



**UNIVERSITY OF  
KWAZULU-NATAL**

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**INYUVESI  
YAKWAZULU-NATALI**

**TITLE:**

**EVALUATING THE IMPACT OF THE INGONYAMA TRUST  
BOARD CONTROLLED LAND IN THE DELIVERY OF LOW-  
INCOME HOUSING. A CASE STUDY OF TURTON IN  
UMZUMBE MUNICIPALITY**

**BY:**

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*A SHORT DISSERTATION SUBMITTED IN PARTIAL FULFILMENT OF THE  
REQUIREMENTS FOR MASTERS DEGREE IN TOWN AND REGIONAL PLANNING  
(MTRP) IN THE SCHOOL OF THE BUILT ENVIRONMENT AND DEVELOPMENT  
STUDIES.*

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## **Declaration**

I, Xolani Selwyn Msomi (211526527), declare that the information presented in this mini-dissertation represents my own unaided work and references have been indicated to acknowledge the aided work from the named authors. Furthermore, this mini-dissertation has not been previously submitted for any academic examination towards any qualification. It represents my own opinions and not necessarily those of the University of KwaZulu-Natal.

Signature.....

Date.....

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## **List of acronyms**

BNG	Breaking New Ground
CLTP	Communal Land Tenure Policy
COGTA	Cooperative Governance and Traditional Affairs
CONTRALESA	Congress of Traditional Leaders of South Africa
DOHS	Department of Human Settlements
DTLGA	Department of Traditional and Local Government Affairs
GNP	Gross National Product
HA	Hectares
IDP	Integrated Development Plan
ITB	INGonyama Trust Board
KZN	KwaZulu-Natal
MEC	Member of Executive Council
NGO	Non-Governmental Organisation
PTO	Permission to occupy
RDP	Reconstruction and Development Programme
RSA	Republic of South Africa
SDF	Spatial Development Framework
SPLUMA	Spatial Planning and Land-use Management Act

## **Abstract**

This study evaluates the impact of the iNgonyama Trust Board (ITB) controlled land in the delivery of low-income housing, using uMzumbe Municipality- Turton area as a case study. The aim of this study was to investigate the role of the ITB in the distribution of customary land administered by traditional leaders for the development of low-income housing in rural communities. Thus the study examined the history of South African rural communities under both the colonial and apartheid regime with traditional leaders as representatives of rural communities through management and rural development.

The study also assessed the level of success and failure of the ITB and its traditional leaders in cooperation with the rural housing policy in delivering low-income housing in rural communities. It further evaluated the negative factors that delay the fast release of traditional land for housing development in rural areas, explored the South African laws, legislation and policies that govern ITB controlled land and local government involvement in land distribution and housing delivery. Moreover, the study assessed the degree of autonomy between municipal officials and traditional leaders regarding the implementation of low-income housing and land acquisition. Two case studies within the African continent were selected for this study to provide a broader understanding of the debates around the study both at international and local perspective, namely Ghana and South Africa.

Qualitative research method was used to collect data from the identified informants using the purposive sampling method. Data collection incorporated both primary and secondary sources, using closed and open-ended questionnaires to acquire the data from the informants. A total of 50 households who benefited from the rural housing subsidy were targeted, as well as municipal officials, the ITB and the Turton traditional leader. The data collected from the informants was analysed using thematic method of data analysis.

The study findings identified key challenges encountered during the delivery of Turton low-income housing project, these challenges included: the reluctance of the Turton traditional leader in releasing land for low-income housing delivery due to low capital gains, as well as issues around social and traditional norms which hinder at local level. These issues prevail between the traditional leader and community members in terms of traditional cases and levies paid to the traditional leader for the comfort of the royal family. Communication channels in Turton between the ward councillor and the headmen seem to be unclear when it comes to transparency and management, therefore compromising the achievement of good

governance. Traditional structures see themselves as appropriate leaders for rural development with adequate knowledge and understanding of rural areas compared to municipal officials and politicians. However it appears that uMzumbe Municipality officials' are willing to work with traditional leaders as custodians and political figures of rural development who have the power to allocate land to people within a democratic society. Their willingness brings rise to the realisation of the traditionalist theory which focuses on traditional planning and customs in merger with the modernist theory. The modernist theory refers to ways and forms of modern society, transforming cultural identities through democracy and technical scientific advantages. These two conflicting theories (modernist and traditionalist) are reviewed under this study.

Recommendations for the study were based from the identified findings and aligned with the research objectives to help alleviate the key issues identified and improve land accessibility for effective low-income housing delivery. The study has recommended for the introduction of a single legislation for traditional structures on land management. The legislation is to be written in both English and indigenous languages with clearly defined roles and functions of traditional structures as this will help reduce confusion on the roles and functions of each individual. Free land allocation for poor households requiring State housing is also recommended in order to create equal opportunities for qualifying households for a rural housing subsidy. People centred housing development and housing consumer education for low-income households is also recommended in order to respond to the rife of poverty identified under empirical studies in rural areas, more especially in Turton. However the study concluded that the impact of the ITB in the delivery of low-income housing has been positive with regards to the release of Land Development Agreements after consultation with affected traditional leaders for land accessibility.

## **Chapter One: Introduction and Research Methodology**

### **1.1 Introduction**

Since 1994, the right to access adequate housing has been governments' priority and incumbent upon the South African Constitution in section 26 (1) of 1996 that "everyone has the right to have access to adequate housing" (Constitution of Republic of South Africa, 1996). Despite various interventions the challenge to overcome the housing backlog in South Africa remains one of the greatest shortfalls of the post-apartheid government (Ojo-Aromokudu, 2013). According to Moroke (2009), housing in South Africa is seen as the most challenging environment for the government to deliver adequate and affordable housing to the marginalised groups due to spatial segregation and land ownership. This argument is supported by Clinton (2014) who focused on the South African "policy and legislative framework" as being narrowed towards social, economic and spatial integration, using housing as a tool to diminish spatial segregation which was adopted from the bitter history of South Africa dominated by colonialism, apartheid and racial discrimination (Govender, 2011).

The South African history of unequal distribution of access to land and the neglect of rural areas which was partially caused by the lack of municipal services left many rural dwellers in the rife of poverty and landlessness. Many rural dwellers became dependent upon traditional technologies to provide themselves with basic services as they did not receive any State assistance. Their dependency on traditional technologies and the enactment of the 1959 Bantustan Self-Government Act no. 46 led to a massive demand for basic services and low-income housing since these areas were not self-sufficient to provide themselves with adequate basic services (SAHO, undated).

However towards the end of apartheid the delivery of adequate housing to the marginalized groups was used as a key instrument in the struggle for political transition and became part of the post-1994 government priority (Khaki, 2009). The Government of National Unity came into power in 1994 and inherited a massive 3 million housing backlog in a spatially dysfunctional environment. As a result, the pre-1994 government allocated only 1.3% of the gross national product (GNP) to housing delivery (Rockefeller, 2005). Hence the democratic government had to find ways in the apartheid legacy to reassure the promise of a '*Better life for all*' to transform and enlighten local democracy within communities.

The end of the 20<sup>th</sup> century ensured spatial segregation with intense property clauses towards non-White people in order to systematically secure segregation as well as ensure White economic dominance and political oppression (Goodlad, 1996). Lahiff (undated) highlights that the end of apartheid left approximately 82 million hectares of land in the hands of about 60,000 White people. Lahiff (undated) further states that 13 million Black people with majority suffering from poverty were confined in homelands with unclear land tenure rights. In the midst of inherited injustice of extreme shortage of adequate land to develop affordable housing, legislative measures were put in place in order to address this issue. Policies and legislative frameworks that were introduced included the 1994 Housing White Paper; 1997 Housing Act no. 107 as well as the 1998 White Paper on local government as examples of the post-apartheid government pledge into meeting the identified housing demands. These Acts and policies were designed by the government of national unity to try and redress the issues of uneven distribution of the economy, land and housing in the country. More specifically the White Paper was to facilitate the delivery of low-income housing both in urban and rural areas. The funding in rural areas was through the use of a rural housing subsidy which aimed at financing rural housing projects for people who already own land (communal land tenure), which meant the house will be built on the beneficiaries' allocated land (Housing Code, 2009).

Even though such plans were designed to help redress the apartheid legacy, most rural municipalities such as uMzumbane Municipality are still struggling to have access to land in order to adequately address both the housing and infrastructure backlog inherited from the past. This has impacted the delivery of low-income housing in rural areas, in particular areas prone to private land ownership or traditional leaders who release land based on their terms. However land and housing cannot be separated. Burgoyne (2008) asserts that tenure insecurity remains as one of the dominant features and key sources towards South Africa's housing backlog. This argument is aimed at areas under traditional custodianship issuing Permission to Occupy (PTO) including traditional leaders who are reluctant to encourage low-income housing development in tribal land.

In 1994, the KwaZulu- Natal Legislative Assembly passed the iNgonyama Trust Act no. 3 of 1994 before the national election (Van Wyk, 2003) which entrusted all rural land under the individual trustee of the King of the Zulu nation, King Goodwill Zwelithini (ITB, 2013/14). The Act transferred 2.9 million hectares of rural land to the King and further led to individual traditional authorities to lose control over the land they previously administered under the

colonial and apartheid regime. These traditional authorities were deprived the rights to charge levy rentals on land and ensured that all “developments on land bigger than 5 hectares or worth more than R500 000 had to go directly to the iNgonyama Trust Board (ITB) for clearance” (Van Wyk, 2003).

However, the iNgonyama Trust Board appointed traditional leaders pose a great challenge towards the delivery of low-income housing in rural areas. Traditional leaders were not exposed to local government service delivery during both the colonial and apartheid era resulting in a challenge for the democratically elected government to incorporate traditional leaders into the new South African Constitutional democracy. The challenge was that traditional leaders were appointed prior to 1994 and were politically unaligned towards democracy (Day, undated).

In the year 2000, the Department of Housing entered into a partnership with the KwaZulu-Natal provincial government for Local Government and Traditional Affairs to design a policy guideline which was meant to inform chapter 11 of the Housing Code (NDOH, 2000). Dlamini (2010) argues that the partnership was due to the fact that low-income housing development could not be developed on tribal land as it was declined by traditional authorities. The partnership outcome was the introduction of the National Traditional Leadership and Governance Framework Act no. 41 of 2003. This study seeks to evaluate the impact of the iNgonyama Trust Board controlled land in the delivery of low-income housing within the province of KwaZulu-Natal, using uMzumbe Municipality- Turton area as a study.

## **1.2 Research Problem**

Despite the end of apartheid in 1994, South African communities are still divided and imbalanced when it comes to development more especially towards land access for rural low-income housing developments. This can be attributed to South Africa’s inherited history of inequality and land dispossession. Burgoyne (2008:1) argues that housing is an extremely political and argumentative issue, especially in developing countries like South Africa. The post-apartheid government is trapped between the private sector with commercial land farming and the iNgonyama Trust Board, which only lease land on a 35 year period after the consent of the traditional leader(s).

According to Khunou (2009:85) the 1998 White Paper on Local Government proposed for a “co-operative relationship between municipalities and traditional leadership. Traditional

leaders were said to have representation on the local and district councils regarding the needs and aspirations of their people. This role is different from the role of voting for ward councillors”. Unfortunately their roles (traditional leaders) remained unclear, until the introduction of the National Traditional Leadership and Governance Framework Act no. 41 of 2003. This Act defined traditional leaders’ roles and proposed for collaborative planning between government officials and traditional leaders in order to ensure adequate service delivery (Day, undated). Sithole and Mbele (2008) stated that some traditional leaders felt they are still being overlooked by local government officials as their provision of interest intersected with those elected as local government councillors, regarding development and service delivery decision making in rural areas. According to Matloa (2008) other traditional leaders viewed government adaptation as an intention to arrogate their authority despite their recognition under the Bill of Rights (Sithole and Mbele, 2008).

Rural development and the delivery of rural housing as well as basic services to previously marginalized communities has remained the main priority of post-apartheid government since 1994 (Khunou, 2009). This is also witnessed by the announcement of the former South African President Thabo Mbeki in 1996 that government intention is to design rural development programme, arguing that “the rural areas of our country represent the worst concentration of poverty. No progress can be made towards a life of human dignity for our people as a whole unless we ensure the development of these areas” (Mbeki, 1996:8). There are many constraints hindering government initiatives towards rural development with the most fundamental being land ownership. A study conducted by Dlamini (2010) highlights that some municipalities are unwilling to participate in any housing delivery programmes because of issues related to land tenure, accessibility and land claims that need to be dealt with in tribal lands. The iNgonyama Trust traditional leaders are seen to be one of the barriers of housing delivery in KwaZulu-Natal. The iNgonyama Act makes provision for the Zulu King to be the sole trustee of 2.9 million hectares of land. Nevertheless permission is required to be obtained from the King’s office after consultation with the affected traditional leader in order for development, services and sale of each property to be granted, whilst many “applications are deprived of access to subsidy system or mortgage loans as they do not own the land they occupy” (Cohen, undated: 138).

The barriers towards rural housing development in KwaZulu-Natal face challenges of economic development, social and environmental challenges which involve: environmental degradation, tenure insecurity, lack of economic opportunities and poor infrastructure

delivery. Such challenges impose failure towards the Municipal Systems Act 32 of 2000 in relation to spatial planning and infrastructure delivery. The delay of traditional leaders to understand the importance of rural housing delivery in order to release land plays a critical role into prolonging the housing backlog in rural areas. Modonda (1998) argues that access to land is the core element to housing delivery, inaccessibility to land results in the inability of municipalities to deliver adequate housing thus contributing to the sluggish pace of housing delivery within local government.

This research study was conducted in Turton, which falls under uMzumbe local municipality. UMzumbe local municipality is one of the small rural municipalities which depend upon government funds for operation with 87% of its land under iNgonyama Trust, which is led by 13 traditional authorities. Thus the study intends on evaluating the impact of iNgonyama Trust Board (ITB) controlled land in the delivery of low-income housing in Turton. The Turton residents were among the first to benefit from the rural housing subsidy project, however the implemented project showed evidence of limitations and challenges to address the housing backlog for the majority of the people in the area due to land acquisition. Other challenges encountered included: access to suitable land, planning and monitoring, and acquisition of communal land for effective development of low-income housing.

### **1.3 Research Objectives**

- 1.3.1 Investigate the role of ITB in the distribution of land and service delivery in rural areas.
- 1.3.2 Assess the level of success and failure of the ITB in cooperation with the rural housing policy in delivering low-housing in rural areas.
- 1.3.3 Evaluate the negative factors that delay the fast release of land for housing development in rural areas.
- 1.3.4 Explore the South African laws, legislation and policies that govern ITB land and local government involvement in land distribution and housing delivery.
- 1.3.5 Investigate South Africa's rules and regulations that govern the co-operation between traditional leaders and local municipalities' development plans with regards to land use management.

1.3.6 Assess the degree of autonomy between municipal officials and traditional leaders regarding the implementation of low-income housing and land acquisition.

1.3.7 Investigate low-income housing development challenges on land controlled by ITB.

#### **1.4 Research Question**

To what degree has the iNgonyama Trust Board controlled land impacted on the delivery of low-income housing projects in KwaZulu-Natal?

##### **1.4.1 Sub-Questions**

1.4.1.1 How does the ITB controlled land impact the supply of low-income housing and planning in rural areas?

1.4.1.2 Does the incorporation of traditional leaders impact the achievement of the rural housing policy objectives?

1.4.1.3 Do traditional leaders and the ITB delay housing development?

1.4.1.4 Do low-income housing projects in rural areas address land tenure issues around tribal lands of ITB?

1.4.1.5 What are the legal communication channels to obtain the ITB controlled land for low-income housing development purposes?

1.4.1.6 How is the relationship between municipality officials and traditional leaders in uMzumbe Municipality?

1.4.1.7 How does uMzumbe Municipality handle ITB controlled land issues when it comes to housing delivery?

##### **1.5 Hypothesis**

The process involved in releasing land for housing development by the iNgonyama Trust Board can have negative impacts on the implementation of rural low-income housing in KwaZulu-Natal.

## **1.6 Definition of key concepts**

### **1.6.1 Access to Land**

Access to land (through defined rights) is governed by land tenure systems which give mandate to govern, use and own a property. Accessibility to land can either be informal or formal, or be private or communal but cannot be both. Therefore access to land can be regarded through the lens of security of tenure within the housing delivery systems, where the beneficiaries have rights to the land for their individual use. In review, access to land in South Africa is complex from a historical stand point. In addition, “existing patterns of land use and accessibility, as well as the legislative and policy framework associated with land provide an immense challenge and constraint” (Cousins, 2007). Essentially different approaches in access to land are needed in order to ensure the housing programme becomes a self-sufficient sustainable environment. Therefore in the context to this study, access to land is viewed according to tenure rights as noted under the rural housing programme which clearly state that the “beneficiary community must have the necessary tenure security as well as the support of the administering body responsible for the land” which in this study is the ITB (National Housing Code, 2009).

### **1.6.2 Communal Land Tenure**

Communal land tenure is land that is communally controlled by a community over shared values, rules, and administered by shared customary systems (Anim and Van Schalkwyk, 1996). This type of tenure is predominantly found upon common use of land by the community under the principles of indigenous law, meaning the land is not individually owned but communally owned. The 1998 White Paper on Land Policy defines communal land tenure as a “group of individuals exercising authority over a defined area of land and the resultant resources”. In local context, arguments around communal land tenure show how challenging it can be in attempt to recognize communal land due to insecurity of tenure. In other context, private property control secures exclusive tenure rights that support individual ownership. However, in rural areas such as Turton and KZN in general, traditional leaders endure the substantial political figure of transferring communally owned land to rural residents under ITB administration.

### **1.6.3 INgonyama Trust Board (ITB)**

INgonyama Trust Board is a managerial body accountable for the management of iNgonyama controlled land of 2.9 million hectares spread across the KwaZulu– Natal province in South Africa. The legal recognition of the iNgonyama Trust was in 1994 through the KwaZulu-Natal iNgonyama Trust Act, (Act No 3 of 1994), controlling the land for “the benefit, material welfare and social well-being of the members of the tribes and communities living on the land” (ITB, 2013/14). The ITB owns the majority of the land under uMzumbe Municipality with its residents as holders of PTOs. Therefore, this study looks at ITB’s impacts on the municipal procedural aspect to land use and development planning since both the municipal officials and developers need the Boards approval for any developmental proposals on ITB controlled land.

### **1.6.4 Traditional Leaders**

Traditional leaders are individuals who are elected by virtue of their forefathers to the throne (heir) in accordance to culture and custom of individuals occupying communal land. Some traditional leaders are appointed to the throne as regent while others inherit the power from one generation to the next through predecessor (Khoza, 2002). Dlamini (2010) defines traditional leaders as individuals that hold jurisdiction over a certain area and exercise authority over the people within that jurisdiction through indigenous law and cultural practices. Therefore this study looks at the role and impact of traditional leaders in rural areas like Turton when it comes to low-income housing delivery and rural development as they (traditional leaders) are the custodians of rural land.

### **1.6.5 Rural Housing Subsidy**

Greyling (2009) defines a housing subsidy as “a grant provided by the government for housing development” this grant does not come in a form of cash to beneficiaries but directly paid to the municipality or institution. The National Housing Code (2009) defines rural housing subsidy as a programme that only applies in areas of communal land ownership and is only available on a project basis and not individually. In context, the intension of the rural housing subsidy programme in Turton is to create sustainable human settlements in communally owned areas administered by traditional leaders through the rural housing development programmes.

### **1.6.6 Housing Delivery**

Housing and delivery are two different terms, meaning different things. However, they shall first be defined separately so as to combine their meaning after.

Olayiwola (2005) defines housing to be a basic need for human survival and safety. He further argues that housing is a physical form and a structure built for a community in order to contribute to the physical and health of a nation, social stability and development of individuals.

Delivery refers to handing over, particularly in housing projects or the provision of services (Olayiwola, 2005). Therefore housing delivery refers to the implementation and provision of adequate shelter to communities (Mbambo, 2013), this process involves: local authorities, built environment specialist and stakeholders- it looks at factors such as cost, quality and time in provision of housing. This research looks at housing delivery through the lens of rural housing delivery.

### **1.6.7 Low-income Housing**

According to Knight (2004:4), low-income housing is primarily for the poor and those defined as previously disadvantaged. Meng et al (2004) defines low-income housing as a “low profit commodity of government subsidies and policy support which is aimed at providing a number of low-income households in the urban areas, peripheries and rural areas with a basic shelter”. Low-income housing in South Africa is purely government’s initiative to try shelter people earning between R0 to R3500 per month through government subsidies administered under the Department of Human Settlements. This study critically evaluates low-income housing complications in the KZN province where the majority of the land administration dually rests upon traditional leaders and the regulatory role of government in providing low-income housing.

## **1.7 Study Justification**

The community of Turton is among the first to benefit from the rural housing subsidy to upgrade their self-help mud houses which are on a verge of collapsing during extreme weather conditions. However, there are several problems with regard to housing delivery and the planning process in areas affiliated with tribal land ownership of the iNgonyama Trust

Board. These problems involve: cadastral land administration, allocation of public amenities and infrastructure delivery challenges, caused by issues of traditional land-use planning systems. This influenced the researcher to evaluate the impact of the iNgonyama Trust Board controlled land in the delivery of low-income housing. The researcher identified a lack of academic research reports which focused on the ITB and its relationship to low-income housing delivery in post-1994.

This research aims to contribute to the knowledge of traditional planning in tribal lands as well as bring answers to service delivery mechanisms in traditional areas under the ITB with regards to low-income housing developments. The study intends to understand the workings of the local government, ITB and traditional leaders, and the power tussles among these stakeholders. The research will explore these avenues together with the research conducted in rural areas that fall under the ITB controlled land and managed by category-B municipalities whom extensively depend upon government grants for operation.

## **1.8 Research Methodology**

A research methodology is a system of collecting raw data from the field and seeks to answer the research questions and solve the research problem (Murray- Thomas, 2013). Data was acquired through qualitative research methods of data collection. The study used both primary and secondary sources of data collection.

Qualitative research is traditionally used in social science research. This method uses word data collection through questionnaires and interviews from participants. Information collected through this method is described in themes and patterns set by the researcher (Murray-Thomas, 2013). The advantage of using this approach is that it helps provide behavioural information (individual perception), explanatory and field observation by the researcher. The study was also descriptive in attempt to describe land factors that contribute to housing delivery delay on ITB controlled land. The explanatory side aimed to understand the settlement planning around land allocation and its hindrance towards State housing in rural areas.

### **1.8.1 Identification of research study area**

The identified research study area had to be evaluated against a set of criterion before being selected to be used as a point of reference for this research. The selection criteria ensured the

case study was in a rural area under the ITB controlled land and administered by a traditional leader before the enactment of the 1994 iNgonyama Trust Act.

The area had to be administered under communal land tenure within category B municipal area of jurisdiction. The case study had to have a rural housing project implemented within or still under construction and must be a brownfield development as advocated by the rural housing subsidy with its beneficiaries as holders of PTO's. Therefore uMzumbe Municipality Turton area met the required characteristics and was selected for this research study.

## 1.8.2 Primary Sources of data

### 1.8.2.1 Interview

The interviews were based on one on one discussion with the participants in order to uncover a greater understanding of the research problem. The participants interviewed for this study were selected using the purposive sampling method. The purposive sampling method is well known as judgemental or subjective sampling that represents “non-probability sampling techniques”. Purposive sampling is based on the researchers' understanding when it comes to the participant's selection to be studied; usually these participants have specialist knowledge about the research problem (www.dissertation.laerd.com, 2012). The interviews were semi-structured, encompassing both closed and open-ended questions. The people interviewed were:

- *uMzumbe Municipality Housing Manager*- To get an understanding of the housing issues in the area, challenges of land acquisition for housing projects under ITB land and if the ITB delays the release of land for housing. The Municipal Housing Manager was seen to be in a position to answer and give holistic information regarding the situation of housing in Turton.
- *uMzumbe Municipality Town Planner*- To understand the state of municipal control and access to tribal land for planned developments as well as challenges related to the designation of low-income housing projects and decision making in tribal communities. The Municipal Town Planner was seen to hold a position which enabled the researcher to retort on matters related to land-use management and spatial planning, incorporating the initiation of SPLUMA 2013.

- *Traditional Leader*- Was selected in order to inform the researcher about the degree of autonomy with the municipality, land dispute between municipal plans and traditional plans, procedures followed when demarcating land and role of traditional leaders as set out by the ITB to effectively meet the needs of housing demand on tribal land. The traditional leader was to provide the researcher with the traditional side of planning and allocation of land for low-income housing delivery.
- *INgonyama Trust Board Town Planner*- Helped assess the role of the ITB in low-income housing delivery, municipal procedure to acquire land for development, the rate of land released by the iNgonyama Trust Board for housing development since the establishment of the board. The number of days it takes for the development proposal to be approved by the board. Therefore the ITB representative provided the researcher with the ITB mandate of operation when it comes to low-income housing delivery and planning on tribal land.

