**UNIVERSITY OF THE WESTERN CAPE**

**FACULTY OF ECONOMIC AND MANAGEMENT SCIENCES**

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| **Title:** | *Examining government's approach to housing:*<br><br>*An analysis of Villiersdorp in the Theewaterskloof Municipality* | | |

## Declaration

I declare that this MPA Mini- thesis represents my own independent research and have never been submitted to any other University, College or Institution. All sources I have used or quoted from, has been indicated and properly referenced.

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**November 2023**

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# Abstract

South Africa has not been able to deal with its past in a socially just restorative way. This plays out sharply in questions of housing and "homelessness" against a history of oppression through settler colonialism, the migrant labour system and capitalist exploitation of black labour. The indigenous peoples of Africa and Southern Africa have increasingly raised their voices about the incomplete nature of the freedoms since 1994. This thesis looks at a case study of a farming town where widespread levels of informality, homelessness, and exploitation and land occupations are on the increase. Municipal governance and housing policies have come under enormous pressure as economic contradictions intensify. Farmworkers have been evicted from farms. Violent protests over housing places the spotlight on governments' role in developing policies to effectively address this challenge and provide lasting solutions.

Housing development has been slow and insufficient and land reform efforts has officially been deemed unsuccessful. Rapid migration into the area since the late 1980s has changed the composition of local communities that demand to be recognised while old order property and farmers continue to accumulate wealth. This results in conflict and endless unresolved debates. The municipal bureaucrats are caught between justice and economic growth pivoted on white owned farms.

The mini thesis focusses on Villiersdorp in the Theewaterskloof municipal area that borders Cape Town municipal area. Against this backdrop this paper seeks to understand where and why do housing delivery still fall short through the examination of the current national housing policy frameworks, and the related implementation strategies. It asks questions around its relevance, and future and discusses the issue of land as an intrinsic link to housing specifically as it pertains to the historic relevance to the indigenous people of South Africa.

## Key words

*settler colonialism, housing, post-1994 policy, homelessness; informal settlement, restorative and spatial justice, land "occupations"*[1].

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[1] I use the term "occupation" in scare quotes since it has become common in municipal discourse although the term occupation is preferred among progressive Ngos.

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## Acknowledgements

No words can describe how deep and personal this journey has been.

Thank you to those that participated and took the time to give input, listened and understood.

I wish to acknowledge my research supervisor, Greg Ruiters for his support, patience and rigorous debate. A special acknowledgement to the other academics and administrative support team at the School of Government.

An academic journey can sometimes be a lonely one, but I am grateful to my close family and friends for their support and understanding throughout.

Lastly, I dedicate this work to my girls, my three reasons for everything… Tamara Lindsay, Sofia Carla and Taylor Eden Caroline. My heart did not know it can love so much, I did this for us. Let my journey be your blueprint – to know better, to do better and to be better.

This study is a tribute to all indigenous people, the marginalised and the hopeful.
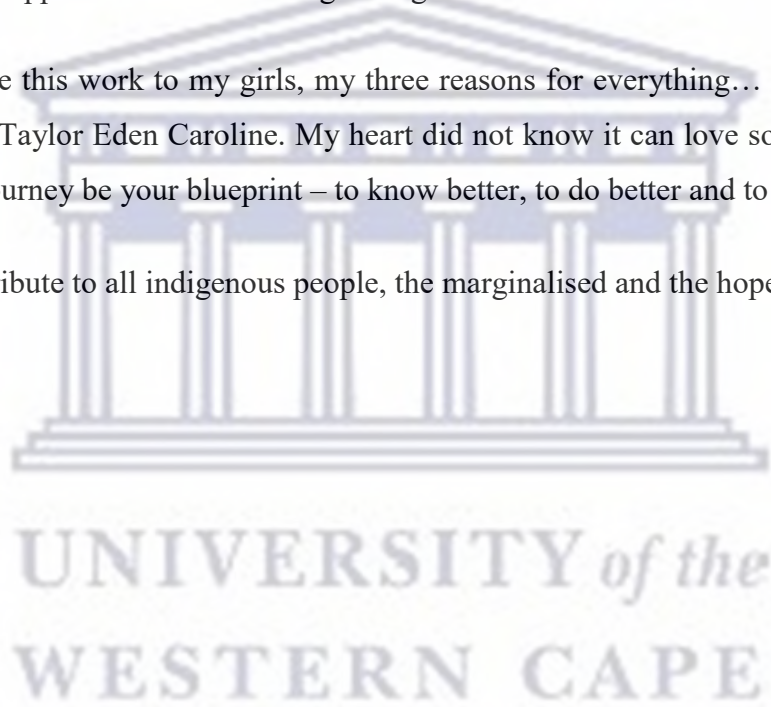
## Abbreviations

| | | |
|---|---|---|
| ANC | - | African National Congress |
| BNG | - | Breaking New Ground |
| DFFE | - | Department of Forestry, Fisheries and Environment |
| GEAR | - | Growth, Employment and Redistribution |
| IDP | - | Integrated Development Plan |
| IRDP | - | Integrated Residential Development Programme |
| NHF | - | National Housing Forum |
| NDOHS | - | National Department of Human Settlements |
| NUSP | - | National Upgrading Support Programme |
| PDHS WC | - | Provincial Department of Human Settlements Western Cape |
| PHP | - | People's Housing Process |
| PWM&E | - | Provincial Wide Monitoring and Evaluation |
| RDP | - | Reconstruction and Development Plan |
| SAPS | - | South African Police Service |
| Stats SA | - | Statistics South Africa |
| TWKM | - | Theewaterskloof Municipality |
| UISP | - | Upgrading of Informal Settlements Programme |
| UN | - | United Nations |

# Chapter 1: Land, Housing, Labour and Ongoing Dispossession

## 1.1 Introduction to the study

In 2022, the issue of land occupations in the TWK area went to parliament. "The situation was that Knoflokskraal, the piece of land near Grabouw that over 4 000 people have illegally occupied, was now unsavable for forestry purposes". The Department obtained a court order to prevent further land occupations, but that did not stop the land occupations. According to the Parliamentary report, "The Department is not asking for title deeds, as it is presumed to be forestry and agricultural workers, or people who have historical connections with the land – which, in this case, are the Khoi and the San being associated with the Knoflokskraal area. This land was historically taken away from their communities by the colonisers. The Department of Forestry, Fisheries and Environment (DFFE) is not responsible for land restitution, local government, safety, or security. This matter is complicated, and there are a lot of factors to consider when it comes to solving this situation". (Parliamentary Monitoring Group, Department of Human Settlements, 13 September 2018).

According to police reports shared in parliament,

> The first person to set up an informal structure in Knoflokskraal was Richard Isaacs from Genadendal. He claimed it was his ancestorial area as his mother's maiden surname was Haas. The surname "Haas" is unique to the Khoisan clan. He also recruited people from the Cape Flats to erect illegal structures in Knoflokskraal (Parliamentary Monitoring Group, 2018).

The area of Genadendal, where Mr Isaacs is from, was (and still is) a Moravian mission station established in the 1700's by a German missionary George Schmidt and is the oldest mission station in South Africa (Du Preez, 2009). Genadendal and Knoflokskraal are connected since many of the people in Genadendal are Khoisan people that claim the area of Knoflokskraal was taken from them by the colonisers (at that stage the Dutch).

The area known as Knoflokskraal is under the custodianship of the National Department of Public Works and the Department of Forestry, Fisheries and Environment. According to media reports at the time of the mass occupation the 7,000 hectares of land has been earmarked for forestry activities and was intended to create thousands of job opportunities. The Khoisan community that has occupied 1 800 hectares of the area contend that the land historically belongs to them and that they are intending to create a self- sustaining community on this land. At the time, the provisional government blamed the national department for the occupation claiming that plans to cultivate the land for the intended forestry was taking too long making the occupation imminent.

Mr N Paulsen (EFF) argued "that the people of Knoflokskraal are revolutionary, implementing the EFF's number one pillar – land expropriation without compensation. In the Western Cape, people are forced to be backyard dwellers. The national and provincial government fails them. Homeless and landless people in the Western Cape and South Africa should find land anywhere and occupy it. The South African Police Service (SAPS) must keep law and order and prevent evictions and those denying people their birthright of a place to stay".

As can be seen from the above snapshot the entire "rural" Western Cape inherited a structure of while colonial privilege shaken by these large-scale occupations of a state-owned forest (leased to a private company). The purpose of this thesis is to provide a critical perspective on land injustices and, by extension, contemporary housing issues in South Africa using the lens of an in-depth case study of Villiersdorp, close to Grabouw and Knoflokskraal. The thesis focuses on small towns in the Western Cape and the Hottentots Holland area originally settled by French settlers and today called by colonial names such as "Villiersdorp" and Grabouw, Elgin, etc.

With the decoloniality "turn" in social theory, these names serve to erase memory, dispossession, and histories and have increased salience for current debates on housing, land uses, restoring dignity and justice, and claims about ownership and citizenship (Ndlovu-Gatsheni, 2015). Land reform and its far-reaching social and housing issues are both emotive and complex issues. Claims have been made by Khoi chiefs regarding Cecelia Forest, Table Mountain, Tulbagh, and Riviersonderend. In November 2020, the Khoi and San (mainly Chainouqua clan) claimed 153 000 hectares of land in the Overberg, including portions of Knoflokskraal (forest land), Grabouw, Villiersdorp, and other areas within Theewaterskloof. In June 2021 - Plettenberg Bay – Kraansbos as well as a court battle over R4 billion redevelopment of the River Club in Cape Town further revealed how politicised land was becoming.

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This is not unique to South Africa but to all settler-colonial societies, as in New Zealand, Canada, and Australia. It seems an apparent trend for increasing recognition of the blind spot and erasure of indigenous peoples (Thompson, 2001). For the indigenous people, land restitution is needed to make up for past injustices and reverse the current marginalization (Koot and Buscher, 2019). Rogerson (2003: 131) suggests that "urban poverty is greatest in South Africa's small towns, followed by the secondary centers." In the last decade, worker strikes, land occupations, and rapid population increases have increased instability in the town and its surroundings.

This case study of housing in an agricultural town outside Cape Town looks back to precolonial times before the arrival of the French Huguenots in 1688, when mostly Khoi pastoralists were living. Many of the original inhabitants are now regarded as "homeless" people who might be on the growing list of people on the housing backlog or "seasonal workers," while settlers own the farms, the town, and most of the economy. Yet small-town studies, specifically colonial legacies and housing, have been neglected. Many scholars focus on urban housing as key to realizing citizenship (see Miraftab, 2006; Robins, 2010) and to social movements and community-based mobilization in post-apartheid South Africa (Huchzermeyer, 2003; Oldfield and Turok, 2016). But despite a focus on citizenship, there is a neglect of the broader aspects of historical identity, nationhood, and belonging in colonial and semi-colonial settings. People are claiming land in Villiersdorp and are labelled as land invaders.

The Provincial Government of the Western Cape reported that in the past 3 years (since December 2022), the province has experienced more than 1,600 illegal occupations on land earmarked for human settlement development across the province (Western Cape, 2022). On a normal year, the province manages 14,000 so-called land occupations. In 2022, from January to June, there have already been about 74,000 land occupation attempts that the city has dealt with. "These land occupations happen very deliberately, as they happen in mass and are organized." (Parliamentary Monitoring Group, 2018).

In South Africa, housing policies and implementation continue to be shaped by its contested and complex past. This past is characterized by colonialism, wars over land and territories, centuries of laws enacted as vehicles for white domination, segregation, and an accumulation of inequalities and felt injustices (Maylam, 1986). Since the birth of democracy in 1994, nearly three decades ago, housing policy has papered over the effects of colonialism and the spatial legacies of the formation of the Union of South Africa as a "white man's country" and then later the apartheid regime's systemization and dispossession through the Group Areas Act. Despite

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many efforts at redress, policies and practices still fall short; in fact, many suggest that the RDP-linked housing policy has reinforced an ongoing re-segregation (Pieterse, 2006) and led to the production of squatters.

The ongoing contestations around land, termed 'land occupations' show that the issues of whose country this is were not resolved in any way by land restitution or current housing policy. More and more land occupations as well as claims around forced relocation and displacement by Khoisan and other indigenous groups have made the issue of housing and restorative justice among the most pressing policy issues in South Africa. Since 1994. Intensifying this issue is the white paternalism on farms, with farmers preferring foreign labour (Kerr and Durrheim, 2014). Paternalism reflected this historical cultural order of the Cape, which "linked rights and power to racial identity and created a paternalist ideology that legitimized and regulated the relationship between "masters" and servants" (Du Toit and Ally, 2003: 4). Paternalist ideology saw slaves and farmworkers as servants and children under the authority of their white masters and as property on the master's farm (Du Toit and Ally, 2003).

In this setting, this mini thesis is intended to provide a more coherent understanding of how policy meets practice within the context of low-cost housing in South Africa. Through this exploration, the study presents a deeper understanding of the golden thread between housing policy and the needs of the intended beneficiaries. The central issue addressed is: what are the policy gaps in the current approach to housing delivery in relation to the expressed needs of people in and around Villiersdorp in the context of the long history of forced colonial displacement and ongoing dispossession of the historically disadvantaged?

## 1.2 Background to the study

The deep historic context of housing is often underplayed and narrowly reduced to a 'backlog' of low-cost subsidized housing. In 2020, the South African National Department of Human Settlements (NdoHS) reported that the national housing backlog, sometimes referred to as the waiting list or database, was well over 2 million (Property Professional, 2020). The problem with this is not in the statistical expression but rather that the context of the housing backlog in South Africa is far deeper and should be contextualized. However, statistically, this means that at least 20% of the South African population of 59 million people is living in inadequate housing or living conditions, without even considering the homeless and destitute, and validates the argument that contemporary housing policy has had minimal "impact on poverty reduction" and the eradication of poverty Bradlow, Bolnick and Shearing, 2011).

The consequences of this backlog are physically reflected in overcrowding, land occupations, protest action, and poor access to basic services (Burgoyne, 2008). In the Western Cape, evidence of the housing problem permeates through the existence of 667 informal settlements (Western Cape, 2016b). To remedy this the government introduced the National Housing Code in 2009 that provides a comprehensive set of policy guidelines to achieve the vision of a nation housed in sustainable human settlements. One of the programmes in the National Housing Code is the Upgrading of Informal Settlements Programme (UISP). The UISP represents a vision of in-situ upgrading of informal settlements and the importance of community participation programs. (South Africa, 2009). However, many scholars (see: Huchzermeyer, 2006; Turok, 2013; Parnell and Crankshaw, 2016) stress that to date, the government's response to improve living conditions has been woefully inadequate and that many projects for informal settlements ignore true participation and assume a one-size-fits-all solution.

This contestation underpins and argument that the housing problem cannot be solved in isolation of restorative and social justice. In this regard Wolfe (2006) notes that South Africa as a country with elements of settler colonialism must reflect on its' social formation with ongoing processes of dispossession (the banking system and housing bodies; gentrification, commodification of place, and speculation in housing) and that housing is part of this process rather than an event or statistic as the term 'backlog' implies. Critically examining the current housing policy framework is the starting point for finding and implementing enabling mechanisms and systems to meet housing demands. But the rooted land dynamics that create this need is ultimately the uncomfortable white elephant in the room.

The land issues in South Africa, stemming from colonialism, are complex and deeply rooted in the country's history. During the colonial period, European powers, particularly the British and the Dutch (Boers), seized large portions of land from indigenous communities (Strauss, 2019). This led to dispossession, forced removals, and displacement of the native populations. The discriminatory land policies continued under apartheid, exacerbating the problem. By the end of apartheid in 1994, the South African government implemented land reform programs to address historical injustices and promote social and economic equality. However, progress has been slow, and many challenges persist, including legal and political complexities, lack of funding, and resistance from some sectors of society.

Land redistribution, restitution, and tenure reform are ongoing efforts in South Africa to address the legacy of colonialism and apartheid (Hall, 2004). The government continues to work on policies and initiatives to achieve more equitable land ownership and usage, while also balancing the need for economic stability and food security in the country. Public discourse and policymaking around these issues remain central to the country's social and political landscape. The effectiveness of these policies depends on various factors, including political will, financial resources, and collaboration between government agencies, non-governmental organizations, and the private sector. Additionally, policies need to be adapted and tailored to specific regional and local contexts to address the unique challenges faced by communities in different areas (Hall, 2004).

Similarly, in rural areas, the legacy of apartheid and colonialism left a deep mark on land ownership patterns. Large portions of land were seized from indigenous communities pushing them off their ancestral lands, leading to displacement, loss of livelihoods, and cultural disruption. Addressing the impacts of historical land dispossession remains a central issue in South Africa, requiring comprehensive policies, social reconciliation efforts, and community engagement to promote equitable land ownership and sustainable development. Thus, overcoming the failures in South Africa's housing policy necessitates long-term commitment, strategic planning, and a focus on addressing the root causes of housing inequality (Turok, 2013).

In rural agricultural areas, such as Villiersdorp the stark reality is observed in the densely populated informal settlement areas contrasted against the sprawling eco-estates and luxury farms in Villiersdorp's "rural" area, a few kilometres from the CBD highlights the profound social and economic disparities prevalent in many parts of South Africa. This sharp divide reflects broader issues related to urbanization, land ownership, economic inequality, and access

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to basic services (Turok, 2013). In terms of need, as traditionally agricultural workers stayed on the farms where they were employed, but the increasing uncertainty of labour reform as more and more labours are imported have led to a major shift in this dynamic. As a result, many previously permanent farm workers are either placed on contract arrangements linked to season work and must leave farms with no alternative housing options provided (Hall 2004). The struggle for land and housing among farm workers in rural areas highlights the urgent need for equitable access to land and improved living conditions.

The existence of these disparities reflects systemic issues related to land distribution, economic policies, and social inequality. Addressing these challenges requires comprehensive efforts, including equitable land reform, investment in infrastructure and basic services for informal settlements, economic empowerment programs, and policies that promote social inclusion and equal opportunities for all residents. Bridging the gap between these contrasting living conditions is essential for building a more just and equitable society in Villiersdorp and across South Africa.

South African housing policy is inseparable from land conquest and economic development. It has undergone many evolutions since 1994 and even before then. Thus, it is important to consider this context, as it should not be assumed that housing policy finds its roots only since the end of apartheid and the advent of South Africa becoming a democratic state. Rather, the chapter attempts to highlight and describe that the country's urban history of racial segregation and inequality is rooted in the colonial practices brought by the Dutch and later the British imperialists. During this time, much of the racial segregation and inequality had already been institutionalized, and the foundations for the apartheid ideology were laid. In this chapter, the six major historic periods are discussed, as summarized in the graphic below.

Thus, any policy that ignores these interfaces will fail to respond appropriately and effectively to the housing issue and the reality of needs. However, although there is a general story to dispossession, each part of South Africa and local populations have a different set of stories to tell. Alexandra and Sophiatown, Soweto, south of Johannesburg, District Six and Manenberg in Cape Town, and small towns in largely agricultural settings have important similarities and differences. The efforts and needs of communities and institutions that support housing development are also not taken seriously and included in policy choices (Oldfield, 2000), and traditional views of housing provision are not challenged by recognizing the innovation and creativity that communities apply when solving their housing problems (Turok, 2016). Governments are challenged in dealing with protests and the perceived mounting housing

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backlog; life for those who do not have access to adequate housing continues to be marked by social and economic exclusion, an undignified living environment, and constant exposure to health risks (Oldfield, 2000).

A recent reform in the UISP in 2007 makes the point that informal settlements need to be seen as a permanent feature of the South African landscape and as part of the solution rather than the problem (Bradlow et al. 2011). The UISP government claims to endeavour a robust and programmatic approach, advocates that the specific needs of the community must be built into development, and, unlike previous strategies, targets the "eradication of informal settlements" (Del Mistro and Hensher, 2009:335). It marks the first time that the upgrading of informal settlements became part of the South African Housing Policy and focuses on in-situ upgrading and the provision of basic services (Western Cape, 2017a). Whether the program coherently serves as reparation for the settler colonial structure and system and fully addresses the scope of the restitution of land (and the rights) to the indigenous people of South Africa is another issue that is addressed in this study.

President Cyril Ramaphosa announced the government's intended plans for changing laws around land expropriation without compensation (Ramaphosa, 2018), while the country has witnessed a sharp rise in protests calling for land reform. As the issue of land dominates news headlines, continued land occupations are underway across the country, and in the Western Cape alone, 87 protests were reported in 2018 and escalate annually, many of them housing related (EWN Online, 2018). The country is divided on how this issue should be approached, and to this end, the President appointed a special commission to investigate a way forward. The call for land reform and the protests demonstrates that, within the broader context of development and sustainability, the issue of adequate housing must be addressed as communities yearn for decent living spaces (Western Cape, 2016a). At its crux, the core of the housing problem lies in providing effective interfaces between the state machinery and the citizenry to allow it to respond appropriately and effectively to their needs, and then demonstrating public interest in policy choices.

## 1.3 Conceptual Framework: Public Policy and Place

Understanding the interplay between housing, public policy and place is crucial for creating inclusive housing solutions that address the diverse needs of communities within different contexts, but particularly spatial legacies of South African colonialism (of a special type). Effective policies must be sensitive to the unique characteristics and challenges of specific places while promoting social justice and equal opportunities for all residents. In pre-capitalist times, African people lived in communal housing or highly organized kraals. Housing, or shelter, is regarded as the material basis of life. It is a place where one eats, sleeps, reads, and communes with others, either family or friends. In modern towns, living in a house means having next-door neighbours and mingling in the street with others, or in wealthy suburbs, in streets with surveillance cameras. Middle-class people have bank-financed houses that, once paid off, become intergenerational wealth, while the poor might be without a secure place or workers may live in state-built public housing. The property market dynamics, financial system, and interest rates shape housing development (Bond, 1995). The ethical and social basis of housing for many parties is its role in building an "inclusive" society.

Human settlement policy must address other policies related to spatial planning and urban form (sprawl, densification), spatial justice, and proximity to work. Such an approach to dealing with informality and illegality in human settlements would go beyond the concept, first promoted internationally in the 1960s (Turner, 1968) that squatter settlements are not a problem but a solution. It recognizes that informality is no real solution unless effective protection of rights is ensured. This definition also recognizes that an informal settlement is not simply a collection of individual households that have found a solution to their individual housing needs. Informal settlements are invariably a collective effort to secure access to land and shelter. Collectively, the residents continue to seek protection for their rights (Huchzermeyer, 2004).

Over the centuries', colonized peoples have enjoyed a deep relationship with their lands and were able to travel across loosely defined territories. Yet colonized peoples are still looking for a place for themselves in South Africa as well as in countries where settler colonialism happened. Historically, dominated peoples' links to their lands have been obliterated in policy-technicist discourse by other more powerful actors under the guise of the rule of law. International law has endorsed private property regimes, which played an important role in the ignorance and contract history of territorial dispossession (Gilbert, 2016). Many colonial powers enforced private property rights over lands, often disregarding the existing communal and customary land tenure

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systems of indigenous communities. In this way the cultural, spiritual, and economic significance of the land for indigenous peoples was often ignored, leading to the loss of heritage, livelihoods, and traditional ways of life (Gilbert 2016).

## 1.4    Theorizing Settler Colonialism

To give a deeper historical grounding to this paper, this section provides an overview of settler colonialism that became popular in 1998. When the book Settler Colonialism and the Transformation of Anthropology appeared, Patrick Wolfe offered this statement: "Settler occupation is a structure, not an event." (Wolfe, 2006). The book, together with this statement, brought about new debates in terms of what was previously umbrellaed under westward expansion. Wolfe clarifies that settler colonialism should be understood as a system or project of replacement and is premised on the colonizers taking the place of the indigenous people (Wolfe, 2006). There are variances, and according to Wolfe, in the cases of Alegria and South Africa, the colonizers also established a hierarchy due to their dependence on the natives as labourers, and in this light, settler colonialism can also be characterized by an ongoing and persistent tendency to exploit and drive the indigenous people out. Wolfe thus makes a distinction between the logic of elimination and elimination (Wolfe, 1998).

It is noteworthy that,

> in 1713, for example, an estimated 90 percent of the Khoisan population is thought to have been wiped out by smallpox. Moreover, the traditional lifestyles and cultures of distinct communities often were altered by intermarriage with different ethnic groups, especially in the Western Cape. There is evidence of intermarriage both between the Khoikhoi and San populations and colonial slave populations, and Bantu-speaking farmers and white settlers. This created a degree of fluidity in Khoisan identity, … but also from South East Asia as a result of the huge presence of slaves from Dutch colonies such as Malaysia. The connection of the Khoisan with a slave heritage is significant in contemporary understandings of Khoisan identity, with various Khoi leaders today asserting their heritage from and links to Cape slavery (Van Wyk, 2016: 37).

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According to Winkler, coloniality is based "not only on the logic of surplus extraction by treating land as a mere material object with exchange values, but also on racial hierarchies and subjugation to dispossess, enslave, and colonize by rendering the dispossessed, enslaved, and colonized as "less-than-human" (Winkler 2023:4). Coloniality, as a concept, encompasses more than economic exploitation and surplus extraction. It is a multidimensional system that is deeply intertwined with racial hierarchies, power structures, and social stratification. In the context of South Africa and many other colonized regions, coloniality involves the systematic disempowerment, dispossession, and subjugation of indigenous populations. Today, the legacy of coloniality continues to shape social, economic, and political realities in postcolonial South Africa and whilst there are movements and initiatives aimed at decolonization seeking to dismantle the structures of coloniality, advocating for social justice, cultural revitalization, and indigenous rights the continued economic exploitation and surplus extraction system is deeply intertwined within racial hierarchies, power structures, and social stratification (Lowe, 2015; Moreton-Robinson, 2015).

Reflecting on Settler Colonialism in Australia, Keith Carlson explains that it is a distinct form of colonization that is characterized by the arrival of settlers who regard colonized territories as an inheritance rather than something they are taking from the indigenous people. According to the author, settler colonialism values only indigenous land and resources, not the native people, their cultures, or their structures, and regards indigenous people as a problem blocking access to land and resources (Carlson, 2010). Interestingly, once the native people have been displaced, they are then regarded as people with problems, which, of course, have been created because of being colonized. Carlson contends that the pervasiveness of settler colonialism has conditioned us to think that the systematic displacement of indigenous people was inevitable and that there was no alternative, which he argues was a natural migration and development of indigenous people minus the violence that is the trademark of colonial practices (Carlson, 2010).

Carlson (2010) further points out that another strategy of settler colonialism is to cluster racialized groups together under umbrella terms. In the South African case, we saw this during the colonial period and apartheid, and many of these umbrella terms, such as coloured (clustering all previous Khoi, San, and Nama people) and African (clustering Xhosa, Zulu, and other Bantu groups), are still being used today. Although these clustered racialized groups "share a common situation of oppression," the strategy creates a hierarchy that sees these groups even at odds with each other (Carlson, 2010: 53). Simply put, it is a divide and conquer strategy that perpetuates

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the "they and us" mentality rather than "we." In this context, the author concludes that any policies and development strategies that are intended for "progress, individuality, property, worth, and so on" are fated to reproduce the inequalities that colonialism has created (Carlson, 2010:53).

Like in the case of most other settler colonies, the current government in South Africa has endeavoured to implement many progressive policies and laws to counteract the dispossession of the land and rights of the indigenous peoples and somehow restore a balance. In the case of housing, it is a right that is enshrined in the constitution. Decades after colonialism and the fall of apartheid, injustices and inequalities are still observed in the existence of large informal settlements on poorly located or unsuitable land on the outskirts of towns, characterized by a lack of access to basic services. Unfortunately, these concepts are often addressed in isolation of each other, and little or superficial consideration is given to the intrinsic historical interlinked and interdependent qualities, specifically as they pertain to acknowledging, restoring justice, and giving human dignity to the indigenous people of South Africa.

Despite several policies and reforms introduced since 1994 in South Africa, the delivery of state-subsidized housing remains one of the most contentious and politicized issues. While one can argue that the origins of this problem can be traced as far back as the country's colonial history, there is also a clear distinction that can be drawn between the policies of the past and those of today, which is that the latter are based on a democratic, inclusive representative state. Today, more than two decades after the end of the apartheid regime and the abolition of segregated policies, the poor continue to live in substandard conditions often far removed from socio-economic opportunities, while mainly white elites live in prime property with homes so expensive that most black people cannot afford to live there.

Land and place must remain at the centre of decolonial thought and practice because, wherever our heads might be, our feet are planted on the ground, on the land (Carlson, 2010). This perspective recognizes the deep connection between people, their cultures, and the land they inhabit. It is also important to re-conceptualize the limited ambit of public housing policy. Housing remains a western capitalist construct in contemporary South Africa, reflecting the particularities of the country and the vast array of injustices committed over a period of three hundred or more years. From this perspective, it is important to broadly understand the concept

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of "public" policy (one that tends to exclude history and put the rich first in deciding what is public or public interests), its various components and "stakeholders," and how community participation is intended to shape public policy. The reduction of indigenous people who originally owned the land to mere "stakeholders" or "the poor" is also worthy of critique.

