UNIVERSITY OF KWAZULU-NATAL

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INSTITUTIONAL MATTERS: EXPLORING THE ROLES OF THE STATE AND TRADITIONAL COUNCILS IN SELF-HELP HOUSING IN THE PERI-URBAN SPACES OF KWAZULU-NATAL, SOUTH AFRICA

By

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ABSTRACT

The main aim of this thesis is to explore the roles of the state and traditional councils in self-help housing in the peri-urban spaces of KwaZulu-Natal. This thesis primarily explores the extent to which the roles and power relations of the local state and traditional council impact on self-help housing in peri-urban spaces, considering the history of institutional segregation and the contesting powers introduced by the crafting of the post-apartheid state, land management and government functions in both planning and housing development. The thesis develops an understanding of the multiplicity of planning and housing policies as well as agencies converging around housing development in the urban edge in order to gain insight into the historicity of self-help housing and governmental practices in eThekwini Municipality. More specifically, the thesis traces the historical narrative of housing and its effects on peri-urban spaces in South Africa; investigates how the concept of self-help housing has a bearing on the production of governable spaces in the context of rural spaces in eMaphephetheni in South Africa; examines how the influence and powers of the state and traditional councils contribute to the mass production of self-help housing in eMaphephetheni; examines the role of peri-urban place-making in generating a culture of suburbia, wealth, lifestyle and new African urbanity; analyses different role players involved in self-housing within the peri-urban areas and their influence in housing products; and develops a framework that will contribute to the sustainability of self-help housing in the peri-urban spaces in South Africa. The thesis also interrogates the application of various South African building laws, in particular the National Building Regulations and Building Standards Act No. 17 of 2007, and their implications for the self-builder.

This thesis has utilised the work of influential post-structural and critical theorists – Foucault, Lefebvre and Gramsci, and that of institutionalists – Pierson, North and Thelen, in order to gain a critical insight into the challenges of self-help housing development at eMaphephetheni. The thesis adopts a qualitative research approach and interpretivism paradigm which offer a research design suited to explore the powers and roles of diverse institutions. Interviews were conducted with 50 respondents that were comprised of 30 local homeowners and the various stakeholders in both the agency of the state and that of the institution of traditional leadership, and documentary analysis from government sources and municipal policies was carried out. These theoretical framing and methodological tools were used in order to triangulate both secondary and primary sources of data.

The findings of this thesis reveal that self-help housing development is faced with a variety of challenges of an institutional, economic, social, constructional and architectural nature, among others. The thesis found that peri-urban spaces are governed through constrictive normative planning practices and regulatory control on

the one hand, and a firm capture and control of land by the traditional institutions and elites on the other. Overall, this thesis developed a framework that will contribute to the sustainability of self-help housing in the peri-urban spaces in South Africa, while also facilitating the institutional assemblage of the agency of the state and that of the institution of traditional leadership. The essence of the framework is the introduction of a digital platform that seeks to host and harmonise user friendly land data which can be accessed and used by various stakeholders. It is an attempt towards advancing hybridity in land governance using modern technology readily accessible to everyone. The framework further suggests technical advisory support to self-builders through localised housing support facilities. To give effect to the envisaged cooperative arrangement suggested in the municipal SPLUM bylaw, the framework makes suggestions about how the Service Level Agreement between the traditional councils operating within eThekwini municipality and the municipality itself, could be operationalised.

DECLARATION

I, Mbongeni Eugene Hlongwa, declare that:

1. The research reported in this thesis, except where otherwise indicated, is my original research.

2. This thesis has not been submitted for any degree or examination at any other university.

3. This thesis does not contain other persons' data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons.

4. This thesis does not contain other persons' writing, unless specifically acknowledged as being sourced from other researchers. Where other written sources have been quoted, then:

   a. Their words have been rewritten but the general information attributed to them has been referenced;

   b. Where their exact words have been used, then their writing has been placed in italics and inside quotation marks, and referenced.

5. This thesis does not contain text, graphics or tables copied and pasted from the Internet, unless specifically acknowledged, and the source being detailed in the thesis and in the References section.

Signed

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30-11-2020

ACKNOWLEDGEMENTS

LIST OF ABBREVIATIONS AND ACRONYMS

BNG	Breaking New Ground
COGTA	Department of Cooperative Governance and Traditional Affairs
CONTRALESA	Congress of Traditional Leaders in South Africa
DALRRD	Department of Agriculture, Land Reform and Rural Development
EPCPD	EThekwini Municipal Environmental Planning and Climate Protection Department
GIS	Geographical Information System
GPS	Geographic Positioning System
HI	Historical institutionalism
HSRC	Human Sciences Research Council
HSS	Housing Subsidy System
HTL	House of Traditional Leaders
HSP	Human Settlements Plans
IDP	Integrated Development Plan
IGR	Intergovernmental Relations
ISRDS	Integrated Sustainability rural Development Strategy
ITB	Ingonyama Trust Board
KZN	KwaZulu-Natal
MPT	Municipal Planning Tribunal
NHBRC	National Housing and Building Regulatory Council
NDP	National Development Plan
NGO	Non-governmental organisation
NHTL	National House of Traditional Leaders
NSDP	National Spatial Development Perspective
PTO	Permission to Occupy
RDP	Reconstruction and Development Programme
SANS	South African National Standards
STATSSA	Statistics South Africa
SALGA	South African Local Government Association
MSDF	Municipal Spatial Development Framework
SPLUM	Spatial Planning and Land Management
SPLUMA	Spatial and Land Use Management Act (No. 16 of 2013)
TLGFA	Traditional Leadership and Governance Framework Act of 2003
UDL	Urban Development Line
WHO	World Health Organization

CHAPTER ONE: INTRODUCTION AND BACKGROUND OF THE STUDY

1.1.   INTRODUCTION

This chapter introduces the study by providing an overview of the entire study and how it is organised. It highlights the need to study self-help housing within the context of multiple institutions; owing to the increase in self-help and self-built[1] housing developments in peri-urban spaces where there are diverse institutions with their own institutional arrangements and decision-making mandates and powers. Existing literature on housing distinguishes three different forms of self-help: laissez-faire self-help (virtually without any state involvement), state-aided self-help (site-and-services schemes), and institutionalised self-help (cases where the state actively supports self-help through housing institutions) (see Chapter Three). These various forms of self-help housing have long been the prevalent housing mechanisms across the globe since World War II (Dingle, 1999; Harris, 1998; Ward, 1982). The conceptual notion of self-help in the context of developing countries is commonly attributed to JFC Turner (Turner, 1976). There are further scholarly arguments suggesting that aided self-help in particular was both lobbied for, and practised, long before the rise of Turner's ideas in the 1960s and 1970s (Harris, 1998, 1999b).

This chapter serves to justify the need for a study on the self-help housing at eMaphephetheni which is situated at the urban edge of eThekwini Municipality in KwaZulu-Natal (KZN). It introduces the literature review in which the study is grounded. The chapter also provides an overview of the work of influential thinkers among post-structural analysts and institutionalists, and the motivation of the research topic. The chapter provides the research background problem statement for the study, justification of the study, motivation of the study, research problem, objectives and

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[1] The researcher distinguishes between self-build and self-help housing. According to Bredenoord and van Lindert (2014) self-build is a construction process where an owner-occupier of a plot or house manages all building activities by himself. Self-build is defined as an economic use of labour power, or effort, by the individual or a group, to build a certain project depending on either external or internal help or both through technical ways without using institutional partnership (Soliman, 2012). For Burgess (1982), self-help housing is involved and dependent, one way or other, on the cooperation, or involvement of the state. In the South African context both self-help and self-build housing are prevalent in the peri-urban spaces as cost- effective modalities of producing a commodity.

implications of the research questions, the literature reviewed, conceptual framework, as well as the contributions of the findings of the study to the existing body of knowledge.

1.2.   BACKGROUND OF THE STUDY

Land is a powerful economic and governance commodity. Self-help projects are sited on land owned by private individuals, the state and Ingonyama Trust Board (ITB) (the King in the context of KZN province of South Africa). Chapter Six shows that the latter is a major landholder in the rural areas of the province of KZN. Some observers have argued that in post-apartheid South Africa, land is traditional leaders' only means of exercising control, as most of their functions are inherently the scope of a democratic (local) government (Mamdani, 1996; Ntsebeza, 2005). However, despite far-reaching legislative frameworks, democratic government structures are unable to exercise their authority over citizens who still take instructions from a parallel traditional institution. Scholars such as Myers (2003) argue that in Africa traditional authorities' regulation of space has not yet been integrated into modern planning systems. Therefore, this study investigates how the traditional leaders' regulation of space is integrated into the modern planning in the post-apartheid local state that is eThekwini Municipality, and one of its peri-urban areas, eMaphephetheni.

Foucault (2003, p. 59) argued that there is a need to "cut off the king's head" in an analogy to highlight that the possession and application of power is at every level of society. From a rural resident's point of view, 'power and control' have no specific centre as they are exercised from multiple angles and by multiple actors. In addition, Foucault widens the consideration of power, suggesting that the modern sovereign state and the autonomous individual co-determine each other's emergence (Lemke, 2002, p. 51). This is equally evident in eThekwini Municipality where the municipality is often credited (but sometimes criticised) for stringent building regulatory controls but also, in contrast, lack of application of such controls in areas under the traditional authorities.

The study draws heavily from a large body of theoretical work that has elaborated on self-help housing from a radical Marxist view or critical theory (Harris, 1999, 2003; Soliman, 2012). Using critical theory, the study demonstrates that the apartheid regime used urban settlements to contain the free movement of the black population, condemning them to so-called 'black spots'. Following Foucault, the study argues that self-help housing programmes are a complex combination of different types of knowledge, subjectivities, political rationalities and techniques aimed at governing human subjects from a distance. The governmentality analytical framework elaborated on later challenges some of the ways in which neoliberalism is conceptualised in much of the recent research in the housing development field. It does this by examining neoliberalism in terms of what Foucault defined as 'micro-political' challenges, including forms of knowledge and subjectivities that are both produced by and productive of neoliberalism.

Satsangi et al. (2010) point to the prolific work around counter-urbanisation processes and its connection to rural housing markets. In the case of counter-urban population flows into rural regions, housing is both an important factor that attracts individuals to make such moves, as well as a resource in rural areas that can be dramatically changed by these wider demographic processes (Satsangi et al., 2010). The peri-urban settlements have different characteristics and the study locates self-help housing within these variances. It is crucial to understand how governance cleavages are renegotiated and mediated through self-help housing using eThekwini Municipality as a reference local authority. Mbatha and Mchunu (2016) confirm the proliferation of peri-urban spaces owing to a range of opportunities, including affordable land markets and perceived informal building processes. In short, post-apartheid urban peripheries have become spaces of creativity that offer a duality of urban living and rural lifestyles (Mbatha & Mchunu, 2016). The question that arises is whether a bifurcated state still exists or whether indirect rule in peri-urban spaces remains intact, considering that spaces bordering cities are now incorporated into the regulatory and fiscal management of a single, geographically extended municipality. In interrogating these questions, a review of the influence of historical institutions is necessary. This means that the work of historical institutionalists is important in this study.

1.3.   SIGNIFICANCE OF THE STUDY

South African regimes prior to 1994 did not pursue policies that aimed at meeting the needs of the majority of the population but rather acted in accordance with the demands of hegemonic power or capital. These regimes influenced the spatial trajectories of rural and peri-urban spaces, coercing local populations to locate in segregated, isolated and often unsustainable settlements. As managers of these spaces apartheid bureaucrats carried out development practices that promoted capital accumulation. Governance within these peri-urban spaces was dominated by traditional authorities that were controlled from a distance by these managers. According to Ntsebeza (2005), even in the democratic South Africa the traditional leaders are unwilling to relinquish their "historical customary powers" that were effectively the prevailing and the living law. Under new municipal[2] governmentality, traditional authorities have maintained *de facto* control of their respective settlements, but have also contributed to improved livelihoods in these areas.

Against the backdrop of a new constitutional dispensation with elected representatives, this continued functioning of traditional institutions creates dualism. The interface of these sources of legitimacy and authority is not always clear to the public in general and self-builders in particular. There is also a paucity of research on self-building in the peri-urban spaces of South Africa in general and KZN in particular, where the aforementioned dual system of governance is in place. Previous studies on self-help housing development processes in South Africa have not critically analysed the local state power alongside the traditional institutions and, perhaps more importantly, their consequential impact on the self-builder within the peri-urban space. In part, this vacuum is due to the fact that, during the colonial period and at the inception of apartheid, there was no holistic government housing policy targeting spaces and reserves outside of urban centres. This study identified the gap which exists in these peri-urban spaces, where the techniques of power and rationalities of rule are disregarded in the academic inquiry.

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[2] In this study 'the municipality' is used to refer to eThekwini Municipality.

Rural and peri-urban spaces are now attractive sites for higher-end self-help housing. According to Ilesanmi (2012), housing is one of the fundamental inevitabilities of mankind, which has a major impact on the health and wellbeing of an individual. The world has recognised that sufficient and reasonable housing is key to enjoying a decent life, and that it is a vital requirement for a well-organised labour force, and provides the basis for a satisfactory community life. If government wants to restructure a society and eradicate poverty, housing provision must be used as an important tool for development (Mzini, Masike & Maoba, 2013). As a result, the peripheries abutting urban areas have become increasingly integral to the functioning of municipalities (Beall et al., 2015). Beall, Parnell and Albertyn (2015) impressive work on elite compacts in Africa argues that in the continent's cities, where self-help housing is widespread, there is an absence of a unified practice or code of urban planning and regulation. Pieterse (2011) argued that this absence is compounded by the competing rationalities of modern and traditional authority. An assessment of the roles of various actors broadens the understanding of whether peri-urban spaces can be considered a 'spatially reintegrating' tool in South Africa. Through detailed examination of the processes, procedures and roles relating to self-help housing, the study seeks to enhance understanding of these developments. This could further set the tone for collaborative governmentality where the interests of various elites (traditional landowners, business, and political parties) are negotiated through self-help housing. The study aims to contribute to better understanding of self-building in rural and peri-urban spaces, considering the multiplicity of institutions which draw their legitimacy and authority from different legislative and policy frameworks.

The study also aims to understand the role of traditional institutions in housing development in the peri-urban spaces, as this is not fully documented. Academic work such as that of Huchzermeyer (1999, 2006) focused on state provision of housing, the legislative framework, and policies and strategies adopted to address pervasive informal settlements. Other studies have also examined the complex interactions and perspectives that bring a number of existing separate paradigms into a unified and interrelated framework (Massey, 2015). However, there is very limited literature on the role of traditional councils in the context of housing provision in South Africa (Charlton & Kihato, 2006; Myeni & Mvuyana, 2015; Mbatha & Mchunu, 2016; Mbatha & Ngcoya, 2019). Furthermore, the literature on low-income self-help housing development in

South African municipalities, including eThekwini Municipality, does not explore the roles of the state and traditional councils in self-help housing or the effects on residents, as well as factors influencing this phenomenon through both the agency of the state and that of traditional councils.

The development and planning policies adopted post-1994 have introduced new ways of intervening in rural spaces, while also transforming previously disjointed, racialised authorities into a single municipality – eThekwini Municipality. In formulating new policies, new knowledge on rural spaces emerged and was utilised in shaping power relations. However, while new policies have been introduced, there is paucity of research on the impact of the roles of the state and traditional councils in self-help housing, in particular.

1.4.   MOTIVATION FOR THE STUDY

The rationale for conducting this study is largely influenced by the researcher's experience of working as a professional planner in South Africa. As part of development and settlement planning, various planning tools are applied including the preparation of Municipal Spatial Development Frameworks (MSDFs), Land Use Management Schemes, Human Settlements Plans and Integrated Development Plans (IDPs), all of which are key in the spatial reordering of apartheid spaces as well as to the spatial transformation. In the drafting process, one has had to interrogate and revisit previous spatial policies to understand how they can be reconfigured to promote spatial integration. Due to historical governance regimes, numerous local government structures face challenges in integrating settlements and spaces that were previously disjointed.

The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) is considered one of the governance technologies that facilitates alignment of all geographical areas through wall-to-wall land use management. The absence of properly surveyed sites (conventional land surveying registrable through the Deeds Office) or individual property boundaries and registration of 'owners' of these sites has been a major challenge in implementing municipal land use management technologies

within traditional authority areas. This is partly because land use management is closely bound with land tenure and traditional authority in many South African indigenous cultures. In these environments, the power to allocate land for occupation by a household continues to be the core function of a traditional council. Implicit in the allocation of land is determination of the use of such land, such as the residential and commercial land use, and fields for crops or for stock grazing as well as sacred sites (Sekonyela, 2014). Intellectuals such as Henri Lefebvre, Abdoumaliq Simone, Achille Mbembe, Gramsci and Foucault, among others, have played an influential role in the field of radical urban theory and critical geography as well as in urban geography. They provide a useful lens through which housing and land management could be viewed.

This study is also influenced by other studies in the Global South. Mbatha and Ngcoya (2019), for instance, draw our attention to an under-examined phenomenon of long-term relocation of middle- and upper-class black residents into peri-urban zones and how, in the process of such relocations, the accumulation of transactional value in these situations has spawned upper-end opportunities for numerous actors. While their study ventured into peri-urban areas, it focused on socio-cultural issues, or what Schwake, (2020) refers to as 'neo-rurality' issues. However, Mbatha and Ngcoya's work was found to be silent on planning influences and development controls, particularly as these relate to spatial and building control. In contrast, the interest of this study is precisely to unravel the roles of different actors in the approval of development within the peri-urban spaces.

1.5.   RESEARCH PROBLEM STATEMENT

The upsurge in upmarket houses within the peri-urban areas under the traditional authorities has become a focus of interest in housing research and requires academic exploration. This phenomenon has reinvigorated the debates about the processes and procedures followed by self-builders in building houses in these peri-urban spaces. Firstly, the current housing tenure arrangement that obtains in most traditional council-managed areas in KZN brings its own subtleties into this housing discourse. This is because the administrative requirements for most local government procedural compliance is structured around 'owners' consent, and in the case of Permission to Occupy (PTO) holders, this is not easily accessible. Secondly, while in rural spaces in

South Africa there are growing efforts by residents and individuals in general to design and build houses of their own choice, this is likely to be hampered by the prevailing institutional context, primarily involving the state on the one hand and traditional leadership and elites on the other. These bring about divergent processes that are, at times, at odds with each other.

Furthermore, the discourse around power relations between the institution of traditional leadership and post-apartheid government is complex. Traditional leaders emerged from defined powers and functions as specific as 'raising certain taxes' in the case of Amakhosi Iziphakanyiswa Act of 1990[3] in KZN, to presiding over certain judicial matters and whose verdict was as binding as the court ruling. Mamdani (1996) defines this as decentralised despotism that was able to divide society into citizens and subjects. Traditional leadership institutions could allocate land with their word being accepted as final.

The post-apartheid policy framework leaves numerous grey areas around land management. While the South African Government has introduced different levels of policy instruments to harmonise the working arrangement between the institution of traditional leaders and the various levels of government, there are numerous practical obstacles experienced by the end users who find themselves at the centre of these power forces. The study aims to demonstrate that institutions that operate in the peri-urban spaces and in the process impact on self-help housing, are in fact complex as they involve both formal and informal institutions. Formal institutions are generally based on constitutions and laws, while informal ones are those usually based on customs or traditions as well as norms (Berman, 2013).

At face value the SPLUMA seeks to harmonise land management decisions across different layers of institutions; however, in reality this is hampered by historical power complexities inherited from the different institutions (Sekonyela, 2014; Dubazane, 2015; Nel, 2015). The Act further makes provision for some cooperation between the

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[3] Section 29 of the KwaZulu Amakhosi and Iziphakanyiswa Act, 1990, empowered a chief to try and punish any citizen who has committed, in the area under the control of such chief or headman, any offence in terms of the Zulu Law and custom other than an offence specified in the Schedule to the Act.

institution of traditional leadership and local government, which has many practical challenges complicated by the constitutional framework.

Therefore, this study investigates what is considered important in the planning and construction of houses in peri-urban and rural spaces, and how the various institutions in these spaces impact on homeowners intending to build their own houses. The study also interrogates how eThekwini municipality, at least 'on paper', argues for a workable arrangement with the institution of traditional leaders in the processing of development applications through its Spatial Planning and Land Use Management Bylaw of 2016.

1.6.   AIMS AND OBJECTIVES

The main aim of the study is to explore the roles of the state and traditional councils in self-help housing in the peri-urban spaces of KZN. In particular, the study sought to explore the extent to which the roles and power relations of the local state and traditional council impact on self-help housing in peri-urban spaces, considering the history of institutional segregation and contesting powers introduced by crafting of the post-apartheid state, land management and government functions in both planning and housing development. This thesis provides an opportunity to understand a multiplicity of planning and housing policies and agencies converging around housing development in the urban edge of eThekwini Municipality.

The specific objectives of this study are:

a)   To trace the historical narrative of housing and its effects on peri-urban spaces in South Africa.

b)   To investigate how the concept of self-help housing impacts on the production of governable spaces in the context of rural spaces in eMaphephetheni in South Africa.

c)   To examine how the influence and powers of the state and traditional councils contribute to the mass production of self-help housing in eMaphephetheni.

d)   To examine the role of peri-urban place-making in generating a culture of suburbia, wealth, lifestyle and new African urbanity.

e)   To analyse different role players involved in self-housing within the peri-urban areas and their influence in housing products.

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f)   To develop a framework that will contribute to the sustainability of self-help housing in the peri-urban spaces in South Africa.

1.7.   RESEARCH QUESTIONS

In order to address the main aim and specific objectives of the study, the researcher poses the following research question: How do the roles and power relations of the state and traditional council impact on self-help housing in peri-urban spaces, considering the history of institutional segregation and the contesting powers introduced by the crafting of the post-apartheid state, land management and government functions in both planning and housing development?

1.7.1. Subsidiary questions

The study attempted to answer the following research questions:

a)   What historical narrative of housing and its effects on rural and peri-urban spaces can be traced in eMaphephetheni?

b)   How does self-help housing contribute to the production of governable spaces in the context of rural spaces in eMaphephetheni?

c)   How is self-help housing affected by the influence and power of local government and traditional councils in eMaphephetheni?

d)   What is the role of peri-urban place-making in generating a culture of suburbia, wealth, lifestyle and new African urbanity?

e)   Who are the role players in self-help housing and what is their influence in the selection of housing products?

f)   What should be considered in guiding self-help housing towards sustainability in peri-urban spaces in South Africa?

1.8.   LITERATURE REVIEW ON HOUSING AND PERI-URBAN SPACES

The literature review presents an integrated overview of bifurcated governmentality and how this affects self-builders in the rural space. The review demonstrates where

the study fits into broader debates and justifies the significance of the research project against the backdrop of previous studies (Bak, 2004, p. 18). The study also examines secondary literature on self-help housing and the role of traditional councils in the post-apartheid rationality of rule around metropolitan municipalities as well as in developing countries in the Global South. This study also claims its theoretical and methodological foundation from the work of other scholars in the Global North and from the work of liberal scholars such as John Turner on 'freedom to build' and 'dweller control'.

1.8.1. The prominence of peri-urban space as self-help housing domain

Evidence from the literature suggests that there has been a reversal of the known rural to urban trend by the affluent in South African peripheries under traditional leadership over time (Nicks, 2014; Mbatha & Mchunu, 2016; Sutherland et al., 2016; Mbatha & Ngcoya, 2019). Mbatha and Ngcoya (2019) suggest that many Africans are being pulled to peri-urban areas to locate closer to their rural roots and enjoy fewer residential restrictions and an alternative lifestyle. The research conducted by Mbatha and Ngcoya (2019) has exposed numerous urban lifestyle limitations that impact on divergent cultures. They found in their research that developments in areas under the traditional councils have taken a totally different form, transforming the rural setting into an unseen suburban settlement. This process is being deepened by steady improvement of amenities and physical infrastructure (Nicks, 2014). It signifies the role of space in human settlements.

Prayer Elmo Raj (2019) argues that space is the agent of enactment of power. According to him, the configuration of knowledge is administered not only by spatialisation of internal cognitive imagination but also through the fashioning of external spatial representation/formation (Prayer Elmo Raj, 2019, p. 5) In this regard, space determines a number of reactions and has also been a major factor in the success and failure of self-help housing throughout the globe. Roy (2005, p. 149) notes "that in many parts of the world, the site of new informality is the rural-urban interface". The peri-urban space is notably a site of diversity, a summit of informality. Numerous institutions seek to monopolise this space, including formal and informal

ones, elites all frantic to entrench their legitimacy and authority (Bloch, 2015; Mbatha & Ngcoya, 2019).

1.8.2. South Africa's housing policy paradigms and self-help housing

Since 1994 subsidised housing delivery was placed at the top of the agenda of the newly-elected South African Government. The 1994 White Paper on Housing provided for about 3.7 million houses to be delivered, ranging from houses subsidised by the state to rental housing (South African Cities Network, 2014). The provision of housing requires that all spheres of government encourage the creation, development and maintenance of socially and economically sustainable communities (Naidoo, 2010).

While there are intensifying efforts to close the housing delivery gap, South African settlements are still spatially fragmented, with a high degree of spatial exclusion (Steedley, 2014; Harrison & Todes, 2015). The Department of Human Settlements has acknowledged that in South Africa, houses continue to be built without considering preplanning requirements which are necessary for the establishment of towns and the essential infrastructure and amenities which permit functionality and sustainability. These settlements continue to be fragmented, and poor households are placed in remote areas (Department of Human Settlements, 2009). Scholars confirm that most areas under traditional authorities, previous 'townships' and informal settlements have been excluded from land use management by municipalities (Parnell & Pieterse, 2010; Sekonyela, 2014; Dubazane, 2015; Nel, 2015). The SPLUMA of 2013 seeks to redress the spatial injustices of the past through policy and procedural streamlining, but the reality is that apartheid policies created enormous institutional incongruities that make any development, particularly in rural areas, a challenge.

Self-help housing has been the main modality to provide shelter in rural spaces in contemporary South Africa. Abrams (1964) and Fathy (1973) suggest that the more rural the environment, the more likely it is that self-help building is already functioning and will continue, since it is part of the struggle to survive. Crane and McCabe (1950)

pointed out that in the developing world, most families could only acquire homes by building their own, and that the most cost-effective way for governments and aid agencies to improve housing conditions was to support this process. During apartheid isolated organised self-help housing initiatives existed across South Africa, largely with no government support. However, government self-help initiatives were introduced at the beginning of the 1960s in Pretoria (Napier and Landman, 2010; Huchzermeyer, 2001).

In the post-apartheid rationality of rule, self-help housing is also implemented in rural spaces. The rural housing subsidy programme is an alternative housing delivery mechanism in KZN, where residents generally enjoy functional tenure rights to the land they occupy (Nel, 2015). The rural subsidy policy is premised on security of communal land tenure, the Interim Protection of the Informal Land Rights Act, community participation and a coordinated approach (Department of Human Settlements, 2015). Whilst the rural subsidy programme affords beneficiaries the right to decide how to use their subsidies (for example, either for service provision or to build a house or a combination thereof); it has numerous limitations to end users who reside under traditional leaders and these will be discussed in chapters 6 and 7 of this thesis (Department of Human Settlements, 2015). Scholars have noted that the magnitude of housing backlogs renders interventions in peri-urban and rural areas extremely challenging. This is partly because rural areas accounted for the largest settlements when the post-apartheid government launched its programmes (Stats SA, 2011). The rural housing programme is specifically intended to address the dynamics of these areas.

There are numerous subtle or explicit influences in any housing project, and self-help housing is no exception. According to Turner (1972), the state, agencies and built environment professionals shape self-help housing, as families are required to pay for a defined package of basic services and to accept fixed building standards. This deprives them of their capacity to make decisions for themselves about what and how to build. In the contemporary housing field of study, self-help housing highlights the underlying role of the house and the owner's autonomy in making decisions, which

Turner (1976) described as 'dweller control'. This owners' freedom of choice also demonstrates a connection between 'home' and 'place'. Massey (1995, p. 61) notes that a house is the basis to establish and nurture families; in this regard "a house plays a major role in shaping a community and society". It also helps to define the family. Some scholars have argued that a house serves to establish "a sense of place and is part of the politics of identity" (Rose, 1995, p. 103).

A typical housing product, whether created by means of self-help or other conventional methods, responds to different statutory environments. Through local government, the state provides a policy framework that includes municipal by-laws such as building and zoning permits, and so forth. However, this does not always translate into the intended orderly and efficient system (Mahama & Antwi, 2006; Afrane & Asamoah, 2011; World Bank & International Finance Corporation (IFC), 2012). Compliance is hampered by inadequate institutional resources, lengthy bureaucratic processes, apathy among regulatory staff, and communication gaps and an overlap of roles and responsibilities among regulatory bodies. These constraints affect the smooth initiation of housing projects by individuals, particularly those that elect to pursue 'self-build'. Against this backdrop, it is not uncommon for self-builders to ignore regulatory requirements and build houses without securing any building consent (Afrane & Asamoah, 2011).

Design autonomy is one of the most important characteristics of self-help. Housing design differs from one culture to another but is often underpinned by issues of functional importance. According to Scott (1998), state and professionals often fall into the trap of ignoring indigenous preferences when designing or engaging in mass-produced housing construction. As a result, insufficient attention is paid to known local options, as cultural and local systems get ignored. Rural spaces exhibit strong cultural norms that should guide housing processes (Scott, 1998).

This study thus argues that indigenous knowledge is crucial. Scholars note that such knowledge is embedded in the historical and cultural relationships of daily living

(Shiva, 1998; Hoppers, 2002; Hountontdji, 2002; Ntuli, 2002). Hoppers (2002, p. 10) states that indigenous knowledge systems are characterised by their "embeddedness in the cultural web and history of a people including their civilization, and forms the backbone of the social, economic, scientific and technological identity of such a people". She adds that indigenous knowledge consists of tangible and intangible aspects (Hoppers, 2002, p. 10). Furthermore, indigenous knowledge systems can contribute to change and development, because the range of indigenous knowledge is large and contains practical wisdom.

Kothari (2004) also argues that knowledge is culturally, socially and politically produced and is continuously reformulated as a powerful normative construct. As a result, it is an accumulation of social norms, rituals and practices that, far from being constructed in isolation from power relations, is embedded in them. In most instances, a house is laid out according to how it is to be used. Various sociological and historical studies of housing have thus claimed that the layout of a house expresses underlying cultural values and norms, which limit the possible choices for use of space (Rapoport, 1969; Mumford, 1970; Jordanova, 1989). For example, within the Zulu culture, there has long been a special housing design and functionality (Zibani, 2002). Rondavels have always been a very popular architectural form in this culture. Dalrymple (1983, p. 77) notes that the spatial pattern and layout within an African homestead reflect local functional priorities. Often, the various tribal cultures exhibit their own flair in design and decoration, for example, the Venda and Ndebele and their colourful clay decorations.

The traditional lifestyle, in this context the Zulu culture, is also known for its gender hegemonic predispositions. Men make the major decisions in all aspects of culture. Male- determined allocation of space limits women's freedom of access in rural areas. McCall (2003) observes that gendered space refers to how knowledge is used in space for the distribution of resources (economic and others) to maintain cultural and economic gaps between men and women. In this regard as part of understanding housing processes within the traditional settlements, the study also sought to

investigate different subtle layers of power and hegemony. The following section highlights the body of knowledge and theorists that are influential in the study.

1.9.   THEORETICAL FRAMEWORK

This study considers various intellectuals, such as Henri Lefebvre, Abdoumaliq Simone, Achille Mbembe, Gramsci and Foucault, among others, to have played an influential role in the field of radical urban theory and critical geography. For this study they provide a useful lens through which housing and land management could be viewed. The study engages the work of Lefebvre (1991) on the 'Production of Space', Foucault (1995) on power and 'spatial governmentality' and that of new institutionalist theorists – historical institutionalism. In engaging these three theoretical foundations, the study interweaves and mainstreams the theories with radical urban theory and critically examines self-help housing in South Africa's colonial and apartheid as well as post-apartheid periods. These theories are supported by emerging discourses on African and radical urbanism.

The production of knowledge is used by the dominant group to produce and legitimise what Huxley (2006, p. 774) terms "dispositional spatial rationalities" which are then attached to subaltern groups and the spaces they occupy. However, the concepts of space and power in the rural space can be complex without an understanding of the normative behaviour and how general governance and institutions function. According to Berger and Luckman (1967, p. 55), social structures or institutions "emerge as a result of human interactions becoming habituated or reproduced over time", and this process is an inherently historical one.

According to Foucault (1983), space is not simply an empty vessel waiting to be filled, but a medium through which power and knowledge are produced and exercised. Lefebvre (1991, p. 1) notes that space which "not so many years ago … had a strictly geometrical meaning", now occupies a special role in the production of knowledge and certain actions. Indeed, physical space has shifted from being confined to

mathematics and physics to become a crucial instrument in establishing the body of knowledge and expertise used by the bourgeoisie to control and regulate the social behaviour of the lower classes. Demissie (2012, p. 5) adds that space is the medium in which the state and the powerful administer "methods of surveillance, inspection and punishment" over their subjects. Foucault (1977) shares Lefebvre's views, asserting that knowledge is a pedestal that an individual ascends to argue any discourse. If we are to accept Foucault and Lefebvre's contention that 'space' and 'knowledge' are a single entity, it can be deduced that the 'production of space' is intimately intertwined with the 'production of knowledge'. Gramsci (1971), goes further to argue that the production of 'space' and 'knowledge' cannot be achieved without hegemony.

Lefebvre (1991) argues that the production of space is not only limited to functionaries. He asserts that it also takes place in the everyday activities of 'inhabitants' and 'users' (Stanek, 2011). Planning is an essential component of the modernist project (Huxley, 2006; Kamete, 2009). According to Huxley (2006), planning is a crucial means assisting the state to implement a spatial rationality of social ordering, that it has assigned itself. The study demonstrates the sharp contrast between the flexibility of self-help and the rural environment within which it is sometimes implemented. As highlighted, the rural space is often associated with tradition, power and indigeneity. Eberbach et al. (2017) note that tradition is a highly fluid concept, often deriving more power from the political history of institutions as well as assertions of precolonial roots. They further argue that traditional leadership is associated with "antiquated and despotic practices" due to its manipulation under systems of indirect rule and apartheid.

Linked to power, Lefebvre's perspective of space underpins the peri-urban discourse. He has been appropriately credited for his pioneering and reflexive attention to the spatial articulations of state power (Brenner, 1997, 2004; Elden, 2004). Lefebvre (1991) argued that the state acts continually to maintain and reproduce its own conditions of existence over space, alongside its foundation in specific social classes and fractions of classes. One has observed that many self-help housing processes

are subject to statutory planning laws like zoning, municipal by-laws and numerous building regulations, to the point that the product of choice is significantly influenced and altered. In this regard. Lefebvre questioned the dominance and relevance of planning and modernist discourses, as ordinary people can produce and reproduce space to their own requirements.

The use of space in housing initiatives can have a direct influence on class and power interplays. According to Lefebvre (1991), the social production of space is commanded by a hegemonic class as a tool to reproduce its dominance. Through dispossession and hegemony, the traditional authorities were used as a form of control in the 'reserves' by both the colonial and apartheid regimes (Mabin, 1992). Autonomy and flexibility are the hallmarks of self-help housing. Foucault (1983, p. 221) suggested that power can only be exercised over free subjects. Power is always present and may become an intrinsic feeling that makes people act in an 'appropriate' way. This study thus tests the degree of homeowners' autonomy from assumed institutional powers and how this plays itself out in their choices.

Foucault also posited that knowledge is a good condition for power relations. Knowledge and power can manifest at different levels of relations. The dominance of each enhances hegemony and control. Foucault undertook an extensive analysis of power relations and argued that power is not something that can be seen and it cannot be found in a personality. He argued that "power can only locate in actions and relations between persons, institutions, and groups and so forth" (Foucault, 1983, p. 217). His conceptualisation of discourse is an appropriate lens for understanding power relations in areas under traditional authorities. He explained that a discourse is a set of reasoning which puts a subject in a certain perspective. A discourse is formed by written or spoken texts around a subject; it tells people in an indirect way what is normal and what is not. Discourse is therefore embedded in culture and knowledge, and nothing can exist without discourse (Hall, 2006; Foucault, 1983).

Settlements are organic, shaped by a combination of factors. In this regard 'place-making' is arguably influenced by, among other things, culture, landscape, amenities and services. This is noted by Lefebvre (1991), where he suggests that space is a social product, or a complex social construction which affects spatial practices. In discussing self-help housing the combination of space and place, as well as their mutual correlation, are bound to surface. A physical structure locates in space. Such physical location establishes a form of relationship with the surroundings. Through its autonomous creativity, self-help housing plays a major role in place making. It can in fact be argued that self-help housing is an expression of desired spatial form. Furthermore, as noted in Aravot (2002), a sense of place is regarded as essential for well-being and security. Beliefs, culture and indigenous knowledge contribute to the outlook of spaces. While such beliefs and indigenous knowledge are constantly reproduced, the local elders and the traditional leaders play a major role in guiding spatial expressions and impressions. As observed by Foucault (1994), within the modern governmentality functional ambiguities between the traditional institutions and states can also manifest in the spatial outlook of settlements.

Another theoretical lens applied in the study has its basis in historical institutionalism. It emerged in the 1980s in political studies to analyse political institutions which were ignored by other approaches (behaviouralism and rational choice). According to Ma (2007), historical institutionalism is one of the pillars of contemporary political science. Authors like Thelen and Steinmo (1992) and Thelen (1999) traced the evolution of this approach and are among those that seek to develop it following frustration with the rational choice approach. Thelen and Steinmo (1992, p. 12) argued that "historical institutionalists reflect a different approach to the study of politics that rejects the idea that political behaviour can be analysed using the techniques that may be useful in economics". Other authors (e.g. Pierson, 1996; Pierson & Skocpol, 2002; Ma, 2007; Ethington & McDaniel, 2007) have contributed to the rich literature on this approach.

There have been numerous case studies based on this approach (Pierson, 1996). Application of this approach to the study offers a number of advantages. Overlapping governance functions between the state and traditional authorities are often

associated with colonialism. Using this approach as a theoretical perspective, the study traces the historicity of the relations between the colonial state and traditional authorities, as well as the current frictions that exist at the interface between government and traditional institutions, especially within the context of land management, spatial planning and rural development.

1.10. MOTIVATION FOR THE STUDY SITE

One regards eThekwini Municipality as an appropriate African city where Africans (middle to upper class) who already have a foothold in urban areas in the form of secure jobs and access to urban amenities are provided with sufficient incentives to build dream homes and live lifestyles they could otherwise not afford. eThekwini's urbanity is thus likely to contribute to emerging theoretical debate on peri-urban change, African urban assemblages and insurgent forms that appear to be at odds with the vision of a planned and ordered city. The study therefore opens new lines of thinking and understanding of the consequences of 'geographies of exclusion' that are emerging in South African metropolitan cities. It adds to growing literature on Afrocentric urban theory that recognises how the affluent on the one hand and cheap land on the other serve as important urban infrastructure in shaping a fragmented spatial form and spatial marginalisation. Therefore, the study creates a platform to construct 'the geographies of African urbanites' outside of conventional images of modernisation and post-colonialism. This enables a focus on lived urban experiences upon which 'African urbanism' hinges. Such a platform is also essential in stimulating environments to unlearn post-apartheid planning models that are sometimes far removed from the realities of everyday urban experiences and new governmentality within eThekwini Municipality's boundaries. Evidence from the literature and field work is presented in chapter 5 under peri urban discussion.

EMaphephetheni village is located north of Inanda Dam, approximately 80km from the City of Durban. It is situated east of Cato Ridge, within the jurisdiction of eThekwini Municipality. It is characterised by dispersed settlement patterns. The area is divided into upper and lower eMaphephetheni, with the latter on the southern side of the

escarpment adjacent to the dam. In terms of the Traditional Leadership and Governance Framework Act (TLGFA) of 2003, the area has a traditional council which is led by Inkosi Gwala. However, in terms of the Municipal Structures Act, 2000, it has designated municipal councillors. Importantly, due to its location on the fringes of the urban core, it is one of the areas that attract the urban elite. It is situated just outside of the 'development line' previously imposed by the municipality to guide infrastructural services (Sutherland et al., 2016; eThekwini municipality, 2015).

Over time, eMaphephetheni has benefitted from a range of municipal services (Stats SA, 2011; eThekwini Municipality, 2015). With a parallel traditional council system and local governance, it provides an appropriate site to understand how self-help housing unfolds in such geopolitical spaces. The study area, eMaphephetheni, exhibits various settlement characteristics and housing products, including the 'Reconstruction and Development Programme (RDP)' houses and currently Breaking New Ground (BNG) houses, traditional homesteads, mass-produced units and those constructed incrementally by individual homeowners. The municipality's Housing Section confirmed the existence of different housing projects. EThekwini's Rural Strategy (2015) classifies this area as a peri-urban settlement with some outlying areas which are more rural in nature.

Figure 1.1: Location of the study area.
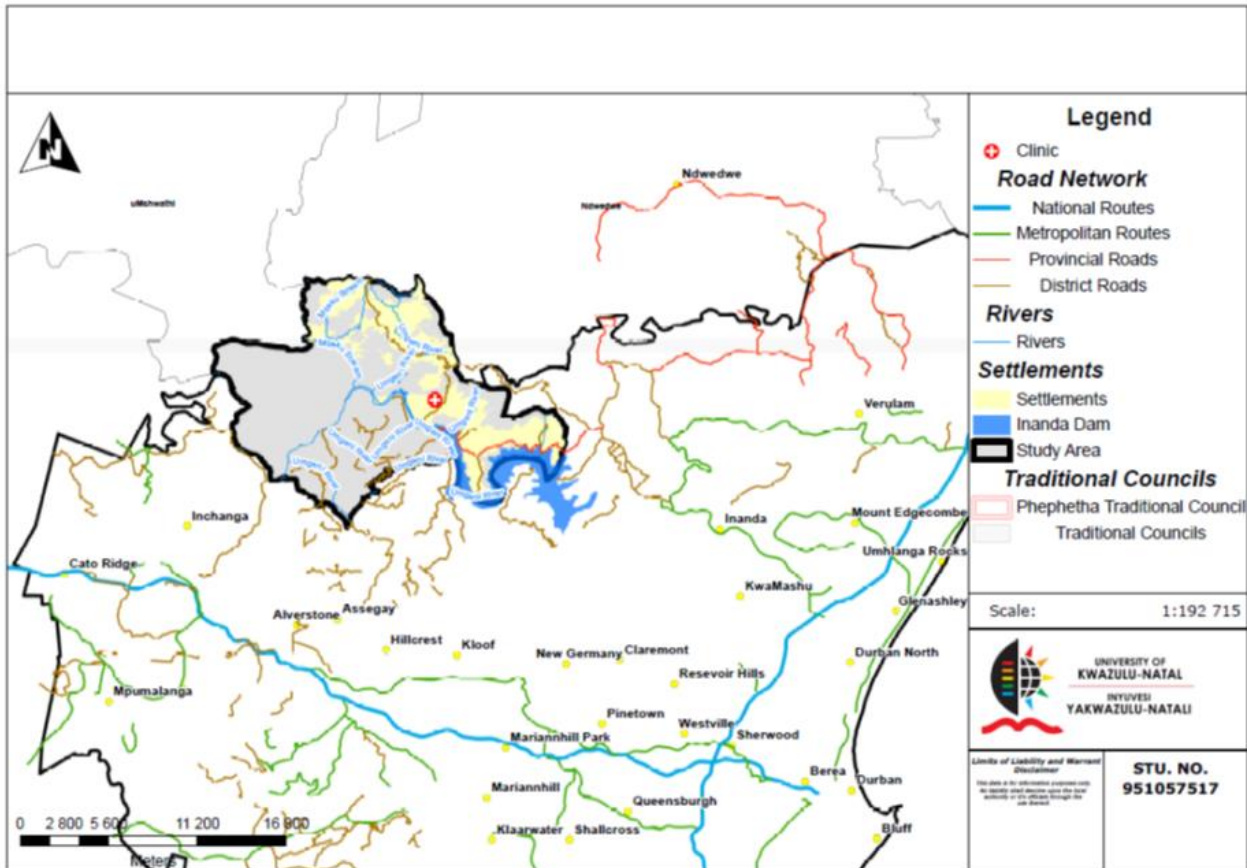
Source: Researcher's own fieldwork data - GIS map.