#### 1.8.2.2 Household Survey

The household survey was made up of low-income housing beneficiaries who were selected using the systematic random sampling to identify each beneficiary household. This sampling method tries to balance opportunities of participation with households to be interviewed. This was done by creating a list of beneficiaries obtained from the municipality and selecting anyone who falls under the same number selected (Kathon, 1983) which was 20 for this study. A total of 50 households who benefited from the housing subsidy were sampled; this total number is out of 1000 housing units delivered through the rural housing subsidy. Therefore for every 20<sup>th</sup> house in the study area was targeted for the study research. The aim was to spread the research throughout the study area. A set of questionnaires were used to collect data from the selected households using the above sampling method.

The questionnaires were used to understand some of the challenges they face with insecurity of tenure, procedures followed in the subdivision and selling of their traditionally allocated land, accessibility to land for low-income housing development and leadership structures followed. Critically the questionnaires wanted to evaluate how land inaccessibility affects those without a rural housing subsidy but are in need of low-income housing and does the community see a need for low-income housing development. Beneficiaries therefore gave the researcher the end-user perception and community view towards the study research.

### **1.8.2.3 Field Observation**

Field observation is a method of collecting data under qualitative research. This research tool requires the researcher to go into the field of study and observe the natural state whilst taking extensive field notes to be analysed (www.staff.city.ac.uk, undated). This research used direct observation to observe human relationship with space, either designed or natural and how they respond to it within the chosen area. Moreover, this tool helped see the accuracy of development and layout, how people use and access their basic services through direct observation. This method of data collection required no human interaction or documented information as that will be of past information whilst field observation is present information and pictures were taken during this form of data collection.

### **1.8.3 Secondary Sources of Data**

The research study also included secondary sources of data which were: internet sources, published books, journal articles, government documents and policy documents including previous dissertations from various universities related to the research question. The use of secondary data sources gave the researcher exposure to what other authors and academics have said about the topic under study. The benefit of secondary data is it is economically obtainable and not expensive to collect data through the use of this tool. The reason is that data is already available and the researcher does not have to physically go to the field to access the information. In this sense it saves time because the researcher can access the information at his or her own pace from the internet, published books, journals or online documents (Thyer, 2010).

## **1.9 Data Analysis**

Kothari (2004) highlights that “data analysis is the process of evaluating data using analytical and logical reasoning to examine each component of the data provided”. This data is summarized to make sense towards the research topic. This study has used the thematic data analysis method, which is the simplest and most common form of data analysis tool in social science research. This data analysis tool emphasizes the categorisation of qualitative data into themes in order to transcribe and analyse into great detail the meaningful patterns of data. According to Charmaz (2006), thematic analysis creates concept of support from grounded theory, case studies and discourse analysis from data collected which results into flexibility to research various sectors after analysis.

### **1.10 Limitations to the study**

The researcher was unable to set an appointment with the Turton traditional leader with regards to land accessibility and depth of this study, due to the community protest in June 2015. The assumption was that the researcher is representing the protestors and the traditional leader has to be protected, therefore was unavailable to answer the research questions. The researcher spoke to Induna (headmen) to answer the questions on behalf of the traditional leader since any decision taken by the traditional leader is also informed by the headmen.

### **1.11 Structure of dissertation**

#### **Chapter One: Introduction and Research Methodology**

This chapter focuses on the introduction of the research problem and highlights some of the main themes that inform the base of the research study. It has further outlined the research methodology and stated methods used to collect data as well as reason of choice. In summary this chapter has identified the research problem, definition of concepts, hypothesis and research objectives, giving an overall context of the research study.

#### **Chapter Two: Theoretical Framework and Literature Review**

This chapter is broad compared to other chapters, since it contains the theoretical framework and literature review. The first part (theoretical framework) provides a critical review of the theories that govern certain behaviours and activities in society. Finally the literature review provides both local and international case studies regarding the research problem and research questions by exploring two cases studies within the African continent. This section therefore provides the experience of each country and lessons to be learnt in South Africa.

#### **Chapter Three: South African Legislative Framework**

Chapter three outlines the South African legislative framework in relation to the research study, incorporating the traditional institution with local government Acts and policies. The legislative framework therefore uncovers the legal aspect of the research, with policies and Acts that affects the research study.

#### **Chapter Four: Historical Background of Case study**

This chapter will focus on the case study area by giving its geographical location, historical background and the socio-economic profile of Turton. Moreover, this chapter will therefore contextualize the study area and further provide the relevance of the case study with the research topic.

#### **Chapter Five: Research Findings, Data Analysis and Interpretation**

Chapter five provides the analysed results and interpreted information obtained from the study. This section presents direct and deep observation of the study area versus the theory (secondary data) that already exists. The findings of the results were gathered from the interviews, open-ended and close-ended questionnaires as well as direct observation of the study area, thereafter the results were analysed and interpreted into solving the research problem.

#### **Chapter Six: Summary of the Findings, Recommendations and Conclusion**

This chapter provides the summary of the finds, recommendations and conclusion of the research study analysed. The conclusion will then conclude the entire study and provide a review of the study. Recommendations are then centred on the findings of the research area. These three phases (summary of the findings, recommendation and conclusion) give the researcher a clear rationale to analyse the degree to which the researcher has adequately responded to the research problem and achieved the research objectives stipulated in chapter one.

## **Chapter Two: Theoretical Framework and Literature Review**

### **2.1 Introduction**

This chapter presents available materials which are related to the research topic. The chapter is therefore divided into 2 sections: theoretical framework and the literature review. The theoretical framework identifies relevant theories with applicable variables to evaluate the impact of the iNgonyama Trust Board controlled land in the delivery of low-income housing. This section helps demonstrate an understanding of the various concepts and theories that inform the research topic, looking at the theory origin, principles and what it advocates for in relation to the study. The theoretical framework further helps explain why certain behaviours unfold in a certain way. This therefore helps stimulate debates around the conflicting ideas when it comes to land administration and development in tribal lands. However, this research focuses on two theories, namely the modernist and traditionalist theory.

Lastly, the literature review will draw on arguments from two case studies within the African continent, namely Ghana and South Africa. This will give the reader a broader understanding of the debates around the study in both an international and local perspective. Moreover the chapter will link key concepts defined in chapter one by contextually defining them in this chapter.

### **2.2 Theories and Approaches**

#### **2.2.1 The Modernist Theory**

The modernist theory emerged during the late 19<sup>th</sup> and early 20<sup>th</sup> century. This theory arose as a transformational philosophy along cultural changes, shaping the modern Western schools of thought. The theoretical concept behind the modernist theory incorporates the full spectrum of transition and drastic transformation from cultural, political and economic component (Campbell, 2013).

In order to understand the modernist theory, the researcher alludes to the modernity concept from various scholars. Among them is, Heynen (1999) who presents an etymological understanding of modernity. For Heynen (1999:10), “modernity stands for the attitude toward life that is associated with a continuous process of evolution and transformation with an orientation towards a future that may be different from the past and from the present”. From this perspective, Heynen (1999) identifies three basic levels of meaning: firstly, the oldest to

modern, indicating the difference in notion of what has past. Secondly, she refers to new, as opposed to the old and finally refers to modernity as a discontinuity of tradition which discards the legacy of the past. Modernity is viewed as a distinctive set of present times which is felt by individuals.

Heynen (1999:12) views Max Weber's thinking towards modernity as "characterized by an irreversible emergence of autonomy in the fields of science, art and morality, which must then be developed according to their inner logic". Various scholars including Larsson (1990), Vestbro (2000), Khoza (2002), Nguluma (2003), Ogujiuba and Jumare (2012) elaborate on modernism and its relation to traditionalism. The premise of their arguments lies on the transformational processes. Therefore with peculiar reference to this research topic, the modernist theory calls for a transformation of the traditional institution into becoming a democratic institution based on citizenship through votes instead of hereditary titles which are patriarchal and tribe connected. This theory therefore sees traditional leadership in contrast with the principles of Agenda 21 which argue for "participatory government systems" (Tlhoale, 2012:107).

Modernist theory sees chieftaincy as an old passing system within the universalistic rule of the State and its bureaucracies (Van Wyk, 2003). In the South African context, this theory argues that the achievement of democracy and policy outcome has been challenged as traditional authorities are not democratically elected, politically aligned and cannot be removed from authority if failing to meet community needs. Therefore it argues for integrated development planning, decentralization of power through democratisation and decision making which ensures community participation and leadership (Buthelezi, 2005). The Municipal Systems Act 32 of 2000 argues that municipalities remain responsible for the designation of spatial planning, provision of infrastructure and development in communities as also argued by SPLUMA (Act 16 of 2013). Therefore this theory advocates for municipalities to be given full control of the planning and monitoring of communities without the interference of traditional leaders, as also argued by the 1996 Habitat II. Principles of the Modernist theory are also witnessed within the South African Constitution in terms of Section 151 (1), 152 (1) and 153 (Knoetze, undated). These Sections argue for the decentralization and democratization of governance within local communities.

Ntsebeza (2004) highlights that municipalities are the closest structure of government to communities and are most suitable to initiate community development through elected

representatives. Khoza (2002:18) states that the modernist theory argues for “positions in public office to be open to everyone and a voting system to be used”. This questions the leadership of traditional leaders in rural development and planning, especially development that is non-sexist towards women who are often deprived access to land under traditional leaders. Traditional skills in spatial planning and land allocation are brought into question under this theory as they affect the modernist land-use management and infrastructural development planning for rural regeneration.

Heynen (1999:11) notes that modernity constitutes elements that arbitrate socio-economic development through the paradigm shift into the growth and development of the future. She further defines “modernity” as a “phenomenon with at least two different aspects: an objective aspect that is linked to socio-economic processes and a subjective one that is connected with personal experiences, artistic activities or theoretical reflections”. For Burgess (1982) modernisation put forward the development of a nuclear family and breaks down the traditional affinity patterns. In this regard, the expectation was to break down the old shared property rights to a transformed system of trade and individual ownership of property. Modernism therefore attempts to outdo traditional aspect and status quo by breaking social norms (Nikolaus, 2005; Childs, 2008 and Campbell, 2013).

However, the critics put forward on modernisation theory touch on the conceptual ground as being able to streamline historic problems adopted from the industrial revolution into a decolonized world (Ogujiuba and Jumare, 2012). Further, modernisation theory condemns traditional institutions without seeing their worth, failing to acknowledge indigenous knowledge in planning but advocates that tradition has simply become a residual characteristic. According to Nguluma (2003), the modernist theory on housing development is viewed as a monolithic culture of technical standards, usually distinct of architectural designs that reflect an industrialized society. Prior to this view, Vestbro (2000) refers to modernism in housing as dwelling units which have passed formal building procedures of technicality and design.

In terms of buildings, Larsson (1990) argues that the use of technically processed building materials, the calculation of space and layout in the development of housing is a system of transition from traditional technologies to modernism. Further, he argues that the technicality and use of space is directly linked to the type of life style each household lives inside the building. In his conclusion, he alludes to modernism in housing as a shift from traditional

building materials to modern materials and utilization of space. Dovey (2002) asserts the involvements of any buildings in space lies in the propensity of people utilizing the internal spaces first and then making the necessary changes after critical observation.

In application to this research study, the principles of decentralization and democratization under the modernist theory helps assess the practicability and process of technical skills in transition to the use of space and social reintegration through integrated decision making. This is compared to the principles of traditionalism practiced by the Turton traditional leader on iNgonyama Trust Board controlled land. Moreover, the modernist theory helps evaluate the credibility of traditional structures in Turton within a modern environment, more especially with concerns around rural development and planning both from a community perspective and municipal level in comparison to modern structures of development.

### **2.2.2 The Traditionalist Theory**

Murray (2006) refers to the traditionalist theory as a practice that is influenced by historical tradition which dates back to the first century. Traditional theorist such as Pinar (1978) cited in Glatthorn (2005:77) define themselves as “those who are concerned with the most efficient means of transmitting a fixed body of knowledge in order to impart the cultural heritage and keep the existing society functioning”. According to Nathan (2003), the traditionalist theory describes a historical lifestyle that existed in every community before modernisation. He states that this theory encompasses a range of meanings to different scholars’ under the School of Humanities and Social Sciences. Nathan (2003) looks at this theory from a political perspective, indicating that “tradition is good, representing high standards and time tested ways to run society”. However on the contrary Nathan (2003) argues against the theory’s association with backwardness. It is also emphasised that the traditional theory is associated with various versions of modernisation theory. In relation to the research topic, Keulder (1998) argues that the traditionalist theory advocates for the preservation of traditional leaders as strong symbols of unity, culture and assures of “socio-political order for rural development”.

This theory halts Planners from searching abroad or adapting international standards and policies for rural development as that can lead to traditional values being lost. Anderson (1977) cited in Buthelezi (2005) approves of the traditional theory and highlights the adoption of international rural development strategies as ways of undermining local indigenous knowledge regarding the built environment. Anderson (1977) further argues that

traditional leaders should be incorporated in order to create integration and reflection of identity. Under this theory, traditional leaders are responsible for choosing how development, planning, designing and maintaining of the built environment is done, as such factors reveal cultural aspects in communities.

It is believed by the traditional theory scholars that traditional leaders are for rural governance and development through their stability, perseverance to custom and their success to policy implementation. Keulder (1998) asserts that this system of governance is the closest and most accessible to the people, as well as participatory since more people attend tribal meetings to express themselves rather than democratic meetings. Khoza (2002:16) further adds that for the “traditionalist to meet the needs of the people, traditional leaders need to be incorporated into the rural local government and the majority has to be traditional leaders”. However, critics put forward against the traditional theory argue that people are viewed as subjects, managed under tribal regulations of dictatorship which are patriarchal (Buthelezi, 2005). Moreover, the people have no rights to the property they occupy, no form of democratic election or integration in decision making regarding their areas of occupation.

Shmueli and Khamaisi (2015:21) elaborated on traditionalist theory from a land perspective. They assert that land claims for native people include the following relevant principles:

- The rights to land for human survival, ownership and connection to others;
- Integrated decision-making on matters concerning the management of resources and public services;
- Unified voice and leadership to sanctuary or recuperated “cultural and territorial rights, and win the support of national and transnational civil society networks”.

In relation to the planning of housing development, the traditionalist theory stands for the importance of familiarity and continuity of a city, town, village and its people. Nguluma (2002:41) described traditional dwelling units as those made of basic natural material gathered around the community. He further makes emphasis to traditional dwelling units as self-help initiatives which are constructed through household labour, close-friends and community members. On this premise, one can recognise that both technology and tools used are simple. According to Oliver (1990:148) “specialisation in the traditional houses enriches the technological resources as each craftsmen passes on what he learns and adds to

the store of know-how”. The storage of “know-how is inextricably bound up with specific nature of cultures which employ its countless forms”.

Larsson and Larsson (1984) argue that building materials used to construct traditional houses are not sufficient enough to last a long time especially against extreme weather conditions which therefore results into poor dwelling units. The transition from the use of traditional building materials to modern materials reflects the change of the status quo into a capitalist economy of demand and supply. This is derived from modern houses which are built of industrial materials like tiles, bricks and roof sheeting which require monetary exchange for purchase (Nguluma, 2002). In this regard, rural low-income housing beneficiaries pass through a transition from traditional to modern built form of housing, nevertheless it should be indicated that traditional communities are directly linked to traditional houses.

From a design perspective, Jacobs and Strebel (2013) point out that conventional (traditional) architectural design and science were separate spheres. They argue this separation was challenged by modernism which avoided past templates and drew upon, and sought to express technological and engineering advances as never before. Oliver (1990) recognised that traditional housing in a modern world is quickly losing value and interest, gradually disappearing due to drastic changes in society into a modern environment. He further proclaims that the construction of traditional housing is done on historic symbolism passed down to generations. Nevertheless traditionalists contend that the city, town, village and consequently housing sector remain the most important heritage in practicing the modern era (Murray, 2010).

It should be stressed that the scholars of the traditionalist theory endorse, advocate and relate the historical practices in their respective fields, discipline, and societies. This theory holds the view of the old fashion which reflects value worth preserving in the modern context. Its functions, broadly speaking is to preserve the realm of traditional housing as well as rural culture and identity for generations. Under this theory, housing is viewed as only a use value. However in context to this research study, the traditionalist theory helps assess the practicability of preservation of tradition and custom in rural areas like Turton lead by ITB traditional leaders with regards to housing, planning and leadership within a fast changing environment influenced by modernism. It must be noted that Turton is currently facing enormous development pressure since it has been identified as an administrative node, converting from pure traditional to modern under the uMzumbe municipality jurisdiction.

### **2.2.3 Interpretation of the theories**

It is without a doubt that the two schools of thought are contradictory to each other with regards to democracy and rural development. Modernist theory argues for Western ideologies of leadership and design, viewing traditional life as if it is compartmentalised (Knoetze, undated: 182) whilst the traditionalist theory argues for indigenous philosophies. However, both theories see the traditional leadership institution as diminishing and changing so as to adapt to the socio-political change within local government. Matloa (2008:212) argues that “the institution of African traditional leadership is seen as not an unchanging facet of society and it can adapt even to the Constitutional imperatives of the new democratic South Africa as was adapted under both the colonial and apartheid era”.

The contradiction between the two theories exists when it comes to democracy as the modernist theory advocates for the democratic systems while the traditionalist theory sees the democratic system of leadership as problematic, complex and corrupt (Khoza, 2002). In practice, the municipal officials work with the politicians and ensure development for the people who voted them into power through the dealings of their affairs at municipal level. Whereas traditional leaders as Knoetze (undated:183) highlights are not “responsible for integrated planning, water quality and managing solid waste, but are the custodians of values and customs of the community they serve, embracing a much wider leadership role in addressing other aspects of their communities”.

In application, the combination of these two schools of thought helps assess the practicability of adapting and integrating the traditionalist theory into a modernist society with high demands for basic services and sustainable development especially when it comes to housing and infrastructure delivery in Turton. Scheepers et al cited in Knoetze (undated:183) suggest an equal partnership in governance structures at local level as of prompt response in promoting inclusiveness (merger between the two schools of thought), as embraced in Afrocentric thinking. Scheeper further argues that the co-operation between the two schools of thought complement each other as the traditionalist theory brings culture and identity within technical scientific advantages of the modernist theory within local government.

### **2.3 Overview of rural development**

The National Housing Code (2009) provides arguments around rural development and its universal definition as to what constitute a rural area, its beginnings and ending has been

debated substantially. The accepted universal definition of rural areas has been argued to be a place outside the city or urban boundary with a population dispersed in space geographically from each other and dependent upon agriculture as its main source of economic development. It is further argued that rural areas are “diverse in nature, location and circumstance, ranging from commercial farming areas to subsistence farming areas (with communal tenure) and often include small towns and settlements” (National Housing Code, 2009:1). The settlement typologies are usually of poor quality and traditionally built.

Many schools of thought have emphasized various approaches and theories that define the drive for rural development. The subject of rural development has shifted from government to private, thus making it more “actor-orientated”. Rural development as Anríquez and Stamoulis (2007:2) argue has changed overtime as a result of variations in the supposed instruments and aims of development. They put forward development strategies that will ensure socio-economic development and welfare in rural areas. Powell et al (2011) approaches rural development differently compared to other authors, their arguments make provision to two critical approaches for rural development. They argue for an “instrumental” intervention which depends on engineered agriculture (green revolution) and a “strategic intervention approach” which is based on the changes of stakeholder behaviour. These “interventions” display themselves naturally through the fiscal policy, monitoring measure and awareness-raising.

From a theoretical perspective, modernisation in rural areas has been put forward as a change from family farming (subsistence farming) to technologically advanced forms of cultivation (Powell et al. 2011). Cotula et al (2006:8) touches on two different modes of agricultural production within the market sphere. Firstly, they allude to the attraction of private investors through agribusiness as a way to attract private capital and haste productivity. Secondly, family farming remnants as a livelihood strategy for many rural dwellers across developing countries to make ends meet. The core argument and differentiation of the two modes lies on economic growth and development through the use of labour intensity for efficient production. Similarly, Bebbington (1999), DFID (1999) and Powell et al (2011) refer to “actor-orientated” methods as a key net for diversified response to rural development.

Understanding rural development in this way raises questions in the development debate around agriculture and rural economy. This leads to Khanya (2000); Dalal-Clayton, Dent and Dubois (1999); DFID (1999) and Carney (1998) emphasise on different characters and ways

which define rural livelihoods within the sphere of vulnerability as a primary source to distinguish livelihood outcomes. The core of their argument lies on livelihood strategies which are differentiated by capital sources such as: “human, social, natural, financial and physical”, used by rural people to respond and face vulnerability. The aim of rural development can be defined as a livelihood improvement strategy for rural dwellers and act of response to the needs of citizens in changing their standard of living.

#### **2.4 Brief history of traditional leadership in a modern society**

During the pre-colonial state, African traditional leadership was set upon hereditary levels of kingship, chieftainship and headmen (Matloa, 2008:25). The king exerted political power over all villages through chiefs and headmen. In accordance to positions held, levels of reporting were set accordingly as the headmen will directly report to the chief in accordance to customary law. The chief paid it allegiance to the king, whereas the king was responsible for the protection of his tribes against possible intruders. Over many centuries as Tlhoale (2012:34) argues, African traditional leadership has been hardly recognised as part of government within the models of democratic governance which were adopted, instilled and remain as colonial government legacy in Africa. However due to change in society, African traditional leadership has formed part of government as upholders of tradition and good governance in communities (Ntimane, 2000). Molotlegi (2004) cited in Matloa (2008:76) stresses that the evolution of a society into becoming modernised by compromising its traditional values into adapting to Western thoughts as a way of development is detrimental to our own identity as Africans. Traditional leaders as Mchunu (1997) cited in Ntimane (2000) outlines that traditional leaders are still functional in rural areas and rooted to custom and traditional value.

Throughout history Tshehla (2005) argues that traditional leaders have held positions in society as governors of high authority, from judicial functions to social welfare. Ray (2003) further highlights that traditional leaders in South Africa have been associated with rural local government and their involvement varied significantly until the post-colonial State. Traditional leaders' involvement in the pre-colonial State were based on human relationship, land allocation and dispute solvent on matters around land administration as well as on the lives of rural people. However, over the last decades the iNgonyama Trust monarchy in KZN has claimed its ethical right and racial political power in a democratic society by contesting for its appointed traditional leaders to earn salaries, representation in government and

continued jurisdiction over the KZN former Bantustans in the post-apartheid South Africa, working along KZN local governments.

## **2.5 The effects of access to land in the delivery of low-income housing**

According to Lall et al (2007), the insufficient supply of land for low-income housing delivery in South Africa remains the greatest challenge for policy-makers. Literature on housing delivery reveals that access to land affects the delivery of low-income housing in different ways. Madonda (1998) noted that land is the core function to effective housing delivery and without it or lack of access to it results into a sluggish pace of housing delivery, therefore land is regarded as a basic asset for housing delivery. When access to land is considered problematic, most low-income communities usually resort into informal land processes to get access to land such as informal land trade (Madonda, 1998). Other ways to access land include regulatory bodies of land which include three spheres of government, intermediates including financial agents, developers and ITB. It can occur for instance, that the ITB, financial institutions and private land owners delay access to land which can directly affect delivery to low-income housing specifically on the lens of bureaucracies in accessing land, this results into a delay in the implementation of low-income housing.

Economic principles of demand and supply in the housing discourse provide an explanation on how access to land affects the implementation of low-income housing. The supply of land and its trading methods influence the housing market which in turn has a great impact on the delivery of low-income housing. Basic economic principles of demand verse supply highlight that when the demand is greater than the supply, its availability and affordability doubles hence making it problematic for the majority who do not own the means of production (low-income earners). This results into inflated prices by the market for a higher capital gain (profit), in-spite of the availability of subsidy grants and procedures provided by the government for low-income housing delivery in order to meet the housing backlog. Thus the principles of demand and supply prevail and govern the market through “willing-seller-willing-buyer”. Makinde (2014:57) argues that land prices in South Africa are far beyond the reaching surface for the majority of the country to afford even were government works with the private sector, land costs creates excessive barriers to deliver affordable housing units at a reasonable cost for the low-income group.

Demand for housing is defined as a number of housing units needed by a community at a certain point in time, whereas the supply is a total number of housing units constructed for

the community by key stakeholders involved in housing provision (Chirisa et al, 2014; Victor, 2009). Housing is pretentious to economic influences such as growth of the economy which can cause job creation therefore increasing the demand for labour. In most instances, labour is usually outsourced from peripheral areas creating migration patterns and need for affordable housing. From this understanding, the effectiveness of the housing demand and supply requires accessibility to land which in return can guarantee the delivery of low-income housing.

Burgoyne (2008) argues that poor access to municipal basic services and tenure rights for housing development contributes enormously to the housing backlog in South Africa. This means that even the site and services land acquisition program becomes inefficient including its infrastructural capacity and location, resulting into its inefficiency for low-income people. Put differently, slow and complicated land identification, subdivision and development procedures result in inadequate site identification for the development of low-income housing. Further, improper standards in terms of bulk services and building standards can lead to challenges of providing and delivering adequate low-income housing.