## 1.5    Key assumptions and conceptualising the research problem

There are several definitions of the concept of "public policy" and choices. It is often described as what governments "do or do *not do*; why they do it; and what difference it makes" (Dye, 1995:4). Furthermore, Dye (1995) explains that public policy is what public officials, and by extension, the citizens they represent, choose to do or not do about public problems, again emphasizing how public policy operates within a political system. Policy is about decisions and non-decisions, or the ability of powerful forces to keep certain issues obscured or suppressed. To achieve democratic public policy, there are specific formal processes that must be followed. Conyers (1984) agrees that the analysis of policy process usually includes looking at agenda setting, problem definition or analysis, formulation or design, implementation, and evaluation. The public policy process does not only consist of a single decision but a "sequence of decisions and actions" (Hill, 1997: 7).

Conyers (1984:15) adds that the "policy process involves the making of decisions about the change that should occur, while planning is the course of action that should be followed to bring about these changes." These approaches involve a stage of problem-solving by establishing the means of collection and interpretation of information and data, as well as attempts to predict the consequences of alternative courses of action. The approaches are very similar and establish that public policy is not formed in a vacuum, demonstrating that policy analysis is sequential and ultimately aims to improve policymaking. Every policy analysis model or approach is concerned with carefully understanding the policy problem. This emphasis depicts the importance of recognizing and understanding the prominence of issues on the agenda. We approach this understanding either qualitatively, quantitatively, or in a mixed analysis, but this will be clearly influenced by the nature of the questions we ask.

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It could be concluded that policy analysis models are grounded on the notion that policies evolve in the policy-making process and that some also look at policy inputs and outputs, while others examine the process that was followed. Establishing a participatory approach with all the relevant stakeholders or partners creates "common awareness" of what needs to be achieved (objectives) and how (indicators), (Mackay, 2007:1). The government is not the only player in human settlement development. Without interdepartmental collaboration and partnerships with the private sector, it will not be possible to evaluate the full impact of the housing policy or even implement the projects. The objectives of the 1994 White Paper on Housing are wide-reaching and holistic, and it is therefore unlikely they will be achieved by the program in isolation.

Participatory mechanisms show that involving community members in the construction of their own housing opportunities increases their likelihood of undergoing processes for maintaining and managing neighbourhood infrastructure and services (Huchzermeyer, 2001). Engaging community members in the construction of their own housing opportunities not only enhances their sense of ownership and pride but also fosters a deeper commitment to the overall well-being of their neighbourhood. In the context of this paper indigenous communities already express a strong emotional connection to the space and therefor traditional architectural elements and cultural nuances could be preserved and integrated by the correct housing policy choices.

As contextualized in the previous section, it is evident that housing is historically a complex issue characterized by its multi- and inter-disciplinary nature, but there can be no denying that political contentiousness is intrinsically linked to public policy choices. How do we make sense of the housing phenomenon if it is so complex and multi-disciplinary? It touches on many facets of development, such as South African capitalist social relations, migrant labour, residential differences, racism, slums, gentrification, basic services, environmental infrastructure, health, education, safety and security, poverty and livelihoods, etc. Thus, housing also becomes a spatial, legal, personal, and restorative issue that means different things to different people in different contexts. In a democratic South Africa that promised a "better life for all" after apartheid (Huchzermeyer, 2006), housing goes beyond physical shelter but has a social integration and nation-building function beyond its asset or exchange value (Oldfield, 2000; Pithouse, 2009). It embodies belonging, community, and citizenship and indeed, access to housing frames the rights to a city and participation in civic and public life (Logan and Molotch, 1987).

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In South Africa, housing is historically complex and interwoven with European colonialism, conquest, urbanization, and dispossession. South Africa's history of racial segregation and inequality is rooted in the colonial practices brought by the Dutch and later the British in the early 16th century. During this time, much of the racial segregation and inequality became institutionalized, and the foundations for the apartheid ideology were laid. According to Williams (2000), the socio-spatial problem of the Apartheid City influences the rate of change in post-1994 South African society and concludes that these structural effects of the colonial-cum-apartheid planning regime Though post-apartheid South Africa saw the development of "progressive" legislation and policies to counteract these historical socio-economic imbalances, these inequalities persist and are seemingly exacerbated today in new ghetto formations and fragile communities.

In December 2022, the Provincial Government of the Western Cape reported that in the past 3 years, the province has experienced more than 1,600 illegal occupations on land earmarked for human settlement development across the province (Western Cape, 2022). These occupations are concretely suggestive that "civil society is increasingly impatient with the pace of land redistribution efforts" and can also be linked to indigenous efforts to reclaim land (Moseley 2005:6). It should be acknowledged that centuries of dispossession have caused the unequal distribution of land and wider structural societal problems; however, present-day efforts to redress the land question have excluded a consultative and participatory element. In this light, Huchzermeyer (2003) points out that the issue of land occupation should be observed as a human rights issue and will continue to ensue unless the land reform debate includes the equitable (re) distribution of land with those affected.

*As envisaged in the Freedom Charter and later the UDF, housing is a right, not a privilege*. In relation to housing and land, post-apartheid South Africa saw the development of "progressive" legislation and policies to counteract the historical socio-economic imbalances. Although theoretically these complexities should be part of a wider strategic planning effort to ensure holistic human settlement developments that incorporate collaborations (Huchzermeyer, 2006), An approach to address housing needs to extend beyond short-term tangible results and deal with issues that affect development strategies (Turok, 2016). According to Huchzermeyer (2006: 44), "measures to improve the well-being of the poor can be misunderstood as a blanket mandate to remove shacks." Thus, it addresses the symptoms and not the cause, and land tenure for the poor and dispossessed is often overlooked.

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Housing, we argue is politics. According to Oldfield (2000:860), coherent housing policy has become entangled in "politics and in debates on the appropriate role for the state in housing provision." Lemanski (2009:473) adds that current housing policy has "indirectly encouraged backyard housing and augmented informality in South African cities." At their crux, the political choices. Within this perspective, public policies, and in this case housing, are inherently the choices, rules, or instruments guiding the actions and decision-making of those in power to achieve desired outcomes in social systems. These can either be good or bad.

In socio-existential terms, housing is belonging. Owing to all the above, but more so the personal nature of housing, the element of belonging and identity coupled with the concept cannot be overstated. Housing is thus deeper than legalities and policy prescriptions, particularly in the case of indigenous peoples. In a study done by the UN Habitat in 2009, it was reported that for indigenous people all around the world, "the lack of recognition of the right of self-determination and the large-scale dispossession and degradation of their lands, resources, and territories have had a devastating effect on indigenous peoples' livelihoods, cultures, and overall socio-economic conditions" (UN Habitat, 2009:vi). In this context, Wolfe (2006) highlights that for indigenous peoples, housing and land are linked to belonging, spirituality, and their relationship with their ancestors and Mother Earth.

Against this backdrop and using a case study, this paper seeks to understand where and why housing delivery still falls short through the examination of the current national housing policy frameworks and the related implementation strategies. When examining the policies in the context of historic land dispossession and their relevance to the indigenous people of South Africa it is apparent that addressing the housing delivery challenges in South Africa requires a comprehensive approach. Future policies must be culturally sensitive, involve community participation, and focus on equitable land distribution and recognize the intrinsic link between land and housing, particularly previously colonially oppressed communities. Collaboration between government agencies, local communities, and advocacy groups is essential to drive positive change in housing policies and their implementation. Thus, this paper asks questions around its relevance of current policies and discusses the issue of land as an intrinsic link to housing.

## 1.6 Research questions

From the above, the following central research question arises:

What are the policy gaps in the current approach to housing delivery in relation to the expressed need for social and spatial justice?

Related to the central research question, the paper also poses the following sub-questions:

1: What are the historical legacies and local bureaucratic and popular narratives about land and housing in Villiersdorp in the Theewaterskloof Municipality?

2: What have been the gaps and contradictions between expected and actual outcomes of the delivery model with reference to the study area over a 10-year period, and how does this play out in farming, informal housing and land occupations?

3: What are the policy gaps or silences with respect to restorative justice in land and housing delivery for the municipality and beyond?

Through the review of relevant literature, legislation, and policy, and to adequately respond to the research questions, the following objectives have been identified for this study:

1: To develop a historico-theoretical basis through and for the study.

2: To contextualize the constructed nature of the outcomes of the current housing policy framework in contemporary South Africa in relation to needs and restorative justice.

3: To recommend possible mechanisms that would rethink and improve housing policy choices.

## 1.7    Research methodology

This study is a qualitative study based on key informants and key data in housing delivery in the context of a historical political economy of Villiersdorp. It is grounded in a philosophical way that is broadly interpretivist in the sense that it is concerned with how the social world is interpreted, understood, experienced, and produced (Leedy, 1998).

Data collection is the strategy of "obtaining and analysing information" (Creswell, 2014:110). This study relied mostly on secondary sources of data, personal observation over a long period while I worked in the Overberg region and a few key informant interviews. For the literature review, data was drawn from journal articles and all relevant literature on the subject matter, exploring a similar context as this study. These secondary sources used to gather the data for this study comprised published books and journals, legislation, government policies, plans and reports, and newspaper articles. However, the use of only secondary data may be argued to be limited, but there are several benefits associated with this data collection technique. In addition to this, the use of secondary data allowed the researcher to consult widely, adding to the quality of the data, as most of the data would have passed some form of peer review. Secondary data collection is also a means of saving money and time.

 The Theewaterskloof Municipal Integrated Development Plans for the periods 2012–2017 and 2017–2021 are analysed using the framework method. Specific emphasis is placed on delineating issues related to housing development as contained in the Integrated Development Plans (IDP) and then looking for sub-themes and categories. The purpose was to establish the implementation or policy gaps as they relate to housing. The researcher has worked in the area and in government over several years and hence prolong engagement: with persistent data gathering ensures that the researcher does not draw conclusions based on an isolated event or experience.

To ensure the validity of this study, the researcher relied on several of the above strategies. In addition, in conducting the study, any preconceptions or prejudices have been set aside.

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## 1.8    Significance of this study

The study will add to the contextual and theoretical understanding of the intrinsic link between politics and policy, specifically housing policy in contemporary South Africa. It is hoped that this study could serve as part of the literature that may be used in further studies relating to this field. This research is valuable because it brings together the understanding among community leaders, ward committees, and other stakeholders. Through theorizing housing policy choices and historical perspectives, it is also hoped that the study will add value to the field of public housing policy. It is also hoped that the study will add value to the field of public housing policy. The keys terms used in the thesis are briefly defined: Informal Settlements refer to an area where informal housing structures have been constructed on land that occupants have no legal claim to or occupy illegally; planned or unplanned settlements; and areas where housing is not in compliance with current planning and building regulations. Usually made with makeshift materials that are not approved by a local authority and are not intended as a permanent dwelling. Indigenous (people or groups) are groups of people or persons native to an area, land, or country, born there, or ancestrally connected. Service site: a stand with "access to clean water, sanitation, roads, and storm water that has been signed off and accepted by the municipal engineer" (Western Cape, 2007: 11). Upgrade/Upgrading: "This refers to the improvement of living conditions." This would either refer to the provision of infrastructure, services, and top structures to improve the conditions in an informal settlement (in situ) or the upgrading of accommodation. (Western Cape, 2013:5). Free Basic Services: Provision of limited free access to water (e.g. 25 litres of water per person per day) sanitation, refuse removal, and electricity (Ruiters, 2018).

## 1.9    Ethical considerations

Babbie and Mouton (2001) contend that ethics is a very important principle that guides and mandates the researcher to uphold a high level of objectivity and honesty during the research process. Researchers need to maintain a code of ethics by always conducting themselves professionally while engaged in research. On these principles of non-bias, integrity, and professionalism, ethics in research is fundamental to ensuring the credibility of the research. The nature and subject matter of this study mandate careful respect for research ethics, as the subject matter is contentious, political, and sensitive. The researcher will obtain ethical clearance from the University of the Western Cape in April 2021. In the interest of transparency, the researcher will share the research with the academic community and all other interested parties or individuals.

# Chapter 2: Periodization of South Africa's Housing Policy Landscape

## 2.1    Introduction

As part of the thesis argument, having a long view of housing that goes back to the colonial era is crucial. This chapter provides a correction to the technocratic approach to housing offer an alternative perspective which sees housing as more than just bricks and mortar but as an essential component of historical, social, and economic contexts. By taking a long view of housing, tracing its roots back to the colonial era, it becomes evident that housing is deeply intertwined with complex historical and social processes, including colonization, dispossession, social stratification, and economic exploitation.

Long before the Dutch and British colonized South Africa, no individual land tenure systems existed and indigenous groups had their own traditions and customs related to occupation, land use and housing (Venter, 2017). Strauss (2019) notes that substantial settlements were established along the southern coast of Africa due to the agricultural and nodal infrastructure along this prominent trading route. In 1652, ships landed in the Cape under the authority of the Dutch East India Company. Shackleton and Gwedla (2021:2) posit that the Dutch objective was only intended to "establish a provisioning station for their ships traveling between Holland and their Southeast Asian colonies". Over time, more settlers arrived, and this gave rise to the need for labour- especially slaves.

While the early Dutch settlers at the Cape didn't initially rely heavily on enslaved labour, the demand for labour increased as the settlement grew. By the late 17th century, the Dutch East India Company and subsequent European colonial powers brought enslaved individuals from various regions, including Madagascar, Southeast Asia, India, and other parts of Africa, to work as laborers, primarily on farms and in households. These enslaved people played a significant role in the economic development of the Cape Colony.

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Slaves in the Cape Colony were typically housed in various ways, depending on their owners' resources and the specific circumstances of the time. Typically, they stayed sperate from their owner, in urban areas they were housed in slave lodgings and on larger farms housed slaves in separate buildings or small huts clustered together (Rutazibwa, 2020). The living conditions of slaves varied widely, and while some lived in relatively stable and structured environments, others faced overcrowding, poor sanitation, and harsh treatment. Slave lodgings were often overcrowded, with several individuals sharing limited space. Overcrowding contributed to the spread of diseases and made living conditions extremely challenging. In addition, basic sanitation waws often lacking leading to difficult living conditions. Slaves were segregated from the main households and lived separately, emphasizing their subordinate status within colonial society.

Forced relocation and confinement to reserves disrupted indigenous social structures, including traditional governance systems and communal living arrangements. According to Okem et al. (2019: 29), "land dispossession during the colonial and apartheid periods is at the root of the poverty, inequality, vulnerability, and precarity of black South Africans to this day, which manifests in many dimensions, including housing." Turok (2016) notes that it was during colonial rule that the housing landscape was shaped by the establishment of segregated locations and the implementation of laws intended to control the ownership of land and the settlement of people of colour (black, coloured, and Indian people). The British colonizers arrived in the Cape in 1795 and proclaimed the Cape a British colony. According to Venter (2017:82), the British Empire was considered more "liberal," embraced modernization, and endeavoured to create "civilized societies."

In this light, Venter (2017) reports that between 1700 and 1800, small portions of land were marked as reserves for legal occupation by indigenous Africans. These areas were designated for the indigenous populations and were often referred to as reserves, locations, or later, homelands. Indigenous peoples were often forcibly removed from their ancestral lands and relocated to these reserved areas, leading to the dispossession of their traditional territories (Guelke and Shell, 1983). Reserves were frequently located on marginal lands with limited access to resources such as water, fertile soil, and natural habitats and this lack of resources made it challenging for indigenous communities to sustain their traditional ways of life. (Venter 2017). For the most part these areas were often subject to strict regulations and control by colonial authorities. Indigenous peoples' movement, trade, and cultural practices were closely monitored and restricted.

During colonial times in South Africa, the term "non-white" was used to categorize individuals who were not of European descent. This classification was based on racial hierarchies established by colonial powers, which privileged white Europeans while subjugating and discriminating against people of African, Asian, and mixed-race origins. This label encompassed a diverse range of populations, including Black Africans, Indians, Coloureds (mixed-race individuals), and Asians. Black people faced systemic oppression, including restricted access to land, limited political rights, and segregated living conditions under the apartheid regime, which institutionalized racial segregation and discrimination. The term "non-white" reflected the racial prejudices and power dynamics of colonial South Africa, highlighting the deeply entrenched inequalities and injustices experienced by marginalized communities during that era.

These areas were known as 'native reserves' and later renamed 'homelands' or commonly 'Bantustans' (Sato, 2019:88). With the discovery of gold and diamonds in the late 1800s, there was significant conflict between the British and the Dutch, but significantly, the growth in the mining and industrial sectors resulted in rapid urban growth, resulting in housing shortages and thus setting the stage for the development of housing policies (Venter, 2017). It was also during this time that legislation permitting the allocation and acquisition of land by Black population groups was established (Phuhlisani, 2017), primarily to draw labour out of mining towns as naturally "substantial population migration to the economic opportunities" in these towns ensued (Strauss, 2017:143). By confining Africans to designated areas, the Act served the interests of colonial authorities by ensuring a stable labour force for mines, farms, and other industries.

The Glen Grey Act of 1894 was intended to establish a pattern of landholding throughout the reserves and marked "a key moment in the disenfranchising of Africans and restricting civil and land rights" (Phuhlisani, 2017: 6). The Dutch were reluctant to give land for the inclusion of these 'reserves and consequently 'ownership' to the black populations (Venter, 2017). On the other hand, the British continued to give conditional ownership to the African populations while exerting indirect control. This act was also an attempt to weaken the traditional chief's system as they embodied a threatening self-governing "political voice that resisted changes imposed by colonial authorities" (Strauss, 2017: 145). By this time, only 7% of them were declared reserves which consequently was not well received by the British with a more liberal view. Furthermore, restrictions placed on the occupation of plots often resulted in overcrowding, and large informal settlements on the outskirts of mining towns started to develop. By the end of the 1800s, more

anti-squatting laws were passed, which only strengthened the segregation ideology (Venter, 2017).

## 2.2    The Union of South Africa (1910–1948)

On May 31, 1910, after decades of struggle between the British and the Dutch, the two sides finally called peace and established the Union of South Africa in terms of the Union of South Africa Act of 1909. When the Union of South Africa was proclaimed in 1910, the country was divided into four colonies, i.e., the Cape, Natal, Orange Free State, and Transvaal. Moreover, this pursuit of "racial domination and spatial segregation created a fractured urban form," and at this stage, for the majority of South Africans (blacks, coloured people, and Indians), ownership rights and security of tenure seemed a far cry from the displacement they were subjected to (Turok, 2016:3). Essentially, policy during this time was designed to ensure spatially segregated development through establishing zones according to different racial groups, impacting housing policy, land use, settlement planning, and development for generations to come (Mabin, 1992).

Though it is suggested that there was some opposition to the exploitation and suppression of Black groups and segregation laws by some liberal politicians (Venter, 2017), Unfortunately, by this time, the white population (Afrikaner) has already merged its control over the state, strengthening its grip on the African populations and diminishing the British government's legal power to intervene in South African affairs. Setting this scene, according to Leonard (2000), is the 1909 constitution established by the Union of South Africa that centered on imperial and colonial characteristics and consequently affected the course of South African history. The constitution came about as a compromise due to social, political, and economic reasons observed by both the British and Dutch.

Furthermore, as noted by Strauss (2017), one of the most important compromises was that the capital would be split between Parliament in Cape Town, the Judiciary in Bloemfontein, and the Executive in Pretoria—a decision that would hamper the development of South Africa. The constitution has no Bill of Rights, and some of the major impactful principles are as follows:

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1. The establishment of a Centralised government - It followed British system through the establishment of a unitary state where central government legally supreme i.e., parliamentary sovereignty though there were some local powers was retained by the four colonies.

2. Exclusion of non – whites to participate in the political system – it was only white men that could be members of parliament depressing the Black vote.

3. (Re- Distribution and Re- Establishment) of Electoral Divisions - the constitution provided that at regular intervals judicial commissions were to divide the country into electoral divisions.

4. Language -according to the constitution made both English and Dutch the official languages of the country,

Strauss (2017: 145) suggests that measures engrained the "segregation and socio-economic exclusion of the majority black population", while also asserting the legislative foundations for apartheid spatial planning, perpetuated even today. Furthermore, it was also during this "segregation era" between 1910 and 1948 that many segregation laws were passed by the Union of South Africa, but it is important to highlight significant legislation that discriminated against Blacks and laid further the foundations for apartheid (Leonard, 2000).

Most significantly, soon after the proclamation of the Union of South Africa, was the enactment of the Native Land Act (Act 27 of 1913), also known as the Bantu Land Act or later as the Black Land Act. This act restricted the rights of non-whites to own or occupy land outside the legally defined rural reserves or homelands. Okem et al. (2019: 28) note that the Natives Land Act (Act 27 of 1913) manifests the "first formal process of systematic dispossession of black people of their land" that brought about the loss of land-based livelihoods. On this premise, Phuhlisani (2017: 7) stresses that "the impact of the Natives Land Act needs to be understood in its historical context rather than being conceptualized as an isolated instrument of dispossession". In this way, the act lowered the status of black laborers to that of squatters (Strauss, 2017). As Straus (2017: 36) notes

The Natives Land Act 27 of 1913 demarcated and managed the spaces within which Africans could legally settle. By deliberately restricting areas where blacks could lawfully purchase, hire, or occupy land to scheduled reserves in rural areas, the Act excluded Africans from accessing vast portions of land in South Africa. Additionally, the Act reduced the status of black laborers who remained in areas designated for the exclusive use of whites to that of labour tenants or squatters. These restrictions advanced the economic participation of poor urban whites who struggled to compete with skilled and semi-skilled black laborers. In urban areas, the Natives Land Act 27 of 1913 controlled the spatial settlement patterns and limited the livelihood opportunities of Africans, who were only accommodated as members of a temporary workforce.

Consequently, it defined where non-whites could buy or hire property in demarcated reserves in terms of Section 10, a "scheduled native area." These listed areas were and remained the precursors for the establishment of the homelands or the Bantustans during apartheid (Strauss, 2017: 146), many of which were already far removed from economic opportunities. Pieterse (2006) reports that during this time only the Black population, which was the majority (75% of the overall population), was restricted to 7.5% of all the land in South Africa.

A few years later, in 1923, the Native Urban Areas Act (Act 21 of 1923) was enacted under the guise that it would improve the conditions of residence for non-whites around cities or towns and improve the administration of their native affairs (Strauss, 2017). Though it is recognized that the primary objective of this act was to ensure that blacks and non-whites did not enter areas demarcated to the white population through the introduction of a pass system, in which all non-whites were required to always carry passes on them (Venter, 2017), This was thus a form of influx control and stopped the acquisition of land by the black population (Thompson, 2008). It is noted by Robertson (2017:92) that the Act was effective in providing for the "removal of black slum communities to create space for white working-class housing schemes and business development".

Over time, this Act was amended several times, served as a foundation for more complex legislation targeted at segregation, and grew into one of the most complex pieces of control, such as the Slums Act (No. 53 of 1934), the Native Laws Amendment Act (No. 46 of 1937), and the Native (Urban Areas) Consolidation Act (No. 25 of 1945).

Together, all these acts overlooked traditional property rights and legitimized the mass evictions of population groups residing in areas not assigned to them. These laws also cemented long-term approaches to land use planning and enabled the development of state housing for the poorer and marginalized sections of society on the periphery of towns—on land often not suited for human occupation or development (Mabin, 1992). This is a pattern we still recognize today as we see townships around major towns. Furthermore, under these laws, while the majority were confined to Bantustans and homelands, the whites enjoyed the well-developed (and developing) urban spaces and cities (Parnell and Crankshaw, 2013). To this end, 'Native housing' and 'Bantu housing, inferior, often informal housing linked to poor infrastructure and access, overcrowding, poor health conditions, and building on the outskirts of towns, became official terms for government (Pieterse, 2006).

The first housing legislation in the Union of South Africa was the Housing Act, 35 of 1920. It is highlighted by Okem et al. (2019) that there was no policy or system for housing for the black, i.e., poor population, before 1920, apart from the compound housing for laborers in the areas where they worked. Through this legislation, a fund was formed, allowing local authorities to make low-interest loans from it to construct housing, thereby creating the earliest forms of the subsidy system (Mabin, 2020). In addition, the housing was standardized, and the settlements, sometimes known as locations, had to be planned and constructed in terms of the established segregated principles (Venter, 2017). While the legislative framework lacked a clear statement of the intended beneficiaries, these turned out to be poor whites, and at its crux, it still excluded Black populations "living in urban squatter camps and housing locations," in which conditions were characterized by slum conditions (Okem et al., 2019: 29).

In this way, the legal prescripts under this act demonstrated themselves to be an important and central theme and component in realizing segregated housing development in urban areas, particularly those deemed prime property, as many of the guidelines relevant to Black urban settlements were inadequate, ineffective, or even disregarded (Strauss, 2017). Parnell and Crankshaw (2013) claim that the Housing Act (1920) included town planning clauses linked to the entrenching of urban privilege for whites' and through which 'the position of urban Africans was marginalized'. Many of these principles continued during the apartheid period and have shaped the way we live and access opportunities.

Despite the collection of laws passed under the Union of South Africa, up to this point, the South African government authorities took virtually no or very limited responsibility for housing the poor, primarily the black population (Pieterse, 2006). Between 1910 and 1948, the need for housing was greatly exacerbated by events like the Great Depression, the displacement of Black populations in rural areas, the rapid growth of urban populations, and the Second World War (Mabin 2020). By the mid-1900s, vast housing shortages existed, and this resulted in the rapid growth of informal settlements, especially from the 1940s onwards (Mabin, 1992). Pre-apartheid statutory measures thus facilitated the control and assignment of black inhabitants to racially segregated reserves (Strauss, 2017). The British and the Dutch were always at odds over total control of the colonies. Towards the end of the 19th century, British imperialist rule was reaching its climax, and at this point, the Afrikaners were setting the scene for "an exclusive, nationalist historiography" (Thompson, 2008: xv). By the time the National Party came into power in 1948 and Apartheid was enacted, the existing housing strategies and policies were disjointed, ineffective, and had been incorporated within policies aimed at the realization of a developing Apartheid ideology (Lombard, 1996; Okem et al., 2019).

## 2.3    Apartheid years (1948–1994)

In 1948, the Afrikaner National Party won the all-white, openly racist elections. The Afrikaners used the power to advance to fulfil ethnic and white racial goals through clear expression to preserve white supremacy in South Africa (Thompson, 2008). Though Apartheid did not necessitate a complete redefinition of urban problems with new solutions, rather for its means, it built on the prevailing segregation approach to planning. Notably, between 1948 and 1966, the apartheid state developed and enacted at least 87 legal mechanisms to implement and enforce racially grounded spatial segregation (Pieterse, 2006). Thus, housing policy in the 1950s was designed to eliminate the ownership rights of blacks in urban areas, segregate and keep races segregated, and manage and reduce the economic support given to blacks. In addition to the re-enforcement of segregated policies and laws, during this period, support through the provision of rental housing stock allocated to low-income groups was also withdrawn by the government of the day (Okem et al., 2019: 133).

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As a result, this forced these groups to seek other means of housing in informal townships and backyards, exacerbating overcrowding and the associated challenges. According to Phuhlisani (2017), it is estimated that during the height of Apartheid between 1960 and 1980, at least 3.5 million people were removed (sometimes forcibly) from rural and urban areas. This number is most likely a heavy underestimation, as the spatial reconfiguration of South Africa's majority black population ensued large concentrated informal pockets of settlements that were and are today still characterized by poor access to services, inequality, poverty, and still without any legal tenure. Restrictions prior to 1948, the Group Areas Act (Act 41 of 1950), was a powerful instrument for enabling the spatial restructuring of apartheid urban areas (Mabin, 1992).

In the late 1970s, the act also facilitated the Surplus People's Project, which saw the forced removal of as many as three million (primarily) black people in the government's attempt to shift all Africans into Bantustans, which were located on the outermost "periphery of metropolitan labour markets" (Murray 1986, in Parnell and Crankshaw, 1996:235). The consequence of this act was that the best-located areas were kept for the white people, while the blacks, Indians, and coloureds were assigned to the outskirts of the cities and rural areas with little access to infrastructure and services. This arrangement also ensured that white communities had a reliable source of labour without the "nuisance" of seeing the conditions of the people that occupied them. Mabin (1992) notes that the act imparts the strategic motives behind the need to maintain white domination through material gain (here in the form of land) and spatial segregation.