1.11.   SUMMARY OF THE STUDY'S CONTRIBUTION TO KNOWLEDGE

The study makes specific proposals that can contribute towards collaborative institutional processes which can eventually assist the self-builder seeking to erect a residential structure in a peri-urban area under the traditional councils. The study proposes development of a digital platform that can store and share data across numerous stakeholders. The integrated digital platform is proposed to allow easy access by unsophisticated users. To achieve this the framework proposes a land management application which is downloadable to smartphones, which allows even local headmen to update data. It is an attempt towards advancing hybridity in land governance using modern technology readily accessible to everyone.

The framework further proposes localised technical support to support self-building activities in each of the high-pressure zones within the peri-urban areas. It argues that

this Technical Advisory capacity is intended to resuscitate the Housing Support Centre concept originally envisaged in the South African Housing White Paper. Advisory services that can be provided here include advice and support in the planning and funding of new buildings, continuous upgrading advice for prospective self-builders on technical, legal and financial as well as consumer protection aspects; planning assistance including the quantification and costing of material and other requirements; assistance and advice in respect of contracting and supervision; assistance and advice in terms of material procurement at affordable prices; and advisory support during the implementation/construction process.

The framework also makes proposals to give effect to the provision of SPLUMA which envisaged a working service level agreement between local government and the traditional councils. The framework argues that a draft agreement may be just the appropriate nudge required to foster and facilitate the discussion. In this regard, the study has identified critical aspects of the agreement and introduces these elements. The study further contributes to wider debates on African rurality, the new neo-rurality, postcolonial planning in critical geography, and in debates over governance technologies in planning and Foucauldian approaches. As evidenced in the background to this study, discussed at the beginning of this chapter, this area of knowledge is clear research and policy gap in post-apartheid governmentality.

1.12.   OVERVIEW OF THE CHAPTERS

This study comprises eight chapters, as outlined below.

Chapter One provides an introduction to the entire study. It covers the background, motivation, problem statement, research problem, and objectives, as well as outlines the theoretical framework. It further provides the justification of the study site.

Chapter Two interrogates the theoretical foundations that underpin the study. It unpacks the theoretical works of key radical urban and critical geography theorists as well as those of institutionalists. In this chapter terms and concepts drawn from prominent radical theorist Henri Lefebvre, Gramsci and Foucault, among others, are explained and how they are used in arguments of space, control and housing.

Chapter *Three* provides an international perspective on self-help housing and its challenges in the developing countries. It further examines self-help housing as a concept and self-build as its derivative. The chapter defines and traces the history of the concept of self-help housing and its numerous derivatives. It also discusses the role of the state and the mandate that it has assigned itself through governmental intervention in the peri-urban spaces. Using experiences from different countries, the chapter highlights that underpinning the complex involvement of other actors are different tenure modalities.

Chapter Four presents the research design and methodology used in the case study. It further discusses how data were collected in order to ensure their validity and reliability.

Chapter Five expands the discussion of settlement dynamics found in the peripheries. Through profiling, this chapter draws on demographic information collected from self-help housing respondents at eMaphephetheni Traditional Council, which falls under Ward 2 of eThekwini Municipality, to explore some of the conditions and factors that have necessitated that people move and construct houses in eThekwini peri-urban areas.

Chapter Six examines the effects of the powers of the state and traditional councils on the production of self-help housing in eMaphephetheni. It traces the historicity and the functioning of the institution of traditional leadership and its role in the production of self-help housing. The chapter is grounded by the Foucauldian discourse of governmentality. It discusses spatial governmentality and the role of vernacular architecture and its association with culture, as well as discussing how the traditional communities engaged with shelter as a consequence of this relationship. The chapter also discusses how the post-apartheid state has positioned the institution of traditional leadership, which in turn assisted them in reassertion and repositioning themselves in the local state and self-help housing in the case of eMaphephetheni. It also establishes whether there is any connection between customary and constitutional views with respect to land tenure, gender and customary access to rights, and how this plays out in eMaphephetheni self-help housing processes.

Chapter Seven traces the contesting and collaborative relationships between state institutions and other government agencies in the process of self-help housing

development in South Africa, using the case study of eMaphephetheni in eThekwini Municipality. The purpose of the chapter is to bring to the fore dispersed practices of governing: management of households and families. The chapter demonstrates that there are a multiplicity of institutions aiming to act through free and autonomous individuals and agencies in the self-help housing processes in peri-urban spaces. The chapter questions the government practices, given its ignorance of planning laws and other legislative frameworks made to function in the context of managing the self-production of houses. This chapter also draws from the work of Foucauldian scholars and institutionalists in order to interrogate state power which was produced through the capacity to construct and reconstruct categories of legitimacy and illegitimacy. The chapter discusses the various techniques that the state uses to marshal self-help housing. It also discusses the various techniques in land management which the state orchestrates through land use management tools and procedures.

Chapter Eight concludes the study. It presents a summary of the research objectives, and the conclusions of the study and recommendations for future studies. In line with the objectives and findings of the study, a framework that will contribute to the sustainability of self-help housing in the peri-urban spaces in South Africa is proposed. The model proposes interventions that the municipality should engage in order to deal with the housing development. It is suggested that if municipalities are able to address issues identified in the study, then integrated human settlements and sustainability will be achieved at the same time, ensuring that the quality of life of communities is improved.

1.13.   CONCLUSION

This chapter served as an introductory outline of the entire study. It highlighted the research problem and provided the motivation for the study. It also covered a brief literature review and highlighted research gaps in self-help housing. It provided the research objectives and research questions, ending with an overview of the chapters to follow, briefly outlining what each covers. The next chapter will advance the literature further by examining theoretical underpinnings of governmentality, power space and institutions, and how these relate to each other.

CHAPTER TWO: FOUCAULT AND THE CONCEPTS OF GOVERNMENTALITY, SPACE, INSTITUTIONS AND HEGEMONY

2.1. INTRODUCTION

The preceding chapter provided an outline and parameters of the study. This study and the arguments being propagated, particularly regarding the institutions and the subjects, have been well researched in the past by various scholars, including Michael Foucault, Antonio Gramsci and Henri Lefebvre, to mention a few. This chapter is dedicated to understanding how they unpack circumstances and perspectives around the concepts of power. In this regard, this chapter introduces the concepts of governmentality, space, institutions, power and hegemony and gives an overview of what each of them entails and, with that in mind, how they impact self-help housing under the traditional institutions. Discussions around these concepts were largely made in reference to space, power, institutions and governmentality and in the context of housing in peri-urban areas, which is the subject of this thesis.

This chapter is divided into two sections. The first section describes a conceptual framework which examines the interplay between these concepts, specifically looking at the relationships that exist between spatial governmentality and space, spatial governmentality and power, institutions and space, institutions and power, and institutions and hegemony. The second section focuses on the critique of neoliberal governmentality and housing as well as the critique of governmentality, institutions and power. The chapter ends with a conclusion which summarises the issues covered.

2.2. DEFINING GOVERNMENTALITY, INSTITUTIONS AND SPACE

This section serves as the conceptual framework of the study. It discusses various concepts as defined by other writers and provides their interpretation in this study. The purpose of this section is two-fold: the first is to establish a better understanding of the concepts and debates surrounding each one of them, and the second is to define the

concepts as they have been applied in this study. The revisiting of the concepts forms a crucial part of the study, as it allows the reader to gain a reasonable amount of background knowledge on the concepts used, and it provides the study with an opportunity to provide clear definitions of the concepts as they have been applied and adapted. Through this exercise the reader will benefit from an overview of contextual relevance and from a much more defined scope of definition to avoid any misunderstanding and misinterpretation of the terminology used. The section discusses the following concepts: governmentality, space, spatial governmentality and power, institutions and power, institutions and hegemony, neoliberal governmentality and housing, as well as the critiques of governmentality, institutions and power.

2.2.1 The concept of governmentality

Governmentality as a concept is the brainchild of Michael Foucault and emerged in around 1979. Over the years it has gained traction from a wide range of researchers who in turn have furthered the understanding of the genesis of neoliberalism and the social forms that come along with governmentality (Dodson, 2006). The term was derived from the concept of 'government' which, according to Foucault (1991, p. 87) denotes a "historically constituted matrix within which the tactics, strategies and manoeuvres of governance agents are articulated in order to manipulate the beliefs and behaviours of people and drive them to certain directions".

Foucault's understanding of the term 'government' encompassed both a wide and a narrow sense, and he defined the term in general as "a form of activity aiming to shape, guide or affect the conduct of some person or persons" (Gordon, 1991, p. 2). He noted that government as an activity includes the relation between 'self and self', private interpersonal relations, relations within social institutions and communities and relations to do with the exercise of political sovereignty (Gordon, 1991). These manoeuvres seek to capture people's understanding of the world in which they live and manipulate their behaviours and ways through which they organise their physical space; it is these relationships that give birth to the various forms of government and become hegemonic.

Governmentality can also be understood as the "conduct of conduct", referring to a government's attempt to shape human conducted through calculated means Li (2007). The main purpose of a government is to ensure the welfare of its citizens, and to promotes its longevity and wealth. However, in Foucault's averred that whilst it is government intention to exercise control over its subjects, it is not always possible to regulate every individual's actions. In this regard governments unleash calculative technologies that capitalise on individual real and psychological aspirations.

The concept itself is not difficult to comprehend. It expands our understanding of the day-to-day power at different levels of human interaction. Foucault sought to encourage people to consider power not only in terms of hierarchical, top-down instruction from the state, but as including the forms of social control in disciplinary institutions (schools, hospitals, psychiatric institutions, etc.), as well as the forms of knowledge. Power can manifest itself positively by producing knowledge and certain discourses that become internalised by individuals and guide the behaviour of populations. This leads to more efficient forms of social control, as knowledge enables individuals to govern themselves.

The notion of governmentality is also expanded to refer to societies where power is decentralised and its members play an active role in their own self-government. Because of its active role, individuals need to be regulated from 'inside'. In his lecture titled *Governmentality*, Foucault (1991, p. 102). gives us a definition of governmentality:

> "… the ensemble formed by the institutions, procedures, analyses and reflections, the calculation and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security".

The concept of governmentality refers to a given set of government practices that "has the population as their object, the economy as their knowledge and the safety devices as their basic mechanisms" (Machado, 2008, p. xxiii). It can be understood as a way of objectifying citizens and make them submissive with the aid of a set of governing techniques to control, regularise and shape their behaviours, rendering them

governable. The concept of governmentality recognises the link between politics (state government) and morality (government of the self), as well as how the construction of the subject (genealogy of the subject) relates to how the state is formed (genealogy of the state).

Foucault's (2008) idea of governmentality is made up of three distinct approaches, which are however interconnected. The first defines governmentality as a systematised mechanism which consists of institutions and plans of action. This approach defines governmentality as the collection of devices, procedures and calculations that are unleashed to exert a specific and complex power targeted at the general population. This power plays a part in recommending the political economy and safety devices as knowledge and an important technical tool respectively (Torres, 2013). The second approach recognises governmentality as a trend. This is derived from Foucault (2008, p. 143) who understood 'governmentality' as:

> "… the trend, the line of force which in the West led to the supremacy of such power that we call 'government' over all others – sovereignty, discipline – and that led to the formation of a set of specific devices of government and the development of a series of knowledge."

The third approach views governmentality as the process, or rather the outcome of the process through which, over the centuries, ancient kingdoms gradually converted into the administrative and governmentalised states that we have today (Foucault, 2008). Foucault (1992), quoted in Torres (2013, p. 3), noted that the "term governmentality also highlights four historical aspects that lie behind the constitution of power: firstly its embodiment as an object (as a structured mechanism made up of institutions, strategies and tactics of action); secondly the hegemony of government as a modern kind of power; thirdly the emergence of government apparatuses and of specialised knowledge; and fourthly the historical process by which the state has become 'governmentalised'" (Torres, 2013, p. 3).

Under this view, 'governmentalisation' is thus regarded as a historical process through which (Foucault, 1991b, n.p.):

> "… the law society and the State of Justice of the Middle Ages was transformed into discipline society under the command of the administrative state and then, to the society of police, controlled by the safety devices that constituted the state government."

The process, which is a phenomenon of Western history, is also concerned with rationalising policies and practices of government and also regarded as the primary mechanism of change. Foucault (1991a) argued that it is from such political rationality that governmentalisation of the state was birthed. Governmentalisation of the state thus equates to the rationalisation of government practices to exercise political sovereignty (Foucault, 1991a). Foucault developed the concept of governmentality to demonstrate how the genealogy of the modern state was constructed and how it has become a category of analysis. The concept of governmentality also helps to demonstrate the many relationships that exist between state apparatus institutionalisation and the individual's historical subjectivities. The idea here is to discover and capture the many processes of mutual purpose between the contemporary sovereign state and the individual. Policies implemented by the state through its agencies are understood "as a political process – a historical event that needs to be explained since it is not a given fact" (Torres, 2013, p. 3).

According to Deleuze (1988), governmentality means that there is nothing called a state, but state control is what exists. In support of this, McGuirk (2003) argues that this is evidenced by how most metropolises across the world today are being governed by an assortment of neoliberal institutional relationships in which no one agency possesses superordinate social or economic control yet government can still express itself. This view resonates well with Torres (2013), who argues alongside Foucault (1991) that the state should not be seen as a self-sufficient institution divorced from society, but as an entity that is formed alongside and shaped by the same processes that make up the society itself. By 'state' Foucault (1982, p. 212) did not mean to refer to a narrow understanding of the state only as a juridical structure, but to a specific form of power that:

> "… applies itself to immediate everyday life which categorizes the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth on

him which he must recognize and which others have to recognize in him. It is a form of power which makes individuals subjects".

Put into other words, the state should not be seen as a central and privileged institution "with unique and deterministic capabilities for exercising structural functions of social and economic reproduction, because the state itself is a product of relations of reproduction" (Torres, 2013, p. 2).

A number of scholars believe that neoliberal governmentality entails implanting some form of liberal subjectivity into the individual as it seeks to construct a liberal individual (Burchell, 1993; Dean, 1996; Rose, 1996). In this respect, it aspires to construct "a self-regulating liberal subjectivity in which the individual takes on the responsibility for their own conduct" (Dodson, 2006, p. 3) to ensure that the state does away with direct methods of control and organisation (Foucault, 1979). King (2003) calls for adoption of the concept of neoliberal governmentality and its "individual libertarian morality" in housing government and scholarship. Foucault argued that we also need to place our examination of power in the context of space, as power is exercised over humans and objects against the backdrop of space.

2.2.2 Defining space

The concept of space has received a lot of attention from scholars across the social sciences and humanities fields, as it is essential to people's understanding of their environment, surroundings and geography in general. The term has thus received numerous definitions by various scholars, including in the built environment. The Collins English Dictionary (2012) defines it in general terms in two ways: firstly, as the unlimited three-dimensional expanse in which all material objects are located, and secondly as an interval of distance or time between two points, objects, or events.

However, social scientists seek a deeper understanding of the term and are more concerned with the objects found within the space, their relative position, description, and explanation and the relationships that exist between objects and space as well as objects found within space. The concept of 'space' in Foucault's work translates into

a structural situation. He regards space not as an extension of object movement, but rather as something that is made up of a set of activities and relationships. The argument is that space is no longer an abstract, homogeneous and infinite thing that it used to be regarded as in the past, but is now rather heterogeneous, specific and limited.

Foucault argued that as human beings we now live guided by a set of relationships or connections which are defined by sites that are neither mutually reductive nor dominant. Not being mutually reductive means space is always concrete and specific, a different place, a different living space – there is no common space, and in terms of its non-dominance, spatial relations are flowing and changing. It is Foucault's thought that we cannot separate space from human activities because it is a specific form of human space, or rather a practice. He noted that there are different types of space and these include private space, public space, family space, social space, cultural space, useful space, space of leisure and work spaces, and further emphasised that all space – no matter what type – is governed by the invisible presence of the sacred (Foucault, 1984).

Foucault understands that contemporary space has important methodological significance and challenges us not only to direct our focus to its abstract principle, but to go deeper and also consider the characteristics of the concrete experience-space of the human (Shapiro, 2016). According to Foucault, the production of space everywhere "is not a neutral social praxis, but one that is appropriated to for the specific goals of implementation of power, which makes the art of space craft a power/knowledge in its essence" (Grbin, 2015, p. 309). As a result, we need to see space not as a 'normal' and neutral category that is free from the interference of social and political monikers; space is thus not entirely constituted by the sole material reality it has, but incorporates its socio-functional characteristics and goals as well as cultural-symbolic and representative layers (Grbin, 2015). Social spaces include factories, parliament, public squares and other places, but also train carriages, cafes, beaches, and so on (Shapiro, 2016).

Space plays an important role in Foucault's concept of power/knowledge, where it acts as a medium of and an instrument for the practice of power, since the strength of this power is found in applied knowledge of space craft (Grbin, 2015). West-Pavlov (2009) further notes that according to Foucault, space is a critical category of analysis because it helps to unearth the domains where power becomes visible. Analysing the transformational role of peri-urban spaces, Mbatha and Mchunu's work (2016, p. 3) also argues that space is "more than just physical spaces and a process of movement of goods and services – they are spaces of ideological expression". According to Foucault (1983), space is not simply an empty vessel waiting to be filled, but a medium through which power and knowledge are produced and exercised. Lefebvre (1991, p. 1) notes that space which "not so many years ago … had a strictly geometrical meaning", now occupies a special role in the production of knowledge and certain actions:

> "… Indeed, physical space has shifted from being confined to mathematics and physics to become a crucial instrument in establishing the body of knowledge and expertise used by the bourgeoisie to control and regulate the social behaviour of the lower classes."

Lefebvre (1991) argues against conceptualisation of space as mere "container or milieu", as a kind of neutral setting where life happens, acknowledging that while it is true that space is a setting in that it is a platform where all activity must occur, it is more than just that. Space therefore does not refer to a mere medium nor a list of ingredients, but to some form of interconnection of geographic form, built environment, symbolic meanings, and routines of life (Molotch, 1993). Demissie (2012) adds that space is the medium in which the state and the powerful administer "methods of surveillance, inspection and punishment" over their subjects. Foucault (1969, p. 238) shares Lefebvre's views, asserting that "knowledge is also the space in which the subject may take up a position and speak of the objects with which he deals in his discourse". If we are to accept Foucault and Lefebvre's contention that 'space' and 'knowledge' are a single entity, it can be deduced that the 'production of space' is intimately intertwined with the 'production of knowledge'. The production of these two

correlatives – that is, 'space' and 'knowledge' – cannot be achieved without the use of hegemony (Gramsci, 1971).

A further consideration in the understanding of power and spaces has to do with the instruments often involved in administering power. This calls for the understanding of role players and institutions. Urban studies researchers interested in Foucault's analysis of governmentality are becoming increasingly interested with how space is managed and controlled in urban settings, in what Merry (2001, p. 16) regards as "another regime of governance: i.e. control through the management of space." According to Robin (2002, p. 667) "spatial governance usually involves a range of exclusionary practices, including the exclusion of 'offensive behaviour and people, usually the poor and homeless, who look dangerous or disorderly."

In further attempting to show how space is widely controlled in most cities across the world, Merry (2001, p. 16-17), drawing insights from Caldeira (1999), notes that it is now common to find "new forms of spatially organized crime control" in most contemporary cities, where some activities (usually deemed 'illegal') are totally prohibited. Perry and Sanchez (1998) talk of "prostitution-free zones" as a way of managing space through regulating the sex trade, while Sanchez (1997) noted "violence-free zones" put in place in India to reduce communal conflicts. Valverde (1998) also noted how spatial governance strategies are used to control alcohol consumption and regulate smoking. In another instance, Ericson, Haggerty and Andrew (1999) noted that new community-policing strategies emphasise moving criminal individuals to other areas as opposed to prosecuting them.

The cases cited above exemplify new regulatory mechanisms that are targeted at spaces rather than persons, as they are aimed at excluding certain 'offensive' behaviours, activities or practices in some given spaces, rather than trying to correct or reform the 'offenders'. These new mechanisms of social ordering that are based on spatial regulation are what is known as spatial governmentality (Perry & Sanchez, 1998; Perry, 2000).

2.2.3 Spatial governmentality and power

Power is one of the central aspects of Foucault's concept of governmentality. According to Torres (2013, p. 1):

> "power is not something concrete or objectified from which one can take possession or maintain ownership, but instead it is a social relation that takes place between individuals, and takes the form of webs or networks that exist in the social environment".

This view is supported by a host of other poststructuralist scholars (Laclau & Mouffe, 1985; Rose, 1992; Veiga-Neto, 2005; Lemke, 2007; Foucault, 2008). Governmentality by its nature is meant to capture a political power, which has grown to become the predominant form of power in the contemporary world. Political power is a product of institutionalisation of power. Political power is characterised by the propagation of government devices and creation and consolidation of given system of knowledge on who, when and how to govern (Torres, 2013).

The authority of local governments and states to relocate people or activities from one place (space) to another, or allocate different spaces for different land uses (like housing, recreation, markets and malls, among others) showcases an exercising of power. As noted earlier, power also plays a part in generating some knowledge, and this knowledge can also be a vehicle of power. For example, some decisions are reached based on expert knowledge, and once the recipients of the knowledge gather that it originated from some expert sources, it is easier for it to be accepted and respected. Knowledge thus plays a part in governing, as it thus also plays a part in managing and controlling spaces. For example, the cultural significance of the graveyard as a sacred place has in most societies seen these spaces being respected, translating to some form of spatial governmentality which is not based on any laws or policies but on knowledge created by traditionalists, and passed on through generations.

This is also confirmed by Foucault (1983), who postulated that knowledge is a good condition for power relations, further noting that the more knowledge one gains, the

more power one yields over others. His conceptualisation of discourse is an appropriate lens for understanding rural power relations. He explained that a discourse is a set of reasoning which puts a subject in a certain perspective. A discourse is formed by written or spoken texts around a subject. It tells people in an indirect way what is normal and what is not. Discourse is therefore embedded in culture and knowledge, and nothing can exist without discourse (Hall, 2006; Foucault, 1983). Foucault undertook an extensive analysis of power relations and argued that power is not something that can be seen and it cannot be found in a personality. He argued that "power can only 'exist' in actions and relations between persons, institutions, groups and so on" (Foucault, 1983, p. 217).

2.2.4 Defining institutions

The term 'institution' is among the most widely used in academic disciplines such as philosophy, sociology, politics and geography. It has a long history of usage in the social sciences, dating back at least to the early 1700s. However, even after so many centuries in existence, today there is no unanimity about how the concept should be defined (Hodgson, 2006). Hodgson (2006, p. 2) attempted a simple definition: "institutions are the kinds of structures that matter most in the social realm: they make up the stuff of social life." Turner (1997, p. 6) defined institutions as:

> "…a complex of positions, roles, norms and values lodged in particular types of social structures and organising relatively stable patterns of human activity with respect to fundamental problems in producing life-sustaining resources, in reproducing individuals, and in sustaining viable societal structures within a given environment."

Harre (1979) gave examples of institutions, and these include schools, shops, post offices, and police forces, among others. North (1990) regards institutions as the formal and informal rules and norms that bring together social, political and economic relations. Institutions are brought to life by people and societies as well as organisations, and provide a relatively foreseeable structure meant to guide everyday social, economic and political life. North (1990) also notes that institutions play a role in shaping people's behaviour and actions through establishing a predictable and

generally uncontested structure for human interaction, although they do not necessarily always determine human behaviour. In further describing institutions, Giddens (1984) points out that they are constantly being reformed through people's actions, changing structures as societies also change. It should, however, be acknowledged that institutionalised behaviours are often very difficult to change. Leftwich and Sen (2010) are of the view that institutions can produce positive or negative outcomes, depending on how they choose to interact with the people, especially on issues around access to and allocation of common resources.

Institutions can be both formal and informal. Formal institutions are generally based on written constitutions, laws, policies, rights and regulations put in place by official authorities, while informal ones are those usually unwritten social norms, customs or traditions that shape thought and behaviour (Berman, 2013). Leftwich and Sen (2010) note that formal and informal institutions can work in complementarity, or competing or overlapping. Jütting (2007) notes that informal social norms (institutions) often play a part in shaping the design and implementation of formal state institutions.

To help us understand the intricacies of institutions, scholars have developed a conceptual lens that has gained ground within role players' hegemony discourse. This is historical institutionalism (HI), defined as a tool and lens that can be applied to trace the history of institutions. In the execution of policies, for example, there are often some incongruities between the various institutions. Historical institutionalism as a paradigm emerged in the 1980s in political studies to analyse political institutions which were ignored by other approaches (behaviouralism and rational choice). According to Ma (2007), historical institutionalism is one of the pillars of contemporary political science. Authors like Thelen and Steinmo (1992) and Thelen (1999) traced the evolution of this approach and are among those that developed it further, following frustration with the rational choice approach. Thelen and Steinmo (1992, p. 12) argued that historical institutionalists reflect a different approach to the study of politics, that rejects the idea that political behaviour can be analysed using the techniques that may be useful in economics. Other authors (e.g. Pierson, 1996; Pierson & Skocpol, 2002; Ma, 2007; Ethington & Mc Daniel, 2007) have contributed to the rich literature on this

approach. There have also been numerous case studies based on this approach (Pierson, 1996).

HI is applied to understand the historicity of the relations between the different institutions involved in policy execution, particularly the housing policy in South Africa, as well as understanding the various periods of functioning of states and traditional authorities. This is extended to understand the current frictions that exist at the interface between government and traditional institutions, especially within the context of land management, spatial planning and rural development.

Ma (2007) noted that historical institutionalism has broadened the definition of institutions to include both formal and informal procedures, norms and conventions. Thelen (1999, p. 374) noted that historical institutionalists begin with empirical puzzles that emerge from observed events or comparisons. What divides historical institutionalism from paradigms is that it starts with institutions and asks how they affect individuals' behaviour, and uses comparisons to test hypotheses that can account for the observed difference (Thelen, 1999). Ma (2007, p. 63) argued that this approach "highlights power asymmetry among individual actors, as well as interactions between institutions and other factors such as actors' interests, with the intention of situating institutions in a broader context". It does not rely on a single institution to examine process and effects, but combines different institutions.

As Thelen and Steinmo (1992, p. 12) put it: "historical institutionalists generally develop their hypothesis more inductively, in the course of interpreting the empirical material itself". An inductive strategy is a preferred method of inquiry because it starts with data collection, followed by data analysis, before explaining aspects of social life. Proponents of this approach argue that any scholar who merely discusses contemporary struggles without awareness of the history that shaped the terrain of preferences and actors will miss much of central causal relevance in explaining politics and policy making (Steinmo, 2001; Pierson & Skocpol, 2002; Ma, 2007). Most importantly, history is useful because it widens the range of experience available for

examination. Furthermore, if history is well used it makes more data available and generates greater variation in outcomes for effective interpretation. A historical approach to studying institutions will enhance our understanding of them as a historical process, rather than as abstract, reified structures.

The traditional governance system being practised in many parts of peri-urban and rural South Africa has its origin in the early traditional governance system, the prominence of which became widely known under King Shaka. As noted by Butler (2002), the extent of a chief's political autonomy in relation to emerging concentrations of state power varied. However, the interest in this thesis is in the history of institutions that have shaped the current forms of governance, and governance in this context refers to broad facets of administrative oversight currently found in South Africa. According to Berger and Luckman (1967, p. 54-5) "social structures or institutions emerge as a result of human interactions becoming habituated or reproduced over time, and this process is an inherently historical one". Roping in Foucault's perspective, it is important to note that it is these institutions that are used to enforce governmentality. They are used to encourage the governed populations to self-regulate their behaviours (Foucault, 1991b). Laws and policies as they are propagated by institutions have a hegemonic effect on the populations and as such Gramsci (1971) argues that institutions, in their attempt to enforce governmentality, usually end up as hegemonic organisations. States thus produce ideologies as they seek to gain power and control and these ideas are imposed onto the governed populations, thus pointing to hegemony.

Hegemony denotes the dominance and subordination in the field of relations structured by power. According to Lefebvre (1991), the social production of space is commanded by a hegemonic class as a tool to reproduce its dominance. It is more than just social power itself, as it is also used as a method of gaining and maintaining power (Hall, 1985). It can be concluded that the dominant class – in this case, elites – are reproducing themselves in the peri-urban spaces, taking advantage of the cheap land in these spaces and the corrupt practices of traditional institutions. This is

explained further in chapter three, where the dynamics of peri-urban periphery and the influence by various powers is discussed.

2.2.5 Institutions and space

The relationship between institutions and space appears to be a simple, much less complicated and straightforward one. A range of institutions are set to manage, control and govern space in both urban and rural areas. Because of the value that land possesses as a productive asset, institutions are therefore put in place to oversee it. Many civil conflicts going on around the world today are as a result of disagreements over land/space, and hence controlling this space becomes an imperative for society to function in an orderly and organised manner. This brings in the role that institutions play in this respect. Other than that, because of the massive interest that people have when it comes to occupying land or space, managing this space can be an effective way of managing people, their behaviours and actions. As such, it should be noted that controlling space, instituting laws, rules, policies, taboos and myths about land/space can also be seen as an indirect way of reining in the population and controlling them.

In order to manage, govern and control space effectively, institutions require some form of power which is imposed onto society and its subjects to make them governable. This power is thus exerted formally in forms of planning laws and policies, or informally as norms and beliefs. Government of space is thus facilitated by influences of power which regulate, pacify, and shape people's actions, making them behave in a certain way by dictating to them what to do and what not to do in a given space, who can access it, and how to make use of it. Without power, which institutions rely on to govern, space governance is difficult.

According to Torres (2013, p. 5), Foucault regarded public policies and urban planning "as manifestations of the governmentalization of the modern state, in so far as they

seek to organize life, regulate the space and control the actions of the urban citizen." These policies are put in place as a way of achieving greater efficiency in the use and deployment of resources/power, with the ultimate goal of controlling human conduct. Put in a different way, the aim is to "achieve maximum result from a minimum application of power" (Goldstein, 1994, p. 198). Consequently, policies that seek to govern, control or organise the urban space can thus be regarded as planning that is meant to regulate people's conduct in as far as use of land is concerned (Torres, 2013). Foucault therefore refers to urban planning to as 'bio-power'. He defined the term 'bio-power' as "those projects directed at individuals in their spatial and temporal characteristics, aiming to promote that community life of which the individual is a part" (Torres, 2015, p. 5). In simple terms, institutions use bio-power to govern and control land and space, and in managing space they also achieve the greater objective of controlling or containing human beings and their behaviours or actions.

2.2.6 Institutions and power

According to Foucault (1982), everyone can execute power and relationships of power exist everywhere. Power has no central place in society from which it radiates; instead, everyone can execute power everywhere. It is difficult to point out a general master or principal because the power gets internalised by individuals. Foucault gave an example of a prison as a space, arguing that even if there is no guard visible to watch them, prisoners always feel like they are being watched. This is because they are meant to believe that they are always under surveillance, and they have internalised this such that even in the absence of a guard they eat, sleep and wake up at their prescribed times. This shows that power becomes an invisible structure, which influences the behaviour of those who it was meant to control.

It is also important to note that power is present in all relationships and can both enable subjects to do certain things or disable them. Bevir (1999), based on Foucault's ideas, noted that there are three major dimensions of power, that the modern state/institutions rely on for them to function, these being sovereignty, discipline, and government. Sovereignty power relates to monarchical historical legacies, where discipline is seen as a negative form of power that is linked to the police and extended

to political economy and bio-power, while government is a hybrid of sovereignty and discipline, which are further fused together with the Christian / religious ideas of confession. While power is generally perceived as an instrument that is used to 'oppress' and pacify subordinates, Foucault (2003, p. 307) brought in a different perspective, and refers it to as "fundamentally productive, facilitative and creative." To back this claim, he argued:

> "… If power were never anything but repressive, if it never did anything but say no, do you really think one would be brought to obey it? What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us a force that says no; it also traverses and produces things, it induces pleasure, forms knowledge, produces discourse. It needs to be considered as a productive network that runs through the whole social body, much more than as a negative instance whose function is repression."

Moving on to the context of this thesis, it is important to note that the state, through its institutions, has the power to enforce spatial governance. States and governments have various responsibilities in promoting and discouraging developments. They determine the format in which space can be produced and reproduced. Lefebvre (1991) argued that the state acts continually to maintain and reproduce its own conditions of existence over space, alongside its foundation in specific social classes and fractions of classes. In this regard, any housing initiative, for example, is subject to zoning laws, municipal by-laws and numerous building regulations and standards. In this regard, Lefebvre (1991) argued that it is the planning and legal apparatus of the state that has the power to determine what is formal or informal.

Working in cohorts with the state and its institutions in the production of space (housing) are other stakeholders. Both Foucault and Lefebvre broadened the understanding of power, identifying other external stakeholders, institutions and fellow individuals involved in the production of space, other than the state and its immediate institutions. These include financiers, material suppliers and other forms of authority within the social strata. In this regard, Foucault argued that the impact of external power on individuals' freedom should not only be considered as stemming from the state. Arguing in support of this observation, Lefebvre (1991) also notes that it is misleading to assume that the production of space is limited to bureaucrats, administrators and planners; it also takes place in the everyday activities of

'inhabitants' and 'users' (Stanek, 2011). Huxley (2006) also noted that dominant groups tend to produce and legitimise "dispositional spatial rationalities" which are then attached to subaltern groups and the spaces they occupy.

2.2.7 Institutions and hegemony

Institutions play an influential role in acquiring hegemony (Hall & Taylor, 1996). Keohane and Nye (1997) argue that power can be crystallised in institutions, and went on to define a hegemonic state as one which is powerful enough to maintain the essential rules governing interstate relations, and willing to do so. The hegemonic effect of institutions should be derived from the concept of governmentality as discussed earlier in this chapter. Institutions enforce governmentality with the intention to reduce their governed populations to objects which are passive, so that they become docile and easy to govern. Through a variety of mechanisms institutions thus seek to control, regularise or shape human actions and behaviour, thus making them governable. In this regard, they expose their hegemonic tendencies as they seek to extend their dominance over society (people and space) (Machado, 2008).

State (institutional) power is reproduced through the capacity to construct and reconstruct categories of legitimacy and illegitimacy. It plans and provides regulatory frameworks within which the city/urban processes should take place and how they are to be executed. It claims its power from the constitution, laws, by-laws and policies and uses these as weapons to regulate people's behaviour and govern spaces, deciding through planning what can be done and what cannot be done in a given space as well as who can or cannot gain access to given spaces. In this regard, it can be argued that institutions use some degree of hegemony as they seek to preside and control over people and space.

In South Africa, for example, spatial governance emerged during the apartheid era in contexts of racial segregation and class polarisation as well as rising unemployment

and poverty levels (Robins, 2002). It can thus be said that the apartheid government and all its functionaries had the power to plan, manage and decide how different spaces were supposed to be utilised. As such, apartheid was thus a form of hegemony that the government used to control and manage space within urban centres. As posited by Huxley (2006), planning policy plays a crucial role in assisting the state to implement a spatial rationality of social order and surveillance of space. This goes hand in hand with Lefebvre's (1991) concept of 'production of space' and the argument here is thus that those who are involved in the production of space also play a role in governing and managing that very same space in urban contexts.

In housing planning, the state regards low-income and informal residential areas as spaces that need urgent intervention to contain, pacify and control contagious social ills, which include disease and violence. As a way of managing these spaces in cities across the world, governing institutions; states, municipalities and other stakeholders often resort to demolitions and relocations (Merry, 2001). Harvey (1985, p. 261) notes that "in such a spatialised scenario, where the state or its institutions demonstrates its power, the underclasses see the state as a repressive institution and not a resource that is controllable and beneficial". In contrast, the affluent middle-class controls space through "spatial mobility and ownership of the basic means of reproduction" (Harvey, 1985, p. 261). They also have the means to protect and control their suburban homes through the use of strategies such as vicious dogs, high walls, alarm systems and private security arrangements.

The use of space in housing initiatives can have a direct influence on class and power interplays. According to Lefebvre (1991) the social production of space is commanded by a hegemonic class as a tool to reproduce its dominance. Put into the context of this thesis, it should be noted that the use of space in housing initiatives can have a direct influence on class and power interplays. As such, access to housing land (space) in urban areas is influenced by a multiplicity of factors and actors who have some degree of hegemony or control over that space and local populations, and are also responsible for managing/governing that space.

2.3. NEOLIBERAL GOVERNMENTALITY AND HOUSING

The various changes recorded in social housing policies and programmes since the early 1970s should be placed and dealt with in a broader context that takes into account social and economic factors. Neoliberalism has been one such notable social and economic shift (Dodson, 2006). Neoliberalism – draws certain tenets and tropes from neoclassical economics or economic rationalism - incorporates a set of both philosophical and economic theories that have become popular and dominant in public discourse since the late 1960s (Nozick, 1974). These theories generate much of their intellectual motivation from the late-nineteenth century classical economists and liberal economists (Dodson, 2006).

The most basic tenet of the neoliberal school of thought is its somehow exaggerated confidence in the allocative power of markets. It thus believes that the most efficient method of realising an efficient distribution of social goods and services is through the operation of the markets (Bourdieu, 1998). By this, it advocates that governments should play a limited part in the provision of public infrastructure and services (Graham & Marvin, 2001). Instead, this job should be left in the hands of private agencies (Friedman & Friedman, 1980). The neoliberal discourse is made up of three interrelated elements. Self (2000) described these as follows: economically, markets are seen as the most reasonable way of allocating resources; socially, markets are regarded as making up the foundational set of people's rights and opportunities; and politically, neoliberalism discourages the state from interfering with the market and all functions save in fundamental areas of organisation such as implementation of the law, defence/security and policing, among others.

The advent of neoliberalism into government policy discourse was acknowledged by a number of scholars (Kelsey, 1993). This development has seen governments shifting resource allocation decisions to the markets as provision of goods and services has also been entrusted to private sector players (Tickell & Peck, 2003). This arrangement

has seen what is referred to as the 'rolling back' of the state (Kelsey, 1993) – a metaphor which implies an "absence of the state or a governmental void" because "the state has withdrawn from the social and economic spheres" (Dodson, 2006, p. 2). As some facets of governmental activity are being withdrawn, they are replaced by new forms of state activity with strong resonance with neoliberalism (Tickell & Peck, 2003). The government's role within the neoliberal approach is restricted to correcting market failure and public goods provision that cannot be marketized – although the frontiers of this are culturally and politically mutable for example in the context of private defence firms and private prisons.

Fusing neoliberalism with Foucault's work on governmentality gave birth to the concept of 'neoliberal governmentality'. Binkley (2009, p. 62) noted that the term is meant to refer to a situation where "subjects are governed as market agents, encouraged to cultivate themselves as autonomous, self-interested individuals, and to view their resources and aptitudes as human capital for investment and return." The concept is based on the assumption that there is an incessant series that extends from the macro-technologies which are used by states to govern their populations to the micro-technologies through which individuals control themselves.

The concept of neoliberal governmentality can be used as a tool to use in understanding how structural adjustment policies were designed (Miller & Rose, 1990, 2008; Rose & Miller, 1992). Foucault (2007) argued that it is neoliberal governmentality that brought in the neoliberal market that saw most states embracing structural adjustment policies from the International Monetary Fund and the World Bank. These policies led to what Foucault (2007, p. 72) called "the reconfiguration of the state and its functions to surreptitiously govern its subjects through market-like incentives rather than direct coercion." Amo-Agyemang (2017) is of the view that neoliberal policies are increasingly believed to be no longer exclusively restricted to only the economic realm. Instead, the rationale behind neoliberal governmentality is not "power of economy", but "economy of power" (Lemke, 2008, p. 73).

Foucault noted that in neoliberalism the economic man no longer merely takes part in an exchange of goods and services, as he used to in classical liberalism, but is now regarded as "an entrepreneur, an entrepreneur of himself … Being for himself his own capital, being for himself his own producer, being for himself the source of (his) earnings" (Foucault, 2008, p. 226) "who is in need of being set free to freely compete" (Gudmand-Høyer & Hjorth, 2009, p. 120). In a neoliberal governmentality system, the market is rather a "concurrential mechanism through which the governing practice of government can be rationalised" (Cotoi, 2011, p. 13). This is in line with Foucault's analysis in which he reasoned that in neoliberal governmentality the market "becomes a sort of permanent economic tribunal that claims to assess government action in strictly economic and market terms", as opposed to just being a platform on which goods and services are exchanged for the purpose of satisfying human needs (Foucault, 2010, p. 247).

The adoption of neoliberalism as a form of governmentality has thus seen many countries coming up with neoliberal housing policies. These housing policies have ushered in new managerial and institutional forms, largely based on market models in understanding issues around human welfare and the status of those who receive housing assistance (Woods, 2007). However, Doherty (2004) noted that the 'rolling back' thesis is not valid in housing policy in each and every nation across the globe. For example, Blanc (2004) noted that the application of such policies in housing has often been weak in most European countries, yet they have been strong and effective elsewhere, as is the case with New Zealand, as noted by Ditch et al. (2001).

Rolnik (2013) identified a number of characteristics that constitute neoliberal housing policy. These include, among others, private homeownership, private property rights, and binding financial commitments. Neoliberalism in housing markets also pushes for free trade and the commodification of land markets (space – in the Foucauldian context) (Mooya & Cloete, 2007), free capital movements (Campbell, 2011) as well as little or no government intervention in housing markets (Mosha, 2013). The fusion of neoliberal governmentality and housing policy witnessed neoliberal urbanisation mechanisms like restructuring of urban housing markets by means of cutting down

housing subsidies (Hedin et al., 2012) and removal of public housing and other low-rent public accommodation (Theodore, Peck, & Brenner, 2011). In effect, these led to the creation of new and vast business opportunities for private sector players who are engaging in the housing/accommodation market. In short, it is these neoliberal developments that Foucault referred to when he coined the concept of neoliberal housing. Neoliberal governmentality will be deployed in this thesis in an attempt to understand how the concept has shaped and influenced housing policy in South Africa.

2.4.   CRITIQUES OF GOVERNMENTALITY, INSTITUTIONS AND POWER

The concept of governmentality, as proffered by Foucault, has gained some praise and promotion from a number of scholars across the social science disciplines. Firstly, Mckee (1999) noted that a governmentality perspective provides a number of important insights for policy research. He is also recognised for rightly portraying governmentality as a political project and "a way of both problematizing life and seeking to act upon it, which identifies both a territory (i.e. social space) and means of intervention" (Mckee, 2009, p. 468). The idea of indirect execution of power also speaks to the concept of devolution of power, which has become very characteristic of today's states. Such a conception aptly captures how politics (politicians) operate in real life. Mckee also managed to capture the hegemonic nature of many state institutions and how they use it in governing.

Another positive that can be derived from this concept is the issue of spatial governmentality. Looking at it, one can actually come up with examples of how space is used to govern in society. Urban centres are polluted with street signs showing how different spaces may and may not be used. The presence of recreational parks, sports fields, vehicle parking spaces, pedestrian paths, cycle tracks, and crossing points, among many others, clearly indicate that spatial governance is a reality and not an abstract concept.