Makinde (2014:59) highlights that despite the lack of access to land and infrastructure, the absence to financial resources does also play a critical role into the supply and hindrance of housing delivery. Makinde differentiates two forms of access to finance for housing development from the private sector to the public sector for housing delivery. The private sector is argued to access it finances through direct payment from banks with high interest rates under strict terms; whereby the public sector seeks funding from government for low-income housing development. Housing delivery either by the private or public sector is costly when calculating land infrastructure, considering if the infrastructure is further away causing redundancy in the delivery of housing (Makinde, 2014). Therefore limited supply of financial means to access land infrastructure can impact the delivery low-income housing.

Vuyisani (2003) draws an example from Nigeria where housing supply is challenged by lack of funding, poor governmental procedures and extraordinary chargers on land titling and registration. Satsangi et al, (2001) point out matters delaying the supply of land for housing development in the rural areas of Scotland, focusing on land-use planning and legislative systems. They indicate the lack of land availability for housing development as a sign of poor means to seize opportunities for development. They argue that land-use planning can facilitate the supply of establishing sites which are capable of bringing the realisation of

adequate housing. In other words, statutory systems around land-use planning can ensure adequate supply of housing determined by the areas location, permitted density and design.

South Africa is faced with several constrains that affect the delivery of low-income housing. These constrains include but not limited to the small amount of land available for development considering the country's tenure system due to historical and present modes of ownership which poses a stern delay to housing development. One of the major constraints in the delivery of low-income housing is the lack of land accessibility, resulting into high prices of land costs (Makinde, 2014: Victor, 2009). It is further argued that the South African government supply of serviced sites and housing units is gradually decreasing. Durand-Lasserve (2004) highlights problems such as poor resource allocation, lack of governmental will, increase of fraud cases and illegal acts, and poor technical skills when it comes to land identification. These malicious behaviours results into subsidy packages not reaching the intended low-income households. Makinde (2014:60) argues that "appropriate mechanisms for financing low-income households must be leveraged with particular emphasis on more realistic eligibility criteria and lower interest rates; therefore, any national housing strategy and action plan should consider the development of methods which will enable the effective recovery of capital and recurrent cost from the beneficiaries of subsidised housing".

De Janvry and Sadoulet (2005) highlights that access to land plays a critical role in the effectiveness, success and use of land for housing development both socially and economically. Housing is expensive to deliver; therefore beneficiaries that earn low or uneven incomes are most likely to have difficulty in accessing adequate shelter through formal/ legally recognised market systems. The South African government appears to be having difficulty in land access as highlighted above, and this difficulty is witnessed through the lack of low-income housing in reaching its intended target market. Problems with the provision of rural low-income housing as viewed by Satsangi et al, (2001) highlights issues of it devaluating costs of its surrounding units yet increasing its own unit cost during implementation because of steep rural terrain. The need for developable land seems to dire serious attention for South Africa's policy-makers in order to address the challenge of the supply of low-income housing through its "land resource base".

## 2.6 Communal land tenure and housing delivery

Developing countries with communal land tenure being legally recognised as part of statutory law reflect complex challenges for local government under democratic principles. The relationship between communal land tenure and housing delivery also reflects this complexity. In this regard, the degree of autonomy towards the use of communal land for housing delivery lies in the consent of both the traditional community and its leaders to grant access rights to private or State developers to utilize the land efficiently for housing delivery.

According to Durand-Lasserve (2004:3), housing conditions and access to land in many African communities is inept without mentioning “Neo-customary tenure”. He defines neo-customary tenure as a practice that is mostly witnessed in peripheral/ rural areas where property rights are sold according to market prices even though the land rights were gained under customary systems. This practice is said to exist once monetary exchange is done between groups or individuals in rural communities through institutionalized land transaction using witnesses to ensure efficient transaction between individuals/ groups involved in the practice of neo-customary land systems. Neo-customary tenure is said to help facilitate the fast release of access to communal land through low transaction costs and administration, hence neo-customary tenure can be defined as a practice of informal land trade within tribal communities. However land traded under neo-customary systems is said to have numerous challenges when it comes to land registration and titling. Cotula et al (2006:39) argues that “the nature of rights and how strongly they are held vary greatly, depending on competition for land, the degree of market penetration and the broader institutional and political context”.

Rights to security of tenure and prevalence to forced evictions under the South Africa Constitution are entrusted and protected under two Acts. These Acts are namely: Extension of security of tenure acts (ESTA) 1997 and the Prevention of illegal eviction and unlawful occupation of land act (PIE) 1998. The establishment of ESTA is to protect individuals/ families living in rural areas on a piece of land that is privately owned, therefore giving them (tenants) protected rights from forced evictions without notice, whereas the PIE act demonstrates ways to evict and prohibit illegal evictions in urban areas (Department of Housing, 2004). The Housing Act 107 of 1997 stimulated South Africa’s post-apartheid government objective to deliver adequate housing at an ultimate peak in order to eradicate the housing backlog by delivering 350 000 housing units per year so as to overcome the housing backlog in South Africa for the marginalized group. The Act objectives were to be achieved

through the utilization of two separate housing instruments which involved the mobilisation of housing credits and tenure security towards low-income earners. Firstly, it was to safeguard the security of tenure as a major constituent towards packaging programmes for housing delivery, and then secondly to ensure that subsidy beneficiaries obtained freehold tenure for their State provided housing units (Burgoyne, 2008).

According to the Housing Code (2009), tenure rights need to be secured in accordance to the appropriate statute for housing delivery before any application procedures begin for any housing implementation project. Rural communities administered under traditional leadership should get consent from the administering council (ITB and its elected traditional leaders) who control the land on behalf of the community in order to be listed and allocated a rural housing subsidy. The Communal Land Rights Act no 11 of 2004 gives effect to “spatial planning and land use management, land development, and the necessity for conducting a development or a re-densification or other land reform programme, and the nature of the programme”. Each of these components reveals a time frame which may facilitate a quick delivery of housing. For instance, spatial planning and land use management has its own requirement in terms of housing application and implementation.

From a communal tenure rights perspective, tenure issues in tribal areas are parallel to housing problems in rural areas of South Africa. According to Cousin and Hornby (2006) the key element to South Africa’s housing policy and application is the entitlement of beneficiaries to a once off subsidy package per individual which results into a typical single dwelling unit per plot allocated with individual title. From a Breaking New Ground (BNG) standpoint, Cousin and Hornby (2006:6) further recall the aims of the policy initiative with transferral objectives from supply driven which resulted into “product uniformity” into a demand driven response in order to create sustainable human settlements with diverse tenure systems for different housing needs.

The Fuller Housing Centre Report (2014) states that post-apartheid government presented the national housing plan which comprised of different subsidies to address the housing backlog for both low-income and middle-income households. The subsidy grants for low-income households included a free standing dwelling unit on a particular site, either Greenfield or Brownfield with basic services installed such as electricity and water supply. The national plan is said to have delivered a total of 1.5 million new housing units between 1994 and mid-2003. By 2009, a further 2.2 million dwelling units were built which has since 2010 risen to

2.8 million houses. The 1997 National Housing Act 107 section 9 (1) state that “municipality’s must as part of the municipality process of integrated development planning take all practical and necessary steps to ensure that the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis”. This mandatory section can only be achieved if municipalities set goals, find an appropriate site to build housing units which in the case of rural communities in KZN will be through the iNgonyama Trust Board under communal land tenure systems as municipalities plan, facilitate, instigate and manage housing development (Burgoyne, 2008).

The South African housing backlog has been increasing annually both in urban and rural areas since the dawn of democracy. This is despite government’s initiative in providing low-income housing through various financial instruments in response to the demand. Annual increase of the housing backlog can be attributed to population growth, lack of financial means to build and migration patterns which render a great need for housing assistance, more especially in urban areas due to the growing number of rural to urban migration. However population growth and low-income housing demands cannot be sanctified to urban areas alone; hence rural areas activity nodes are also actively shaded by a great number of low-income housing demands. The demand for housing by low-income earners and government’s inability to provide for everyone simultaneously has created an active participation of low-income earners in informal land trade and housing. Nevertheless arguments around migration patterns, informal housing and land trade has been argued for over two decades, yet policy-makers and strategic planners have been unable to curb and meet the demand (Whittal, 2014).

It should be noted that issues around housing delivery and tenure security in South Africa reflect the realm of apartheid legacy as housing and land ownership were previously used as key initiatives for racial segregation. Cousin and Hornby (2006:9) argue that “both land and housing policy make fundamental assumptions about tenure security, the key being that tenure is secured through legally backed systems that the State defines and can impose. The importance of customary tenure systems in South Africa lies in its widespread use and application”. Many South African rural communities live on land administered under customary tenure which plays a critical role for low-income households in rural areas since they cannot afford land under formal land markets. Therefore if the practice of customary tenure is abolished, many rural dwellers will be left landless and key traditional roles practised by traditional leaders will be lost.

## **2.7 iNgonyama Trust Board and the delivery of rural housing**

The KZN province has two interdependent levels of authority which are relevant to planning and land-use management for the delivery of rural low-income housing. These authorities include both municipalities and the iNgonyama Trust Board. However this research is more interested on the iNgonyama Trust Board (ITB) land in relation to the delivery of low-income housing under the rural housing subsidy.

The ITB is indebted to all tribal communities that fall under its area of jurisdiction for “improving the quality of life of its beneficiaries, ensuring that land management is to the communities benefit” (ITB, 2013/14) as of the principles of customary tenure. De Janvry and Sadoulet (2005) argue that land does not only factor the role of production such as food security and housing, but it’s also an asset that signifies wealth, control and power. Hence the functions and establishment of the ITB can be purported into being a financial investment of wealth, control and power by King Goodwell Zwelithini and his traditional leaders. However, considering ITB’s social responsibility and governments pledge in creating access to adequate housing gives rise to the question of accessibility to ITB’s land for effective delivery of low-income housing and community benefit, since traditional leaders can delay the development of low-income housing on the bases of personal wealth and control. Based on this premise, both ITB and government should ensure monitoring and evaluation in order to guarantee effective housing delivery and issuing of Land Availability Agreements if traditional leaders cause delay. Currently the procedure requires for a complete tenure consent form to be obtained and signed by the concerned traditional leader, then returned to the ITB offices in order for a formal development agreement to be granted (Isibani planning consultants, 2010).

The Land Availability Agreement grants security of tenure through long-term tenancies on communal land and works concurrently with the rural housing subsidy since it provides for people living under communal land tenure. Communal land tenure rights comprise of “customary land rights, beneficial occupation of land and rights of access, use or occupation in terms of custom, administrative practice or usage in a particular area or community where land vested in the South African Development Trust or the government of a self-governing territory” (Lethobeng, 2011: Johnson, 2009). The South African Cities Network (2011) argues that the iNgonyama Trust remains in place and directly impacts on the procedural aspects of land use and development planning within municipalities. Applications prepared

for land falling within the boundaries of the Trust will need to acquire the permission of the traditional leader for the development of the land as alluded above. The development agent must submit a three tiered application to the ITB, the local municipality and the Department of Agriculture and Environmental Affairs (South Africa Cities Network, 2011).

The KZN provincial government has undertaken land administration with more stability while traditional leaders continue to be the main figures and administrators of land systems. It is argued that the Department of Traditional and Local Government Affairs (DTLGA) receives land administration functions from the ITB (South Africa Cities Network, 2011).

Carrim (2011) suggests that local government should take lead in the implementation of housing development by addressing land tenure issues, planning and provision of bulk infrastructure. However land tenure issues in KZN tribal communities remain oral under the supervision of a traditional leader who represents the functions of the ITB as the proprietor of tribal land, thus exposing rural dwellers to insecurity of tenure. The recognition of traditional leaders under the South African constitution as administrators of rural land limits local governments' intervention to regulate land tenure issues in rural areas. Yet section 153 gives recognition to local government in relation to service delivery in communities through the implementation of housing and infrastructure; hence on the contrary both duties defined under section 153 need land in order to be achieved which most local municipalities do not control especially in rural communities.

The Department of Human Settlements (DHS) in conjunction with local government continue to deliver State subsidised housing in both rural and urban areas as a fulfilment and realisation towards the supreme law mandate (Constitution) in creating access to adequate housing for all South Africans as a basic human right and a key for socio-economic development and cohesion in resolving past imbalances. Clinton (2014) and the Financial and Fiscal Commission (2012) define State subsidised housing in South Africa as units constructed through State finances without any contribution from the intended beneficiaries. These units are fully serviced with basic infrastructure such as water, electricity and sanitation for qualifying beneficiaries under a quantified subsidy scheme without any contribution from the beneficiaries towards the construction and servicing of units.

## **2.8 Shared Governance between Municipalities and Traditional Leaders**

During the political power transition in South Africa 1994, a new political regime emerged in a democratic South Africa. The political regime urged for the establishment of municipalities throughout the country even on tribal land administered by traditional leaders under section 151 (1) of the South African Constitution. This therefore led into the formation of two forms of leaderships in rural areas- municipal councils and traditional leaders (Shabangu and Khalo, 2008).

The recognition of traditional leaders constitutionally in 1996 was brought into question by many scholars. Many scholars argued that the recognition of traditional leaders is a contradiction and repetition of the bitter history in a democratic society, since the traditional institution was used as one of the key driving forces in the marginalisation of African people during both the colonial and apartheid era. Traditional leaders were seen as hinders of democracy, choice and freedom. Arguments further drew reference to the 1927 Black Administration Act 38, 1951 Black Authorities Act 68 and many more, which gave management, administrative and political authority to the traditional institution on behalf of the pre-democratic government. Nevertheless, traditional scholars have contested this view in argument that to a certain degree one can view traditional leaders as hinders of democracy, choice and freedom from a western perception. However this view is said to often disregard and overlook African indigenous forms of democracy and leadership.

In 1996, the Interim Constitution assigned similar functions to traditional leaders as those of local government in section 156. This created conflict and power struggle between the two institutions when it came to matters of common interest involving tribal communities (Tlhoale, 2012: Shabangu and Khalo, 2008). The establishment of Act 41 of 2003- Traditional Leadership and Governance Framework as amended under the 2008 Bill, helped discern the roles and duties of traditional leaders as central role players in rural municipal development and service delivery (Khunou, 2009) cited in Tlhoale (2012:106). This Act together with the 2004 Communal Land Right Act 11 advocated for change of apartheid leadership in rural areas towards a cooperative governance as also argued by section 41 (1), 212 (1) of the South African Constitution, 1998 White Paper on Local Government and 1998 section 81 of the Municipal Structures Act 117.

Rural municipalities and traditional leaders share a common ground when it comes to rural development as both are subjected to answer to their local residents through the principals of

good governance. The Department of Constitutional Development (1999) cited in Tlhoale (2012) argue that in some rural areas, community members can partake in the proceedings of the council through traditional leaders. “These traditional leaders identified by the MEC can attend and participate in any meeting of the council. A good and constructive relationship or partnership between the municipality and traditional leader will help to ensure that people’s needs are effectively conveyed” (Tlhoale, 2012:120). Mzimela (2003) argues that traditional leaders are in positions which allow close relationships with the communities they administer; therefore their involvement as equal partners in rural development programs initiated by democratic leaders is imperative for the betterment of their communities. Shared governance involves the use of mutual resources and equal partnership in the development of communities.

### 2.8.1 Challenges of Shared Governance between Municipalities and Traditional Leaders

According to Lutabingwa et al (2003:12) as cited in Tlhoale (2012: 121) highlights some of the challenges involved in the sharing and partnership of local governance with traditional leaders:

- Power struggles between democratic leaders and traditional leaders on community leadership, issues and consultation on matters involving development;
- Lack of management skills in money and allocation of resources in a number of traditional leaders and democratic representatives;
- Changes in both the social and political environment which requires new competence and methods in leadership and management of traditional leaders and councillors.

Table 1: Functions between the two institutions and Shared Governance

<b>Traditional Leader Function</b>	<b>Municipal Council Function</b>	<b>Shared Governance</b>
Promoting traditional and cultural practices in the communities, for example respect, knowledge of culture, etc.	Provision of basic services to the community, for example water, roads, sanitation, housing, etc.	Put the welfare of the people first.
Presiding over traditional Courts.	Promotion of socio-economic development at local level.	Promote safety in the rural areas.

Ensure the implementation and realization of customary law, norms and values.	Ensure community participation, consultation and development of the community.	Ensure unity in rural areas and the communities they serve.
Allocation of land to the people.	Ensure the betterment of community members.	Working together to ensure the needs of the community are met.

Adopted From: Shabangu and Khalo (2008: 336)

Table 1 highlights the key functions between the two institutions (traditional and municipal) within a shared governance system. The table has therefore critically evaluated key functions of each institution in comparison to each other. According to the table, traditional leaders are to promote customs, have jurisdictional authority and allocate land to their subjects. However municipalities which represent modern forms of governance are said to ensure the provision of adequate infrastructure, community consultation and development planning. Nevertheless both institutions can be concluded under shared governance as having one goal in common, which is to ensure the welfare of their communities they govern are put first and met on time for the betterment of their community.

## 2.9 Case studies on traditional leadership in land and governance

The traditional leaders' institution in Africa has been functioning for centuries as the first forms of political and presidential leadership among African communities. The institution is rooted deep in the soil of Africa (Ntimane, 2000), predating colonialism as a symbol of national unity and cultural pride. A number of studies have been conducted regarding the relevance of traditional leaders in modern day with particular reference to the "socio-cultural, economic and political lives of Africans in rural areas" (Dano, undated:1). Many African countries including South Africa have recognised the importance of traditional leaders after liberation from colonialism (Sithole and Mbele, 2008:18) into harmonising the traditional institutions with the modern state (Dano, undated:1).

### 2.9.1 International Precedent: Ghana

Ghana is the first country to gain independence in Sub-Saharan Africa from the British in 1957. The country is situated within the African continent on the western coast, covering a total of 227,533 square kilometres of land and about 750 kilometres north to the equator on the Gulf of Guinea. Furthermore, Ghana shares borders with 3 countries namely: Burkina

Faso on the north, Cote D'Ivoire on the west and Togo on the east. Ghana's economy is purely dominated by agriculture which employs about 40% of the total population and is one of the leading exporters of cocoa in the world (Armah, undated).

**Map 1:** Ghana's location in the African continent



Source: [www.googleImages.com](http://www.googleImages.com), 2016

Since 1957 when Ghana gained independence from the British colonial rule, the institution of traditional leaders has always played an active role in local governance through various capacities (Dano, undated). The first involvement of traditional leaders in post-colonial government was in the Constitutional reform of Ghana in 1949 which had a strong representation of traditional elements (Ntimane, 2000:52). Its Constitutional representation led into the creation of a dualism administration in Ghana as traditional leaders lacked adequacy in politics as well as skills to respond to developmental needs taking place in local communities. The institution of traditional leaders has been represented across all five of Ghana's Constitutions, namely the 1957, 1960, 1969, 1979 and 1992 Constitutions. The 1969 Constitution gave rise to the establishment of the National and Regional House of Chiefs, ensuring a significant impact of traditional leaders as outlined under the 1979 and 1992 Constitutions (Ayee, 2007).

The establishment of the House of Chiefs in Ghana just as in South Africa consist of three levels of leadership: (i) National House of Chiefs, (ii) Regional House of Chiefs and (iii) Traditional Councils. This leadership works alongside government institutions in an advisory

capacity for the betterment and holders of custodianship in rural areas. The institution of chieftaincy is also maintained by the president's office for liaison purposes (Khoza, 2002). Further, it is Constitutionally defined "as a group of people who hail from appropriate families and lineages, and are validly nominated, elected or selected and enstooled, enskinned or installed as chiefs or queen-mothers in accordance with the relevant customary law and usage" (Aye, 2007:4). Chapter 22 of the Ghana 1992 Constitution as Dana (undated: 2) state, "guarantees the institution of chieftaincy in Ghana together with its traditional councils as established by customary law and usage. Parliament is barred from enacting any law which confers on any person or authority to accord or withdraw recognition to or from a chief for any purpose whatsoever or derogate the honour or dignity of the institution of traditional leaders."

Literature reveals that traditional leaders are still seen as symbols of governmental authority in rural areas due to their colonial legacy in society; however this institution is constitutionally banned from taking part in politics. Crooks (2005) assert that chieftaincy is a highly contested and politicised institution, while Khoza (2002:24) argues that "many politicians want to remove chiefs from the elected arena because of their continued influence at grassroots level". Not all people living in Ghana are in agreement with the recognition of traditional leaders in local government as some argue that their positions should not be more than symbolic or ritualistic (Crooks, 2005). Alex Aidoo, a member of the Constitutional commission in 1978 cited in Aye (2007:2) highlights that no government programme of empowerment can be successfully implemented without the involvement of traditional leaders at a grassroots level to influence society on matters of government development.

Under the Ghana Constitution "a chief shall not take part in active party politics; any chief wishing to do so and seeking election to parliament shall abdicate his stool or skin" (Dana, undated:3). This Constitutional mandate is comparable to that of South Africa under the Traditional Leadership and Governance Act 41 of 2003, which halts traditional leaders from taking part in politics under section 15 (1). This section as outlined by Tlhoel (2012:69) state that any traditional leader wishing to participate in politics must "vacate his/her traditional leadership position, albeit temporarily to play politics and can reclaim their positions of and when they quite active party politics".

Land administration in Ghana still remains under the control and practice of traditional leaders, using customary law practices for land allocation. Land rights are therefore defined

using three arenas: customary land law, the concession system and legislation in law courts (Ndlela et al, 2010). Access to and usage of land in rural areas solely rests upon the management of traditional leaders (Crooks, 2005). Land for private development is usually released on lease agreements through the consent of a traditional leader and royalties are paid to the tribal leader as the agreement endures for an agreed number of years. This function can also be attributed to South African context with the iNkonyama Trust Board leasing land to private developers on a 35 year period whilst issuing free stands to it ethnical group.

The roles of traditional leaders in Ghana's local government as cited in Ayee (2007:2) are:

- “Custodians of natural resources, especially land;
- Lead role in fighting for social development of their people;
- Leadership role in the drive to educate their people
- Have arbitration and representational roles and have the potential to facilitate accountability to the people; and
- Guardians of traditional heritage, being expected to guard and sustain traditional norms, values and principles and serve as the link between the external community and his people”.

In order for the traditional institution in Ghana to be successful and maintain its legitimacy in modern society, the institution had to transform itself to adopt and align itself with modern society demands. Its transformation took a form of critical advocacy on matters that involved the development of the local community. Their function had to therefore transform beyond being custodians of culture by enrolling and opting for education as a key strategic tool in order to respond to their community needs holistically. This resulted in a majority of the traditional leaders in Ghana holding university and others international qualifications in order to ensure their recognition in development under municipal councils. They used their academic background as a key strategy to respond to some of the challenges faced at local level and engage holistically with the private-sector, NGO's and State officials on matters of local development. The Asantehenene and Okyenhene, paramount Chief of Akyem Abuakwa are a classical example on this matter, as both are highly educated and business oriented men (Crooks, 2005: Ayee, 2007).

The Asantehenene tribe has used its educational background and royalties paid to the Chief by the private developers with assistance of the State and NGO's to establish an Educational Trust Fund to help local residents from poor financial background to have access to basic and secondary schooling as well as tertiary education. The chief further ventured into the health sector with peculiar focus on HIV/AIDS, as well as the establishment of the Golden Development Holding Company which promotes general economic development in partnership with the World Bank (Ayee, 2007:3). This therefore represents an active participation of traditional leaders in local government and community development.

#### **2.9.1.1 Lesson learnt from Ghana**

Ghana's history in politics and struggle for liberation is no different from any other African country. However the recognition of traditional leaders constitutionally shows that legislative backing alone is insufficient for traditional leaders to have serious impact to municipal development. Experiences such as those in Ghana with the government formally incorporating traditional leaders constitutionally as part of State decision-making shows the importance of traditional leaders in ensuring consensus between the State objectives and those of rural areas. The Ghana case study has revealed that the adoption of traditional leaders in government decision-making and educating the leaders creates the core of governance in rural areas and further enhances the maintenance of socio-culture and economic development in such areas.

Thus traditional leaders have a critical role to play in the design and implementation of development of projects within their communities. The State must ensure that they are informed about the development activities planned for their areas of jurisdiction. The Asantehene example in Ghana under the Chief of Akyem Abuakwa is of significance in South Africa concerning the iNkonyama Trust Board. Drawing from the lessons of the Asantehene, the Board can also use its royalties for the betterment of its tribal people and education of its traditional leaders in order to engage holistically on matters affecting their communities. Their engagement will involve using their academic background to partner with various stakeholders to ensure the maintenance of socio-culture and economic development on ITB controlled land, bringing the realisation of co-operative governance as mentioned under the 1998 White Paper on Local Government and many other legislatives.

Approaches used to incorporate traditional leaders constitutionally have ensured co-operation and ownership in the planning and management of rural areas as traditional leaders promote

State objectives. Ghana therefore remains with a stable power system of governance between traditional leaders and the State, ruling along each other and signifying the principles of the traditionalist theory merging with those of the modernist theory. The South African legislation with regards to the adaptation of traditional leaders both nationally, provincially and locally under the House of Chiefs is also witnessed in Ghana, establishing a bicameral parliament with distinct functions. As in South Africa, the Ghanaian traditional leaders are active in advisory functions, matters related to custom, land allocation and tradition; administering justice in customary courts and ceremonies. Therefore this sets traditional leaders as an imperative function under equal control with government on local issues.