Together, the Group Areas Act (Act 41 of 1950), the Prevention of Illegal Squatting Act (Act 52 of 1951), and the Abolition of Influx Control Act (Act 68 of 1986) had the most profound impact on housing and planning practices. In practice, these acts resulted in the creation of ethnically defined homelands and a form of controlled squatting in urban areas. Furthermore, the Physical Planning Act (Act 88 of 1996) demonstrated the states' attempt to centralize control over regional planning practices by introducing master planning, these policies forced the development of informal settlements on the boundaries of cities. This was motivated by the need for the poor and marginalized to be close to work opportunities and resources. These acts forced black workers to adopt survival strategies to access urban areas and resources by occupying vacant plots of land or open spaces in or near towns and cities, leading to the establishment of townships.

These very same townships became influential sites where the residents challenged the political status quo in the late-apartheid years (Harrison, Todes, and Watson, 2007). As a result, the apartheid state became increasingly anxious with respect to dealing with the expanding

populations on the peripheries of urban areas. Then, during the 1980s, the apartheid government explored alternate approaches to remedy the effects of non-whites moving closer to towns and cities (Khan, 2003; Pieterse, 2006: 286). Notably, in 1985, the Constitutional Affairs Committee released a report abolition of influx control measures in urban areas. In many ways, this new approach was a measure of ensuring that urbanization happened in a structured way, but still on the outskirts of towns and cities (Harrison et al., 2007). This approach also ensured that access to property in cities for people of colour was unattainable by putting in place rigid controls, prices, and restrictions.

Though local authorities, through the Native Levies Act (Act 54 of 1952), constructed standardized mass housing units for blacks in the townships, "the land itself (on which the unit stood) was not purchasable" under the apartheid government (Okem et al., 2019: 33–34). Unfortunately, the occupation of much of these housing units was only possible for as long as the labour satisfied the task of serving the white minority as part of the workforce (Pieterse, 2006). Moreover, the watermark of continuous and rigidly enforced measures to enforce state controls by restricting where people lived and worked would create a long shadow over future attempts by a democratic South African government to reverse segregated spatial patterns and implement integrated communities. Land was not the only means to segregate people, and as Strauss (2017:154) highlights "concurrently, the apartheid state prioritized economic development through a combination of discriminatory labour, market, and educational policies". This is evidenced through acts such as the Suppression of Communism Act, the Bantu Education Act, etc. These racial inequalities deepened and intensified, resulting in the black population growing increasingly rebellious.

The apartheid government used housing as a tool to "tame rebellious urban residents" and, as such, achieve and maintain political stability (Pieterse, 2006: 6). During the 1960s, the concept of self-help housing was introduced. It was envisioned that individuals would be allocated a site with services (water and sanitation) and then construct a temporary structure while gathering the means to erect a formal house (Venter, 2017). This approach, in contrast to earlier policies, is the first in which the state is observed as the enabler in the establishment of conducive environments and opportunities for the participation of the private sector (Mabin, 2020). Later, the government allowed for the sale of council houses to homeowners. Both actions lead to an influx and increase in urban populations, as the temporary structure constructed would remain once the formal house was built as an additional form of income, and since new homeowners

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would quickly be followed by families from the homeland seeking economic and other opportunities.

The government was still unable to keep up with the housing demand, and as a response, it enacted the Bantu Homeland Citizens Act (Act 26 of 1970) and the Bantu Homeland Constitutions Act (Act 21 of 1971). In terms of these acts, every black person had to be registered as belonging to a homeland and granted independence to the homelands (Thompson, 2008). This means that laborers who are no longer working in urban areas need to return to the country of their origin, i.e., their homelands. By making the Bantustans self-governing, much of the state support was also withdrawn. The apartheid government also limited the allowed time for Africans to visit urban areas to 24 hours, or more if a special permit was obtained. As reported by Thompson (2008), due to the gradual deterioration of the homelands, more and more Africans were left in search of economic opportunities. It is not surprising that during this period, there was also a significant surge in the number of informal settlements on the urban periphery and along the homeland border (Okem et al., 2019: 35). By the time of the democratic transition, the South African homelands were in crisis due to overcrowding and a chronic lack of resources. As reported by Phuhlisani (2017: 9) "the population of the Bantustans increased from 3 million in 1946 to 11 million in 1980".

In late 1990, South Africa was entering a transitional period as internal and external political pressure mounted and was about to reach a peak. The country was on the edge of liberation as the communities rose in protest to apartheid laws and received heavy international support that applied pressure on the apartheid state to reform and perhaps spurred discussions between the African National Congress (ANC) and the government leaders. By 1992, the document, Ready to Govern, presented a series of policy pronouncements that emerged from the ANC's May 1992 policy conference. Although criticized by some as a vague wish list that presented development goals as rights, the document nevertheless represented an important step forward for the ANC as it set terms for discussion with the apartheid government. As noted by Pottie (2003: 332), the ANC's focused intent is to embrace and include "affirmative provisions related to socio-economic rights" in the new constitution.

Housing is one such provision, and as stated in the (subsequent) Constitution of 1996, it is recognized as a fundamental human right. The Constitution advances that "the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right' (The Constitution, Act 108 of 1996: section 26). Following

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lengthy policy debates and South Africa's first democratic elections, the ANC finally assumed power in 1994. This marks the most significant point in South African history and the struggles since initial colonization in 1652. Since then, the Democratic government has been on a trajectory to correct the segregation and uneven development created by the architects of apartheid and decades of colonial rule. The ANC adopted the Reconstruction and Development Plan (RDP) as its first official policy in April 1994 (Pottie, 2003:122).

## 2.4    Resource inequality linked to land

During apartheid in South Africa, water rights and access to water resources were deeply entwined with the racially discriminatory policies of the government. The apartheid regime reinforced existing inequalities in water distribution, favoring white farmers and urban areas over black communities. Under apartheid, water resources were allocated unequally along racial lines with white communities, including white farmers, having ample and reliable water supplies for agricultural and domestic us while black communities, especially those residing in rural areas and homelands, often lacked access to clean and safe drinking water (Kemerink, Ahlers and van der Zaag, 2011). This unequal access can be attributed to a variety of factors, including historical land ownership patterns, economic disparities, and political influence. This denial of basic services disproportionately affected black farmers and communities, hindering agricultural activities and overall development.

White farmers may control water resources through various means, such as owning land with water rights, utilizing efficient irrigation systems, or having the financial means to invest in water infrastructure. It is apparent that  inequities in access to water still exist as  (rural and) commercial (white) farmer has kept his entitlements to the water and the water allocations to the smallholder farmers have not increased (Kemerink, Ahlers and  van der Zaag, 2011:589) Additionally, some white farmers might still have political connections that enable them to influence water allocation decisions. The impact of this unequal access to water resources is significant. It perpetuates socioeconomic disparities between different racial groups and hampers efforts to achieve agricultural and economic equality. Unequal access to water can limit the agricultural productivity of black farmers, leading to food insecurity and poverty in affected communities.

After the end of apartheid, the South African government-initiated water sector reforms to address historical injustices, promote equitable access, and ensure sustainable management of water resources. The National Water Act (1998) of South Africa gives powerful guidelines to redress inequities inherited from the past. However, as still observed today the unequal distribution of water resources during apartheid had profound social, economic, and environmental consequences. Kemerink, Ahlers and van der Zaag (2011:585) argue that "the legacy of the apartheid era still dominates the current political and economic reality" and that "the redistribution of water resources is contested by the elite to maintain the current status quo in the division of wealth". It will require commitment from the government and strong political will to ensure that water resources are allocated fairly and sustainably, benefiting all communities regardless of their racial background.

After the end of apartheid in 1994, the newly established democratic government of South Africa, led by the African National Congress (ANC), initiated various policies and reforms to correct the injustices of the past.

## 2.5    A Democratic State (1994)

The most fundamental policy, intended to "correct the injustices of the past," is the Reconstruction and Development Plan (RDP). In referring to the RDP, Tomlinson (1998: 138) notes that the result of the South African housing policy is nothing more than "toilets in the veld" and does not contribute to providing families with well-located, dignified homes. Huchzermeyer (2001) also notes that the construction of masses of low-income houses on the outskirts of towns has failed to contribute to correcting the spatial integration disparities that the government set out to correct through housing policy. On this note, in 2004, the ex-Minister of Housing, Tokyo Sexwale, stated that housing is about more than just a house but rather "the availability of well-located land, access to credit, affordability, economic growth, social development, and the environment" (South Africa, 2004:1). If this is the case, policy seems out of touch with implementation and all these themes; follow housing rather than the other way around.

Together with the RDP, the White Paper on Housing, 1994, was intended to prioritize the needs of the poor. The White Paper on Housing, 1994, advances numerous strategies to ensure the provision of sustainable, adequate housing through ensuring the speedy release of land for

housing, strengthening public-private partnerships, encouraging savings, and providing subsidy assistance to disadvantaged individuals (South Africa, 1994a). For some, the approach taken in this White Paper on Housing seemed to deviate from the ANC's essential RDP stance as it introduced an approach that depended on the private sector to provide housing finance, even though financial institutions were reluctant to enter this financially risky market of low-cost housing. In this regard, the RDP approach was largely state-driven housing provision, and the White Paper on Housing did not reflect this.

The RDP was replaced with the Growth, Employment, and Redistribution program known as GEAR in 1996. According to Huchzermeyer (2001), the implementation of GEAR comes because of governments' realization that the provision of majorly individual free-standing houses, as extended from the RDP, as a dominant solution to South Africa's housing problem is vastly unattainable. In contrast to the RDP, the GEAR was more market-focused and could be seen as a move from the state to become an enabler rather than a provider. It should, however, be mentioned that ten years after the introduction of the housing program in 1994, a comprehensive review was undertaken of the outcomes of development programs within South Africa and the changes in the socio-economic context in the country. This led to the Comprehensive Plan for Sustainable Human Settlements, commonly referred to as the "Breaking New Ground (BNG)" by the cabinet in 2004, which informs all subsequent work done by the Department of Human Settlements.

This BNG shifts focus to improving the quality of housing by integrating communities and settlements while taking into consideration the sustainability of projects and providing the development of a range of social and economic facilities in housing projects (South Africa, 2004). It also places importance on upgrading programs to meet the global Millennium Development Goals (MDGs). The National Housing Code was subsequently revised to align with the BNG to support the comprehensive plan. The National Housing Code follows directly from the BNG and, at this point, is a government program of action developed to respond to historical challenges of housing provision and the housing backlog (prevalent to date) to create more sustainable human settlements as well as increase quality of life (National Department of Housing, 2004).

The National Housing Code, 2009, sets the underlying policy principles, guidelines, norms, and standards that apply to the government's various housing assistance programs, which have been introduced since 1994 and updated. The National Housing Code is aimed at responding to the constitutional imperative stated in the South African Constitution of 1996, which enshrines the right of every South African citizen to have access to adequate housing and places responsibility upon the state to take reasonable legislative and other measures to achieve the progressive realization of this right. The National Housing Code, published in early 2009, provided a comprehensive account of policy guidelines for the country to achieve the vision of a nation housed in sustainable human settlements. According to this vision, in-situ upgrading of informal settlements and the importance of community participation in upgrading programs are emphasized (South Africa, 2009). Pottie (2003) points out that the introduction of the Housing Act paved the way for local government involvement in housing development but fails to clarify the financial responsibilities of local government.

Based on the initial assessment, it is evident that the government has always been trying to 'get things right' through the introduction of new policies, strengthening monitoring and evaluation of existing practices, and shifting the role of the state from that of a provider to that of an enabler of human settlements. However, governments' one-size-fits all approach is highly ineffective and has in fact only exacerbated the South African housing crisis. Additionally, the high housing backlogs, the seeming shortage of well-located land for development, and the unwillingness of the private sector to invest in human settlement development intensify this struggle. In this way, policy is only a small component of the housing value chain and requires robust, innovative, and agile strategies to adapt to these changes and attract the right people to 'do the job'.

The provision of adequate housing for those living in poverty continues to be a challenge for the South African government. According to Statistics South Africa, in 2012, at least 54.5% of households were living in fully owned formal dwellings, while the rest were living in informal settlements and other forms of informal housing (Stats SA, 2013). This is almost half the South African population and relatively unchanged as compared to records from 1994 (SAPA, 2013). This comes despite the 3 million houses already built by the government between 1994 and 2012 (Stats SA, 2013). Against this backdrop, the difficulties of the poor seem to be ignored and weighed down by their daily living conditions (Oldfield, 2000). In this context, Bradlow et al. (2011) maintain that core issues around housing have been suppressed by the large-scale delivery

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of free units and suggest that current planning patterns have only exacerbated the apartheid spatial legacy.

These realities that communities face, coupled with the legacy of apartheid spatial legacy and racially discriminatory housing policy, have always posed a challenge for the democratically elected government. Ndinda et al. (2011) review the housing policy formulated and implemented in South Africa post-1994 and use data from the South African Attitudes Survey (SAAS) to examine trends in housing from 2005 to 2009. According to Ndinda et al. (2011:781), the data show an increase in the number of households that live in "brick structures, yet informal dwellings persist". The authors also find that informal settlement dwellers are predominantly Africans and Coloureds, suggesting that housing continues to be racialized (Ndinda et al., 2011). This implies that housing policy is counter-developmental and even suggests that mechanisms implemented to address housing have largely failed to yield the desired policy outcomes, particularly as they relate to livelihoods and integration, and by no means addressed the injustices of the past (Bradlow et al., 2011).

Housing development must first consider access to basic services and infrastructure (Burgoyne, 2008). Huchzermeyer (2001) argues that housing policy reforms still avoid practical issues pertinent to development, such as spatial planning and land use within urban areas and socio-political concepts. It is thus relevant for housing strategy to include these themes to prove progressive and forward-thinking about future housing issues (Huchzermeyer, 2001). In this way, low-income housing provision for the very poor becomes unbalanced and insufficient, as it does not emancipate them from their dire living conditions (Oldfield, 2000). To this end, the disjuncture between the housing policy discourse, policy implementation, and the "underpinnings of housing policy" does not address its far-reaching vision, and the contending "power relations" between the actors in this sector denies most citizens access to centers of development (Huchzermeyer, 2001:325–326).

Bradlow et al. (2011:273-274) suggest that by implementing strategies of multiplicity, "reshaping the institutional frameworks, and "changing the flow of money," the state can direct human settlements development to be fundamentally "people-centered" in theory as well as practice. Collier and Venables, in Turok (2016:236), support this view and advance that this concept necessitates constant synchronization between "housing investment decisions, business location decisions, and the provision of public infrastructure". Seemingly, these concepts are all encapsulated in the Breaking New Ground strategy (BNG) adopted in 2004 that mandates the

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state to move from housing construction to sustainable human settlements and promotes a move away from the "one-size-fits-all approach" by accepting the need for incremental methods and a variety of settlement types (Ndinda et al., 2011:769).

The BNG highlights the government's attempt to correct the "uneven endowment of capacity" due to historic segregation in Oldfield (2000:859). To support this thinking, the author uses examples of Green Point and Delft South and explains that the under-serviced Green Point community in Khayelitsha, frustrated with waiting on the state for housing provision, decided to illegally invade a Greenfield development in Delft South. According to Oldfield (2000), although this community can be observed as illegally invading the housing development, the method they used shows how a "strong set of interlocking organizations" can be used to mobilize a community into action. In the Delft case, a group known as the Door Kickers rejected the system of allocation and hijacked a housing delivery process in Delft South by forcibly invading homes. By displaying its extensive capacity to group together with external resources, this community demonstrates again the capacity of the community to mobilize itself into action. The significance of this case lies in the potential of community capacity to drive strategy around human settlement development.

Building on this argument, according to Bradlow et al. (2011:269), with the state viewing informality as the problem, it has adopted a top-down approach set to "eradicate informal settlements" and "overlook the success of the informal strategies used by the poor to produce and improve housing solutions". Using a case study of the N2 Gateway Housing project, Bradlow et al. (2011:269) maintain that housing institutions do not welcome the originality that informal settlement dwellers use to make their environments liveable but rather penalize them with "social and economic" displacement by building large settlements on the urban periphery. To argue the premise, the authors highlight the introduction (and later repeal) of the Slums Act (2007) in Kwazulu-Natal and expose how this act reflects existing institutional arrangements as "directed towards strengthening the state's capacity to keep the poor out of South Africa's cities" (Bradlow et al., 2011: 270). It is suggested that by implementing "strategies of multiplicity", "reshaping the institutional frameworks," and "changing the flow of money," the state can direct human settlements development to be fundamentally "people-centered" in theory as well as practice (Bradlow et al., 2011:273-274).

Reflecting on more urban spaces and cities, Turok (2016) recognizes that the lack of access to housing close to cities impacts inclusivity and liveability and considers the broader purpose of housing policy. This author advances the concept of the 'urban premium, which views cities as economic entities, attracting people to them to pursue higher levels of human development and reducing fragmented development by building sustainable communities. Pieterse also challenges the conception of sustainable development and community policy by advancing the current crisis as an opportunity to align and coordinate efforts to address the aftermath of apartheid spatial planning (Pieterse, 2006). The author argues that urban fragmentation should be perceived as a stepping block for the development of new and imaginative ways to think and act in respect of our urban spaces (Pieterse, 2006). Turok (2016:237) suggests that unlocking the "urban premium" implies making housing affordable and developing creative solutions such as:

1. Improved self- help schemes.
2. Stimulating the backyard market.
3. Growing the township economy and embracing informality.
4. Incremental upgrade.
5. Densification and the use of alternative/sustainable building technologies.
6. Redesigning under- utilised state-owned premises and buildings for human habitation.
7. Mixed- use developments.

From the preliminary readings, it is evident that previously employed housing strategies have struggled to open economic and social opportunities to the beneficiaries of state-subsidized houses, failed to address poverty alleviation in the country, and failed to move from mass delivery to sustainable housing solutions. It is thus clear that strategy in housing does not contemplate the realities of the future with solutions that are sustainable over time while at the same time addressing challenges in the present (Parnell and Crankshaw, 2013).

If the government wants to achieve its housing vision as advanced in the NDP, all these complexities should be part of a wider strategic effort to ensure holistic and sustainable human settlement developments that incorporate inter-sectoral relationships, collaborations with communities, housing institutions, and social organizations" (Huchzermeyer, 2003). Based on this premise, a strategic approach to addressing public housing needs to extend beyond the narrow focus on low-cost formal housing and subsidy schemes and encompass creative solutions unique to the South African landscape (Turok, 2016).

In this context, the National Development Plan (NDP), or Vision 2030, as it is also known, is the government's long-term plan for the country. The NDP speaks to all government departments and advances an extensive strategic outline to guide the departments on key actions (South Africa, 2012). The NDP takes into consideration global developments, as well as issues around climate change and technology, and acts as a mechanism to plan for these effects. Chapter eight of the NDP addresses human settlements specifically and primarily focuses on the need to properly locate and plan settlements (South Africa, 2012). Furthermore, the NDP highlights the strategy for human settlements as follows:

1. A strong and efficient spatial planning system, well integrated across the spheres of government

2. The upgrading of all informal settlements

3. The positioning of informal settlements and housing developments on suitable and well-located land

4. Better accessibility of human settlements in proximity to work opportunities, public transport, and services (South Africa, 2012).

The NDP acknowledges the need to enhance the existing national program in terms of informal settlement upgrading. It highlights the importance of informal settlement upgrading and encourages innovation. It highlights the ambivalence across governments in dealing with informal settlement upgrading, with a lack of clear mechanisms for in situ upgrading. It has a core focus on programmatic and project interventions, contextual relevance, and a people-centered approach to responding to the community's needs. Importantly, the NDP purports to accept 'informality'.

The Integrated Urban Development Framework (IUDF), released by CoGTA in 2016, responds to SDG Goal 11 with a framework for sustainable growth and spatial transformation. Recognizing safety as a basic human right, the IUDF has four overall strategic goals: spatial integration, inclusion, growth, and good governance. All these goals should guide any informal settlement upgrading. The IUDF defines integrated and sustainable settlements, responding to the following (IUDF, 2016: 60):

1. Improved quality of life for all citizens who have full access to all basic services and the multiple social, cultural, and economic opportunities of urban areas

2. Multi-functional spaces with varied shelter, locational, and economic choices

3. Well-serviced, safe, cohesive, and vibrant communities

Spatial Planning and Land Use Management Act 2013 ("SPLUMA") core focus in relation to informal settlements is incremental upgrading. SPLUMA acknowledges the complex nature of informality and promotes a more flexible approach to land use management systems, specifically in relation to planning legislation. Based on this national framework, each province adopted its own spatial development framework (SDF), and in turn, each municipality developed and aligned its SDF with the national and provincial settings. In the context of the Western Cape, the Provincial Spatial Development Framework (PSDF) was adopted in 2014 and aims at addressing the spatial inequalities in the province. The PDSF speaks to how the WCPG and private sector plan for and utilize space (Western Cape Government, 2014) and speaks to the bold collaborative effort required to realize spatial transformation.

Significantly, the PSDF provides a comprehensive framework for the province's urban and rural areas that gives spatial expression to the national and provincial development agendas (Western Cape Government, 2014) and serves as a basis for municipalities to achieve their planning mandates in terms of spatial planning. The PSDF promotes:

1. The sustainable use of provincial assets by using spatial asset responsibility and protecting the environment and natural resources

2. The opening-up of opportunities in the space economy through leveraging economic investment by revitalizing and strengthening the urban space economies as the engines of growth

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3. The development of integrated and sustainable settlements that provide access to opportunities and services in a financially sustainable manner, such as compact, mixed-use, and functional integrated settlements.

4. That government and policymakers focus their resources in those areas that have both high and very high growth potential, as well as high to very high social need.

The delivery of affordable housing under the Finance-Linked Individual Subsidy Programme (FLISP) is not as clear-cut as other delivery mechanisms. It is complex, and many systems must be put in place to serve as a platform for the effective delivery thereof. Yates and Gabriel (2006) point out that this concept has been difficult to define and poses challenges in securing agreement about the right combination of responsibilities for housing policy among the various tiers of government and how best to address it. According to Milligan, Phibbs, Fagan, and Gurran (2004), affordable housing can be associated with the needs of families whose incomes are not adequate to afford to access housing in the market. In this way, affordable housing can be viewed as a mechanism to assist lower-income households to acquire housing that will not result in them experiencing unnecessary economic hardship (Milligan et al., 2004).

Groebel (2007) contends that low-cost housing delivery is a key focus of the government in post-apartheid South Africa, and the state makes concerted attempts to address historical inequalities. An essential part of housing policy is a mechanism to up-scale the delivery of affordable housing in a sustainable manner. However, housing policy in South Africa has, over the last two decades, been overwhelmingly shaped by market-based methods with growing levels of privatization. The policies about housing affordability and the need to provide more affordable housing are extensive, and the government should investigate ways of using constitutional land-use planning systems to influence the delivery of affordable housing, particularly in areas with relatively high house prices and rental costs. Generally, these policies should be concerned with gaining more housing to rent or buy in parts of the market that are affordable to low- to middle-income households, using a variety of incentives and regulations.

Affordability has long been identified as a constraint in the housing crisis. According to Yates and Gabriel (2006), the issue of affordability is recognized by the government as a priority as it affects mostly low-income people. The reason behind this may be that understanding and calculating affordability are intricate. The process could involve contextualizing factors of the housing affordability problem itself, and there are already many contested understandings of the problem. Even more challenging is that affordability can be experienced by people in varied ways (Yates and Gabriel, 2006). The complexity of affordability implies that no one can quantify the assessment of the nature and degree of housing affordability difficulties, and thus the main challenge is to classify the policy needs around the issues and devise measures pertinent to the policy requirements of identifying the scale and form of the problem, evaluating housing market trends, informing policy design, or providing guidelines for industry (Yates and Gabriel, 2006).

Exacerbating the problem are high levels of unemployment and shortages of rental properties. In general, the supply of housing cannot keep up with the demand. Many interrelated aspects have driven the loss of affordability, including an increased readiness and capacity to pay for housing due to increased incomes and more accessible lines of credit. Concurrent increases in population size and decreases in household size further compound the problem. The report highlights the issue of an emerging need for an affordable housing market in the Western Cape, as found in a survey conducted by the Western Cape Department of Human Settlements. It is widely acknowledged that homeownership available to low-moderate income earners addresses the provision of rental housing; however, there is both a need and an opportunity to expand these to target moderate-income households with stable employment who previously would have been able to enter home tenure but now face challenges in realizing this objective.

The continued inequality in South Africa, stemming from both settler colonialism and apartheid, is a complex issue with deep historical roots. Settler colonialism and apartheid created deeply entrenched racial and economic disparities. Land dispossession, unequal access to resources, and discriminatory policies affected generations, making it challenging to reverse these injustices swiftly. Apartheid policies favored the white minority, leading to economic imbalances that persist today. White South Africans, on average, have higher incomes and better access to resources and opportunities than black South Africans. The economic disparities inherited from apartheid continue to create inequality.

While South Africa has implemented various policies and initiatives to address historical injustices, the effective implementation of these reforms is often hindered by challenges such as corruption, bureaucratic inefficiencies, and lack of resources. In some cases, policies might not be comprehensive or targeted enough to address deeply rooted inequalities.

## 2.6　Chapter summary

It is evidenced through history that South Africa has a complex and struggled past, formed through colonization. When the Union of South Africa was established in 1910, the white population owed at least 75% of the land and had complete control over the Black population, which was the majority. At this point, segregation was already deeply embedded in social, economic, and political policies. While many will argue that the legislative frameworks developed by the ANC in 1994 have done little to correct entrenched equalities and segregation, However, it must also be considered that such practices have a history spanning at least four centuries and will most likely take centuries to undo. With this said, it is surmised that such deeply rooted exclusion and discrimination do require coherent, holistic strategies that are not just focused on fixing a part of the problem or superficial symptoms. In addition, centuries of top-down implementation of policy have lacked a vital element of participation, and as such, inputs from those that will be affected have been neglected. Lastly, as post-1994 housing demonstrated, policy aimed at housing cannot be rigid in its approach or be implemented as a blanket for all housing needs. But rather, it must speak to the different levels of inequalities and the reality of varying needs experienced by its' intended beneficiaries.

# Chapter 3: Constructed Housing Scarcity: The Villiersdorp case

## 3.1    Introduction

Historically, like much of South Africa, land ownership in Villiersdorp and other areas was affected by colonialism and apartheid policies, which led to the dispossession of land from indigenous communities and the concentration of land in the hands of a few. After the end of apartheid in 1994, land reform became a significant issue in South Africa. The government implemented policies aimed at redistributing land to address historical injustices and promote social and economic equality. However, the process of land reform has been complex and faced various challenges, including funding constraints, bureaucratic inefficiencies, and disputes over land rights. This chapter focuses on conceptually and empirically examining housing difficulties in the town of Villiersdorp, which is part of the Theewaterskloof Municipal (TWK) area's Overberg district (OD). The post-1994 era is the primary emphasis. I argue that scarcity is socially constructed using the geographer David Harvey's definition (Harvey 1996). For Harvey, scarcity is always relational. Scarcity is not inherent in nature, when its definition is inextricably social and cultural in origin. Many of the scarcities he argues such as housing do not arise out of nature "but are created by human activity".

## 3.2    Context of the Town

The Theewaterskloof Municipality (TWK) consists of seven (7) settlements, Villiersdorp being one of them. Within the Overberg District, TWK is the largest local authority and a category B municipality (TWK, 2017a). As a "rural" location, Theewaterskloof primarily engages in farming and agricultural pursuits (oriented to the export market). The region is well-known for tourism as well as farming and agriculture due to its advantageous location adjacent to the N2. Mountains surround Villiersdorp, and it is directly below the privately owned Villiersdorp Nature Reserve.

Seasonal farm workers, including foreign workers, many of whom have settled in dense informal settlements, drive the economy, which correlates with the growth of the town. Historically farmworkers lived on farms in the area in the context of semi-slave colonial relations – racial paternalism (Du Toit and Ally, 2003). After 1994, farmworkers were evicted from farms and were forced to build shacks in the town while thousands of Lesotho workers who live in one of the informal settlements became the preferred labour source for local farmers.

This chapter unpacks the need for decent housing and how the housing crisis has partly been manufactured. The chapter also looks at protests in Villiersdorp and in nearby towns while critically engaging the plans the municipality has put forward. I argue that this dynamic and new labour regime has contributed to a constructed housing shortage. Farmer steadfastly have refused to have any workers living on their farms. According to municipal statistics, there are 3,198 applicants registered on the Housing Demand Database in the following categories: backyarders and renters, farmworkers, and those living in informal settlements. The municipality maintains that there is very little suitable land for housing development in Villiersdorp and that urban expansion is limited by topography and the natural environment surrounding the town. Based on the housing need, the municipality has established a housing pipeline for the town, mainly based on the development of an area called Destiny and the "upgrading" of the informal settlements.