Newman (2001, p. 11) also noted that the concept of governmentality as it is given by Foucault managed to reflect the changes that modern societies went through as they transformed themselves, noting that it shows:

> "…a departure from traditional forms of hierarchical state control, towards an enabling state which promotes the greater involvement of both the private and voluntary sectors, as well as an active citizenry, in networks, partnerships and co-governance."

It is obvious that the theory has attracted a wide range of scholars, and is being used in various disciplines – sociology, philosophy, urban studies, geography, gender studies and feminism, housing and planning as well as in politics. Hodgson (2006), among others, gives testimony to the fact that it is of significant value and there is a lot to learn and appreciate from it. However, despite being greatly commended, the theory has received a fair share of criticism in what has been regarded to as the 'post-Foucauldian' era.

The first criticism centred on the perspective's disregard for empirical reality. Stenson (2005, p. 266) argued that the dominant approach in governmentality studies in the post-Foucauldian era centres on what he called "discursive governmentality". He noted that it draws its evidence base from discursive rather than material practice, and thus concentrates on governing rationales as opposed to the 'art of governing'. This is in sharp contrast with Foucault's ideas. Several other critics argued that governmentality is essentially diagnostic as opposed to being descriptive as Foucault led his readers to believe (Rose, 1999, p. 19; Rose, O'Malley, & Valverde, 2006).

The second critique is based on the 'tendency' by Foucault to encourage a totally abstract view of governing, where politics is relegated to just 'rationality' and the demonstration of power as something that is omnipresent and totalising. This conception prevents the possibility of meaningful individual freedom and human agency (Mckee, 2009). Clarke, Newman and Westmarland (2007, p. 22) argued that in as much as the "discursive formation of the subject is a key strength of governmentality; it is a mistake just to 'read off' consequences from governmental

ambitions." In reality, the execution of power does not always produce the desired outcome (Marston & McDonald, 2006).

The third criticism of Foucault's ideas lies in his inattention to social difference (Mckee, 2009). This has been boldly highlighted by feminist and critical race scholars as they argued that he ignored the complexities of social location, as he tended to assume that power falls equally over all (Cooper, 1994), which is not the case in reality. It has also been emphasised that his writings failed to show how power is linked to social inequalities such as class, race and gender. Cooper (1994, p. 450) further argued that the exercise of power is more than just the "capacity to deploy technologies of power", presumably as Foucault suggested, but also has to do with the 'character' of those technologies in relation to the types of gendered or racist discourses used.

The fourth critique is based on the fact that Foucault rejected the state theory (Kerr, 1999; Jessop, 2007). He emphasised dispersed power, which he reasoned "illuminates the plurality of sites of government", yet such a move "downplayed the power of governing institutions as social forces, and the central role of the state in shaping social policies that regulate our daily lives" (Mckee, 2009, p. 475). In many nations state institutions yield real power and exercise it directly, something that is in sharp contradiction with Foucault's concept of governmentality and power.

Finally, Foucault was criticised for failing to acknowledge the fact that people can push for resistance as power is exercised over them. Foucault portrayed people as passive objects who always take orders or instructions as they are, and easily submit; however, in reality, by nature they are rebellious; he thus failed to capture the possibility of a "politics of resistance" (Mckee, 1999).

2.5. CONCLUSION

This chapter addressed the theoretical issues around space, institutions, power and hegemony. It drew insights from Foucault's ideas around governmentality in relation to these aspects and interrogated them, trying to show how they are relevant and can help to inform this study in order for the reader to better understand issues and complications that affect and influence housing policy. The chapter also looked at neoliberal governmentality and how it has led to the liberalisation of the housing market, again resulting in the transformation of housing policy as well as of all the basic services and infrastructure that accompany housing. It also gave a critique of Foucault's work, noting how it has proved to be important and relevant in the government discourse, while also interrogating its shortcomings. The next chapter will consider international experience with actors involved with tenure in self-help housing.

CHAPTER THREE: INTERNATIONAL PERSPECTIVE ON GOVERNMENTALITY AND SELF-HELP HOUSING

3.1. INTRODUCTION

The previous chapter provided the theoretical framework for this study. It interrogated various concepts, such as power, governmentality, space and institutions, which are crucial in establishing an understanding of self-help housing and peri-urban spaces. These concepts, particularly power, governmentality and institutions are used interchangeably as they highlight forces that play a role in self-help housing within the peri-urban space. There are a number of purposes for this chapter. Firstly, it defines and traces the history of the concept of self-help housing and its numerous derivatives. Secondly, it discusses the role of the state and the mandate that it has assigned itself through governmental interventions in the peri-urban spaces. Thirdly, using experiences from different countries the chapter highlights that underpinning the complex involvement of other actors are different, sometimes conflicting tenure modalities.

3.2. SELF-HELP HOUSING IN THE ARCHITECTURAL AND PLANNING DISCOURSES

This section defines and traces the history of the concept of self-help housing and its numerous derivatives. The focus is on the historical evolution of the concept and the role of the state. The section also focuses on informal groups and networks together with owner-driven, self-help housing. The section also covers issues around the tenets of self-help housing in housing studies.

3.2.1 Historical evolution of self-help housing

The concept of self-help housing can be traced back to the work of John Turner who, after living in the informal settlements of Lima, the capital city of Peru, from 1957 to 1965, developed an understanding of community self-organisation and the autonomy

of the working class who could not afford to rent houses in the centre of the city (Van Balleggoijen & Rocco, 2013). Pugh (2001) revealed that self-help housing practice existed long before conventional town planning and housing knowledge took centre-stage. Various scholars have shown that self-help housing schemes were already operational in developing countries by the 1930s and the early 1940s, through the implementation of pilot schemes by the International Cooperation Administration (formally Housing and Home Finance Administration), a United States (US) agency, in Latin American countries (Mathey, 1992; Tait, 1997; Harris, 1998).

As Soliman (2011) pointed out, self-help housing was first popularised by Samuel Smiles in his classic book *Self-Help* published in 1859. Harris (2010) argues that self-help housing was adopted as a policy alternative in the Soviet Union, and in many European nations and cities, notably Vienna and Stockholm, after the First World War in the 1920s. After the Second World War it was widely debated and adopted in many of the more advanced industrial societies as a complementary shelter solution for the families displaced by the war, which many governments could not cope with.

According to Fathy (1973), self-help housing techniques were practised in Lower Egypt in the mid-1940s. For most scholars the turning point was policy discourse in the 1960s when British architect John Turner studied various settlement upgrades, particularly in Peru, expanding understanding of the concept through theoretical writings, and thus further shaping and influencing interest in the practice of self-help housing (Turner, 1972, 1976; Ward, 1982; Harris, 1998; Gumbo, 2005; Marais, 2005; Ntema, 2011; Myeni & Mvuyana, 2015).

John Turner's work was even more influential when he worked as a consultant to the International Monetary Fund and World Bank. This was when self-help housing was adopted as WB's philosophical and programmatic approach to housing policies from the 1970s (Van Balleggoijen & Rocco, 2013; Jimenez, 2014). This means self-building was defended as a policy alternative to strictly serviced sites (Turner & Fichter, 1972, cited in Jimenez, 2014). In his study of urban policy development for developing countries, Pugh (2001) highlights that self-help housing played various roles in the

period from 1950 to 1996. Importantly, these roles have partly changed because polices changed, requiring different purposes in different contexts. The different modalities of self-help housing are discussed below.

3.2.2 The role of the state and self-help housing

As noted by Burgess (1982), there seems to be common acceptance of a degree of state involvement in self-help housing. The state determines a number of variables that directly or indirectly shape self-help housing, e.g. land, permits, building procedures, and so forth. Pugh (2001) describes aided self-help housing as a housing scheme where 'site and services' are provided, with the individual household taking responsibility for the construction of their own housing units. Harris (2010) further argues that unlike public housing or market-oriented policies, aided self-help never had strong political or ideological associations.

In developing countries a practical counterpart to Turner's ideas has been a shift in housing policy toward site and service projects; however, residents often have little control over the location, design and management of their projects (Laquian, 1976; Burns & Grebler, 1977; Van Balleggoijen & Rocco, 2013). This becomes obvious when intended residents refuse to occupy the newly serviced sites (Laquian, 1976; Burns & Grebler, 1977; Van Balleggoijen & Rocco, 2013). The same challenges have also led to housing abandonment in many housing schemes.

The role of the state in self-help housing goes beyond state-aided parameters, as the state and its organs get involved in the regulatory framework. As noted above, 'site and services' programmes are used extensively to guide the location of infrastructure and invariably of the houses themselves (Merrill, 1977; Harms, 1992, cited in Mathey, 1992).

3.2.3 Informal groups and networks

Among other facets of his focus, Turner became widely referenced for his philosophy of autonomy to build. Within this, he argued that dweller control is paramount in shelter processes and key in overcoming bureaucratic and technological barriers (Ward, 1982; Harris, 2003, Ntema, 2011). This aspect of self-help housing became a major highlight in housing delivery, as it popularised organised options outside of the state; 'organised' here is a concept of interest as it starts identifying collective effort. In this regard, it is to be observed that prior to Turner's influence, housing delivery outside of a government framework was rarely organised and planned. According to Kyessi (2002), this category entails residents or a collective undertaking planning and implementation activities. Highlighting the significance of groups and networks, Bangdome-Dery, Eghan and Afram (2014, p. 56) note that self-help housing has been defined as "practices in which low-income groups solve their housing needs primarily through their own resources of labour and finance". The most common form of self-help housing process highlighted by Turner was usually the collective contribution and group engagement during construction. Under qualified supervision, prospective homeowners perform a substantial amount of the construction labour, using their own 'sweat equity' to reduce the cost of their homes. Ntema (2011, p. 6) has added his insight to the self-help discourse, characterising self-help housing as a mechanism that:

> "… allows poor communities to act as key decision makers in project planning, design, management and implementation with state support in initial project funding, training on project management and oversight during implementation without depending on others."

Mutual self-help housing, which also falls under this category, involves collaborative construction and is sometimes called co-operative housing delivery (Mathey, 1992; Ward, 2019). In co-operative housing initiatives, various members of a group, held together through common interest, contribute sweat towards collective building. Mutual self-help housing can be applied in upgrading programmes, as in US where these are extended to neighbourhood maintenance (Ward, 2019). Sengupta (2010, p. 329) notes that self-help housing groups cannot be steered from outside, rather:

"…Self-help groups function when all members of the self-help community have something to offer and there is a certain degree of mutual dependence between the members. Self-help also functions when it remains outside the purview of the bureaucracy and power struggle prevailing in formal system."

Ntema (2011) has identified institutional self-help housing, which he argues involves community-based institutions or groups. Soliman (2009) notes that in rural areas of Egypt, where people belong to the same village or clan and know each other well, the traditional cooperative system of building is like the harvest season where they help each other. In this arrangement, contributions are spontaneous. The member accepts help, understanding the social system and that the next beneficiary may soon be up for help. Any external intervention neutralises and harms the social energy and enthusiasm (Soliman, 2009). This seems to be the major critique of other externally assisted forms of self-help housing. Evidence suggests that when there is minimal official intervention in construction processes, residents' participation is developed, resulting in a consolidatory construction process (Soliman, 2009).

3.2.4 Owner-driven self-help housing

There were diverse contributions from Turner to the debate about informal urbanisation among planners and architects in the West and the developing world. For Turner, when dwellers control major decisions and are free to make their own contribution to the design, construction or management of their housing, both the process and the environment produced stimulate individual and social well-being (Turner, 1972). The unaided self-help housing refers to a housing modality where the government plays no role; thus individuals or households acquire all materials, labour and finances to initiate and complete their housing unit on a plot of land purchased by households. Kyessi (2002) highlights various self-help housing variations that include individual self-help, which he classifies as a contribution by an individual person or household, which may involve physical and financial resources.

Another derivative of self-help housing that fits the parameters of unaided self-help is self-build, a term often associated with an individual building process less influenced by groups or the state. In this regard, it is misleading to associate self-help housing only with group or social effort. The production of shelter by the individual owner, most often also equally exhibits all the hallmarks of self-help housing. In fact, relying on own effort and means in solving housing challenges is a foremost form of dweller control. In support of this reasoning, Soliman (2012) defined self-build as an economic use of labour power, or effort, in the form of the individual or a group to build a certain project. He argued that this can be complemented by external or internal resourcing or both, through technical means without using institutional partnership.

Ahadzie and Amoa-Mensah (2010) also expanded the definition of self-help housing to include self-build housing as a gradual, piecemeal acquisition of housing inputs to accomplish building. These include resources such as plots of land, building materials and construction requirements commensurate with the owner's finances. Other instances of self-build involve professional builders and artisans, with little or no labour input by the owner or family. The owner is, however, intimately involved in the acquisition and procurement of all of the necessary components of the housing process from land to material.

Bossuyt, Salet and Majoor (2018) argue that in self-build, the extent of involvement varies from partial to complete participation, which straddles across sharing design and construction responsibilities with other parties. They highlight that physical labour is sometimes contracted out. Self-help housing and self-build is not a low social class process. It also takes place in affluent peri-urban neighbourhoods in the US and Europe (Ward, 2019). Even though this model of housing provision is slow, it continues to be the most popular contributor to housing in many countries (Ahadzie & Amoa-Mensah, 2010). Grindley (1972, cited in Turner 1972, p. 10) argues that the self-builder "adjusts his priorities to his needs, spends time in place of money, and calls upon resources of material and labour that the custom builder or developer may not know about or unable to apply".

As highlighted above, a much deeper understanding of self-help housing was derived from the work of John Turner in Peru. The next section contextualises this.

3.2.5 Tenets of self-help housing

Turner broadened the understanding of self-help housing by advocating and promoting certain aspects of the concept in a manner that positioned the centrality of owner of the house. He suggested that housing should, in the first instance, be viewed as a process rather than a definite milestone. Here he argued that based on affordability and varied user needs, the housing processes are all inherently user controlled (Turner, 1980). In this regard, the house owner defines the product in a manner that is specific to his or her circumstances. It was also for this reason that he highlighted the functional significance of a house as opposed to its physicality. Self-help housing is underpinned by the autonomy to influence the form and nature of the product. It is direct control by owner that distinguishes this form of housing from other conventional modalities. It stems from radical housing activism, once propagated by early housing scholars who argued for aggressive civil involvement and determination of own fate in housing matters (Geddes, 1915; Turner, 1979). In this instance, owner initiative, a conducive environment (including resources) and land availability are some of the key signposts of self-help housing. Fathy (1973) and Abrams (1964) have advanced the characterisation of self-help housing to include 'spontaneity' as a key distinction. In addition, they believe that a rural setting has a natural disposition towards the already flourishing self-help housing.

The lessons from self-help housing are not always entirely positive. Scattered evidence suggests that self-help housing is not always an affordable alternative (Connolly, 1982), and it does always unfold seamlessly owing to negotiated processes and costs (Ward, 1982). Critics of self-help housing, like Burgess (1978), have often argued that the very premise of self-help and self-build are anarchical informality, non-compliance and dissonance with procedure. This makes conformity to order conventions a problem from the outset. The next section discusses actors in self-help housing.

3.3.   SPATIAL GOVERNMENTALITY

This section identifies the role of the peri-urban space in the functioning of self-help housing. It also introduces the study to the role of the state, particularly the regulatory role and how this impacts self-help housing.

3.3.1. Peri-urban space as a pinnacle of spatial governmentality in self-help housing

The concept of spatial governmentality is defined in Chapter Two of the thesis but broadly emphasises the extent of regulation of space by the different gatekeepers. It stems from the concept of governmentality, which Michel Foucault introduced us to, highlighting this from a government to citizen perspective. Foucault (2008) defined governmentality as a systematised structure characterised by institutions and plans of action which are carefully managed and directed at the general population. Space features highly in Foucault's description of power relations, where he argues that it acts as a medium of and instrument for the practice of power, since the strength of this power is found in applied knowledge of space craft (Grbin, 2015). Space determines a number of reactions and has also been a major factor in the success and failure of self-help housing throughout the globe. Roy (2005, p. 149) notes "that in many parts of the world, the site of new informality is the rural-urban interface".

This rural-urban space is a site of diversity, a summit of informality. Mbatha and Mchunu (2016, p. 3) see the peri-urban zone as "spaces of ideological expression". This is because it brings with it the exploring brigade of rural farmers, disgruntled urban dwellers, unemployed, elites, all seeking to diversify and try new life. Whereas these peripheries are generally less formal than the urban core, and while services are not at as high a level, they afford the user basic access and such access is usually at affordable levels (UN-Habitat, 2010; Thebe & Rakotje, 2013). Here the metropolitan

expansion is being driven by informal urbanisation with the state and the elites in the driving seat of transactions (Bloch, 2015; Mbatha & Ngcoya, 2019).

In the context of Mexico, Aguilar and Ward (2003) make note of a "polycentric expansion", the incorporation of small towns and rural peripheries in a dispersed metropolitan region. These dynamic peri-urban interfaces are often a platform for power and ideological contestation between labour and employers, end-user and state departments, landlords and tenants, among others. Breman (2003, p. 4151) refers to this space as life "at the bottom of the urban economy". This is because most informal transactions are evident at this level. For this reason, the peri-urban peripheries are known to be of prime interest to self-help housing users, as they provide an opportunistic balance between the extremes of urban and rural pressures, affording the flexibility required for incremental, relatively autonomous processes. In many instances informal self-help housing land rights eventually get regularised and integrated into secure land tenure, a critical tenet of stable neighbourhoods and investment (De Soto, 1990; Woodruff, 2001).

The literature of peri-urban studies provides specific power dynamics to the contemporary state of affairs about land. It was noted that every piece of land is subject to control and power dynamics. While there are functional scenarios that exclude the state from some self-help housing modalities, in reality states are inherently drawn into self-help housing through many functional mandates, including spatial management. Local governments manage space through various measures and sometimes take upon themselves the authority to regulate what is appropriate and what is not, and what is formal or not, in the process showcasing the extent of their exercise of power (Foucault, 1981; Torres, 2013). The state plans and provides regulatory frameworks within which the peri-urban processes should take place and how they are to be executed. It claims its power from the constitution, laws, by-laws and policies, and uses these as instruments to regulate people's behaviour and spaces, deciding through planning what can and cannot be done in a given space, as well as deciding who can or cannot gain access into given spaces. Spatial governmentality is therefore arguably reinforced through zoning schemes and spatial plans. While spatial

governmentality in self-help housing has good intentions, particularly that of spatial ordering, the brunt is felt by the vulnerable people who often do not own land.

Some scholars are of the view that the peri-urban space is also manipulated and exploited by the elites (Roy & Sayyad, 2004; Gough & Yankson, 2010). Mbatha and Ngcoya (2019), for instance, draw our attention to an under-examined phenomenon of long-term relocation of middle- and upper-class black residents into peri-urban zones, and how in the process of such relocations the accumulation of transactional value in these situations has spawned upper-end opportunities for numerous actors (Mbatha & Ngcoya, 2019, p. 13). While presenting government as a more or less methodical and rationally reflected way of doing things, Foucault (1988) was neither narrow nor naïve in his description of the state. He (Foucault, 1988, p. 212) used governmentality studies to extend 'state' to a specific form of power that:

> "… applies itself to immediate everyday life which categorizes the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth on him which he must recognize and which others have to recognize in him. It is a form of power which makes individuals subjects."

In this regard landlords, material suppliers, informal gatekeepers and so on all have an impact on self-help housing. The next discussion highlights the different actors, using examples from different countries.

3.3.2. Government as a regulator – examples from across the globe

Bangdome-Dery et al. (2014) noted challenges faced by self-help builders in the production of self-help housing in Ghana around 2010, particularly citing the burden of external factors. Such factors are also extensively analysed and validated by other scholars (Afrane & Asamoah, 2011; Gough & Yankson, 2010). Bangdome-Dery et al. (2014) note that the Ghanaian state uses a number of instruments to exercise its authority, and in particular uses planning laws for the regulation of housing. The state utilises 'stop work, produce permit' compliance notices on uncompleted buildings,

usually through the Building Inspectorate division of the Local Authority. This is all against the backdrop of a simple self-help builder with limited knowledge and information regarding building construction and planning regulations (Decardi-Nelson & Solomon-Ayeh, 2009).

While there may be an attempt to comply with the regulations, the reality is that across the globe applicants are likely to be frustrated by long bureaucratic processes, lawlessness and apathy among regulatory staff, overlapping of roles and responsibilities among regulatory bodies, and relatively high transaction costs for permits (Mahama & Antwi, 2006; Afrane & Asamoah, 2011; World Bank & IFC, 2012). The complexity of bureaucratic processes tends to stand out as the prevalent challenge to compliance. The World Bank's (2018) Doing Business[4] global initiative has actively evaluated the 'ease of doing business' with different countries, looking at (among other areas) building permits. It notes that the problem is not always state institutions, but that there are instances where unscrupulous developers deliberately disregard compliance requirements, and decries nebulous procedures as a source of corruption. In this regard, streamlined procedures are likely to boost the construction industry and benefit self-builders.

Agyeman et al. (2016) also analysed the impact of building regulations in Ghana and noted that because historically many old and emerging communities around Ghana still do not have planning permissions, the culture of obtaining building permits is still in a very fledgling state. This is compounded by multiple outdated guiding frameworks, while lengthy assessment processes and steep tariffs deter developers and builders (Agyeman et al., 2016). The latter suggests that as an alternative to these challenges certain countries have started accommodating third party private sector assessors, who get accredited to evaluate and process plans as agents. There are risks if there are no stringent control measures. According to the World Bank (2018, p. 3), private

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[4] Doing Business is an initiative of the World Bank to track the regulatory environment of countries. It provides quantitative indicators on regulations for starting a business, dealing with construction permits, getting electricity, registering property, protecting minority investors, paying taxes, trading across borders, enforcing contracts and resolving insolvency.

sector involvement in building control activities has the potential to promote administrative efficiency, which results in favourable economic outcomes.

Agyeman et al. (2016) have zoomed in to other specific problem areas that contribute to inefficiencies. These include insufficient staff to conduct field inspection and monitoring, thereby failing to monitor illegal buildings and also being unable to provide the necessary site advisory that may be required during construction processes. The next critical area identified is failure to align assessment processes with technological applications. Here they argue that effective and efficient use of information technology can reduce the negative impact of a regulatory process. They note that economies in the Middle East and North Africa that made dealing with building permits easier focused on introducing online services and electronic platforms. Typical successful applications include management reporting at all stages of evaluation as well as archiving of building proposals submitted (Agyeman et al., 2016).

Other scholars, such as Abdelwahab and Serag (2016) considered the complexities involved in issuing building permits in Egypt. They believe that geographic information systems (GIS) can offer a meaningful solution in support of municipalities in executing their duties. These can also improve the quality of decision-making, and facilitate information sharing among officials and with the public, making municipal information and transactions easily accessible via the internet, and making dramatic changes in public presentations, reports and municipal web sites (Abdelwahab and Serag (2016)). The key factor in developing management strategies for the introduction, implementation, integration, and operation of GIS in any organisation is to determine the appropriate role of GIS in the organisation and understand the implications of that role.

A United Nation's study which analysed approval delays in building permit processes in Ghana and Nigeria argued that the entire process, including the search for authenticity of titles to plots, inspection of sites and building plans by town planners, public health officers, and municipal engineers, could take less than two weeks if the officials involved resolve to do so (World Bank, 2012). The practical experience in Ghana in 2013 suggests that the duration for processing building permit is 220 working days (Agyeman et al., 2016). This is an untenable situation for a simple builder, one

foreseen by Turner (1989, p. 23) when he cautioned that "the community will ignore bureaucratic rules it can neither understand nor see the need for".

According to Njoh (1992), "the fact that many housing developers elected to build in contravention of building by-laws is hardly indicative of a desire on their part to disregard the law, but is suggestive of inherent problems associated with the laws themselves" (Njoh, 1992, p. 23). Njoh (1992) further commented on the unrealistic official preconditions for building, stating that not only are the documents necessary for obtaining land certificates and building permits in Cameroon overwhelming, in most cases they are also unrealistic. Most of the requirements for securing, a building permit are unnecessary, especially when one takes into account the type of building units that the overwhelming majority produce. It was noted that the requirement that all building permit applications be accompanied by professional drawings of the plan, corresponding sections, elevations, sewerage and wastewater disposal systems, and so on may be indefensible (Njoh, 1992).

Under these strange circumstances one is reminded of Lefebvre's assertion that the space becomes an instrument in establishing the body of knowledge and expertise used by the bourgeoisie to control and regulate the social behaviour of the lower classes (Lefebvre, 1991). This is because, rather than making any positive contribution to the process, the unnecessary details serve to place an undue burden in terms of additional architect and other professional fees on the self-builder. According to Payne and Majale (2004, p. 25) "it is imperative that the relationship between standards, regulations and procedures be related to the costs and resources available to meet them." They further observe that "the vast majority of poor urban dwellers have been unable to gain access to adequate housing largely due to the regulatory frameworks operating in cities and towns in which they live" (Payne & Majale, 2004, p. 56).

This raises the question of the appropriateness of planning requirements in certain instances. Watson (2009) notes that Third World planning frameworks are informed by planning traditions which emerged from other parts of the world (especially in

Western Europe and the US) in response to urban conditions peculiar to an earlier time and context. She argues that the context and the environments have all changed, yet the mismatch remains entrenched in the regulatory regimes of the Third World countries. Bah, Faye and Geh (2018) highlight the effect of town planning scheme norms in self-building. For example, they note the inappropriateness and lack of realism found in many controls, especially those that determine minimum plot sizes. They argue that high standards, for minimum plot sizes in particular, have a significant effect on housing costs and affordability as plot size can significantly inflate construction costs. Turner (1979) argued that enforcing unrealistic standards results in the worsening of dire socio-political conditions.

Batley (1993, p. 198) cautioned of "simplistic criticism of bureaucratic routine and technical rationality". In his assessment, he highlights some benefits of of routine forms of delivery and systematic regulation as an oversight mechanism in the interest of the poor. The regulation is also important for their protection from political manipulation and exploitation. The pro-bureaucracy narrative assumes certain capacities – for example, that applicants understand bureaucracy, and its rules and procedures. In support of criticism of the bureaucracies, however, Batley (1993) argued that the effective public bureaucracy assumes certain conditions in its environment. For example, that there is sufficient stability for the rules and procedures to have some durability, adequate supply to at least 'hold the promise' of meeting demand, and sufficient social homogeneity to suit standardised solutions (Batley, 1993, p. 198). In reality, when regulations and procedures are tightly controlled and imposed from the centre, it becomes difficult to interpret these to divisevse local conditions (Nientied & Van der Linden, 1988).

3.4. SELF-HELP HOUSING AND (IN)FORMAL ACTORS

The discussion above clearly sets out the inextricable regulatory role of the state. It acknowledges the need for effective planning mechanisms, but cautions about their extent and appropriateness. The question is, what options there are for a balanced regulation of a self-help housing environment? This section identifies, by way of

classification, various actors that take advantage of power fluidity within the peri-urban areas as well as the roles they typically dominate in the context of self-help housing. It provides examples of how power has played out in certain peri-urban spaces.

3.4.1. Elites and customary rights custodians

Lefebvre (1991) argues that it is misleading to assume that the production of space is limited to bureaucrats, administrators and planners. He asserts that it also takes place in the everyday activities of 'inhabitants' and 'users' (Stanek, 2011). While the state plays a major regulatory role, there are many other actors influencing land access in the peri-urban areas, both in the Global North and South (Gwaleba & Masum, 2018; Nuhu, 2018). In Third World environments self-help housing is likely to be further confronted with tenure challenges. Customary land tenure represents the dominant system for landholding that is vibrantly active (Payne, 1997, p. 167). The World Bank (2004, p. 7) noted that in sophisticated modern societies the connection with the customary tenure does not need to have a contiguous physical network.

The urban-rural interface is a common site for land conflicts reflecting customary and constitutional rivalries. It is a site of legal pluralism. Wamukaya and Mbathi (2019) refer to this as a space of tenure dualism. With tenure, they refer to the complex, often elusive land administration processes. They note that this land administration is sometimes more of a problem from an external vista than it is to locals, who are often satisfied with quick and flexible transactions. It is an arrangement that constantly dazes the state. According to Wamukaya and Mbathi (2019, p. 78), municipal officials have found it nearly impossible to achieve harmony, delight and efficiency in the planning process when ownership of large parcels of land adjacent to the city is held under customary tenure.

Nuhu (2018) further decries the out of touch, unrealistic dual land transaction systems that exist in most Third World countries and that result in untenable land management.

In these countries, highly bureaucratic, inefficient and inaccurate registries are used to propel the vulnerability of the land administration to corrupt practices (UN-Habitat, 2010). What compounds this customary ownership is a web of elites that manifests in different regions as chiefs, businesspersons, politicians, professionals, etc.

In Ghana customary land rights are significant, as the traditional leadership hold the biggest share in land ownership. While not legislated, the Ghanaian land tenure model allows for a dual system between the customary and constitutional systems (Agbosu, Awumbila, Dowuona-Hammond & Tsikata, 2007). This kind of land tenure system is usually characterised as one of legal pluralism, in which customary and statutory laws coexist in a complex, myriad range of institutions and regulations having authority over land rights and multiple bodies through which disputes are resolved (Agbosu et al., 2007). The government has not been successful in codifying a system of customary law (Ray, 2003). In this dual arrangement, the government's role is limited to approving land transactions involving monetary considerations (Kasanga & Kotey, 2001). This power has been justified as oversight towards preventing duplicate grants over the same piece of land and ensuring that the intended use of the granted land conforms to zoning and planning restrictions (Kasanga & Kotey, 2001). Agbosu et al. (2007) found that in practice duplicate grants and freeholds continue to spread almost unabated, as chiefs consistently resist government attempts to define what transactions they can or cannot carry out, resulting in shaky relations. The system is not effective. Land tenure and administration of land in Ghana have often been plagued by many problems, mismanagement and endemic corruption (Agbosu et al. (2007). Part of the problem has to do with multiple overlapping land sales.

In Kenya Wamukaya and Mbathi (2019) also considered the hybridity of customary systems and formal land administration, studying the densifying peri-urban city of Kisimu. Originally, Kisimu was a restricted rural area that was administered by the rural Kisumu district. This changed in 2000, when owing to continued densification the area was designated a city, with municipal boundaries being further extended (Wamukaya & Mbathi, 2019). The Kenyan municipal authorities considered Kisimu and other similar areas as informal, as they do not conform to town planning standards

(Wamukaya & Mbathi, 2019). Push-and-pull factors led migrants to move in order to seek meaningful economic opportunities, thereby igniting hype around land transactions (Wamukaya & Mbathi, 2019). The empirical evidence of Kisimu revealed that the spatial transformation has in fact resulted in the decline over time of the extent to which customary norms govern land transactions. This is what Wamukaya and Mbathi (2019) refer to as neo-customary land markets, which operate within a monetary and commercial framework and are foreign to the customary land norms.

Chimhowu and Woodhouse (2008, p. 24) considered Svosve Communal Area in Zimbabwe to understand how 'vernacular' land markets play out in peri urban areas faced with land shortages. They highlight consequential contestations over land in which discourses of historical rights quickly become endowed with ethnic identities (Chimhowu & Woodhouse, 2008, p. 24). In the Svosve scenario, local customary authorities alienate large land acquired through customary rights with a view to subletting and or disposing smaller subdivisions but importantly register sub-owners for tax proposes. Because of this taxation compliance already inherent in the transaction, such a 'vernacular' land market does not necessarily imply a need to formalise tenure as these sub-owners are already informally registered (Chimhowu & Woodhouse, 2008, p.25).

The Kisimu case also revealed the challenge of development approvals. Because of the informal nature of land transactions and the fact that they are never registered at the district land registry, the end users could not actually obtain municipal approval to develop land. This resulted in continually 'illegal developments' and unconcluded transactions. These were significant self-builder developments, and could not be easily demolished. The authorities (municipalities, land registrars, others) were all hamstrung. The case of Kisimu highlights the need for institutional partnerships, particularly between the municipal authority and neo-customary/customary actors.

Access to land in peri-urban areas has been affected by governance challenges, for example unregulated informal land markets, building in hazardous areas, corruption and land-use conflicts (Katundu, Innocent, & Mteti, 2013). One of the reasons for this

has to do with the failure of planning in so far as policy and de facto ground and land use planning is concerned (Kombe, 2005). Chief to this failure is the poor coordination by the various actors, as well as the lack of public involvement in planning (Kironde, 2009; Nuhu & Mpambije, 2017).

In Indonesia Tunas and Peresthu (2010) considered the displacement of the poor from the role of government in self-help housing. For example, most informal settlements are referred to as '*kampongs*'. One of the great challenges of formalisation is that it can displace the most vulnerable residents of an informal settlement. Tunas and Peresthu (2010) also highlighted the role of elites and other stakeholders who can exercise hegemony. Affluent groups can infiltrate regularised settlements, gradually replacing original residents (Burgess, 1982). Although the issues of land rights and security of tenure are already acknowledged as crucial in the empowerment of the urban *kampong* in Indonesia, the quest to regulate land tenure has proven complicated. The state's role in forward planning can be beneficial in integrating lower-end users with upmarket neighbourhoods.

3.4.2. Negotiated temporal shelter in Thailand

For Yap and De Wandeler (2010), self-help housing in Bangkok, Thailand attracted a lot of migrant labourers due to its economic role in that country. They noted that labour migrants predominantly came from the poor North-East. The region had good transport and communication infrastructure and services, which facilitated circular and seasonal migration. It was observed that in the 1970s and 1980s the government introduced new approaches that aimed at regularising and upgrading informal settlements and at emulating the development of informal settlements in the form of sites-and-services schemes. These approaches recognised the importance of self-help housing and the right of the urban poor to land for housing. Most landowners did not consider land tenure regularisation an acceptable option.

The context of Thailand's polity is that this is a harmonious community where land invasions and land tensions are not experienced. Migrants approach established landowners for a piece of land on which to erect a structure on self-build basis. Most landowners accede to these and such positive support has become a norm to point that denying this basic request results in stigmatisation. (Senanuch, 2004). Even where applicants are unable to pay for land in question, landowners are generally happy to grant temporal occupancy which can be revoked or terminated by mutual agreement at short notice. The poor may pay a nominal rent, but the land may also be provided free of charge. When asked to vacate the land, the residents are expected to do so in the same spirit of social harmony, that is, without protest or compensation.

The significance of Bangkok informal settlements (called slums, crowded communities or urban poor communities) is that they present different regulatory dynamics compared to other peri urban informal settlements (Yap & De Wandeler, 2010). This emanates from their spatial and tenure structure discussed above. They are scattered all over the city, usually on relatively small plots of land, in between other land uses, including high-income residential areas. As a temporary structure, the self-built house lacks a building permit and does not comply with building regulations, and is therefore still unauthorised from a regulatory perspective. Environmental conditions tend to be poor, as the settlements are usually built on low-lying, unfilled land which floods during the rainy season. While this is still classified as self-help housing, the Thailand format therefore exposes the self-help housing discourse to highly constricted governmentality, in this case constrained by tenure/landlord issues.

3.4.3. Self-help housing and formal actors in Tanzania

Nuhu (2018) outlines the formal actors in housing in Tanzania. This category naturally includes apparatuses of the state and extends to those that work together with the state. These are property developers (real estate agencies), planners, surveyors and lawyers (Kasala & Burra, 2016). Nuhu (2019) argues that while presented as formal actors, most of their activities are informal, self-imposed and self-regulating. Informal

private sectors include individual buyers and sellers as well as brokers. They operate within their own laws, and are neither taxable nor registered in the formal system. This comprises a significant share in peri-urban spaces (Kombe, 2005; Adam, 2014). The informal private sector is arguably at the forefront of accelerated access to peri-urban spaces in this country.

3.4.4. Development partners

Bodies such as the World Bank are formal development partners of self-help housing. They provide support and capacity to government and other non-state actors through legal, institutional reforms and development of various frameworks that can be applied in the land sector (Magigi, 2010; Kedogo, Sandholz, & Hamhaber, 2010; Deininger et al., 2012). Bah et al. (2018) indicate that even where institutions exist to provide funding, most end users/applicants do not have a sustainable mechanism for mobilising domestic resources, as they rely heavily on government budgetary allocations, and these merely serve as conduits for donor support. There is therefore a need to think about appropriate institutions or facilities dedicated to housing infrastructure development with adequate governance structure, mechanisms, and procedures that could enable them to raise adequate financing for housing development.

Civil society organisations, media houses and academic institutions serve as the influencers within the peri-urban space (Nuhu, 2018). These actors are fundamental in training poor people on various aspects, including land acquisition and housing, intervening in the informal sector and assisting poor people against forced evictions, tenure regularisation and slum upgrading (Nuhu, 2018; Adam, 2014). However, they lack the financial muscle to stand their ground. The last group involves local communities, being peri-urban dwellers and land occupiers. Their interest is in the protection of their individual rights and participation in governance matters related to land in peri-urban areas. As Nuhu (2018) argues, in spite of mandatory public participation requirements there is often no meaningful engagement of peri-urban

dwellers in planning their settlements in Tanzania. Lack of citizen participation has a direct impact on transparency and accountability in land matters (Nuhu & Mpambije, 2017). They include local non-governmental organisations (NGOs), which Moser (1992, p. 174) examined, stating that they have three common features, namely: 1) they moved into 'free spaces' left by the state and market failure to reach and serve the interests of the poor; 2) most NGOs are not formally accountable to their clients, but nevertheless, have become more successful than formal representative organisations in benefitting relatively poorer groups in achieving greater participation of their beneficiaries, and in making their work more policy relevant; and 3) they have expanded the organisation of poor people beyond the traditional class-based or occupational membership organisations, such as peasant co-operatives and labour unions. They tend to work at the lowest community level possible, thereby enhancing participation of end users, a point mentioned above.

Rakodi (1989) states that the positive qualities of NGOs are often that they are flexible and able to respond rapidly to local needs, and have dedicated and highly motivated staff. In support of addressing issues at the lowest possible level, Batley (1989) states that first, this is the level at which practical services operate and can therefore be co-ordinated; second, it is closer to the people and has a more direct relationship than the centre to the recipients of governmental action; and third, it is likely to be more responsive to and aware of local needs and opportunities.

From the above, it is clear that peri-urban land governance in Tanzania, and anywhere else for that matter, is dependent on interaction and power relations among actors with different roles (Katundu et al., 2013). The degree of influence clearly varies. Power inequalities are sometimes abused for different ends. The government plays a multifaceted role in Tanzania. Nuhu (2018) argues that in situations where stakeholders are not aware of their mandate, including citizens' lack of awareness of their land rights, the state tends to exploit this (Msangi, 2011). In reality, the extensive urban sprawl and expansion of peri-urban areas in Tanzania is a reflection of the expanded actor interest (Kombe, 2010; Msangi, 2011, 2014). Apart from a potentially

shaky role, the private sector has enough resources to influence favourable decisions, and can influence the government to appropriate land for themselves (GAN, 2016).

3.4.5. Land speculators

Lefebvre (1991) once postulated that the social production of space is commanded by a hegemonic class as a tool to reproduce its dominance. Land speculation has, in overall terms, a negative impact on the survivalist poor who do not have adequate economic options. Holston (2008, p. 4) relates to the routine of the urban poor seeking urban citizenship, as their routine in the city is marked by the hardships of illegal residence, housing struggles, and land conflicts, which become the context and substance of urban citizenship. This routine involves everyday insurgent negotiations for a rightful place in the city (Holston, 2008). Access to this space gives rise to land speculators who prey on their desperate plight. Land speculation takes many forms, including securing large tracts of agricultural land and influencing commercial or residential developments.

Because of the inherent demand, peri-urban spaces are prime targets of speculators. Gemeda et al. (2020) argue that throughout the developing world it strains land accessibility and escalates land disputes. Evaluating the performance of Benin City in Nigeria, Dimuna (2016) established a strong correlation between higher land prices and speculation, and that this ultimately influences adjoining settlements, gradually pushing the poor further away. Joseph and Belisle (2013) note that the provision of affordable housing cannot be left exclusively to private developers, as governments have a major role in ensuring equity and effectiveness in the allocation of land resources by way of externalities.

In the peri-urban town of Shashemene in Ethiopia, Gemeda et al. (2020) have observed an upsurge in land speculator activities as prospective builders avoid complex and drawn-out formal processes. Adam (2014) also researched Ethiopia and established that speculators also include local residents who perform sub-broker

marketing roles. They use a variety of social mechanisms to disseminate information about available land. Once a deal is concluded with a buyer, a signed tripartite memorandum between seller, buyer and witness (usually a broker) is deemed secure. Hudalah, Winarso and Woltjer (2016) also point to large-scale landowners in Indonesia who constantly create social disarray by buying as widely as they can, diversifying and selling. They scout for cheaper land, wait for the right time to buy, or talk struggling owners into disposing of theirs and continue the cycle of higher rates, making selling and buying land their full-time occupation. The secondary buyers are poor to small-scale farmers. The monopoly and marginalisation of small and marginal landowners creates conditions for a conflict of interest among the peri-urban residents (Hudalah et al., 2016). Because these transactions take place in bulk, at the first level they usually evade multiple statutory compliance headaches. It is the competing end-users that must pick up the tab and process. Durst and Ward (2014) recount similar social destabilisation caused by developers who sell vacant land in unserviced subdivisions to unsuspecting buyers, often with the false promise that infrastructure would soon follow, as a major problem on the peripheries of Texas. Buyers purchase a plot to build the dwelling on themselves. The process of housing construction typically takes years or even decades to complete (Ward, 1999; Durst & Ward, 2014).

According to Monkkonen (2015), the low-cost of holding land, coupled with government housing subsidies in the peri-urban fringe, has also led to high rates of speculative ownership in housing and elevated property vacancy in the centre and in other peripheral areas of cities in the United States. Sperandelli, Dupas and Pons (2013) documented land vacancy rates of 21% in Atibaia in São Paolo, Brazil. Low land-holding costs causes the speculative activity to rise, but in reality there are low densities as under the land- holding speculative investment, the land remains unsubdivided. This just contributes to low densities in existing settlements, high servicing costs, and continued sprawl. The state can effectively expropriate these parcels or enforce necessary policies, but because of association of the elites with the hegemony, there is no enforcement (Sperandelli et al., 2013; Durst & Ward, 2014).

3.5. FINANCIERS

The discussion above clearly shows how the state works in partnership with different institutions to reproduce space – in this case, limiting the right to access the city to a few. These institutions extend to financiers and technical experts. The property financial environment is itself reproduced to promote certain spaces that meet the programme of the state. Neoliberal policies are used to advance and maintain the interests of the powerful few. The most basic tenet of the neoliberal school of thought is its somehow exaggerated confidence in the allocative power of markets. It thus believes that the most efficient method of realising an efficient distribution of social goods and services is through the operation of the markets (Bourdieu, 1998). The adoption of such models implies that financial institutions prefer individual clients (Smets, 2019).

Chigwenya (2019) notes that there are no financial facilities that are properly tailored to low-income earners. For example, the financial institutions demand collateral which is usually tied to secure tenure, and not normally available in informal peri-urban spaces (Chigwenya, 2019). This means that people in the low-income bracket are perpetually left out of housing provision. They are denied the right to access housing and their right to the city. The right to the city means that every citizen has the right to access services, regardless of their financial status. Cities need to cater for every inhabitant. Establishing space within the peri-urban space can be expensive. Chitengi (2015) highlights that among the hidden costs involved in informal housing markets are access costs, supervision and enforcement costs. These range from scouting for access to adherence to regulatory compliance, and involve procurement of building material and preparatory design activities, all of which are critical prior to commencement of building.