### 2.9.2 Local Precedent: South Africa

South Africa is located on the southern tip of the African continent covering a total of 1 221 040 square kilometres. The country gained independence in 1910 from the British colony and further gained its democracy from the apartheid government in 1994. The country is bordered by 4 countries, namely: Namibia, Botswana, Zimbabwe and Mozambique. The country further encompasses 2 independent States within its boundaries, namely: Lesotho and Swaziland.

**Map 2:** South Africa's location in the African continent



Source: [www.googleImages.com](http://www.googleImages.com), 2016

In the dawn of the South African democracy in 1994, the institution of traditional leaders has been greatly challenging to governments service delivery in rural areas (Day, undated). Such challenges have raised concerns around democratisation in rural areas, compromising traditional authorities who previously enjoyed significant leadership under the pre-colonial and colonial times as well as under the apartheid regime. The traditional institution was previously utilized by the pre-democratic government as means to control society and shape its livelihood opportunities. Traditional leaders were often rewarded salaries or family educational opportunities (King, 2004). Historically this institution can be dated back to the traditional kings' leadership of Sekhukhune, Makhado and Shaka Zulu who were regarded as main political drivers. Their political leadership existed through hierarchy of territorial chiefs that managed society through both myth and rituals (Khoza, 2002). De Waal (1997) as cited in Khoza (2002:25) argued that during the colonial rule, traditional leaders were co-opted into the colonial administration "as political servants rather than personification of their tribes".

Despite the institutions pivotal role as associates of the pre-democratic government, the South African post-apartheid government gave recognition to the traditional leaders both in the 1993 Interim Constitution and the final 1996 Constitution just as in Ghana (Ntsebeza, 2004). This brought a collaborative merger between the traditionalist and the modernist theory working alongside each other to form co-operative and shared governance. The recognition of the traditional institution under the South African Constitution was despite the Constitutional founding principles of democracy as enshrined in the Bill of Rights by giving acknowledgement to none democratically elected individuals.

Authors such as Myeni and Keke (2015) and Ntsebeza (2004) argued that this merger continued the perpetuation of dictatorship and subjects in rural areas as that of the pre-democratic leadership, while urban dwellers enjoy their full Constitutional rights to choose their leaders as enacted under the South African Constitution. They argued that the post-apartheid government still uses apartheid procedures to allocate land in rural areas by giving recognition to traditional leaders with minor changes to see fit for modern society. The South African Constitution was found upon the bases of "one man- one vote elections" where power is exercised equally (Khoza, 2002). Ntsebeza (2004) highlighted the struggle for land control in the early to mid-1990s in rural areas which raised concerns for rural dwellers that tribal land and land allocation during government transition will fall under the responsibilities of newly elected councillors. This was because during apartheid and prior, land administration and allocation was the responsibility of traditional leaders (Ntsebeza, 2004).

Support for democratic leaders in rural areas of South Africa was based on increasing public participation in decision-making and putting people in leadership who will be accountable for their public powers (Ntsebeza, 2004) as opposed to traditional leaders who are undemocratic, unaccountable and feared by tribal communities (King, 2004). Khoza (2002) states that land is a source of control and power, therefore without land and a tribe, a traditional leader cannot exist. In principal, the tribe owns the land and the traditional leader manages the land on behalf of the tribe under the indigenous law. Keulder (1998) argued that the merger between the traditional institution and the State is the most viable and crucial strategy to help maintain socio-cultural control linkages of the State in rural areas, as well as ensure political legitimacy.

The incorporation of traditional leaders with the State is imperative for local government structures. Holomisa (1997) cited in Khoza (2002) stated that the incorporation of traditional leaders helps “hasten the development process” in rural areas. Former Minister Mufumadi quoted in Khoza (2002:42) argued that “traditional leaders can add enormous value to the programme, particularly in ensuring that while we forge ahead we do not lose what it is that makes us who we are; that we do not lose our African heritage and identity”.

In 1986, the KwaZulu-Natal Indaba made proposals for the recognition of traditional leader’s positions. The proposal suggested for the establishment of Councils of Chiefs which was to represent traditional leaders, protect culture, maintain and promote religion as well as language by representing the larger rural population (Zungu, 1997) cited in Khoza (2002:38). However, this resulted onto the establishment of the Congress of Traditional Leaders of South Africa (CONTRALESA) in September 1987. This further gave rise to the establishment of the three types of House of Traditional Leaders in respect to the three spheres of government. These were specifically: the National House of Traditional Leaders, the Provincial House of Traditional Leaders and the Local House of Traditional Leaders. All recognized under the 1993 Constitution chapter 11 sections 183 and 184 and in the 1996 Constitution (Knoetze, undated: 187).

During the conception of democracy, the Department of Land Affairs White Paper on Land Policy drew principles and legislation that enacted a difference of concern among ownership and governance in tribal land. By 1998, the White Paper on Local Government recommended that traditional leaders play a critical role as closest authorities to the people and therefore land allocation shall remain with them. This announcement opposed the Reconstruction and

Development Programme (RDP) 1994 manifesto which was emphatic towards democratically elected representatives in playing this role. Ntsebeza (2004) argued there was no evidence to this announcement but evidence showed that traditional leaders are not directly linked to development projects. In spite of Ntsebeza argument, the statement led to the amendment of the 1998 Municipal Structures Act before the local government elections which saw an increase of traditional leaders under municipal representation from 10% to 20%. Furthermore, the Act enacted the State to consult with traditional leaders on issues that involve planning and development of areas under the traditional authorities.

However, despite the increase in municipal representation by traditional leaders, the principles of democratic power base have been maintained. Traditional leaders have no voting rights but can only give recommendations concerning development on tribal land. Moreover, just as in Ghana, the South African traditional leaders control land allocation in tribal communities and issue out permission to occupy (PTO's) to beneficiaries (Ntsebenza, 2002). Unfortunately, the beneficiaries that occupy such land are subjected to insecurity of tenure, owning the built form on top of the land but not the land itself (Dlamini, 2010). In the 2013/14 ITB report, the Chairperson of the iNgonyama Trust Board Mr Ngwenya asserted to Dlamini (2010) argument that the land under indigenous legal systems cannot be sold but the improvements like buildings on the land can be sold. He makes emphasis that land allocation under this system strictly remains oral and land rights are treated as informal and unregistered, no formal subdivision is done and land is classified as agricultural (ITB report, 2013/14: 10).

Mr Ngwenya further argues that the classification of communal land as agricultural by municipal officials is the result of "huge bureaucratic red tapes and unnecessary costs" of site analysis and development rights. In 2005, the Rural Housing Guidelines were amended and enacted upon the powers of traditional leaders to be the approvers and disapprovers of land access for development such as housing on tribal land- traditional leaders were to provide letters of consent before development takes place (Dlamini, 2010). In this regard, traditional leaders are said to form an essential part of attaining development objectives and mandated to: promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery in the development of rural areas. This view is substantiated by Pienaar (2013) as land administration by traditional leaders. It is important to clearly distinguish mutual roles for traditional leaders and local government planners in order

to actively participate in land use planning and development projects that serve the interest of all stakeholders (Bikam and Chakwizira, 2014).

In review to the South African housing system, the core to the States approach in the delivery of low-income housing requires a mixture of subsidy functions with financial ability to meet the needs of those who cannot afford as compared to those who are able to contribute financially towards their housing demands. Pienaar (2013) suggests the possibility of different systems of tenure to be under one cadastral system in order to see fit for various needs of individuals and society in both urban and rural setting with agricultural practices. However, the views of Cousins (2007) remain important in retrospect as “the character of land tenure regimes in the ‘communal areas’ of South Africa are dynamic and evolving regimes within which a number of important commonalities and continuities over time are observable in many, but not all, circumstances”.

In the 2013/14 ITB report, the Chief Executive Officer for ITB, Mr Bhebhe makes reference to the residential sector as the leading sector demand for development approval by the Board. He states that this is an indication of the demand for housing on tribal land and growth of security of tenure needs for the people living in communal areas. Newton and Schuermans (2013) argue that the so-called traditional or tribal areas present a spatial challenge for municipalities. This challenge manifests itself as municipalities are responsible for the planning and development of areas under their jurisdiction including areas administered by traditional leaders; however areas with traditional leaders continue to rely upon the management and drive of traditional leaders in parallel to municipal functions (Forbes, 2011).

According to Pienaar (2013:24), he argued that tenure security rights for indigenous communities can be attributed to:

- Community structures in modern-day South Africa do not provide sufficient security of tenure due to a large incidence of dysfunctional communities and a defective, and often entirely absent administrative system to support communities, and;
- Legislation introduced the wrong kind of formalisation, namely Westernised corporate models and removed the acceptance to customs and therefore not suitable for indigenous communities. Much of the flexibility and negotiability of communal land tenure was ignored and the legislation did not fully recognise the true spirit of inclusivity based on acknowledged social relationships.

Van Wyk (2003) argued that the post-apartheid government has represented itself as unwilling to do away with traditional leaders or not engage in the politics of ethnic identity. Hence, ethnic identity has replaced class and created a new political arena in rural communities. Nevertheless, full democracy in South African rural areas has not yet been reached, but incomplete as the paradigm shifted from “authoritarian” leadership of apartheid to democratic liberal values that include democratically elected governors. Though the system shift continues, it is, however silent on land-use planning of traditional leaders as governors of communal land (Ntsebenza, 2002).

### **2.9.2.1 Lessons Learnt from South Africa**

The South African case study revealed that the inclusion of traditional leaders is not without problems in a democratic State. However, its leadership represent a deep cultural root in maintaining the socio-cultural linkage of the State with rural communities as enacted and recognised under the South African Constitution. Traditional leaders are recognised as key role players in maintaining culture, customs, tradition and value within the African people. Despite the country’s adaptation to modern society and viewing development within the lenses of Western ideologies, the South African government is reluctant to dismantle the representation of the early social and governmental organization in spite of its founding Constitutional principles of democracy. However, one cannot conclude on the principles of the South African democracy in isolation as it forms part of a global political community which is integrated. Therefore its principles manifest the ideas and practices of global influence.

Its global linkages enforced the transformation of the traditional leadership institution into aligning itself with the democratic imperatives of the Constitution whilst maintaining integrity and legitimacy in accordance to customary law (Matloa, 2008). Strengths to be drawn from the South African case study are those of legislative backing which give equal authority to traditional leaders to govern on matters related to their tribal communities, be consulted by municipal officials on any development taking place in their areas of jurisdiction in order to ensure rural character and culture is maintained. Further, have ultimate recognition in all spheres of government through the House of Traditional Leaders with its power to influence legislative matters on tradition within a 30 day period and controlling a major source of development (land) on behalf of tribal communities to ensure cooperative governance. The designation of legislative backing for traditional leaders meant a major

collaboration between the traditional and government institution as in Ghana, creating a bicameral governing body. Its governing body placed a crucial role onto traditional leaders as custodians of culture and advisory function to government.

## **2.10 Conclusion**

This chapter has clearly outlined the effects of traditional leaders in a modern society by drawing upon the traditional leaders' institutions root from two African case studies. It is without a doubt that almost every African State has some form of traditional leadership either as part of government or independent from government. Hence the future of traditional leaders seems unblemished based on the information presented in this chapter, if the traditional institution keeps its flexibility and willingness to adapt to modern standards. It is also clear from this chapter that post-apartheid government is exhausting all options available to meet the housing demand in rural areas of South Africa; however its attempt to equally meet the housing backlog is still far from being reached more especially in areas under communal land tenure due to tribal land administration procedures. The chapter has also highlighted the influence of shared governance in development and ominous challenges facing housing development in rural communities for effective low-income housing delivery.

The chapter has further outlined the theoretical framework which was based on traditional leaders and government (traditionalist and modernist theory). Moreover, the chapter has made linkages between the key concepts defined in chapter one and contextually defined them in this chapter.

## **Chapter Three: South African Legislative Framework**

### **3.1 Introduction**

This chapter aims to outline the South African legislative framework around traditional leaders and land allocation in rural communities in collaboration with local municipalities. The chapter will highlight recent policies and Acts for low-income housing delivery and land use management. The legislative framework to be covered under this chapter includes: the South African Constitution of 1996, the 1997 Housing Act no. 107, 1994 Housing White Paper, National Traditional Leadership and Governance Framework Act no. 41 of 2003, iNgonyama Trust Act no. 3 of 1994 and Amendment Act 9 of 1997. The Rural Housing Subsidy, the Breaking New Ground (BNG) policy of 2004, 1998 White Paper on Local Government, Act no. 32 of 2000 for Local Government Municipal Structures, Spatial Planning and Land-Use Management Act (SPLUMA) 16 of 2013, and lastly the 1970 Sub-division of Agricultural Land Act no. 70.

### **3.2 The South African Constitution of 1996**

Chapter 12 section 211 (1) of the South African Constitution refers to the acknowledgment of traditional leaders' roles and functions in accordance to customary law. Section 212 (1) argues that the national legislature can set out the roles of traditional leaders at municipal level with regards to matters pertaining to tribal communities. The legislature can further outline the "customs of communities observing a system of customary law and matters relating to traditional leadership.

(a) National or provincial legislation may provide for the establishment of houses of traditional leaders; and

(b) National legislation may establish a council of traditional leaders."

However, section 211 fails to define the roles and functions of traditional leaders while section 156 clearly defines the roles and functions of community councillors which overlap those of traditional leaders.

Section 25 (6) and (9) of the Constitution advocates for government to adopt and comprehend legal systems that will bring rights to security of tenure and redress past imbalances, this is documented under section 25 (6) as: "A person or community whose land tenure is legally insecure as a result of past racially discriminatory laws or practices is entitled to the extent

provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress” (RSA Government Gazette, 1996) while subsection (9) mandate parliament to implement the statute spoken of in subsection (6).

The Communal Land Tenure Policy (CLTP) of 2013 stresses on two-folds; firstly it embraces the South African history on land ownership, and then secondly highlights successful aims for improvement. Its arguments around land ownership quires opportunities of tenure regulation in rural areas, this can directly influence housing delivery and land management in rural areas under State management instead of traditional management systems. State involvement in housing delivery is clearly outlined under section 26 (1) and (2) of the Constitution, while land management is administered under the Land-Use Management Bill as well as in the Municipal Systems Act 32 of 2000 under chapter 2- SDF designation. Mitlin (2008) argues that State involvement in housing delivery helps influence and regulates the housing and land markets for all income groups. However, despite the policy (CLTP of 2013) successful proposal on communal land tenure, the policy fails to channel tangible arguments towards the history defined or proposed vision (Centre for law and society, 2013).

In reference to chapter 12 section 211 (1) of the South African Constitution which provides recognition to traditional leaders even though on the contrary it enact full responsibility to local governments to initiate sustainable rural development and housing delivery. The study seeks to adopt both section 211 and section 26 of the Constitution in order to assess the acknowledgement of traditional leaders’ roles and functions in Turton under uMzumbe Municipality. Moreover, the study will examine the extent uMzumbe Municipality has aligned itself towards the achievement of access to adequate housing for its residents whilst drawing guidance from the CLTP of 2013 policy principles when it comes to land management and tenure regulation in communal areas which influence effective housing delivery and opportunity.

### **3.3 The Housing Act No. 107 of 1997**

The 1997 Housing Act 107 is an Act of supreme legislation in South Africa, which draws upon section 26 of the Constitution. This Act argues for housing development processes that are sustainable through its diverse housing programmes for low-income beneficiaries to gain access to adequate housing and ensure the realisation towards their Constitutional right. The Act defines the roles and works of several stakeholders and institutions as set out within the Housing White Paper policy and principles which provide poor households with housing and

basic infrastructure (National Housing Code, 2009). The 1997 Housing Act 107 defines housing as an “establishment and maintenance of habitable, stable and sustainable public and private residential environments to ensure viable households and communities in areas allowing convenient access to economic opportunities, and to health, educational and social amenities in which all citizens and permanent residents of the Republic will, on a progressive basis have access to:

- (a) Permanent residential structures with secure tenure, ensuring internal and external privacy and providing adequate protection against the elements; and
- (b) Potable water, adequate sanitary facilities and domestic energy supply” (RSA Government Gazette, 1997)

In principle, the Housing Act places responsibility to the public sector to ensure the full realisation of section 26 as outlined under the South African Constitution in terms of access to adequate housing with full tenure rights and socio-economic development. Therefore in the context of this study, this Act helps assess uMzumbe Municipality as well as the involved role players in the delivery of low-income housing- if they (both municipal and housing development agents) akin to the speedy release of access to land in order to plan and ensure the realisation of both Section 26 and the Housing Act principles in service delivery without any external hindrance, since without land no development can take place.

### **3.4 The Housing White Paper of 1994**

The Housing White Paper of 1994 is the overarching national housing policy which also draws upon section 26 of the Constitution. This policy aims to “create viable, integrated settlements where households could access opportunities, infrastructure and services for all South African citizens on a progressive basis” (Tissington, 2011:59). The policy provides a framework for development and guide in respect to housing implementation, both in socio-economic and political imperatives. The policy further describes government strategic partnership in housing delivery by: “mobilizing and harnessing the combined resources, effort and initiative of communities, the private and commercial sector and the state” (Tissington, 2011:59).

The policy outlines 7 underlining strategic principles to realise this goals:

- 1 “Stabilising the housing environment in order to ensure maximal benefit of State housing expenditure and mobilising private sector investment;
- 2 Facilitating the establishment or directly establishing a range of institutional, technical and logistical housing support mechanisms to enable communities to, on a continuous basis, improve their housing circumstances (i.e. supporting the PHP);
- 3 Mobilising private savings (whether by individuals or collectively) and housing credit at scale, on a sustainable basis and simultaneously ensuring adequate protection for consumers;
- 4 Providing subsidy assistance to disadvantaged individuals to assist them to gain access to housing (i.e. through the NHSS and National Housing Programmes);
- 5 Rationalising institutional capacities in the housing sector within a sustainable long-term institutional framework;
- 6 Facilitating the speedy release and servicing of land (i.e. utilising the Development Facilitation Act and the HDA
- 7 Coordinating and integrating public sector investment and intervention on a multifunctional basis”.

(DoH, 1994: 4.6)

In the context of this study, the Housing White Paper aids the study with evaluation tools of whether or not the Turton low-income housing project has been viable in its delivery mechanism in channelling subsidy funds to the intended beneficiaries without nepotism to gain access to adequate housing. Hence the policy helps the researcher to also evaluate uMzumbe Municipality’s institutional capacity in the delivery of low-income housing; subsidy assistance and ITB’s speedy release of land for the development of integrated human settlements in rural areas where households are given opportunity to access socio-economic opportunities and basic infrastructure on an incremental basis under this policy. This is further outlined under the policy’s strategic goals which mandate the State to ensure maximal housing expenditure to the public through provision of subsidy and private savings for greater housing developments.

### **3.5 National Traditional Leadership and Governance Framework Act 41 of 2003**

This Act aims to promote and facilitate the establishment of traditional councils and the realisation of communities under tribal authorities. This Act was established in direct compliance to section 211 of the Constitution. It defines the roles and responsibilities of traditional leaders in the delivery of basic services in communities while Section 19 encourages cooperation between democratic leaders and traditional leaders in service delivery. Section 20 (14) provides executive powers to the National and Provincial government to give additional functions to traditional leaders, one being economic development. The Act further provides legal advice on leadership for the traditional institution as well as a code of conduct (RSA Government Gazette, 2003). Therefore all decisions involving traditional leaders in government are to comply with this Act.

The Act helps safeguard the degree of autonomy between the government officials and traditional leaders by ensuring co-operative governance in the restoration of traditional integrity and validity in South African communities as well as on local government. The Act ensures full recognition of traditional leaders and tribal communities in South Africa by determining the traditional leader's roles and responsibilities including its norms and standards in a democratic State aligned with iNgonyama Trust.

In relation to the Turton community, the Act helps evaluate the role, influence and cooperative capacity of the Turton traditional leader with uMzumbi Municipality officials in partnering to improve service delivery and housing developments in Turton under ITB controlled land. Moreover, the Act assists the study to determine clearness and understanding of the roles and functions of traditional leaders by the general public, government officials and traditional leaders themselves as outlined in the Act.

### **3.6 iNgonyama Trust Act 4 of 1994, Amended Act 9 of 1997**

The KwaZulu-Natal iNgonyama Trust Act was passed in 1994 by the Legislative Assembly before the national election (Van Wyk, 2003), entrusting a total of 2.9 million hectares of land to King Goodwill Zwelithini. The land entrusted previously belonged to the former KwaZulu-Natal government (Khoza, 2002) as the Act was meant to administer and govern the usage of such land. The iNgonyama Trust Act placed KwaZulu-Natal's former Bantustans land under the administrative role and authority of an individual trustee of the

iNgonyama (King) with its people deprived of title deeds of the land they occupy but vested under the iNgonyama.

In 1997, the Act was amended and came into effect in 1998 introducing the iNgonyama Trust Board (ITB) which was to assist the King with running the matters of the Trust, communal land and custodianship of traditional leaders (ITB Report, 2013/14). The ITB structures were launched in early 1999 (Khoza, 2002) consisting of the iNgonyama and an elected candidate (who is defined as chair of the Board), four members selected by the Minister of Rural Development and Land Reform (previously the Minister of Agriculture and Land Affairs) after discussion with iNgonyama and Premier of KwaZulu-Natal as well as the chair of House of Traditional Leaders in KwaZulu-Natal. The Trust is mandated to control land on “the benefit, material welfare and social well-being of the members of the tribes and communities living on the land” (ITB, 2013/14). This Act works parallel with chapter 9 of Communal Land Rights Act 11 of 2004 (CLaRA), which governs all communally owned land administered by traditional leaders under iNgonyama Trust.

In the context of this study, concerns regarding the legitimacy of land owned based on ethnic rights rather than democratic principles is assessed using this Acts political power. Critical evaluation is needed in Turton regarding the limited control and intervention of the State in the use and management of ITB controlled land. The ITB’s independent administrative structure for developmental approvals is to ensure socio-economic benefits for communities under iNgonyama Trust. This study will assess the residents of Turton if they have benefited in any way socio-economically from the ITB controlled land and State’s eligibility to access the land for the betterment of rural communities.

### **3.7 Rural Housing Policy**

The Rural Housing Policy applies to communities administered under communal land tenure or areas administered by traditional leaders, hence subjecting the residents to a rural housing subsidy. The policy provides guidelines to the development of rural areas and ensures the protection, promotion and provision to housing in rural areas that reflect the areas context. The policy deals with issues of: “tenure, livelihood strategies and broader socio-cultural issues” (Tissington, 2011). The policy responds to the needs of rural dwellers by defining “the roles and responsibilities of implementing agencies; institutional frameworks; technical norms and standards; tenure security; suitable subsidy mechanisms; legislative amendments;

and appropriate funding mechanisms to support the rural housing programme” (Tissington, 2011:50).

In peculiar to this study, the rural housing policy objectives on tenure security, municipal service provision, livelihood strategies and top structure design are to be adequately assessed in relation to the issues of socio-cultural concerns in Turton, more especially during post-construction of low-income housing units constructed under uMzumbe Municipality. Hence the guidelines outlined under the rural housing policy are to be used during this process in order to evaluate the development implementation and its reflection to local context of Turton.

### **3.8 Breaking New Ground Policy (BNG) 2004**

The 2004 Breaking New Ground Policy (BNG) is a broad plan that helps facilitate development of sustainable human settlements. This policy makes community participation and consultation mandatory and vital for creation of human settlements that are sustainable. The BNG views “housing delivery as a catalyst for achieving a set of broad socio-economic goals” (Tissington, 2011:66). However it is argued that the BNG policy has failed to give proper reasoning on different political matters of land tenure and property rights (Tissington, 2011).

In reference to this study, the BNG sets enormous pressure on municipalities like uMzumbe Municipality to delivery housing through various subsidiary programmes, arguing that municipalities are the closest to the community and are better at responding to the housing demands more effectively. The policy argues for a shift “towards a more demand-driven process”. This puts great pressure on uMzumbe municipality to determine and respond to the housing demands via placement and construction of housing in response to demands for housing supply.

Under this policy, municipalities are granted full responsibility in the development and management of housing schemes within their areas of jurisdiction through ensured utilization of resources such as land and finance to assist them in delivering sustainable human settlements. Therefore the BNG policy helps see if uMzumbe municipality officials are responding to its housing demands through a demand-driven process rather than supply driven.

### 3.9 White Paper on Local Government 1998

The 1998 White Paper on Local Government draws its principles from Chapter 12 of the South African Constitution. This chapter gives recognition to traditional authorities and determines their relationship with local government. The policy advocates for a “developmental local government” as outlined under section (1) which states: “local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives”. Knoetze (undated: 162) highlights the involvement of traditional leaders in municipal development which was advocated by the previous “Deputy Minister of the Department of Co-operative Governance and Traditional Affairs, Minister Yunus Carrims, who argued that additional powers will be granted to traditional leaders when it comes to service delivery in rural areas”.

In this policy, traditional authorities are categorised under Category B municipalities while larger Kingdoms that cover the entire district are categorised under district municipalities. It is allude to that both district and local municipality officials should notify traditional authorities on any project plan within the areas they preside.