The experience of Villiersdorp like most other rural farming towns have experienced various dynamics related to labour exploitation, informal settlements, and agricultural practices. These dynamics reflect broader social, economic, and political challenges in the country. These issues are exacerbated as more and more farmers choose foreign labour over local labour for economic and social reasons such as lower wages, occupational health and safety standards that must be in place for local labour as well as meeting the legal parameters around the basic conditions of services. In addition, farmer prefer not to deal with the housing issues linked to local labour. Ultimately, the influxes of foreign labour can disrupt the social fabric of local communities, leading to tensions and strains such as Xenophobia.

An agricultural town known for its fruit growing, Villiersdorp is 119 kilometres away from Cape Town. An estimate puts the population around 7000 in 1994. Up until recently, the town did not have any homes for Africans in accordance with the laws of the apartheid government, and the coloured population lived in the nearby township of Nuwedorp. This township was crammed full because there was no increase in housing stock to accommodate the rising demand. In Nuwedorp people erected shacks in their backyards to accommodate growth in their households. This was

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common practice throughout the country. African men were employed on short-term contracts by farmers and lived in hostels on the farms. The same applied in other parts of the country including the cities. Hostels were designed to house just the workforce and not their families, which was "single sex hostels." Many of these men had been employed in Villiersdorp for more than 50 years, but their families were not permitted to accompany them (Houston, 1999).

The map exhibits key locations of towns with Villiersdorp located in the North closer to Stellenbosch.

*Figure 1: Locality Map - Overberg*
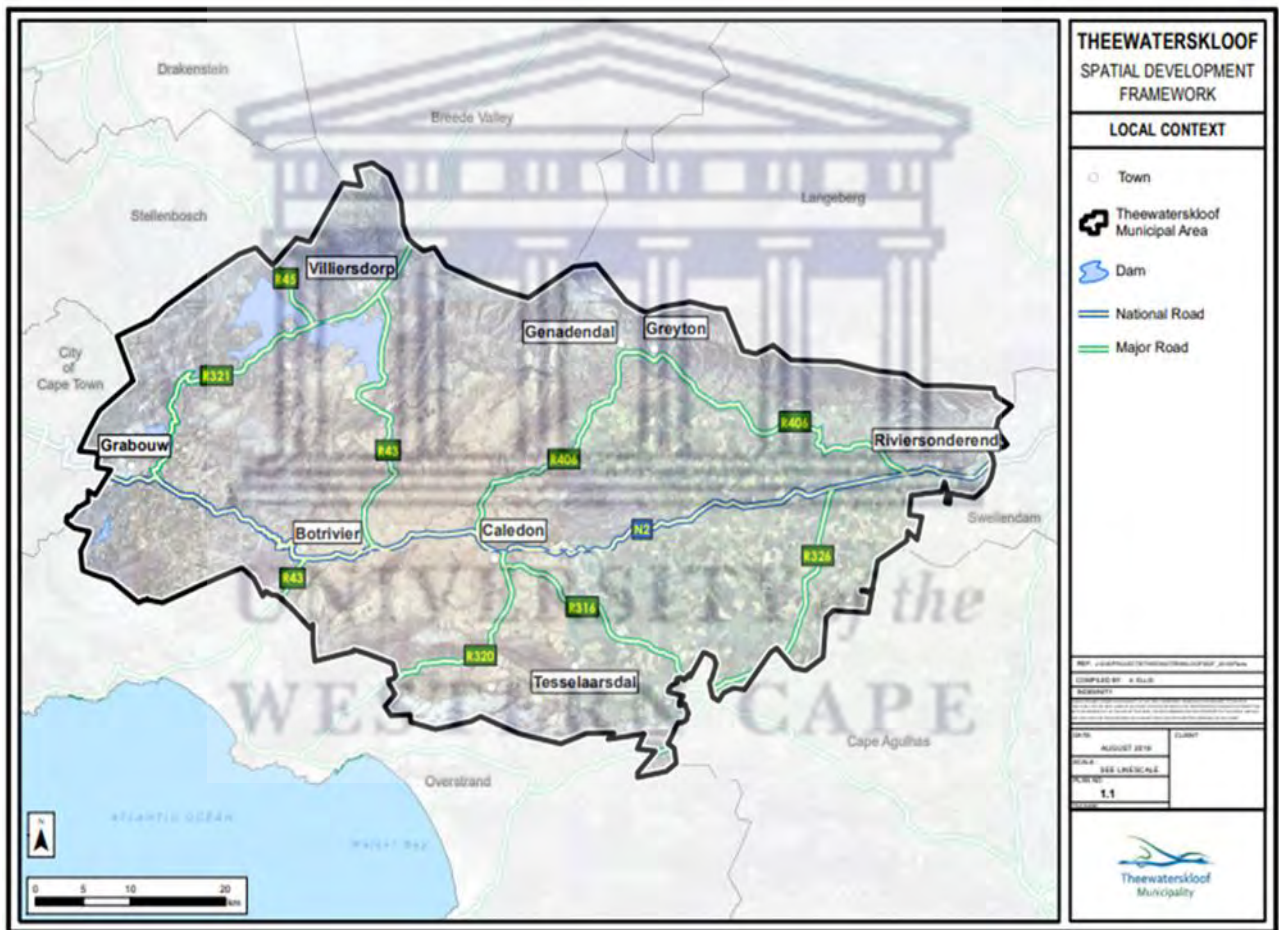


(Source: Spatial Development Framework 2019)

Villiersdorp is a town with a low quality of life for the majority but with very wealthy mainly white farmers who have also cashed in on the agri-tourism, rural gentrification and golf estate developments. The lack of access to higher education, health care, and diverse employment opportunities traps poor residents who cannot afford to commute to access opportunities elsewhere. Without access to higher education and other social services, the problem is

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perpetuated: the lack of skills is likely to result in a low-paid, unskilled job or unemployment, creating a vicious circle. As the town receives increasing numbers of job seekers, the informal settlements on the mountain continue to grow and expand into the protected areas. Residents in these upper reaches have poor access to amenities in the main town of Villiersdorp.

The most populated towns of TWK in order of size are: Grabouw, Villiersdorp and Caledon, Genadendal and Greyton. Recently many foreign African workers employed as seasonal labour or in services have sought accommodation in these towns and end up in one of the many informal settlements. Many wealthy foreigners especially Europeans have bought property and wealthy South Africa second homes. The demand from wealthy foreigners can drive up property prices in certain areas, making housing less affordable for local residents. This phenomenon, known as gentrification, can displace low-income families and change the character of neighborhoods. While the presence of foreigners can enrich local communities through cultural exchange, it also raises questions about cultural appropriation, preservation of local traditions, and the impact of globalization on local cultures.

Large numbers of foreign African workers who reside in TKW are preferred as docile labour over the South African workers. As a result, the growth (and population density) is mainly towards growth in the informal settlements and informal structures. Municipal reports all highlight that the urban expansion is severely limited by topography and the natural environment surrounding the town, as well as high potential, cultivated agricultural land. Limited (affordable) housing options, coupled with rapid urbanization, lead many foreign African workers to settle in informal settlements. These settlements often lack basic amenities and adequate infrastructure, posing challenges to the residents' well-being. Balancing the economic opportunities brought by foreign investment and labour with the social well-being of local communities requires thoughtful planning, inclusive policies, and a commitment to addressing the needs of all residents, regardless of their origin or economic status.

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In Villiersdorp, the growth and dynamics of informal settlements of this rural farming town is affected by the balance of the economic opportunities and labour factors. As a result land tenure issues are common. Limited or ineffective housing policies and land use planning contribute to this issue and the rapid growth of the informal settlements. Policy challenges, such as unclear land tenure laws and inadequate enforcement of regulations further hinder formal housing development.

The following map depicts the concentration of the informal settlements in Villiersdorp towards the mountainous bio- sensitive areas.

*Figure 2: Villiersdorp - Informal Settlement areas*
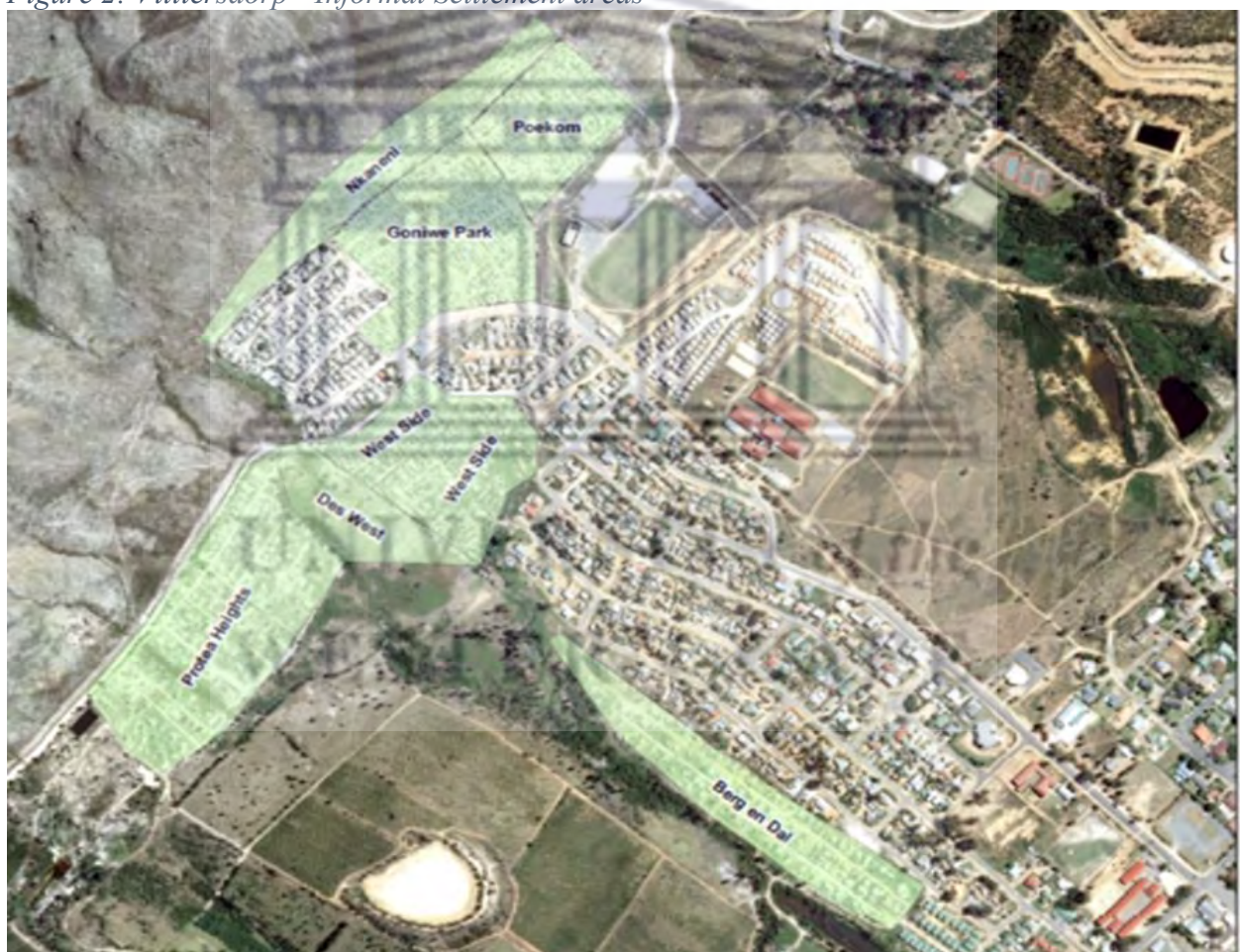


(Source: Spatial Development Framework 2019)

According to SDF (2019), the town's population has been expanding quite quickly, at a rate of between 2.4% and 3%. This is relatively higher that the provincial and national norms as the average population growth was reported as 2.25% in the Western Cape and 1.61% at a national level (COGTA, 2020). The town's informal settlements are where most of the population growth is occurring (SDF, 2019).

*Table 1: Villiersdorp population statistics*

| Town | Growth Rate | Census 2001 | Census 2011 | Community Survey 2016 | DSD Profile 2021 |
|------|-------------|-------------|-------------|-----------------------|------------------|
| Villiersdorp | 2.4% per annum | 7 568 | 12 455 | 37 882 | 20 772 |

(Source: Theewaterskloof Annual Report 2020/21-page 27)

It is clear from the table above that the population is on a rapid upward trajectory. The population of Villiersdorp nearly doubled in ten years, from 7,568 to 12,455 persons, between 2001 and 2011 (StatsSA, 2001; StatsSA, 2011). The 2016 Community Survey indicates that there are 37 882 people across the three wards in Villiersdorp, nearly 300% more than what Census 2011 counted. It is likely that the DSD Profile of 2021 is incorrect since each year, on average, close to 1000 individuals move to Villiersdorp, meaning that every ten years the population doubles. The agricultural industry's activities and the seasonal employment opportunities account the rapid population expansion (TWK, 2017a) and places direct pressure is put on the housing stock.

In the context of the region, the Theewaterskloof municipality has approximately 22 350 residents more than its neighbouring municipality, Overstrand, rendering it by far the largest population within the Overberg District (TWK, 2021). It is further projected that Theewaterskloof will continue to host the biggest part of the population continuously representing above 40% of the population in the region. However, the Municipal Economic Review Outlook ((2019) indicates that Overstrand has a higher population growth than that of Theewaterskloof.

This growth poses huge challenges on the service delivery for Theewaterskloof, based on even the lowest average annual growth rates of 1.5% (Stats 2011), the population of Theewaterskloof will increase by more than 1800 residents per annum, not taking into account the influx that may (and has) occurred as result of (mass) occupations such as that at Knoflokskraal (TWK, 2021).

*Table 2: Theewaterskloof: Population per town*

| Town | Number of persons | Percentage against entire population |
|------|-------------------|--------------------------------------|
| **Grabouw** | 42100 | 36% |
| **Villiersdorp** | 28860 | 25% |
| **Caledon** | 17980 | 15% |
| **Greyton/ Genadendal** | 11 231 | 10% |
| **Riviersonderend** | 9 508 | 8% |
| **Botrivier** | 7487 | 6% |
| **Total** | **117 166** | |

(Source: Community Survey 2016)

Using the 2016 Community Survey data, at least 25% of the municipal population is concentrated in the town of Villiersdorp. This makes the town the second biggest after Grabouw and significantly has a bigger population than Caledon which is the major town in the municipality. It is very likely that the population is much higher than what is officially reported since it is known that the town has a number of undocumented foreign nationals living in the informal areas and working on the farms as seasonal semi- migrant workers. It is highlighted in the SDF that "growth is mainly towards growth in the informal settlements and informal structures," but also that due to the seasonal work offered in the town, there is evidence of migratory trends that needs to be fully investigated and understood (TWK, 2019a:8–2).

According to the Municipal Annual Report of 2017/18 a major concern is that a large proportion of the population growth as at the "lower end of the market" that adds to "high levels of unemployment" (TWK, 2018). In this context there are growing concerns and emphases on the "diminishing number of paying residents" and that "proactive mechanisms must be designed to address these issues" (TWK, 2021: 31). This is important to note not just in terms of housing development, but also in terms of the financial sustainability of the municipality and the town. The racial composition and distribution as seen in the table below, Coloureds are slightly more

than Black Africans and whites make up 12% of the population. The elite live on sprawling golf estates with views of the dam.  The town has three wards.

*Table 3: Villiersdorp 2016 population statistics per ward*

| Racialised Group and Total Pop. | Villiersdorp | Ward 5 12 514 | Ward 6 7 324 | Ward 9 9 022 |
|---|---|---|---|---|
| Coloured | 44,7% | 46% | 57% | 70% |
| Black African | 40,3% | 36% | 40% | 25% |
| White | 12,5% | 16% | 1% | 5% |
| Other/ foreigner | 2,3% | 2% | 2% | 1% |

(Source: TWK, 2021)

The Villiersdorp population statistics per race and ward represents a sharp contrast in terms of race. It shows that the population is black, and coloured is almost evenly distributed between ward 5 and ward 6. However, the white population is concentrated in Ward 5 which is primarily the main town. The relevance of this is that the informal settlement areas also fall within Ward 5 and that the density in this ward translates in to 63.8 people per square kilometre as opposed to Ward 6 which is 52.8 people per square kilometre (Wazimaps, 2023). Ward 9 is mostly agricultural land or farms populated by mostly coloured and black African people, likely living on the farms as workers.

The town's officials argue there is lack of "suitable" land for further human settlement development (SDF, 2019). According to the municipality there are limitations on expansion, yet there is no evidence that a thorough land ownership audit has been done. The TWK local government argues land needs to "be optimized and densified and finding balance in protecting valuable agricultural and sensitive environmental areas" (TWK, 2019a). What this "balance" means has not been defined.

It is evident that most historical core grew along the R43 main road of the town in the upper north-western region. The yellow areas are relatively new and lie closer to the West. In the context of what was previously mentioned, these lie adjacent to several conservation areas and a portion of the Hottentots Holland Nature Reserve, which limits any further expansion (TWK, 2017a).

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*Figure 3: Pattern of settlement growth in Villiersdorp (1948 - 2014)*
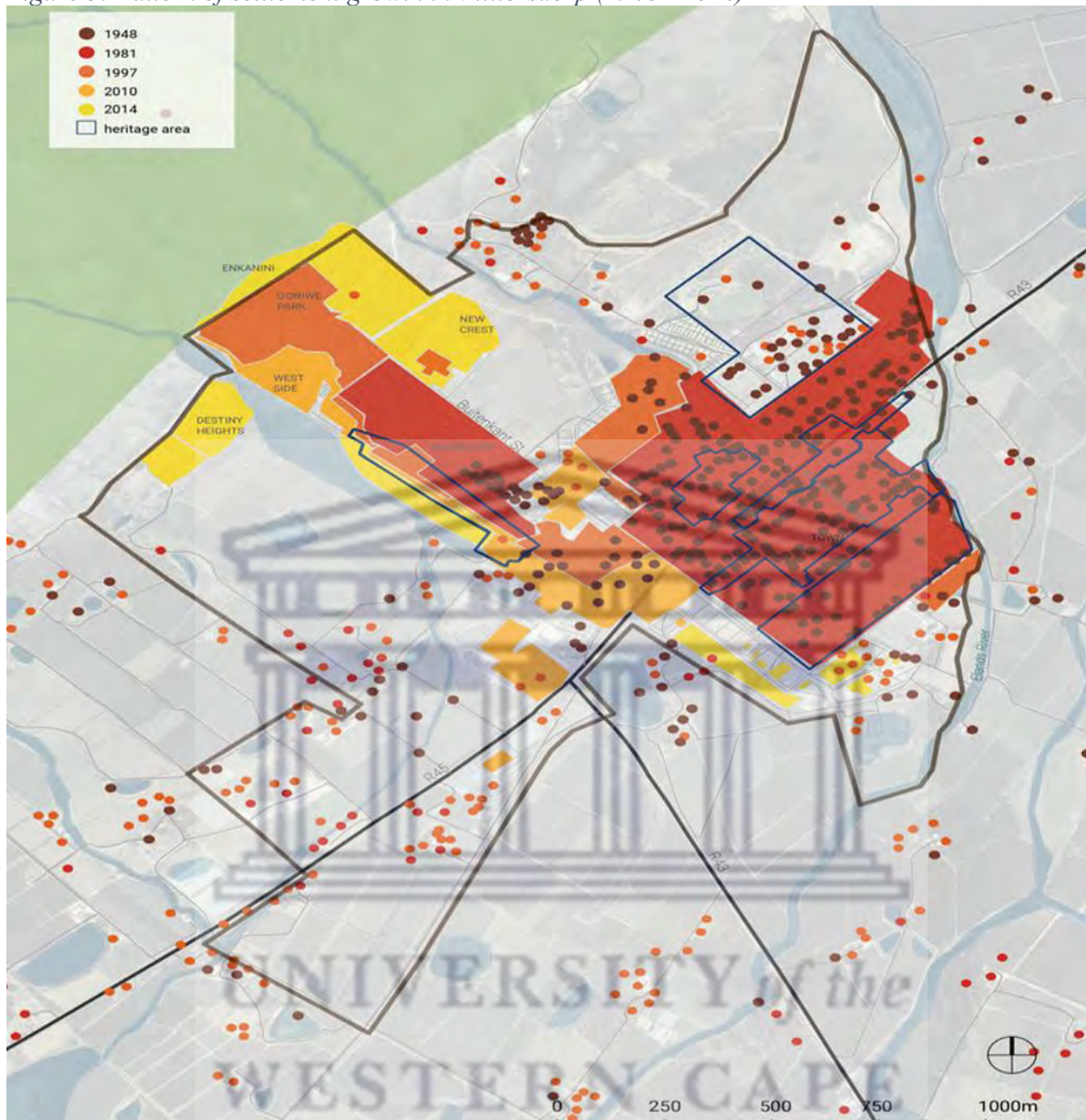


(Source: Spatial Development Framework 2019)

Almost all low-cost housing development is concentrated in this area, and it is also the area in which informal settlements are. The apartheid pattern has been reproduced for the most part. This can be attributed to the "segregated urban structure" as highlighted in the SDF (TWK, 2019a: 4).

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The Nuwedorp settlement, primarily of apartheid designated coloured people, had been established on the foothills of the Boland Mountains, away from the white settlement. By 2014, two areas had been developed with dense single-residential Reconstruction and Development Programme (RDP) housing. One of these areas was built on a community play field that has recently been relocated closer to town, downhill from Villiersdorp Secondary School, although it is closed to informal play. In the last few years' growth has spread up the mountain slopes, establishing Enkanini settlement, and west across the mountain stream to establish Destiny Heights. Evidence from recent aerial photography (2016) shows that these settlements continue to grow.

## 3.3 The Municipality's view: Spatial development framework in Villiersdorp

The SDF indicates that Villiersdorp serves as the urban hub of the surrounding agricultural valley, including several packing sheds for the agricultural sector. The agriculture surrounding Villiersdorp consists predominantly of irrigated orchards. Due to the Theewaterskloof dam, the climatic conditions in Villiersdorp changed to be more like the Elgin Valley than Worcester, therefore supporting high-value fruit orchards rather than fields. Due to the agricultural nature of the area, the seasonality of fruit produced in the valley influences the influx of migrants and seasonal workers who live in Villiersdorp for only a portion of the year.

Historically, the town's amenities supported its own population and the adjacent farming rural community. With the convenient and fast access to other urban centres, proximity to Cape Town and the rise of other medium towns such as Paarl, Stellenbosch, Caledon, and others in the area, Villiersdorp has lagged. For example, the town's De Villiers Graaff High School at one point accommodated scholars from the surrounding areas in its hostel and school. These facilities are now the most abandoned, as scholars from the surrounding areas attend school in other areas such as Paarl and Cape Town.

As the town receives increasing numbers of job seekers, the informal settlements on the mountain have continued to grow and expand into the protected areas. According to the SDF and based on the trend in population growth, it is anticipated that at least another 80 hectares of land will be required to address housing needs for the next 10 years, and in this context, it is highlighted that a severe shortage of public land exists" (TWK, 2019a:8). These settlements are difficult to

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service in terms of water, sanitation, waste removal, electricity, and roads due to the very steep slopes they occupy. This also increases the disaster risk for these areas in terms of rock fall and flooding from drainage courses off the mountain. The lack of services results in solid waste and black and grey water entering the natural drainage streams, which flow for only a short distance before reaching the Theewaterskloof Dam.

Villiersdorp as a town according to the municipality is "characterized by limited developable areas within the existing urban edge," and it is on this premise that priority should be given to allowing for higher density development in the context of the planned housing pipeline projects (TWK, 2019a:8–14). Consequently, consideration must also be given to linking any future development with additional socio-economic facilities such as schools, crèches, churches, health care centres, etc., as they undoubtedly follow (or even precede) housing development. In addition to this, it is also highlighted that "consideration should be given to redevelop inadequate and poorly distributed" areas within the town (TKW, 2019a:8–14).

In terms of land ownership, no data could be traced in the SDF, IDP, or annual reports on how much of the total area of land is publicly or privately owned. Although the IDP reports that "the municipality has applied for the release of state-owned land" (TWK, 2017a: 63). It is also reported that all the areas on which informal settlements are located are owned by the Theewaterskloof Municipality (TWK, 2017a). The town's officials argue there is lack of "suitable" land for further human settlement development (SDF, 2019). According to the municipality there are limitations on expansion, yet there is no evidence that a thorough land ownership audit has been done. The TWK local government argues land needs to "be optimized and densified and finding balance in protecting valuable agricultural and sensitive environmental areas" (TWK, 2019a). What this "balance" means has not been defined.

Furthermore, due to the large farmworker base, it is mentioned that "strategies and action plans will need to be developed and implemented, in collaboration with farm owners, in order for the municipality to fulfil its legal obligations and responsibilities" with "the provision of basic services" (TWK, 2021:126). The SDF reports that at least 623 farm workers are registered on the municipal housing demand database (TWK, 2019a: 4-31), although no references could be found to the details of such strategies or action plans or to any farm worker housing programs completed, underway, or planned. According to the 2017–2021 IDP, at least 8,500 houses need to be built to address the housing backlog, and it is highlighted that "the housing demand is outgrowing the supply hereof" (TWK, 2017a:62). Unfortunately, the 2017–2021 IDP does not

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state targets in terms of the delivery of the number of houses and serviced sites but rather speaks to the 100% implementation of the housing pipeline, which is estimated to yield 2,539 opportunities over a period of two to eight years (TWK 2017a: 207–208). It is thus highly unlikely that the municipality will eradicate the housing backlog, and most of the projects planned to be rolled out over the period 2017–2021 are concentrated in the town of Grabouw.

In addition to this, the document states that the municipal housing department does have a challenge with "compliance with national housing policies," which further suggests that making a significant impact or reducing housing demand is highly unattainable (TWK, 2017a: 62). The Housing Demand Database ensures that the municipality "understands the housing needs within our communities" and can accordingly plan" (TWK, 2019b:143). "The rapid increase in demand and the continuous growth of informal settlements indicate that the amount of housing delivered annually cannot address the growth in housing demand" (TWK, 2015:85). According to the statistics reported in the 2019/20 Annual Report, the housing demand (3,198) in Villiersdorp is the second highest in the municipality (after Grabouw).

The demand is also almost equal to the number of people in the informal settlements (excluding other demand), which is indicative that the total housing demand is most likely much higher than what is recorded. In the same document, it is emphasized that the rate of delivery will always be outpaced by the need, and this context calls for "a prioritization mechanism applied to ensure the *most deserving* receives an opportunity" and that the focus must be on basic services to stretch capital inputs and maximize the number of opportunities that can be provided (TWK2020:144).

*Figure 4: Housing demand (backlog) per town*
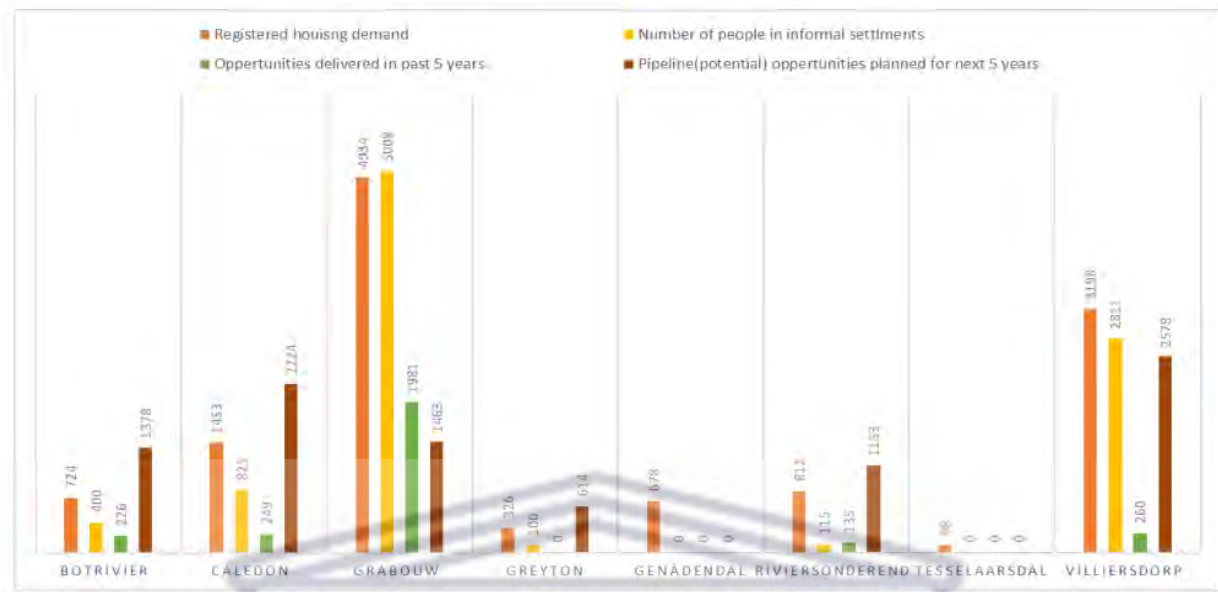


(Source: Theewaterskloof Municipality Annual Report, 2019/20: 144)

The housing demand is also reflective of the sentiments of the SDF documents, which highlight the shortage of suitable land for housing development and identify that an estimated 99 hectares of land are required to address the projected housing needs for the next 10 years (TWK, 2012a). The annual report of 2009 states that the delayed rollout of housing projects is directly due to the "unavailability of land in some areas" (TWK, 2010:26), and the annual report of 2008 highlights the need to "manage land occupations and the rapid development of informal human settlements" (TWK, 2019b:7). Two issues become apparent, i.e., an alleged lack of suitable land for housing, and municipal land that is available is being invaded. The following table depicts the housing demand against the rate of delivery from 2009 to 2019. The Annual Report of 2020–21 did not report the latest housing backlog or any deliveries.

