TO BE ANSWERED BY OFFICIALS

**Access to land and land ownership for residential and livelihood purposes in the historical disadvantaged areas in Mpumalanga province: A case study of informal settlement Govan Mbeki Municipality.**

*May I have few minutes of your time to respond to the following questionnaire?*

*Be informed that all your personal information will be kept confidential at all cost*

*You are also protected against any harm*

*Please respond to the questions given below by using a cross [×] where appropriate  
Please note that your participation is entirely voluntary. You have a choice to participate, not to participate or stop participating in the research.*

1. What is your name?
2. Which department are you working in?
3. What is your role in the local land administration?
4. How big is the land owned by private individuals, companies and the state in municipality?
5. Does the municipality have any available unused land, if yes how big it is and what are the municipal plans with it?
6. How the municipality does ensures the equitable land distribution to all who seek it?
7. Is there any political or any external interference in the process of land acquisition, allocating housing or redistribution of land?
8. How often do the municipality apply for land acquisition?
9. Do the municipality face challenges in the process of land acquisition from provincial and national government? If yes please elaborate?
10. Are the poor people considered or prioritized for livelihood generation and residential purposes after a successful land acquisition?
11. What do you think is the cause of land invasion in this municipal jurisdiction?
12. Does the municipality have any mechanism to prevent the occurrence of invasion of land?

13. Does land invasion pose any significant threat on the future development of land within the affected areas (invaded land)?
14. In your view, would you say all land invaders are poor and landless? Please elaborate.
15. In your view, what impact the land ownership could interplay on the lives of the historical disadvantaged people?
16. Are there challenges faced by the landless people in accessing and owning land in this municipal jurisdiction?

### Appendix 3

#### INTERVIEW QUESTIONS FOR THE DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM OFFICIAL IN GERT SIBANDE DISTRICT

##### QUESTIONNAIRE TO BE ANSWERED

**Access to land and land ownership for residential and livelihood purposes in the historical disadvantaged areas in Mpumalanga province: A case study of Informal Settlement in Govan Mbeki Municipality.**

*May I have few minutes of your time to respond to the following questionnaire?  
Be informed that all your personal information will be kept confidential at all cost  
You are also protected against any harm*

*Please respond to the questions given below by using a cross [×] where appropriate  
Please note that your participation is entirely voluntary. You have a choice to participate,  
not to participate or stop participating in the research.*

1. What is your name?
2. What is your occupation and role in land administration in this region?
3. Have the department received any land reform application particularly from Govan Mbeki municipality? How was the process? Have they received their claimed portion?
4. How many hectares of land have been redistributed to deserving households in GMM?
5. Can you speculate any challenges you come across regarding acquisition of land?
6. Do you think there are any political interferences over land redistribution in this region?
7. What do you think is the cause of land invasion in this region?
8. Does you department have measures in place to prevent invasion of land?
9. Based on you your knowledge what does it mean to have land rights?
10. What impact could land ownership have on the lives of the poor?
11. What factors would you say causes slow pace in land redistribution for settlement development?

## Appendix 4

### INTERVIEW FOR PRIVATE LAND OWNERS WHO'S LAND IS AFFECTED.

#### QUESTIONNAIRE TO BE ANSWERED BY LAND OWNERS

**Access to land and land ownership for residential and livelihood purposes in the historical disadvantaged areas in Mpumalanga province: A case study of informal settlement in Govan Mbeki Municipality.**

*May I have few minutes of your time to respond to the following questionnaire?*

*Be informed that all your personal information will be kept confidential at all cost*

*You are also protected against any harm*

*Please respond to the questions given below by using a cross [×] where appropriate  
Please note that your participation is entirely voluntary. You have a choice to participate, not to participate or stop participating in the research.*

1. What is your specialization regarding the land owning?
2. How long have you been owning this land and how you acquired it?
3. How big is your land?
4. How does it feel to see your land being invaded?
5. What do you think is the cause of land invasion?
6. What measures do you think the state should take to address the land access and ownership?
7. In your own understanding, what does it mean to have land rights?