The policy further outlines the following responsibilities and roles of traditional leaders as adopted from the RSA Government Gazette, 1998:

- “Acting as head of the traditional authority, and as such exercising limited legislative powers and certain executive and administrative powers.
- Presiding over customary law courts and maintaining law and order.
- Consulting with traditional communities through imbizo.
- Assisting members of the community in their dealings with the state.
- Advising government on traditional affairs through the Houses and Council of Traditional Leaders.
- Convening meetings to consult with communities on needs and priorities and providing information”.

- “Protecting cultural values and providing a sense of community in their areas through a communal social frame of reference.
- Being the spokespersons generally of their communities.
- Being symbols of unity in the community and
- Being custodians and protectors of the community's customs and general welfare”.

(Khoza, 2002:49)

Contextually, this policy advocates for co-operative governance from both rural municipalities and traditional authorities who preside over rural communities. Therefore in the context of this study, uMzumbe Municipality officials are to ensure accurate consultation as well as representation of Turton traditional leaders in local government development strategies. Traditional leaders are seen to play a crucial role as outlined by the policy and the Constitution, by attending and participating in municipal council meetings as advisors on matters that affect the greater benefit of the traditional community. Traditional leaders role is not however limited to category-B municipalities but also found at the provincial and national level through the House of Traditional Leaders. Therefore this study aims to see if this policy is being adhered to by the uMzumbe Municipality officials since the role of traditional leaders in rural development is crucial as they (traditional leaders) hold key elements to rural development such as land, culture and community influence in rural areas.

### **3.10 Local Government Municipal Structures Act 32 of 2000**

The Local Government Municipal Structures Act provides the division of power and function within municipalities, as well as the appropriate electoral systems (RSA Government Gazette, 2000). The Act proposes for an active role of traditional leaders in municipal development plans. According to section 81 (1) of the Act, traditional leaders are to be represented at municipal council meetings concerning development on communal lands which they preside over. The Act states that if a traditional leader is present but the traditional authority is not, the traditional leader cannot take part in the meeting. The Act outlines the number of traditional leaders that can take part in the meeting, and said to not surpass 20% of the municipal assembly. Further, the Act states that if a municipality has less than 10 councillors, 1 traditional leader can be allowed to take part in the meeting. However, if the total number

of traditional leaders under the municipal area exceeds 20% of the municipal assembly, the MEC for Local Government in the province can design a system to rotate traditional leaders on council meetings. Unfortunately this Act prohibits traditional leaders from voting in council meetings but limited to an advisory function.

The Local Government Municipal Structures Act 32 of 2000 helps critically assess the representation of traditional leaders in uMzumbe Municipality with regards to municipal development plans and power tussles between government officials and traditional leaders. The Act will allow the researcher to evaluate Turton traditional leaders' engagement with municipal planning and awareness of current and future plans within his traditional jurisdiction for social and material welfare of his tribal community.

### **3.11 Land-Use Management Bill 2008**

The Land-Use Management Bill aims “to provide for a uniform, effective, efficient and integrated regulatory framework under the South African land-use management through schemes which promote public interest” (RSA Government Gazette, 2008). It further promotes cooperative governance with strategic policy approaches which characterizes schemes in terms of the Natal Planning Ordinance.

In regards to the study, this Bill argues for the alignment of processes undertaken to improve settlement circumstances in communities through integrated land-use management schemes that ensure public interest. Therefore the Bill will assist the researcher to assess the development of uMzumbe Municipality's IDP (Integrated Development Plan) if it advocates for “Integrated Sustainable Rural Development Programme” which is argued under the Bill to ensure a fast release of land and identification of public owned sites for projects that serve and deliver low-income housing. Therefore the Bill helps strengthen a holistic approach to land development and identification for low-income housing developments in rural areas.

### **3.12 Spatial Planning and Land-Use Management Act 16 of 2013 (SPLUMA)**

The introduction of the Spatial Planning and Land Use Management Act (16 of 2013) is set to promote efficient planning and land use management in relation to transformation of spatial planning. Spatial Planning and Land-Use Management Act (SPLUMA) is argued to be a key tool for efficient spatial transformation (South Africa Cities Network, 2015:4).

SPLUMA outlines various principles that encourage spatial transformation and development. These key principles adopted from the Act are:

- “Provide a uniform, effective and comprehensive system of spatial planning and land use management for the Republic
- Ensure that the system of spatial planning and land use management promotes social and economic inclusion
- Provide for development principles and norms and standards
- Provide for the sustainable and efficient use of land
- Provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government
- Redress the imbalance of the past and ensure equity in the application of spatial development planning and land use management”

(RSA Government Gazette, 2013:8)

SPLUMA sets a structure of planning systems and procedures which begin from national government to local government. SPLUMA is based on the following principles as highlighted by the South African Cities Network (2015):

- **Principles:** The principles are based on a system of norms and standards which aspire to achieve: “sustainability, equality, efficiency, fairness and good governance in spatial planning and land use management”, were all municipal officials must adhere too.
- **Land use regulators:** The most prevalent land use regulators will be municipalities.

In terms of the housing requirements for the Municipal Spatial Development Framework (SDF) as set out in section 21 of SPLUMA, the SDF has to:

- “Include estimates of the demand for housing units across different socio-economic categories and the planned location and density of future housing developments;
- Identify the designated areas where a national or provincial inclusionary housing policy may be applicable;”

In principle, this Act brings a new land-use management dilemma in terms of normative guidance and spatial implication both in the urban and rural context. The Act draws strengths from the Municipal Structures Act section 81 with regards to traditional leaders' role under local government. In the context of the study, the Act brings a much clear guidance to development using local circumstances and land-use management as outlined under section 21 of SPLUMA for housing development. In this Act, land under traditional leaders is to be released for municipal determination for land-use right as outlined by the Constitution under section 151 (1) that municipalities should govern all areas of State jurisdiction.

Municipalities are advised to have special overlay zones in their land-use scheme and by-laws that require any land-use application falling under traditional leaders to be consulted prior to decision making. Thus the researcher is to assess if uMzumbe Municipality has prepared any forms of land-use maps, by-laws or SDF's in consultation with the Turton traditional leader and the community at large in order to avoid the development of conflicting land-uses with low-income housing development. It must be understood that the Act helps people residing in tribal communities manage their land effectively without taking traditional leaders' power of land allocation away but assist in avoiding conflicting land-use developments and dangerous land allocation within floodplains.

This Act brings the system of co-operative governance to effect as rural communities can use a scheme and land-use map prepared by the municipality, showing areas suitable for crop grazing, housing and other needs of the community. This helps guide traditional leaders both in KZN and elsewhere in South Africa manage their land positively with the use of modern tools combined with traditional skills, thus achieving the objectives of co-operative governance and traditional theory with modernism combined for the betterment of rural communities.

### **3.13 Sub-division of agricultural land Act No. 70 of 1970**

The Sub-division of agricultural land Act 70 of 1970 has been a regulatory mechanism used by the national and provincial Departments of Agriculture, Forestry and Fisheries to regulate the subdivision of agricultural land. The Act requests applicants wishing to subdivide agricultural land outside the former boundaries of the urban areas to lodge a separate application for approval to the National Minister of Agriculture, Forestry and Fisheries. A motivation has to be provided which addresses the agricultural potential of the land and why it should be allowed to be utilised for another land use. The 1998 Subdivision of Agricultural

Land Act Repeal Act No. 64 was intended to set aside Act 70 of 1970 and although the law was gazetted, it was never made operational (Pienaar, 2013).

In addition, it should be stated that the subdivision of land preparation or extension of schemes in areas outside the boundaries of the local authorities, development areas, pre-urban areas or non-agriculture transitional local council areas remain at the whim of the Minister of Agriculture. In this process, the development and application of good governance principles regarding land administration is necessary.

Act 70 of 1970 therefore responds to ITB controlled land as it is regarded as agricultural land by municipal officials, where people have no tenure rights and land assessment for agricultural potential is mandatory before development occurs on such land. This further helps maintain rural culture and its economy as dependents of agriculture. The Act helps maintain issues of food security in the country as most land is being converted for housing development due to the demand whilst leaving minimal land for food harvesting. As a result, this Act will help understand if uMzumbe Municipality under the Turton area has or not done an assessment evaluation for agricultural potential areas before implementing and identifying low-income housing developments under the municipal SDF.

### **3.14 Conclusion**

The South African legislative framework has revealed post-apartheid governments' attempts to incorporate traditional leaders as part of government decision making with full recognition at both local and national level. The chapter has dealt with the legal framework which informs the case study, and succeeded in providing legislation and policies underpinning low-income housing delivery as well as service delivery in traditional areas and land ownership in South Africa. It can be concluded that the institution of traditional leaders has been recognized and included as part of post-apartheid government legislation and proclamation as outlined in this chapter.

## Chapter Four: Historical background of Turton in uMzumbe Local Municipality

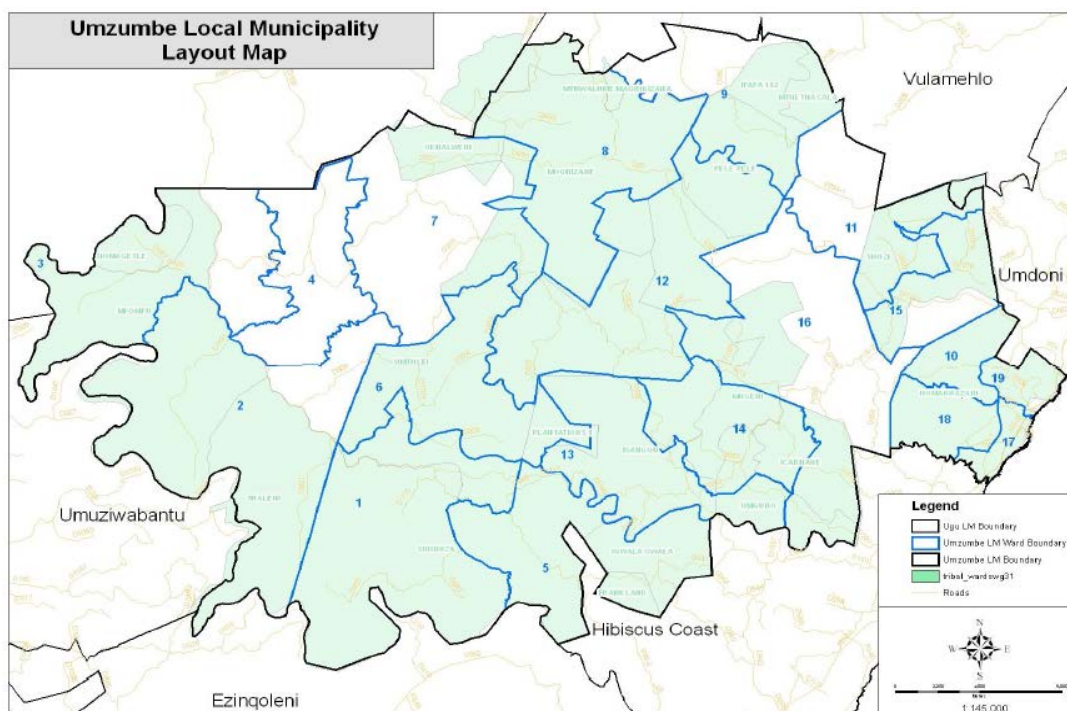
### 4.1 Introduction

This chapter aims to highlight the geographical location of Turton, its history, the state of planning and the socio-economic profile of the Turton area within uMzumbe Local Municipality. This chapter will therefore contextualise the study area and provide the relevance of the case study with the research topic.

### 4.2 Geographical location of Turton in uMzumbe Local Municipality

UMzumbe local municipality (KZ 213) is located on the south of Durban in KwaZulu-Natal South Africa. It falls under the leadership of Ugu District Municipality (DC 21). UMzumbe municipality is located 90 kilometres northwest of Port Shepstone, with its boundary stretching towards the coastline of Indian Ocean for 4km between Mthwalume and Hibberdene. Mthwalume area falls under Thulini traditional council, and draws back into the hinterland for approximately 60km (uMzumbe Municipality SDF, 2012) whilst bordered by 7 local municipalities. These local municipalities are namely: uMdoni local municipality and Vulamehlo local municipality on the north, uBuhlebezwe municipality on the northwest, uMzimkhulu local municipality on west and uMziwabantu and eZinqoleni municipality on the southwest, as well as Hibiscus Coast municipality on the south.

**Map 3: UMzumbe Local Municipality Location**



The Turton area falls under cluster A of the Municipal Area Base Management and is located on the east of the uMzumbe municipal boundary under the Thulini traditional council. Turton covers ward 10, 17, 18 and 19. Wards 17 and 19 are located along the coast while wards 18 and 10 stretch inward into the hinterland. The area is 1% semi-urban with public facilities dispersed geographically around the identified municipal administrative node in Turton which is faced with enormous development pressure due to its strategic location. The Turton administrative node is located along the R102 tourism corridor and P75 development corridor. The majority of the land under this cluster falls under the iNgonyama Trust (uMzumbe Municipality SDF, 2012).

#### **4.3 Background of Turton in uMzumbe Municipality**

The name “uMzumbe” is a Zulu name which combines two words of “umuzi” which is a noun meaning “homestead” and an enumerative pronoun “mumbe” (Department of Arts and Culture, 2009) resulting into the word uMzumbe. The uMzumbe local municipality was named after the river that cuts through the municipal area, the uMzumbe River.

According to the Department of Arts and Culture (2009), little has been documented about the history of uMzumbe, and the history captured has been passed down through generations’ word of mouth. Tracing the history and the naming of uMzumbe has revealed that certain homesteads belonged to the cannibals and these cannibal homesteads would hide the fact that they’re cannibals, however during the night they would practice cannibalism. The legends would refer to these homesteads as "Kumomuzi mumbe" translated “where people eat people”. This therefore led onto the naming of the river to uMzumbe and further became the name of the entire area as referred to today with the Regional Authorities also called the uMzumbe Turton Regional Authority (Department of Arts and Culture, 2009).

The uMzumbe Municipality is the second largest local authority within the Ugu District Municipality after Hibiscus Coast Municipality. It consist of 19 ward councils and covering approximately 1260 square kilometres of land administered by 17 traditional authorities (uMzumbe IDP, 2007- 2012). The Turton area is administered under the traditional authority of Thulini traditional council. The area is predominately rural as the land is communally owned and administered by a traditional leader- Chief Bhekizizwe Luthuli who administers the Thulini traditional area under the greater sphere of the iNgonyama Trust Board. Therefore land allocation in Turton rests upon the administration of Chief Luthuli and his headmen (Izinduna) to undertake traditional land allocation for the community.

According to Zungu (1999) who documented the arrival of the Luthuli leadership in Turton argues that the Luthuli clan lived across the Black Mfolozi River and further settled at Matigulu. Unfortunately the colonial government instructed the clan to move from Bluff due to the area being identified for the port development. The clan was compensated with land at Zuba which stretched from uMgababa River to both uMsimbazi and Ilovu Rivers. After the passing away of Fica who was one of clan leading successors, young Bhoshongweni was considered too young to lead the clan and disabled with blindness, therefore was judged unfit to lead the Luthuli's. Bhoshongweni was secretly sent to stay in uMthwalume in order to cure his disability while Mnini regent of Fica ruled in Bhoshongweni's absence. Bhoshongweni's disability was fortunately cured as he resided under the leadership of Fynn, a coloured who requested payment on the basis of "when a chief comes to the territory of another chief he must pay something" (Zungu, 1999:34). A bull was paid to Fynn but the community felt a close connection towards Bhoshongweni as compared to Fynn in handling the community affairs, this created rivalry between the Fynn's and the Luthuli's.

The argument was presented in the court of law that the bull was paid to buy back chieftainship and the Fynn's were not of royal born but originally foreign hunters and traders. The court decision favoured the Luthuli's; taking into account the Fynn's being coloured and not decedents of any royal family. In 1950 with the establishment of the Group Areas Act, the coloured people of Fynn were moved from the Turton area to Ifafa Beach and Wentworth. Leadership of Turton therefore remained with the Luthuli clan till today, under the generational successor of Chief Bhekizizwe Luthuli who currently administers the Thulini traditional council (Zungu, 1999).

#### **4.4 An overview of the Socio-Economic Profile of uMzumbe Municipality**

The main source of the economy in uMzumbe is farming and fishing. Unfortunately both areas of the economy have been decreasing due to the demand for socio-economic development on land and the requirements of a fishing licence. The residents of the Turton area- ward 17 and 19 are greatly dependent on the fishing economy due to the areas location next to the coast. However, this economy has been greatly challenged by the requirements of a fishing licence which has created much difficulty for the locals. Approximately 11% of the land in uMzumbe is used for commercial farming (uMzumbe Municipality SDF, 2012). This form of farming includes timber plantation, sugarcane and banana cultivation which is mainly privately owned by community members, Sappi Saiccor and the Illovo Sugar Limited.

Changes on land demand within the area have resulted onto the transformation of household needs for land, ensuring greater emphasis towards residential use and individual home gardening. According to the uMzumbe Municipality SDF (2012: 34) “residential land use represents approximately 34% (42778 ha) of land use in uMzumbe and is scattered unevenly and unsystematically in space”. The Turton area is traditionally rural and the homesteads represent the general settlement pattern of traditional land allocation practice. The most dense and relatively largest settlement area in uMzumbe is uMthwalume which is located along the coastline forming part of Turton jurisdiction where densities are between 127 and 176 homesteads per kilometre. The area is predominately influenced by its access routes, public transport and social structure (uMzumbe IDP, 2007- 2012).

The municipal 2007- 2012 IDP recommended the Thulini traditional area be established as a township due to its density and agglomeration of bulk infrastructure in dense communities as a cost effective strategy. This led to the development and establishment of the Turton administrative node with low-income housing development encouraged along nodes, corridors and spines for greater access to socio-economic opportunities. Population density is encouraged as opposed to dispersed settlements which increase bulk infrastructure development.

In 2003 and 2008, population growth in uMzumbe faced significant decline, however since 2009 it has shown a steady growth. The 2011 Census statistics showed that uMzumbe has an estimate of 193 756 people living within its 19 wards (uMzumbe IDP, 2014-2015). According to uMzumbe Municipality SDF (2012) population decline in uMzumbe can be attributed to issues of out migration as the population moves to areas with more public and economic facilities. Such areas include: Port Shepstone, Durban, Scottsburg and Hibberdene. It is however argued that an average ward has a population of 9155 people while the Thulini traditional council has a total of 8082 people living within its area of 8104,45 ha of land (uMzumbe Municipality SDF, 2012).

The uMzumbe IDP (2007- 2012) argued that a huge population group under uMzumbe Municipality is poor, having irregular household income and lack of economic opportunities. An approximation of 50% of the municipal population is economically active but only 28% of this group is formally employed whilst 72% of the population is unemployed. The uMzumbe Municipality can be rated amongst other municipalities within the country who are faced with a challenge of combating poverty within its area of jurisdiction; however

uMzumbe Municipality is trying to combat and advance the standard of living for its people. According to Maphunye and Tshishonga (2012), in the year 2004 to 2006 uMzumbe Municipality was among the 136 municipalities identified by the National Ministry of Provincial and Local Government report as lacking expertise of basic service delivery and socio-economic development. UMzumbe Municipality still remains as one of the vulnerable municipalities faced with numerous development challenges such as: poor infrastructure planning, low levels of literacy, and high rates of unemployment which increase dependency on government grants and a high prevalence of HIV/Aids (uMzumbe IDP, 2014-2015).

The municipality has no revenue base and is greatly challenged in attracting investors within the area due to lack of bulk infrastructure and low levels of education within the community. However, attraction of investors can be unlocked through proper settlement planning, zoning regulations to help with land management as well as environmental conservation. Land allocation in uMzumbe is weakened when it comes to settlement planning as it lacks development contextual but focuses on household land needs. This therefore results onto substandard site allocations which are not uniformed and create municipal service delivery challenges for roads and bulk infrastructure delivery; these are not taken into consideration during site allocation. The municipality aims to ensure the unlocking of private investment soon after the development of the municipal wall to wall scheme in the year 2016 which shall also include areas administered by iNgonyama Trust (uMzumbe IDP, 2014-2015).

Taking into consideration the above statement of “settlement planning and zoning regulations to help with land management” is of concern for this research study. This study focuses on settlement planning and land management for low-income housing development within uMzumbe Municipality under ITB controlled land. Moreover, uMzumbe- Turton area serves as an ideal study since it has been identified as an administrative node with development pressure and changes on land use from agricultural use to housing development demand for the beneficiaries. Housing serves as a tool to transform society towards social justice (Department of Housing, 1994). However, land management for housing development in uMzumbe Municipality is tarnished between the municipality as the implementing agent and the traditional authorities as the supreme rulers of land for development approval or disapproval. This therefore settles rural communities under traditional leadership as citizens of the State with their Constitutional Rights under section 26 (1) and (2), as well as subjects of un-elected political rule of traditional leaders (Myeni and Keke, 2015; Ntsebeza, 2004).

Table 2: UMzumbe Municipality 2011 Socio-Economic Information

<b>Municipal Age profile</b>	0 to 4	12 %
	5 to 14	30 %
	15 to 34	32 %
	35 to 64	20 %
	Over 65	6 %
<b>Education Levels over 20's</b>	No Schooling	32 %
	Some Primary	28 %
	Complete Primary	6 %
	Secondary	23 %
	Grade 12	8 %
	Higher	3 %
<b>Labour Force out of total Population</b>		18 %
<b>Not economically Active out of total population</b>		36 %
<b>Employment (out of labour force)</b>	Employed	28 %
	Unemployed	72 %
<b>Housing</b>	Formal	38 %
	Informal	1 %
	Traditional	60 %
	Other	1 %
<b>Annual Household Income</b>	None	38 %
	R 1 – R 9 600	38 %
	R 9 601 – R 153 600	23 %
	Above R 153 600	1%

Source: uMzumbe IDP, 2007-2012

The above table represents the 2011 socio-economic information of uMzumbe municipality. According to the table, the dominant age group in uMzumbe ranges between 15-34 years as the highest age group within the municipal jurisdiction. Based on the premise of this information, one can conclude that uMzumbe municipality has a young active population as the majority. However, the populations' educational levels are daunting as the majority of the population has no form of schooling thus 72% of the population is unemployed. Moreover, 60% of the housing typologies in uMzumbe are traditional consequently representing the contextual setting of uMzumbe as a rural community with low levels of annual household income (38%) both for those earning nothing and those earning between R1- R9 600.

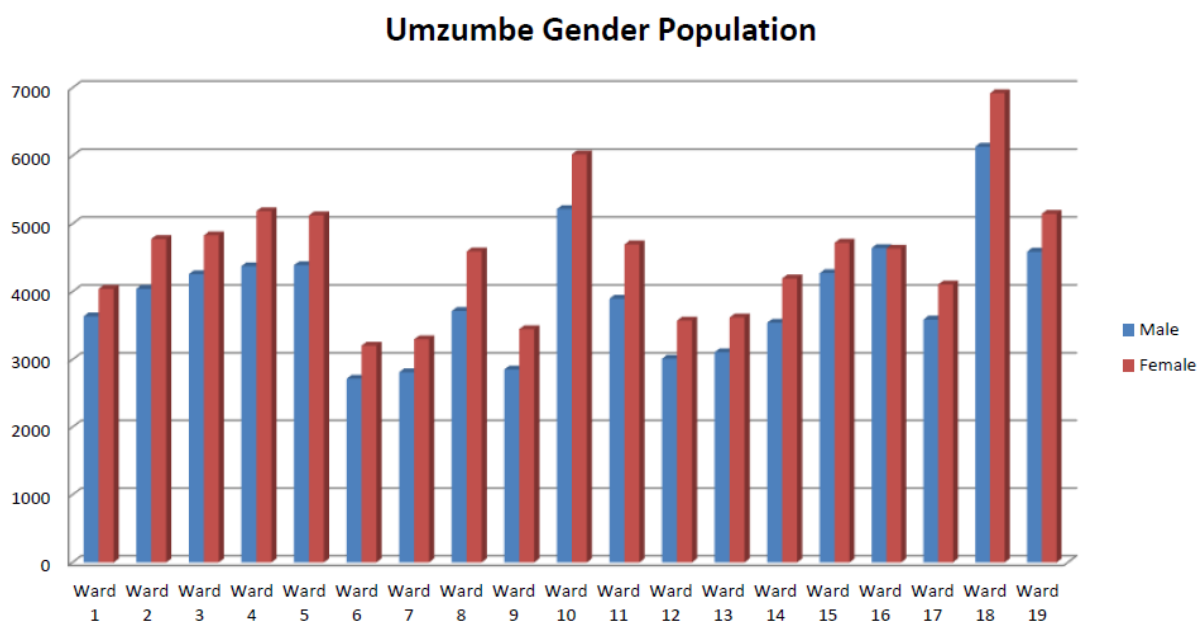
Table 3: 2011 uMzumbe Demographic Profile

Extent of the Umzumbe Municipal area		1260 km <sup>2</sup>
Population		193 756
Approximate number of households		38 280
Population Group (%)	Black African	99.83 %
	Coloured	0.1 %
	Indian	0.02 %
	White	0.05 %
Male Population (%)		45 %
Female Population (%)		55 %
Number of Municipal Wards		19
Number of Councillors		37

Source: uMzumbe IDP, 2007- 2012

The table above (Table 3) and the bar graph below (Table 4) indicate that the dominant gender throughout the uMzumbe Municipal wards is female. UMzumbe IDP (2007- 2012) shows that females constitute 55% of the municipal population, whilst males constitute 45%. The gender disparities can be attributed to out-migration of males in search of employment opportunities in urban areas so as to provide for their families. This therefore results into higher female population and female headed households in rural areas like uMzumbe.