*Figure 5: TWK housing deliver vs housing demand 2010 - 2020*
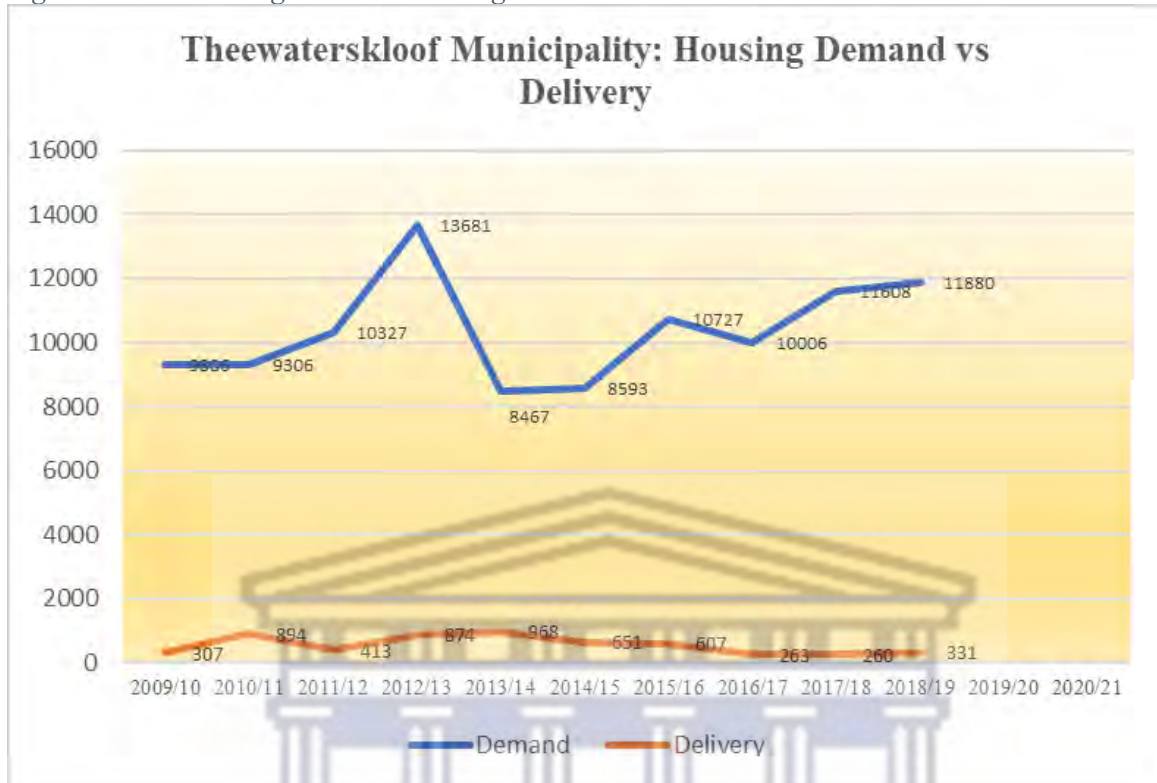


(Source: Theewaterskloof Municipality Annual Reports 2009/10 – 2020/21)

Immediately, it is noted that there is a vast disjuncture between the housing demand and the rate of delivery. While housing demand is on the rise, it appears that housing delivery is on the decline. To meet the current housing demand, that is, report 11, 880, the municipality needs to create at least 2,300 "opportunities" over a five-year period. This is an unlikely scenario, as the average rate of delivery is +/- 550 opportunities, which includes the serviced sites created during the upgrading of informal settlements. At this rate of delivery and without considering any increase in the housing demand database, it will take the municipality at least 21 years to address the current housing backlog. The annual reports for 2018–19, 2019–20, and 2020–21 all indicate that there is a need to urgently review the housing pipeline projects to align with the infrastructure growth plan of the municipality and to speak to the reality of needs within the communities.

To track the progress made in terms of the SDF and IDP, the municipality is required by the Municipal Systems Act 2000 (Act 32 of 2000) to publish an annual report. The Annual Report Guideline places a strong emphasis on the accurate completion of non-financial information, i.e., performance information, as a measure to demonstrate "accountability, effectiveness, and efficiency" and to improve "public confidence and trust." (SA. National Treasury, 2007:4) through reviewing the annual reports, it is noted that there are any reporting gaps and errors or misstatements, especially as it pertains to the housing backlog.

For the period between 2010 and 2020 housing development in Villiersdorp has been slow. During this time 70 housing units was constructed, and 100 informal households was given improved access to municipal services. There was also a few electrification projects and the necessary upgrades to municipal bulk infrastructure. Between 2015 and 2018 no data is provided on delivery in Villiersdorp. It is surmised that there are efforts from the municipality to address the growing housing demand but that it is highly inefficient and slow. However, data gaps were encountered in reading the annual reports. Furthermore, the efforts appear to be reliant on the grants received from the national and provincial governments and are primarily focused on the delivery of houses as opposed to the upgrading of informal settlements.

The Annual Reports make no mention of specific farm worker housing projects or upgrading of informal settlement projects linked to the specific housing program. Since the municipal area is primarily farming and agriculture, it is also necessary to report on efforts that involve this industry in the context of housing. No such content could be traced in the annual reports. It is evident that there is a definitive upward trend in the number of informal settlement structures reported; however, it is also likely that the totals reported in the annual reports are incorrect.

## 3.4    Informal settlements: Profiles

All the eight (8) known informal settlements are located towards the west of the main town, sloped against the mountainous area.  According to the municipality in 2019 there was 2,356 informal structures collectively, in 2020 the structure count was 2628 and in 2022 there were a reported 2923 informal structures. The numbers keep increasing. No public transport plans exist for the informal settlements in Villiersdorp. Public transport in the area is limited to taxi services. Many busses however transport learners from the primary- as well as the secondary school to areas outside Villiersdorp. A bus service also operates over weekends, transporting residents to Worcester. Water and other services are not reliable, undersupplied or not provided at all in the case of three settlements (see table below).

*Table 4: Villiersdorp Informal Settlement Profiles*

| Informal Settlement | Age of settlement | Structure count | Basic Services | Electricity | Names on Housing Database |
|---|---|---|---|---|---|
| 1.    Poekom | Age: 25 | 419 | Waterpoints: 14 | Yes | 294 |
| | Established: 1998 | | Toilets: 48 | | |
| 2.    Enkanini | Age:10 | 719 | Waterpoints: Nil | No | 138 |
| | Established: 2013 | | Toilets: Nil | | |
| 3.    Goniwe Park | Age: 34 | 610 | Waterpoints: 32 | Yes | 452 |
| | Established: 1989 | | Toilets: 109 | | |
| 4.    West Side | Age: 23 | 303 | Waterpoints: 56 | Yes | 217 |
| | Established: 2000 | | Toilets: 29 | | |
| 5.    Lower West Side | Age: 12 | 261 | Waterpoints: Nil | No | 206 |
| | Established: 2011 | | Toilets: Nil | | |
| 6.    Protea Heights | Age: 11 | 1186 | Waterpoints: 161 | Yes | 858 |
| | Established: 2012 | | Toilets: 69 | | |
| 7.    Berg-en-Dal | Age: 11 | 240 | Waterpoints: 119 | Yes | 169 |
| | Established: 2012 | | Toilets: 57 | | |
| 8.    Des Wes | Age: 9 | 478 | Waterpoints: Nil | No | 289 |
| | Established: 2014 | | Toilets: Nil | | |
| Total Number of structures | | 4216 | | | 2623 |

**Poekom**

Poekom was established in the late 1990's and second oldest informal settlement in Villiersdorp. Earmarked as an upgrading project, it has been re-considered as blocked since it is too densely populated to send in construction teams. The area according to municipal sources must first be unblocked (de-densified) through a "decanting" strategy to make it safe to commence with upgrading construction and install the bulk services to formalise the area. The first Phase of the planned "Destiny project" will focus on decanting people from Poekom.

*Picture 1: Poekom informal settlement*



*Picture 2: Locality map Poekom*



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**Enkanini**

Enkanini is a unique informal settlement, developing up the slopes of the mountains east of Villiersdorp.

*Picture 3: Locality map Enkanini*



Due to the steep slopes and rugged terrain, TWK maintains that it will not be able to provide services to this community. For this reason, no interim interventions are possible. Although relocation is an option, most of the people staying in Enkanini are foreigners – mainly from Lesotho. The occupants, primarily foreigners prefer the mountainous slopes as it mimics their country of origin.

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*Picture 4: Enkanini informal settlement*

Even though Enkanini is somewhat contained by physical or geographical barriers, unique building style has proven that this development can indeed develop further up the mountain slopes. Further development is therefore likely. A major challenge for the municipality is that lack of co-operation by the foreign nationals in this settlement. Since many of them are undocumented they are reluctant to offer personal details or take part in enumeration.

The community of Enkanini has no access to running water. The settlement makes use of communal taps within nearby settlements such as West side and Goniwe informal settlements for water.

The municipality sees the area as a land "occupation".

**Goniwe Park**

Established in 1989 as a result of the growing agricultural sector in the town. Goniwe Park is the oldest informal settlement in Villiersdorp.

*Picture 5: Locality Map Goniwe Park*
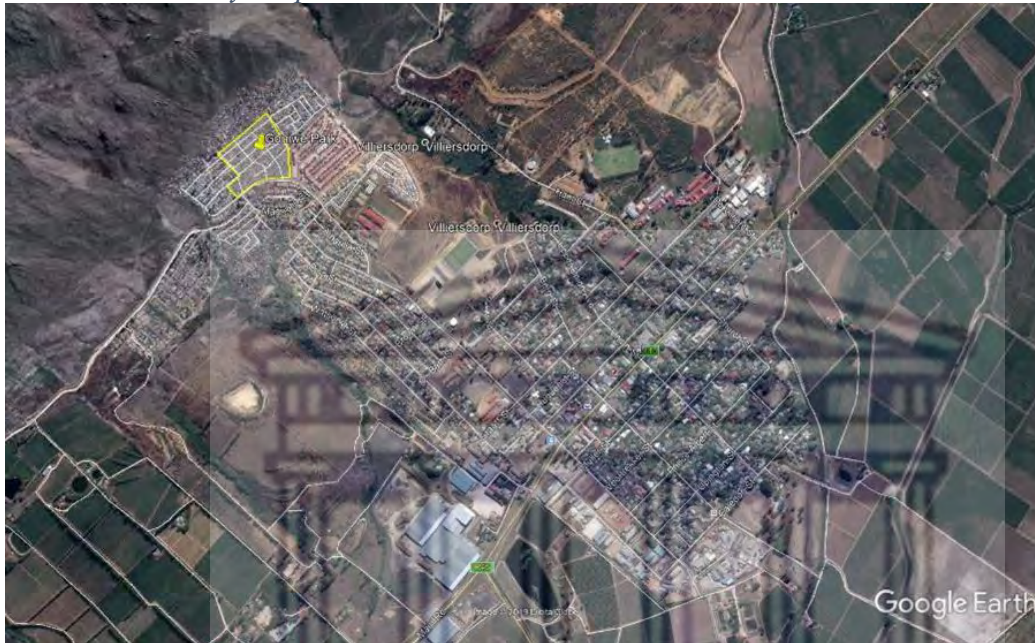


Charlene Houston working for DAG in the early 1990s wrote a booklet based on fieldwork in Goniwe Park. I quote her work below.

> A SANCO branch was formed in 1990 when the Villiersdorp civic formalised its links with civics throughout the region. The Villiersdorp municipality, like other local authorities at the time, refused to negotiate with them. They resorted to mass action in the form of a defiance campaign. This was in keeping with the mood of SANCO branches around the country who were using confrontation and boycotts as a means of achieving better living conditions. During this time the civic experienced the highest level of participation from its members. The wives of the migrant workers would squat in bushes near the hostels until they were arrested. Upon their release they returned to squat again. The police had the active support of farmers and business people who assisted in destroying shacks. In 1992, after a long struggle with the municipality and white residents, African people won the right to settle on land which became an informal (squatter) settlement known as Goniwe Park. Coloured people who had lived for years in the council-owned houses also won the right to purchase these dwellings, thereby, securing their tenure. The civic catapulted into the driving seat of change in Villiersdorp. These critical victories guaranteed the civic's support in Nuwedorp and Goniwe Park…. One of the leaders commented that the civic had become "a powerful organisation that fought for the right to live here, in what used to be a place for whites only". (Houston 1999)

Goniwe Park, is the oldest informal settlement in Villiersdorp with an estimated 610 shacks, and alarmingly even today has very poor levels of access to basic services. By 2010, the settlement further expanded with the influx of mainly Zimbabwean migrant laborers. Goniwe Park has two small streams which run through the centre of the settlement.

*Figure 6: Watercourse Goniwe Park*



*Picture 6: Goniwe Park shacks*

In addition, the settlement is also located adjacent to an environmentally protected area. In this sense, special precautions will have to be implemented if the settlement is to be upgraded in order to mitigate the adverse effects on the bordering protected environment as well as the river and river buffer areas.

**West Side**

The West Side informal settlement received an approval in 2016 for the Planning (tranche 1.1 and 1.2) of the Upgrading of the Informal Settlement (UISP stages 1 and 2) for 153 sites. The project cannot be implemented as the settlement is too dense and must be moved to Destiny before implementation and back once completed. In addition, a watercourse (mountain stream) that flows past the eastern boundary of Westside has been heavily impacted by the informal settlements and its path is difficult to discern.



*Picture 7: West Side informal settlement*

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*Picture 8: Locality map West Side*



**Lower West Side**

Lower Westside is located approximately 1,3 kilometres from the main economic corridor of Villiersdorp where various economic opportunities exist. Like all the other informal settlements there are however no major economic opportunities existing in close proximity to the area.



*Picture 9: Lower West Side informal settlement*

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Apart from being at risk the site location is within a major overhead high voltage electrical servitude of ESKOM and furthermore the specific location cannot be serviced with basic services due to the natural topography of the site. A few spaza shops and a liquor store are the only businesses currently operating in the area. The informal settlement is also in a 15-meter radius of the storm water channel has agreed to relocate.

**Protea Heights**

Protea Heights is being developed as a formal housing site that will benefit many people in Villiersdorp. It is important to note that, although the Protea Heights site is currently being developed, not all the people currently living in Protea Heights will be beneficiaries of serviced sites.

*Picture 10: Locality map Protea Heights*

Protea heights is considered the TRA site as it is the furthest point of the Destiny project area and does not easy access to bulk hence the reason for the conservancy tanks. Taking cognisance of the fact that the site is contained by physical or geographic barriers.

**Berg en Dal**

*Picture 11: Locality map Berg en Dal*



Berg en Dal is located near a wetland and within a Critical Biodiversity Area. The following pictures illustrates the locality of this informal settlement in the context of these constraints.

*Figure 7: Environmental constraints Berg en Dal*
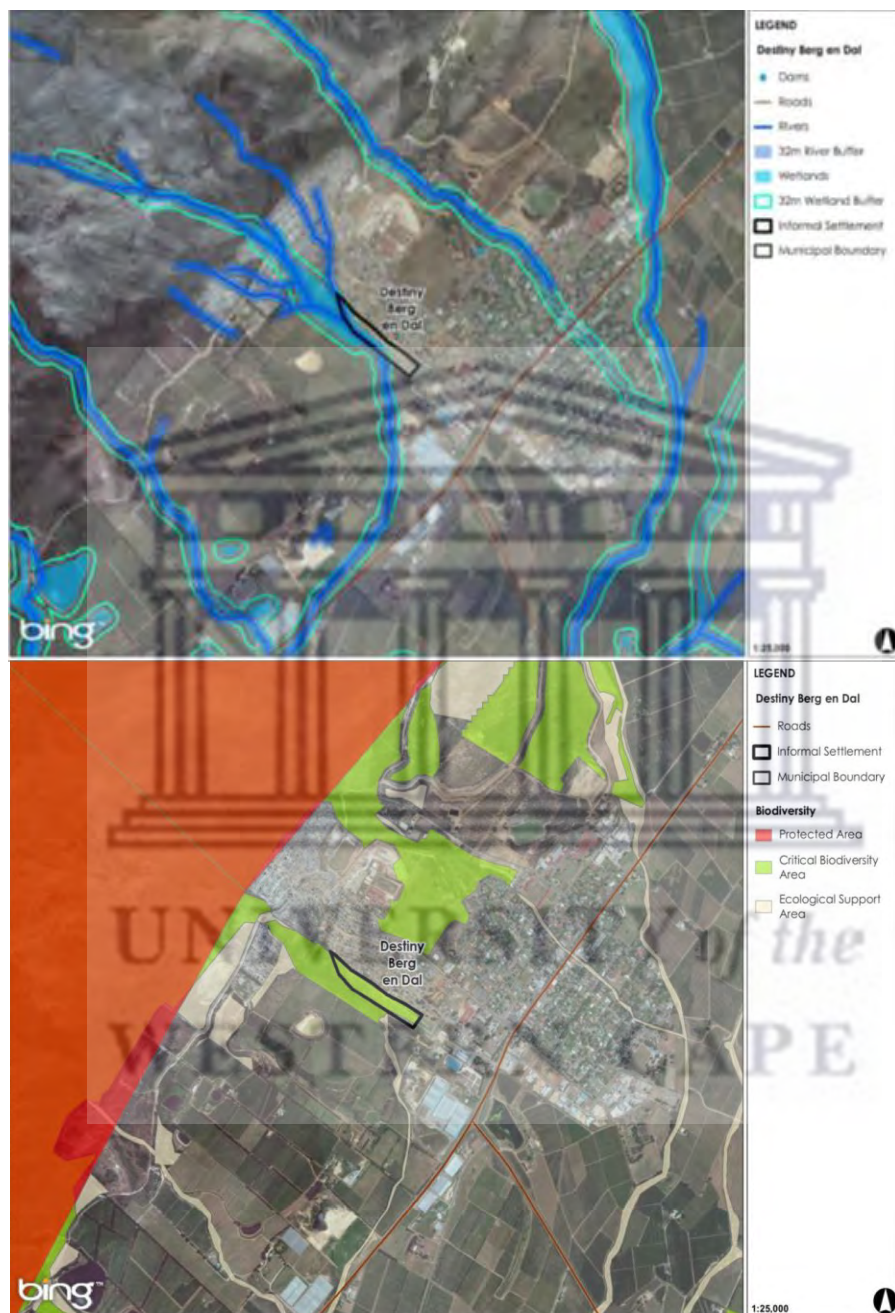


This community has one-on-one electrification and was identified for a formal housing project as reported in the Municipal, SDF of 2012.

It is still an informal settlement today, although the level of basic services has been improved. The settlement is also adjacent to the intended Destiny housing development site and has been steadily encroaching on this project site.

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*Picture 12: Berg en Dal informal settlement*



Berg-en-Dal is the most formalised informal settlement in Villiersdorp with clear gravel roads and blocked structures allowing for emergency access.

**Des Wes**

Des Wes is the youngest informal settlement in Villiersdorp and is situated in an environmentally sensitive area. It is required that the population relocate elsewhere, however, no provisions have been made for relocation thus far. The settlement no real internal roads. All roads are unplanned, to such an extent that they are inaccessible, especially for emergency vehicles. There is also no storm water drainage system present within the settlement.

The "shortage" of suitable land, shirking budgets, bulk infrastructure constraints, and high levels of poverty are identified as the key challenges that place limitations on the municipal capacity to deliver low-cost housing (TWK, 2012b). Notably, key strategic inventions such as densification, increased provision of serviced sites and basic services, new rental housing, and beneficiary involvement in housing projects are identified.

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In addition, the Upgrading of Informal Settlements Program (UISP), which is at the forefront of the national housing agenda, is not central to the inventions to address the housing issue. In this context, the 2012–17 IDP promises the delivery of 1 000 houses and delivered only 770 serviced sites in terms of UISP over a period of five years (TWK, 2012b:93).

In the context of alignment to national and provincial priorities as well as inter-government planning, it is recognized that there is a "need to improve joint planning and financing across government spheres to deal with creating liveable neighbourhoods and informal settlements" (TWK, 2012b: 114). However, the 2012–2017 IDP documents seem contradictory since they specifically state that the municipality sees communities as part of the solution to addressing sustainable housing solutions, yet mention is made of the "eradication of informal settlements and alternative housing for the farm worker," which creates the perception that there is no tolerance or embrace for informality and that poor communities are seen as problematic (TWK, 2012b:2).

In 2012, it was noted that for all the informal settlements in the municipality, except for one (1), "in-situ" upgrading was planned (TWK, 2012b:32). This again gives the impression that there is an understanding by the municipality that these areas are to remain and need to be planned for in terms of incremental upgrading in line with the UISP principles. The 2017–2021 IDP documents specifically emphasize that the accelerated "provision and implementation of serviced sites" is a key focus for creating sustainable human settlements (TWK, 2017a: 136) and highlight that housing must be approached in a phased or incremental way (TWK, 2017a: 136). Through this, a central tenant of the IDP is the basic sanitation program, which speaks to the growing demand within informal settlements. This approach also allows the municipality to make provision for the necessary bulk services and infrastructure while communities wait in a more dignified way.

In contrast to the 2012–2017 IDP, the 2017–2021 IDP is more specific in its intent in terms of managing the informal settlements and identifies 20 informal settlements across the TWK municipality. Significantly, it is noted that eight (8) informal settlements were recorded in Villiersdorp (see Table 5). This means that between 2012 and 2017, four (4) new informal settlements were established in the town.

It is easy to infer that there is a massive disjuncture between the number of planned opportunities and the existing demand. Furthermore, considering the growth that occurs due to ongoing in-migration, it is likely that the demand is much higher.

## 3.5 Intended housing development

In the Annual Report of 2019/20, it is reported that the current housing pipeline of projects was established in 2015 (TWK, 2020). This was more than five years ago, and in the context of the growth observed in informal settlements, it will be critical to reaffirm the pipeline project to establish its relevance. It is noted that a "credible pipeline speaks to the availability of funding, the provision and rollout of bulk infrastructure, alignment to socioeconomic opportunities, schooling, and healthcare, as well as feasibility" (TWK, 2020:144). Though the need for housing will almost always exceed the rate of delivery of opportunities, it is also true that planning is being outpaced by demand, especially when plans are deviated to deal with land occupations and the need for basic services.

In reference to the identified mixed-use development, Destiny Farm, the SDF of 2019 indicates that an anticipated 2,305 housing opportunities will be created. It is not specified what type of "opportunities" this will be, but it is understood that this project is planned on a large piece of vacant land and would thus not be an upgrading project. Again, in the annual report for 2019–20, it is stated that "this project is in an advanced stage of planning, and a certain portion is implementation-ready. The primary delay in spending has been that the implementation application is undergoing scrutiny with respect to cost, engineering, and designs. This is part of an important step before implementation can be operationalized" (TWK, 2019b:153). Even when considering this project, in the context of the existing housing demand of 3,198, it is evident that the housing pipeline falls short of addressing the total demand.

According to municipal reports this 25 hectares of land was purchased by the TWK municipality from a private landowner in 2012 for R5 million rand. Topographically, most of the area is characterized by moderately steep grounds that implies it will require terracing that is very expensive to develop. There are many contradictions in municipal reports about this development reportedly to first yield +2300 housing opportunities and then later reduced to +/- 2000 opportunities. In summary, 2015 the Theewaterskloof Municipality procured the services of Asla

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Construction (Pty) Ltd. as Turnkey Housing Implementing Agent for the Villiersdorp projects. Since the appointment of Asla the following has been achieved;      EIA Approval – 15/08/2017 (expiring 2022),         LUPA   Approval  –  February  2019,  Water  Licence  –  05/02/2019  and Access road  agreements – land swap transaction – 2018.

*Picture  13: Locality map Destiny farm development*

Between 2014 and 2019, R 67 million of MIG funding was spent on a portion of the bulk infrastructure for the Destiny development. In the same year, the council approved and made available R2.8 million for the mechanical and electrical components of the sewer pump station; these funds remain on the municipal budget and unspent. The funds have been rolling over since 2019. In 2021 the Provincial Department of Human Settlements approved the implementation of Berg and Dal for the in situ upgrade for 164 sites. These funds cannot be spent due to the incomplete bulk infrastructure and as the pump station must first be implemented. In early 2021 the Provincial Department of Human Settlements approved the Destiny project for implementation. The site to date has still not been developed and even should it be developed; it will not resolve the housing backlog of the town that is well over 4000.

## 3.6    Chapter summary

This chapter focused on contextualizing the study area through a review of documents such as municipal reports, spatial development plans, and other relevant documents. Through analysing these documents, the chapter provides an overview of history, socio-economic activities, and population size. It concludes that the housing need in the town of Villiersdorp has struggled to be met, not only due to the locality of the town but also because of the low delivery of housing opportunities versus the high demand. In the next chapter, a deeper analysis is formed by juxtaposing the context of Villiersdorp with the UISP policy trajectories of the government. In the case of Villiersdorp it shows that at a municipal leave there is an evidential lack of coherent planning in infrastructure planning. Furthermore, planning lacks and lags behind  and is seemingly detached from the lived realities of those in the informal settlements.

# Chapter 4: Indigenous Place Narratives: Displacement, Dispossession, and Elimination

## 4.1 Introduction

Having provided as description of Villiersdorp in the previous chapter and noted the severe issues around land and housing we unpack what might be seen as "an *indigenous*, anti-colonial perspective" on land injustices and, by extension, housing issues in the region with particular emphasis on the rural areas of the Western Cape and the Hottentots Holland area today called by names such as Villiersdorp, Grabouw, Elgin, etc. The term "indigenous" is highly contested and here loosely refers to all dispossessed and oppressed people whose origins are in Africa and who have suffered because they were designated "non-European" or as slaves. These groups migrated across the continent since there were no hard borders, some were brought to the continent as slaves. Their histories seem to have increased salience for current debates on land uses, restoring dignity and justice, and claims about "ownership", labour and citizenship.

"Land ownership" itself is a foreign word and concept not possible in traditional Africa since land was itself a community. Today land reform, access to water and nature are linked with far-reaching social and housing issues are both emotive and complex issues. This is not unique to South Africa but all settler-colonial societies; as in New Zealand, Canada, and Australia, there is increasing recognition of the blind spot and erasure of indigenous peoples (Thompson, 2008). In the case of Villiersdorp, these issues I have suggested play out dramatically in land occupations and the like. While for the indigenous and oppressed people, land restitution can be critical to make up for past injustices and "build up an identity in relation to place," it is often not the full solution to "the current marginalization" (Koot and Buscher, 2019:3). The 1994 Land Restitution Act, however, does not address land dispossession prior to 1913, any Khoisan or other claims to the land that was taken from them prior before 1913 have not been considered (Van Wyk, 2016).

In this context, the Khoi and San in the area called the Cape are discussed, as are the perceptions of dispossession that have followed since 1652. The chapter starts with a brief narration of the pre-colonial period. A brief literature review gives context to land rights in South Africa, with a focus on the country's legislative urban history of racial segregation and inequality that is rooted in the colonial practices brought by the Dutch and later the British imperialists, and finally an argument for the intrinsic link between land and housing debates in contemporary South Africa. The chapter ends with an oral perspective (based on my recent interview) on "the history of land" by a Khoi Khoi Chief of the Chainouquas of the Soewas Clan, Kenneth Hoffman. This view is relevant to a better understanding of the rich and complex nature of contemporary land and housing in this region.

## 4.2 The pre-colonial narrative

Human beings were, as Giliomee and Mbenga (2007:14) argue, all dark-skinned, and Southern Africa has many traces of human evolution stretching back 2 million years (see Sterkfontein caves) and at Humansdorp, where evidence of hand tools and "modern humans" dating back 120 000 years was found. In fact, Africa is said to be the cradle of humankind. According to Jarah (2017:5), archaeological evidence indicates that "modern humans have lived in "South Africa" for over 100 000 years and that the Khoisan are probably the descendants of the Late Stone Age Peoples".