Housing finance and material are interrelated, as the builder generally requires finance to procure material and land. Chitengi (2015) also highlights what he refers to as certification-related costs, which involve the inspections of a finished production and

ensuring the production of various certificates. Apart from the high cost of building material, the insistence by authorities (particularly the state) on certain conventional building materials and technologies has been cited as another factor contributing to self-help housing (Ugochukwu & Chioma, 2015). These standards and regulations prevent the use of readily available local building materials and also the use of cost-effective and environmentally friendly construction technologies, and are at odds with Third World architecture, particularly African construction methods that have survived for centuries.

Ugochukwu and Chioma (2015, p. 46) argue that Ancient African technologies, often involving earth, timber, straw, stone/rock and thatch, used the simplest of tools and methods to build simple, liveable dwellings. Although globalisation has relegated them as being 'primitive', this 'primitive' classification comes partially from the building materials and their relatively low use of technology compared to present-day Western (architectural) construction techniques which result in skyscrapers. In reality, self-help housing is incremental in nature and for this reason finance from formal institutions remains a challenge. The problem is compounded by the need to draw services closer to the building that is under construction. While these services are critical for the sustainability of the construction process, costs to install them can be astronomical. There is often an understanding that the state (and sometimes responsible agents) will be responsible for the installation of these services, as they raise service charges on a use basis once installed.

The design and structure of these services can equally dictate the position and location of the top structure. This becomes another form of control, as their structure, reticulation and levels significantly influence building parameters and choices. Ferguson and Smets (2009) point out that institutional and financial challenges mean that most low-/moderate-income households end up paying for these services. They further argue that community-based housing finance groups can acquire communal infrastructure (roads, drainage, water distribution and connection, etc.) through negotiating regarding the affected land parcels.

To understand forms of financing options at the disposal of a self-help builder requires exploring various modalities, including individual and group savings (Baken & Smets, 1999; Ferguson, 1999; Smets, 2004). In Kolkata, India, Gupta (2009) notes that the construction industry had continued to depend on traditionally high-cost building materials, which are slow to produce. Inadequate supply impacts negatively on the cost of basic building materials such as brick, steel, cement and timber. A self-built house can take more than 10 years to complete, as extension decisions are usually linked to changing family needs and growth. Housing improvements also depend on the affordability and availability of resources to the household.

Gwagwa (1993) maintains that the income level determines the size and type of the house one can potentially own. Where there is a high unemployment rate, irregular incomes and high costs of building materials, options narrow. It is evident that poor and unsophisticated communities who have no stable employment are likely to battle with access to house improvements and upgrades (Skinner & Rodell, 1983; Lea, 1989). Evidence from Dar es Salaam's informal settlements suggests a wide variety of financial sources to build homes. Sheuya (2007) describes how different sources of finance are used for several stages of the building process. In the initial stages of house construction, for example, these families use their own savings, while in the later stages they start considering a mix of other funding sources, including credit (Sheuya, 2007, p. 454).

In Latin America, Stein and Castillo (2005) have found that informal sources of finance encompass savings, loans from relatives and friends, remittances from family members, and the sale of assets. Because of red tape frustrations with commercial funding institutions, less stringent, purpose-made community-based funding is the other popular option (Smets, 2019). Community-based housing finance groups typically organise households to save and/or borrow the sums necessary for the development, construction, and maintenance of the resulting housing. Providing a broad overview of documented variations of community-based housing finance, Smets (2019) suggests that actors in finance present themselves as credit unions, financial cooperatives, community-led development of affordable housing, community

contracting in Indonesia, community networking of savings groups in Thailand, and the Community Mortgage Programme in the Philippines. As noted by Yap and De Wandeler (2010), community networks have become effective in Bangkok, Thailand, supported by NGOs. It was revealed that the Village Savings and Loan Associations (VSLA) that started in 1991 in Niger have spread over 16 African, two Latin American, and two Asian countries, offering a quite different approach.

In large developing economies such as Mexico, Brazil, India, and Indonesia, some microfinance institutions may become specialised niche lenders for large distribution networks of suppliers of inputs to the progressive housing process, or for large commercial banks. Fergusson and Smets (2009) refer to small short-term home loans that can be used for renovations, completion or extensions. This is particularly critical where a shell structure is in place, as in Brazil.

3.6. CONCLUSION

This chapter explored the evolution of the concept of self-help housing, highlighting various derivatives of the concept. The chapter also discussed the actors involved in self-help housing, juxtaposing these against various theoretical concepts, in particular governmentality, space, power and institutions. The chapter reflected that self-builders are constantly challenged to conform to systems and rules. The incremental and informal nature of the building process positions this delivery model outside of the conventional statutory framework of land registration, regulation and financing. The dual land administration systems and the manipulation of these by different actors and elites exacerbates tenure problems. The chapter also discussed various approaches to financing self-help housing, where informal financial saving models play a major role.

The next chapter outlines the research methodology, particularly highlighting how information was derived from the case study.

CHAPTER FOUR: RESEARCH DESIGN AND METHODOLOGY

4.1.   INTRODUCTION

The previous chapter focused on understanding the concept of self-help housing. Using global experiences, the chapter sought to illuminate various influences and roles that obtain in self-help housing processes. In this regard it discussed the actors and the role of peri-urban spaces.

This chapter focuses on the research design and methodology adopted in this study. It starts by discussing the selected research approach and links this to the research paradigm. It goes on to discuss the concept of triangulation, explaining the concept and demonstrating how it was applied at different levels. The chapter introduces methods of data collection including the survey, ethnographic research, interviews and GIS, document analysis, process tracing, participant observation, and examination of secondary literatures and identifies the location of the case study. The chapter also discusses delimitations, limitations, and the approach taken to ensure validity of the research process. It also discusses the researcher's reflections, ending with a conclusion. The research study adopted can be best defined as a mixed research approach as it included the qualitative, quantitative and spatial approaches.

4.2.   RESEARCH PARADIGM –INTERPRETIVISM

Guba and Lincoln (1994) define a research paradigm as a set of basic beliefs that have been established over time. These common beliefs and agreements are shared between scientists about how problems should be understood and addressed (Kuhn, 1962). The research paradigm sets the beliefs and parameters, defining what falls within and outside the limits of legitimate research.

This study is based on the interpretivist paradigm. Thanh and Thanh (2015) argue that the interpretivist paradigm allows researchers to use the experiences and perceptions of research participants to construct and interpret his understanding from gathered data. It helps the researchers to explore the participants' world by interpreting the

understanding of individuals. Antwi and Hamza (2015) further highlighted that the interpretivist paradigm equates to researchers immersing themselves in a particular culture or environment by observing its people and their interactions, interviewing key people, taking life histories, and constructing an interpretation out of such engagement. This is done because the researcher's goal is to attain an insider's view of the group under study.

The Phephethe community in which the study was based still practises and pays allegiance to its traditional leadership. To understand the respondents' relationship with the different institutions in self-help housing matters, it was important to adopt the interpretivist paradigm. The selection of eMaphephetheni as the study area adhered to Goldkuhl's (2012) criteria, where the latter argues that the core idea of interpretivism is to work with the subjective meanings already in the social world, acknowledging their existence and reconstructing them to avoid distorting them.

Rubin and Babbie (2010) added that the interpretivist approach allows researchers to tap into the deeper meanings of people's experiences as they interact with their immediate environments. It allows researchers to blend in and become participant observers of the events they are investigating. In this regard, it allows for a subtle presence in the environment rather than enactment after the effect. For example, cultural beliefs and indigenous knowledge significantly influence builders' choices and what was critical in the design of self-help houses in rural spaces. To understand this, data needed to be carefully collected and understood from within the subjects' perspective. More importantly, there was a need to participate in and navigate this experience to eventually harvest information.

The research questions were structured to obtain respondents' perspective on self-help housing against the backdrop of diverse power relations within the peri-urban areas under the traditional leadership. Every conscious effort was made to isolate the researcher's background as a planner who has been involved in rural development from interfering with the responses; this is explained in detail in this chapter. In addition to the research paradigm, the study applied different tools, as discussed below.

4.3.   TRIANGULATION AS THE BASIS OF CREDIBLE RESEARCH

Multiple research instruments can only enhance research credibility if properly applied and accounted for; this is why triangulation was brought into the equation. The best way to describe triangulation is the use of multiple methods and sources of data as the researcher collects and interprets data (Fusch, Fusch, & Ness, 2018). Some argue that triangulation is a surveying term used to describe a technique whereby two known or visible points are used to plot the location of a third point. In research, triangulation refers to the combination of two or more theories, data sources, methods, or investigators in one study of a single phenomenon, to converge on a single construct (Denzin, 1989; Rubin & Babbie, 2001). This seeks to converge findings as validated representation of that particular 'reality' (Brink, 2003; Hilton, 2003). The idea was to utilise different research methods, defined below. Triangulation can take on a wide variety of forms, and can become very complicated (Bryman, 2004; Ritchie, Lewis, & Elam, 2003). Denzin (1978) and Patton (1999) identified methodological triangulation, theory triangulation, data triangulation and investigator triangulation as the main forms.

A process of conceptual triangulation is described by Foster (1997) that clearly outlines five steps in conducting conceptual triangulation: 1) conduct qualitative and quantitative research that is true to the assumptions of each methodology, 2) find the pertinent results within each method, 3) examine the level of confidence in the results, 4) develop criteria for results inclusion in the conceptual model, and 5) construct the conceptual model. These strategies were used in this study to provide direction in combining qualitative and quantitative methods.

Triangulation enhances the credibility of qualitative research by ensuring compatibility between the constructed reality of participants and the attributes assigned to them by the researcher. To elicit various divergent constructs of reality within the context of a study, triangulation means collection of information about different events and relationships from different points of view. This means asking different questions, seeking different sources and using different methods (Babbie & Mouton, 2007, p.

277). In the case of method triangulation there is the use of multiple methods of data collection about the same phenomenon (Polit & Beck, 2012). This type of triangulation, frequently used in qualitative studies, includes interviews, observation, and field notes as was also the case in this study.

Triangulation is not only limited to data collection methods and is often equally extended to data processing, where the researcher cross-checks data findings against some independent sources. In reviewing the history of eMaphephetheni, the study considered archival documents to establish the origins of this tribe and the spaces they occupied. This was further tested against history narrated by both *induna* and *inkosi* of eMaphephetheni. In this regard, triangulation is often applauded for its ability to strengthen measures of validating data, an issue discussed further under validity and reliability. In addition, data collected through research guides and interviews were correlated with those from officials within the municipality, as well as the Provincial Department of Human Settlements' Housing Subsidy System (HSS) being applied as one of the informants, validating approved housing subsidies. The HSS is also shared with the municipality, and for that reason it was possible to cross-reference houses supposedly built by the state. This was also extended to issues relating to powers and functions, as responses and allegations had to be tested against the existing legislative framework.

Therefore, triangulation provides confirmation and completeness. Triangulation is not simply combining different types of data, but it attempts to relate the two types of information so as to leave the validity of each type of information intact. The use of triangulation allows researchers to capture a more complete, holistic and contextual portrayal and reveal the varied dimensions of a given phenomenon, with each source contributing an additional piece to the puzzle. In using triangulation, bias can be minimised and the validity enhanced.

Triangulation in this study was exercised at various levels: namely, triangulation by case study, triangulation through field observation, triangulation by GIS verification, and triangulation through theory. Each of these is explained further below.

4.3.1. Triangulation using the case study design

Punch (1998) argues that different questions require the use of different methods. This study also included a case study design, which is qualitative in nature for a number of reasons. A case study is an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-world context (Yin, 2014). A weakness of the case study method, especially a single case study, is that one cannot be sure that the findings are generalisable to other situations (Leedy & Ormrod, 2019).

In addition, a case study design identifies cases within boundaries and affords the investigator in-depth understanding of the cases or comparison of several cases (Yin, 2003; Creswell, 2007). The study selected the sub-areas of Mbozamo, Mgangeni and aMatata, all part of eMaphephetheni, as case study sites, to understand the intricacies of self-help housing. They were identified based on their settlement patterns, using municipal information and other variables, like the presence of self-built and conventional Breaking New Ground (BNG) houses. These three sub-areas present unique characteristics.

According to Babbie (2001) there is little consensus on what constitutes a case. The case study design could be a process, activity, event, or programme, and involve one individual or multiple individuals. It may even refer to a period of time rather than a particular group of people. In this study, however, it refers to traced experiences around the challenges confronting owners of self-built housing and institutions that work with those involved in housing development, and their daily experiences over time. Babbie and Mouton (2007) regard the case study as an intensive investigation of a single unit within its context. Case studies offer verifiable data from direct observations of the subject involved. Furthermore, case studies in their own right use multiple sources of data and multiple methods, including interviews and observations (Harrison, Briks, & Franklin, 2017). The application of these in the eMaphephetheni case study will be elaborated on below.

Myeni (2012) makes an important observation that a case study on its own cannot offer adequate grounds for establishing reliability. It is for this reason that in this thesis, through triangulation, a case study design is used together with the other methods explained in this chapter. Stake (2000) argues that the sole criterion for selecting cases for a case study should be the opportunity to learn, and emphasises that a case study is both a process of enquiry about the case and the product of that enquiry. With the characteristics of both government- and owner-funded housing units over a period of time, eMaphephetheni presented a suitable context for the case and product of inquiry.

4.3.2. Triangulation using field observation

As an added dimension to triangulation, a more practical instrument adopted in this study was field observation. Field observation often amplifies findings which structured questionnaires are unable to. It is another form of validation, as the researcher is able to take note of certain habits and trends without being influenced. Jorgensen (2015) notes that field observation is one measure of investigating everyday life situations and settings, whereby the researcher interacts with people in their everyday life while collecting information. It is a unique method for investigating enormously rich, complex and conflictual experiences.

When carefully administered, the research subjects function normally without any psychological anxiety from interaction with the researcher. In respect of simple observation, the researcher remains an outside observer. It can be argued that where the researcher is simultaneously a member of the group and a researcher, she or he is a participant observer. The participant observer has the added responsibility to determine whether the research will be conducted in an overt (transparent) or covert (secret) fashion. This decision will have an effect on the findings of the research. The field observation was achieved through two weekend area visits. The traditional leader (*Inkosi*) was made aware of this, as it often resulted in driving and walking around as well as engagement with a few elders.

The researcher used field observation at various periods of the study spanning 3 months, but there were no structured questions. This allowed for the respondents to do most of the talking, and assisted in containing the researcher's positionality as a planner, and preventing this from influencing the research process. The observations were recorded as notes and transcribed into other aspects of the findings.

With the assistance of community elders, identified and consulted during the field visits, the observation focused on the narration of the origins of eMaphephetheni, as well as seeking a deeper explanation of how the settlement structure was influenced. It also entailed pointing at various land uses, such as grazing lands and the issue of right of access to these. The field observation was also used to interrogate the interest of the residents in rondavel designs.

4.3.3. Theory triangulation

Triangulation as a concept was also extended to the theory pillars of the study. This is based on the fact that there are multiple ways in which the same phenomenon may be interpreted (Denzin, 1989, p. 246). This is often referred to as 'triangulation of theory' or 'theory triangulation'. Under theory triangulation the combined use of the concepts from various theories was applied (Neuman, 2003, p. 138-139). Creswell (2014, p. 110) argues that in qualitative research "inquirers employ theory as a broad explanation, much like in quantitative research, such as in ethnographies." It may also be a theoretical lens or perspective that raises questions related to gender, class, race, or some combination of these. The study engaged the work of Lefebvre (1991) on the 'Production of Space', Foucault (1994) on power and 'spatial governmentality', and that of new institutionalist theorists – historical institutionalism. In engaging these three theoretical foundations, the study attempted to interweave and mainstream the theories with radical urban theory, and critically examined self-help housing in South Africa's colonial and apartheid past as well as the post-apartheid period. Furthermore, the intention here was the utilisation of theoretical lenses to achieve historical mapping

of various power tussles among the different institutions, or at least an understanding of the current forms of governmentality through historical milestones.

4.3.4. Triangulation through the geographic information system (GIS) tool

The GIS is designed to capture, compare and analyse various geographic-based data. Howey and Burg (2017) note that the early GIS pioneers saw this technology as more than a data-management tool – an analytic instrument to advance innovative understanding of past social landscapes. According to Pandey, Shukla and Shukla (2013), GIS relies on spatial and geographic referencing which is infused into analytic computer software. In other words, it is dependent on data that is in some way referenced to locations. GIS contributes to both problem solving and decision-making processes as the data product is all visual. Geospatial data can be analysed to determine what is happening inside an area of interest or case study, what is happening nearby, and how a specific area has changed over time (and in what way).

According to eThekwini Municipality's 2012 profile of the study area, the overall population was estimated at 16 000, spread over 2 000 homesteads (household units). Each homestead consists of an average of four dwellings, typically accommodating extended family members. GIS was used to verify the area's settlement and population densities. GIS was further used for the verification of boundaries and housing typologies, as highlighted below. The levels of utilisation of this triangulation are further expatiated below.

4.3.4.1. Using GIS to locate the case study within the municipality

This instance of GIS utilisation was the identification of the traditional council's geographic footprint. This was important, because from the time of demarcation of municipal boundaries around 2000, there has been ongoing adjustments and misalignment of municipal wards *vis-a-vis* traditional council areas. This was done using data sets sourced from the KZN Department of Cooperative Government and Traditional Affairs (KZN COGTA, 2014), which had physically visited different traditional settlements in the past, picking up the extent of subareas. The GIS tool was

also used to cross-reference areas currently within the lease records of the ITB. This was essential as these lease boundaries often change in time with further unofficial sub-leasing. Additional data were sourced from eThekwini Municipality to inform ward delineations, and this was intended to locate eMaphephetheni within the correct municipal ward. Based on this, a plan depicting eMaphephetheni within Ward 2 of the municipal area was produced.

4.3.4.2. *Using GIS to identify housing typologies*

Within the municipal ward, the 2017 Google Earth aerial photography was used to distinguish the typology of structures in eMaphephetheni. The focus was on settlements within *izigodi* of Mbozamo, eMgangeni and Amatata. Mbozamo is identified as one of the key nodes within the eThekwini Spatial Development Framework of 2017. The area accommodates various government offices and presents a clearer resolution of various land-use activities. The eThekwini Spatial Development Framework shows that eMgangeni is a relatively dense settlement. GIS triangulation was therefore used as a micro-analytic lens to compare and confirm densities so that housing typologies could be identified. The intention was to complete the identification of a sample of self-built houses, BNG houses and traditional huts. These were marked on the plan for further consultation with the local councillor. The research made provision for 30 homeowners as the basis of establishing typologies.

Figure 4.1: Study focal areas
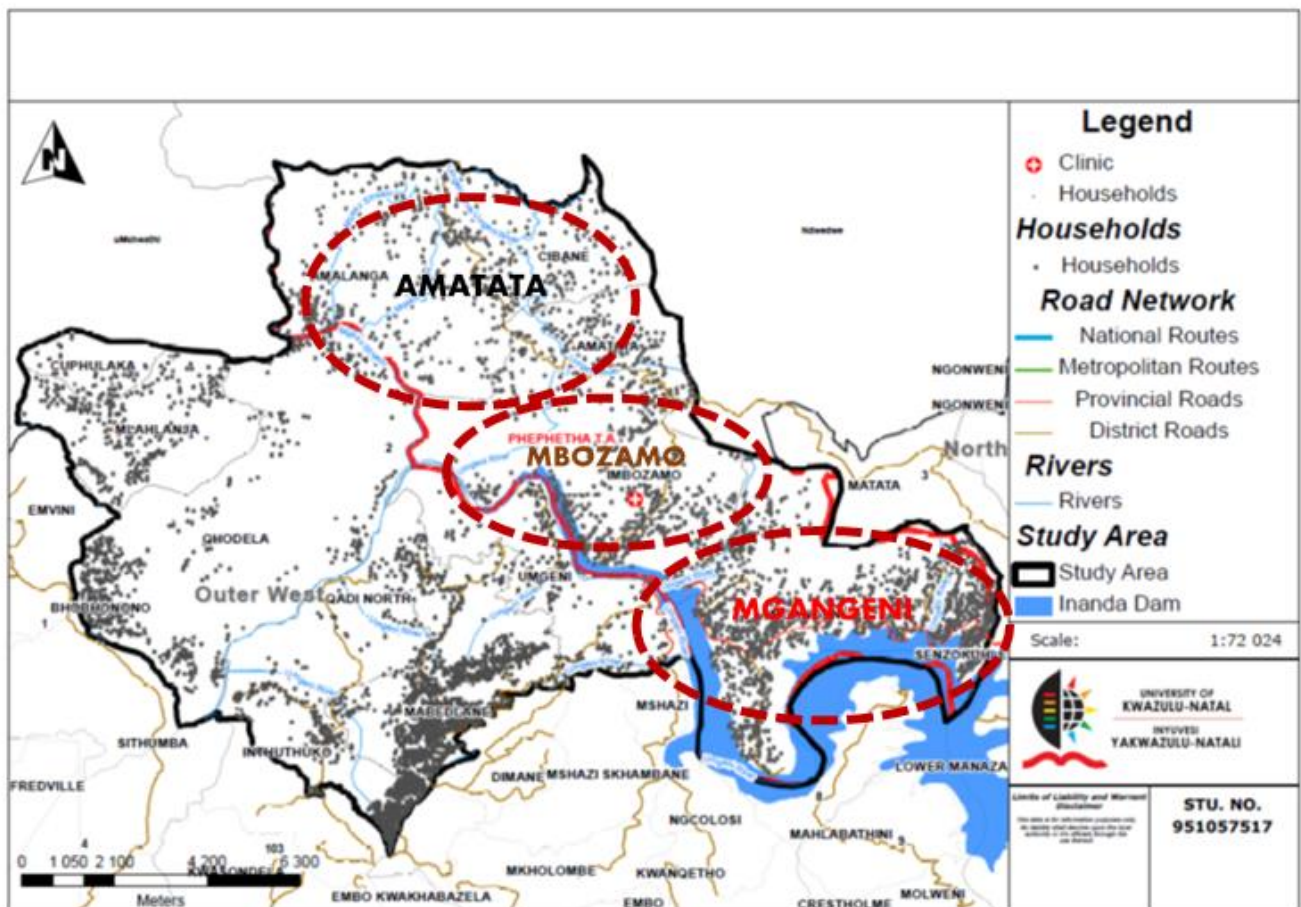
Source: Researcher's Own Fieldwork Data

4.3.4.3. Comparative settlement analysis over different periods

As part of the triangulation method discussed above, GIS was used to distinguish how the settlement has evolved in the last 10 to 20 years. In specific terms, two time periods were identified, namely 2004[5] and 2018. Using the Google satellite imagery across the defined time horizons, an analysis of the settlement pattern around the iMbozamo, eMgangeni and Amatata homesteads was carried out. This visual evidence was also undertaken in line with historical institutionalism, which advocates for process tracing and path dependence, and being one of the theoretical lenses used in this study. Furthermore, GIS also assisted in distinguishing or validating any suggested differentiation in housing products in the area. Respondents were selected from among owners of self-built and conventional BNG houses.

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[5] The year 2004 is where the earliest imagery is available for comparison.

In addition to spatial location, the GIS was intended to clearly highlight the location of various features, including the natural features and other land uses, as well as showing the level and extent of accessibility of these from the self-builder point of view. The GIS also assisted in highlighting density features like homesteads and the natural environment, and from this one could easily deduce relationship factors.

4.4. SAMPLING, DATA COLLECTION METHODS AND ANALYSIS INSTRUMENTS FOR ADMINISTERING THE RESEARCH

This section starts by explaining the sampling approaches used. Having identified eMaphephetheni as the area for case study, the thesis went further to employ various finer instruments to assist with the harvesting of the requisite information. These instruments are introduced below.

4.4.1. Sampling theory

4.4.1.1. Non-probability sampling

Non-probability sampling is often associated with the case study research design and qualitative research (Taherdoost, 2016). Opoku et al. (2016) suggest that non-probability sampling provides an opportunity for researchers to take a record of the interviewees' non-verbal communications and to dig further to establish the underlying issues. Non-probability sampling was used due to its strength in providing a range of alternative techniques, based on the researcher's judgement of cases for inclusion in line with the study's objectives, the participants under study and realities during the data collection process (Blaikie, 2000).

4.4.1.2. Judgemental sampling

Judgemental sampling enables a researcher to select participants who are able to respond to particular research questions and the selection of "information-rich" interviewees (Blaikie, 2000). Non-probability methods in the form of both quota and judgemental sampling were used to select respondents with whom the in-depth interviews were eventually conducted. They were selected because such respondents

demonstrated more intimate knowledge on various aspects. For example, the initial response from the municipal official responsible for assessing plans was that building applications from rural areas are subjected to various instruments, including the municipal rural development plan.

4.4.2. Identifying the respondents

The study population comprised 50 participants or respondents from different institutional affiliations. Data from these participants were collected from August 2018 to March 2019. The participants were comprised of 30 homeowners, 8 municipal officials, 5 traditional council members, 5 provincial government stakeholders, 1 local councillor, 1 ward committee member. Using guiding questions, the participants were engaged with a view to getting their experiences in self-build housing within the traditional settlement setting.

The community/homeowner respondents in particular, were mostly engaged around their experience on processes, procedures and common problems encountered in the process of self-help housing. The municipal and provincial government officials were engaged around policy and the traditional procedural issues in self-help housing. In addition, the NHBRC was engaged around the application of their policies in the peri-urban and rural areas under the traditional leaders. The tables below provide a summary of how the sample was structured.

Table 4.1: Interview with homeowners at eMaphephetheni

INDIVIDUAL INTERVIEWS	TOTAL NUMBER OF INTERVIEWS	GENDER		CATEGORY SETTLEMENT ASSOCIATION		
		Male	Female	Mbozamo	Amatata	Mgangeni
Self-built houses	15	6	9	3	5	7
RDP houses	10	4	6	3	3	4
Traditional huts	5	2	3	1	3	1
TOTAL	30	12	18	7	11	12

Source: Researcher's own fieldwork data

Table 4.2: In-depth interviews with traditional council respondents

INDIVIDUAL INTERVIEW	TOTAL NUMBER	GENDER		CATEGORY TRADITIONAL ASSOCIATION		
		Male	Female	Mbozamo	Amatata	Mgangeni
Inkosi	1	1	0	1		
Induna	3	3	0	1	1	1
Traditional Secretary	1	0	1	1		
TOTAL	5	4	1	3	1	1

Source: Researcher's own fieldwork data

Table 4.3: In-depth interviews with government officials and representatives in KwaZulu-Natal

INDIVIDUAL INTERVIEW	TOTAL NUMBER	GENDER		CATEGORY MUNICIPAL ASSOCIATION	
		Male	Female	Municipal administrative	Local politician
Municipal official in Land Use Planning (eThekwini Central	3	3	0	3	0
Municipal official in Planning (eThekwini Central)	2	2	0	2	0
Municipal official in Building Plans (Outer West Office)	1	1	0	3	0
Municipal official in Building Plans (Winkelspruit Office)	2	2	0	1	0
Local councillor	1	1	0	0	1
Member of ward committee	1		1	0	1
TOTAL	10	9	1	9	2

Source: Researcher's own fieldwork data

Table 4.4: In-depth interviews with provincial stakeholders

INDIVIDUAL INTERVIEW	TOTAL NUMBER	GENDER		CATEGORY PROVINCIAL ASSOCIATION	
		Male	Female	Land procedure	Building compliance
ITB Official	1	0	1	1	
KZN DoHS Official	3	3	0	0	3
NHBRC in KwaZulu-Natal	1	0	1	0	1
TOTAL	5	3	2	1	4

Source: Researcher's own fieldwork data

4.4.3. Data collection method

As part of data collection semi-structured and open-ended interviews were administered. Guiding questions are attached as Appendices 1-2. Open-ended interviews are so defined because even though the questions can be scripted, the interviewer usually doesn't know what the contents of the response will be. These interviews have some questions to gather basic factual data on participants, such as age and gender, but specific to the study area they focused more on the participant's thoughts, feelings, experiences, knowledge, skills, ideas and preferences around self-building and the legal framework with which housing occurs.

More specific questions were then structured to probe that process, as the initial information suggested that these plans are not evaluated at all. Similarly, responses from other municipal officials pointed to numerous anomalies owing to the fact that there are no systems in place. It was only through in-depth interviews that real facts could be established. The traditional secretary not only understands the structure of eMaphephetheni but was crucial in clarifying certain data responses that appeared to be anomalies. This required in-depth interview on certain aspects. A section of eMaphephetheni was subject to relocation when Inanda Dam was constructed. It was only after the initial fieldwork was concluded that the researcher became aware of the impact of the relocation on the community and housing. This necessitated more in-depth interviews with certain elders and *izinduna*, as some relocated back to the eMgangeni area in the vicinity of the dam.

The interviews with municipal officials were intended to establish whether the relationship between traditional councils and state organs assists in self-help housing. The main reason for selection of this research method was the complex nature of self-help housing in rural areas. The in-depth interviews also explored individual experiences and evaluated local government schemes that have benefitted the selected respondents and the meaning they attach to them. Respondents were selected within the jurisdiction of the municipality. Inclusion of different categories of respondents assisted in establishing the differences and similarities in the challenges and processes arising from the state and traditional councils' powers.

4.4.4. Data analysis

After the collection of data using the above-mentioned instruments, the data were then analysed. Data for demographic information were collected using the survey questionnaire and analysed using Microsoft Excel. However, this did not mean that the study was quantitative, rather it remained qualitative. Demographics provide a crucial context in research. Data gathered through the in-depth interviews were translated and transcribed and thematically analysed in such a way that the inherent contextual character remained undistorted. Emerging themes from the voices and experiences of different respondents were organised to form the bulk of the empirically based chapters of the thesis – the chapters were in fact structured around these themes. The themes were also checked to ensure that they speak to and respond to the key and secondary objectives of the thesis. In addition, the study used tables and graphs as well as direct quotes to support the findings.

4.5. DELIMITATIONS/SCOPE

This study took place in the eThekwini Municipal jurisdiction. According to the area's profile, as developed by eThekwini Municipality in 2012, the overall population is estimated at 16 000 spread over 2000 homesteads (referring to household units of counting). Each homestead consists of an average of 4 dwellings, typically housing extended family members. Initial scanning of the area's spatial character had revealed that eMaphephetheni has various forms of housing. There are traditional homesteads constructed in line with the definition of self-help, and there are also conventional 40m² houses constructed through the Government's RDP parameters. Enquiry with the municipality's Housing section had confirmed the existence of the different housing projects. EThekwini's Rural Strategy (2015) classifies this area as rural settlement.

The interest was in understanding the impact of different layers of institutional requirements in the construction of self-help housing processes. Furthermore, somewhere in the collective knowledge of eMaphephetheni community lies deeper information about how the community traditionally approached shelter.

4.6. LIMITATIONS OF THE STUDY

Whipp (1998) suggests that the limitations of qualitative research depend partly on the standpoint of the researcher, as the constraints could just as easily be viewed as the inherent strengths of the method. Simon (2011) reminds us that limitations are potential weaknesses in the research study and are generally out of your control. However, he notes that it is important to explain how one intends dealing with the limitations so that they do not affect the outcome of the study. There were various limitations in undertaking this study.

4.6.1. Understanding of the concept of self-help

There is a general misconception about what self-help housing is. In the context of South Africa, this is exacerbated by the varied concepts that have been used across government circles to define self-help housing. In addition to this, the literature from different parts of the globe introduces self-build as nothing more than an owner process of constructing a house or directing or managing such process. Using the term 'self-help housing' therefore proved problematic, as many respondents do not associate what they do or programmes they are familiar with to self-help housing. This restricted information on building experiences. In the case of in-depth interviews, a fair amount of time was spent with each individual around unpacking the concept and what the research sought to achieve. This in itself could arguably influence the responses as the probe had to create 'a context'. This particularly applied where specific questions had self-help housing as a concept. To overcome this the researcher had to resort to normative building concepts, like 'builder-managed structures, owner-managed building, own building', etc., and this seemed to solve the problem.

4.6.2. Identification of subsidy housing structures

It is generally the rural housing subsidy that applies in the traditional council areas. This form of subsidy is linked to functional tenure and tends to apply within the

perimeters of the homesteads. The selected respondents within this category had difficulty separating their experiences from their own conventional building processes. This required further interrogation through in-depth interviews. Part of the problem in the context of the study area is that rural housing was solely driven by the contractor, and the role of the beneficiary was confined to identifying the siting of the structure. This cast doubts on the need for this category. The flipside, however, was that the very responses received reflected the challenges and these were documented further.

4.6.3. Repeated visits to locate the correct respondents

Information and data are as good as the source. The reliability of information is critical for the findings and in this study locating appropriate owners or individuals who were involved in the building of their houses was more important than general land issues. Some targeted respondents were not always available, and this proved to be the case for the majority of case study residents. The research process had to allow for interviews during weekends as well public holidays to secure relevant respondents.

4.6.4. Respondents' apathy

Equally challenging is the constant pressure for surveys and research which respondents are subjected to, resulting in apathy. The net result is that respondents are not particularly keen on participating in the research. As a way of introducing the survey, the interviewer had to highlight the importance of the respondents' voice and how participation in the study may impact on revision of the current South African rural housing policy.

4.6.5. Engaging the real self-builders

Self-builder experiences are best articulated by the self-builders themselves, and these should generally include individuals who dream and design their houses and eventually build them or at least oversee an assisted construction process. Some of these individuals are deceased, while others were just not available during the interviews. This was evident from difficulty in answering certain questions, for example

who first allocated the site and who designed the house. The absence of these individuals meant those that face the brunt of policy conflicts and were turned away by the municipality cannot reflect directly on their experiences. However, in many instances the family members are well informed of issues, and this provided some insight. This had to be triangulated with other data sources.

4.6.6. Material suppliers

Material supply forms an integral component of the self-building machinery. The end users utilise different remote areas for purchasing material. The study did not engage material suppliers themselves to understand their perspectives. Rather, issues were identified from self-builders themselves. However, in retrospect such self-builder perspective does not adequately unravel material supply issues.

4.7. VALIDITY AND RELIABILITY/TRUSTWORTHINESS (QUALITATIVE RESEARCH)

Reliability and validity are concepts which are commonly used in both qualitative and quantitative research. In order to consider the validity of data, a number of factors are taken into account -- first, the role of the researcher, who creates the account within the framework, secondly the social and political context in which the research is conducted and the researcher's responsibility to ensure that the information gathered through the use of multiple methods is valid, while remaining faithful to the account of the interviewees. For Leung (2015), validity in qualitative research means 'appropriateness' of the tools, processes, and data.

Grossoehme (2014) notes that reliability refers to exact replicability of the processes and the results. In qualitative research with diverse paradigms, such a definition of reliability is challenging and epistemologically counter-intuitive. Hence, the essence of reliability for qualitative research lies in consistency. While it can be argued that research is never a neutral activity, with judgements often made in relation to the research framework, in qualitative research the findings are often unique and situation-

specific. However, the point of such research is missed if one focuses on reliability, rather than validity.

The researcher attempted to provide analysis and explanations that are valid in terms of theories, frameworks, methodology and empirical data that were used. It is in this context that an author declares ownership of the study, and as such factors provided the context in which the study was conducted, they are thus valid. Of importance in the eMaphephetheni case study was the use of multiple sources of data, what is generally termed data replication and data convergence. Replication refers to the amount of times a phenomenon repeats itself, thus increasing the confidence the researcher has that the finding is reliable. Convergence refers to multiple sources of evidence having a bearing on a variable, using different methods such as interviewing and participant observation, or even by interviewing subjects in different ways on different occasions. Using multiple sources of evidence, discussed as triangulation above, represents aspects of multiple layers. It increases the reliability of findings (Babbie & Mouton, 2007). According to Golafshani (2003), triangulation in qualitative research is key for this reason: it is a strategy to improve reliability and validity because it allows for the engagement of multiple methods such as interviews, observation and recordings, which contribute to valid, reliable and diverse construction of realities. On the basis of this, triangulation of several methods (documentary analysis, interviews and survey questionnaires) was employed in the study.

4.8. ETHICAL CONSIDERATIONS: ANONYMITY AND CONFIDENTIALITY

Myeni (2012) notes that the question of whether the interviewees' anonymity and/or confidentiality is guaranteed, can constrain the interview process. This proved to be a challenge from the beginning as the researcher realised that the units of analysis are found in the public space and geographical space, and was naturally concerned about some questions that might be sensitive and thereby negatively impact on the study. The researcher had a responsibility to protect the interviewees or participants, irrespective of whether they are in the public eye or not, while at the same time collecting data and reporting on the findings of the study in a manner that is transparent. It is a dicey balancing act, as the source of information provides good contextualisation to the reader. Kotze (1989) argues that interviewers have a

responsibility to convince respondents that their responses to controversial questions cannot be traced back to them. Accordingly, where anonymity is guaranteed, the recording of specific information might still lead to interviewees being recognisable in the public domain, even where no names have been used. In essence, it is impossible to conduct any form of analytical work without drawing conclusions.

As Myeni (2012) notes, basic biographical information is that which is already known or should be a matter of public record, and in respect of which the interviewees required no confidentiality. This category of information was treated as not requiring anonymity or confidentiality, given that such information is already in the public domain and therefore, by definition, not confidential anymore. Accordingly, given that interviewees or participants are operating in a public space, basic information was easily obtainable. The second level of information that was sought is that which has not been made available in the public domain but concerns matters that are in the public domain. In the context of research, confidential information is that which the researcher received that could only be used to further enhance the researcher's understanding, but this could not be disclosed elsewhere or form part of the text. In contrast, in the case of anonymity, information that was received cannot be recorded in the study using the names of individuals, but rather in the form of a non-attributable quotation. Therefore, for reasons of anonymity and confidentiality, the majority of information has not been referenced as attributable to specific interviewees, and the names of the interviewees have not been provided e.g. some respondents critiquing the land allocation system but concerned about victimisation and similarly certain municipal stakeholders being uncomfortable to divulge their names when they critiqued building plan submission processes.

4.9. POSITIONALITY AND REFLEXIVE RESEARCH: PREVIOUS ROLE AS PLANNER

Creswell (2014) highlights the importance of a researcher being upfront about their previous experiences that may potentially impact on their judgement abilities in the process. This is because in qualitative research the inquirer may be involved in a sustained and intensive experience with participants, thereby triggering a range of strategic, ethical, and personal issues (Locke, Spirduso & Silverman, 2013; Creswell,

2014). Reflecting on one's past experience should help the reader to understand the connection between the researchers and the study (Creswell, 2014). Such experiences may include past educational or work experiences, or culture, ethnicity, race, or other demographics that tie the researchers directly to the study.

As a planner, the researcher has observed over the years the challenges brought about by dual governance in peri-urban spaces under the traditional councils, and how this impacts on decision making at various levels. In spite of many legislative endeavours, there has been no solution. This study revisited these incongruities. There is a great temptation to generalise based on the information that the researcher already knows and has accumulated over the years, and based on the general position of planners on this subject. The researcher is also more likely to be influenced by his planning experiential baggage. The opposite extreme is equally true. As an active member of the planning profession, one does not want to be seen to be adopting neo-conservative views that may be interpreted as promoting traditionalism. Ultimately however, this process had to be grounded on a solid research ethos supported by various validity measures, especially triangulation.

4.10. CONCLUSION

This chapter has highlighted the various methods considered in carrying out this study. It highlighted the researcher's effort in conducting and presenting a credible research process. It conceptually explained what a case study covers and identifies the location, being eMaphephetheni. The chapter also clearly indicated the parameters of data collection. The next chapter presents local perspectives and the demographic information related to the case study.

CHAPTER FIVE: SPACE AND HOUSING – PERSPECTIVES OF SELF-HELP HOUSING RESPONDENTS

5.1. INTRODUCTION

The previous chapter provided an outline of the methodology on how this study was conducted, highlighting research design and the limitations of the study, to mention a few. This chapter builds on contemporary literature that shows that the debates on the nature and state of peri-urban development in South Africa, as in other regions across the globe, is dynamic and that urban expansion has occurred in a scattered way around the periphery of cities. This chapter also demonstrates through interview data on self-help housing that people are brought to peri-urban spaces such as eMaphephetheni by different factors. Through profiling, this chapter demonstrates that the peri-urban area is a highly contested space, in which risks and resources are distributed unevenly due to an increasingly heterogeneous mix of actors with multiple and often conflicting interests.

This chapter draws on demographic information collected from self-help housing respondents at eMaphephetheni Traditional Council, which falls under ward 2 of eThekwini Municipality, to explore some of the factors and conditions that affect house construction in eThekwini's peri-urban areas. Therefore, demographic information on respondents is located within the broader conceptual and theoretical frames, which also take into consideration democratisation, decentralisation and functioning of institutions in peri-urban spaces.

The first section of the chapter covers the contextual background and demographic information of self-help housing respondents at eMaphephetheni. The second section discusses the social classes of self-help housing respondents and their residential preferences and job opportunities. The third section interrogates the spatial distribution of self-help housing respondents and their associated housing typologies at eMaphephetheni. The fourth section locates the experiences of self-help housing respondents and discusses their motivation for building in peri-urban spaces.

5.2.   BACKGROUND TO THE STUDY AREA

The study area, eMaphephetheni, exhibits various key settlement characteristics appropriate to demonstrate the rural/peri-urban and urban interface from perspectives ranging from varied topography to homestead cluster patterns. It has different housing products and typologies, including the State-aided self-help, being the Rural Housing subsidy, traditional homesteads and those constructed incrementally by individual homeowners. EMaphephetheni village is located north of Inanda Dam, approximately 40km from the city of Durban. It is situated east of Cato Ridge within the jurisdiction of eThekwini Municipality.