Table 4: UMzumbe Gender Population per ward

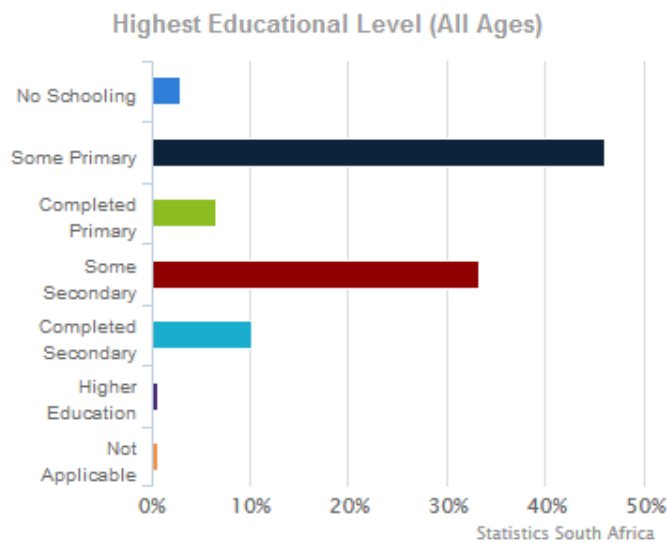


Source: uMzumbe IDP, 2007- 2012

#### 4.4.1 UMzumbe Educational Profile

UMzumbe municipality is one of the rural municipalities faced with low levels of literacy which directly affects skills availability. The municipal jurisdiction has 5 combined schools, 1 pre-primary school, 93 primary schools and 38 secondary schools scattered within the municipal area. Unfortunately these educational institutions lack capacity and quality of education with most of them taught in IsiZulu as a medium of instruction (home language). The area has no tertiary facilities for learning and community members have to send their children to cities like Durban and Johannesburg to access tertiary education. According to Census South Africa (2011), only 7% of the total population has a tertiary qualification, 33.1% attended secondary school and 10.2% obtained a secondary school qualification. Moreover, only 45.9% attended primary school, while only 6.5% out of the total completed primary school and 3% have no formal schooling.

Table 5: 2011 uMzumbe Educational Profile



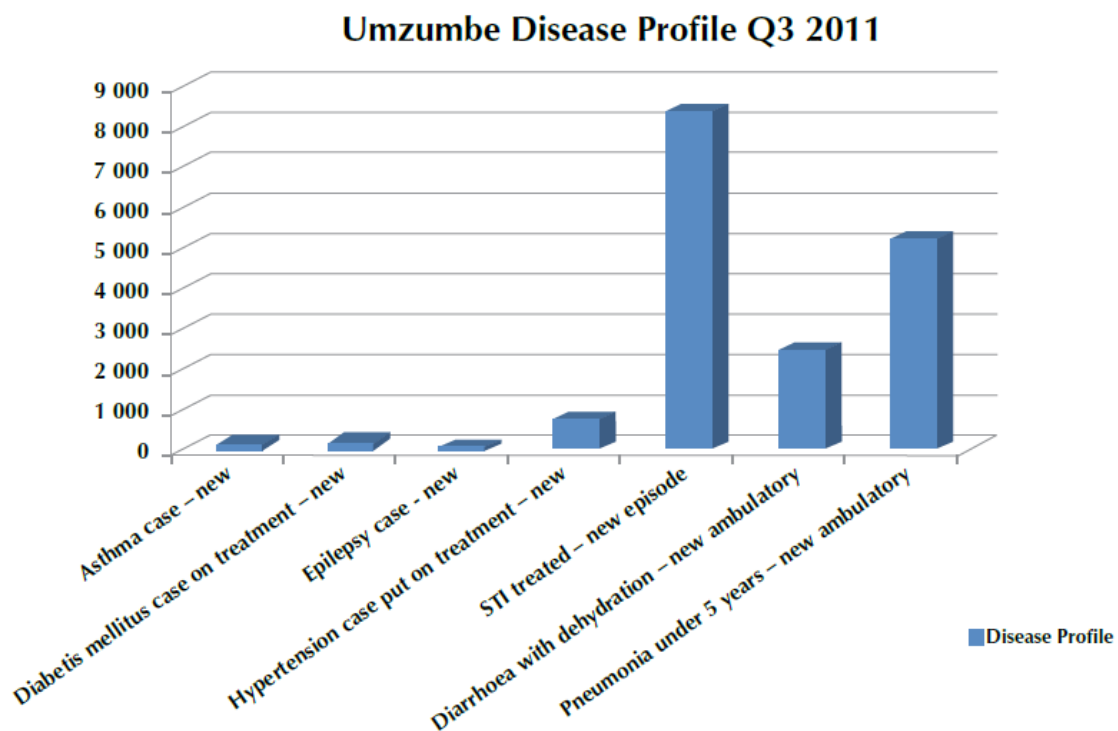
Source: Census South Africa, 2011

#### 4.4.2 UMzumbe Health Profile

In 2004, uMzumbe Municipality was estimated to have 25 788 people infected with HIV/Aids. This played a critical role in population decrease in uMzumbe between 2001 and 2007 beyond the impacts of migration. The municipal area has only 1 hospital located in ward 16- Dunstan Farrel Hospital and treats mostly TB patients. Community members do have access to 25 other health care facilities (clinics) per 3000 households and 2 mobile clinics that visit designated areas once or twice a month. The municipal jurisdiction seems to

have a significant supply of clinics dispersed geographically around the municipal area but access to them is a challenge due to poor road infrastructure. The Turton area in ward 10 has one major community health centre which is managed by the Provincial Department of Health as well as a community clinic on the western side of the health centre which serves HIV/Aids patients (Nyangwini clinic). The annual growth rate of infected HIV patients in uMzumbe is 13.7% per annum, while an annual growth rate for Aids related deaths is 2.3% (uMzumbe IDP, 2007- 2012).

Table 6: UMzumbe Municipality Disease Profile 2011



Source: uMzumbe IDP, 2007- 2012

Plate 1: Turton Community Health Centre



Plate 2: Turton- Nyangwini Clinic

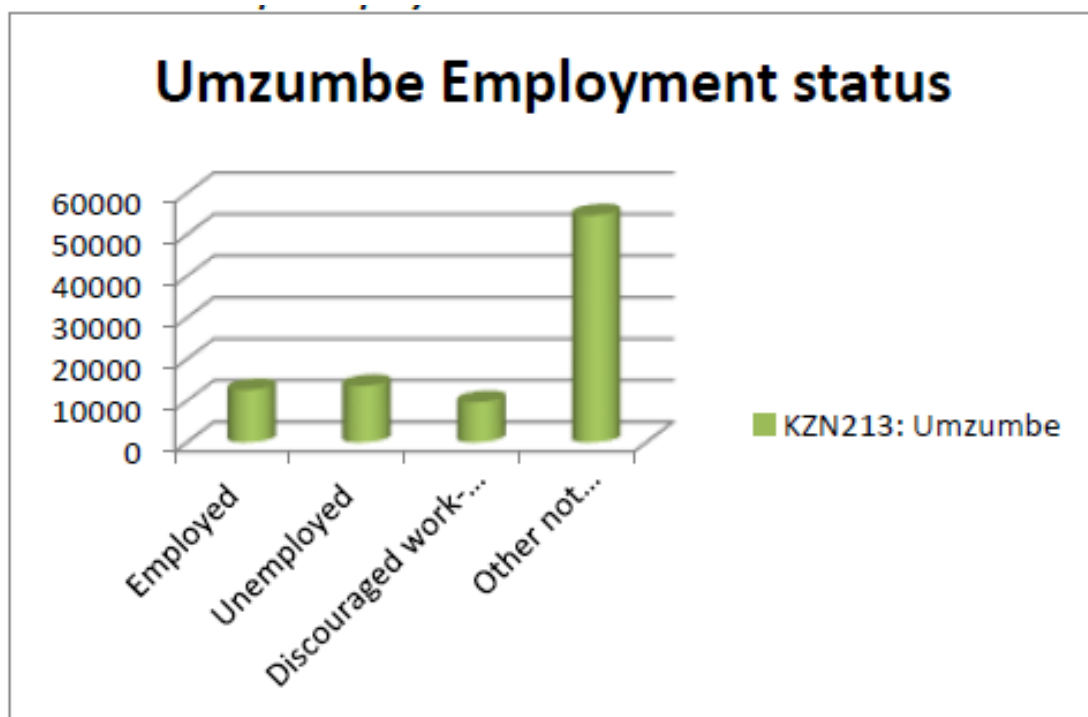


Source: Author, 2015

#### 4.4.3 uMzumbe Municipality Employment Rate

Despite the municipality being the second largest within the Ugu District, it is also the most affected municipality with extreme poverty under Ugu District. The municipal residents' dependent upon agriculture, government grants and fishing for survival. Unfortunately as mentioned earlier in this chapter, the agriculture and fishing economy has been decreasing. The uMzumbe 2007- 2012 IDP revealed that approximately 50% of municipal population is economically active, however only 28% of this group is formally employed in areas outside the municipal jurisdiction due to lack of economic opportunities within the uMzumbe area.

Table 7: 2011 uMzumbe Municipality Employment Rate



Source: uMzumbe IDP, 2007- 2012

#### 4.4.4 Environmental Analysis of Umzumbe

The uMzumbe Municipality SDF (2012) argues that the majority of the municipal land is undeveloped and consist of forests, dense bushes and grasslands. Areas of high biodiversity represent approximately 10.4% while sensitive areas represent 10% of the total land. The sensitive areas of high biodiversity are located on the north, central and southern parts of the municipality. Grazing of livestock is also argued to have a critical role on the environment due to soil erosion and degradation of the natural areas as a result of overgrazing.

#### 4.4.5 Electricity Supply in uMzumbe Municipality

UMzumbe municipality is serviced by Eskom for electrification. Eskom supplies the community independently from the municipality using its own programmes and budget. According to the uMzumbe Municipality SDF (2012), 21 407 (67%) of households within the municipal area have access to electricity supply. The identified households are said to be located within 500 metres of an existing Eskom transformer. An estimated 9 474 households do not have access to electricity due to their physical location being beyond 500 metres from the transformer. The majority of the residents within uMzumbe- Turton area are connected to the Eskom grid for electricity and use the prepaid payment system to manage their electricity usage. However, there are cases of cable theft within the community and illegal connection to the electricity grid.

#### 4.4.6 Water Supply in uMzumbe Municipality

UMzumbe receives its water supply from the Mthwalume, Ndelu and Mhlabatshane water supply zones from the South Coast Catchment area. The Mthwalume supply zone includes traditional areas of Thulini and Qoloqolo areas as well as the coastal areas of Mthwalume, Ifafa Beach and Bazely Beach. However uMzumbe is faced with water supply deficit mostly during holiday season and water shortages last for almost a week. According to uMzumbe IDP (2007- 2012) the municipality has proposed other forms of avenues to mitigate the deficit of the water supply. These include: off channel water storage and groundwater as sustainable ways to combat water deficit within the rural communities of uMzumbe. Access to water in uMzumbe is usually through communal standpipes located within 200 to 1000 metre radius from the household.

Table 8: UMzumbe 2011 Statistic of Access to Piped Water

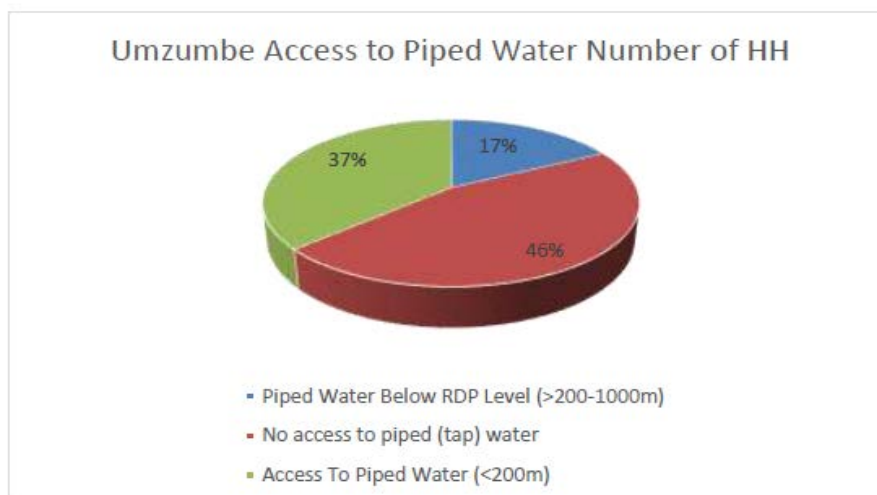


Table 8 highlights that only 37% of the households in uMzumbe have access to communal standpipes within 200 metres, whereas 17% of municipal households access their standpipe water reticulation lower than the RDP level of service which is 200 metres. However, some residents access their reticulation at a greater sphere beyond 200 metre walking distance from house to standpipe. The remaining 46% of the population has no access to formal water supply. Based on the researchers' observation, the Turton area has a significant supply of communal standpipes dispersed geographically within 200 metres of every household. Nevertheless there are households located within 800- 1000 metre distance from the standpipes. The Turton area has access to clean piped water system and does not depend upon un-purified water. Rain water harvesting is greatly utilized in the area during rainy seasons, and is mostly used for gardening, washing and cleaning. Rain water is harvested through hard plastic barrels and water storage tanks (Jojo tanks). This system is also encouraged by the municipality as well as the Rural Housing Policy, and is implemented in all rural low- income housing delivery of uMzumbe as seen in the plate 3 below.

Plate 3: UMzumbe- Turton low-income housing water storage



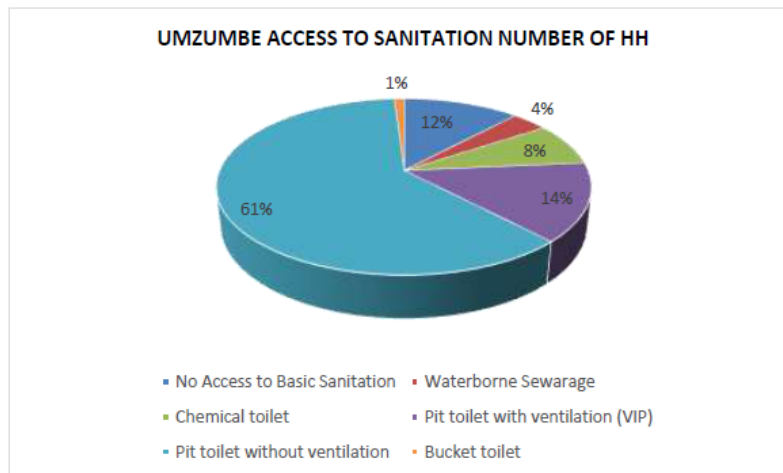
Source: Author, 2015

#### 4.4.7 Sanitation System in uMzumbe Municipality

The dominant sanitation system used in uMzumbe is the Ventilated Pit Latrines (VIP) which is of hygienic and environmental concern, as well as land wastage. This is due to its excessive movement when the pit is full and digging of new pits which disturb the compatibility of soil particles on land which can be utilized greatly for other uses such as agriculture. However the emptying of a full sanitation pits is often costly and majority of the rural households cannot afford it as a result many resorts to digging new pits when the older ones are full. Table 9 below highlights that only 4% out of the total population of uMzumbe depends upon waterborne sewerage system, 8% use chemical toilets and 14% use the RDP standard ventilated pit latrines while 61% uses pit toilets without ventilation.

Approximately 12% of households have no access to basic sanitation and 1% depends on the bucket system. The uMzumbe- Turton area has the use of both waterborne sewerage systems from those that can afford septic tanks as well as the RDP standard ventilated pit latrines (plate 4) provided by the municipality for those that cannot afford waterborne sewerage system.

Table 9: uMzumbe Access to Sanitation System



Source: uMzumbe IDP, 2014- 2015

Plate 4: RDP standard Ventilated Pit Latrines provided by the municipality



Source: Author, 2015

#### 4.5 Conclusion

This chapter has provided a descriptive analysis of the Turton area under uMzumbe local municipality using contextual analysis for both the state of planning and socio-economic profile. UMzumbe Municipality upgrades and initiatives have been witnessed throughout the area as means to resolve infrastructure backlog and poverty. The area has no peculiar attraction to it, beside the fishing economy which attracts people from both north and west of the municipal boundary into the uMthwalume area. However, the future municipal plans for unlocking economic opportunities in the area are being looked into, with consideration of revitalizing the coast of uMthwalume and linking it with other coastal corridors from N2 Durban, Hibberdene and Port Shepstone. UMzumbe has a lot of economic potential from areas located along concentrated developments such as Turton for integration of socio-economic developments along corridors and spines; bringing the realisation of the work, play and pray principle into reality.

## **Chapter Five: Research Findings, Data Analysis and Interpretation**

### **5.1 Introduction**

This chapter presents the findings and data interpretation gathered from the Turton low-income housing project in relation to the research topic. Data was collected using the qualitative research method. Both closed and open-ended questionnaires were used to collect data from the beneficiaries of low-income housing, uMzumbe municipal officials, Turton headmen and the ITB Town and Regional Planner. The data was analysed under the guidance of the research objectives in order to fully answer the research problem. Direct field observation was done to fully understand the beneficiaries' interaction with the provided space. The research findings are provided using themes as follows: brief background to Turton low-income housing project, gender representation of the respondents and employment level in Turton, socio-economic benefits for the beneficiaries under ITB controlled land, ITB and traditional leaders' role in the delivery of low-income housing, socio-economic impacts of low-income housing on beneficiaries, and challenges faced by low-income housing beneficiaries under ITB controlled land.

### **5.2 Brief background to Turton low-income housing project**

According to the Municipal Housing Manager, the main purpose of implementing a low-income housing project in Turton was to help provide decent housing for the beneficiaries living in mud houses which were breaking down during extreme weather conditions and for those living in informal settlements. The project was to help curb the plight of poverty by ensuring that the local residents are employed during the construction of these houses while systematically reducing the housing backlog in the area and providing basic skills to the community. The project was established under the rural housing subsidy and therefore provided top structure (in-situ upgrade) of approximately 40-45m<sup>2</sup> to beneficiaries who enjoy communal tenure. This meant the houses were only built for households who have rights to the land and qualified for the subsidy, added with the provision of a VIP toilets to all low-income households that qualify for the rural housing subsidy.

One of the key challenges faced during the delivery of Turton low-income housing was land availability, were in some cases community members who live with their parents' that own small site sizes could not qualify for the subsidy as well as people located in environmentally sensitive areas which are undesirable for development. These individuals were unfortunately

deprived access to low-income housing but advised to either talk to the traditional leader, purchase or lodge with a neighbour to sell or give them a piece of land for free then build a shack in order to get housing from the municipality.

Plate 5: House breaking down made from mud



Plate 6: House made of corrugated iron



Source: Author, 2015

However, household survey revealed that the Turton traditional leader is reluctant to release land for low-income housing due to small forms of capital gain on the land released for low-income housing. Thus the traditional leader allocates land based on monetary exchange with community members. The gist of the matter lies between the questions of how can one be able to purchase land which is said to start from above R10 000, added traditional allocation fee of R3 000 and beverages for the neighbours to enjoy after allocation. If one can afford to do such payments, therefore they can afford to build for themselves and need no State assistance. The low-income housing subsidy makes clear provision to people earning between R0- R3500. Therefore someone between these income brackets is highly unlikely to afford the above stipulated payments.

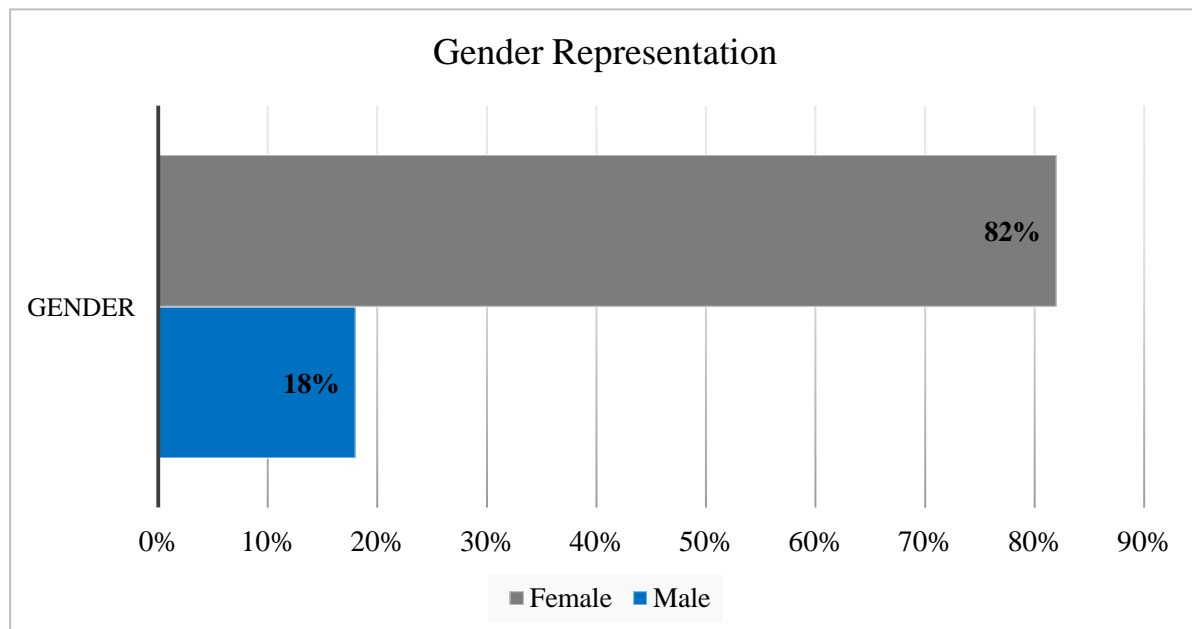
Other challenges discovered included households who qualified for the State subsidized housing, have the rights to the land but are traditionally sanctioned or politically discarded. Those that are traditionally sanctioned are sanctioned due to pending cases or failure to pay traditional levy. On the other hand, those who are considered politically discarded are households who were allocated land traditionally by the headman on behalf of the traditional leader in a ward and the ward councillor was not made aware of the new households. Therefore the councillor does not recognise the new households when they apply for low-income housing which then delays the households' application. This is mainly due to lack of

autonomy, communication and understanding of each other’s role and influence in society as the municipal officials regard traditional leaders “useless” in the eyes of modernity, whereas traditional leaders view officials as “corrupt and disrespectful to tradition”. Traditionally the headman is appointed on behalf of the traditional leader to perform proclaimed boundaries and act as a ward councillor of a ward whilst the ward councillor is a political party representative who has political influence in society.

However in some of the mentioned challenges the municipality has intervened and negotiated on behalf of the affected households either traditionally or politically and has been successful in other instances. Nevertheless, the ITB is in full support of low-income housing on its controlled land after traditional leaders’ approval but aims to also diversify its housing typologies beyond low-income housing. This is also argued by the uMzumbe Municipality officials who aim to create value for the land by diversifying its housing typologies and keep away from the negative stigma associated with low-income housing developments.

### 5.3 Gender representation of the respondents and employment levels in Turton

Table 10: Gender representation of respondents in Turton

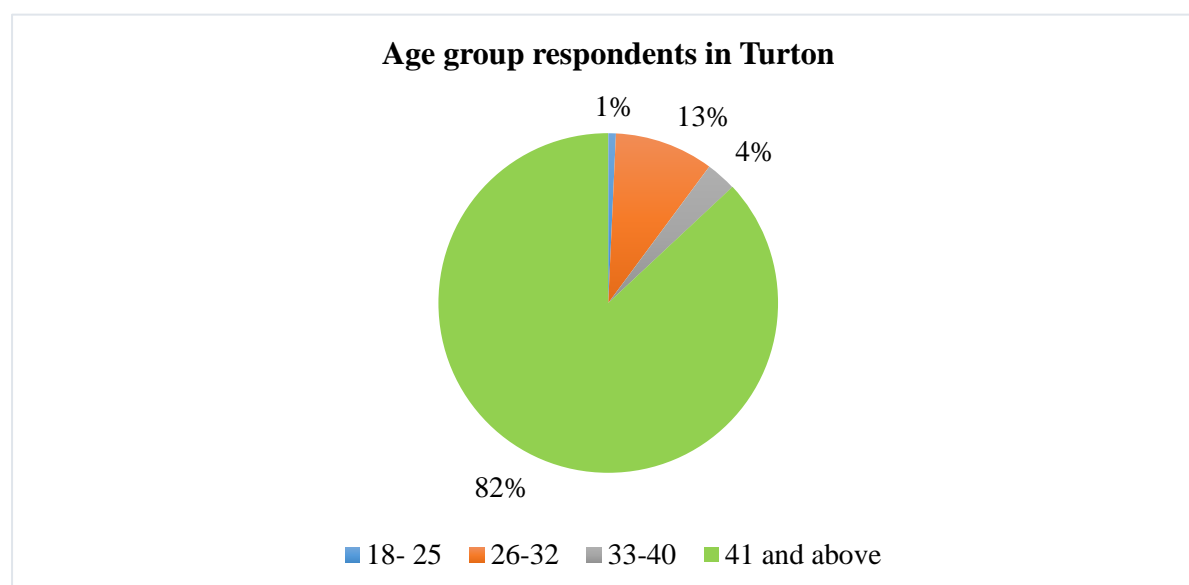


Source: Author, 2015

The above graph epitomizes female households as the dominant number that took part in the survey with a total of 41 (82%) as compared to men which constituted a total of 9 (18%) out a total of 50 (100%) households surveyed. This could be attributed to the reasons mentioned

in chapter four that the majority of the males in Turton work in urban areas so as to provide for their families, this therefore results in females being present during the time of data collection.