The pre-colonial history of South Africa is not well documented. Most history books start with the voyages of "discovery" with the Portuguese rounding the Cape of Good Hope in 1497–1498 and then detail the arrival of the Dutch and British occupation of Southern Africa since 1652 (Thompson, 2008). It is as if there were no people of history in South Africa before this, consistent with how Europeans regard Africans as "tribal" and the land as a tabula rasa requiring civilization and conversion into commercial property. South African History Online reports that the "Empty or Vacant Land Theory" is a theory that was propagated by European settlers in nineteenth-century South Africa to support their claims to land" (SAHO, 2022).

However, long before the onset of colonization, the land in southern Africa was mostly occupied by the indigenous people known as the Khoi and the San. These communities had, over many centuries, developed social forms, but cultural traditions remained sparse by modern standards (Thompson, 2001). By the 1200's, the Bantu migration had arrived and brought with it more advanced iron age technologies. Later, the Khoi and San adopted the herding of sheep and cattle

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(Giliomee and Mbenga, 2007). According to Thompson (2001:10), different from the San hunter-gatherers and the Khoi pastoralists, the "Bantu occupied semipermanent villages, and their social organizations were stronger and more complex". The Khoi were concentrated in the southern Cape, and some lived among the Xhosa while smaller groups lived in what is called Namaqualand. In the southern cape lived the Chainouqua, as well as in the Breede Valley and Hessequa.

*Figure 8: Precolonial map South Africa*
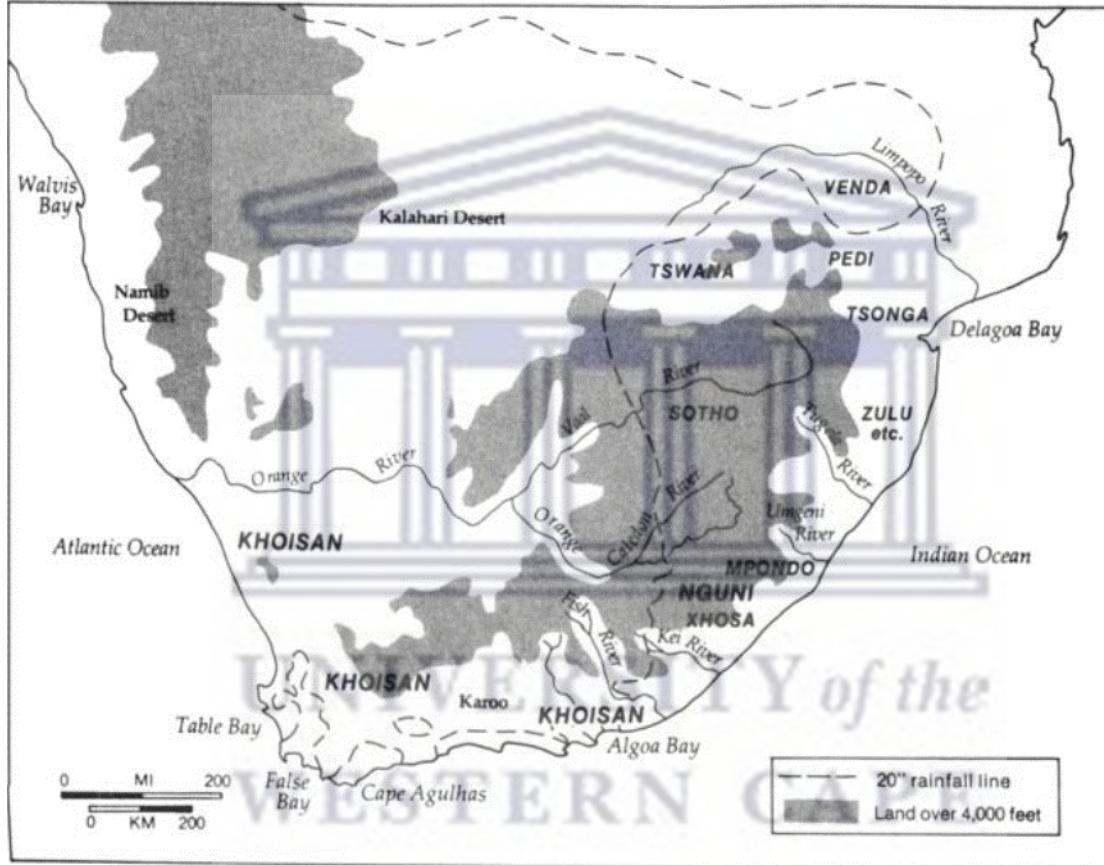


 (Source: Thompson, 2001:3)

"Archaeological evidence shows that the region constituting South Africa was inhabited by San hunters and gatherers at least 10,000 years ago, and between 3,000 and 2,000 years ago, there was contact between the San and Khoi Khoi pastoralists. Khoi Khoi and San peoples are believed to have a common origin and are referred to as 'Khoisan' (Clark and Worger, 2022: 10). Bantu-speaking populations moved into the region between 300 and 1000 CE, although other sources show Bantu-speaking peoples were present in South Africa for some two millennia, as early as 100 CE (Clark and Worger, 2022).

Notable rock art findings, dated to 63,000 years ago, at Stillbaai on the southern Cape Coast confirm symbolic and cultural artifacts that show people had time for artistic endeavors such as painted beads (Giliomee and Mbenga, 2007). The world's oldest artworks were found in Africa, with deep significance for spiritual life. Eland was highly regarded, much like the lamb in Christianity. Most hunter-gatherers in the region spoke a click language; they held deep communal values, so no member could starve as food and water were shared and no one was allowed to eat alone—possibly the higher form of "civilization" compared to the grab it all European perspective. In these systems amongst the indigenous societies, all members of the community had access to and rights to a reasonable share of the land for gazing, agriculture, and other uses (Phuhlisani, 2017).

Thompson states that "there was no concept of individual land ownership" and land was deemed to belong to the community, not to individuals (Thompson, 2001:23). According to Venter (2017), it is safe to assume that pre-colonial Southern Africa (and the rest of Africa) was free from individual land tenure systems and that indigenous tribes had their own local laws related to social hierarchies, occupation, and housing. Cousins and Claassens (2008) elaborate, emphasize the political and social embeddedness of land rights, and sketch a picture of pre-colonial land tenure, when "and tenure was both 'communal' and 'individual' and can be seen as 'a system of complementary interests held simultaneously" and extends on how colonial rule changed it (Cousins and Claassens, 2008:111). This often entailed the colonial state's trying to retain a form of "communal" land tenure that might suit its interests. Property in pre-colonial Africa can thus be said to have been "embedded" in social relationships rather than giving rise to an individual's exclusive claim over it as private property (Cousins and Claassens, 2008:60).

There was a defined hierarchy between tribal chiefs, noblemen, and peasants that "included various forms of slavery, extraction of tributes, fealty, and sharecropping arrangements and also went well beyond chiefs acting as custodians of community interests" (Strauss, 2019:136). Furthermore, according to Strauss (2019), much of these relationships and arrangements continued under colonial occupation and were especially exploited by the colonial administrations to impose the extraction of labour from these tribes, under the watch of the tribal chiefs and leaders. As Mamdani argues in Citizen and Subject, chiefs were observed as customary authorities by their tribes but were still subject to the administrative control of the colonizers (Mamdani, 1996).

Strauss (2019) notes that substantial settlements were established along the southern coast of Africa due to the agricultural and nodal infrastructure along this prominent trading route. According to Thompson (2001: 32), it was "by the end of the sixteenth century that the Dutch, English, French, and Scandinavian" trading ships en route to Asia began to interact with the Khoi pastoralists at the Cape, where they would trade cattle and fresh water for metal and copper. Even before this, in the fourteenth century, the Portuguese had rounded Cape of Good Hope and later encountered the "local inhabitants in Table Bay" (Thompson, 2001:32). It is reported on SA History Online that "Vasco da Gama, who sailed round the Cape all the way to India, stopped and bartered for cattle with the Khoi Khoi on November 26, 1497," and from this point on, "sailors increasingly set up temporary tents along the coast to facilitate trading with the Khoi Khoi." Later, this gave rise to the "outbreak of armed confrontation, either over trade disputes or resources". (SAHO, 2022).

This pre-colonial narrative harmonizes with the view of indigenous tribes and people specifically that of the Khoi Khoi and African groups in South Africa. When the white settlers arrived in South Africa, land was taken through the displacement of these groups and is still owned by the white minority today. Later, the apartheid government used oppressive laws to ensure that the land remained in the hands of the whites. In 2020, the Commission on Restitution of Land Rights reported 7,743 unresolved land claims across South Africa (PMG, 2020). According to Cousins and Claassens (2008), these land claims stem not only from the inherent need for access to sustain livelihoods but also from the intrinsic relationship between land and ethnic identity. Mamdani (1996) argues that the relationship between land and identity was forged under colonialism. The next section discusses the movement of land since the arrival of the first settlers as well as the later apartheid legislation to give context to these sentiments.

Settler colonialism is understood as "the specific formation of colonialism in which the colonizer comes to stay, making himself the sovereign and the arbiter of citizenship, civility, and knowing' (Tuck and Gaztambide-Fernandez, 2013: 73). It is motivated by 'the securing—both obtaining and maintaining—of territory' (Wolfe, 2006: 402), over which sovereignty is asserted through claiming discovery of unused, 'empty' lands and a mission to render the land productive (Wolfe, 2006). The 'organizing grammar' of settler colonialism is race: 'racial regimes encode and reproduce the unequal relationships into which Europeans coerced the populations concerned' (Wolfe, 2006: 387). Indeed, settler colonialism works through 'racial projects that devalue and

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dehumanize "native" populations and provide "ethical" or "legal" arguments for dispossession' (Clarno, 2017: 5).

Following Wolfe's influential formulation, settler colonialism operates through a 'logic of elimination' that assumes 'different modalities' (Wolfe, 2006: 402) that range from massacre to assimilation. Veracini's (2011) concept of 'transfer' complexifies elimination by encompassing myriad means to cleanse the settler polity of the colonized. Through elimination, settler colonialism 'destroys to replace' (Wolfe, 2006: 388). Replacement takes at least two forms. On the one hand, settler colonialism strives to replace indigenous peoples and societies, which is the settler response to a basic reality: the organized presence of other human beings on the land. On the other hand, settler colonialism aims to replace itself with a post-colonial condition, which Veracini is, an imagined time when colonialism is a thing of the past and settler colonies become 'independent nations' that have managed to 'repress, co-opt, and extinguish indigenous alterities' (Veracini, 2011: 3). 'By the end of this trajectory', Veracini argues, settler colonies 'claim to be no longer settler colonial" (2011: 3).

These dual forms of replacement work 'to resolve the uncomfortable and precarious dislocation as usurper and replace the Indigenous people as the natural, historical, rightful, and righteous owners of the land' (Tuck and Gaztambide-Fernandez, 2013: 77). Early settler colonization of southern Africa did more closely resemble 'New World' colonialism as it centered on displacing 'natives' and seizing more land (Clarno, 2017: 25). However, settler colonialism in South Africa differed in important ways from that in Australasia and the Americas. In South Africa, indigenous populations were not demographically annihilated (Beinart and Dubow, 1995: 2).

While settler rulers believed it 'would be a blessed thing for us if the negro like the Red Man tended to die out before us' (Cavanagh, 2017: 294), whites remained a persistent demographic minority, unable to displace indigenous populations. Correspondingly, the 'presence of a small settler minority... gives twentieth-century South Africa a demographic make-up altogether different to that of the other settler societies' (Cavanagh, 2017: 292). Moreover, while the 'New World' colonies relied on immigrant and forcibly migrated enslaved labour, in South Africa, the demographic dominance of Africans would eventually be seen as an opportunity to harness local labour (Beinart and Dubow, 1995: 2).

Wolpe (1972) in a seminal essay argued that racism and the specificity of South African colonialism in the mid- twentieth century were much less about an ideology of the Nationalist Party but rather, a set of institutions set on producing cheap labour power. He suggested that South Africa consisted of two modes of production with a "pre capitalist" rural mode providing a level of subsistence to support workers families. In this way the wages of migrant workers could be kept as low since their families where contained forcibility in Bantustans.

Thus, South African settler colonialism differed from that of the 'New World' colonies because settlers depended on indigenous peoples for labour (Cavanagh, 2017). But South Africa's divergence from 'New World' colonies should not be interpreted to mean that South Africa was simply 'a colony that happened to have settlers in it' (Cavanagh, 2017: 293). Recognizing that 'no two colonies were [or are] exactly alike' (Free, 2018: 876), I suggest thinking in the plural about settler colonialisms that manifest differently across spaces. Cavanagh's (2017) analysis of settler colonialism in South Africa explores both land dispossession and labour exploitation. Similarly, Beinart and Dubow (1995:269) highlight that 'the expropriation of the native from the land was a fundamental objective, but so was proletarianization'.

On the one hand, land dispossession is a "constant, normal strategy of capital accumulation," while, on the other hand, the exploitation of labour, including through violence, is an integral characteristic of capitalism (Clarno, 2017:9). Indeed, dispossession of land and capitalist exploitation should not be treated as mutually exclusive in analyzing settler colonialism; rather, they need to be thought about in concert (Clarno, 2017). Ultimately, in South Africa, the "demand for labour did not replace or diminish the settler colonial demand for land" (Clarno, 2017: 6). I now turn to a brief sketch of settler colonialism in South Africa up until apartheid to illustrate the organizing grammar of race and the land dispossession and labour exploitation of racial capitalism and claims that South Africa is non-racial or post-racial (Ruiters, 2012).

## 4.3    The first occupation - arrival of the Dutch in 1652

Portuguese and Dutch ships had been traveling along the coast of southern Africa since the 1400s; however, European settlement began in 1652 with the Dutch arrival at the Cape of Good Hope and the establishment of a fort operated by the Dutch East India Company (Vereenigde Oostindische Compagnie, or 'VOC'), a commercial enterprise with substantial trade in Asia (Clark and Worger, 2022). Over time, more settlers arrived, and this gave rise to the need for labour. According to Venter (2017:80), the Dutch were not allowed to enslave the local tribes,

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and therefore they "imported slaves from East Africa, Madagascar, Ceylon, Bengal, and the East Indies". These laborers needed accommodation, resulting in the "land occupied by indigenous people (the Khoi and San tribes) being appropriated" (Venter, 2017:80).

During the period which the VOC controlled the Cape, there was a proliferation of new population groupings. Dutch migrants, along with Huguenots escaping persecution from Germany and France, came to settle the Cape. Some offspring of European men and both slaves and Khoisan women were integrated into the settler population, while most were part of the fast-growing' mixed' community. They developed a new language, on which Afrikaans is based, mixing Dutch with Portuguese and Malay. Moreover, another new group called the 'Griqua' developed from the intermingling of escaped slaves and Africans in the interior. Right from the beginning of the colonial encounter, race became a central organizing grammar, with the VOC ordering different populations according to a racial hierarchy that privileged VOC employees and settlers (Clark and Worger, 2022).

In 1795, Britain entered southern Africa. Initially, British colonialism relied on forcibly migrated enslaved labour until the abolition of slavery throughout the British Empire. By the 1830s, aggrieved Dutch settlers, known as Boers (meaning 'farmer' in Dutch), frustrated with British policies (including the loss of enslaved labour), began the 'Great Trek'. The Great Trek saw some 20 percent of the Boer population depart the Cape to the north with the goal of leaving British territory, thus expanding settler expropriation of land. They established the Natalia Republic, Transvaal (later called the South African Republic), and Transorangia (later called the Orange Free State). The British invaded the Natalia Republic and established Natal as a new British colony, which prompted most Boers to flee to the other republics where they would develop a culture and identity in relative isolation, becoming increasingly separated from European metropoles (Clark and Worger, 2022).

The colonists assumed that the language of ownership was universally applicable and assumed that the concept of "ownership" was applicable only to "civilized" societies. The "property gaze" intrinsic to imperialism and colonial administration and even "whiteness" with its "possessive individualism" also "assumed that land must have an owner, even where rights had never been defined" (Du Plessis 2011). The modern European concept and practice of land as a commodity with fences and title deeds did not exist in Africa. Instead, as Du Plessis (2011: 45) points out,

The concept of "ownership" was therefore limited in pre-colonial South Africa and more often embedded in status relationships. Put differently, African indigenous law in property was more concerned with people's obligations towards one another in respect of property than with the rights of people in property. The relationships between people were more important than an individual's ability to assert his or her interest in property against the world. Entitlements to property were more in the form of obligations resulting from family relationships than a means to exclude people from the use of certain property. … Cattle were most valued and often used in ceremonies and celebrations to establish or re-confirm social relations. Despite the exchange of cattle and other products, there were no regular traders or marketplaces. Material possessions had more social and ritual importance than economic value.

In an interview with Afro Worldview, Khoisan Community leader Ruben Headman explained that land and the culture of its people were taken by the colonialists from the indigenous people of South Africa by force for centuries and that this sad history has still not been restored (Online Media TV, 2018). The Khoi and the San had a very deep spiritual connection to the land, taking only what was needed for survival, and upon the arrival of the Dutch, this changed almost immediately. According to Guelke and Shell (1983), the independent livelihoods of the Khoi and the San people became increasingly fragile as some became workers for the colonists, while many fled into the hinterland to escape European germs. Furthermore, the colonialists had firearms and horses that enabled them to hold and defend lands taken from the Khoi.

In a Heritage Scoping prepared by Gibb, it was reported that the Overberg region was frequented by the Khoekhoen herders, as evidenced by several rock paintings and engravings that can be found throughout the region, the Hemel and Aarde Valleys, and Caledon. The Khoisan people used the land to graze their cattle and had a small impact on the wildlife; however, when the Europeans arrived, the clans fragmented and ended up working for the farmers (Du Plessis, 2011). It is noted that the area has been primarily subject to European settlement since the 1700s. The late settlement is owing to the fact that the area was difficult to access via the Hottentots Holland Mountain, and it was only in 1727 that explosives were used to lay a road over the mountain (Du Plessis, 2011), since the VOC recognized the great capital potential of the vast forest in the area.

## 4.4    Oral indigenous perspective

The following text is based on an interview with Chief Hoffman of the Chainouquas of the Soewas Clan conducted on September 11, 2022. He reflects on the history of the Khoi Khoi and the Khoisan people as informed by oral history passed down to him from elders in his clan. He also contextualises the land claims and occupations by some of the indigenous peoples of South Africa and advances his perspective on resolving some of the complex issues related to land, people, identity, and the housing crisis. The Chief references 1633, when Wagenaar was the ComM&Er at the Cape and Soewas was the chief of their tribe. According to information passed down to him, it was in 1657 that they first had contact with the Vryburgers at the Cape. Then, a few months later, a few representatives of the clan were sent to visit the fort and exchange cattle.

The Chief agrees that long before the arrival of the Dutch and the British, the Khoi had many conflicts with the passing Portuguese. They often traded fresh water and other resources with them, but conflict quickly arose as the true intentions of the Portuguese were revealed when they attempted to occupy the Cape. The locals chased them.

Chief Hoffmann states that when the Dutch arrived, they slowly infiltrated the local tribes by trying to buy favor with them, so many visited the Dutch and exchanged "silly" things such as trinkets and necklaces. According to the Chief in 1658, there were more visits by the "opperhoof" named to invite the blankes," who finally came in 1660 under the leadership of Jan Sacharies. Chief Hoffman reflects that it was soon realized that there was "dubblesinnigheid" in this as the "blankes" were not interested in trade but had other motives. According to witnesses at the time, the chief of the Chainouquas had "opperheerskappy" over all of the Ginakwa Kingdom (Cape Town) and the other tribes; the title for the chief at the time was Khoeque," which means den oppersten van alle coningen ende lantsheeren," and all the other tribes had to and did respect this order.

Sousoa, or sometimes referred to as Soewas, was the Khoeque of the Chainouquas, and his son's name was Goeboe, which would stand in for his father when needed. They discerned between chiefs (opperhoof) by the fact that they wore leopard skin as opposed to kudu or springbok velletjies that were worn by the rest of the tribe. The Chief mentions that the Strandlopers (whom they consider abrasive and low-class) obeyed orders from Chainouquas.

Later years, Choro, the chief of the Garachouquas, and Gonnema of the Cochoquas tribe fought with each other (it's not clear why they could be over territory, which is indicative that even then there was strife over land), and it was only on the intervention of the Chainouquas that they resolved and stood back, which according to him is evidence of the high standing of his tribe. The Chief mentions that the Chiefs at the time were very naïve and believed that the Dutch had some good intentions, although their own people (indigenous) were being hunted like animals and kept for labour. He adds that some chief was in the pockets of the Dutch with wine and promised riches.

According to the tribe, in 1672, the Hotentots of Holland bought land from the Chainouquas (not clear where) through negotiations with an opperhoof called Cuijper, who then replaced Goeboe. Cuijper was instrumental in representing the Chainouquas and may have followed him. It was also mentioned that Cuiper was married to a "kaffer" woman; they had a son called Dhouw or Dorha, also sometimes called Klaas. Klaas later (1686) was a trusted person by the Kompanje and Kaapse governors and was wealthy. Chief Hoffman mentions that it is well known in the Khoi tribes that Klaas was a dishonest person, selling members of his tribe for labour.

The Chief says that there was the exchange of fruit, cattle, specifically sheep, and even people with the Hollanders; this is significant in that he explains there were no sheep in Cape Town, so the Chainouquas was instrumental in bringing sheep to the region. However, one of the kapteins in the Chainouquas, named Koopman, disliked Klaas, worked behind his back to make him unpopular with some Hollanders, and made their own dealings. Eventually, in 1692, there was a serious break in the trust relationship between Klaas and the Hollanders, and this led to Klaas refusing to enter into further trade. As a result, Coopman used the situation to his advantage, telling the Hollanders that Klaas was not honorable and that he was in fact doing dealings behind their backs, and in 1693, he took over.

Chief Hoffman reflects that almost immediately Coopman requested the Hollanders to send 100 soldiers and 100 Vryburgers to help in capturing Klaas and his followers' prisoners under the leadership of Kaptein Padt. The prisoners were taken to the castle in Cape Town and later to Robben Eiland. According to Chief Hoffman, this is evidence that between 1633 and 1692, the Chainouquas broke into 2 to 3 tribes; enemy tribes spread over Bergrivier, Breederivier, Riviersonderend, and Swellendam, all rich with cattle. He also mentions Valsbaai.

According to Chief Hoffman, it is unclear how and where exactly the border between the herding grounds of the Cochoquas and Chainouquas was, but somewhere in 1600 there was an incident between the two tribes at the Eersterivier, and it is believed that this could have been the border. The Chainouquas are thus in disagreement that, according to the map drawn by Schapera," they were only in the Koue Bokkeveld and parts of what are today called Piketberg; they were all over the Cape.

Chief Hoffman stated that according to their history, a great part of their tribe is today scattered over Grabouw, Caledon, Hermanus, Standford, Bredasdorp, Breerivier, etc. It is thought that the Kraal of Sousa "Soewas" was at Knoflocks Coraal River (Knoflokskraal). Taken together, this suggests that the "landpale" of this tribe stretches from Hottents-Hollands in the west to Breerivier in the east, and from the south to the mountains and coast of the north.

In terms of the relationship between the Chainouquas and the blankes," it was initially very friendly due to the cattle exchanges, etc., made easy by Sousa. There was peace between them, but it was the struggle between Claas and Coopman that soured this relationship later in the years. When the governors wanted to extend the Cape Colony in the late 1600's, they approached the Chainouquas first to buy land (he can't say where exactly), and it was these types of transactions that pushed the tribe inland.

Chief Hoffman claims that tribes up to the late 1700s played a pivotal role in the Kompanjie, and then in the 1800s, almost disappearing from records is evidence of their displacement, as the land was later not bought but taken. The Chief adds that the Khoi Khoi were inherently not people that enjoyed confrontation, so as the colonizers occupied more and more land, they only became displaced. He adds that they would not have been able to defend territory against weapons and their numbers. According to the Chief, this displacement is the reason why there is so much unhappiness today and also because there is so little recognition for the Khoi Khoi and the San as the first people of South Africa. Chief Hoffman reflects that if the indigenous peoples were given recognition and had a place that they could call a "homeland," it would settle some of the grievances, yet the government is slow to take action.

The Chief maintains that the Khoi and the San people and their descendants are the rightful and only landowners in South Africa. According to the Chief, the recent mass-scale land occupation at Knoflockskraal in Grabouw, Theewaterskloof, is not a 'land occupation' but rather reclaiming their land. He advanced that it is long overdue that Khoi people take back what belongs to them since the government has been slow to act while the clans are dying out. He added that although there is also a lot of fighting among the many tribes, they all agree that the reclaiming of the land has evoked a strong sense of belonging and restitution. He says it was long overdue, and more will soon follow.

Chief Hoffman did not want to elaborate on the infighting amongst the Khoi tribes.

The Chief explained that the only way for the housing crisis to be resolved is to give people land. He is of the opinion that the government should focus more efforts on providing land with services and allowing indigenous people to become self-reliant. According to the Chief Minister, the government should be an 'enabler and support to people' and not assume that 'everyone wants everything for free' as people can and know how to 'work the land.

The account provided by Chief Hoffman is reflective of the indigenous narrative of the Khoi and the San people. On their account, the whole of the Cape was their home, and they had a deep connection to the land. Although there was strife amongst them, they mostly worked in unison to ensure that they lived off the land and gave back what they took from it. It is highly likely that if the colonizers never arrived over time, the tribes would have become more advanced in their technologies, would have occupied land on a more permanent basis, and would have established well-functioning settlements. They knew how to work the land, so they would have been farmers and owned the land. Unfortunately, popular narratives still say that Africa was uncivilized and that the colonizers brought advancement.

Van Wyk (2016) noted the ANC has accepted the historical role of the Khoisan: in the opening ceremony of the National Khoisan Consultative Conference in March 2001, then-Deputy President Jacob Zuma declared it a "defining moment in the history of our country in general, and that of the Khoisan people in particular – the first indigenous people of our country." He expanded to explain that (Office of the Presidency, 2001):

> This conference is also a powerful demonstration of the enduring strength of the Khoisan people. It was, after all, the Khoi-Khoi in the Cape who waged the first wars of resistance against the colonial onslaught of the seventeenth Century. It is of historical significance that the descendants of those who were cruelly victimised, repressed, exploited, driven from their homes and suffered worse injustices and inhuman treatment, are today joining together to participate in building a better and stronger South African nation (Van Wyk, 2016: 42).

## 4.5   Chapter summary

This chapter relates perfectly to the narrative that "land dispossession during the colonial and apartheid periods is at the root of the poverty, inequality, and vulnerability of black South Africans to this day, which manifests in many dimensions, including housing" (Okem et al., 2019: 29). It is evidenced through history that South Africa has a complex and struggling past. When the Union of South Africa was established in 1910, the white population owed at least 75% of the land and had complete control over the Black population, which was the majority. At this point, segregation was already deeply embedded in social, economic, and political policies. While many will argue that the legislative frameworks developed by the ANC in 1994 have done little to correct entrenched equalities and segregation, however, it must also be considered that such practices have a history spanning at least four centuries and will most likely take centuries to undo. With this said, it is surmised that such deeply rooted exclusion and discrimination do require coherent holistic strategies that are not just focused on fixing a part of the problem or superficial symptoms.

# Chapter 5: Farmers and the land and housing question

## 5.1   Introduction

To address the issues brought up by the research on policy silences, this chapter provides a view of the political economy of land with a focus on farmers, labour and land. This chapter will describe how the municipality has operated with invented categories such as land scarcity etc when there is clearly an abundance of land. What is at stake is who values it and who controls it and how such ownership arose and issues of justice (Ruiters, 2001). The link between the economic interests of farmers as landowners and housing is demonstrated in this chapter.

The political economy of the farmer is a vital part of understanding the driving forces of the homelessness in the town. New ways of obtaining and reproducing labour especially for local framers are central to this dynamic.  The town of Villiersdorp is known historically for its farming and agricultural activities. Where labour previously lived on farms (housed by farmers under paternalistic racist system) as since 1994 migratory and seasonal workers converge on the area during fruit picking, packing and processing season in search of work opportunities. Farmers need this labour but do not want these workers housed on their land as in their view they become a burden and difficult to get rid of once the season is over and/or work is in lower supply.  New labour laws and democracy since 1994 have made farmers weary of the demands from farmworkers.