Figure 5.1: Location of eMaphephetheni.
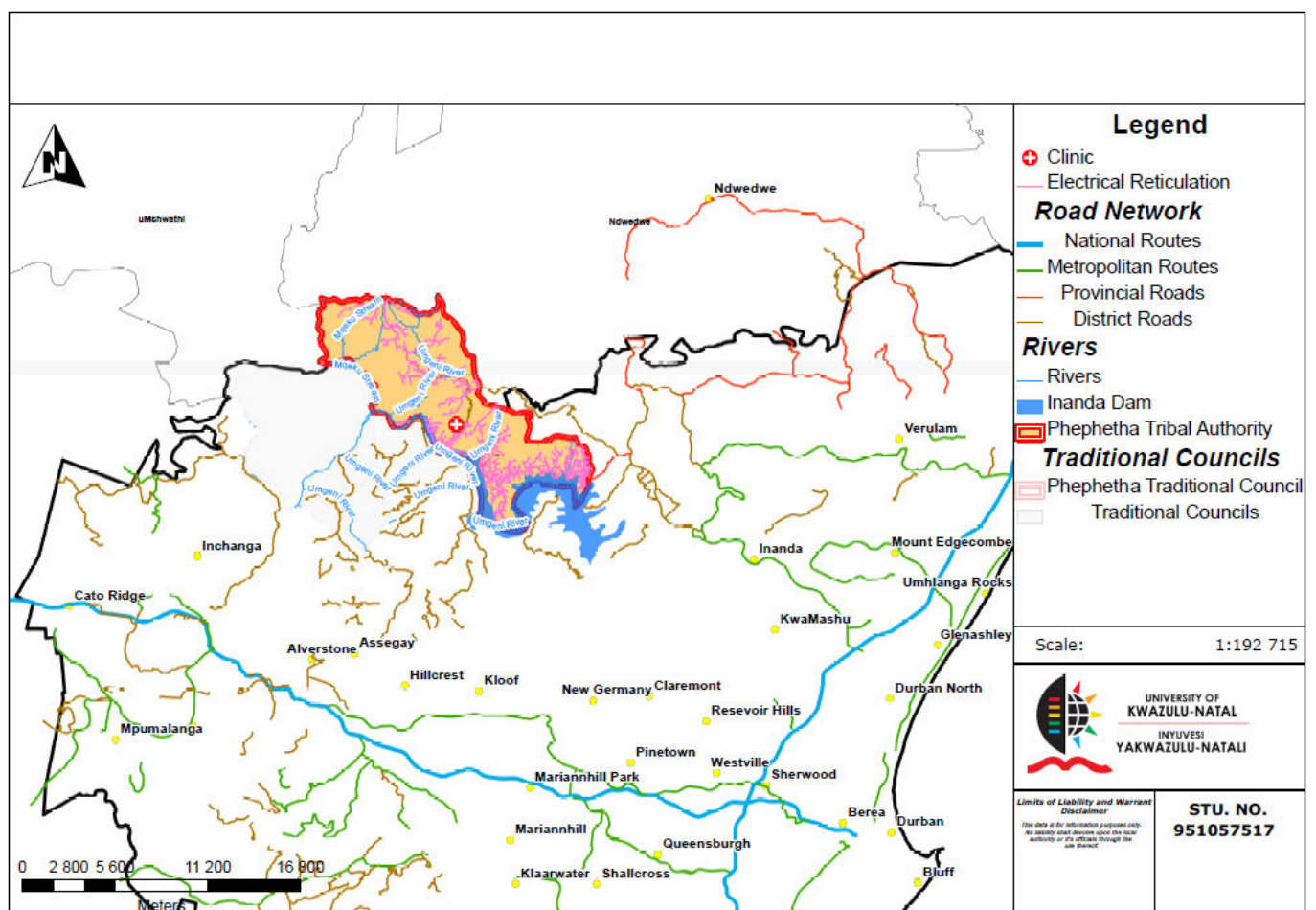
Source: Researcher's own fieldwork data

The larger part of the settlement is rural, and characterised by dispersed settlement patterns. The area is divided into upper and lower eMaphephetheni, with the latter on the southern side of the escarpment adjacent to the dam. As a traditional council area, it falls under Inkosi Gwala. It was established from the interview data with the elders in the area and confirmed through archival material that the clan is named after *Inkosi* uMphephethe Nzimande, who originally escaped from Swaziland due to conflict with the Swazi King. The clan fled to Zululand and the next heir was Inkosi Masiya kaMaphinda. Existing evidence shows that this tribe was already in Natal in the 1800s as it is listed in the Natal Commission's Report of 1881 (Natal Native Commission of 1882).

This clan sought refuge under Shaka's kingdom, after being introduced by his senior *Izinduna* (Headmen), and it is reported that the clan got a warm welcome from the Zulu Tribe. However, when unexpected tensions brewed with Shaka, they escaped to the area where they now reside (HSRC, 2011). The homeland system that wreaked social disarray in numerous settlements did not have a direct impact on this community (in so far as spatial displacement is concerned), as the latter was already established and homogenous when both the colonial and apartheid laws were being applied to the traditional areas. The homogeneity strengthened the community bond over many years. It was revealed through field data that in the 1980s some sections of the community were relocated when the local dam (Inanda Dam) as a capital project was initiated. The core, however, remained, and to a great degree the current community represents the original settlement structure.

This is important as the findings will present a picture of tight settlement control. With the introduction of political decentralisation which allowed the promulgation of the Local Government Municipal Structures Act of 1998, the settlement shows a convergence of modern and traditional systems. It therefore falls within ward 2 of eThekwini Municipality. The area is geographically located on the fringes of the urban core, and it is one of the attractive areas, especially to outsiders who are seeking closer location to employment opportunities as well as residential security. For this

reason, admission to the area is firmly managed. It is situated just outside of the "service and development line".[6] Over the past 20 years, eMaphephetheni has benefitted from a range of municipal services. Having a parallel traditional council system and Municipal local governance provides an appropriate lens to understand how self-help housing unfolds in such geopolitical spaces. The next section discusses demographic information.

5.3. THE WARD AT A GLANCE

5.3.1. Ward 2 population

The information about the population of the study area covers, in the first instance, the entire ward two (2). This information was obtained from the municipality but also significantly represents the last detailed Census, that was undertaken in 2011.[7] As indicated, eMaphephetheni forms part of ward 2 of eThekwini Municipality. Whilst it remains broad, it provides essential context and more detailed information from the field process follows. The entire ward 2 population was estimated at 30 436, with black people being the majority. The majority of the population is youthful, constituting 36%.

Table 5.1: Racial distribution

RACE		NUMBER
	Black	30 167
	Coloured	14
	Indian	232
	White	13
	Other	10
TOTAL		30 436

Source: eThekwini Municipal website

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[6] This was introduced by the municipality to manage and restrict infrastructural services to the inner core of the municipality.
[7] It is important to note that the ward level data have not been updated by either Census or Municipality.

5.3.2. Ward 2 Economic Status

Of the whole ward population, only 16.9% is employed. The majority of the population is not only unemployed, at 29%, but also includes inactive population members. A more alarming indicator is the extent of the economically inactive population, which stands at 50%. These are generally people who depend entirely on government grants and to a lesser extent charity for their survival. This includes sickly people, people with physical disabilities and parents that receive child grants from Government.

Table 5.2: Ward economic status

CATEGORY	NUMBER	PERCENTAGE
Employed	6875	17%
Unemployed	11 857	29%
Not economically active	20 271	50%
Pensioner	1560	4%
TOTAL	**40 563**	**100%**

Source: Stats SA (2011).

There are in addition 1560 pensioners. While reflected as economically inactive, this category accommodates significant informal activities that have so far eluded the Census processes. These include a range of agricultural and fishing activities – that people are not prepared to talk about, for the fear of prosecution. It is perhaps the explanation for the high-quality self-built houses found in sections of the ward, especially KwaXimba. These have gradually improved over the years with the improving financial situation of households.

5.3.3. Ward 2 Income

Stats SA (2011) information indicates that the majority (70%) of the ward population earns less than R400 per month. The next income band is between R400 and R 1600 which accounts for 16 % of the ward population. In reality, therefore, about 86% of

the ward population earns less than R1600 per month. This also highlights the discourse around the informal economy, discussed above, that is not always accounted for. Table 5.3 and figure 5.2 below indicate the overall ward income.

Table 5.3: Ward 2 monthly income

CATEGORY	#PEOPLE	PERCENTAGE
No_Income	13837	45%
< R400	7645	25%
R400 - R800	1188	4%
R800 - R1600	3782	12%
R1600 - R3200	1438	5%
R3200 - R6400	447	1%
R6400 - R12800	150	0%
R12800 - R25600	103	0%
R25600 - R51200	86	0%
R51200 - R102400	7	0%
R102400 - R204800	14	0%
> R204800	9	0%
Income Unspecified	1728	6%
TOTAL	**30434**	**100%**

Source: Stats SA (2011).

Figure 5.2: Ward 2 income per month
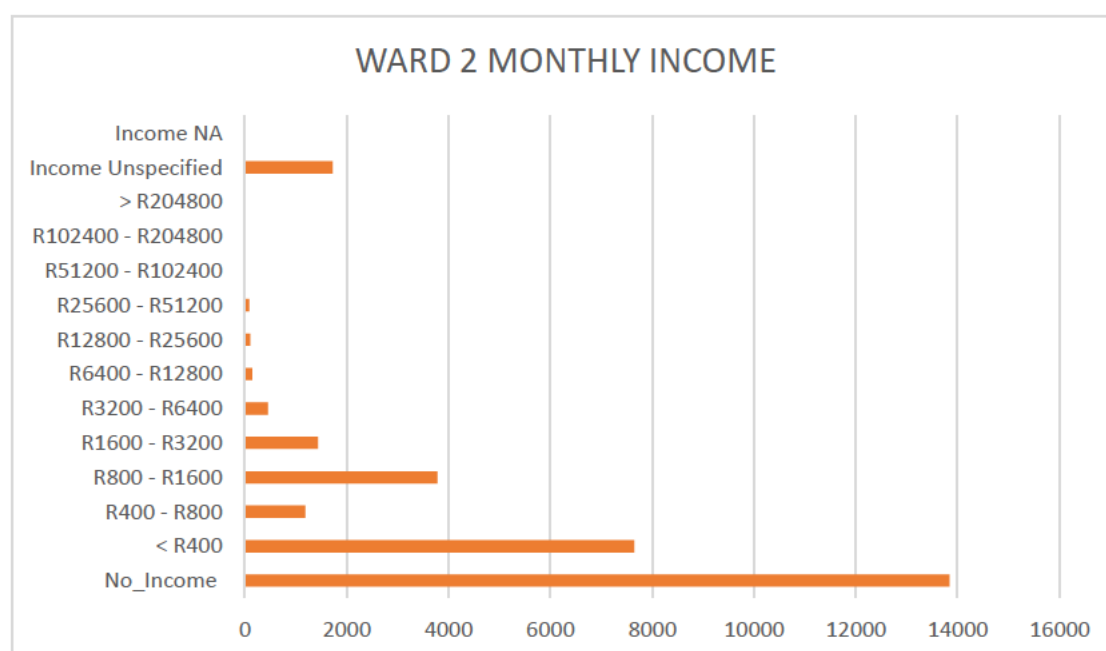
Source: Stats SA (2011).

The above merely serves to provide context to the ward's socio-economic position, as eMaphephetheni is located within Ward 2. The next section considers eMaphephetheni in finer detail.

5.4. THE DEMOGRAPHICS OF RESEARCH REPRESENTATIVES OF eMAPHEPHETHENI

This section relies heavily on demographic information of participants in the study, where information was collected from self-built and state-aided respondents, the majority being self-built respondents. This is done in order to throw light on who the participants are in both self-built and state-aided self-help housing. The views of state-aided respondents were canvassed to test various conceptions about self-building. This section covers various themes, including education and marital status, and how such categories are important to participation in self-built and state-aided self-help housing in South Africa.

The figures below show differentiation between self-built structures and that which is an end product of state aided self-help housing. The state aided structures are mostly designed around standard NHBRC specifications including 40M^2 size, defined finishes. The self-builder on the other hand defines the parameters of the end product in accordance with the affordability.

Figure 5.3: Typical self-built structure.

Source: Researcher's own fieldwork data

Figure 5.4: State-aided house.

Source: Researcher's own fieldwork data.

5.4.1. The household structure

The household size, based on Stats SA (2016) surveys, is averaged at between 5 and 8 individuals per household. It is an assumption that this was adopted in eMaphethetheni. In some cases, just adults within the households were estimated at between 5 and 10, as shown in Table 5.4 below. It confirms that the structure of the family continues to be an extended family structure, which is a significant survival strategy as it allows for pooling of resources. It is also a possible factor in the financial support necessary for the completion of self-help houses. This is being considered against a backdrop of a low economic base for the main household heads who were interviewed.

Table 5.4: eMaphephetheni family structure

NUMBER OF ADULTS LIVING IN HOUSEHOLD	RESPONSES
Less than 5 people	13
Between 5 and 10 people	15
More than 10 people	2
TOTAL	30

Source: Researcher's own fieldwork data.

The following image confirms the size of homesteads and extended families. This is a prevalent pattern across the sub-areas of eMaphephetheni. The graphic shows a prevalent economic support system from the extended family structure.

Figure 5.5: Image of household structures.

Source: Researcher's own fieldwork data customised from Google Earth (2019).

5.4.2. Education level of respondents

Four different categories are used to indicate the level of education of respondents interviewed in this study: 'no education', 'primary education', 'secondary education' and 'post-matriculation qualification'. Based on the sample size highlighted above, the table below presents the data on education levels of the respondents according to the two categories of self-built and state-aided. The majority of household respondents were unsophisticated individuals, largely below a tertiary level of education. As can be seen, a total of 13 have no education followed by 9 that have secondary education.

Table 5.5: Respondents' level of education

HIGHEST LEVEL OF EDUCATION	SELF-BUILT	STATE-AIDED	TOTAL
No education	9	4	13
Primary education (Grade R/0 to 7)	3	2	5
Secondary education (Grade 8 to 12)	8	1	9
Post-Matric qualification	1	2	3
TOTAL	20	10	30

Source: Researcher's own fieldwork data.

It does confirm, however that a house is perceived as a financial and economic asset which cuts across the levels of education, as even those without education are active in self-help housing. This challenges the misconception that the self-help housing is dominated by the educated elites.

5.4.3. Gender

As can be seen below, of these, 59% of respondents are females and, importantly, were identified as heads of their households. They represent largely female-headed households.

Table 5.6: Gender of the respondents

GENDER	SELF-BUILT	STATE-AIDED	TOTAL
Male	8	5	13
Female	12	5	17
TOTAL	20	10	30

Source: Researchers' own fieldwork data.

While the sample size is clearly not representative of the overall area or even the ward's population, the dominance of female-headed homes is a major indictment of the institutional establishments and leadership, particularly the traditional council of

the area which is largely male-dominated and still maintains various practices repressive to females e.g land ownership, representation in traditional structures, etc, which is further detailed in the next chapter. Currently the Phephethe traditional council is made up of 32 members. Of these, only 5 are females and they do not hold positions of headmen (*izinduna*). The role of the traditional council in the community's affairs cannot be underestimated, as they also deal with juristic matters. As will be highlighted in the next chapter, the headmen play a central role in the allocation and management of space.

5.4.4. Age distribution of respondents

The table below shows that there are 4 respondents below the age of 30 with the majority above the age of 30. When this particular finding was discussed with the Induna, he was of the opinion that the younger population of this area is generally at schooling age or in neighbouring towns for employment. Because the sample purposefully sought the owners of structures, this finding and the age structure is a consequence of that.

Table 5.7: Age distribution of respondents

AGE	MALE	FEMALE	TOTAL
19-30	1	3	4
30-50	3	4	7
50-60	2	7	9
Over 60	3	7	10
TOTAL	**9**	**21**	**30**

Source: Researcher's own fieldwork data.

5.4.5. Marital status of respondents

Marital status is considered in the allocation of land. Some members of the traditional council have confirmed during the interviews that the traditional council is not in favour of allocating land to unmarried females; in particular, this is another adversarial reality for female-dominated households who wish to expand or move. This table intended to

establish the level and prevalence of marriages in relation to ownership. Ten respondents are married. Of the single, seven are females and five males. It is not entirely representative of the settlement's population, to the extent that one can draw inferences, but it at least shows that as it stands, there are households with single owners. It was also not extensively probed with responding individuals, but circumstances may include inheriting a household, taking over breadwinning responsibilities, etc. Therefore, individuals are not always directly allocated land by the traditional council in the first place.

Table 5.8: Marital status of respondents

MARITAL STATUS	SELF-BUILT	STATE-AIDED	TOTAL
Married	10	0	10
Living together like husband and wife	1	3	4
Widow/widower	1	3	4
Divorced or separated	1	0	1
Single	7	4	11
TOTAL	20	10	30

Source: Researcher's own fieldwork data.

5.4.6. Economic status

5.4.6.1. *Sources of income*

The next question considered the economic status of the respondents and their current sources of income. Approximately 94% currently depend on government subsidisation through grants. This correlates with their age structure and levels of education. However, it does not provide the whole picture about the family survival. It also most certainly does not explain the quality of many of the self-build structures identified in the area, which can be described as from vastly medium to upmarket. This perhaps will gradually appear with discussion of other aspects of economic sources. When considered further it emerged that those that depend on government grants mostly access the child support grant, followed by the old age pension, as shown in the Table below.

Table 5.9: Types of grants

Which of the following social grants does your family receive?	SELF-BUILT	STATE-AIDED	TOTAL
Old-age pension	10	5	15
Disability allowance	2	1	3
Child support	8	4	12
Other form of state support	0	0	0
TOTAL	20	10	30

Source: Researcher's own fieldwork data.

5.4.6.2. *Income bands of respondents*

The next table shows the income bands of the respondents, which suggests that the majority earn less than R 3000 per month. This is slightly higher than the ward average, where 80% fall below R1600 per month. But it reflects the interaction that the study allowed, in engaging the respondents further, as will be shown below.

Table 5.10: Household income of respondents

TOTAL HOUSEHOLD INCOME	SELF-BUILT	STATE-AIDED	TOTAL
Less than R500	3	0	3
R501–R1000	4	0	4
R1001–R3000	9	8	17
R3001–R5000	4	2	6
TOTAL	20	10	30

Source: Researcher's own fieldwork data.

Strangely, rental and subletting are not popular, in spite of the settlement's strategic location, as the responses in the table below indicate. This may well have something to do with the fact that there is a stable homogeneity of community members, which can easily be disrupted by transit tenants if allowed.

Table 5.11: Status of subletting by respondents

DO YOU COLLECT RENT FOR PART OF THE PROPERTY?	SELF-BUILT	STATE-AIDED	TOTAL
Yes	0	1	1
No	20	9	29
TOTAL	20	10	30

Source: Researcher's own fieldwork data.

5.4.6.3. *Agriculture as a supplementary economic pillar*

Respondents highlighted that agriculture plays a major role in the survival of homesteads and is critical in the sustainability of self-help housing. It affords individuals additional income to continue with their upgrade and maintenance activities. The account of community members is that agriculture in the context of eMaphephetheni has included a range of activities, from trading in medicinal plants to animal stock-keeping. Most residents keep livestock which they use for cultural ceremonies. Stock farming therefore presents itself as an opportunity for business. This has implications on space configuration, as livestock require sufficient space to move around. It also means sufficient spacing in between households to accommodate cattle, sheep, chicken and goat kraals. This is all possible within the spatial configuration of the area.

Table 5.12: Agriculture activities

AGRICULTURAL ACTIVITIES	SELF-BUILT	STATE-AIDED	TOTAL
Livestock production	14	6	20
Crops (maize, etc.)	6	4	10
TOTAL	20	10	30

Source: Researcher's own fieldwork data

The responses in the table below were given as the reason they use agriculture. From these responses, it is clear that the existing community is wary of the role and benefit of land for agriculture use.

Table 5.13: Reason for involvement in agriculture

REASON ENGAGING IN AGRICULTURE	SELF-BUILT	STATE-AIDED	TOTAL
Source of food for household	12	1	13
Source of income	3	0	3
Extra income	2	2	4
Extra food source	3	7	10
TOTAL	20	10	30

Source: Researcher's own fieldwork data.

The next question sought to understand the relationship between agricultural productivity and trading or business. Most respondents indicated that engaging in agriculture is primarily for their subsistence purposes. They do not necessarily sell the produce. Many pointed to the transformed climatic conditions, and particularly their unpredictability, as the main reason they cannot fully rely on agriculture for business anymore. The table below indicates the situation in terms of end use of produce.

Table 5.14: End use of produce

DOES THE HOUSEHOLD SELL ANY OF ITS PRODUCE?	SELF-BUILT	STATE-AIDED	TOTAL
Yes	5	2	7
No	15	8	23
TOTAL	20	10	30

Source: Researcher's own fieldwork data.

Induna Gwala from Matata argued that this was once a fertile land that provided adequately for the local and adjoining communities. He further advises that apart from the Umngeni River running through the settlement, there had in actual fact been no need to irrigate, as the soils were largely fertile. Ploughing the fields was a standard

practice and the extent of productivity gave the households better respect and security within the community. Agriculture was a form of occupation for women and a means to socialise among themselves. All capable household females participated and they were generally enthusiastic about this practice. The allocated piece of land was generally an adequate field to grow vegetables and other subsistence crops. A request for land was often understood to be a request for allocation of fields for agriculture. Because agriculture and farming were so central to land allocation, the positioning of houses became secondary and was generally guided by the extent and orientation of allocated fields. It is a familiar historical context to numerous other settlements.

Umngeni River was a source of seafood and local fishermen would sell their produce in markets. The Department of Environmental Affairs, Umsinsi Holdings, and Umgeni Water are all institutions that monitor access to and use of the water resource in this vicinity. With stringent controls and legislated quotas, compounded by changing climatic conditions, most species are no longer accessible to fishermen, and many residents have since abandoned the practise of fish farming, which was once an important resource.

5.4.7. Social practices

As a traditionally inclined community, it is quite abuzz with cultural activities, like weddings and *imemulo*.[8] All of the traditional activities have to be reported to the traditional council through *induna*. In many instances a levy is paid, which allows the *induna* to send the tribal constable to observe and monitor the event. It is another measure of continued control.

The rondavel house design is a single most representative symbol of this cultural attachment for eMaphephetheni community. Pretty much every single homestead has one or more rondavels, being the focal point for cultural connection. It has become an

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[8] Young maiden's passage ceremony.

important design trend; as even new modern self-help houses have a rondavel as an accessory building. This constantly came across from open-ended interviews. The impact of this on municipal controls is discussed further in Chapter Seven. Suffice it to mention that as an embraced community design, an effort is to be made to accommodate this in municipal guiding plans.

With regard to burials, Zwane (2011) argues that just as in many cultures, the deceased in the African community are considered part of the living. In this regard there is ongoing communication with them and various ceremonies such as ukubuyiswa[9] are performed with the view to integrate the newly departed with the hierarchy of the family spirit world. *Induna* Gwala says all of these cultural activities are still dominant here. "Individuals have sufficient land parcels to conduct all cultural activities" (interview with Headman, 21 November 2018). Performance of these ceremonies also needs to be reported to the headmen.

Community members find solace in the settlement's endorsements and tolerance of cultural practises. The fact that local leaders are perceived as custodians of this culture can be assuring to a new self-builder who wants to invest within strong cultural parameters.

5.4.8. Services

Infrastructural services have generally been a major drawcard for new residents. The ease of access and reliability of service are a major consideration in the selection of space and location of a house. EThekwini Municipality has provided most services at affordable levels, primarily prescribed for indigent households. This section discusses the various services necessary for the housing to thrive. These are also summarised in the table below.

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[9] Ritual and ceremony of celebrating the return of the deceased's spirits back into the household.

Figure 5.6: Plan showing services across the area.
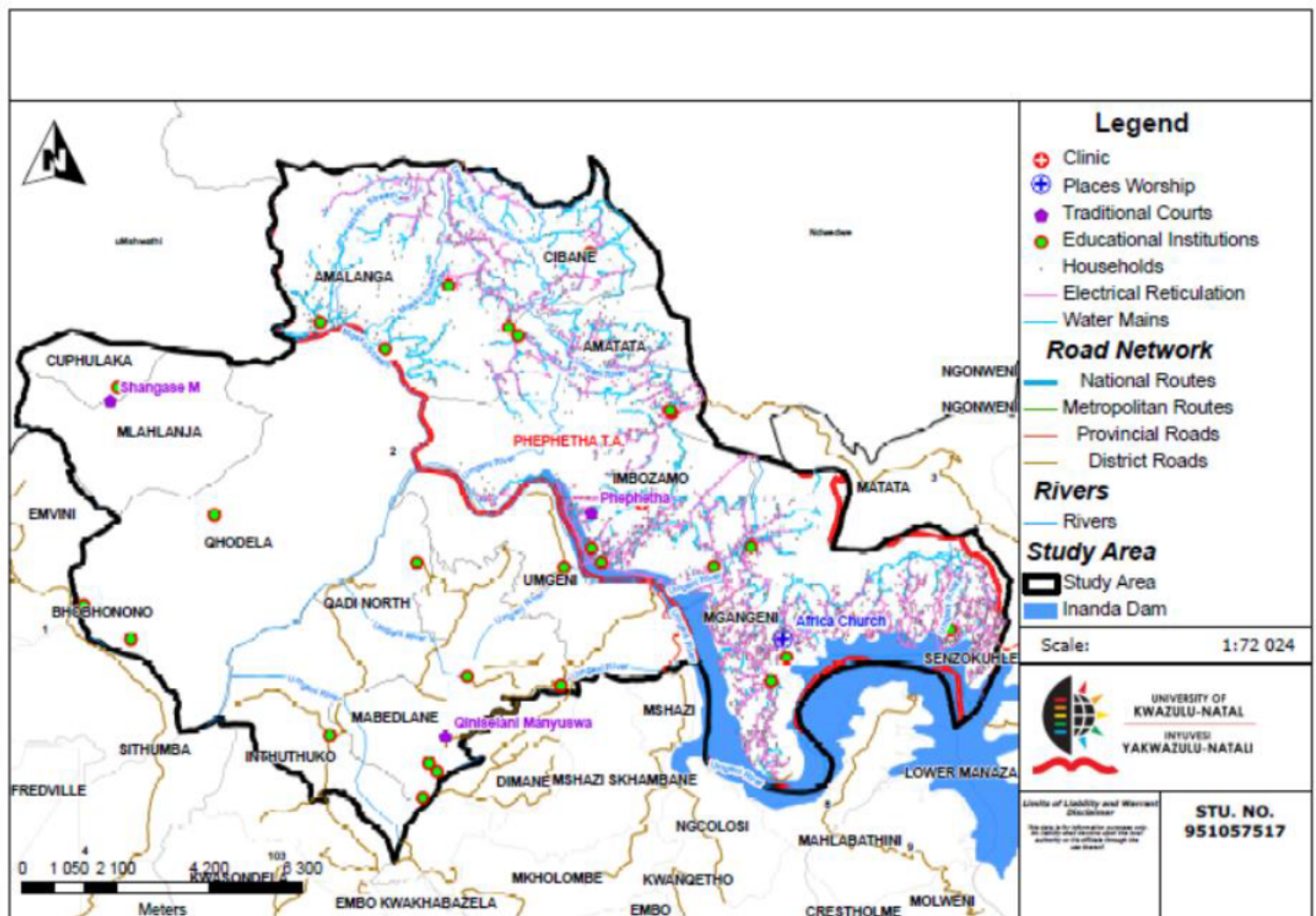
Source: Researcher's own fieldwork data.

Table 5.15: Which services do respondents pay for at eMaphephetheni

WHICH SERVICES DO YOU PAY FOR?	SELF-BUILT	STATE-AIDED	TOTAL
Water	1	1	2
Electricity	20	8	28
TOTAL	21	9	30

Source: Researcher's own fieldwork data.

5.4.8.1. Water supply

Water supply to homesteads is made up of 200L ground-level tank system, which receives its supply from a piped connection from the bulk supply to the area. In some areas, especially upper sub-areas where supply gravity is a challenge, water is delivered by truck and stored in JoJo Tanks. Some households have installed their own tanks to collect water from rainfall for domestic use. Water supply is generally regarded as reliable and sufficient, although there are problems relating to erratic supply and pressure. The following table indicates responses on water supply from the interviews.

Table 5.16: Questions about access to water

WHAT IS THIS HOUSEHOLD'S MAIN ACCESS TO WATER	SELF-BUILT	STATE-AIDED	TOTAL
Piped water into the dwelling	6	1	7
Piped water into the yard	10	7	17
Water truck	4	1	5
Protected water source (not piped and with fencing)	0	1	1
TOTAL	20	10	30

Source: Researcher's own fieldwork data.

5.4.8.2. Sanitation

Sanitation in eMaphephetheni is mainly on-site dry sanitation. The most common method of sanitation disposal is defined as the Urine Diversion (UD) System. The Urine Diversion system is currently eThekwini Municipality's minimum level of service for sanitation disposal and a relatively low-cost sanitation solution for varying densities. The Urine Diversion pan allows for urine to be diverted in the pedestal and disposed of in a shallow soak pit. Greywater from washing and other domestic uses is currently disposed of on-site. Most households dispose of the greywater by just emptying it onto low points of the erf, while other houses have formal piped connections where water is disposed of away from the property. The picture below shows low-cost sanitation facilities with Urine diversion mechanism.

Figure 5.7: Picture showing urine diversion.

Source: Researcher's own fieldwork data.

5.4.8.3. *Electricity*

The electricity supply throughout the study area is provided via the prepaid card system. eMaphephetheni is fully reticulated. Houses are connected with an overhead single phase 230V line, which in turn is connected to and transmitted from higher voltage overhead lines. The table below indicates the responses received to a question posed about electricity supply.

Table 5.17: Question about electricity supply

WHAT IS YOUR MAIN ACCESS TO ELECTRICITY IN THIS HOUSEHOLD?	SELF-BUILT	STATE-AIDED	TOTAL
Grid	12	10	22
Generator	3	0	3
Batteries	2	0	2
None	1	0	1
Other (specify)	2	0	2
TOTAL	20	10	30

Source: Researcher's own fieldwork data.

5.4.8.4. Solid waste

Residents of households dispose of solid waste through incineration, which includes burning and burying. Because of adequate space around the homesteads, new pits are dug when they fill up. Solid waste management is poor in some sections of eMaphephetheni. The next section presents the findings on the spatial and settlement dynamics of eMaphephetheni.

5.5. URBAN-RURAL MIGRATION OR THE SUB-URBAN PHENOMENON?

This section discusses the various conceptual forms of peri-urban settlements, which will help contextualise the findings of the study. These conceptual forms were instrumental in organising interview data from different actors and respondents who participated in this study.

5.5.1. Conceptual understanding of peri-urban typologies

5.5.1.1. Neo-rurality

Various concepts have emerged over the years to characterise the movement of people between urban and rural areas. Schwake (2020, p. 5) considered "neo-rurality", which effectively refers to the new ways of life that city dwellers moving to rural areas are seeking to adopt. Schwake further highlights that while this phenomenon generally exhibits or characterises suburbanisation, it should be researched further, as it seeks to diversify urban lifestyle, which they continue to maintain, by adding natural and cultural tranquillity (Schwake, 2020). Urban -rural ties discourse has been highlighted by Hirvonen and Lilleor (2015) before, pointing out that there are generally some rural connections that urban dwellers want to maintain in the first place.

5.5.1.2. Peri urban phenomenon

Iaquinta and Drescher (2000) have provided a conceptual differentiation of peri-urban typologies. These authors argue that the proximity to the city assists in the conceptual understanding of peri-urban, but is not the only defining variable. Existing evidence from the literature shows that many scholars tended to limit peri-urban definition to proximity to the urban core, with various dimensions like demographics, population size or density being additional secondary variables. According to the Rural Policy Research Institute (RUPRI) (1998), the dichotomy of urban and rural characteristics that define rural areas exist along a continuum. Iaquinta and Drescher's (2000) prolific work provides that these peri-urban types can be divided into five categories: village peri-urban, diffuse peri-urban, chain peri-urban, in-place peri-urban, and absorbed peri-urban. These are discussed briefly below.

5.5.1.2.1. Village peri-urban or peri-rural

According to Iaquinta and Drescher (2000), while village peri-urban areas are not in close proximity to the urban area, they are undergoing or have undergone identifiable elements of urbanity through the inflow of out-migrant remittances, out-migrant infusion of 'urban' ideas and modes of behaviour, out-migrant infusion of non-income resources, and/or out-migrant participation which is particularly strategic in community decision-making. These peri-urban areas evolve and transform. The prevalent institutional arrangement is network-induced. New ideas induced by out-migrant influence are absorbed slowly into the traditional context, often through a process of redefinition, which allows for the perpetuation of 'ideal culture' in the face of adaptation to the needs of the situation.

5.5.1.2.2. Diffuse peri-urban (in-migration from various places)

Diffuse peri-urban areas are identified by their proximity to the urban core. The urban core is experiencing in-migration pressures from a variety of geographic sources. In-migration to these environments often also includes migrants from urban areas. Iaquinta and Drescher (2000) see this category as characterised by greater ethnic

heterogeneity. This is a diverse cultural base with varied customary institutions and arrangements. The institutional patterns here reflect much greater inclusion of 'urban' forms than is the case for either chain or in-place peri-urban (discussed below). Iaquinta and Drescher (2000) argue that there is far greater propensity for conflict and for negotiating new institutions that are more 'urban' oriented with this category. These areas may also arise from spontaneous settlement over a period of time. Diffuse peri-urban lends itself to modern (i.e. urban) or transcultural modes and methods of dispute resolution and community building which transcend particular traditions.

5.5.1.2.3. Chain peri-urban (in-migration from a single place)

Relocation and displacement processes can create alternative settlements, and in the case of chain peri-urban, these generally situate close to the urban core. Chain peri-urban settlers are much more adaptive and open to change, owing to constant comparison with circumstances of origin. According to Iaquinta and Drescher (2000), these areas have a high degree of ethnic homogeneity and traditional/customary beliefs and institutions which tend to be transferred and reconstructed in the new environment, integrating elements of the new surrounding urban institutions. Because of circumstances of displacement, initial settlement can be a makeshift setup. The lead group serves as auspices of migration for later 'settlers' from the homeland (Iaquinta & Drescher, 2000). By providing temporary housing and information on the ways of the new culture, the pioneers reinforce their status as landsman (Iaquinta & Drescher, 2000). Chain peri-urban reproduces adapted and stable 'traditional' institutions, sometimes along the lines of kinship.

5.5.1.2.4. In-place peri-urban

These can be identified by their close proximity to the urban core. They are eventually consumed by the urban space, both in culture and traditions. In some instances, they become more urban, like under their own power, through natural increase and/or rural in-migration. More commonly, they are formed from peri-urban villages by a

combination of those processes, combined with in-migration from the nearby urban area. Whichever is the case, because they are being absorbed 'whole', such places tend to perpetuate and reinforce the existing power structure and bases of inequality. Exclusive of any new urban in-migrants, the residents of these areas tend to reflect the extremes of the local power spectrum: those least likely to be opportunistic (e.g. the poor) since they have chosen not to migrate earlier; those most likely to benefit from customary or traditional arrangements (e.g. the rich and/or powerful), who would have had a vested interest in remaining; and those most embedded and subordinated in customary or traditional arrangements, who would likely not have had a real opportunity to migrate earlier (e.g. women).

Because of their lack of geographic displacement and the potential for increasing old-timer newcomer polarisation, these environments should have the most intact and quite conservatively held customary and traditional institutions.

5.5.1.2.5.   Absorbed peri-urban

Absorbed peri-urban areas are urban peripheries that have typically been in existence for a considerable period of time. The defining characteristic of these locations is the maintenance of customary or traditional institutional arrangements, which are derived from the culture of original settlers/residents who have long since ceased to be the numeric majority in the area. These areas derive from either in-place peri-urban areas or from chain peri-urban areas. Over time either of these peri-urban types can undergo the compositional processes of succession and displacement while on the macro level, being ever more absorbed into the urban environment – administratively, politically and social-psychologically.

The original settler culture group is replaced through either residential succession or through diffusion due to differential migration along ethnic/cultural lines. Some important customary arrangements (i.e. institutions) of the original group remain in

place, now supported by 'newcomers'. These vestigial arrangements are supported through a combination of ritualism, power/dominance relations and reification by arrangements in the formal/modern sector. They have a strong conservative effect in the form of adherence to 'tradition' for tradition's sake, rather than an adherence to traditional principles because they are functional for the community.

5.5.2. Urban rural migration in South Africa

Mbatha and Ngcoya (2019) suggest that many Africans are being pulled to peri-urban areas to locate closer to the rural roots, and enjoy fewer residential restrictions and an alternative lifestyle. The removal of the Group Areas Act in the early 1990s meant that areas that were previously reserved for non-blacks were open to all. Many established African middle-class groups flooded these suburbs to taste and enjoy the lifestyle they had been deprived of for so long by apartheid and colonial policies.

Most Africans who went into these segregated areas never really had a full appreciation of this lifestyle and what sort of limitations it imposed on citizens. However, over time it seems that there has been disruption of this known rural to urban trend by the affluent. The research conducted by Mbatha and Ngcoya (2019) has highlighted what has become known of the urban lifestyle limitations, owing to complex conglomeration of divergent cultures. Their research decried prohibitive urban bylaws and perhaps provides a glimpse into an increasing interest in a reversal trend to peri-urban peripheries in South Africa. The research highlights that developments in areas under the traditional councils have taken a totally different form. Nicks (2014) revealed that urban migrants are returning to their rural origins, transforming the rural setting into an unseen suburban settlement. This process is being deepened by steadily improving neighbourhood amenities. He observed that it is a phenomenon that seems to baffle and take planners, demographers and policy makers by surprise.

The interest and motivation stems from many factors, and Nicks (2014) outlines some of these as follows: a) building large homes in the rural areas is a source of pride for an increasing number of retiring individuals; b) maintaining original family ties; c)

second home getaway; d) spiritual and cultural relationships; and e) the need for a separate house within the rural homestead.

Mbatha and Mchunu (2016, p. 2) note that for most middle-class South Africans, peri-urban areas offer an opportunity to access affordable land markets and self-determined building processes. It is a space of creativity that offers a duality of urban living and rural lifestyles. They highlight many reasons for this, including freedom to engage in cultural practices, ease of access to land markets, and a flexible land tenure system which is predominantly communal and under the jurisdiction of the Ingonyama Trust. Sutherland et al. (2016, p. 7) also note that combined with the low cost of the khonza[10] fee, the traditional areas offer an affordable land and housing option in contrast to high costs of entering the formal property market. Residents in these areas do not pay rates and taxes and they have access to free basic services.

Land allocations also present an income stream for the local *amakhosi* and *izinduna*, and those 'neighbours' who 'sell' part of their land acquired through the traditional authority. It was revealed that within eThekwini municipal boundaries, for instance, there has been attempts by the municipality to guide the development of traditional settlements, but these are often met with disregard, owing to colliding powers and functions. In this regard, Sutherland et al. (2016) highlight an example where the eThekwini Municipality's Environmental Planning and Climate Protection Department prepared a guideline document for traditional authorities under eThekwini Municipality in 2013. The push for development in traditional areas, the individual demand for land in areas offering a rural lifestyle which is affordable and does not require formal building approvals, and the financial benefits of land allocations continue to override efforts to promote sustainable development.

In the absence of innovative frameworks, new African middle-class residents are taking advantage of this regulatory gap. It would seem that the state is ill-prepared to harness this phenomenon, as Mbatha and Mchunu (2016, p. 14) point out:

> "… A robust and energetic new middle class has emerged and is enthusiastically investing/building/producing/consuming within a varying degree of social regards.

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[10] Admission fee paid to the traditional council by the new entrant.

However, their efforts are institutionally trivialised and often city institutions fail to recognise their social regards."

Such social disregard may be also potentially an act of resistance to the forms of prior Apartheid governmentality which assumed that Africans would be passive and do what they were told in zones. Perhaps this loophole still exists as a consequence of that expectation, and yet the activity could also be viewed as a form of resistance to racialised inequality and the new post-Apartheid order, especially as the overhead costs of accumulation in this area are less than they would be for white people in the old formal zones. A form or redistributive activity or tax omission perhaps.

But is urban-rural migration the only way to conceptualise this phenomenon? Suburbanisation as a concept has been flaunted as another possible lens to understand the South African trend in the peripheries.

Figure 5.8: Peri-urban zones

RURAL ZONE

URBAN ZONE

EDGES

PERI-URBAN ZONE

PERI URBANISATION PUSH

SUBURBINASATION PUSH

Source: Researcher's own fieldwork data.

5.5.3. Suburbanisation

Andreasen, Agergaard and Møller-Jensen (2017, p. 4) note that there is a fine line between the discourse of peri-urban areas and that of African suburbanisation, as both are preoccupied with dynamic development processes on the peripheries of cities. At its broad level, the term suburbanisation is carefully constructed to incorporate many different types of peripheral growth, from wealthy gated communities of American cities to informal settlements on the fringes of African cities (Ekers et al., 2012). Scholars like Todes and Harris have suggested that this concept should not be treated as fully defined (Harris, 2010; Todes, 2012). It requires further research itself. However, suburbanisation implies the creation of urban peripheral spaces characterised by predominantly urban conditions, while also acknowledging the

dynamic and transformational aspects of these spaces (Harris, 2010; Todes, 2015). Andreasen et al. (2017, p. 5) argues that the African suburbanisation revolves around the motivations of residents living in peripheral settlements, and distinguishes between housing and livelihood-related motivations. They have established that this is a trend that is happening largely informally and unguided by planners, and has been more or less tacitly tolerated by authorities (Andreasen et al., 2017, p. 8). This often results in haphazard and generally poorly accessible subdivisions with no corresponding amenities (Andreasen & Jensen, 2016). In their research they have established that the search for affordable housing is the primary motivation for residents moving to the periphery, and that the demand for self-built, owner-occupier housing is especially significant initially (Andreasen & Jensen, 2016, p. 20). Existing studies show that buying undeveloped peripheral land allows aspiring homeowners to construct their own houses incrementally and according to changing income flows. In a context where mortgage finance is widely absent, this is often the only way to become a homeowner.

Bank and Hart (2019, p. 6) have also latched on the suburbanisation trend. These scholars see suburbanisation as rural home-making that places greater value in the symbols of urban citizenship and affluence than agrarian investment. They argue that the investment in brick and mortar in the former homeland rural reserves, particularly in rural villages, far exceeds the levels of investments in farming and cattle keeping. They drew evidence from various store managers like Cashbuild,[11] who suggest that they have had to introduce more friendly payment systems that see urban-based migrant workers paying for building material at different convenient sites in major cities for collection at a store closer to a rural homestead (Bank & Hart, 2019). They note that the lifestyle has changed completely.

Defining the modern-day periphery of South Africa, they observed that the status of the rural homestead is now influenced by an urban look. What would formerly have been shunned in rural lifestyles, like smartphones, big television screens, and personal cars are now a source of great envy among neighbours and kin, which can be very

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[11] South African hardware chain stores.

divisive socially (Bank & Hart, 2019, p. 6). They argue that family rituals in the new peripheries is less about sincere social connections and sharing, and more about reaffirming the migrant family to the neighbours (Bank & Hart, 2019).

Hlaváˇcek et al. (2019, p. 2) note that the suburbanisation processes are fuelled by improved transport network systems that contribute to population mobility, including transport to work. They note that some of the striking features of suburbanisation are reduction of agricultural land and increase of the residential and sometimes the industrial footprint. In their analysis of the process of transforming rural settlements into suburban areas, they note that sometimes this results in a collision between traditional and modern value systems and lifestyle. They are of the view that the suburbanisation happens at low densities, creating service challenges for local authorities. This can also cause the spatial segregation of the population (Hlaváˇcek et al., 2019). In the context of land use planning, Hlaváˇcek *et al.* (2019, p. 4) argue that "the rapid and uncontrolled growth can make the development of a given settlement unsustainable resulting in numerous spatial conflicts".

5.6. THE PERIPHERIES OF EMAPHEPHETHENI

The researcher in this study so far has considered various conceptual explanations of the peri-urban space and the interest in the reverse trend to rural peripheries. This section will consider the surroundings of eMaphephetheni and understand the factors contributing to the existence of this periphery. Inanda Dam is a significant natural feature that has meant different things to different people. This section will show that Inanda Dam has affected self-building, which is discussed below.

5.6.1. The historical context of Inanda Dam

Inanda Dam is not just the source of attraction for new residents, but was a major cause of disruption to the many adjoining settlements when it was first constructed. It

is a central feature of eMaphephetheni, as Umngeni River that feeds the dam runs on the southern boundary of the traditional authority. It was revealed through archival material that when the dam was established, a section of eMaphephetheni community together with other adjoining traditional areas had to make way for the construction of the dam, a scar that many local residents feel will never be healed. Tilt and Gerkey (2016, p. 153) have researched the impact of dams on the indigenous communities, and concluded that:

> "…When dams are built and reservoirs fill behind them, they displace the people who live there, inundating farmland and changing people's lives and livelihoods. … the social effects of displacement can last for generations as people cope with the consequences for their household income, their access to land and other resources, their community identities, and their physical and mental well-being".

It is a similar conclusion to that which Khumalo (2007) arrived at, when she evaluated the impact of Inanda Dam on the local communities and owner-built households. Many of the owner-built families who originally occupied the dam area were displaced from the late 1970s, although in reality the actual relocations were phased. According to archival information from Msinsi holdings (an agency tasked with managing the dam), some families were forced to move by the 1987 floods, as a result of the Inanda Dam overflowing and destroying their houses. Another group of families were relocated after the dam had been closed and water had begun flooding backward, reaching their homes.