Table 11: Representation of age group respondents in Turton



Source: Author, 2015

In respect to the above pie chart with the represented age groups of the sampled respondents during the data collection, the least represented age group was 18- 25 with 1 (1%) taking part in the study survey as compared to the senior age group of 41 and above which comprised a total of 41 (82%) participants. This can be ascribed to the researcher targeting head of households only during data collection and this result could have been expected. Further, it might be that the younger age group which is least represented is working in the city or was unavailable to partake in the study since the target was aimed for the head of households.

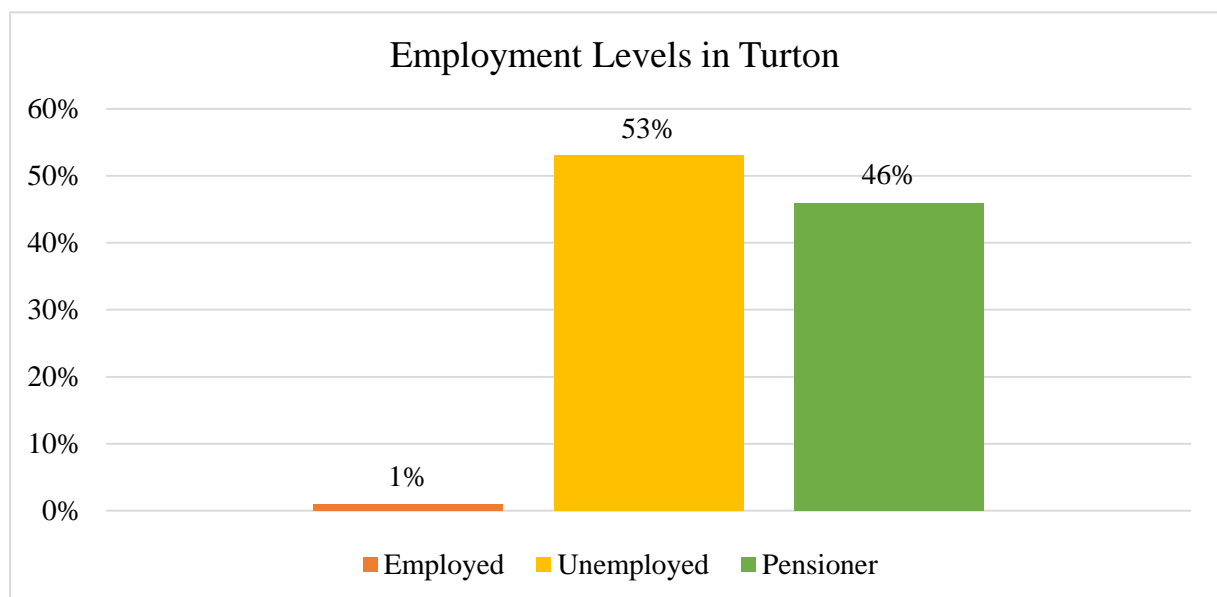
Table 12: Female representation with access to ITB controlled land

<b>Beneficiary survey outcome</b>	<b>Total</b>	<b>Percentage out of 100</b>
Yes, women are given access to ITB controlled land	29	58%
No, women are not given access to ITB controlled land	17	34%
Not sure	4	8%
<b>Total</b>	<b>50</b>	<b>100%</b>

Source: Author, 2015

Table 12 illustrates a total of 29 (58%) beneficiaries sampled who argued that women are given access to ITB controlled land. Their argument was also supported by ITB and all municipal officials who took part in the study and the Turton headmen. It is argued that women are given access to ITB controlled land through a business lease or bought from the traditional leader as argued by the beneficiaries. This argument was set against 17 (34%) of beneficiaries who claimed that women are still deprived access to tribal land and need a male figure during negotiations in order to have access to the ITB controlled land. However, the remaining 4 (8%) beneficiaries were not sure. As the majority argued that access to ITB controlled land is now given to women and Turton headmen mentioning of women being appointed as Izinduna (headmen) in uMzumbe highlights the power of gender equity and democratic principles of modernism. Despite the gradual growth of gender equity on ITB controlled land, informal land trade seems to be growing in parallel as a key issue for both the ITB and uMzumbe Municipality when it comes to planning and service provision in the community.

Table 13: Employment levels in Turton



Source: Author, 2015

The bar graph above (Table 13) represents the employment levels in Turton as of the household survey during data collection. A total of 50 households were surveyed, and according to the above graph the majority of the beneficiaries are unemployed (53%) living beneath the rife of poverty with severe socio-economic difficulties in the community. 1% of

the surveyed households is employed, revealing a severe demand for employment in Turton. It is argued by the municipal IDP that those who are employed are normally based in poor paying jobs such as farm work or domestic work. Whereas the remaining sampled population (46%) are dependent upon government grants and remittances from family members working in urban areas.

#### **5.4 Socio-economic benefits for the beneficiaries under ITB controlled land**

The establishment and social responsibility of the ITB is to “improve the quality of life of its beneficiaries, ensuring that land management is to the communities benefit” (ITB, 2013/14) as of the principles of customary tenure. However 40 (80%) of the sampled low-income housing beneficiaries argued against this mission statement by the ITB, that no improvements or socio-economic benefits are received from the ITB. Their arguments derived from insecurity of tenure, land eviction, traditional levy and lack of employment and higher education opportunities for the youth. This is against the positive arguments mentioned by the ITB Town and Regional Planner that the Board provides assistance to communities through community projects, trade skills, and bursaries, under the respective traditional leader to benefit the community. However, it is worth noting that 39 (78%) beneficiaries sampled do not know the functions or the ITB itself, whilst the remaining 11 (22%) have heard about it but have no clear understanding as to what it does.

About 10 (20%) beneficiaries expressed their benefits under ITB controlled land as agricultural freedom- family farming in large plots allocated, ability to bury their relatives on sites allocated, no rates paid to the municipality, freedom to practice culture and land being sold at a cheaper rate compared to urban areas. Economically all 50 households argued that they have never used their land as collateral under any financial institution to get a loan due to lack of knowledge on different ways of accessing money from financial institutions as well as the fear of bank charges. The respondents depend on community loan sharks which charge 30% interest per loan as well as stokvels for money. One of the respondents argued that the land:

*“Belongs to our forefathers under the custodian of the traditional leaders, therefore we cannot trade this land since we do not own it but the traditional leader does”*

Table 14: Forms of tenure title in Turton

<b>Occupants</b>	<b>Total</b>	<b>Percentage out of 100</b>
Beneficiaries with PTO's	28	56%
Beneficiaries only allocated land but have no PTO's	16	32%
Beneficiaries with no form of entitlement	6	12%
<b>Total</b>	<b>50</b>	<b>100%</b>

Source: Author, 2015

Table 14 illustrates a total of 28 (56%) respondents with PTO's in a form of receipts from the traditional leader after allocation, and 16 (32%) were only allocated land. The 32% respondents only paid their gift exchange to the traditional leader and neighbours witnessed, and that was the end, no receipt was provided to the respondents beside the gifts the respondent bought. A total of 6 (12%) of the respondents are under severe insecurity as they have no forms of evidence as a receipt or neighbour witnesses regarding their allocation but are part of the community. These are some of the outcomes of not involving the traditional leader or headmen during informal land trade since a person cannot trade a PTO to another as it is an individual right given to the people living in communal land areas which limits them from selling/ trading their land. According to the Turton headmen, consequences involved if the land is traded without the consent of the traditional leader or headmen include the perpetrator being liable to a traditional case, no fine is paid by the perpetrator yet the case is recorded. The buyer who has built the house without being allocated traditionally is forced by the traditional leaders' police and spokesperson of headmen to bulldoze the building(s) built on the land and pay for the damages done on the land with regards to traditional dignity.

According to 36 (72%) of the households surveyed, they socially felt that they have a sense of ownership and entitlement to ITB controlled land based on their ethnic right, which gives them the right to do whatever they want to the land while 14 (28%) of the households argued their seclusion and diverse ethnic rights to be encouraged on ITB controlled land.

### **5.5 ITB and traditional leaders' role in the delivery of low-income housing**

According to the ITB Town and Regional Planner, the ITB plays an administrative role in making land available to various government departments and municipalities to utilise the land for economic development and housing purposes. Traditional leaders are consulted

during the initial stages of the housing development projects through municipal meetings with the concerned traditional leader(s). A letter of consent is therefore signed and granted by the concerned traditional leader to the municipality which accompanies the application for Land Availability Agreement to the ITB offices. This application process takes about 3 months for a formal tenure agreement to be granted. No transfer payments are done between the two parties since the land is said to ensure community benefit and the municipality acts as an implementing agent. According to the uMzumbe Municipality officials, during the initial stages traditional leaders play a critical role together with the municipal housing manager and ward councillors in identifying beneficiaries transcribed in the municipal waiting list which was done in 2003 by uMzumbe Municipality. The list contains a number of registered people needing housing, and is checked against the 2011 census data in order to cross-examine the areas housing backlog as well as see if the people written on the list are still alive and need subsidized housing.

The traditional leader together with his headmen helps identify the very needy households in society since they know the people better as they allocate them. Nonetheless, the officials' arguments contradict those of the headmen who argued that there seems to be a gap in the degree of autonomy between the two parties. The headmen highlights that the municipality does whatever they want in the community with minimal consideration of their views, a clash exists between the democratic leaders and those of traditional leadership. It is argued by the headmen that the supply of housing in Turton is provided based on nepotism and those politically connected, which is why the traditional leader has in some instances used his own money to assist those who are very needy in society. The traditional leader is said to assist the very needy in society by buying them building materials. Unfortunately, the headmen's statement regarding money being redirected to the community from the traditional leader to assist people who are very needy in society is disregarded by the beneficiaries.

The beneficiaries assert that no benefits are received from the Turton traditional leader beside oppression of levy payments which bring no change in the community as the majority in community do not work and battle to make ends meet. This can also be said against the number of beneficiaries who attend traditional meetings compared to municipal meetings. A total of 34 (68%) beneficiaries surveyed prioritise municipal meetings against the 4 (8%) that attend traditional leaders meetings, and 8 (16%) beneficiaries attend whatever meeting is called in the community while 4 (8%) do not attend community meetings due to illness or lack of interest. Since the majority attends municipal meetings, it can be derived from the fact

that people feel close to the municipality as compared to traditional leaders due to the urge for development and employment opportunities while traditional leaders' role and influence is weakening. Others mention that the traditional leader hardly calls meetings for community development; instead he calls meetings for cultural issues and payments which does not benefit the community at large but economically burdens the society. Therefore such act by the traditional leader contradicts those outlined under chapter 2 section 3(b) of the Traditional Leadership and Governance Framework Amendment Act 41 of 2003.

#### **5.5.1 ITB and traditional leaders' hindrance to the delivery of low-income housing**

Both uMzumbe Municipality officials argue that the ITB and its traditional leaders do not hinder low-income housing development but there are some areas which need consideration for an effective delivery. Areas of consideration involve traditional leaders, whereas the ITB is argued to have always been in support of low-income housing development and achieving the development objectives of the Rural Housing Policy. However, the Turton traditional leader is said to impede low-income housing development based on social and traditional issues which hinder at local level. These issues prevail between the traditional leader and community members in terms of traditional cases and levies paid to the traditional leader, and if not paid household names are recorded. According to the household survey conducted, this system seems to be only taking place in Turton under Chief Luthuli, therefore 31 (62%) of the beneficiaries during the survey felt oppressed by the existence and recognition of traditional leaders in a democratic society were municipalities efficiently function and bring development. However, 18 (37%) beneficiaries argued on behalf of the traditional leader as an important figure in society which maintains culture, resolve civil matters and provide land to his people, while 1 remained neutral (1%).

Other issues include planning and monitoring in Turton, which are but not limited to, where the traditional leader allocates beneficiaries at "random" causing haphazard development in the area. These issues cause immense challenge to the municipality when it comes to infrastructure delivery and housing development as per the Municipal Systems Act 32 of 2000. Planning challenges prevail through some households and businesses built along road reserves, access roads cutting through individuals' plots which require compensation and contradicting land-uses. Unfortunately, the municipality cannot regulate such land-uses with schemes since they have no scheme in place (2015). According to the ITB official and Turton headmen, there are no set minimum sizes or allocation guideline used to allocate households

or investors needing land but the ITB argues that land allocation is based on the households needs such as livestock and subsistence farming. The headmen states that he listens to the plot owner who is selling and then allocate at random with an interest charge of 10% on whatever amount the land is sold which goes to the traditional leader with added allocation fee of R3000 and beverages for the neighbours.

This causes the municipality to play planning “catch-up” with the community and traditional planning done by traditional leaders within a traditional norm that owning land means no laws can govern you. Thus beneficiaries do whatever they want on their land. This calls for an urgent need for a regulatory Act such as SPLUMA to be enacted in areas under traditional leaders for formal planning to take place. Both ITB and uMzumbe Municipality officials highlight an urgent need for the enactment of SPLUMA and the regulatory systems it brings to rural development. The uMzumbe Municipality Town and Regional Planner argues that:

*“SPLUMA is a good Act to help us manage communities with the help of traditional leaders; however traditional leaders lack understanding of the Act and the benefits it brings to rural development. Traditional planning in Turton is a mess and out of control, it needs to be controlled at this moment before things get worse, therefore with SPLUMA that is possible”*

Given the above argument, it highlights the challenges and positive need for SPLUMA at local level, especially in municipalities under ITB who are willing to work with traditional leaders. The Act needs to be clearly defined with traditional leaders’ role and responsibility in terms of the legislation, encourage traditional leaders’ participation and detail understanding. This can help end the turf war of traditional leaders protest against the Act in rural areas since traditional leaders are not experienced with municipal planning issues and regulations.

## 5.6 The socio-economic impacts of low-income housing on beneficiaries

Table 15: Beneficiaries socio-economic benefits from low-income housing

<b>Beneficiaries</b>	<b>Interval</b>	<b>Percentage out of 100</b>
Experiencing socio-economic benefits	48	96%
Not experiencing socio-economic benefits	2	4%
Total	50	100%

Source: Author, 2015

According to the survey, all 50 beneficiaries sampled including the municipal officials and Turton headmen argued that there is a need for low-income housing in Turton since people are poor and cannot afford to build for themselves. However in search of the changes it has brought to the beneficiaries socio-economic status, table 15 shows a total of 48 (96%) beneficiaries arguing that they can see socio-economic changes in their lives ever since they received the subsidized house, while 2 (4%) stated that there is no change received.

Those that have argued for socio-economic change in their lives made mention of positive transitional changes from traditionally built mud houses to brick and cement houses. They further highlighted that their previous homes used to leak, crack and break during rainy seasons, hence incurring additional financial costs which they did not have as the majority of the population is unemployed. Socially, the respondents argued that they now feel like part of the community as they can host visitors and household members can now sleep peacefully or be away for the weekend without stressing about the safety of their houses concerning rain damage.

The remaining 2 (4%) beneficiaries argued that the houses do not meet the needs and expectations of the beneficiaries. This lies in the inadequacy of space, since the houses are between 40m<sup>2</sup> to 45m<sup>2</sup>; and some families are big (family of 8 or more people) and the family cannot occupy the house comfortably. The housing design is also a problem since they were not consulted and felt the houses label them as poor people and failing to blend into rural character. The houses are: 2 bedrooms, 1 dining room and an open plan kitchen, which creates social issues for the beneficiaries in terms of visitors who are now able to see what the household is doing in the kitchen and the furniture is said to not fit properly. The respondents also emphasized their cultural views with regards to the units' design, as they are traditional people who prefer traditional designs of privacy in separation of rooms.

The material used to build the units is unsatisfactory- the roof is made of corrugated iron, the doors are of iron steel and so are the windows and there are no wall ventilators. In respect to the building materials used, beneficiaries made concerns with not being allowed to do any improvements on the houses since it does not belong to them until after five years of occupation. Therefore if anything is broken even a window, the beneficiaries must report to the municipality for it to be fixed. Beneficiaries with disabilities were not separately catered for, but were provided with the same house as a person with no disabilities.

One of the respondents who has a walking disability, mentioned the doors used for the units as not wide enough for him to come inside comfortably. The pit latrines provided are also inconsiderate of his condition with no bar handles installed, therefore he sees no change. Moreover, the Jojo tanks (water storage tanks) provided are said to not have clean water but filled with water worms inside, as a fact beneficiaries use this water for watering the garden, cleaning and washing: meaning it has failed to deliver its main purpose of providing clean drinking water for the beneficiaries on site due to unforeseen circumstances.

### **5.7 Challenges faced by low-income housing beneficiaries on ITB controlled land**

Some of the main challenges that low-income housing beneficiaries face on ITB controlled land in Turton are: land confiscation and eviction, traditional levy, lack of equal infrastructure delivery and the absence of employment opportunities which increase crime rates in the area. As previously mentioned, the Turton traditional leader allocates land in Turton in exchange for capital gain as well as communal levies paid for the comfort of the royal family. This is despite the fact that the ITB land is not meant to be exchanged for monetary as the ITB head office battles to resolve this issue of informal land trade. Residents are also not meant to be charged communal levies since traditional leaders earn a salary from the government.

According to the principles of communal tenure, if there is a new household needing land, the head of the new household is meant to ask consent from the traditional leader or headmen for land allocation. Approval for land allocation is granted once final consultation is done with the community members to whether they approve or disapprove of the new members. The traditional leader therefore grants final approval or disapproval which is influenced by how the community views the new household including the reasons for leaving their previous community. This is done to ensure that the person is not a thief or a murderer. Previous area screening helps arrest criminal movements and protects the concerned community since other people are chased out of their previous communities due to misbehaving.

This system is free of charge and allocation is done once community views are considered, creating a democratic system of operation which further creates an opportunity for the use of a rural housing subsidy for the local residents. This system of operation seems not to be entirely practiced in Turton, since land is exchanged on monetary bases and majority of the people who fall under the low-income bracket cannot afford it. Therefore this deprives the

majority of the residences in Turton of a low-income subsidized house and decision-making on who can have rights of occupation in their community.

Other beneficiaries made reference to several cases taking place in Turton of land confiscation after 6 months of traditional allocation if the person fails to build a house or utilise the land within 6 months of allocation, the land is said to be confiscated from the person and a new person is allocated in spite of the previous owner having a receipt of allocation. Respondents argued that in some instances where young people are head of households, homes are usually left empty in the rural areas as family members work in the city and come back during holiday seasons. The traditional leader together with his headmen and traditional police target these homes and allocate new people in them irrespective of the owner's consent. When the owner returns home, he/she is said to no longer be the owner of the house, but the house/land is given to a new household who made monetary exchange for allocation.

Another key issue highlighted is the issue of re-allocation on the beneficiaries' parent site which has been inherited by the beneficiary of the concerned family. The practice of re-allocation is done when both parents of the household pass away and the house falls under the responsibility of the oldest child. The oldest child then has to be re-allocated traditionally as the new owner by paying allocation fees to the traditional leader as well as beverages for the neighbours to give recognition. This practice has also crept into the delivery of low-income housing, where in some cases parents are alive and have large hectares of land which enables their children or relatives to build another house on their site. In such instances the municipality builds the low-income house on the beneficiaries' site, however once completed the traditional leader requires the concerned family with the low-income house on site to be re-allocated to their new house.

This system has created massive turf-war between the traditional leader and the community at large. The community believes the traditional leader is making money out of their struggle with no proper reasoning as to why one should be re-allocated on their own land inherited from their parents as they were born in Turton. The complaint is why they are forced to pay like new comers in the community whereas the parents have paid for that process before occupying the land. In June 2015 the turf-war between the community and the Turton traditional leader reached a despicable index as some members of the community opted for court cases against the traditional leader and got their houses/ land returned without

compensating the new “illegal” owner. While others have protested in the threat to burn the traditional leaders’ office, court and house, which led to the KZN MEC for Cooperative Governance and Traditional Affairs (Cogta)- Miss Nomusa Dube to come to Turton and address the community’s concern. A petition was written and submitted to her office however no final decision has been taken with regards to their concerns outlined in the petition.

Traditional levies are paid through traditional police knocking door to door within the community asking for a minimum of R30 payment for traditional leaders cultural ceremonies such as the Prince (traditional leaders son) needing money for lobola (traditionally ask for a hand of marriage to the bride’s family in Zulu culture), the practice of cultural calls for his ancestors or money to buy a new car. Therefore the community is charged to contribute and if they fail or decline to do so, they are recorded a case. Beneficiaries complain that they do not work and therefore have no money to pay for the traditional leaders needs since he does not help them (beneficiaries) with their issues.

Due to lack of employment opportunities in Turton, the majority of the youth who is economically active is unemployed with either their grade 12 certificates or college diplomas and degrees whilst others have left the community and migrated to urban areas in search of better economic opportunities. This often leaves many rural areas with unskilled labour and prone to substance abuse and criminal activities by the youth left behind. This is a serious issue for low-income housing beneficiaries as some of their house windows have not been fixed by the municipality and result into victims of housebreaking and theft. Crime rates in the area is said to have reached an intolerable stage since community mob justice has taken lead above legal forms of crime stop in reducing crime levels in Turton. With such social stress taking place, the hope to escape poverty becomes a dream which is unachievable. Therefore many turn to substance abuse as a possible way to escape their hard reality or be involved in criminal activities in order to provide for their families. Community frustration then turns to the traditional leader who still charges people money despite their socio-economic hardship by taking away their inherited land which is their only source of ownership and belonging that can bring income through subsistence farming or land lodging.

Municipal infrastructure delivery in Turton has been witnessed to be a result of good governance and management by uMzumbe Municipality in terms of project management and service delivery. There are other projects taking place throughout the area, but due to civil matters of land under the ITB not obligated to pay for service delivery through municipal

rates, rendering the municipality unable to collect rate payments from the local residents. Hence there are expectations of certain areas not being fully provided with equal services compared to other areas due to budget constraints. Nevertheless, the municipality tries by all means to assist those who are located in areas with minimal development during times of urgency and consideration of the community's income level. In times of urgency, the municipality creates gravel access roads for cars to be able to go through as well as assist families with burial costs, who cannot afford to do so themselves.

## **5.8 Conclusion**

This chapter has highlighted the interpretation of data analysis and findings of the Turton low-income housing project with consideration to planning and land accessibility under ITB controlled land for low-income housing beneficiaries. The findings depict the views gathered from the field through qualitative research methods, representing the majority of the low-income housing beneficiaries in Turton despising the traditional leader's way of operation in the community. Its operation contributes to the sluggish pace of low-income housing delivery in Turton, contradicting the basic principles of iNgonyama Trust Act no. 3 of 1994 with the management of tribal land. This causes the rural community to question the traditional leaders' role in a democratic State where government officials exist due to some of the challenges caused by tradition as highlighted in this chapter.

## **Chapter Six: Summary of the Findings, Recommendation and Conclusion**

### **6.1 Introduction**

This chapter presents a summary of the findings, recommendations and a conclusion for the research study. The summary of the findings will then be linked to the theoretical framework outlined in chapter two to make linkages of the findings and theories. The conclusion covers the entire study, while the recommendations are centred on the research findings. These three phases (summary of the findings, recommendations and conclusion) provide a clear rationale as to the degree in which the study has adequately responded to the research problem and achieved the research objectives stipulated in chapter one.

### **6.2 Summary of the research findings**

The aim of this dissertation was to evaluate the impact of the iNgonyama Trust Board (ITB) controlled land in the delivery of low-income housing in Turton, within the uMzumbane Municipality jurisdiction. The study objectives were to:

- 6.2.1 Investigate the role of ITB in the distribution of land and service delivery in rural areas.
- 6.2.2 Assess the level of success and failure of the ITB in cooperation with the rural housing policy in delivering low-income housing in rural areas.
- 6.2.3 Evaluate the negative factors that delay the fast release of land for housing development in rural areas.
- 6.2.4 Explore the South African laws, legislation and policies that govern the ITB land and local government involvement in land distribution and housing delivery.
- 6.2.5 Investigate South Africa's rules and regulations that govern the co-operation between traditional leaders and local municipalities' development plans with regards to land use management.
- 6.2.6 Assess the degree of autonomy between municipality officials and traditional leaders regarding the implementation of low-income housing and land acquisition and;
- 6.2.7 Investigate low-income housing development challenges on land controlled by the ITB.