In Limpopo Province in 1999, 900 South Africa workers were sacked, and the farmer trucked Zimbabweans in to replace them. "South African workers do not want to work". It is argued that South African "people ask for exorbitant amounts just to pick tomatoes," But Edward Lahiff says South African workers simply were insisting on their rights - a decent wage. "The farmers are pitching their wages so low – between R5 and R9 a day – because they know they can get Zimbabwean labour. Such a wage only came about with the large pool of unemployed labour that this agreement made available. It is not a market wage. These farmers are producing oranges for export. Now that South African workers have rights, the farmers are saying `We want to keep the old system by using a super-exploited labour pool from Zimbabwe,'" (https://mg.co.za/article/1999-02-12-sowing-the-seeds-of-xenophobia/)

In the farming areas of Cederberg in the Western Cape, "not only did producers in the area make extensive use of labour brokers, but they also employed many external migrants, unambiguously from Lesotho. As Visser's ILO study reports "the preference of producers was for workers who were willing to do the job for the minimum wage". As the labour broker noted: "[The producers] ask me to bring the right worker that can meet the target of the day. [The workers] have to work very fast to meet the target and earn the minimum wage and it is the Lesothos that are the ones that are willing to do the job; they don't complain like the South Africans. South African workers would always go on strike, saying they cannot work like a donkey, that the work is too hard. (cited in Visser, 2015:21).

Johnston (2007) provides a detailed outline of Free State farmers' labour practices. Here for a long time, trade unions were banned. However, since 1994 "there was increasing concern on the part of Free State farmers about the potential for labour disputes, as several trade unions became involved in agriculture and some strikes occurred" (Johnston 2007: 509). The issue for farmers is not centred on paying less but avoiding strikes. "All of the farmers interviewed used ethnically organized work-teams and dormitories. For each ethnically structured work team, workers in both the field and factory described having a task supervisor, a worker representative and a (white) overseer". Zimbweans and casual workers as Cottle (2022) shows have also gone on strike" Zimbabwean workers at Maswiri Boerdery were protesting changes in pay for piecework. Other distinct features of the strike wave were the entry of seasonal and casual workers in agro processing at Nestlé".

According to a municipal official (Personal Interview 2022) it is often found that the Villiersdorp farmers are the ones that bus in large amounts of people from outlying rural areas or provinces that are willing to work for "lower rates" than the locals. In addition to the imported labour, farmers are also more likely to hire (illegal) foreign workers whom they can underpay rather than paying the prescribed daily farmer worker labourer rates. The farmers refute the claims that they "import" labour. As a result, the town experiences seasonal population growth with most of these incomers often settling within the informal settlements within the town. The informal settlements have become the responsibility of the municipality. In essence municipalities are subsiding the profits of farmers – lowering the costs of labour.

Apart from the new fresh seasonal labour that migrate and end up living in the informal areas there are also farmworkers and ex- farmworkers. Very often the municipality is approached by the farmers when they want to evict these workers and in terms of the ESTA we are obligated the have meaningful engagements (anonymous). Two common reasons are cited for the eviction, it is either the farmer intends on selling the farm or that the original occupants (workers) have long since left or retired and the space is now needed for other reasons or workers. In most cases these evictees whether the original occupants or descendants have no other home to go. The challenge is that the municipality must then assist them with adequate housing which is normally a site (plot) within the informal settlements. In very rare cases the farmers will offer to contribute towards building material or a small portion of cost to connect the evictees to services. The evictees in most cases have no pensions or savings and really have no other choice than to move to the informal settlements. It is apparent that the farmers do not want to take any responsibility for their part in the housing challenge they (and the industry) help create and perpetuate instead the people are dumped on the municipality (Anonymous).

In 2019 the municipality embarked on a process of enumerating the eight informal settlements in Villiersdorp. The idea was to understand the housing need and plan for this accordingly. As some of the informal settlements are deemed to be close to environmentally sensitive areas, an important part of the enumeration was also to establish which informal settlements had development potential and could be upgraded either incrementally or in- situ and which could not and would require relocation. The results of the enumeration revealed what the municipality already knew in respect of the high number of foreign persons. It was confirmed that especially Enkanini most foreign occupants mostly from Lesotho. This made sense since Enkanini is the highest lying settlements and is established against the rocky mountain which are preferred by the Lesotho nationals. It is unclear how the municipality will assist these persons.

## 5.2 Agriculture

In Theewaterskloof as in other agricultural settings, the historical labour tenant relationship between farmers and workers, especially concerning housing, is vital yet sometimes contentious. We observe that farmers continue to openly neglect their responsibility to provide adequate housing for their workers, leading to issues of exploitation, poor living conditions, and strained relations with local authorities, such as the municipality. Workers are dumped into informal settlements where the municipality is obligated to provide services and in effect abdicating the persistent neglect by some farmers to provide adequate housing for their workers. In 2017 some 28 000 farmworkers were employed in the Overberg with 10 000 permanent workers. Theewaterskloof was the third largest employer at the municipal level in the Western Cape (Partridge et al., 2018). Labour and housing practices here are significant as trend setters.

*Figure 9: Breakdown of Western Cape Agricultural Employees by Municipality, 2017*
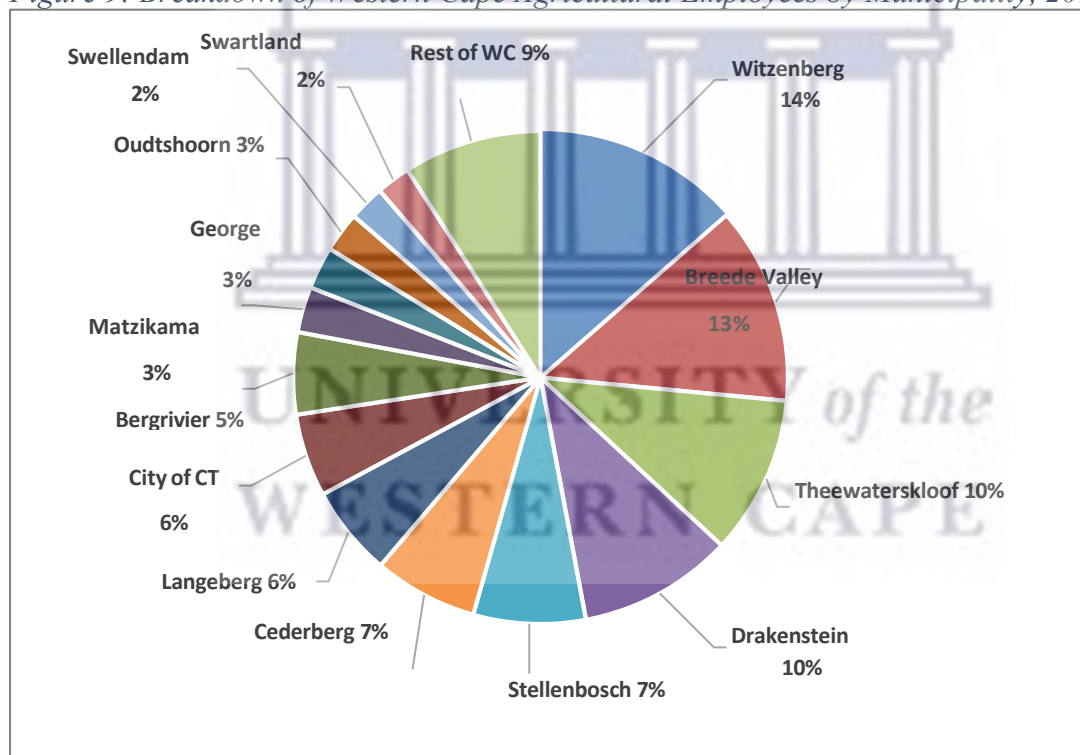


*Source: (Stats SA, 2020)*

According to the municipal reports agriculture is the main economic driver in Theewaterskloof and accounts for a third of employment and about 20% of land use (TWK, 2019). The region is also the primary driver of agricultural economy in the Overberg district.

Notwithstanding legislative efforts aimed at improving farmworkers' quality of life, a significant shortage of fundamental data concerning farmworkers residing on Western Cape farms persists. This adversely affects government ability to implement effective service delivery interventions on one hand and targeted policy and strategic measures on the other.

Consequently, the Department of Agriculture has commissioned a service provider to conduct a comprehensive survey of farmworker households in regions encompassing Theewaterskloof, Elgin, Vyeboom, and Grabouw within the Overberg District Municipality with the aim to establish a database issue encompassing farmworkers. The following was the main findings.

- 45.4% of respondents across the identified regions have attained a high school education.
- 79.2% do not actively participate in social activities.
- 81.2% are presently not engaged in educational or skills development programs.
- 93.4% have adequate access to health services.
- 97.6% receive eligible social services.
- 85.7% possess essential registration documents issued by Home Affairs.
- The majority of employed participants (69.1%) earn an income ranging between R1500 and R3000 per month. (TWK, 2019: 115)

The above findings are nothing new and only stresses again Providing services (basic and social) to our agricultural communities inherently poses unique challenges to local municipalities and that there is delayed commitment to address these challenges. Villiersdorp is a town with a low quality of life for the majority but with very wealthy mainly white farmers who have also cashed in on the agri-tourism, rural gentrification and golf estate developments. Theewaterskloof dam is the most well-known landmark in the region. The 2023 IDP also explains that holiday homes, a golf course, and numerous farms are located all around the dam. Boating and golf are the two most popular sports among visitors to the dam. The main economic activity is farming. Several pack houses and co-ops fall under the wholesale trade sector, which also includes the primary agricultural industry. Deciduous fruits are the main products.  One of wealthy establishment's website explains.

"The picturesque 9 hole golf course in Theewaterskloof club, rated amongst the top nine-hole golf courses in South Africa by Golf Digest, is situated on the eastern shore of the Theewaterskloof Dam, just few minutes' drive from Villiersdorp. It surely offers spectacular views while you practice green (https://www.pendennisfarm.co.za/activities)

The IDP noted, "Art, sports, and business travelers make up the tourism industry, and Mel Elliot's art studio and gallery draw a continuous stream of aspiring artists to the region". This is an indication of rural gentrification especially in golf estates. An advert for farm purchase captures key issues. (see https://www.property24.com/for-sale/villiersdorp-rural/villiersdorp/western-cape/16575/111332050, accessed 10 October 2023)

VILLIERSDORP: Quality fruit farm with possibilities to expand.

Villiersdorp is a quaint little town in one of the most sought-after agricultural areas in the Western Cape. It has all the necessary amenities including clinics, shops, sports facilities and educational institutions.

Located only six minutes' drive from Villiersdorp, this 60.8-hectare farming enterprise has a lot of additional potential! The property is operated as a deciduous and stone fruit farm, and is currently planted with apples, pears, and peaches.

The main farming activity is the production of quality pears (7-ha Packham's, 1.4-ha Early BC), apples (15-ha Granny Smith, Golden Delicious, Gala, Rosy Glow), peaches (5-ha Golden Pride, Keisie, Cascade). Another 7 hectares of the acreage is fully piped and computerised unplanted irrigation land enabling the buyer to expand to the full potential of the farm. There is also an unplanted 5-hectare area, covered with shading nets and irrigation.

Soil is the lifeblood of the agricultural industry, and farming success depends on a variety of soil types and the management thereof. The arable soils vary from well-drained sandy-loam to sandy-clay.

Water is the lifeline of every irrigation farm. Irrigation water rights from the Elandkloof Dam Water Board, for the orchards, groves and unplanted arable lands are duly registered in terms of the Water Act of 1998. The volume of 400,000 cub metre is allocated to the farm. This water supply is efficient for the existing orchards, groves, and unplanted arable land under irrigation. Water is gravitated via a pipe system, where-after it is filtered and reticulated around the property by gravity to all the farmhouses, staff houses and directly into the orchards from where the trees are gravity fed by micro irrigation. This is a price-less asset. There is also a non-functional borehole with sweet water which only need to re-drilled re-lined, and re-piped. Farming infrastructure consists of a shed and general storage buildings.

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*There are no registered land claims against this property* and the surrounding areas. *The property is not subject to any unusual or especially onerous restrictions, encumbrances, or servitudes.*

The farm borders the spectacular Theewaterskloof dam, and the enterprise is fortunate that there are still small antelope and plenty of birds enjoying this habitat. Panoramic views from here are exceptional! Accommodation is a comfortable homestead that has three bedrooms and two bathrooms. It is situated in a lush garden overlooking the Theewaterskloof dam. ***Other accommodation is three fully functional labourer cottages as well as a hostel and community hall.*** The farming enterprise is for sale at R32,000,000.00 million (excluding VAT) as a VAT registered going concern.

(My italics)

The advert above shows how farmers and prospective investors make their calculations and how well resourced these farms are (a community hall and hostel on the doorstep of the town). Also evident is the fear of land claims.

In 2018/19 the Western Cape Department of Human Settlements together with local municipalities embarked on a process to establish a Partnership Framework with local landowners, specifically farmers within rural and semi- rural neighbouring areas in an attempt to solve the town's constructed housing challenges. The idea was that together with government local farmers would be open to the idea to contribute primarily land towards these efforts. In return local municipalities would offer concessions in terms of services contributions and provincial government would ensure that the subsidies are in place for the beneficiaries and coordinate the "partnerships". While some farmers and landowners showed interest in the idea, many had concerns about sub-diving their land, the occupants becoming a nuisance or social problem, the development of informal settlements (in and around their farms), and crime apart from the technical questions around cost of infrastructure and statutory approvals. Not much came from the initiative hence the informal areas in rural and semi- rural municipalities continue to grow with the influx of seasonal workers that very often settle in these towns.

In examining the political economy of land in Villiersdorp the complex dynamics between farmers, land ownership, and socio-economic development, shedding light on the challenges and opportunities for sustainable agricultural practices and inclusive rural development cannot be ignored. It also highlights the rise of rural gentrification that raises concerns about the transformation of the rural landscape, the displacement of local communities, and the

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implications for social and cultural dynamics. The need for balanced development that preserves the unique rural character and supports the well-being of existing residents must be stressed.

## 5.3    Tourism

The tourism sector in Villiersdorp embodies a diverse blend of attractions, drawing in visitors with varied interests ranging from art, sports, to business-related ventures. At the heart of this multifaceted landscape lies Mel Elliot's esteemed art studio and gallery, a beacon of artistic expression within the town. Beyond the realm of art, Villiersdorp caters to sports enthusiasts seeking outdoor adventures amidst its picturesque landscapes. Furthermore, Villiersdorp isn't solely confined to leisurely pursuits; it also serves as a hub for business-related engagements. This convergence of art, sports, and business dimensions encapsulates the essence of Villiersdorp's tourism landscape, offering a diverse and enriching experience for visitors while contributing significantly to the town's cultural vibrancy and economic vitality. The following table give an overview of the agri – tourism industry in the Overberg district (in which Villiersdorp falls).

*Table 5: Western Cape Agri- Tourism Enterprise, 2017*

| | City of CT | West Coast | Cape Winelands | Overberg | Eden | Central Karoo | WC Total |
|---|---|---|---|---|---|---|---|
| **4x4 Facilities** | 5 | 32 | 19 | **15** | 28 | 48 | 147 |
| **Accommodation** | 51 | 162 | 443 | **221** | 145 | 129 | 1151 |
| **Birding** | 4 | 49 | 44 | **38** | 26 | 49 | 210 |
| **Breweries** | 17 | 7 | 26 | **8** | 0 | 1 | 59 |
| **Camping** | 11 | 66 | 42 | **30** | 29 | 34 | 212 |
| **Cellars & Wine Shops** | 16 | 5 | 109 | **20** | 4 | 3 | 157 |
| **Conference & Functions** | 53 | 42 | 256 | **82** | 27 | 22 | 482 |
| **Ecotourism** | 24 | 38 | 47 | **43** | 41 | 53 | 246 |
| **Farm Market** | 9 | 7 | 21 | **15** | 3 | 1 | 56 |
| **Farm Stall** | 4 | 19 | 54 | **23** | 23 | 12 | 135 |
| **Fishing** | 10 | 34 | 50 | **45** | 29 | 23 | 191 |
| **Hiking** | 26 | 90 | 108 | **121** | 55 | 72 | 472 |
| **Horse Riding** | 8 | 10 | 55 | **24** | 17 | 22 | 136 |
| **Mountain Bike** | 13 | 49 | 89 | **89** | 45 | 55 | 340 |
| **Ostrich** | 2 | 0 | 4 | **0** | 3 | 0 | 9 |
| **Picnics** | 20 | 37 | 126 | **48** | 31 | 73 | 335 |
| **Quad Bike** | 2 | 10 | 13 | **13** | 8 | 17 | 63 |
| **Restaurant** | 53 | 42 | 256 | **82** | 27 | 22 | 482 |

*Source: (WCDo A, 2018)* from Partridge [https://www.elsenburg.com/wp-content/uploads/2022/02/Western-Cape-Agricultural-Sector-Profile-2020.pdf](https://www.elsenburg.com/wp-content/uploads/2022/02/Western-Cape-Agricultural-Sector-Profile-2020.pdf)

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As evidenced by the data, the Overberg region boasts the second most extensive array of tourism-related infrastructure, trailing only behind the renowned Cape Winelands. This observation underlines the substantial investment and development dedicated to tourism-related amenities within the Overberg, positioning it prominently within the landscape of South Africa's tourism industry. The region's allure and appeal, underscored by its rich natural landscapes, cultural attractions, and diverse recreational offerings, have contributed significantly to the establishment and growth of these profitable tourism-related infrastructures and pushed up the prices of land especially farmland thereby adding to commodification and homelessness.

In Theewaterskloof, as in many other agricultural towns, colonialism has led to disparities in land ownership, where certain groups have been marginalized or excluded from land access and ownership. The land is thus still in the hands of colonially linked forces. Addressing this disparity in land ownership requires acknowledging historical injustices, implementing policies that recognize and restore land rights to indigenous communities, and promoting equitable land reforms that prioritize inclusive and fair distribution of land resources. Unless this is captured in land and housing policy it will continue to contribute to economic and social inequalities, impacting housing and labour rights.

The legacy of colonialism has left an indelible mark, resulting in pronounced inequalities in land ownership. This historical trajectory has perpetuated a landscape where specific groups have endured marginalization and exclusion from accessing and owning land. The ramifications of this enduring disparity resonate through generations, shaping socio-economic dynamics and perpetuating a sense of disenfranchisement among those historically deprived of equitable access to land resources. The ongoing struggle for land rights and restitution continues to be a pivotal issue, reflecting the enduring effects of colonial-era injustices on land distribution and ownership in these agricultural communities.

The discernible disparity in land values within the Caledon agricultural district and its neighbouring areas underscores the significant variations in land prices across different regions. Specifically, data from 2002 revealed a stark contrast in the price per hectare of sold land. In the Caledon agricultural district, land was valued notably higher, averaging around R269,000 per hectare, signifying a considerable premium compared to other areas (https://www.elsenburg.com/wp-content/uploads/2022/10/2022-Agric-land-prices-September.pdf ) . In contrast, the Bredasdorp area witnessed land prices at a substantially lower

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rate, averaging around R94,000 per hectare. Similarly, the Malmesbury region experienced a moderate pricing structure, with land values averaging approximately R128,000 per hectare.

Such variations in land prices not only reflect the differing market demands but also indicate the diverse economic landscapes, agricultural potential, and developmental trajectories across these regions. These disparities often stem from a complex interplay of factors encompassing geographical advantages, agricultural productivity, infrastructure development, and market influences, all of which contribute to the valuation and pricing dynamics in these distinct agricultural districts. The challenges surrounding agri-tourism in Villiersdorp echo a troubling narrative where the benefits of such endeavours predominantly accrue to the white colonialist demographic, while the local workers and marginalized communities do not reap commensurate rewards. This disparity underscores persistent inequalities deeply rooted in historical imbalances, which continue to manifest in the distribution of opportunities and benefits within the Agri-tourism sector.

The entrenched legacy of colonialism has shaped the dynamics of land ownership, economic power, and access to resources, resulting in a system where the dividends of agri-tourism largely favour a specific demographic. Often, these benefits bypass the local workers, who face enduring challenges in accessing fair wages, equitable employment opportunities, and inclusion in decision-making processes within the agri-tourism industry. Moreover, the narrative of exclusion in agri-tourism exacerbates social and economic disparities, perpetuating a cycle where marginalized communities are left on the periphery, devoid of significant benefits or opportunities for advancement. Addressing these challenges demands a concerted effort to rectify historical injustices, promote inclusivity, and ensure equitable distribution of benefits from agri-tourism initiatives to foster a more just and balanced socio-economic landscape in Villiersdorp and similar regions.

## 5.4    Rural Capitalists and the Town as a dumping ground

The municipality response to the constructed crisis envisions establishing a "Land Invasion Special Task Team" and strategy (TWK, 2017a:135 and 179). The farming industry and farmers (the primary reason for the influx of people) are ostensibly excluded from these discussions around the containment of the seasonal farm worker migration phenomenon. The issue of land is critical since the official position on land occupation is that "land invaders" cannot be prioritized above those on the waiting list.

Furthermore, the land shortage echoes the calls for land reform and demonstrates that the broader context of development and sustainability cannot be addressed without resolving on land (Western Cape, 2016a). In addition, it is stated that housing cannot just be addressed through land release but must also reduce the "poverty level" of families "through low-skilled job opportunities" and other economic initiatives (TWK, 2012a:102).

The land "invasion" is treated as an event that takes resources and efforts away from the housing pipeline projects. In areas like Villiersdorp farming communities' resort to land occupations due to a complex interplay of historical injustices, economic disparities, and social tensions. Limited access to arable land, often exacerbated by historical inequalities and concentration of landownership, pushes rural communities to take matters into their own hands. Poverty, lack of livelihood opportunities, and growing populations increase the demand for land as a means of sustenance and income. Additionally, perceived injustices, policy failures, and a lack of trust in governmental processes can fuel sentiments of grievance, leading communities to occupy land as a form of protest.

The following images reflect time lapse maps of sections of Villiersdorp between 2011 and 2021 as it relates to these land occupations.

*Figure 10: Villiersdorp Land occupations 2011 - 2021*

The phenomenon of land "occupations" is perceived and treated as an occurrence that diverts resources and attention away from housing pipeline projects. In regions such as Villiersdorp, farming communities resort to these land occupations due to a complex interweaving of historical injustices, economic disparities, and simmering social tensions. Historical injustices, particularly those stemming from the legacy of colonialism, have left enduring imbalances in land ownership and access. These inequities have perpetuated a landscape where certain communities, especially marginalized groups, have been historically deprived of adequate land rights and opportunities. The unresolved issues surrounding land distribution and ownership from the past continue to reverberate, fueling grievances and the pursuit of land through alternative means like occupations.

Economic disparities exacerbate the situation, with limited access to viable livelihood opportunities for many farming communities. The unequal distribution of resources and economic advantages further intensifies the struggle for land as a means of securing sustenance and livelihoods, prompting some communities to resort to drastic measures such as land occupations. Moreover, underlying social tensions, often rooted in historical injustices and exacerbated by contemporary challenges, contribute to the fraught environment surrounding land ownership. These tensions, coupled with a sense of injustice and a lack of avenues for recourse, can catalyze actions such as land occupations as a means of asserting rights and demanding attention to longstanding grievances.

The resort to land occupations in Villiersdorp and similar areas is, therefore, a manifestation of deeply entrenched issues—historical, economic, and social—that continue to persist, compelling communities to take drastic measures to address their grievances and seek redressal for longstanding disparities. Addressing these multifaceted challenges necessitates comprehensive and inclusive approaches that acknowledge historical contexts, address economic inequalities, and foster social cohesion within these communities.

Evictions from farms and agricultural land must comply with the provisions of the Extension of Security of Land Tenure Act (ESTA), 1997. In certain instances, courts are finding that municipalities must provide emergency accommodation within a specified period. Applications are made for direct relief against a municipality and the municipality is called upon to fulfil the role expected from the DRDLR in terms of ESTA. This has a huge effect on resources of a municipality and is seen as the beginning of the Courts imposing another "unfunded mandate" on municipalities. Where the person/s to be evicted from farms / agricultural land were in

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occupation before 4 February 1997, the owner of the property being the subject of the eviction, is required to try to secure suitable alternative accommodation. In instances where the occupation was after the said date, suitable alternative accommodation must just be considered as one of the aspects.

The Magistrates' Courts in the Western Cape clearly fail to distinguish between emergency housing as envisaged in the Housing Code and suitable alternative accommodation as contemplated in the said Act, as it can clearly not be expected from a municipality to provide accommodation and agricultural land to evictees. It is clear that evictions from farms and agricultural land are not done strictly in accordance with the provisions of the Extension of Security of Land Tenure Act, 1997, and that undue obligations are placed on municipalities, while the Department of Rural Development and Land Reform are not required by the Courts to fulfil its function.

The issue of housing these communities on farms is multifaceted. While it might seem logical to house rural residents on farms, various challenges hinder this solution. Historical land ownership patterns and economic interests often clash with the idea of redistributing land for housing purposes. Landowners might resist such initiatives due to concerns about economic losses or disruptions to agricultural activities. Evictions occur when legal frameworks are in place, and landowners assert their property rights, leading to the removal of settlers, even if they've lived there for years.

The clash between property rights, social justice, and economic interests creates a complex landscape where finding sustainable solutions that accommodate the needs of both rural communities and landowners remains a significant challenge. Addressing these issues requires comprehensive policies that balance the rights of landowners with the urgent housing needs of rural farming communities, focusing on equitable land reform, social housing initiatives, and dialogue between stakeholders to achieve lasting solutions. In this regard, it is often true that invaders are not of the local area and therefore might not be registered on the housing demand database. This implication implies that those on the waiting list will have to wait longer to be assisted. In this context, the municipality proposes intensified efforts at "a prioritization mechanism applied to ensure the most deserving receives an opportunity" (TWK, 2020: 144).

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Land occupations, protests, occupation, and the term "constraints" are interconnected elements in the complex socio-political landscape of South Africa, especially in the context of land reform and housing challenges. Land occupations refer to the illegal occupation of land with the intention of establishing an informal settlement. There is a clear recognition in all three spheres of government that an unlawful occupation of land is, apart from the many problems it creates, is one of the biggest threats of good governance and developmental efforts in proper urban management. However, it must be clearly understood that it is unconstitutional to evict anybody or to demolish anybody to without due process of law. It is thus of crucial importance that pro-active steps are taken to prevent land occupations and secure properties. Forging of alliances against land occupations between spheres of government, community structures, civil society, councillors and officials is of paramount importance here.

Land occupations have been ongoing and are listed as the second biggest threat to TWK (May 2023, IDP). "In Villiersdorp great portions of municipal land has been invaded making it difficult to upgrade the informal settlements in- situ, let alone provide adequate basic services due to the high densities of the informal structures. Adding to the pressure on service delivery is that large numbers of foreign nationals reside in these informal settlements. In 2012 the Department of Human Settlements purchased Destiny at a cost of R5 million to address the housing need in Villiersdorp. The OBD in 2017 reported that the one of the "threats" to the region was public protest which had reduced housing sales and tourism (Regional Economic Development OBD, 2017: 24). The conservative approach as I show is evident in almost all state documents from the region down to the ward.

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## 5.5    Chapter Summary

Farmers' involvement in the land and housing question revolves around multifaceted challenges stemming from historical injustices, economic disparities, and social tensions. Historical legacies, particularly colonialism, have led to inequities in land ownership and access, contributing to unresolved grievances among marginalized communities. Farmers hold the municipality responsible for providing essential support and resources for farm workers whom they need but do not necessarily want to reside on their farms. This complex dynamic arises within the agricultural and tourism sectors where farm workers contribute significantly but often do not reap commensurate benefits. Additionally, historical injustices, particularly the land stolen during colonial times that remains in the possession of the farmers, further compounds the inequities faced by farm workers. The farmers' reliance on municipal support for farm workers they cannot accommodate on their land reflects a disconnection between their needs for labour and their capacity or willingness to provide housing or support. This situation underscores the challenges surrounding accommodation and livelihoods for farm workers who play pivotal roles in sustaining both the agricultural and tourism industries within these areas.

Furthermore, the historical context of land theft during colonial eras, where the farmers currently possess land obtained through unjust means, exacerbates the disparities and deep-rooted inequalities within these communities. This historical land theft continues to influence the present socio-economic landscape, perpetuating a system where the benefits of land ownership predominantly favour a certain demographic while leaving others, especially farm workers, marginalized and without adequate access to resources and opportunities. Addressing these systemic issues demands comprehensive solutions that address housing, equitable access to resources, and opportunities within both the agricultural and tourism sectors. It also requires acknowledging historical injustices and working towards a fairer distribution of benefits and resources to rectify the persistent imbalances faced by farm workers in these communities.

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# Chapter 6: Conclusions

This mini thesis set out to provide a deeper historically informed account of the housing issue in order to understand the post-1994 dynamics of the housing issue in the context of a small agricultural town in the Western Cape. Housing and labour performed on farms are closely linked. Legacies of the past continue to haunt the area but play out in unexpected ways. The town and its surrounds continue on a trajectory of very high levels of racialised inequality with farmers' labour needs shaping the municipal social landscape.