Scott and Diab (1989) estimate that about 3500 houses were relocated in total. Khanyile (1998) gives a different figure of 1356 owner-built families. People who were relocated included a group from lower eMaphephetheni and the balance from the Qadi and KwaNgcolosi traditional authorities. Previously uMngeni River, which ran through the course, nourished these communities in many ways, as recounted women engaged by Khumalo (2007):

> "…We used to have gardens near the river where we planted vegetables like cabbage, spinach, turnips, potatoes and *amadumbe* (root vegetable). We used to fish in the river. Today, fishing in the river is not allowed, the natural vegetation of certain trees has died down and people have stopped to plant gardens because there is not enough water. The few gardens that have survived struggle to produce vegetables due to lack

of water and depleted soils. We were dependent on this river to water our gardens. Today, we are living in a state of poverty".

Niniela (2002) has observed that one major impact of the dam was the displacement of owner-built and resettlement of over 1300 rural households originally living under communal tenure. With respect to resettlement, it appears that households were presented with various options. The figure below provides the spatial orientation of the Dam in relation to the surrounding communities.

Figure 5.9: Inanda Dam and its impact on various areas.
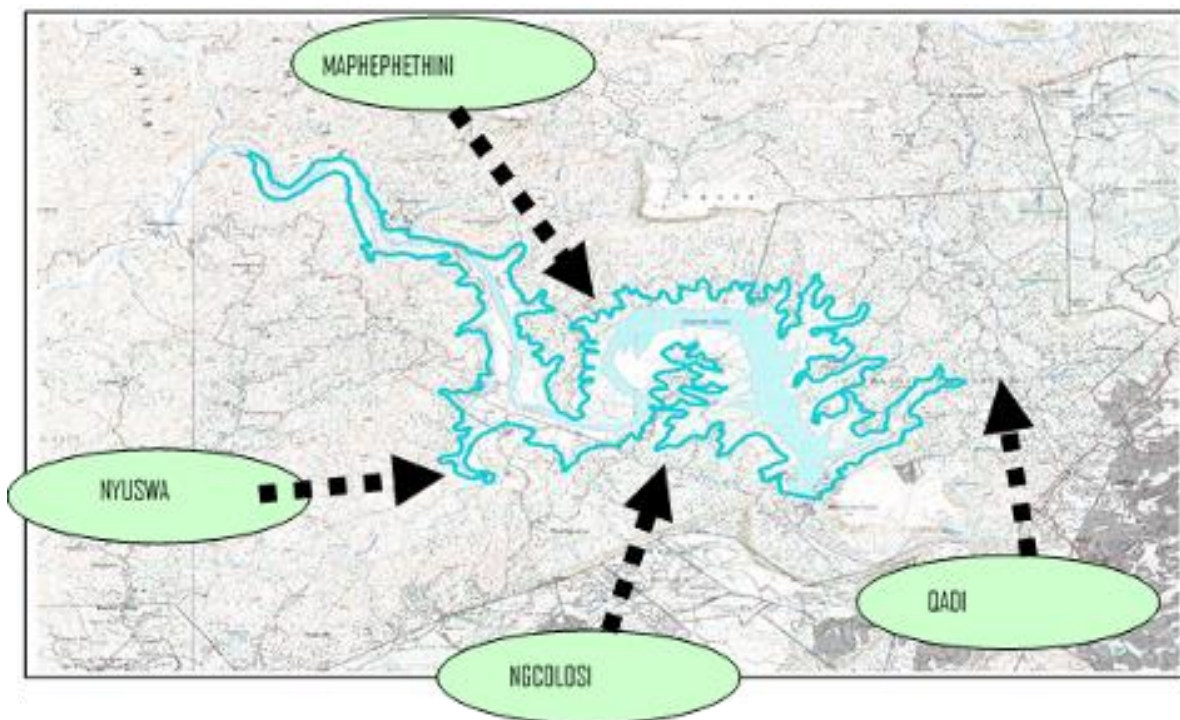
Source: Researcher's own fieldwork data on customised plan.

Through the relocation process, owner-built households were subjected to different tenure systems, as the destinations of relocations varied. Many were relocated to urban settlements such as Ntuzuma and Inanda Newtown. Others chose to be resettled elsewhere in their tribal areas. This included resettlement to the upper areas where the dam water could not reach. Some were given a choice to relocate to compensatory land purchased by the state (Niniella, 2002). Niniella's study concluded

that the relocation process of owner-built households impacted negatively on the families' quality of life overall. He concluded that the displacement of owner-built households and the quality of life of several families had deteriorated instead of slowly improving. While the study noted improved infrastructural services at the destination sites, the lost livelihoods models overshadowed those benefits, which are mostly structured on a cost-recovery basis. Niniella (2002) further established that low levels of socio-economic systems, environmental resources and the unfavourable political conditions in the relocation areas are some of the major constraints to effective adaptation. The relocated families were drawn from the different traditional authorities. Over time, some sought reincorporation into the traditional areas, having initially opted to settle elsewhere. One of the respondents in this study, for example, *Induna* Gwala (interview 16 October 2018) confirmed that those families known to the traditional leaders generally received preferential consideration if they opted to return and there was space.

Khumalo (2007) notes that Umngeni River had always been an important resource for food and drinking for many residents. Ceremonies were conducted in this river several times a year, including *umsenga,*[12] tributes to *uNomkhubulwane*[13] and weddings and cleansing ceremonies. The impact was also felt by the remaining surrounding communities. In practical terms, access to water was restricted through a range of legislative pieces that prohibited residents from using the river with alternative standpipes being introduced. These standpipes could not assist with agricultural productivity – a major source of sustainability of these communities for many decades. The families who could not be relocated because they had larger herds of livestock had to build new houses, but needed water for their livestock, the herds of which eventually shrunk.

In the final analysis, the initial relocation package offered did not take into account the disruptive nature of the relocations to both the displaced and the remaining communities. The matter was further compounded by failed promises to honour the

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[12] The reed dance of young girls.
[13] Goddess of Water.

very initial monetary compensation, something that has been a source of confrontation between certain traditional leaders and the relocated communities.

5.6.2. Areas surrounding Inanda Dam

The settlements North of Hillcrest have been around for many decades, under traditional leadership. One of the many planning challenges eThekwini Municipality had to face when it was established in terms of the Municipal Structures Act of 2000 was establishment of an inclusive and uniform planning framework that incorporated areas previously excluded from the municipal level. The eThekwini Rural Strategy has highlighted the uniqueness of the municipality's rural areas, being centred within the Metro with perceived vast opportunities (eThekwini, 2015). This adds pressure to settlement within proximity of urban areas.

Western settlements from KwaXimba to KwaNgcolosi, being discussed because of their proximity to the study, have equally experienced these pressures. The initial municipal approach, informed by the Development Facilitation Act of 1995, was to use the concept of the Urban Development Line (to delineate a development edge within which more densification could be promoted. Sutherland et al. (2016) note that a major shortcoming with the Urban Development Line was its creation of a flawed binary of urban and rural, when in fact the 'rural' traditional areas largely located outside of the Urban Development Line are rapidly transforming into suburban enclaves.

Figure 5.10: Surroundings of Inanda Dam.
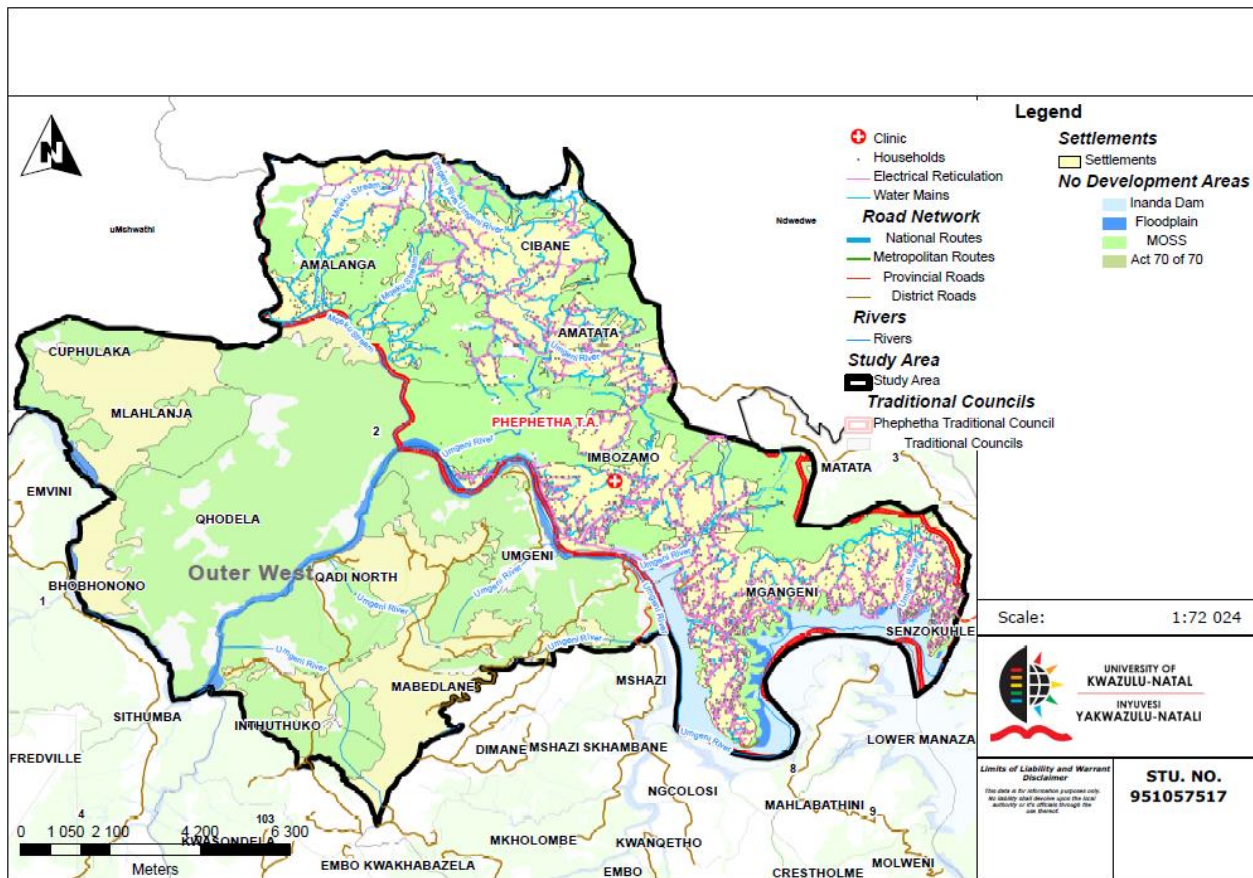
Source: Researcher's own fieldwork data.

However, this did not bring a satisfactory classification of urban and rural, as it gave functionaries more latitude for exclusion / rejection of most service applications, as they simply classified them as 'outside of the development line'. It emerged that in 2015, concerned with this untenable response to the peri-urban and rural areas, the municipality developed its comprehensive rural strategy aimed at providing an approach to the rural areas once and for all. The eThekwini Rural Strategy (2015, p. 24) defined the rural areas with the following characterisation:

> "A rural area in the context of eThekwini will be an area outside of city limits with sparse population using population formula per square kilometre where population densities are less than 150 people/km²; where dwelling densities less than 1du/10 hectares; where primary economic activity is agriculture."

This was a useful departure from previous institution-based definitions, as some traditional settlements are in fact farming areas comprising labour tenants or religious communities who sometimes have nothing to do with the traditional institutions. The eThekwini Rural Strategy further suggested a structure and approach to settlement densities as: high-density areas (peri-urban to urban areas) – above 20 dwelling units per hectare; medium-density areas (usually peri-urban), 7–20 dwelling units per hectare; rural areas of 4–7 dwelling units per hectare, and commercial agriculture lands of less than 4 dwelling units per hectare.

The eThekwini Rural Strategy of 2015 as a planning technology has provided some area classification and characterisation of the various traditional settlements surrounding Inanda Dam. They range from peri-urban, including KwaNgcolosi, sections of eMaphephetheni and larger parts of kwaXimba, to semi-rural which includes sparse settlements of eMaphephetheni and sections of Qadi as shown on the figure below.

Figure 5.11: Area characterisation.
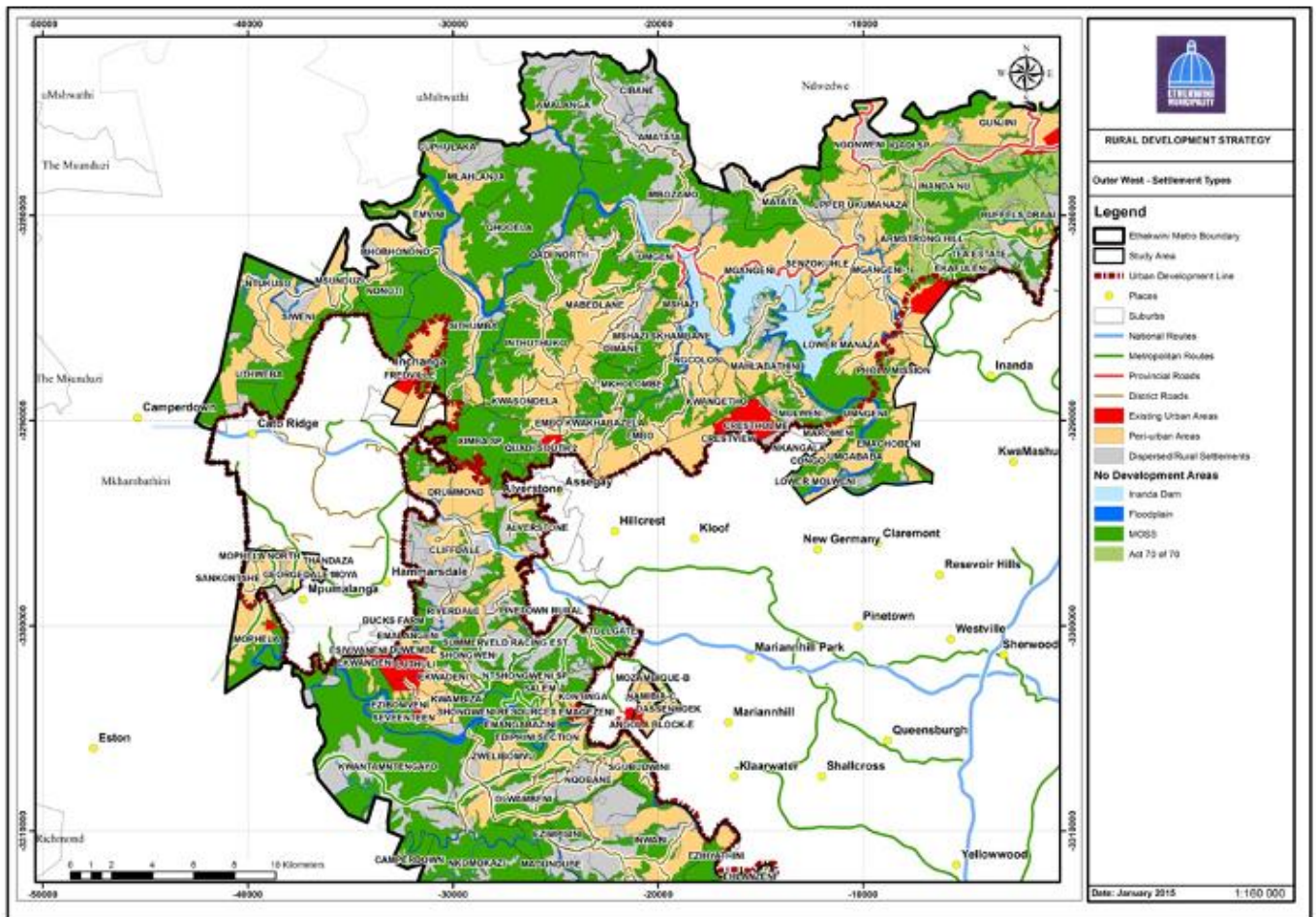
Source: eThekwini Rural Strategy (2015).

While peri-urban areas are always presented as pressure zones for new residents, the land management approaches vary – as the case of KwaNgcolosi, located on the other side of the Inanda Dam, demonstrates. The study sought to understand the response of the traditional council to the densification pressures and inkosi of KwaNgcolosi suggested a parallel perspective to peri-urban land management. It emerged from an interview with Inkosi Bhengu that there has been ongoing pressure for sites in the last 20 years, as prospective buyers are attracted by Inanda Dam and KwaNgcolosi, situated right at the frontline edges of the dam. Interest has been shown by the developers and prospective house builders alike. However, approximately 10 years ago, a community decision was taken that land will not be sold to outsiders, regardless of the circumstances. He added (interview with *Inkosi* Bhengu, 18 August 2018):

"Knowing that *izinduna* would continue unabated with allocation we then decided to put a stop on welcoming ceremonies and *khonza* fees. So, if we see someone dig up a site it draws attention, as no neighbours will attest to knowing that person".

It would appear that this strategy has been successful in containing the entry of outsiders to the settlement. The settlement has transformed with regard to the quality of structures over the years, but this has been gradual and incremental. There are many other similar traditional communities in the peri-urban zones who succeed in quelling densification, for now anyway. The quality of the housing has been improving overall as can be seen in the picture below.

Figure 5.12: KwaNgcolosi adjoining settlement.

Source: Researcher's own fieldwork data.

5.7. eMAPHEPHETHENI WITHIN ETHEKWINI PLANNING STRUCTURE

It emerged from both interview data and archival material that the area of eMaphephetheni represents the remaining peri-urban /rural interface within eThekwini Municipality where residents still practise traditional and cultural activities. It was observed that the growing pressure for densification across the municipal area did not transform the spatial pattern over the last 20 years. The degree of transformation is dependent on the pressures brought about by pull factors, which are outlined below in each sub-area. The following plan indicates that there is relatively higher household density towards the lower sections of the traditional area, closer to the dam. It also confirms the visual impact of the dam in promoting growth.

Figure 5.13: Plan showing household patterns.
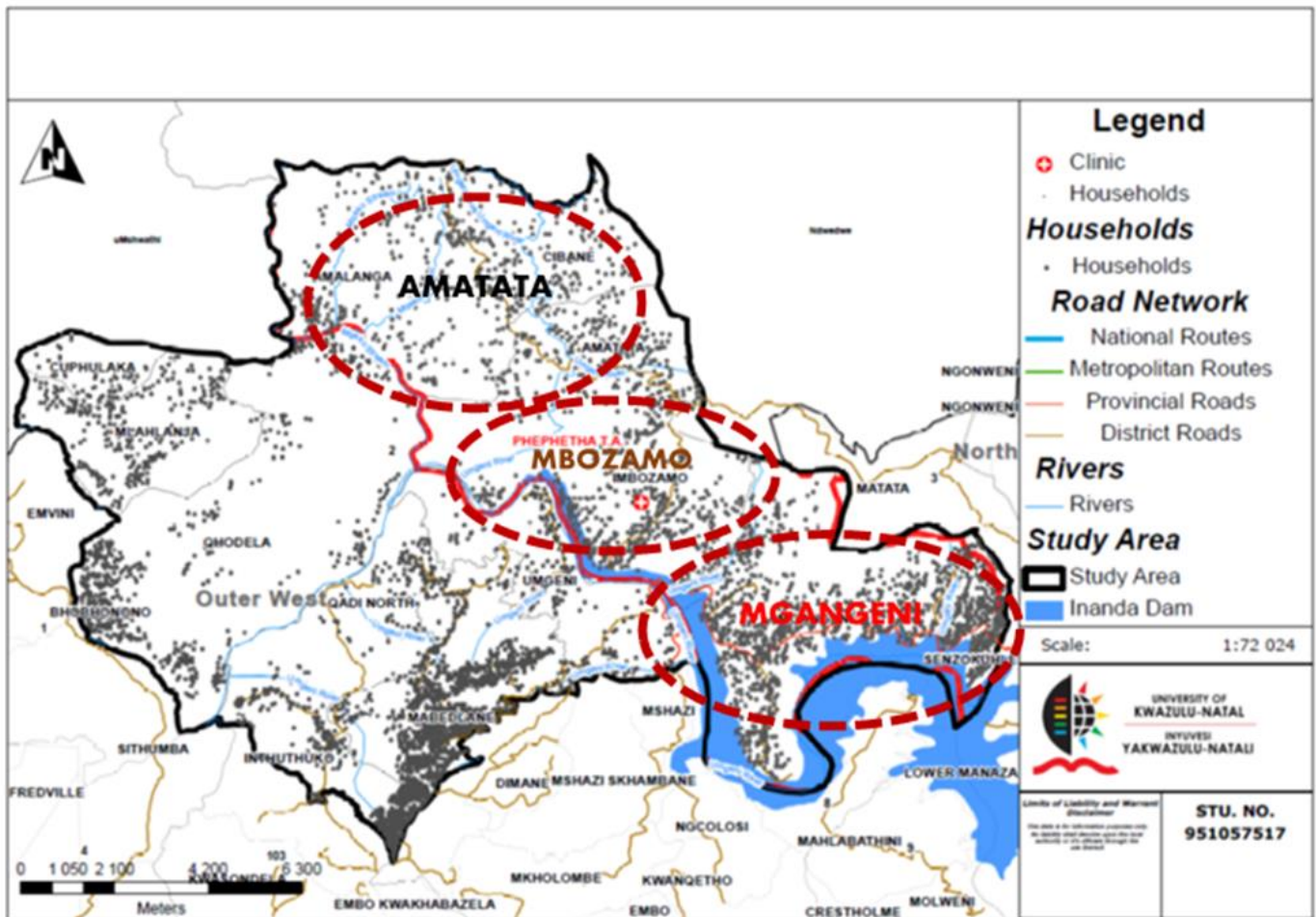
Source: Researcher's own fieldwork data.

As for the rest of eMaphephetheni, one would have expected the area to have followed the same densification pattern of similar outlying areas like Adams (Southwest of this area), as this is located just on the fringes of urban hubs like Hillcrest and Camperdown. The eThekwini (2019) study that considered Adams R603 route found that because of its location, the Adams area has completely transformed from being a rural settlement into an upmarket suburban area. Other similar areas include Umgababa in the south, and Isithumba-Inchanga in the vicinity of this study. In all these instances, the municipal senior planner (interview with Municipal Senior Planner, 07 September 2018), indicates that:

> "Here one can safely say the traditional authorities knowingly or unknowingly lost administrative control of these areas as they are largely disposed of by the local elites. They effectively become the municipal problem from service pressure point of view."

It highlights the roles of elites in the ultimate form of settlements. The traditional leaders have been in the forefront of this land management through land allocations. This is discussed further in chapter 6. The history of housing also provides some insight into the overall areas.

The influence of new settlement entrants *vis-a-vis* homogenous residents is an issue of interest in community stability in rural spaces. Brown-Luthango (2019), for example, pondered on the same issues of social cohesion in settlements. She and other scholars have observed that when residents have stayed together longer in a neighbourhood, a particular shared history and a sense of attachment to place is achieved, which in turn strengthens social bonds. They argue that this contributes towards the maintenance of law and order within a community (Ross, 2005; Clampet-Lundquist, 2010, Gerring, Ziblatt, Van Gorp, & Arevalo, 2011; Brown-Luthango, 2019).

The next aspects of the discussion focus on understanding the prevailing settlement patterns in the three focal areas, and how these impact on self-help housing processes. As previously indicated, the MSDF and the rural development strategy have classified the future densities of these areas.

Table 5.18: Responses on the status of land

IS YOUR LAND EXTENT STILL SIMILAR TO WHAT YOU PURCHASED?	SELF-BUILDER	STATE-AIDED	TOTAL
Yes	15	10	25
No	5	0	5
TOTAL	**20**	**10**	**20**

Source: Researcher's own fieldwork data.

Figure 5.14: Emaphephetheni-eMgangeni area.

Source: Researcher's own fieldwork data.

5.7.1. iMbozamo sub-area analysis

An analysis and comparison of the spatial structure, using an aerial photo of the Traditional Council area, shows some degree of household perimeter compression or consolidation, as opposed to outward settlement sprawl. The comparison is based on the periods 2004 and 2018. Typical of rural areas, large vegetational spaces and species provide buffering dividers for individual neighbouring households. The figure below shows the settlement of iMbozamo.

Figure 5.15: iMbozamo area.

Source: Researcher's own fieldwork data.

The above image shows the character of the study area in 2004, while the next images present the comparative character pattern between 2004 and 2018. The nature of transformation is inward expansion within homesteads themselves, where the number of units grow as the extended family expands. It possibly explains a continued homogeneity as opposed to new entrants, who are likely to want their own dedicated subdivisions.

Figure 5.16: iMbozamo settlement in 2004.

Source: Google Earth (2004).

Figure 5.17: iMbozamo settlement in 2018.

Source: Google Earth (2018).

The 2018 image clearly shows homesteads where there are new so-called 'two-roomed' government-funded structures. It represents the character of a rural area. The structures are mostly rudimentary in nature.

Figure 5.18: 2004 Imagery showing households**.**

Source: Google Earth (2004).

The next image represents the developments in 2018 of the same positions shown in
2004.

Figure 5.19: 2018 Imagery showing rural subsidised units.

Source: Google Earth (2018).

The conclusion is that the new 'two-roomed' houses built through government subsidy grants do not necessarily result in new occupants as the members are largely from the same homestead. The subsidy process is a means of household upgrade.

5.7.2. Amatata

Amatata sub-area is situated at the top of the plateau overlooking Inanda Dam. Just like other sub-areas of eMaphephetheni, it was once a sparse settlement with houses constructed from local materials. The 2004 imagery provides a view of this settlement pattern.

Figure 5.20: Amatata area in 2004.
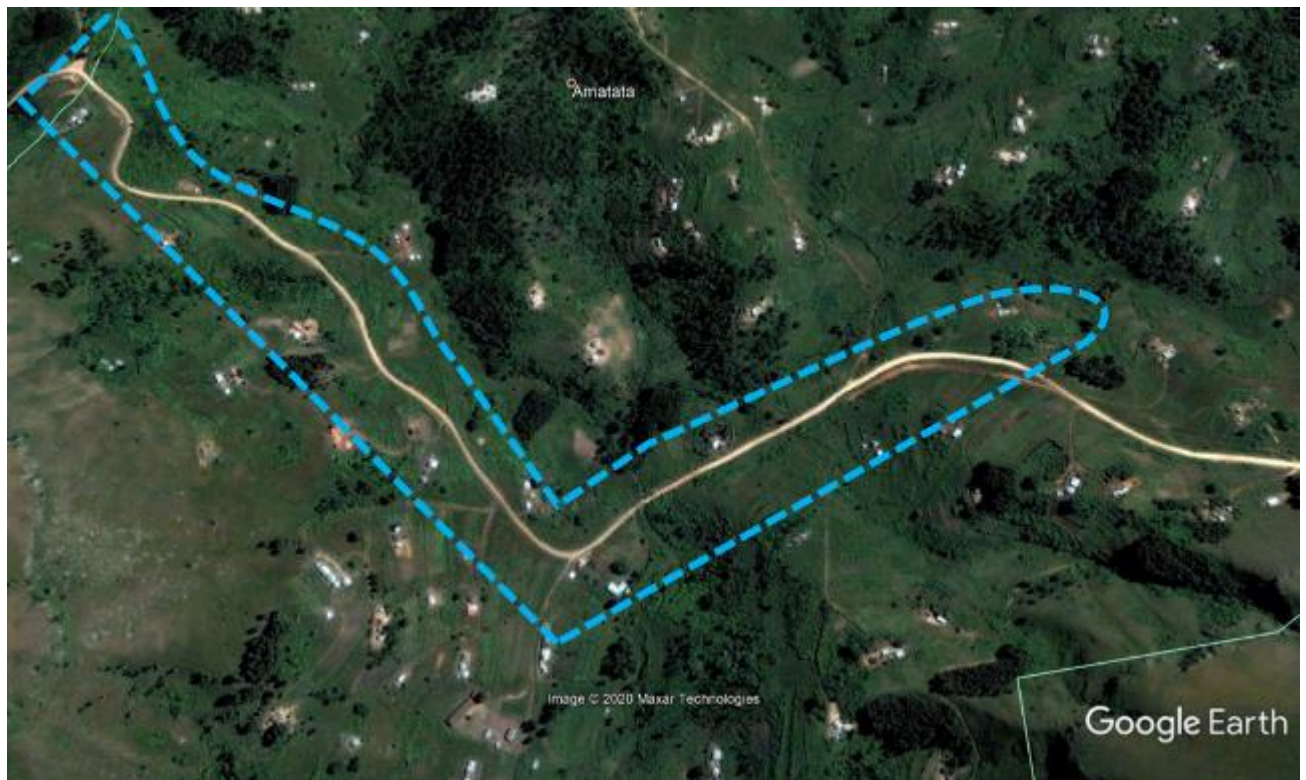
Source: Researcher's own customised Google Earth image 2020.

After 2013 a new surfaced road was introduced to cover larger portions of the area. The settlement is classified as semi-rural in the Municipal Spatial Development Framework (MSDF). The introduction of a surfaced road linking the study area with the adjoining Ndwedwe municipal area (as well as iMbozamo and Inanda in the other directions) brought its own developmental pressures, especially along the vicinity of the surfaced road. The *Induna* (21 November 2018) indicates that there has been growing interest in land for self-help housing here. The pull factors include improved road conditions, elevations and views, and the tranquillity of the surrounding natural forest. This affords residents an opportunity to practise their traditional and cultural lifestyles within the comfort of their own top-structure designs. The newcomers in the upper section far outnumbered the original few residents that had always been there.

Figure 5.21: Aerial image of Amatata, 2019.

Source: Researcher's own customised Google Earth image 2020.

Structures that are being erected are a combination of modern rondavel designs and conventional suburban self-build houses.

Figure 5.22: Amatata aerial view, 2019.

Source: 2019: EThekwini Municipal imagery.

In terms of a classification suggested by Iaquinta and Drescher (2000), this sub-area meets the criteria of an absorbed peri-urban area. Absorbed peri-urban areas have been defined as peripheries that have typically been in existence for a considerable period of time. Their defining characteristic is the maintenance of customary or traditional institutional arrangements, which are derived from the culture of the original settlers/residents. These authors further explain that some important customary arrangements (i.e. institutions) of the original group remain in place, now supported by 'newcomers'. They have a strong conservative effect in the form of adherence to 'tradition' for tradition's sake, rather than adherence to traditional principles because they are functional for the community.

5.7.3. eMgangeni

This sub-area is located closer to Inanda Dam. While the densities were already relatively higher than in other sub-areas in 2004, this has now further proliferated. This is because closer to the dam there are far more improved and relatively higher-end infrastructural services. In fact, these are the first areas of eMaphephetheni that

benefitted from these services, as they were installed south to north. This resulted in many more people coming to the area. The MSDF classifies eMgangeni as medium density. *Induna* Gwala also indicates that some of the original Inanda Dam relocatees preferred locating there, as the area reignites fond memories of their previously displaced families. The comparison of the different periods, 2004 and 2018, indicates that the area of eMgangeni has further densified.

Figure 5.23: eMgangeni in 2004.

Source: Researcher's own customised image from Google Earth.

The 2018 aerial image below shows an increased number of free-standing units. It confirms the area's classification as a relatively dense sub-area. It also highlights the influence of proximity to the dam and growing interest from outsiders in settling there.

Figure 5.24: eMgangeni sub-area in 2018.

Source: Researcher's own customised image from Google Earth.

5.7.4. The historical context of housing in eMaphephetheni

According to one of the respondents, outsiders have always taken a keen interest in locating at eMaphephetheni because of the area's proximity to economic opportunities (Interview with Inkosi Gwala, 3 March 2018). However, the traditional structure always maintained a very stringent admission policy, underpinned by a need for a referral from the previous traditional structure. This organic intellectual confirmed that over the years they discouraged the community from accepting new applicants. Senior citizens at eMaphephetheni still use their own indigenous knowledge to play a role in the land use of the area. For example, they highlighted that in the allocation of spaces to individuals, they have always been mindful of the community's collective needs. Accordingly, certain sections of the area are set aside for communal use, like gardens, grazing, herbs, special medicinal plants, key material, etc. These conditions alerted the traditional community to carefully manage its natural resources for sustainability. For this reason, while this consideration (communal needs) is not immediately

apparent to the outsider, it resides well in the collective practise by the community. From this point of view, they were always wary of consequential pressure on land resources from added settlement use.

Izinduna and the traditional council have always played oversight to ensure continuation of these land use reservations. The following table discusses the prevalent types of structures within eMaphephetheni.

Table 5.19: *eMaphephetheni structures*

HOUSING STRUCTURES	HOUSEHOLDS	%
Formal	2684	38
Informal	180	2
Traditional	4350	60
TOTAL	**7214**	**100**

Source: eThekwini Ward Profile.

In a detailed area classification of eMaphephetheni, it is really the area of Mgangeni and portions of Imbozamo that meet the parameters of the peri-urban classification. The rest of *izigodi* and settlements are best described as sparsely settled. There are clearly a number of reasons for this settlement pattern, which will be discussed as part of the land management practices of the area in the next chapters. The housing typologies within the adjoining areas have varied. While older homesteads reflect the traditional rondavel clusters,

Figure 5.25: Tuscan design.

Source: Researcher's own fieldwork data.

new areas that have been opened up to new developments in the last 10 years exhibit a huge influence of modern Tuscan[14] housing design throughout the region. The level

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[14] Tuscan design combines various modern and classic aesthetic elements that typically feature stucco exteriors with stone accents, terracotta roof tiles, narrow, tall windows with shutters and enclosed courtyards.

of sophistication is likely to be influenced by the individuals' affordability. Factors that have contributed to this design and opulence in modern peri-urban areas like eMaphephetheni have already been explored under peri-urban discourse in section 5.14. above.

The graphic below provides a summary of typologies within the adjoining areas. The areas from KwaXimba to iNchanga, which are northeast of eMaphephetheni, are predominantly upmarket, densified settlements with a high prevalence of upmarket Tuscan design. EMaphephetheni itself reflects a combination of cluster traditional houses and emerging, medium-level Tuscan. This research has demonstrated that control by the institution of traditional leadership has emerged as a contributing factor in preventing 'free for all' building. KwaNgcolosi is an adjoining traditional settlement and its design influence is similar to eMaphephetheni. Drawing from the interviews with local inkosi, control of allocations has been at the heart of preventing significant growth. It is also influenced by Tuscan design.

Figure 5.26: Predominant housing typologies
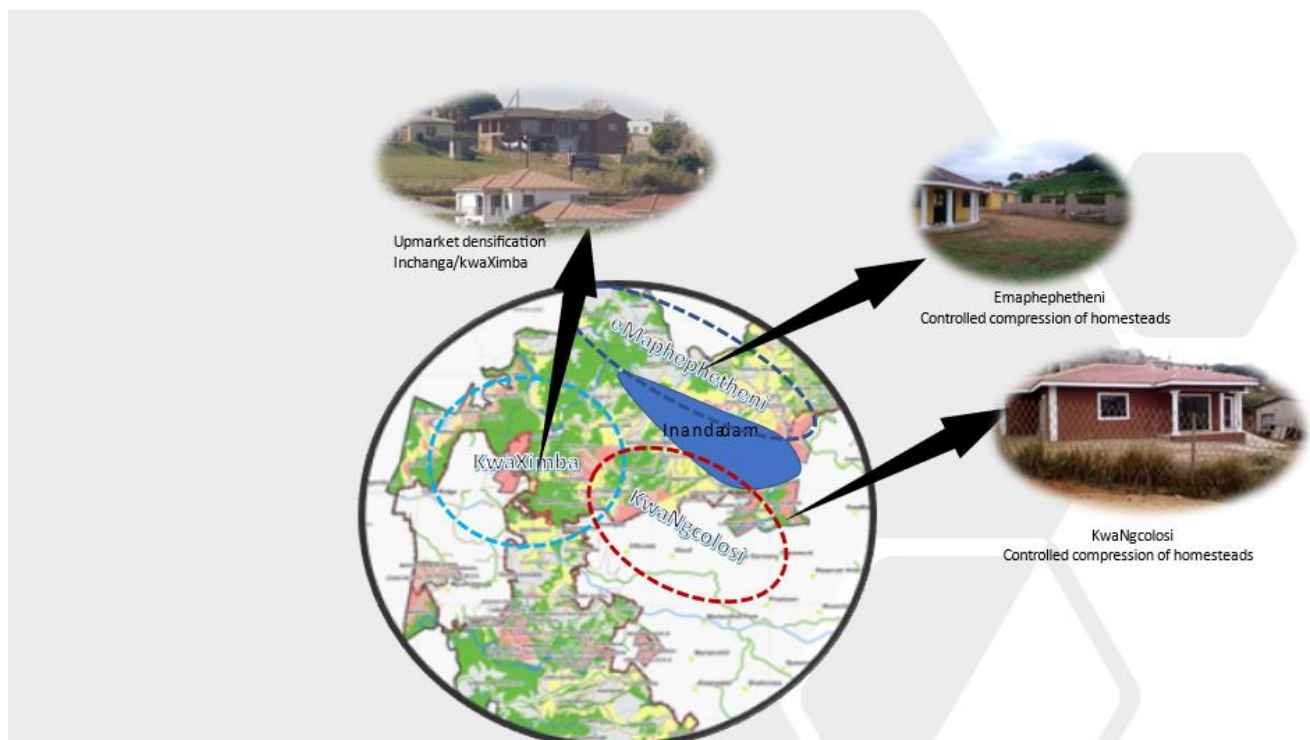
Source: Researcher's own fieldwork data.

5.7.5. Accessing land

During the fieldwork through interviews the respondents were asked about how they landed up with the site they are using. In specific terms, this was meant to establish the respondent's relationship with the settlement. The majority of respondents had a parent who was already in the area. This corroborates the archival information on the long-term existence of this settlement since the late 1800s. The overwhelming response from the interview process indicated that a large part of the land parcels were allocated more than 10 years ago and remain intact and unsubdivided to a large extent. The land tenure system is exclusively communal and follows the PTO system.

It emerged from interviews that there are various leaseholders who further subdivide their sites, but land effectively remains under the ITB and is administered by the Phephethe Traditional Council through *izinduna*. So even where various elites allocate and sell, the Traditional Council must eventually endorse the transaction. This is explained in detail in the next chapter under land management. The table below provides an indication of the length of existence of the main structures.

Table 5.20: Age of main house

WHEN WAS THE MAIN DWELLING BUILT?	SELF-BUILDER	STATE-AIDED	TOTAL
0 to 10 years ago	5	8	13
11 to 20 years ago	5	1	6
More than 20 years	5	1	6
Don't know	5	0	5
TOTAL	**20**	**10**	**30**

Source: Researcher's own fieldwork data.

This is being brought up here because with the densification pressures in similar settlements under traditional leadership within eThekwini, it is actually the original occupants who have become the landlords. In such instances they further subdivide

the original piece and dispose of the parts to new owners. This scenario was confirmed in the interview with ITB's Land Division, where it was highlighted that while *izinduna* are known to be responsible for land allocation, their role in densifying areas is simply to validate the process and ensure that the neighbours are aware of the transaction; they are not the originators of the transaction.

5.8. IMPACT OF MUNICIPAL BOUNDARIES ON THE TRADITIONAL COUNCIL

The disjuncture between the traditional *izigodi* and the municipal wards has been an issue of debate since the introduction of wall-to-wall municipal structures. The biggest challenge has been where one community that was previously under a single traditional leader finds itself served by two or more councillors, each with a distinct delivery approach. However, over the years there has been a notable improvement towards alignment of boundaries. As highlighted elsewhere within this study, Phephethe Traditional Council is located within ward 2 of eThekwini Municipality. However, Phephethe is not the only traditional council there, with other traditional councils that fall partly or wholly within ward 2 of the municipality being the Qadi, Qinisela-Manyuswa and Shangase Traditional Councils, as shown on in the Figure below.

Figure 5.27: Traditional Councils in ward 2.
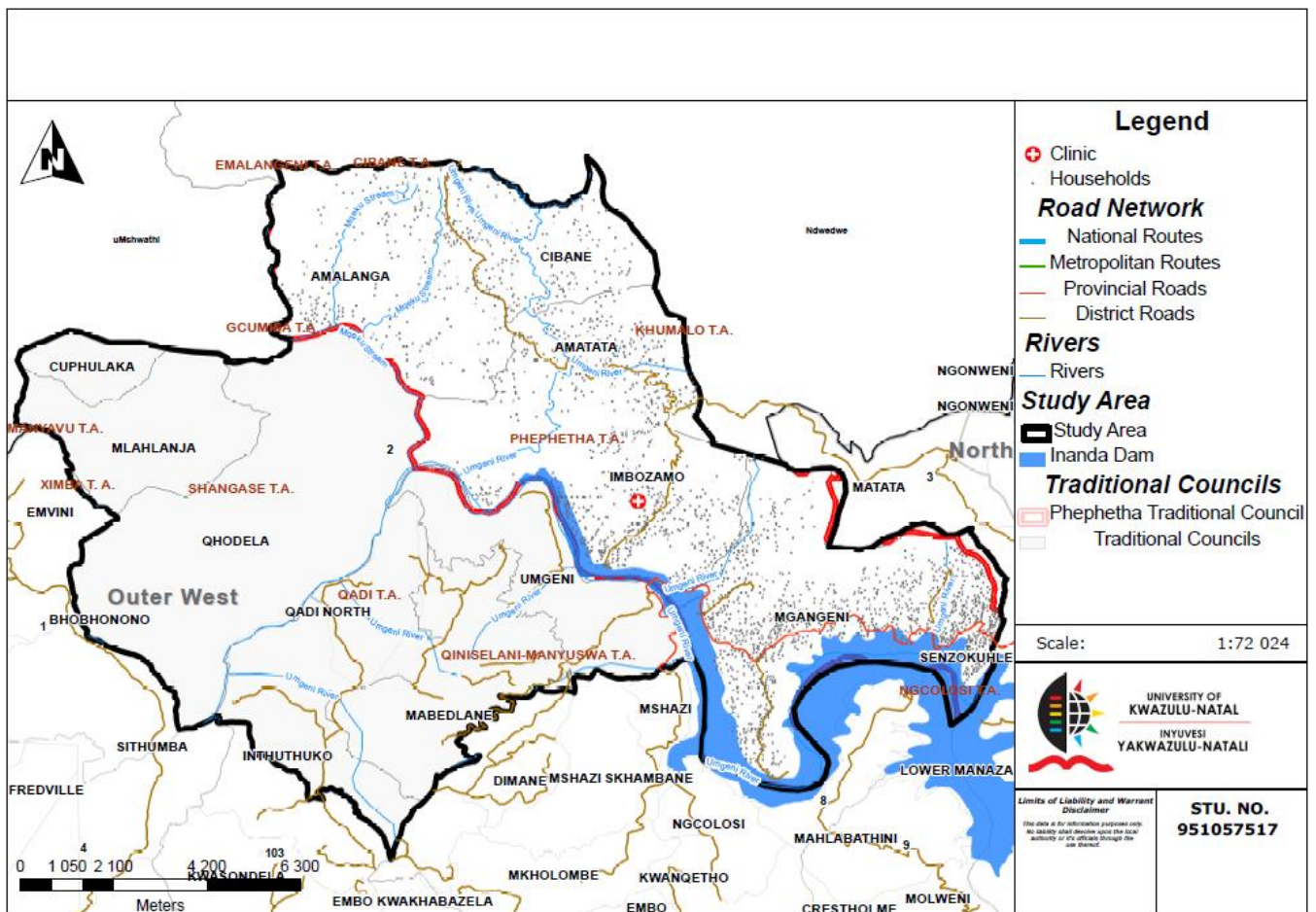
Source: Researcher's own customised map.