## Appendix 5

### INTERVIEW FOR CIVIL ORGANISATION INVOLVED ON LAND ISSUES

#### QUESTIONNAIRE TO BE ANSWERED

**Access to land and land ownership for residential and livelihood purposes in the historical disadvantaged areas in Mpumalanga province: A case study of informal settlement in Govan Mbeki Municipality.**

*May I have few minutes of your time to respond to the following questionnaire?  
Be informed that all your personal information will be kept confidential at all cost*

*You are also protected against any harm*

*Please respond to the questions given below by using a cross [×] where appropriate  
Please note that your participation is entirely voluntary. You have a choice to participate,  
not to participate or stop participating in the research.*

1. What is your name?
2. What is your organization's role on the land redistribution issues?
3. Would you say there is a shortage of land for settlement in Govan Mbeki Municipality? If yes, what do you think causes that?
4. Have your organization addressed the issue of land shortages with the local municipality, provincial departments or national and what was the response to that?
5. In your view what do you causes land shortages?
6. Would you say that poor black people in municipality have a limited access to land? And why is that?
7. What do you think are the causes of land invasions in municipal area?
8. Would you say all the people who are illegally occupying land in this municipal area are poor and landless?
9. In your view what can best curb illegal occupation of land?
10. Do you is the local government equally distribute land to citizens who require land?
11. Is there any political influence over equitable redistributing land in the municipality?
12. Is there any committee or organization serving on negotiating the allocation of stands to landless

## Appendix 6

### Informed Consent Document

Dear Participant,

- i. My name is Lindani Nxumalo (215081533). I am a Masters candidate studying at the University of KwaZulu-Natal, Howard College Campus. The title of my research is: ***Access to land and land ownership for residential and livelihood purposes in the historically disadvantaged areas in Mpumalanga province: A case study of informal settlements Govan Mbeki Municipality.*** The aim of the study is to establish the obstacles that impede the poor from accessing and owning land for residential and livelihood generation. And to find out if lack of access to land is the real cause of land invasions/ illegal occupation of land. I am interested in interviewing you so as to share your experiences and observations on the subject matter.

Please note that:

- The information that you provide will be used for scholarly research only.
- Your participation is entirely voluntary. You have a choice to participate, not to participate or stop participating in the research. You will not be penalized for taking such an action.
- Your views in this interview will be presented anonymously. Neither your name nor identity will be disclosed in any form in the study.
- The interview will take about five minutes.
- The record as well as other items associated with the interview will be held in a password-protected file accessible only to myself and my supervisors. After a period of 5 years, in line with the rules of the university, it will be disposed by shredding and burning.
- If you agree to participate please sign the declaration attached to this statement and indicate (by ticking as applicable) whether or not you are willing to allow the interview to be recorded by the following equipment:

	willing	Not willing
Audio equipment		
Photographic equipment		
Video equipment		

I can be contacted at: School of Social Sciences, University of KwaZulu-Natal, Howard College Campus, Durban. Email: [nxumalolindanie@gmail.com](mailto:nxumalolindanie@gmail.com);  
Cell: 073 747 5014

My supervisor is Mr Gordon Fakude who is located at the School of Social Sciences, Howard College Campus, Contact details: email: [fakude@ukzn.ac.za](mailto:fakude@ukzn.ac.za). Phone number: +2731 – 260 2640

Humanities and Social Sciences Research Ethics Committee contact details are as follows: Ms Phumelele Ximba, University of KwaZulu-Natal, Research Office, Email: [ximbap@ukzn.ac.za](mailto:ximbap@ukzn.ac.za), Phone number +27312603587.

Thank you for your contribution to this research.

## DECLARATION

I..... *(full names of participant)* hereby confirm that I understand the contents of this document and the nature of the research project, and I consent to participating in the research project.

I understand that I am at liberty to withdraw from the project at any time, should I so desire.

I understand the intention of the research. I hereby agree to participate.

I consent / do not consent to have this interview recorded (if applicable)

SIGNATURE OF PARTICIPANT

DATE

.....



**rural development  
& land reform**

Department:  
Rural Development & Land Reform  
**REPUBLIC OF SOUTH AFRICA**

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Date: 02/09/15

University of KwaZulu-Natal  
Economic History and Development Studies  
Howard College  
Durban

**To whom it may concern,**

The department of Rural Development and Land Reform hereby confirms to giving permission and support to Mr Lindani Nxumalo to conduct his research study for Masters on Land access and Land ownership.

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**Mr B. Mlomo**

**Deputy Director: Rural, Restitution and Investigation Services**

# GOVAN MBEKI MUNICIPALITY

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Date: 23/10/15

University of KwaZulu-Natal  
Economic History and Development Studies  
Howard College  
Durban

## TO WHOM IT MAY CONCERN

This serves to confirm that Govan Mbeki Municipality acknowledges and gives permission to Mr Lindani Nxumalo to conduct his research study towards his Masters on Land accessibility and ownership within the Municipal jurisdiction and he will be afforded all support he requires.

The municipal officials will be available for interviews and other relevant data to be sourced will be made available.

A handwritten signature in black ink, appearing to read 'Dinga Tshabalala', is written over a horizontal dotted line.

**Mr Dinga Tshabalala**  
**Manager: Human Settlement Section**