This thesis has identified five main dynamics: 1) the large-scale expulsion of South African workers from commercial farms (hence creating a housing problem), 2) rising real estate prices on what is seen as "stolen land", 3) the massive growth of informal settlements, 4) the rise of foreign agricultural labour (in response to farmers preference for docile foreign labour- mainly Lesothos), 5) the municipality left carrying the burden to ameliorate problems created by farming and landed capital, and finally 6) the impact of structural political instability and governance.

I summarise and discuss each of these trends in turn to suggest policy solutions.

## 6.1 Displacement

In Theewaterskloof as in other agricultural settings, the historical labour tenant relationship between farmers and workers, especially concerning housing, is vital yet sometimes contentious. We observe that farmers continue to openly neglect many regard as their responsibility to provide adequate housing for their workers, leading to issues of exploitation, poor living conditions, and strained relations with local authorities, such as the municipality. Workers are dumped into informal settlements where the municipality is obligated to provide services and in effect abdicating the persistent neglect by some farmers to provide adequate housing for their workers. In 2017 some 28 000 farmworkers were employed in the Overberg with 10 000 permanent workers. Theewaterskloof was the third largest employer at the municipal level in the Western Cape (Partridge et al., 2018). Labour and housing practices here are significant as trend setters.

Historical imbalances of power and unequal relationships between white 'landowners' and labourers contribute to situations where workers are vulnerable to evictions or forceful removals. In turn, the large-scale expulsion of South African workers from commercial farms has contributed significantly to the housing problem in the country. Displacement includes legal and illegal evictions in terms of legal prescripts, as well as relocations and forced movements. The recent extent of the problem is not well documented; however, it is reported that in 1984 at least 4.3 million black Africans was living on white and then between 1985 and 2004 it is estimated that more than 3.7 million of those people were displaced from farms throughout South Africa (Visser and Ferrer, 2015).

At a snapshot, the trend of displacement of farm dwellers is still on a rise. In 2018, in the South African Human Rights Commission reported that it was dealing with about 500 cases related to farm evictions in the Western Cape alone (SAHRC, 2018). Evictions from farms have been a contentious and complex issue in the country, leading to social, legal, and humanitarian concerns especially since it influences the employment and residence patterns in the farming rural areas (Parliament, 2017). According to (Visser and Ferrer, 2015: 67) evidence suggest that white farmers "have substantially scaled back in their investments in on-farm housing and services since the early 1990s". In reality and in the context of housing this means that workers resort to an off-farm residence basis developing sprawling, underserviced informal settlements over time, as observed in the case of Villiersdorp.

According to Visser and Ferrer (2015) the farm evictions in the Western Cape has been the main cause leading to the expansion of rural and agricultural towns. Very often evictions come as s result of a disregard labour and housing rights. Moreover, there is an ethical responsibility to consider and seemingly the welfare of the workers and their families affected by displacement on farms that is ignored by the evictees who do not want to be saddled with the social and other responsibilities of housing their workers. In addition, the lack of repercussions from the authorities does nothing to curb this disregard for legislation and farm dwellers who do take initiative to defend their rights are generally unsuccessful. Very often farmers make it impossible for workers to remain in the farms and will increase rent or associated cost by up to 100% (SAHRC, 2018). The workers have little choice or education in these matters and end up leaving their homes.

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When other removal strategies fail farmers resort to evictions. Evictions should follow due process, adhere to existing laws and regulations and ensure that the rights and well-being of the workers are respected. There should be considerations for suitable alternative accommodations, fair compensation, and adherence to legal procedures outlined in relevant legislation, such as the Extension of Security of Tenure Act (ESTA), which aims to protect the rights of farm dwellers. According to Visser and Ferrer (2015) overall ESTA remains poorly implemented and landowners are increasingly securing evictions through the courts. In addition, a major consequence of ESTA has been that farmers actively recruit casual foreign labourer as such workers means that they avoid having to grant security of tenure to workers living on farms, as required ESTA and in this way the act has contributed to the process of casualisation.

Consequently, this displacement (and replacement) of local workers often leads to social and economic repercussions, emphasizing the need for comprehensive strategies to address both immediate housing needs and long-term sustainability for communities. Efforts to tackle this issue might involve collaborative initiatives between government agencies, non-governmental organizations, and community stakeholders to develop affordable housing programs, create job opportunities, and provide support services for the displaced population. The biggest game – changer, however, is that farmers take responsibility for the housing or accommodation needs of their workspace and work in partnership with other stakeholders in this regard. Such interventions aim not only to resolve the housing crisis but also to promote socio-economic stability and inclusivity.

## 6.2    Externalised Foreign labour

As previously mentioned, more and more farmers are employing foreign causal labourers. According to the Centre for Legal Rural Studies (CLRS) the numbers of permanently employed local farm workers has significantly declined as farmers prefer casual which are often migrant and undocumented immigrants from African countries (Mathekga, 2018). The industry argues that the flexibility of employing foreign labour, particularly in response to fluctuating demands or unpredictable market conditions, can be advantageous for farmers seeking a more adaptable workforce and be more cost-effective due to factors such as wage expectations, labour regulations, or other economic considerations associated with the local force.

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The motives by the farmers are observed as deceptive by the local workers and very often the use of foreign labour instead of hiring locally affect social dynamics within communities especially when considering that farm workers in Villiersdorp, like in many other rural agricultural towns, are almost complete reliant on agriculture. Dynamics such as this disrupts community life and could potentially spur instances of xenophobia. Between 2008 and 2009 this reality played out in De Doorns in the Western Cape where approximately 30 000 foreigners were forced out of the town and accused by the locals of stealing their jobs (Visser and Ferrer, 2015). In 2013, three people were killed following violent protest across farms in the Western Cape (Clanwilliam, Citrusdal, Wolseley, Worcester, Grabouw, Villiersdorp, Ashton, Somerset West and Swellendam) relating to issues of evictions, local wages, housing and working conditions (Mathekga, 2018).

The ethical stance on using foreign labour in agriculture is multifaceted as it involves balancing the rights and opportunities for both local and foreign workers, ensuring fair wages, decent working conditions, and respecting labour laws. In South Africa, the use of foreign labour on farms is regulated by various laws and regulations aimed at managing immigration, labour rights, and employment practices such as the Immigration Act (No. 13 of 2002, the Labour Relations Act (LRA) of 1995 and the Employment Services Act (No. 4 of 2014). All these legislations collectively aim to manage the employment of foreign workers in South Africa, ensuring that their rights are protected, that they have legal status to work, and that their employment complies with labour laws and immigration regulations. However, many foreign laboueres on farms are undocumented and become subject to unfair and unethical employment practices and even exploitation (Mathekga, 2018).

In Villiersdorp, it is unofficially reported that at least 40 – 50% of labourers on farms are foreign nationals, mostly undocumented and bussed in by the white farmers (Anonymous, 2023). It is further noted that the foreigners are mostly from Lesotho and prefer the high mountainous parts of the town and have established their own informal settlement known as Enkanini in 2013. In 2019 the municipality reported that there were at least 719 structures in this settlement and at that point it had no basic services such as water and sanitation (TWK, 2019). According to Anonymous (2023) the occupants of Enkanini are reluctant to give any details about themselves to the municipality as they fear deportation and it has been established that many of them are return seasonally upon agreement with the farmers.

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From an ethical perspective, it's essential to prioritize equitable treatment and avoid exploitative practices, regardless of the laborers' origin. Determining whether it is right or wrong to use foreign labour in agriculture involves considering various factors, including labour rights, economic necessity, and the impacts on local communities. The context, labour policies, and adherence to fair labour practices play crucial roles in assessing the ethical implications of relying on foreign labour in agriculture.

## 6.3    Gentrification and Tourism

In Theewaterskloof, as in many other agricultural towns, colonialism has led to disparities in land ownership, where certain groups have been marginalized or excluded from land access and ownership. The land is thus still in the hands of colonially linked forces. Addressing this disparity in land ownership requires acknowledging historical injustices, implementing policies that recognize and restore land rights to indigenous communities, and promoting equitable land reforms that prioritize inclusive and fair distribution of land resources. Unless this is captured in land and housing policy it will continue to contribute to economic and social inequalities, impacting housing and labour rights.

The Theewaterskloof municipal area is a popular tourism destination and is well known for its natural assets such as the Kogelberg Biosphere, Theewaterskloof Dam, blue cranes, various mountain ranges and fynbos. It attracts a lot of tourism, and it was reported in the 2021 municipal annual report that tourism contributes to 9.5% of employment in the area (TWK, 2021). This contrast hard with the Growth Potential of Small Towns Study, conducted by Van der Merwe in 2004, in which Villiersdorp is classified as a town with high human needs and low development potential. It also contrasts hard with the realities of the growing informal settlements and lack of even the most basic services. As areas gentrify, even disproportionately, there might also be changes in the availability and affordability of essential services such as healthcare, education, and transportation. This negatively affect farm workers and low-income residents who rely on these services.

In Villiersdorp the most well-known landmark in the area is the Theewaterskloof Dam that is surrounded by holiday homes, a golf estate and various farms. Properties around this dam and within the formal area of the town cost between 2 to 7 million rand (Property24). In Caledon agricultural district the price per hectare of sold land in 2002 was in the order of R269 000 compared to R94 000 in the Bredasdorp area and R128 000 in Malmesbury (https://www.elsenburg.com/wp-content/uploads/2022/10/2022-Agric-land-prices-September.pdf )The tourism industry and development of touristic areas has led to rising property values and increased rental prices in the town making it housing less affordable for farm workers and low-income residents. Additionally, the influx of more affluent residents, changes in the social and economic landscape and contrast sharply with an extremely high indigent population which is 60% of the population across the municipal area (TWK, 2021). The land and thus money is still in the hands of few.

## 6.4    The Growing Informal Settlements dilemma

As discussed in chapter 3 the growth of informal settlements is closely linked to the proximity to work and economic opportunities. The agricultural industry in provides the conditions to attract labour and as these people will need somewhere to live t and as most of the working-class farm worker – the poor – cannot afford to obtain formal housing, they have no choice but to resort to unfavourable living conditions in the informal settlements. In Villiersdorp none of the eight informal settlements in the town with a combined structure count of 4 216 - meet the minimum standards in terms of access to basic services. In context and considering that the average household size is 2.5 people it means that 10 540 people share 382 waterpoints and 312 toilets.

The relocation or more truthful dumping of the farm labour , whether local of foreign, in the townships and informal settlements has led to very rapid population growth where municipal services are already overburdened and demand for housing far outstrips supply. Consequently, the lack of basic services creates unsanitary conditions that is often associated with high levels of common diseases and   affects the well-being of the inhabitants.

It is evident from the municipal reports reviewed in Chapter 3 that all the informal settlements all lack proper infrastructure such as roads, drainage systems, and waste management facilities and that there in no immediate plans to correct address this. Although it is mentioned that the Municipal infrastructure Grant (MIG) is planned (over years) to upgrade the existing bulk infrastructure, it is highly unlikely that the financial resources will ever match the growing demand. However, the MIG could also be used to provide for basic services on farms, but the issue remains the contribution of the "landowner to the capital cost and their responsibility for subsequent maintenance of the facilities" (Parliament, 2017: 27). There is simply no commitment or initiative from farmers in this respect.

It is also important to mention that the National Housing Code comprises a section dedicated to 'rural interventions' which addresses subsidies and programmes available to farm workers, farm dwellers and farm owners to develop adequate housing for farm workers or (Parliament, 2017). These programmes are seemingly highly overlooked and underutilised by farmers as they are required to act as key service delivery agents under these programmes.

## 6.5    Shifting the "problem"

Not only do the displacement of workers from farm housing disrupt established social networks and community ties among farm worker but it also places strain on local infrastructure and services, including healthcare, education, transportation, and utilities. These systems are not adequately equipped to handle the population influx. As a result the municipality is forced to reallocate funding and resources to meet the immediate basic needs of the community. More alarming is that the situation overwhelms the municipal capacity to provide housing. In the case of Villiersdorp it is evident that the number of housing opportunities intended to be created by the Destiny Project will not cater or even closely match the registered housing demand. This mismatch highlights a significant challenge in addressing housing needs within the community and will only further exacerbate the social, economic, and infrastructural issues.

To bridge this gap effectively, it's crucial for the municipality, to reevaluate their strategies, and particularly those that involve the main role player i.e. the farmer. Ethically, farmers have a responsibility to provide suitable housing or arrange alternative accommodations for farm workers if displacements occur. However, this responsibility might not always be fulfilled due to various reasons, including economic pressures or disputes over land tenure. Enforcement of laws and regulations concerning farm worker housing can be complex. Challenges in implementing these regulations might lead to difficulties in holding farmers accountable. In addition, limited oversight or monitoring mechanisms might contribute to challenges in ensuring that farmers fulfil their responsibilities towards providing adequate housing for farm workers.

## 6.6    Structural Political instability and poor governance

The contemporary period has seen a "widening inequality and the increasing fragmentation of political consensus" (Parliament, 2017). This is a critical issue regarding housing dilemmas in farming towns, such as Villiersdorp, is the role of structural political (in)stability, (poor) governance, and the challenges associated with ensuring farmers meet their responsibilities towards farm workers. Indeed, these issues exacerbate the challenges faced by farm workers and rural communities as it hinders efforts to hold farmers accountable for providing adequate housing for farm workers. In addition, changes in governance can create uncertainties or inconsistencies as shifts in priorities and agendas, impacts on policies related to housing, labour rights, and overall rural development.

Upon assessment of municipal reports, it is observed that municipality had only acting municipal managers since 2020, and that there are constant changes in the administration at a very senior level.  It is also observed that the municipality is governed by a coalition comprising of the EFF, ANC, GOOD and PA with the DA as the major opposition since 2020. Since then, the municipality has consistently made news headlines in a negative way around issues of misuse of public funds, chaotic council meetings, nepotism, etc. Very recently the municipality was accused of the unlawful appointment of the current municipal manager and the matter is now under investigation at SALGA. All these issues compound an already pressured municipality and takes away the focus from the real developmental issues the community face.

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The municipal annual reports show the local state is battling with its housing project pipeline that was established in 2015. Farmers have refused to assist with on-farm housing and there is no clear strategy for dealing with informal settlements.

The UISP stands out because it urges housing delivery that considers actual demands and the evolving housing environment however, the municipal annual plans and  reports are ambiguous in this regard and neglects a coherent modern housing policy that speaks to incremental housing methods.

In reflecting on the gaps and contradictions between expected and actual outcomes of the delivery model and the silences with respect to restorative justice in land and housing delivery - two issues surfaced. The first is that contrary to the municipality's claimed focus on incremental housing in the UISP, attempts are still being made to construct homes in light of the rise in the number of informal settlements, as evidenced in the yearly reports. Second, despite incremental in-situ upgrading targeted at upgrading informal settlements being a major policy focus and programmatic priority, municipal delivery is still primarily focused on isolated turnkey greenfield projects aimed at building houses, which frequently involve relocations to land on the outskirts of cities and towns. This is against UISP's objectives. I provide an illustration for each finding.

A strategy for infrastructure expansion that is connected to housing and other development is not provided in the IDP documents. A local economic development strategy that might be tracked and examined for compatibility with housing and other development is likewise non-existent. It should be emphasized that the annual reports refer to the construction of extensive infrastructure and improvements to support home expansion. It seems that housing comes before infrastructure. The potential consequences of not having a strategy for infrastructure expansion connected to housing and other development. Exploring alternative approaches or solutions that could prioritize infrastructure alongside housing infrastructure rather than the other way around. This can indicate that there hasn't been any coordinated planning or that the plans and strategies are being implemented in a fragmented manner.

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The SDF documents make it clear that more suitable land needs to be found for development to fulfil the current housing demand. Land was at this time simply alienated from its original inhabitants and occupied by the colonial masters, whose descendants still own much of it today, given that under colonial rule there was no regard for indigenous settlement patterns or land-use systems. This strategy served as the perfect model for the apartheid principles of racial segregation, geographic restriction, and denial of homes.

Sadly, as the government tries to strike a balance between policy and reality, life for those without access to land and adequate housing continues to be marked by indecent living conditions on the outskirts of cities and in informal settlements, as well as the continued deprivation of land that was illegally taken. There are claims that Villiersdorp's expansion is restricted by environmental concerns and that the house market is a target that is growing. There is a glaring land shortage. Densification, sales agreements, and the subdivision of farming regions, however, are not given much consideration. Large amounts of land remain undeveloped in the backyards of affluent homes, golf courses, and farms.

The community, other government departments, stakeholders, and internal support (from stakeholders) are all elements that contribute to this conclusion. External support is also a factor, as is support from stakeholders and senior employees. All this ultimately results in support for and acceptance of whatever is intended. According to the UISP principles, there is a call for universal participation in housing, from planning to output. According to the yearly reports, neither the housing chapters nor other government entities and stakeholder organizations were consulted regarding the pipeline of 2015 housing projects. A partnering strategy may or may not be present.

Numerous parties should and might play a part in the formulation and housing delivery of policies. The municipality needs to recognize these role-players and explain what their current or projected roles are. As envisioned in the National Housing Code and related regulations, this will give the chance for housing discussions to reach a larger audience and be more inclusive. "Common awareness" of what needs to be accomplished and how is created by establishing a participatory strategy with all pertinent stakeholders or partners (Mackay, 2007:1). Structured engagements and more extensive collaboration, like networking teams, workshops, and site visits, should improve the participation of stakeholders. The participation of communities from the time of application is a crucial aspect of UISP. The development of a stakeholder analysis

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and partnership strategy would also imply improved communications around housing development. To this end, communication forms an important part of the overall approach.

No records could be traced of a coherent Municipal Human Settlements Plan (MHSP). This plan would be linked to the IDP, SDF, and national policy as it relates to housing development. In this context, it would be recommended that municipal housing projects be reviewed and contextualized in this MHSP. In the context of human settlement development, the outcome and impacts on society play a significant role. In view of this, a MSHP must set a vision and objectives as they relate to housing and contain a realistic implementation plan. Not only will it identify risks and threats, but also opportunities that the municipality could explore to strengthen its housing function and output.

As a point of departure, it would be beneficial to review the current institutional arrangements and either re-enforce or establish a capital project planning office. A nodal office focal person ensures the alignment of development activities as they relate to housing development, infrastructure, and planning. Central to the approach is knowledge management and information sharing, and in this way, housing issues must be viewed progressively rather than passively or reactively. This service will not only enhance the planning function but also the reporting capabilities of the municipality and create standardized methodologies that will also ensure consistency in reporting. In this way, the municipality can also build a credible point of reference.

The municipality must embark on a full land audit but also trace recorded ownership back. The audit should establish land that could be transferred and investigate possible purchases. Well-located land is scarce and, by extension, costly. If housing for the poor is to 'compete' with the rich and other more profitable land uses, densification of well-located settlements needs to be explored (Mtantato, 2012). Townships and informal areas, on the other hand, should be de-densified. With rapid urbanization and the fragmentation of households, which results in more and smaller households, the spatial problem is exacerbated.

A housing market audit that encompasses the hedonistic/luxury segment to the poorest homeowner is required (see WCPG 2022 Inclusive Housing doc). The audit needs to be made public and considered by popular housing assemblies for the poor and homeless.

For cities to be able to address the enormous service delivery demands, they need to make efficient use of scarce resources. Land and land-use planning are key factors in effectively managing the inevitable progress of urbanization. Efficient land use is important, especially when cities experience a high level of urbanization and pressure to accelerate housing delivery against a limited land resource. A key tool that has been identified by scholars and practitioners for housing development is densification.

To summarise housing policy and practice as well as the reality of needs are disjointed.  This division is strongly rooted in the disregard of the lasting impacts of colonialism on land ownership and societal structures, often influencing power dynamics and resource allocation. This intersection of colonialism, land, belonging, plays out starkly in the treatment of workers by farmers and as well as the "land occupations" experienced throughout the country.

This situation raises questions about ethical responsibilities, fair labour practices, and the role of local governance in ensuring proper housing and working conditions for agricultural workers. It also calls attention to broader systemic issues related to land rights, labour rights, and the historical context of land ownership. Addressing these challenges requires a multifaceted approach involving dialogue between farmers, workers, local authorities, and relevant stakeholders. Policies that protect workers' rights, incentivize fair treatment, and promote sustainable agricultural practices can contribute to resolving these issues.

However, it's important to recognize that the solutions are complex and need to consider historical, cultural, economic, and legal dimensions. Ultimately, finding a resolution involves balancing the interests of various stakeholders while upholding principles of fairness, social justice, and human rights. This matter may necessitate local initiatives, governmental interventions, and collaboration among different parties to address the housing needs of agricultural workers, thereby fostering a more equitable and just society.

For a region such as Theewaterskloof solving the housing issue requires a multifaceted approach that acknowledges historical injustices, respects the rights of agricultural workers, and addresses systemic inequalities. It also requires a reframing of the housing issue within the context of land reform, secure land tenure that that protects the rights of rural inhabitants, preventing further displacement and insecurity, enforcing laws mandating adequate housing standards for agricultural workers and involvement of local communities, including oppressed groups and agricultural workers, in decision-making processes related to housing initiatives.

Further studies would be needed to reflect on solving the housing issue in rural agricultural areas affected by colonial legacies. Reflections must include the framing of the housing issue as it pertains to the local context, social justice, equitable distribution of resources, and the empowerment of affected communities. Meaningful debates and actions around collaboration among stakeholders and sustained efforts toward policy reforms and community engagement are crucial in achieving lasting improvements in housing conditions for agricultural workers in these areas and must be investigated.

## 6.7 Final conclusions

This paper concludes that there need to be broader and deeper debates around incorporating restorative and spatial justice into housing policy and strategies. Spatial redress and the issue of land are often elements neglected in government efforts to construct housing opportunities. Housing projects are still constructed on poorly located, cheap land, while high-value land is monopolized by those with deep pockets and for speculative purposes. More and more communities are taking land by force to solve their own housing challenges, partly in efforts to restore the injustices they are still subjected to by creating new ghetto formations. In summary, the housing and land issue is less about technical solutions but rather about the substantive and raw issues of restoration and restitution.

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Some colonized communities are not prepared to be victims and wait endlessly. They have started acting by reclaiming ancestral lands in some parts of the Western Cape, thus forming settlements on state land that are considered illegal by the government. All around the world, indigenous groups are raising their voices. The legacies of colonialism and settler colonialism can no longer be ignored. Addressing the housing "crisis" means addressing it holistically, inclusive of land. Land, and by extension, housing, is about place, identity, livelihoods, dignity, and belonging. Housing policy must incorporate elements of restoration to be effective. Housing must be seen as more than a brick structure but rather as a form of restitution for what was once lost and taken by force. Meaningful change requires meaningful engagement and coherent action.

Housing, as perceived and addressed, will remain a problem for policymakers. The dominant view is simply too narrow. Because housing policy is not about housing. It's deeper and more far-reaching. It has its roots in a social identity that is intrinsically grounded in land. Thus, housing policy cannot overlook this relationship, especially as it relates to the indigenous Khoisan and all colonized African peoples. More must be done to ensure that housing policy is framed around the restoration of land rights and access and spatial justice—that surpasses a brick-and-mortar or serviced structure but speaks to the embedded legacies of the past and gives back the belonging and identity of the first people of South Africa.

In summary, all around the world colonised and oppressed groups are raising their voices. The legacies of colonialism and settler colonialism can no longer be ignored, addressing the housing "crisis" means addressing it holistically - inclusive of land. Land is more than a tangible, it relates to identity, livelihoods, dignity and belonging. Housing policy must incorporate elements of restoration to be effective. Housing must be seen as more that a brick structure but rather as a form of restitution of what was once lost and taken by force. Meaningful change requires meaningful engagement and coherent action.

The words of Petrus Vaalbooi summarise the plight of all indigenous people, the marginalised and the homeless and the landless…

*Ek is 'n vreemdeling in my eie land.*

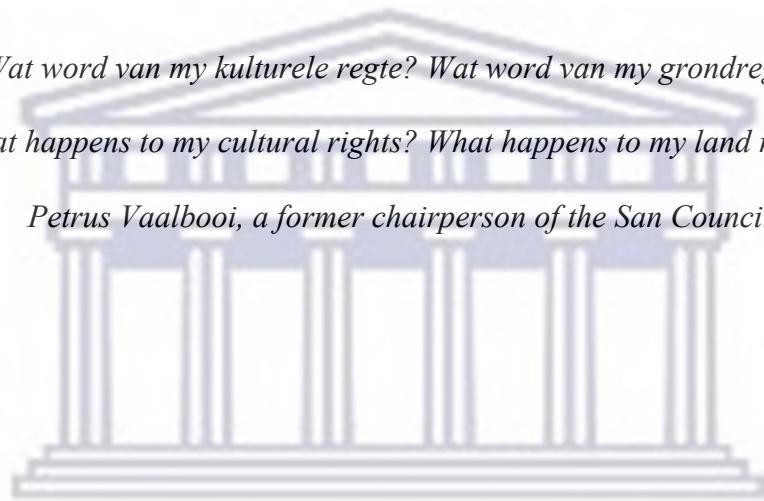*(I am a stranger in my own country)*

*Wat word van my kinders? Wat word van my kleinkinders?*

*(What happens to my children? What happens to my grandchildren?)*

*Wat word van my kulturele regte? Wat word van my grondregte?*

*(What happens to my cultural rights? What happens to my land rights?)*

*Petrus Vaalbooi, a former chairperson of the San Council*

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# Annexures - Interview consent form

## PARTICIPATION INFORMATION SHEET

**RESEARCH TITLE:** Examining governments approach to housing -An analysis of the town of Villiersdorp in the Theewaterskloof Municipality

**Dear Participant**

You are invited to participate in a research study conducted by **Benita Leonie Petersen, Student Number:3204908**. It is in partial completion of the researcher's mini- thesis/thesis towards the MPA / M.Admin / PHD Degree at the School of Government, at the University of the Western Cape.

Before you decide to participate, it is important for you to understand the purpose of the research and what it would entail. Please take time to read the following information carefully and discuss it with others if you wish. If you are unclear of anything, I would be happy to answer any questions you may have.

### PURPOSE OF THE STUDY

This research intends to explore the current approach to the delivery low-cost housing in South Africa. It looks at a particular municipality within the Western Cape - Theewaterskloof Municipality as the study area and ask the question whether the current approach to housing delivery is adequate to meet the needs of communities. Against this backdrop the problematic for this paper emerges, as the paper is intended to examine the current approach to solving the housing crisis. Primarily the aim is to provide a critical review of this approach and its efforts to affect housing provision as a basis to determine the golden thread between 'the approach and its' housing outcomes within the context of social, economic, and environmental realities.

### DESCRIPTION OF STUDY AND YOUR INVOLVEMENT
The participant is a Khoisan chief of the Chainouquas - Soewas Clan. He bears extensive knowledge of the land claims of the Khoi people as it pertains to this region. His involvement sheds light on the indigenous narrative. His involvement reflects on the history of the Khoi Khoi and the Khoisan people as informed by oral history passed down to him from elders in his clan. He can also contextualise the land claims and occupations by some of the indigenous peoples of South Africa and advances his perspective on resolving some of the complex issues related to land, people, identity, and the housing crisis.

A place of quality,
a place to grow, from hope
to action through knowledge

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## CONFIDENTIALITY

Please be advised that the results of the study will neither divulge the organization's particulars nor the individual particulars, as to maintain confidentiality at all times. Any information that can connect the responses to an individual or organization will remain confidential and will be disclosed only with your permission. The researcher shall keep all records and tapes of your participation, including a signed consent form which is required from you should you agree to participate in this research study, and locked away at all times.

## VOLUNTARY PARTICIPATION AND WITHDRAWAL

Your participation in this research is entirely voluntary, which means that you are free to decline from participation. It is your decision whether or not to take part. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. If you decide to participate in the study, you are free to withdraw at any time – and without giving a reason. You may also choose not to answer particular questions that are asked in the study. If there is anything that you would prefer not to discuss, please feel free to say so.

## PAYMENT FOR PARTICIPATION

There are no costs to the participant for partaking in the study.

## INFORMED CONSENT

Your signed consent to participate in this research study is required before I proceed to interview you. I have included the consent form with this information sheet so that you will be able to review the consent form and then decide whether you would like to participate in this study or not.

## QUESTIONS

Should you have further questions or wish to know more, I can be contact as follows:

| | |
|---|---|
| **Student Name** | : Benita Petersen |
| **Student Number** | : 3204902 |
| **Mobile Number** | : |
| **Work Number** | : |
| **Email** | : |

I am accountable to my supervisor : Professor Greg Ruiters
School of Government (SOG)

| | |
|---|---|
| **Telephone** | : |
| **Fax** | : |
| **Email** | : |