The local councillor indicated that while he generally interacts with all traditional councils, each is unique and they all operate in different ways. He has accepted that his focus and that of the ward committee is on what he calls 'service delivery-related matters', largely initiated by the municipality. These are particularly related to water, electricity, and road infrastructure. The councillor states that "Housing and land management are matters that fall within the ambit of the Traditional Council."[15] These matters are discussed further in the next chapter. While there is an arrangement of working with the ward committees, and whereas a ward 2 committee is in place, he has often encouraged stakeholder co-operation where there is an arrangement of working with *izinduna* and *izigodi* along traditional council boundaries. He argues that it is like negotiating a tightrope all the way, but failing to consult the *izigodi* tends to

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[15] Interview with the local councillor, 7 February 2020.

create social problems. This is a clear endorsement of the traditional system within ward 2.

Over and above ward position, the Phephethe Traditional Council forms the north border boundary with two other municipalities, namely Ndwedwe Local Municipality and uMshwathi Local Municipality. However, traditional and cultural activities do not follow municipal boundaries. Members of the Phephethe Traditional Council therefore do not necessarily observe these boundaries at social and community level. For example, when traditional cases are dealt with, these boundaries are not observed. They generally serve to polarise the community, who have to contend with different service delivery modalities by the different institutions, adding further challenges to self-builders in particular. The plan below shows the study area (red outline) in relation to different municipalities.

Figure 5.28: Phephethe in relation to adjoining municipalities.
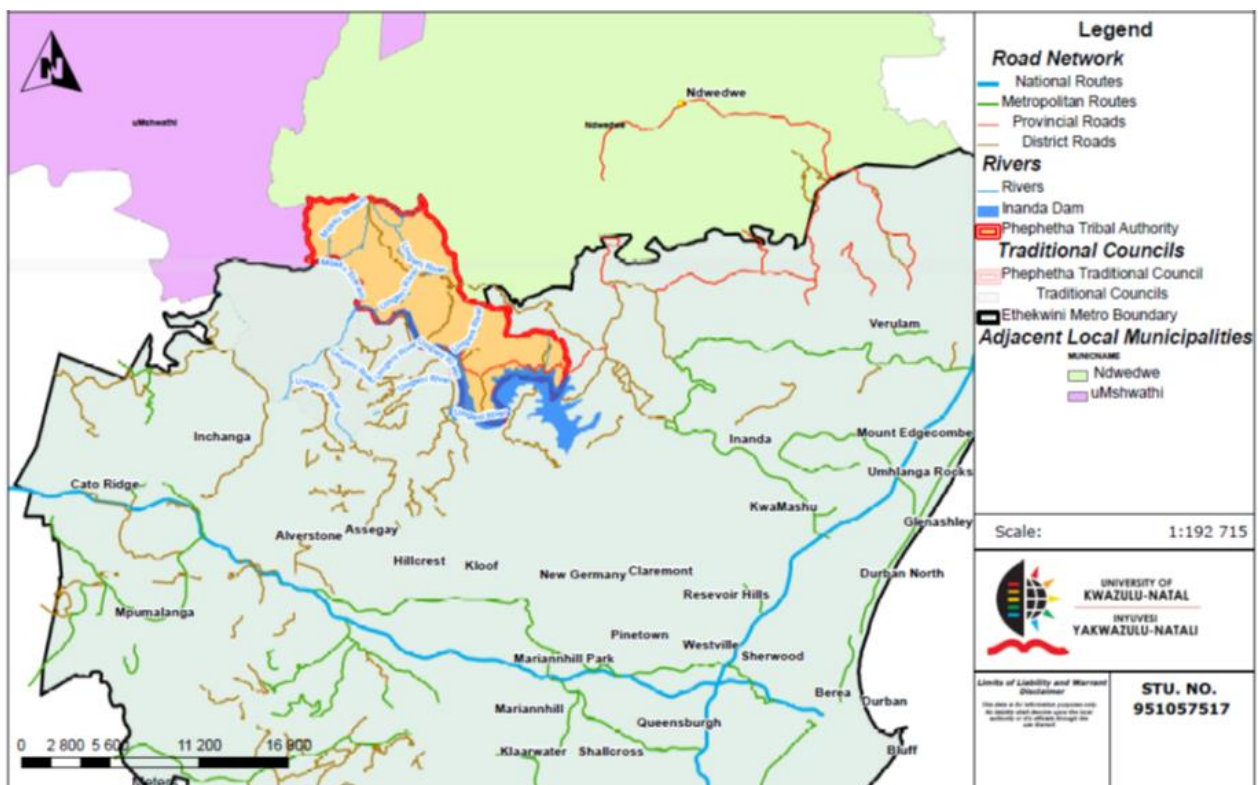
Source: Researcher's own fieldwork data.

5.9. CONCLUSION

This chapter provided a conceptual description of peri-urban areas in order to locate eMaphephetheni and the surrounding areas within the appropriate context. This was also crucial in order to understand the impact of spatial transformations of self-help housing locally, over the years. It also discussed the history of Inanda Dam as a source of motivation for self-help housing and its consequent displacement of locals. It did this by considering the impact of relocations on the survival systems of eMaphephetheni residents.

The chapter also provided demographic information collected from self-help housing respondents. The demographic information made comparison with the broader ward, highlighting various incongruities from traditional council overlaps with ward, to economic comparisons with the bigger ward. The next chapter discusses the institution of traditional leadership and its impact on self-help housing in eMaphephetheni.

CHAPTER SIX: TRACING EFFECT OF THE INSTITUTION OF TRADITIONAL COUNCILS ON SELF-HELP HOUSING IN SOUTH AFRICA

6.1. INTRODUCTION

The previous chapter has provided a demographic contextualisation for the study area and its immediate peripheries. This chapter examines the effects of the powers of the state and traditional councils on the production of self-help housing in eMaphephetheni. This chapter traces the historicity and the functioning of the institution of traditional leadership and its role in the production of self-help housing.

This chapter is grounded in the Foucauldian discourse of governmentality. The chapter discusses spatial governmentality and the role of vernacular architecture and its association with culture, as well as discussing how the traditional communities engaged with human settlement as a consequence of this relationship. The chapter also discusses how the post-apartheid state has positioned the institution of traditional leadership, which in turn assisted them in reassertion and repositioning themselves in the local state and self-help housing in the case of eMaphephetheni. It also seeks to establish if there is any connection between customary and constitutional vistas with respect to land tenure, gender and customary access to rights, and how this plays out in eMaphephetheni self-help housing processes.

6.2. THE INSTITUTION OF TRADITIONAL LEADERSHIP AND FOUCAULDIAN DISCOURSE

This section draws a parallel between the key concepts of space and governmentality in relation to the genesis of the institution of traditional leadership in South Africa. For this reason, to understand the role of the institution of traditional leadership in the production of governable subjects, it is prudent to invoke some of the Foucauldian underpinnings. This is primarily because on many occasions Foucault referred to ways in which power is exercised over individuals (Burchell, 1993). In this regard, it is inevitable to navigate the relations of the traditional structures with self-help builders, without understanding the framework of relations with the state. Foucault (2000, p.

345) argued that power relations "have been progressively governmentalized, that is to say, elaborated, rationalized, and centralized in the form of, or under the auspices of, state institutions". Lemke (2007, p. 51) shares this viewpoint:

> "… It is certain that, in contemporary societies, the state is not simply one of the forms of specific situations of the exercise of power – even if it is the most important – but that, in a certain way, all other forms of power relation must refer to it. But this is not because they are derived from it; rather, it is because power relations have become more and more under state control."

A practical approach to give effect to such a study of relations is the use of governmentality. The latter extends the scope of political analysis beyond the domain of the state and institutional politics (Lemke, 2007). Governmentality provides us with the lens to look at the institution of traditional leadership inside and outside of the state. It affords us mechanisms to analyse the forms of power that configure non-political sites (Lemke, 2007). This is important, because as Walters (2004, p. 31-33, cited in Lemke, 2007) puts it:

> "…Power is not conceived as a stable and fixed entity that could be 'stored' at particular institutional sites but signifies the result of a mobile and flexible interactional and associational network."

In this regard, governmentality as a term is being applied broadly to cover from governing the self to governing others. The rural space is a zone of many expressions and experiences for a self-builder. In South Africa, this space is predominantly monopolised by two types of landowners: private individuals, and the state or Ingonyama (the Zulu King in the context of KZN). The latter is (currently) a major landholder in the rural areas of the KZN province.

Figure 6.1: Land under the Ingonyama Trust Board.
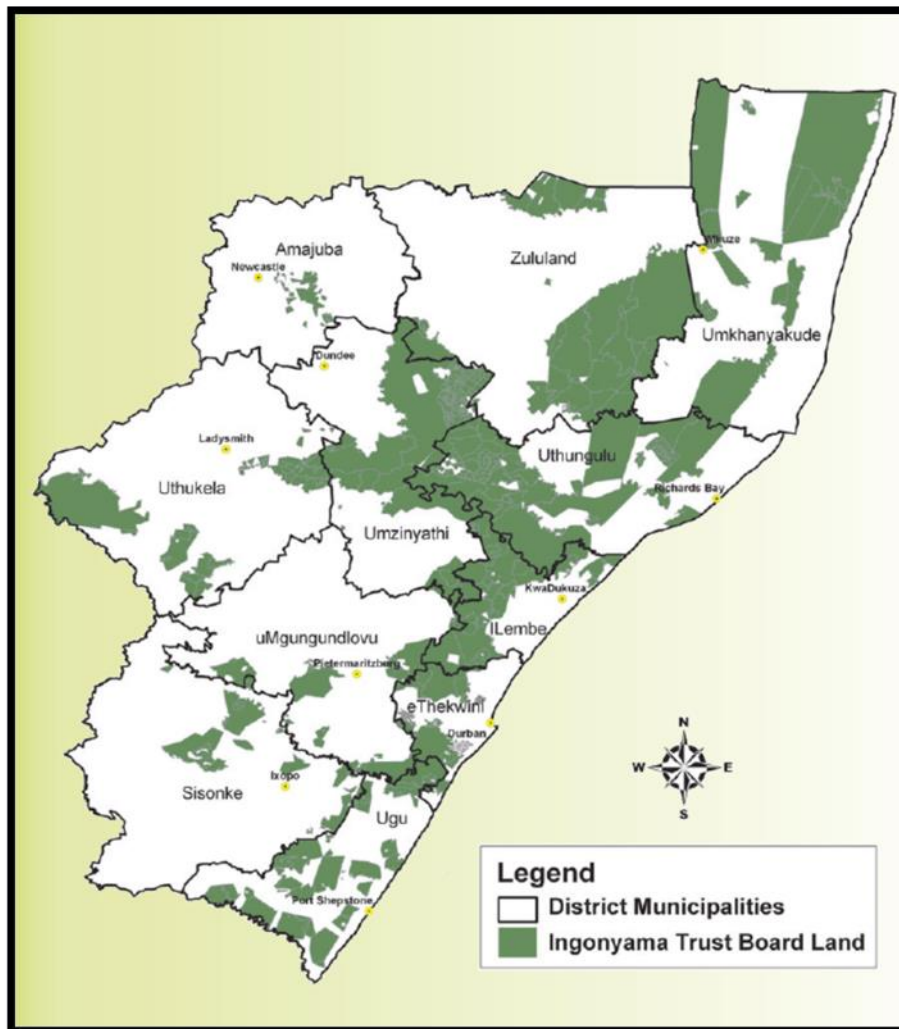
Source: Ingonyama Trust Board (Strategic Plan, 2015-2020).

Governmentality discourse within this space often inadvertently ignites debates around the historical relations between the institution of traditional leadership and the state in its broad sense. Scholars like Ntsebeza and Mamdani have argued that in post-apartheid South Africa it is often difficult for a democratic state to carry out its mandate, while its citizens take instructions from a parallel and arguably competing (traditional) institution. For example, Ntsebeza (2004, p. 68) questions the post-apartheid state, that: "it raises the conceptual question of whether an inherently undemocratic, hereditary institution can exist in a South African democracy, purportedly modelled on the liberal tradition of representative government".

The contrast is argued from a traditional authority's perspective, their authority equally channelled by constitutional democracy. In this regard, Maseko (2016) notes that the functioning of traditional leadership in a democratic government is regulated by norms of equality, fairness and accountability. Land is at the centre of this bifurcated governmentality (Mamdami, 1996). Furthermore, there is a narrative in overlapping governance functions, between the state and traditional institutions, often sharply influenced by historical political orders that South Africa has experienced (Mamdani, 1996). The powers and functions of the institution of traditional leaders, for example, are best understood from not only the history of this institution but also from the role of the two lethal forces - colonisation and apartheid (Mamdami, 1996).

In modern polity, the institution of traditional leadership has been found to be at cross-purposes with constitutional provisions of the state, although often met with tolerance within the rural environment. The traditional governance system being practised in the study area of eMaphephetheni has its origin in the early Zulu governance system, the prominence of which became evident under King Shaka. We have evidence of this because under his reign, the existence and polity of the Zulus became well documented (Delius, 2008; Huizenga, 2019). Of interest to this thesis is the fact that with his widespread conquest of various adjoining tribes, he started to remodel governance towards defined, permanent spaces. It is important to narrow down the concept of governance, as it is out of this that one can get a better understanding of this institution. For Lemke (2007, p. 53) governance involves 'processes' of rule. It accounts for the growing interdependencies between political authorities and social and economic actors, capturing the policy networks and public-private partnerships that emerge out of the interactions between a variety of bureaucracies, organisations and associations.

6.3. THE TRADITIONAL LEADERSHIP INSTITUTION AND SELF-HELP HOUSING

The definition of traditional leaders as well as their system of governance has often been a subject of divergent interpretation by scholars, as well as by prevailing socio-political contexts. The socio-political context straddles from the supernatural

hereditary view through to undemocratic and despotic misgivings. On the one hand, those that argue a hereditary historic context, for example, tend to highlight the pre-colonial role of the institution and how the colonial period sought to conflate the hereditary powers and redirect them to suppression and control (Mokgoro, 1996; Lutz & Linder, 2004). Before one explores these dichotomies further, it is necessary to establish whether there can be a common and balanced description of a traditional institution. To answer this, Adewumi and Egwurube (1985, p. 20) define traditional leaders as "individuals occupying communal political leadership space sanctified by cultural mores and values, and enjoying the legitimacy of particular communities to direct their affairs". They further argue that the traditional leaders claim their legitimacy from 'the historical tradition, which includes an inherited culture and way of life, a people's history, moral and social values, and the traditional institutions which survive to serve those values' (Adewumi & Egwurube, 1985). Dlungwana (2004, p. 7) defines a traditional leader as:

> "… a person who, by virtue of his ancestry, occupies the throne or stool of an area and who has been appointed to it in accordance with the customs and tradition of the area and has traditional authority over the people of that area or any other persons appointed by instrument and order of the government to exercise traditional authority over an area or a tribe."

The neoliberal scholars, on the other hand, have reduced the definition of traditional leadership to a vehicle for conflict resolution in the absence of democratic instruments (Ribot, 2001; Ntsebeza, 2005). With this, their argument often challenges the continued relevance when a democratic governance structure is in place. In his work, Ribot (2001, p. 77) strongly questions the legitimacy of "chiefs", and the claim that they are "indigenous, traditional, local and accountable representatives of rural populations". Ribot (2001, p. 17) argues that "chiefs are not necessarily representative, legitimate or even liked by local populations", neither are they "necessarily accountable to the local population".

Keulder (2010) suggests that in understanding traditional leadership, one has to understand the concept of "tradition". Tradition commonly refers to that which is "old" (Keulder, 2010, p. 151). However, many scholars, such as Hobsbawm and Ranger

(1994), have drawn our attention to the existence of what they have termed "invented traditions".[16] The concept of tradition resonates with Foucault's (1983) analogy of 'discourse', where he had postulated that a discourse is formed by written or spoken texts around a subject. He argued that it is embedded in culture and knowledge (Foucault, 1983; Hall 2006).

The traditional leaders were administrators of land (Sithole, 2005). The institution of traditional leadership represents an early form of societal organisation. It embodies the protection of culture, traditions, customs and values. During the precolonial era the institution of traditional leadership was a political and administrative centre of governance for traditional rural communities in South Africa (Houston & Mbele, 2011). It was a form of governance with the highest authority. Guy (1971) notes that in the precolonial era power and space played a major role in the rule by the traditional authorities. It was inherited power that influenced authority. The traditional leaders played an important role in the everyday administration of areas under their jurisdiction. These traditional leaders provided leadership, ensured order and, based on their strength and that of their subjects, would constantly wrestle and jostle for the tribes' wider recognition and dominance.

In this regard, the traditional councils provided political, societal, economic and cultural leadership for local communities. The relationship between the traditional community and traditional leader was very important and thrived on cordial respect. The normal functioning and existence of each traditional community was the responsibility of the traditional leader. Traditional leaders were not elected, but were heirs to the throne. Often the eldest male would inherit the father or uncle's leadership position (Curran & Bonthuys, 2004). Traditional leadership was based on the principle of governance of the people, where a traditional leader was accountable to his people. The Black South

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[16] By 'invented tradition' is meant "a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behavior by repetition, which automatically implies continuity with the past" (Hobsbawm & Ranger, 1983, p. 1).

African population was organised into tribes with a leader often called *inkosi* or *kgosi* at the helm.

Thriving with its imperfection, the institution of traditional leadership was dealt a major blow by both the systems of colonial rule and apartheid that introduced 'indirect rule and association' (Ribot, 2001; Mamdani, 1996; Ntsebeza, 2005). This is discussed further in the next section, to demonstrate how it impacted on self-help housing. The lesson drawn from the definition of the traditional leader is that they were custodians of culture, and over the years a social system existed that allowed the rule and guidance of subjects.

6.4. COLONIAL GOVERNMENTALITY AND SELF-HELP HOUSING

Matereke (2011, p. 11) provides an interesting perspective on the calculative techniques applied by the colonial power in rerouting the institution of traditional leadership; in the first instance, he notes that the entire colonial process was an:

> "…ensemble of rule that channelled interests of citizens towards certain ends so that the state relied on the autonomy and responsibility of citizens who now acted in pursuit of those interests."

This confirms what Foucault (2000, p. 211) defined as fulfilment of the objective of government as "a series of specific finalities".

Matereke (2011, p. 12) further argues that the colonial state power "sought to cultivate subjectivities that would be implicated in their own governance". To validate this, Houston and Mbele (2011) revealed that by the 1870s the chiefs had become salaried officials. This was the start of a remodelled chieftainship which brought with it a relatively permanent settlement, with defined spaces and defined powers across the social strata, clear lines of control and citizenship obligations. This had a huge effect on the traditional leadership, who once enjoyed extensive autonomy. The colonial powers used various instruments, including promulgation of colonial laws and their

enforcement, the establishment of colonial institutions and incorporation of traditional institutions into colonial governance. It went to the extent of imposing and disposing of things, as Foucault (2000, p. 211) once observed, "to arrange things in such a way that certain ends may be achieved".

Mamdani (1996) argues that the introduction of indirect rule over the traditional leaders effectively became "decentralized despotism". Colonial authorities also appointed and deposed of chiefs as they deemed fit. As highlighted in O'Laughlin et al. (2013), early scholars such as Amin (1974), Legassick (1974) and Meillassoux (1975) argued that the idea behind the establishment of Native Reserves in South Africa under the colonial dispensation – over which the traditional leaders were to govern – was to ensure capital accumulation on the back of land dispossession. The colonial system took away vital elements of the traditional way of life, imposed taxes and created dependency (Khunou, 2009; Maluleke, 2017).

Gerring et al. (2011, p. 377) have expanded the understanding of indirect rule as "a more decentralized framework in which important decision-making powers are delegated to the weaker entity". Indirect rule totally confused the Africans' precolonial way of life, as the forced spatial re-engineering came with huge restrictions on what could be done with land (Mamdani, 1996). It took away nomadic options and confined people to lands that were often unproductive and densely populated. As a consequence, precolonial shelter quality that allowed for a nomadic lifestyle started changing during the colonial and apartheid periods, because the African people had to stay in one place for longer (Sithole, 2005). There is no documented evidence or record of infrastructural services within these reserves. Communities that were dumped there had to establish houses themselves, mostly using local material. The 'reserves' served as spatial containment and reservoirs for labour. It is in these 'reserves' that traditional authorities were co-opted as an extended arm of the colonial powers, and given authority to make recommendations in the process of the allocation of land, confirming the proposition (Ntsebeza, 2004). As (Matereke, 2011, p. 15) pointed out:

"… colonial governmentality entailed the cultivation and rehabilitation of colonial subjects so they would channel their interests towards the ends of colonial governance and be implicated in their own government. Thus, the colonial state and the attendant institutions like colonial civil society constituted the techniques for the cultivation of the colonial subjects who would aid the colonial administrators to govern themselves."

The colonial system reconfigured spaces, making the exercising of authority a challenge, as some subjects were moved to mines and surrounding informal settlements. It forced traditional communities into varying systems of governance, as at work and on the mines they were subjected to colonial modalities. Self-help housing remained the main modality for the provision of shelter. The 1923 'Natives (Urban Areas) Act' delegated responsibility for black workers' housing to local authorities (Khunou, 2011). They were also given the power to spatially demarcate special locations in the urban areas. Mistrust and confusion around the roles of the state and the traditional authorities during the post-apartheid period can be squarely attributed to colonial and apartheid manipulation (Mamdami, 1996; Ntsebeza, 2005).

When the colonial system transcended to apartheid, black persons were not allowed to own property outside of the so-called 'homeland' areas in terms of the Group Areas Act. In Johannesburg the task of implementation of housing was given to the 'Native Affairs Department' (Lewis, 1966). Vestro and Emer (2012, p. 6) highlighted that the Native Building Workers Act of 1951 was specifically passed to allow for the training of black artisans to meet self-help housing requirements. The self-building process remained tightly controlled and standardised and did not accommodate any cultural traditions or local conditions.

6.5.   SPATIAL GOVERNMENTALITY WITHIN THE TRADITIONAL SPACE

This section discusses the significance of space within the traditional governance systems and how this affects the housing processes. It delves into the relationship between culture, space and shelter, thereby highlighting factors that, while imperceptible in conventional governmentality, are significant for the traditional communities.

6.5.1. Space as a means of control within traditional communities

Michael Foucault and Henry Lefebvre wrote extensively about the hegemonic effect of space in the 1970s and 1980s. While space is commonly viewed in physical terms, it is actually manipulated for numerous distinctive purposes in the practice of power, since the strength of this power is found in the applied knowledge of space craft (Grbin, 2015). Foucault (1969, p. 238) observed that "knowledge is also the space in which the subject may take up a position and speak of the objects with which he deals in his discourse". Lefebvre (1991) had also argued against conceptualisation of space as a kind of neutral setting. Mbatha and Mchunu (2016, p. 3) claim that space also serves as a platform of ideological interplays. According to Foucault (1983), space is not simply an empty vessel waiting to be filled, but a medium through which power and knowledge are produced and exercised. Lefebvre (1991) notes that space occupies a special role in the production of knowledge and certain actions.

Demissie (2012, p. 5) adds that space is the medium in which the state and the powerful administer "methods of surveillance, inspection and punishment" over their subjects. Space, in the context of the traditional leaders, provided a geographic landscape from which subjects were governed. It was the understanding of space parameters that drew a clear separation between different tribes, between family structures and the tribes, and generally between the various roles. There were no physical lines, no cadastre, but a good sense of extents and boundaries (Sithole, 2005). The positions of leaders provided latitude to oversee a balanced utilisation of resources and land use. Traditional leaders would guide the allocation of duties. In this regard, they would have influenced land allocation and overseen the use of essential material to prevent depletion. Land is a powerful resource for the survival of communities. It provides a platform for social engagement, agricultural activities and shelter. Throughout their administrative system, the leadership role of traditional leaders was that of guidance and control. The subjects cultivated their own allocated pieces of land. They were able to build their own shelters as long as they paid allegiance to the traditional authority. This system of survival allowed for both

transitional and permanent settlement, as wars and invasions persisted. Such wars also fortified the hegemonic grip of traditional leaders over other tribes.

6.5.2. A house as a space for various cultural rituals

Spaces under the traditional councils and in general in rural areas exhibit strong cultural ties which are often ignored in housing processes (Scott, 1998). Indigenous knowledge is a key component of culture. It relates to subtle intelligence about local actions and lifestyles in a society. Such intelligence is passed down across generations. Housing design differs from one culture to another, but often represents issues of functional importance. According to Scott (1998), the state and professionals tend to seek out blueprints and standardised solutions, and avoid the incorporation of local practices and knowledge. Thus, professionals tend to utilise top-down approaches and do not enable citizens to develop their own initiatives. As a result, insufficient attention is paid to how to overcome stumbling blocks in relation to communication, culture, and power which hinder consideration of local knowledge.

Scholars who have studied culture and indigenous knowledge systems argue that local knowledge is embedded in the historical and cultural relationships of daily living (Shiva, 1998; Hoppers, 2002; Hountontdji, 2002; Ntuli, 2002; Gupta, 2003). Hoppers (2002, p. 10) states that indigenous knowledge systems are characterised by their "embeddedness in the cultural web and history of people including their civilisation, and forms the backbone of the social, economic, scientific and technological identity of such a people". She adds that indigenous knowledge consists of tangible and intangible aspects (Hoppers, 2002, p. 10). Furthermore, indigenous knowledge systems can contribute to change and development, because the range of indigenous knowledge is broad and contains practical wisdom. Engagement of indigenous systems is therefore not that simple to deal with in relation to the practical realities of planning.

Kothari (2004) also argued that knowledge is culturally, socially and politically produced and is continuously reformulated as a powerful normative construct. According to her, it is an accumulation of social norms, rituals and practices that, far from being constructed in isolation from power relations, is embedded in them. In most instances a house is laid out according to how it is to be used. Various sociological and historical studies of housing have therefore claimed that the layout of a house expresses underlying cultural values and norms, which limit possible options for use of space (Rapoport, 1969; Mumford, 1970; Clark, 1973). For example, within the Zulu culture there has long been a special housing design and functionality (Zibani, 2002). Dalrymple (1983, p. 77) notes that the spatial pattern and layout within a homestead reflect the functional priorities of various African cultures, similar to that of the Zulus. However, other tribal cultures exhibited their own flair in design and decoration, for example, the Venda and Ndebele and their colourful clay decorations.

A 'house' plays a major role in shaping the family, community and society. It affords some dignity and respect to those who stay within. It also helps to define the family. While most family units are known by their surnames, such surnames are also referenced back to a structure, strengthening the identity of the family. One can locate the family unit by locating the physical structure. As Rose (1995, p. 103) puts it, "A sense of place is part of the politics of identity". This includes the idea of defining oneself in opposition to an 'other' (Rose, 1995, p. 104):

> "Homes are 'places' that hold considerable social, psychological and emotive meaning for individuals and for groups. In understanding a person's connection with their home, then, we go some way towards understanding their social relations, their psychology and their emotions and we can begin to understand their lived experiences".

Over the years these elements of identity have become state instruments to exert its calculative control over citizens, as noted by Scott (1998, p. 67):

> "Surnames and similar identities are necessary to the successful conduct of any administrative exercise involving large numbers of people who are individually identified and who were not known personally by the authorities".

A tradition dating to the early fifteenth century allows the elites to claim positions in the social structure (Scott, 1998, p. 66):

> "... these were confined to a very few powerful, property-owning lineages as a way of achieving social recognition as a 'corporate group', and kin and affines adopted the name as a way of claiming the backing of an influential lineage".

A house plays a crucial role in culture. Because of embeddedness in social lifestyles, many cultures associate the role of the house with both living and deceased persons. In this regard, while physical in presentation, a house as a space can be a point of distribution for various cultural communications. Across the world, many cultures acknowledge and observe the spiritual existence of the deceased. Interaction is usually celebrated and defined within this space. Knight (1995, p. 25) also noted that the continued existence of the departed is a common belief within the Zulu culture. Various studies in the field of housing demonstrate the association of house design with its functionality and cultural beliefs. Specific to the Zulu culture, the arrangement of the house or houses was always traditionally organised around their way of life. The Zulu homestead model was made up of several huts that accommodated various family members, and was especially representative of the polygamous family set-up. Nyembezi and Nxumalo (1966, p. 39) say the following about the arrangement of huts in the Zulu homestead to illustrate the purposeful functionality:

> "Between the upper section of the cattle kraal and the outer fence usually positioned the main hut [of] the first wife, the one who bears an heir. On the left hand is the hut belonging to the third wife and the houses of minor wives regarded as assistants to the second wife. On the right hand is the hut belonging to the second wife …"

The most notable design and form of shelter used by Africans was a circular design known as a 'rondavel'. The rondavel was considered a typical indigenous peoples' house type and only later became part of the vernacular architectural heritage of the white settlers on dispersed farm settlements in the years of their occupation (Naude, 2007). Rondavels were usually built on hillocks and made from local material like grass, wood or stones (Naude, 2007). The process of constructing rondavels usually involved the entire family, with women assisting in preparing and fetching building material. The rondavel was not always used as a separate or independent building,

but has been used in a variety of models, depending on the culture. Odoli (1999, p. 27) notes that this traditional beehive-like dwelling was the result of the combined efforts of the household and sometimes involved neighbours.

Corroborating the role and construction of the rondavel, Zibani (2002, p. 136) states that the whole building was made from locally available materials. It was observed that men were the construction managers and labourers, as they provided most of the building materials. The construction methods and skills were passed from one generation to the next. Most traditional communities are influenced by the norms and customs that they learn from earlier generations. At the core of successive conveyance of these customs is the indigenous knowledge. The effect of this was usually reflected across the community's way of life, and extended to house construction. Having researched vernacular architectural buildings, Buthelezi (2005, p. 37) concludes that a typology of local design can be cost-effective, socially desirable, economically affordable and sustainable and involve minimum risk to rural communities. In previous decades this aspect had been emphasised by different scholars who suggested that the most cost-effective shelter solution is the one that is locally produced and managed by the people themselves, typically using traditional and local materials (Turner, 1976; Merrifield, 1993; Stein, 1998).

According to Mbatha and Mchunu (2016) one of the factors attracting middle- to upper-middle-class Africans to peri-urban areas is the alternative lifestyle which affords occupants the freedom to practice their traditions. During their research, many respondents decried rigid by-laws that restrict cultural ceremonies like slaughtering animals on certain occasions (Mbatha & Mchunu, 2016). As a contrasting site to the Adams mission,[17] the spatial settlement of eMaphephetheni presents an interesting image of 'two-worlds' design of structures. The design of the state-aided housing project in eMaphephetheni would have undoubtedly presented an opportunity for local preferences. It is a flexibility allowed for within the state-aided housing, and something that the Department of Human Settlements already touted in 2009 when it explored a

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[17] A traditional settlement and peri-urban area studied by Mbatha and Mchunu in 2016.

variety of indigenous house models. A significant number of the existing structures in eMaphephetheni are round in shape (rondavels), with most of the conventional structures being rectangular. According to *induna*, the traditional council and the community at large had no input in the design of state-aided self-help structures, and because it is accepted as a grant offer, they are willing to accept the package as it stands. This was confirmed by the housing official in this study:

> "… the design and material is predetermined to meet both the broader housing norms and standards and the budgetary allocations. It is a missed opportunity in working with rural communities around their preferred vernacular architecture, as this may not only result in cost saving but also in better appreciation of the housing product". (Interview with Housing Official from the Provincial Department of Human Settlement in KZN, 12 March 2019)

Figure 6.2: In this community use of the rondavel design is clearly seen.

Source: Researcher's own fieldwork data.

Housing continues to play a role in what remains of this culture, and where people take charge of building their own houses, the functionality consideration is paramount. In areas where people still have vast tracts of land to build on under the traditional council system, a homestead is still laid out in accordance with various uses. Grown-up children reside in their own outbuildings. In some instances, shared facilities are

constructed as stand-alone units, e.g. a building being used as a kitchen, shared outside ablutions, shared standalone storeroom, etc. In urban and peri-urban areas where there are densification pressures and limited land, functionality is expressed in rooms within a house.

Custodians of the Zulu culture like *izinduna* are well aware of the customary pillars when they allocate land, and thus would not interpret multiple standalone huts or houses as sublets. On the question of interest in the rondavel design, this study found that eMaphephetheni residents drew a parallel between this type of design and the existence of and allegiance to ancestors. They noted that it is a metaphor for their cultural beliefs. One of the respondents argued as follows:

> "… *Usumane ubone ngawo urawundi ukuthi umuntu usababembelele emasikweni ethu. Iyona ndawo yokukhuluma nedlozi* [Rondavel is one way of getting to identify allegiance to culture – this is where people communicate with their ancestors]" (Interview with female respondent at iMbozamo, 7 February 2019)

To this community, the rondavel design is a form of cultural identity. Adoption of this is interpreted as embracing the community's socio-cultural ethos. It subtly assures the traditional leadership of the acceptance of its value system and its authority. The community have maintained that space established by this type of building is very conducive to special household ceremonies. It is also used as a structure where communication with the ancestral spirits is heightened. For this reason, the design is very popular.

However, it triggers an interesting discourse around design requirements for municipal approval. In fact, this, compounded by irregular shapes of 'homestead boundaries', makes compliance to issues of side spaces very challenging. The very assessment of this design and the competence of municipal assessors raises many questions. While there has been innovation towards modernising rondavels, the traditional rondavels are made with locally available materials and the walls are usually constructed in stone, mud and mortar, or wattle and daub, or just an earth mixture of clay, sand and

cow dung. The roof structure is made of tree branches and is generally thatched with grass stems or reeds. The thatch is sewn on with grass rope, starting at the bottom and working to the top, to make a waterproof layer. The floor is made with compressed red clay and cow dung that is often fired to harden it, and polished with fat until it glows. This then makes an interesting movie for functional evaluation and approval by a local authority, as generally most of its inherent design parameters defy conventional planning ones.

6.5.3. Space allocation for building

In the broader African context, land access and land control functions are staggered at various authority levels. Ogendo (2008) notes that access to land itself is essentially a function of membership in the family, clan, lineage or wider community, and available to any individual on account of that membership. Cousins (2007) distinguishes access from control, arguing that control occurs primarily for the purpose of securing access rights to land. Unlike in Western models of land administration, responsibilities for managing and control of resources do not rest in a single authority (Claassens, 2013; Winkler, 2019). Believers in local culture associate the siting of the house with ancestral spirits. Relocating is a decision not taken lightly. As Ndaba (2017, p. 27) observes:

> *"Ukusuka enxiweni elidala kuyokwakhiwa enxiweni elisha kungumsebenzi omkhulu. Umuzi usuke ungathuthi abantu abaphilayo nezimpahla kuphela. Eqinisweni kusuke kuthutha ngisho abaphansi".* [Relocating from an old to new site is quite involved. It's not just about the relocation of the furniture and the living. In reality ancestors are also taken with.]

Specific to KZN, traditional councils are responsible for the day-to-day land administration of Ingonyama Trust Board land at a local level. Some scholars believe this is an area where a democratic state has not done justice to the rural communities, and relates to the lack of progress with land reform (Ntsebeza, 2005). Ainslie and Kepe (2016, p. 22) argue that by turning to traditional authorities in order to access land, rural people are simply being pragmatic under the circumstances. Since their areas are expansive with numerous sub-areas (*izigodi*), the land allocation function is practically undertaken by headmen, with the participation of a group of neighbours

(*Ibandla*) available at the time to witness each allocation as and when it happens (Alcock & Hornby, 2004).

Over the years and with more densification, it is actually the residents of the traditional community that must first agree to the 'subdivision for disposal' of land originally allocated. The headman is called to confirm that such subdivision is not likely to prejudice the broader community, i.e. *induna* considers broader community interests against the need for public spaces and/or issues of conservation and protection of the environment. Once *induna* has confirmed the subdivision, a meeting of the traditional council ratifies the transaction and officially registers the new applicant as part of the popular 'iNgonyama ITB Form 1.'[18] This process applies specifically if the person requiring land is from outside the area of jurisdiction of the *inkosi* concerned. The applicant may, for example, come from another *inkosi*'s area.

Figure 6.3: The land allocation process
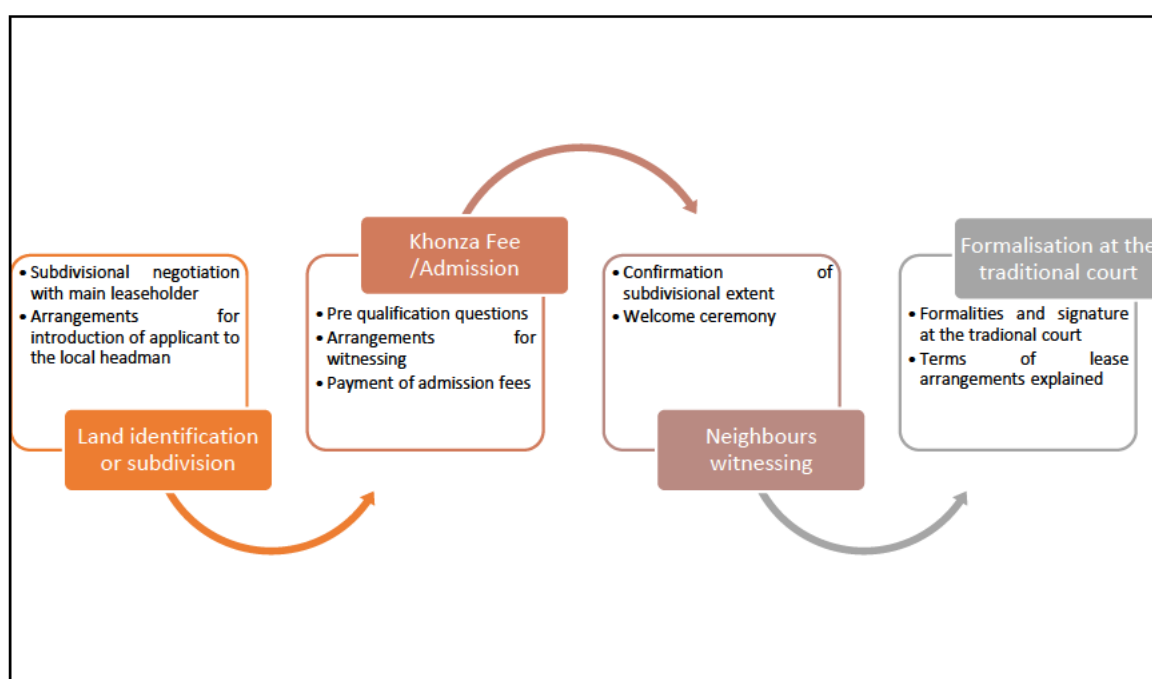
Source: Researcher's own fieldwork data.

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[18] This form is used by applicants to register their leases with the Ingonyama Trust Board for residential purposes.

The convening of a 'witnessing and acceptance' ceremony which involves the neighbours is an important aspect of land allocation (Sithole, 2005). It is often a requirement that the applicant arranges refreshments for this ceremony, as short of this there will be no interest in witnessing the official admission of a new member (Mbatha & Mchunu, 2016). The demarcation of extent is not surveyed, but is based on sufficient consensus among the members of *Ibandla* that there is no evidence of encroachment (Sithole, 2005). During this ceremony the new applicant is encouraged to use some form of identifiable pegs, which vary from planting special trees to rocks or dug out holes. The significance of this neighbours' process is that it re-enforces communal memory but also adds a flair of welcome. Alcock and Hornby (2004) have undertaken considerable comparative studies of traditional lifestyles and they noted that the procedures for land allocation across communities are generally similar, but there are variations in criteria as to who can access land, who must be present at allocation and the costs involved. Procedures for land allocations differ for different types of land use.

Land management and allocation are highlighted because they are at the centre of self-help housing processes in the traditional settlements. This is because a house construction activity is generally secondary to the land transaction, and in actual fact hinges on the land parcel being made available. These areas appear to be established initially without infrastructural services, but services are then provided by the nearest municipality upon receipt of letters of authorisation from the traditional leaders.

In spite of densification pressures from the adjoining areas, the eMaphephetheni settlement has remained in its rural form. It remains one of the areas where the traditional leadership still successfully manages control over who should reside there. During the interviews with eMaphephetheni community members the process of acceptance of a new applicant who is an outsider was explained. Although land allocation activities seldom occur, it was reported that they do take place from time to time, especially in the areas on the southern part of the dam (eMgangeni) as they are

closer to the suburb of Hillcrest. Similar to other areas under traditional leadership, headmen facilitate and legitimise the allocation of land, and thereafter a PTO is issued. This is a major form of contract prepared on behalf of the traditional council. Even where assistance has been provided for rural subsidy structures, there is still a major role for the traditional council in endorsing beneficiaries who, according to *induna*, have to be known to the traditional leader.

One of the interesting findings was that while the ITB mooted, and in fact introduced leases for non-residential sites, there is currently a greater use of the PTO system in eMaphephetheni. According to local *induna* of Mbozamo, an application for a piece of land may be internal and from the same community, or external, where an 'outsider' is interested:

> "... If you are from here and someone can afford space to accommodate you, we just need to ensure that you are not troublemaker. If you are from outside, we need to know why you left your area of origin. We need a letter from the *inkosi* of your origin." (Interview with local headman, 10 May 2019)

The process is similar for an internal applicant, who must simply negotiate with *induna* or adjoining households first. While being a member of the community makes the applicant automatically eligible, the application is still scrutinised and may be rejected by the *induna*. In the case of outsiders, they have a responsibility to motivate and mobilise community support along with their applications.

Similar to the findings of Alcock & Hornby, 2004, boundary-related disputes do crop up from time to time. These may include overlapping rights, denial of right of way, and boundary

Figure 6.4: Dispute Resolution Mechanisms

AMICABLE DISPUTE RESOLUTION PRESIDED BY NOMINEE OF INDUNA

IBANDLA/ NEIBHOURS FACILTATED RESOLUTION PRESIDED BY INDUNA

TRADITIONAL COURT PRESIDED BY INKOSI

Source: Researcher's Own Fieldwork Data

190
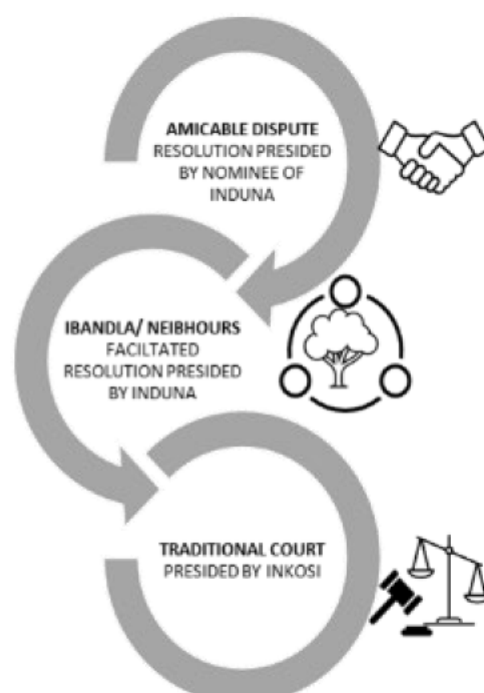
disagreements. Overlapping rights occur when an individual has been 'legitimately' allocated a piece of land, but someone else later appears and claims that s/he has a right over the same land. This typically occurs when agricultural fields are allocated. According to *induna*, the first port of call in dispute resolution is the affected parties, perhaps with some 'neutral witnesses' finding a solution. If there is failure to resolve the dispute at this level, it is often escalated to *induna* and *ibandla* (support structure, usually comprised of elders). They sometimes visit the disputed area and express their opinion. If there is still disagreement, the matter is escalated to the traditional council, presided over by the *inkosi* or his nominee.