Based on the study objectives, the research findings have revealed that ITB plays an administrative role in making land available for various government departments and municipalities to utilise the land for economic development and housing purposes. The ITB plays no role in service delivery in communities, as that falls under the responsibility of local municipalities as stipulated under the Municipal Systems Act 32 of 2000. However, the ITB assist communities under its jurisdiction with community projects, trade skills and bursaries. The empirical study has also shown that the ITB does not hinder the development of low-income housing but has always been in support of low-income housing development and achieving the development objectives of the Rural Housing Policy. Research findings have revealed that communication between the municipality, the ITB and the traditional leader seems to be effective despite the concerns regarding the traditional leader as outlined previously with haphazard development planning which is caused by lack of spatial planning knowledge. However, the process involved in land acquisition contributes to slow release of land for low-income housing development due to traditional leaders who are reluctant to encourage and approve low-income housing developments on land under their custodianship. This contributes to the failure of cooperation in the achievement of the Rural Housing Policy in delivering housing in rural areas in order to respond to the housing demand.

Different Acts and policies, both at national, provincial and local level give recognition to the institution of traditional leaders. This is despite the fact that the roles and functions of traditional leaders are unclear and interfere with those of democratic leaders, therefore leaving them to be interpreted in many ways at local level. It is worth noting that there is no current policy or Act in South Africa that grants authority for the MEC of traditional leaders to intervene in setting out powers of traditional land allocation and management. Research findings discovered that uMzumbe Municipality officials are willing to work with traditional leaders for the betterment of the community as they (traditional leaders) represent political figures of rural development with powers to allocate sites to the people. The municipal officials' interest in working with the traditional leaders on rural development represents the merger between the modernist and traditionalist theory.

The merger between the two schools of thoughts indicate equal partnership in governance as a prompt response to inclusiveness as the traditional theory brings culture and identity within technical scientific advantages of the modernist theory in local government. Nevertheless, the current management of Turton has created a schism between the two theories at grassroots level due to lack of autonomy, communication and understanding between the traditional

leaders, headmen and ward councillors, as one views the other “useless” to community development. However at a senior level (the ITB and Municipality) represent cooperative governance which promotes service delivery and low-income housing developments as embraced in Afrocentric thinking.

It can be noted from the research findings that some of the main challenges around low-income housing development on land controlled by the ITB include informal land trade, traditional levies, planning and monitoring as well as unclear roles and functions between the headmen and ward councillors. Informal land trade in Turton represent itself as heterogeneous through its various forms of accessibility. These forms are dependent either on traditional or common law understanding. The involvement of traditional leaders with hindrance to land accessibility for low-income housing delivery due to no forms of capital gain can feed and intensify the demand for low-income housing in rural areas since land and housing cannot be separated and if separated, its creates a failure to the efficiency of low-income housing delivery. This calls for both traditional leaders and headmen to redefine their roles and influence in society and made legitimate with extensive community development participation from both parties which will help curb the negative stigma cursed towards tradition by the majority of the residents in Turton.

### **6.3 Recommendations**

Based on the findings gathered from the Turton case study, a subsequent number of recommendations have been provided below in order to help alleviate the issues outlined in chapter five in relation to ITB’s impact in the delivery of low-income housing. The effects of poor land accessibility for the delivery of low-income housing due to traditional leaders who are reluctant to releasing land for low-income housing is considered to effectively contribute to the sluggish pace of housing delivery in rural areas, therefore perpetuating the increase of housing backlog in rural areas.

#### **6.3.1 A need to introduce a single legislation for traditional structures on land management**

The study found that there is a conflict of interest between the ward councillor and the traditional institution due to lack of clear roles, functions and communication between the two parties. The study recommends that government should refocus and clearly define the roles and functions of traditional structures which include the traditional leader, spokesperson

for headmen's, headmen and traditional police. These should be reevaluated under customary law versus those of common law in community development. It has been documented that conflict of interest arise when one wants to overpower and deploy the other's duty. Therefore, a single legislative document should be introduced which clearly outlines the roles, functions and traditional leaders duty over land allocation since the management and relationship of rural development between government and traditional leaders lies on land and social management.

The legislative document shall respond to the challenges outlined with respect to the lack of autonomy, communication and understanding between the traditional institution and democratic leaders. Tlhoale (2012:138) also assert that the designation of a single legislative document should bring the end of multiple Acts and policies previously designed which create a lot of confusion when it comes to interpretation and function of traditional institutions in society. The legislative document should not only be written in English but also in indigenous languages, so as to bring greater understanding and interpretation of the individuals' roles and functions (Matloa, 2008:257). This legislative document shall be the overriding document when it comes to traditional leaders, including the views of the ITB with the management and administration of traditional leaders in the betterment of their communities. The legislative principles should also, but not limited to, include the principles of the 1999 Land Right Bill. It shall further outline operational site sizes with both minimum and maximum hectares of land allocation per household with an allocation checklist; a cadastral layout should be encouraged through cooperative governance with municipal technical staff per allocation especially after the completion of land redistribution in rural areas and separation of roles between the democratic leaders and traditional structures.

This legislation will help fast track rural development and establish interactive learning between the traditional structures and democratic leaders in their roles and functions. The traditional structures should carry the duties of land allocation and influence cultural matters through open communication with democratic leaders and municipal planning officials.

### **6.3.2 Free land for poor households needing State housing**

One of the study's objectives was to evaluate the negative factors that delay the fast release of land for housing development in rural areas. However the research findings revealed that informal land trade contributes extensively to the slow release of land for housing development and the growth of rural housing backlog. Informal land trade directly deprives

beneficiaries earning below R3000 to qualify for a rural housing subsidy if they do not have the rights to the land due to traditional leaders allocating land based on monetary exchange. According to the research findings, land traded informally ranges from R10 000 and above per site with added beverages for the neighbours and people earning below R3000 cannot afford such. Therefore, traditional leaders should work side by side with municipalities in identifying the households that are in great need of low-income housing as well as those that do not have the rights to the land but belong to that specific community. In principle, those that belong to that specific community but do not have a site should be allocated land freely without any monetary exchange, so as to qualify for a rural low-income housing subsidy. The practice of re-allocation on the individuals' site after receiving a low-income house should be abolished as it economically burdens the community.

Free land allocation will help equate to the principles of communal ownership and cooperative governance as the land belongs to the people and held on behalf of their benefit. Furthermore, under the values of cooperative governance, the MEC in charge of traditional leaders should have influence on land allocation beyond ensuring cooperative governance between the State and traditional institutions (ITB, 2014/15). This will help govern and ensure legitimate partnership between the ITB, traditional leaders and the State in the delivery of low-income housing in rural areas for qualifying beneficiaries. A stronger involvement of the MEC with the ITB and local municipalities can help control and prosecute traditional leaders charging local residents levies which contradict the founding principles of the iNgonyama Trust Act.

### **6.3.3 The incorporation of traditional planning systems with professional planning**

Research findings and literature have identified planning and monitoring as one of the key issues when it comes to planning in Turton and many other rural areas. This has resulted in a clash between municipal planning and traditional planning. Traditional planning is an act of land allocation in rural areas administered by tribal authorities where its allocation remains oral and unregistered on cadastral. This planning system is practiced through indigenous knowledge by traditional leaders during land allocation. This form of planning leads to a lot of planning issues when it comes to the formalization of land and delivery of basic services in communities. It is therefore imperative to incorporate traditional planning systems with professional planning in order to reduce conflicting land-uses, households located on 100 year floodplains and houses/businesses located on road reserves which require compensation

(Magni, 2001). During traditional land allocation, professional Planners and Environmentalist should be invited and be part of land transfer functions in order to fully understand and participate in traditional planning systems by ensuring that land transfers take place in accordance to legal planning and environmental systems. The incorporation of the two schools of thoughts, traditional planning and modern planning helps manage development and formalize land-uses, as well as create a system of collaborative planning. This can also be achieved if traditional leaders are trained with the basic skills of spatial planning and consult with municipal officials before allocating land for either business or household in order to get professional advice.

#### **6.3.4 People centred housing developments**

Based on the study findings, one of the key challenges identified by the Turton low-income housing beneficiary was the issue of people centred housing development. People centred housing developments evolves and promote human growth and dignity by responding to the needs of the majority in diverse ways. However, in relation to this research study, uMzombe Municipality needs to review and ensure the delivery of people centred housing developments that can respond to people with disabilities in terms of space, household sizes as well as cultural needs in rural areas. This can be achieved through community participation in decision-making with regards to top structure design, building materials and provision of services, by laying different designs for the community to choose from as a strategy to respond to their needs (within subsidy budget). This form of openness creates the achievement of people centred housing developments that ensures ownership and sense of belonging.

It should be noted under the South African housing delivery mechanisms that African families especially in the rural areas are not made of four members per family as the current South African household determinant number for household calculation. An average household begins with six or more children and they may include extended family members and senior family members. Therefore this makes the current housing subsidy unproductive and irresponsive to people centred housing developments, though people are appreciative to having a roof on top of their heads not that it meets the majority of their desired needs. Moreover, the unit designs in rural communities should reflect rural character and cultural practices in terms of both size and construction materials used that emphasises the value and quality of standards in remote areas for both people with disabilities and abled individuals.

### **6.3.5 Housing consumer education for low-income beneficiaries**

According to the study findings and uMzumbe Municipal IDP (2014/15), the Turton area is currently faced with extreme poverty and lack of employment opportunities. The above recommendation aims to respond to this challenge by proposing housing consumer education for low-income housing beneficiaries. Low-income housing beneficiaries need to be educated when it comes to housing consumer education in rural areas. Beneficiaries should be taught beneficiary ownership and maintenance, as well as the fact that housing can work as an income generator for all income groups (Mbambo, 2013). Income generation for housing can operate under both the informal and formal sector since employment opportunities are low in areas like Turton. Beneficiaries need to understand that their houses can be a form of economic opportunity. This can be employed through community workshops or seminars for all individuals who benefited from the low-income housing subsidy to be educated in this respect. The programme can encourage beneficiaries to use either one of their rooms as a tuck-shop, rent out a single bedroom of the house or use the house for home industries such as cooking and knitting clothes to be sold to the public. This can help limit the hardships of endemic poverty in rural areas beyond agricultural activities.

### **6.4 Conclusion**

This research study has underlined the impact of the ITB in the delivery of low-income housing in rural areas with specific focus to Turton. The study has argued that the impact of the ITB in the delivery of low-income housing has been positive with regards to the release of Land Development Agreements after consultation with affected traditional leaders for land accessibility. However the research findings have also outlined areas of consideration which cause immense delays in the process of receiving development rights from the ITB. Such delays involve traditional leaders who are unwilling to provide land accessibility for low-income housing, poor planning and monitoring in rural areas. Data analysis has shown that traditional leaders who are reluctant to encourage low-income housing developments on their land do so based on low capital gains gathered from low-income housing projects. This deprives rural residents the opportunity to have access to low-income housing on land controlled by the ITB.

According to the Chief Executive Officer of the ITB, it is argued that over 43 000 low-income housing units have been built on ITB controlled land between the year 2013 and 2014, even though planning and tenure issues in traditional areas still persist when it comes to

the delivery of low-income housing (ITB, 2014/15). The ITB procedure for land availability gives traditional leaders the opportunity to achieve their conniving acts of hindrance since ITB Land Availability Agreement applications require consent from affected traditional leaders first. As a result during land transfer for housing developments, the failure to submit the traditional leaders consent letter leads to the application being void. This process gives ultimate unchecked powers to traditional leaders to reject the application from municipalities based on their reasons or accept it as custodians of rural land for the betterment of their communities.

The linkages between the hypothesis and the research findings have proved the hypothesis correct, that the process involved in releasing land for housing development by the ITB can have a negative impact in the implementation of low-income housing as outlined above. These negative impacts can be drawn from traditional leaders' approval or disapproval to municipal applications, social stigma associated with low-income housing developments which calls for diverse housing typologies, and residents with traditional cases who are deprived land rights and State housing due to pending cases.

However, precedent studies have shown that the institution of traditional leaders has been part of African development both locally and internationally since colonial times of indirect rule. The institution of traditional leaders has formed legal part of many democratic States in Africa which include, but not limited to, South Africa, Ghana, Botswana and many other democratic States. In the South African context, legislative framework highlights the recognition of traditional leaders in both the Constitution and national policies and Acts with their roles and functions outlined. This is despite their roles being interpreted in many ways which render them unclear at a grassroots level. Many scholars have argued that the recognition of traditional leaders represents post-apartheid governments' interest in ethnic politics which contradict the founding principles of democracy since traditional leaders perpetuate the pre-1994 oppressors to rural dwellers. However on the contrary, other scholars have highlighted that scholars against traditional leaders fail to recognise the flexibility of the traditional institution under any political governance. Traditional leaders represent the first forms of leadership and political unity in Africa and therefore cannot be ignored as they ensure social order, cultural symbolism and harness ethnical identity. Ethnicity is also said to be an important feature of political mobilization in order to gain political votes; therefore the existence of traditional leaders helps maintain the democratic system for its leaders.

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# **Appendices**

## **Appendix 1: Informed consent letter**

**Project Title:** Evaluating the impact of the iNgonyama Trust Board controlled land in the delivery of low-income housing. A case study of Turton in uMzumbe Municipality.

**Study Location:** Turton under uMzumbe Local Municipality

Greetings,

My name is Xolani Selwyn Msomi (student number: 211526527), registered masters candidate at the University of KwaZulu-Natal, Howard College, under the School of Built Environment and Development Studies. My research topic is about understanding the impact of ITB in the delivery of low-income housing in rural communities. You are invited to consider participating voluntarily in this study that involves land ownership and delivery of low-income housing. I will explain the research project to you in detail and please feel free to ask me any questions at any time during or after your participation.

### **My contact details:**

Name: Xolani Msomi

Email: Selwyn.msomi@gmail.com

Cell number: 072 557 444

### **Contact details of my academic supervisor:**

Name: Mr Vincent Myeni

Email: Myeniv@ukzn.ac.za

Telephone number: 031 260 2128

### **Specific Enquires (HSSREC Research office contact details):**

Name: Miss Phumelele Ximba

Email: ximbap@ukzn.ac.za

Telephone number: 031 260 3587

### **Description of the project:**

The primary objective of this study is to investigate the role of iNgonyama Trust Board (ITB) in the distribution of land and service delivery in rural areas; identify the negative factors affecting the supply of land for housing in rural areas generally, and explore South African

laws, legislation and policies that govern the ITB land and local government involvement in land distribution and housing delivery. Moreover, to investigate low-income housing development challenges on land owned by ITB as well as assess the degree of autonomy between traditional leaders and municipal officials regarding the implementation of rural housing and land acquisition.

**The core research questions are:**

- 1 How does ITB controlled land affect the delivery of low-income housing and planning of rural areas?
- 2 Does the incorporation of traditional leaders impact the achievement of the rural housing policy objectives?
- 3 Do traditional leaders and ITB delay housing development?
- 4 Do low-income housing projects in rural areas address land tenure issues around tribal land of ITB?
- 5 What are the legal communication channels to obtain ITB controlled land for low-income housing development purposes?
- 6 How is the relationship between traditional leaders and municipal officials in uMzumbe Municipality?
- 7 How does uMzumbe Municipality handle ITB controlled land issues when it comes to housing delivery?

**Procedures:**

- Both interviews and questionnaires will only be conducted once the project has been explained to you as well as the consent form explained and read than signed.
- The interviews will be done based on question and answer; the answers will be documented hand-written by me (the researcher): no recording device shall be used.
- The time of the interview will be determined by the depth of the responses given.
- Questionnaires are to be answered in the presence of the researcher in case any clarity is required and the answer sheet will be taken by the researcher for data analysis.
- Informants may be contacted again through visit by the researcher in cases of clarity on answers provided, and asked to please elaborate on their response.

**Risks of the research:**

There are no risks or potential harm associated with the research.

**Benefits of the study:**

Participation is voluntary; therefore there will be no benefits to you as a participant however your responses will help add to the body of existing knowledge.

**Compensation:**

There shall be no form of compensation to you.

**Voluntary participation and withdrawal:**

Participation is voluntary; therefore you have the right to withdraw or refuse to take part in this study. However, if you decide to be part of the study please note that you have the right to skip any question that makes you uncomfortable to answer or cancel the interview in the middle if needs be. Moreover, the decision taken shall not disadvantage you in any way possible.

**Questions, right and complaints:**

If you have any questions, problems or concerns regarding this research study, please contact me on the details presented above.

**Confidentiality:**

Your name and details shall not be printed in the final document of this research study nor will your participation in this study be mentioned to anyone or organisation. Your response shall be kept confidential between the researcher (myself) and the respondent (yourself). Information given will be stored by the University of KwaZulu-Natal for 5 years before being destroyed through shredding after the research has been published for public library use under the University.

I..... (Full name of the participant) have been informed about the study entitled: “evaluating the impact of the iNgonyama Trust Board controlled land in the delivery of low-income housing, case study of Turton” by Xolani Selwyn Msomi. I understand the purpose and procedure of the study and declare that my participation in this

study is entirely voluntary and I may withdraw at any time without affecting any of the benefits that I usually am entitled to.

If I have any further questions/ concerns or queries related to the study, I understand that I may contact the researcher at the provided contact details in this form.

If I have any questions or concerns about my right as a study participant or if I am concerned about an aspect of the study or the researcher than I may contact the HSSREC Research Office provided above in this document.

---

Signature of participant

---

Date

## Appendix 2: Questionnaire for beneficiary

### Section A: Closed and Opened-ended questions for beneficiaries

Please share your information as indicated below by marking with an X on the relevant box, and answer using words in section b.

#### Personal Information:

- 1 Gender: 

Male	Female
------	--------

- 2 What is your age Group:

18- 25	
26- 32	
33- 40	
41- above	

- 3 Race:

Black	
White	
Coloured	
Indian	
Other	

- 4 Occupation:

Employed	
Unemployed	
Self- Employed	
Pensioner	

- 5 Before benefiting from the rural housing subsidy, what type of house did you live in?

Rental farm house	
Own house	
Rent a room in a house	
Rondavel	
Shack	

### Section B: Information on land and access to housing

- 1 When did you arrive in Turton?
- 2 Did you inherit this land?
- 3 If not, how did you get access to this land?
- 4 What is the most common way of accessing land/housing in Turton?

- 5 Are you aware of the existence and basic functions of ITB?
- 6 As a beneficiary of ITB controlled land, are you able to access any loans from financial institutions using your land as collateral? If not, why?
- 7 Do you feel a sense of ownership and entitlement to the land allocated based on your identity as your ethnic right?
- 8 Are there any socio-economic benefits received from ITB as a resident of Turton which is under ITB controlled land?
- 9 Do women find it difficult to access land? If yes, why?
- 10 Is there a need for low-income housing in Turton?
- 11 How many dependents do you live with in your household?
- 12 Were you involved in decision making of low-income housing in Turton?
- 13 How did you apply for this low-income housing?
- 14 What happens if you do not own land and need state housing?
- 15 Has the delivery of low-income housing unit provided change on your socio-economic status of living in Turton?
- 16 What form of ownership do you have on the land?
- 17 Which meetings do you attend the most between those of the traditional leader and municipal officials? Why?
- 18 Do you think traditional leaders have an important role to play in community development as compared to government officials? Support your answer.
- 19 Based on your own understanding, can you briefly distinguish the roles between a traditional leader and those of municipal officials in community service delivery of Turton
- 20 What are some of the challenges you encounter as a resident of Turton regarding the delivery of low-income housing on ITB controlled land?

### **Appendix 3: Questionnaire for uMzumbe Municipality Housing Manager**

Please share the municipal information regarding the Turton low-income housing project.

- 1 What is your role in the delivery of low-income housing in Turton?
- 2 Is there a need for low-income housing in Turton? Support your answer.
- 3 What are land related challenges in Turton that impact on housing delivery?
- 4 How long does it take to acquire land for housing development from ITB?
- 5 How does land contribute to the success and failure of housing project in Turton?
- 6 How does the issue of not owning land as a municipality affect the pace of low-income housing delivery in Turton?
- 7 How does low-income housing project address land tenure issues around communal land?
- 8 Has the rural housing policy mandate on housing delivery for integrated rural development been met in low-income housing in Turton?
- 9 Who is responsible for initiating housing development in Turton?
- 10 How does the municipality deal with beneficiaries that do not own land but need housing?
- 11 Do women find it difficult to access land? If yes, why?
- 12 Do traditional leaders and ITB delay housing development? Support your answer.
- 13 What influence does ITB have on the distribution of land and service delivery in Turton community?
- 14 What are the communication channels between ITB, municipality and traditional leaders concerning land and housing development?
- 15 At what stages do traditional leaders get involved in housing delivery?
- 16 Are there any issues that need to be learned in order to comprehensively understand traditional land systems with planning of low-income housing in Turton?

#### **Appendix 4: Questionnaire for uMzumbe Municipality Town and Regional Planner**

Please share the municipal information regarding the Turton low-income housing project.

- 1 What is your role in the delivery of low-income housing in Turton?
- 2 Is there a need for low-income housing in Turton?
- 3 What is the role of a Town Planner in ITB owned land?
- 4 How do you plan around tribal land and who has a final say on the plans for the community?
- 5 Who is responsible for initiating housing development in Turton?
- 6 What are the communication channels between ITB, municipality and traditional leaders concerning land and housing development?
- 7 Is there a land-use management framework designed for Turton? If so, is it followed by the community and traditional leader?
- 8 What is your take on SPLUMA and traditional planning in Turton?
- 9 What are some of the land cadastral design challenges in Turton for land development?
- 10 What is the degree of autonomy between professional planning and traditional planning?
- 11 What is the municipal planning procedure with the adaptation of traditional planning norms?
- 12 What role do you think traditional leaders should play in planning and housing?
- 13 Does the issue of not owning land as a municipality affect the pace of low-income housing delivery in Turton and service plan? If yes, how?
- 14 At what stages do traditional leaders get involved in planning for housing delivery?
- 15 Are there any issues that need to be learned in order to comprehensively understand traditional land systems with planning of low-income housing in Turton?

## **Appendix 5: Questionnaire for Town and Regional Planner representing iNgonyama Trust Board**

Please share the role of ITB when it comes to low-income housing development on tribal land:

- 1 What is the most important function that the ITB plays in rural housing development?
- 2 How long does it take for the ITB to approve or disapprove a development proposal on their land?
- 3 What are the benefits and reasons of ITB leasing land?
- 4 What form of ownership is given to people who live in the iNgonyama Trust owned land?
- 5 How has communal land tenure benefited the people?
- 6 How does the board address insecurity of tenure for the housing beneficiaries?
- 7 Is ITB in support of low-income housing on its land? Explain.
- 8 What stages of housing development does ITB get involved?
- 9 What are the communication channels between ITB, municipality and traditional leaders concerning land and housing development?
- 10 How does the board ensure people residing on its land are protected from forced removals either by traditional leaders or the municipality?
- 11 How does the board monitor communal land from being sold by traditional leaders to private companies/ individuals?
- 12 What is the municipal procedure to acquire land for housing development?
- 13 What is the ITB mandate when it comes to low-income housing delivery and planning on ITB land?

- 14 Is there a set minimum size that traditional leaders must use to determine land given to their community members?
- 15 What is your take on SPLUMA and traditional planning on ITB land?
- 16 Are women given the right to access land? If not, why?
- 17 Does the board have its own traditional leader duties beyond those outlined under the National Traditional Leadership and Governance Framework Act no. 41 of 2003?
- 18 Are there any issues that need to be learned in order to comprehensively understand traditional land systems with planning of low-income housing?

## **Appendix 6: Questionnaire for Turton Traditional Leader**

Please share the role of traditional leadership when it comes to low-income housing development in Turton.

- 1 Do you attend and participate on municipal meetings regarding housing development?
- 2 What is your role in low-income housing development?
- 3 What stages of development are you involved at?
- 4 Are you in support of low-income housing in Turton? Support your answer.
- 5 How does the municipality get access to land for housing development?
- 6 How long does the land availability agreement for housing take to be approved?
- 7 Who makes the final decision on land issues between yourself and municipal officials?
- 8 How do you deal with land disputes in Turton? Are there structures in place?
- 9 What are the communication channels between ITB, municipality and yourself concerning land and housing development?
- 10 How do you deal with land development dispute between your community and the municipality?
- 11 Is there a set minimum size given to you to use in order to determine land allocation to an individual?
- 12 Before a person is allocated land for housing, what is the procedure?
- 13 How do you address insecurity of tenure for your community?
- 14 What are some of the procedures followed in the subdivision and selling of land?
- 15 What is the common way of accessing land/housing in Turton?

- 16 How do you protect communal land from “illegal” invasion?
- 17 If land is sold by beneficiaries without your consent, what are the implications?
- 18 Are women given the right to access land? If not, why?
- 19 Do you have a say on matters affecting housing development initiated by the municipality or ITB?
- 20 Are there any variables that need to be learned in order to comprehensively understand traditional land systems with planning of low-income housing?
- 21 Are there any challenges encountered when it comes to working with municipal officials in communal land projects?
- 22 Are there any protection measures in place for individuals located on environmentally sensitive areas?
- 23 What are some of the challenges faced with in Turton as a representative of ITB controlled land?