6.6. BIFURCATED ROLES AND CONTRADICTIONS IN THE POST-APARTHEID ERA

While the preceding sections gave the history and context of the origins of the traditional institutions, this section highlights the bifurcated roles of the institution of traditional leadership and the state in post-apartheid governmentality.

6.6.1. Governmentality and constitutional principles

The post-apartheid period has provided various progressive tools to reflect on the extent of confusion caused by parallel governance models. It also demonstrates that self-help housing has been the mainstream modality for housing, especially among Africans. It is a system they were *au fait* with, as this was a generational norm and responsibility. The traditional way of life allowed families to thrive on their own and traditional leadership merely provided occasional guidance on issues of communal interest. With the Dutch-Roman jurisprudence and ethos gradually eroding this traditional way of life, the role of the traditional institutions is somewhat lost and overshadowed by the constitutional viewpoints. For example, studies claim that in the precolonial period Africans had systems and channels which allowed them to hold traditional authorities accountable to their communities, and that these were destroyed during the colonial and apartheid regimes (Palmary, 2004, p. 12). Some observers have argued that the lens to seeking corrective measures is too Eurocentric, and with this they further argue that it will inevitably lead to a collision of powers. It was observed

that the post-apartheid government has introduced many instruments to re-establish a functional institution of traditional leadership. As a result, the Council of Traditional Leaders (CONTRALESA) was established by some traditional leaders with the support of the United Democratic Front and the African National Congress (ANC) to advocate greater rights for traditional leaders in the in the post-apartheid era.

The South African debate on traditional leaders and their role in local government was key in the constitutional negotiations (Keulder, 1998). At the core of this issue was the future of the institution of traditional leadership, which for many years has been the form of government closest to rural people. Chapter 12 of the Constitution of the Republic of South Africa makes specific reference to the institution of traditional leaders as a collective political subject. Section 211 (1) of the 1996 Constitution views traditional leadership as a traditional authority that observes a system of customary law which may function subject to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs. Section 212 (1) of the 1996 Constitution prescribed that national legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities. In this regard the institution, its status and the role of traditional leadership, according to customary law, are recognised, subject to the Constitution. The Constitution also recognised the incorporation of customary law into the Republic's jurisprudence. The Constitution further called for the establishment of Houses of Traditional Leaders to deal with matters relating to traditional leadership, the role of traditional leaders, customary law and the customs of communities observing a system of customary law.

Over the years the Constitutional Court of South Africa (2003) has attempted to give clear direction on embracing traditional systems through different court cases. In the case of the Richtersveld[19] community, it ruled that: …

> "…While in the past indigenous law was seen through the common law lens, it must now be seen as an integral part of our law. Like all law it depends for its ultimate force and validity on the Constitution. Its validity must now be determined by reference not to common law, but to the Constitution. The courts are obliged by s 211 (3) of the Constitution to apply customary law when it is applicable, subject to the Constitution and any legislation that deals with customary law."

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[19] http://www.saflii.org/za/cases/ZALCC/1999/45.html

With this, the Constitution acknowledges the originality and distinctiveness of indigenous law as an independent source of norms within the legal system. At the same time the Constitution, while giving force to indigenous law, it makes clear that such law is subject to the Constitution and has to be interpreted against the backdrop of the constitutional value system. Furthermore, like common law, indigenous law is subject to any legislation consistent with the Constitution that specifically deals with it. The Traditional Leadership and Governance Framework Act (2003) was aimed at giving the role of traditional leaders in South Africa greater clarity and substance. As noted by Ntsebeza (2004, p. 4), under this Act and similar legislation, equally undemocratic structures were allowed entry into democracy through a back door. Thus, an important objective of the Framework Act of 2003 was the establishment and recognition of traditional councils in order to align traditional rule with the principles of democracy. The Act acknowledges a position for traditional leadership not only within local government but at provincial and state level as well (Traditional Leadership and Governance Framework Act, 2003).

The composition of the body has been a contentious issue, as civil society has advocated for a democratically elected majority of traditional council, while traditionalists argued the need to preserve the image and traditional values of the institution. Some have seen this Act as remarkable and inspiring, in that it was a first genuine attempt to "fuse democratic principles and traditional practices" (Nthai, 2005, p. 8). However, others have been less optimistic and argued that as unelected members remain a majority, this body cannot in any way be considered democratic (Ntsebeza, 2004, p. 4). Williams (2010, p. 3) argued further that the recognition and protection of the chieftaincy in the Constitution of the Republic of South Africa of 1996 has created a struggle between the chieftaincy and the State over who controls the people and land, and stated that "in order to resolve this struggle, there may be a need for reaching consensus on joint policy implementation" (Williams, 2010, p. 3). The Constitution also creates a local government layer which suggests that traditional council areas essentially fall under municipalities. This interpretation opens up a serious political debate, especially from the traditional authorities who see themselves as parallel and autonomous structures. The Constitution and various legislative tools

establishing local government see the latter as a level of provision of services to communities in a sustainable manner and promotion of social and economic development.

Another one of the interesting findings of the study is that the relationship between the local ward councillors and the traditional leaders in South Africa has been characterised by many operational challenges, and the situation in eMaphephetheni was found to be similar. Prior to South Africa's constitutional democracy in 1994, over and above social issues the traditional council under Inkosi Gwala performed basic service delivery functions. Apart from the previous political landscape, this was more against the backdrop of a highly centralised State. With this, decentralised traditional leadership structures were increasingly weakened. With the advent of democracy, wall to wall wards were introduced, and effectively all rural areas have both elected ward councillors and traditional leaders. The operational modalities of the two have been especially problematic where the boundaries of the wards and of the *amakhosi* do not coincide. The KwaZulu-Natal Traditional Leadership Governance Act (Act 5 of 2005) defines the roles of traditional councils in service delivery as follows:

- To work together with municipalities in the identification of community needs;
- To facilitate the involvement of the traditional communities in the development or amendment of the integrated development plan of the municipality; and
- To recommend, after consultations with the relevant Local Houses and Provincial House of Traditional Leaders, appropriate interventions to government that will contribute to development and service delivery.

The study sought an interpretation of the respondents' understanding of the role of the municipality through assessing their understanding of the working relationship between the traditional structures and local municipal structures. It found that the municipality is generally associated with infrastructural services like water and electricity as these are paid for at the municipal offices. However, it is the traditional council that is more visible when it comes to social issues, due to residence of traditional council members within the community. As indicated in the foregoing section, the traditional leaders primarily play a supportive role to the municipalities and

are, in turn, one of the key stakeholders that municipalities should consult in accordance with the principles of integrated development planning.

6.6.2. Community development and traditional leadership

Community development is one of the key functions of traditional leaders, and this could include economic and social development through the support of customs and social cohesion as well as improved service delivery. These are also some of the key functions of local authorities, and as such a close working relationship between the two institutions is essential. Questions about who should approve development projects, who should provide the necessary resources such as land or labour, and who should be part of decisions made about the community are not entirely clear from the Act (Traditional Leadership and Governance Framework Act, 2003) and will continue to require some negotiation.

The Traditional Council is very clear about the incongruities of the traditional system and the constitutional provisions. In this regard Induna Gwala cited the cessation of a practice of fining owners of livestock that wander around causing destruction to various vegetable gardens. He noted that although the effect of changing climatic conditions has transformed their production and farming practices, they continue to designate areas for crop and livestock farming. Traditionally it was a common practice that livestock owners who failed to observe community parameters were fined or risked impoundment of their stock until they settled their fines. When the constitutional institutions began to operate fully after 1994, they had to stop these fines as culprits would simply open a counter case of illegal impounding at the police station, which would constitute 'self-help' in law. Induna lamented the "powers being stripped off by the constitutional framework" and what he refers to as "anti-traditional leadership forces". When asked about the relationship with the ward committee, a structure established in all municipal wards to assist the ward councillor, the *Induna* indicated that while the working relationship with the councillor was stable, the same cannot be said of his ward committee. Because they have access to municipal information, he

argues, they use this to undermine the credibility of the traditional council, as they create the impression that only they are delivering in terms of services. He blames this situation on government's failure to clarify roles.

6.6.3. Land access for housing development in rural areas

On the question of land access, the community members were asked about how they access land and how it was shown to them. The majority indicated that this function was carried out by *induna*. Even in the instance of rural housing where there is apparent confusion of roles with the municipal processes, the respondents still identified induna as the person responsible for land allocation and identification. The table below presents results on this enquiry.

Table 6.1: Responses on land access

WHO SHOWED YOU THE EXTENT OF THE LAND?	RESPONDENT	TOTAL
An official from the department	3	3
A person assigned by induna	26	26
Ward councillor	1	1
TOTAL	**30**	**30**

Source: Researcher's own fieldwork data.

The government-funded houses also inevitably unravel the dynamics in the roles of the local ward councillor and the traditional leaders. The ward councillor had this to say:

> "The housing project is unique. I represent the municipality and the project is unfortunately driven by the Provincial Department of Human Settlements. My role ends at introducing the project. However, I have been called in occasionally on matters of dispute resolution even though my hands are tied because eventually *Inkosi* has a final word" (Interview with Ward Councillor, 7 February 2020).

The current study found that in the case of eMaphephetheni a ten-member Project Steering Committee is representative of *izigodi (sub-areas within the traditional council)*. The most interesting finding was that two members were nominated by the *inkosi* to participate. This shows that the *inkosi* has a responsibility and the power to play a role in establishment of the Project Steering Committee for housing

development through government-subsidised housing. This study confirms the findings of other studies that the successful implementation of most state- aided self-help housing projects, particularly the so-called 'rural housing projects', hinges on on Project Steering Committees (Myeni & Mvuyana, 2018). In this study it was also established that the hegemonic hold of the traditional authority spills over the housing construction processes. As the councillor pointed this out:

> "… Problems have started when *inkosi*'s brother, who does not stay in this ward, started dictating to the Project Steering Committee. My role of dispute resolution here was equally restricted as this would have amounted to challenging *inkosi*. However, it was unanimously resolved that the project be suspended from the lower eMaphephetheni, in favour of upper eMaphephetheni"(Interview with Ward Councillor, 7 February 2020).

It was established through interview data that the ward councillor felt that the housing process is almost exclusively driven by the traditional council. They report to the *inkosi*, and meetings are hosted at his offices. He or his nominated representative chairs the meetings. The project affords him a solid grip on the spatial settlement. The criteria for eligibility for state-initiated self-help housing provision have remained the same with only slight modifications (Myeni & Mvuyana, 2018). The ward councillor believes in the context of eMaphephetheni that the "main criterion remains income and beyond that there is neither complexity nor exceptions" (Interview with Ward Councillor, 7 February 2020). However, that is a simplistic representation of a multi-layered process of calculative instruments. Such multilayers of control reflect the extremes of governability of the housing space (Myeni & Mvuyana, 2018). One can argue that the vetting of beneficiaries is layered, and involves the traditional council, Project Steering Committee, the implementing agent and finally the Department of Human Settlements itself. According to the *Induna* of Mbozamo, it is their responsibility to ensure that people that can benefit are local residents. In his own response, he indicated that "apart from the government qualifying criteria, you have to be in the good books of the community" (interview with local Induna of iMbozamo, 10 May 2019). When probed further about the 'good books', his explanation was that the beneficiary had to be an individual that stays peacefully with the broader community. This is a critical step towards (added) eligibility, because if a member is denounced by the Traditional Council for any reason, there is no prospect of progressing beyond this point. This is formalised through a letter confirming allocation of land or PTO which is issued by the

traditional authority. It is a requirement provided for in the norms and standards of the Department of Human Settlements.

The Project Steering Committee ensures that it articulates the criteria and assists the implementing agent (or the overall construction agency) in the drafting of project-specific housing allocations policy. To a great degree a housing allocation policy is a standard document that has been endorsed by the Department of Human Settlements and used in similar projects before, with some minor adaptations. There are usually rare cases of modifications, and there were no changes in this community in terms of the standard allocations policy. The vetting at the level of the implementing agent represents detailed completion of forms and necessary attachments, including identification documents, proof of income and other supporting affidavits. The final vetting by the Department involves digital cross-checking of applicants against the national database of beneficiaries that have been assisted before.

Brown-Luthango (2019) highlights the importance of social stability, homogeneity and neighbourliness. These are critical factors for the security of self-help housing in general and of owner-built homes in particular. She also considered the social conditions that impacted on the success and failure of self-help housing. She concludes that a common factor consistently raised as a reason for a perceived breakdown in social ties was the inclusion of outside occupants who were not part of the original group of land occupiers in the upgrading project (Brown-Luthango, 2019). Where there is a sense of security and stability, it is likely that a principle of incrementalism, an important tenet of self-help housing, will be realised. This can best be facilitated and achieved where the community relations are solid. Through its allocations and vetting veto the Traditional Council maintains this stability and homogeneity as well as holding power.

6.7. LAND TENURESHIP DICHOTOMIES

Foucault (1982) outlined how society creates certain fixed conceptualisations and perceptions of things and objects through various normative actions. Anything outside of such frameworks is easily labelled a taboo. The society does this via calculative technologies through which the mindset of the subject is recalibrated to accept certain outcomes as absolute reference facts. As Miller and Rose (1990, p. 18) suggest, subjects internalise the regime of truth and orient themselves accordingly; knowledge and expertise become translated into the personal capacities and aspirations of these subjects. Clear evidence of this is demonstrated through the various interpretations of what space is, what is done in space and how this is managed. The mind-set and experience of communities residing within the Traditional Council areas on tenure is a case in point. Most rural residents hold a totally different view of tenure to the conventional viewpoints. In fact, the very understanding of the landholding concept in African communities is complex and slightly different to the Western perspective. This is because since the precolonial era Africans have regarded land as an unalienable whole, shared and accessed equally by all (George, 2010). Apart from purposes of user identification, it was never personalised to the extent of alienation. The African people were allocated spaces on suitable arable and fertile so is that would facilitate and support their livelihoods.

Doss et al. (2015) affirm the notion that African landholding was communal ownership. In these contexts, ownership implied unrestricted rights to make improvements and regarding how to use the land. As highlighted, land access and associated rights in the traditional system were vested in social groups and various levels of social strata, ranging from families to clans or tribes. Recognition of the practice and application of indigenous law to land access, use and occupation has always been a crucial regulatory consideration.

It is perhaps appropriate to consider the very description of land tenure. Sylivester (2013:8) defines land tenure in simplistic terms as a kind of system of land ownership or holding the land. However, according to the Food and Agriculture Organization (cited in Tanner, 2002, p. 7) land tenure can be defined as "the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land". Land tenure refers to the rights that individuals and communities have regarding land (Durand-Lasserve & Selod, 2007, p. 4). Huizenga (2019, p. 7) reminds us that in the South African land reform context, 'land tenure' refers to a set of rights which a person or group holds over land. It concerns who can use which resources, for how long and under what conditions. Further, there can be two derivatives of land tenure, namely communal and private or freehold. Communal tenure derives its characterisation from broad communal rights associated with indigenous African communities, and this can be distinguished from private or freehold land tenure where formal statutory systems are relied on (Kalabamu, 2000; Wamukaya & Mbathi, 2019). States define the parameters and the framework of this land tenure.

Another of the interesting findings of this study is that at eMaphephetheni none of the community members have a secure title deed as envisaged in the South African Deeds Registries Act 47 of 1973. This Act sets out direct variables against which ownership is to be tested. Typically, in terms of this Act the title deed should contain the names of the existing owner as well as the previous owner, a full description of the property, including its measured size, the purchase price of the property paid by the existing owner and all conditions restricting the use or the sale of the property. It seeks to position the title deed as the ultimate form of secure ownership. The current study found that at eMaphephetheni the title deed is held under the name of the King, who allows occupational rights to residents through leases, as in the rest of the ITB-controlled areas. This has not deterred people from investing at maximum thresholds that would be expected in secure title deeds areas, as noted by Mbatha and Mchunu (2016, p. 8) when they considered the Adams Mission as a peri-urban settlement under the Ingonyama Trust Board:

> "… Property titles do not exist in a form of legal documentation but are rather embedded in socially determined values of trust. It is important to note that the relationship that most African people have with their assets is often social and cultural, particularly in the context of KZN. Houses are therefore social and cultural assets and

rarely financial assets. This, however, does not suggest that such houses do not have monetary value."

EMaphephetheni residents were asked about their attitude towards the security of the PTO system, and Tables 6.2 and 6.3 provide the related results.

Table 6.2: Form of documentation in the purchase of land

WERE ANY DOCUMENTS PROVIDED WHEN LAND WAS PURCHASED?	SELF-BUILT	STATE-AIDED	TOTAL
Yes	18	10	28
No	1	1	2
TOTAL	19	11	30

Source: Researcher's own fieldwork data.

The above table shows the categories of respondents that have proof of purchase in the form of documents for their sites in the form of PTOs. The state-aided self-help programme would have ensured, as a compliance requirement, that all beneficiaries have a PTO. It can be argued that the 28 respondents (Table 6.2) would have made these arrangements prior to construction of the houses. There is nothing really out of the ordinary about the residential PTO, except that ultimately it bears the stamp of the Traditional Council. There are different views about the role of the ITB in the residential processes. In Table 6.3, it is interesting to note that 22 respondents indicated that there is adequate security of tenure by virtue of being allocated land through the traditional system, and they are not worried about the security of such a tenure regime as this has been a generational experience.

Table 6.3: Security of tenure

HOW SECURE DO YOU CONSIDER YOUR TENURE?	SELF-BUILT	STATE-AIDED	TOTAL
Very secure/have a lease/title deed	4	1	5
Secure/verbal agreement/traditional rights	14	8	22
Insecure/have no agreement and am concerned	3	0	3
TOTAL	21	9	30

Source: Researcher's own fieldwork data.

The PTOs are therefore deemed sufficiently legal, despite having been abolished in 1994 (Cousins and Mwheli 2007).

6.8. GENDER IN SELF-HELP HOUSING

The traditional lifestyle, in this context the Zulu culture, is known for its gender hegemonic practices. It emerges from a history where men made all of the major decisions regarding all aspects of culture. Males determined the allocation of space, at times to the detriment of women's freedom of access. McCall (2003, p. 561) observed that

> "… gendered space refers to the specialized gendered knowledge of distributions in space, the differential access to, ownership of, and use of resources, and the nested scales of cultural and economic landscapes associated with the life experiences of men and women."

Ludwig and Wohl (2009) note that gender biases are entrenched in our daily lives through "conduct of the conduct". Ludwig (2009) argues that the subjects also turn gendered techniques of the self upon themselves, while at the same time through the process of gendered subject formation a specific relationship between state power and the subject is established. Traditionally, the normative approach to leadership positions is structured around male figures at the helm. In this regard, Curran and Bonthuys (2004) argued that in traditional communities the successor to the throne was the eldest son, and this excluded women as it was often argued that they could not serve as regents. Curran and Bonthuys (2004) note that the patriarchal African family and community structure mean that women can only enjoy a level of safety if their "own fort" is established. This is where land and access to land becomes more significant. They further note that customary powers allowed traditional leaders to assign special rights, such as communal, special events, and these can easily be extended to women.

Williams (2011, p. 9) argued that for centuries customary legal systems in many countries have posed threats to women's equality rights by legitimising and enforcing

discriminatory rules with respect to a host of issues, including marriage, property and land ownership, to name but a few. Mutangadura (2007) argues that the fact that customary law is patrilineal gives men primary rights to productive resources, and relegates women to secondary beneficiaries. Tschirhart et al. (2018, p. 1) observed that rural women are usually at a disadvantage in asset (including land) inheritance.

Curran and Bonthuys (2004) decried acceptance of the position of inferiority that society imposes on rural women. This was also confirmed by the study conducted by Cross and Hornby (2002) in Limpopo Province, North West Province, Mpumalanga and the Western Cape, which established that the land problems in the traditional areas are also compounded by women's low self-esteem and their acceptance of male hegemony. This confirms Ludwig's (2009) assertion that gendered subjectivity is in reality reflected in the body and psyche.

The policy makers were aware of the patriarchal history of the institution of traditional leadership when the post-apartheid government sought to harmonise roles and responsibilities. In this regard, in the establishment of traditional structures the Constitution provides that at least one-third of the members must be women. It further suggests that where it has been proved that an insufficient number of women are available to participate in a Traditional Council, the Premier concerned may determine a lower threshold for the particular Traditional Council than that required in the legislation. Furthermore, the traditional leadership is recognised only insofar as it does not infringe the provisions of the Constitution. In this regard, a Traditional Council may observe a system of customary law, provided that such traditional authority complies with applicable legislation and customs.

Ainslie and Kepe (2016) have doubts about the Constitution being invoked where there are gender infringements within the traditional space. They also decry the silence of authorities who must enforce and defend the constitutional rights of all South Africans. These authors (2016, p. 20) note as follows:

"In short, by publicly expressing conservative and sometimes sexist views about gender equality, without being challenged, traditional authorities can only but count their position on gender as another victory in their struggle for recognition."

This is a view shared by Khuzwayo et al. (2019), who argue using evidence from uMnini in KZN that many rural women lack the resources to approach the courts for protection against violations of their rights. Mthembu (2001, p. 59) conducted a study to understand access to land by rural women. She found that while they are generally allowed such access, it is the financial fee requirement that tends to exclude many of them as this is arbitrary.

Many people in the rural areas are unemployed and cannot afford to pay for land, and at the same time don't have enough money to build houses that would contribute to the aesthetics of the community. Some women could afford the initial payment for *ukukhonza,* but later it becomes impossible for them to buy materials for a mortar and bricks or blocks type of structure. Claassens (2013, p. 79) shares the concern of traditional leaders 'selling' land to women at relatively higher amounts. The key feature of such sales is that women are more often seen as 'outsiders' than 'community members', because 'outsiders' can be charged more. The survey findings suggest that single women's land rights, like those of 'outsiders', remain conditional.

Access to land by women was of interest in this thesis, as the women in eMaphephetheni constitute a higher proportion of self-builders. The position of the Traditional Council is subtle but nevertheless confirmed by the traditional secretary in a interview, where she remarked "Well here, we are very reluctant to allocate land to an unmarried female" (interview with Traditional Council secretary, 12 October 2018). When probed further about this, her response was that the Traditional Council is likely to condone an existing community female member rather than an unmarried outsider. It does confirm the risk of patronage and the extraordinary powers of the Traditional Council which, if unchecked, could easily be abused.

6.9. CONCLUSION

This chapter traced the history of the of the institution of traditional leaders and how it contributes to governable spaces. Using the Foucauldian discourse of governmentality, it traced the impact of colonialism on this institution. The chapter then discussed spatial governmentality, looking at the importance of vernacular shelter and its association with culture, as well as discussing how the traditional communities engaged with shelter as a consequence of this relationship. The chapter also discussed how the post-apartheid state has positioned the institution of traditional leadership. It also discussed connections between customary and constitutional dichotomies and how these impact on dweller control and freedom to build. It further discussed gender and customary access. The next chapter looks at the role of the state and its formal processes in considering housing and development applications.

CHAPTER SEVEN: INSTITUTIONAL ASSEMBLAGES AND SELF-HELP HOUSING IN SOUTH AFRICA

7.1. INTRODUCTION

The preceding chapter discussed the role of the institution of traditional leadership in the production of governable subjects through self-help housing in eMaphephetheni. This chapter highlights different state institutions that are empowered to comment regarding the building processes of self-help housing in South Africa. This chapter traces the contesting and collaborative relationships between state institutions and other government agencies in the process of self-help housing development in South Africa, using the case study of eMaphephetheni in eThekwini Municipality. The chapter demonstrates that there is a multiplicity of institutions that act through representatives and agencies in the self-help housing processes in the peri-urban spaces. The researcher argues that through self-help housing processes, various institutions and agencies serve as disciplinary institutions in order to organise and regulate spaces. The type of power aims to form and guide the conduct and behaviour of self-help housing residents. The chapter questions the government's hegemonic but selective application of the law, when most requirements are overlooked in state-aided self-help housing. In interrogating the state power, this chapter draws from the work of Foucauldian scholars and institutionalists who have considered how the state produces power to construct and reconstruct legitimacy and illegitimacy.

The chapter starts by locating housing within a broad South African context, in particular citing the Constitution and housing policy. It then discusses the various techniques that the state uses to marshal self-help housing. It also discusses the various techniques in land management which the state orchestrates through land use management tools and procedures. The chapter further introduces parallel state apparatus tasked with regulating housing that lodge in the self-help housing space, competing for authority. The chapter demonstrates how this plays out in eMaphephetheni from a land use procedure point of view. It concludes by providing the highlights of the chapter.

7.2. THE LEGAL AND CONSTITUTIONAL BASIS OF SELF-HELP HOUSING IN SOUTH ARICA

This chapter locates self-help housing within a new form of South African legal framework that produced collective subjectivities born out of the transformative agenda. Housing is widely accepted as a human right (Hohmann, 2013; Sobantu, Zulu, & Maphosa, 2019). The 1996 South African Constitution states that everyone has the right to have access to adequate housing and that the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right (Constitution of the Republic of South Africa, 1996). In 1997 there was establishment of post-democracy legal rights which resulted in promulgation of the Housing Act, and later the comprehensive National Housing Code of 2000. These legal frameworks provided new forms of legal pluralism and opportunities to South Africans to draw collective rights from democratic constitutional parameters.

Landman and Napier (2010) suggest that the delivery of housing in post-apartheid South Africa is characterised by a combination of private sector, public sector and self-provided housing. In peri-urban spaces where there are traditional authorities two forms of housing delivery mechanism emerged: housing through private and state agencies. In the review of the performance of post-apartheid housing, observers revealed that while the Government has instituted numerous housing delivery mechanisms and the Constitution committed to equitable housing for the citizens, more than two decades after the advent of democracy a significant part of the population still does not have access to appropriate shelter (Noyoo & Sobantu, 2017; Statistics South Africa, 2017). Buthelezi (2005) revealed in her study in 2005 that there was steady success of owner-built housing in rural spaces, which comprised informal to moderately good-quality housing occupying land accessed through the traditional allocation system. The success of this delivery model is attributed to the mutual relations between the subjects and their respective traditional leaders, and also homogenous communities (Mamdani, 1996; Buthelezi, 2005; Noyoo & Sobantu, 2017).

The Rural Housing Subsidy was specifically introduced in the early 1990s to mitigate policy requirements related to tenure in areas under traditional leaders. It is actually a form of state-aided self-help housing mechanism as it affords beneficiaries some options in house construction, for example, deciding on the position of the house. The policy also affords beneficiaries options of service provision or building of houses or a combination thereof. The rural subsidy policy was premised on communal land tenure.

Figure 7.1: Housing delivery in the rural areas
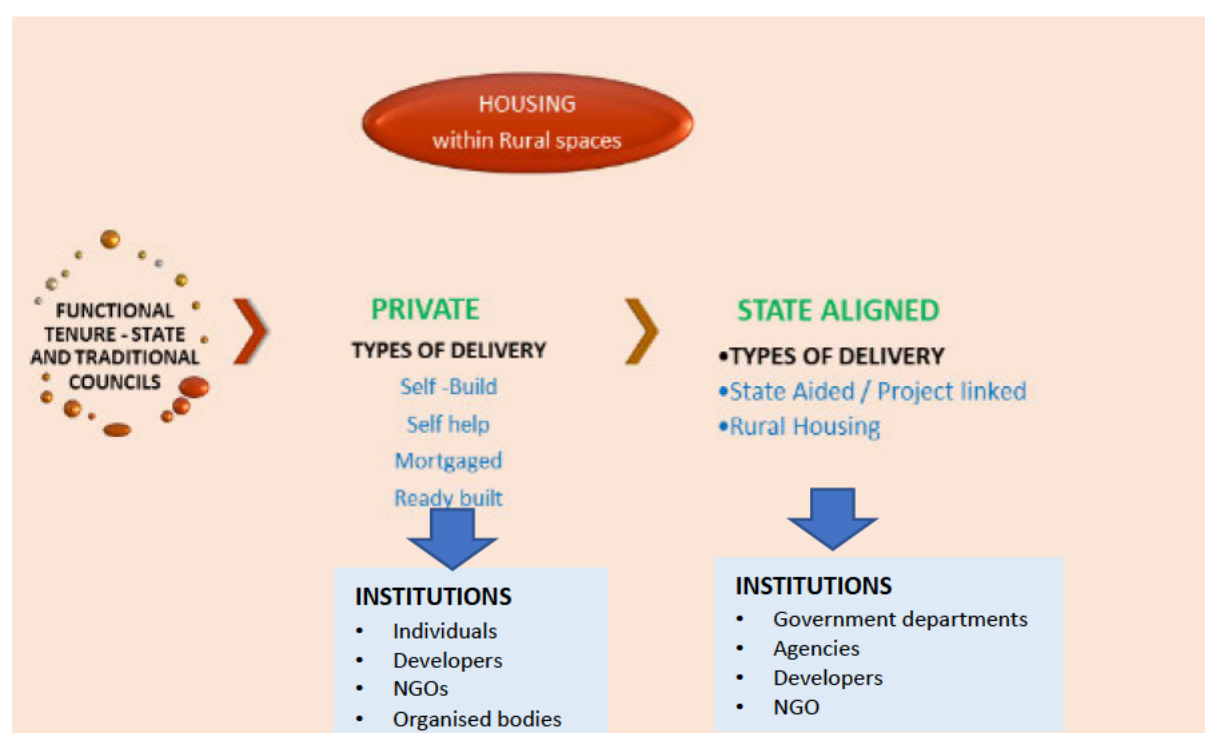
Source: Researcher's own fieldwork data and interpretation.

The initial rural housing pilot projects identified conflicts in roles and responsibilities between the traditional leaders and ward councillors (Nel, 2015). It was noted that traditional authorities were concerned about the ownership of the rural housing projects and the role that the traditional authority would ultimately play in the project (Nel, 2015). This indicates that the post-apartheid government was still faced with competing claims of authority. The rural housing programme was thus adapted to afford the traditional authority a legitimate role in the process of housing allocation and

further participation in the discussions around rural subsidy allocation within their areas (Myeni & Mvuyana, 2018).

Most recently other scholars, such as Mbatha and Ngcoya (2019), noted that the programme provides an opportunistic role to the traditional leaders who otherwise have no access to the necessary resources and tools to implement development. The seamless integration of Traditional Council practices and modern planning is one of the key challenges in the rolling out of rural housing, which must also enjoy the support of good infrastructure and amenities. Nel (2015) notes that not enough research has been conducted about customary practices in dense environments.

The South African Government controls and regulates the housing construction. Three legislative instruments are utilised in the process of housing oversight and management: the National Building Regulations and Building Standards Act of 1977 (Act No. 103 of 1977), Housing Consumers Protection Measures Act of 1998 (Act No. 95 of 1998) and Occupational Health and Safety Act of 1993 (Act No. 85 of 1993). The South African National Standards (SANS) are voluntary instruments that are usually linked to various municipal building by-laws. They have become the main yardstick for the evaluation of building standards in municipalities. Similar to the international experience discussed in Chapter Three, self-help housing is not entirely autonomous in South Africa. The state stakes its authority using the same three pieces of legislation highlighted above. In addition, there is parallel legislation brought to bear in different self-help housing contexts, as shown in the following table:

Table 7.1: Various legislative frameworks applicable to housing development

REGULATED ASPECT OF HOUSING	LEGISLATION
Planning of housing developments	- Environmental Conservation Act of 1989 (Act No. 73 of 1989) - Geoscience Act of 1993 (Act No. 100 of 1993) - National Environmental Management Act of 1998 (Act No. 107 of 1998) - National Heritage Resources Act of 1999 (Act No. 25 of 1999) - National Environmental Management: Protected Areas Act of 2003 (Act No. 15 of 2003)

REGULATED ASPECT OF HOUSING	LEGISLATION
	• National Environmental Management: Biodiversity Act of 2004 (Act No. 10 of 2004) • National Environmental Management: Integrated Coastal Management Act of 2008 (Act No. 24 of 2008) • National Environmental Management: Waste Act of 2008 (Act No. 59 of 2008) • Spatial Planning and Land Use Management Act of 2013 (Act No. 16 of 2013)
Design and construction of homes	• National Building Regulations and Building Standards Act of 1977 (Act No. 103 of 1977) • Housing Consumers Protection Measure Act of 1998 (Act No. 95 of 1998) • Occupational Health and Safety Act of 1993 (Act No. 85 of 1993) • Construction Industry Development Board Act of 2000 (Act No. 38 of 2000) • Consumer Protection Act of 2008 (Act No. 68 of 2008) • National Regulator for Compulsory Specifications Act of 2008 (Act No. 5 of 2008)
Safety of constructed homes	• Occupational Health and Safety Act of 1993 (Act No. 85 of 1993) • Pressure Equipment Regulations of 2009 • Electrical Installation Regulations of 2011 • Electrical Machinery Regulations of 2011 • Construction Regulations 2004, National Building Regulations and Building Standards Act of 1977 (Act No. 103 of 1977) • National Building Regulations
Provision by the state of housing	• Housing Act of 1997 (Act No. 107 of 1997)

Source: Researcher's own compilation from fieldwork data.

One interesting finding of this study from documentary analysis was that numerous municipal building by-laws are shaped and underpinned by the National Building Regulations and Building Standards Act No. 17 of 2007, which serves as a monitoring and management tool for new buildings. This legislation requires registration of all new homes with the NHBRC. It exempts certain categories, like RDP houses, but an application for this purpose (exemption) is required. There are also numerous possible exemptions in much of the legislation which also must first be applied for. This includes exemption of the owner of building from the obligation to submit a plan to the local authority for approval. The Act uses the concept of 'enrolment' to define registration processes, where it considers 'enrolment' as the submission by a home builder of a request for a particular home to be entered into the records of the Building Council and the completed acceptance thereof by the Council. It also stipulates and requires that all building plans must be submitted by a 'competent person' who is professionally registered in terms of the Engineering Professions Act, the

Architectural Professions Act, or the Natural Scientific Professions Act. So unless the self-builder is a qualified architect, engineer, designer or somebody specifically with the requisite 'education, training, experience and contextual knowledge' to judge whether a dwelling will meet the functional regulations, they will not be considered a competent person eligible to handle house designs.

It emerged from fieldwork interviews with municipal officials that because of incorporation of this into the building procedures of most municipalities, the law applies even to peri-urban spaces where there is dominance of traditional areas. It was revealed through interview data that it is the responsibility of a new owner to submit building designs for a new building. The local government as a planning authority has a significant role to play in the process of self-help housing, and a starting point for a building process is the land use consent. The Spatial Planning and Land Use Management Act (or SPLUMA) as a spatial technology of power gives effect to land use applications, and the next section will unpack the application of the legislation within the municipal space.

Even where the self-builder complies and submits the building plans, the municipal processes are not in sync with an incremental self-help building process, which by its nature is dependent on the gradual availability of resources and funds. Findings from municipal interviews revealed that any authorisation that is granted lapses after the expiry of a prescribed period, and if the erection of the building has not commenced, except where a further extension has been requested (this is discussed in further detail in the next sections of this chapter)

One way to look at approvals and building plans is that citizens are being mobilised to take greater responsibilities in ensuring building safety. Similar to the situation in Third World countries, there are many defiant voices that see the imposition by the state as unnecessary for many categories of lower-end self-help buildings. It also emerged through documentary analysis that in terms of the National Building Regulations and Building Standards Act No. 17 of 2007, any property with buildings

erected without municipal approval is a property with a latent defect. This is an aggressive interpretation of the law which may prejudice a self-builder who has insured a property, in the event of claim disputes. Interestingly, while the law supposedly applies across the board, in traditional settlements the submission and approval processes are not always clear – and even where they are in place, they are not always fully understood or appreciated.

According to the building plan regulation, section 10.2 of the Housing Consumers Protection Measures Amendment Act, No. 17 of 2008, no home builder shall construct a home unless that person is a registered home builder. Municipal officials argued that for fear of political ramifications, there has been very little effort in the last 10 years, from the amendment of the Housing Consumers Protection Measures Act, to deepen and enforce the application of its provisions in the traditional settlement areas. They noted that this would have required careful navigation of all leadership protocols before workshopping with the communities that reside in these areas. The Act also gives a responsibility to an owner-builder as a person who builds a home for occupation by him-/herself. The Act further mobilises an owner-builder to take responsibility to apply for exemption from the Housing Consumer Protection Measures Act with the NHBRC. In the consideration of either exemption or registration, consulting the 'experts'[20] is made a responsibility of the applicant, who has to prove and display the appropriate financial, technical, construction and management capacity to construct the residential unit.

On the one hand, one can argue that this can be an onerous requirement as people who normally build in peri-urban and rural settlements have neither the formal registration nor expertise to be considered in terms of this requirement. On the other hand, it is arguably another form of control which can be exercised through agency agreements and enforced through local government. In terms of the Housing Consumer Protection Measures Act, home builders are 'owners' if the land is in their name. This may offer some reprieve to the traditional communities in the context of

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[20] Additional professional members that will be involved in the construction process.

Ingonyama Trust land, where land is owned by the King. However, depending on the ultimate legal interpretation, the extension of ownership through PTO and registerable leases may still be construed as ownership. A home builder can be a building contractor who contracts to build a home, or a developer. Overall, this arrangement mobilises a new form of subjects who are to take responsibility for their own well-being and that of others. It reinvigorates the functioning of the state, encouraging the responsibility of self as a neoliberal governmentality rationality.

The South African Bureau of Standards (SABS) is responsible for compiling and maintaining all the South African National Standards (SANS) that relate to the building and construction industry. The SANS are coded with a suffix number and the principal one is SANS 10400. SANS 10400 is divided into numerous sections covering issues of structural design, dimensions, public safety, foundation, walls, roofs, and related building safety aspects. There are other SANS that must be adhered to when building and building inspectors around South Africa are mandated to enforce compliance. A SANS standard may be either locally written or created by adopting an International Standard Organisation (ISO) benchmark. There has been greater effort to align the specifications by SANS with those developed internationally, especially the ISOs. The following figure provides an overview of the building SANS that are generally adopted and enforced by the municipalities.

Figure 7.2: Various aspects of SANS 10400 Regulations.

The SANS involve an assemblage and cooperation among the different stakeholders in the process of self-help housing. Governmentality theorists are of the view that for society to be what it is today, it underwent a transition from direct state control to indirect methods, where direct hierarchical state regulation was replaced by more discreet methods of governance as the state diffuses some of its authority to different agencies (regulatory and advisory), as well as the public and private sectors (Dodson, 2006). The next section considers the techniques often applied by the authorities as strategies to marshal indigenous practices along the modern planning trajectory.

7.3. TECHNIQUES OF FORMALISATION OF SELF-HELP HOUSING

This section introduces various instruments that the state and local governments employ to exercise control in housing. It also discusses how this is applied by eThekwini Municipality in areas within its jurisdiction. It specifically focuses on the peri-urban areas that fall under traditional leaders.

7.3.1. Governmentality through calculative technology

According to Lemke (2007, p. 7) state agencies produce and proliferate forms of knowledge that enable them to act upon the governed. He further classified that governmental technologies denoted a complex of practical mechanisms, procedures, instruments, and calculations through which authorities seek to guide and shape the conduct and decisions of others in order to achieve specific objectives. These technologies include (Lemke, 2007, p. 7):

> "… methods of examination and evaluation; techniques of notation, numeration, and calculation; accounting procedures; routines for the timing and spacing of activities in specific locations; presentational forms such as tables and graphs; formulas for the organization of work; standardized tactics for the training and implantation of habits; pedagogic, therapeutic, and punitive techniques of reformulation and cure; architectural forms in which interventions take place (i.e. classrooms and prisons); and professional vocabularies."

Foucault (1982), as a pioneer of governmentality, postulated that 'power' does not simply or only reflect the nature of relationships, it is also used to modify the actions of others. He referred to actions that modify the field of possible actions available to others. Li (2005, p. 384), critiquing the work of Scott (1998), commented that the:

> "… state and its bureaucratic apparatus is portrayed with an image of power spatially concentrated in the top echelons of the ruling regime, from which it spreads outward across the nation, and downward into the lives of the populace."

The space is central in the exercise and distribution of this control. As Lefebvre (1974) argued, there is nothing innocent about space. It merely responds to any dominant

form of control. The concept of calculative techniques is best understood within the framework of governmentality. Rose (1993, p. 288) argued that governmentality problematises life and purports to provide corrective measures:

> "It both extends the concerns of rule to the ordering of the multitudinous affairs of a territory and its population in order to ensure its well-being, and simultaneously establishes divisions between the proper spheres of action of different types of authority."

To realise state ordering, the state unleashes various forms of technology. Rose and Miller (1992, p. 183) argued that technologies of governance aim to establish a "multitude of connections … between the aspirations of authorities and the activities of individuals and groups". For such technologies to be administered by the state, knowledge and expertise production become crucial. This can be achieved in many ways, but a likely eventuality is the deployment of professionals around various disciplines who are mandated to exercise expert discretions as part of implementing the government's ordering mandate. Scott (1998) argued that development practitioners position themselves as experts who know how others should live. He further noted that experts collect and arrange data according to simplified grids, diagnose deficiencies, and devise elaborate interventions to bring about "desired improvement".

Scott (2002) notes that in the revolutionary urban planning of cities in the 1970s, Le Corbusier unleashed a strict, heavy-handed, result-driven, technocratic design approach, which he assumed would be well received by the public without question. Because of expert knowledge, his city models did not allow for public views, a mistake that was to cost him dearly. Certain practices become seen as more legitimate than others in terms of the knowledge produced, in and through the calculative practices (Rose & Miler, 1992). Li (2002) decries the practices that compartmentalise people and place them in boxes. According to Li (2002, p. 385), practices of planning and management position people as experts, or as targets of expertise; practices of mapping, census taking, and law making position people as residents of villages, bearers of rights, and members of groups; kinship practices position people in

gendered and generational hierarchies; and cultural practices mark ethnic boundaries and territorial entitlements.

There seem to be much more complex technologies and dynamics in rural spaces. Most recently, Popoola and Magidimisha (2020) considered Oyo state of Nigeria to understand the impact of planners on a rural space. They note that planning in rural spaces is often devoid of collaborative efforts between planners and the rural populace. It is a conception that portrays planning as a top-down intervention (Dalal-Clayton et al., 2013). Thus, rural dwellers have less awareness of planning activities. The imposition by the government has resulted in loss of the sense of rural planning across such a setting (Chigbu, 2013). As their suggested planning approach, Popoola and Magidimisha (2020) refer to Young's (2016) recommendation of responsiveness and sustainability. Furthermore, they recommended that planning must be framed along cultural lines, where planners adopt critical thinking towards solving spatial problems and constantly test ideas against culture and literacy. Popoola and Magidimisha (2020) also recommended alignment of local planning and that of other state agencies, while ensuring that the local authorities are in the driving seat. They also suggest the need to embrace efficient and effective communication technology.

7.3.2. Spatial governmentality in the context of local government

The intention here is to specifically highlight the experience of eThekwini Municipality regarding spatial governmentality, how it exercises its calculative responses in the administration of land use, and importantly how all of this eventually impacts on self-help housing processes.

7.3.2.1.   EThekwini traditional areas and municipality discord

The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) is a significant contemporary land use management tool in South Africa. It redefined how land management unfolds in South Africa. The legislation aimed to develop a new

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framework to govern planning processes and approvals. It gives effect to consideration of all building applications by local government. Section 3 of SPLUMA indicates that it strives to develop a "uniform, effective and comprehensive system" of planning that "promotes social and economic inclusion". SPLUMA specifically seeks to foster uniformity and an expansive municipal planning footprint. In this regard, Section 7 (a) (ii) notes that MSDFs and policies at all spheres of government must address the inclusion of persons in areas that were previously excluded, with the emphasis on former homelands and traditional areas. This principle suggests that municipal planning instruments must be extended to apply in informal settlements and areas under traditional leadership. This shows that the law plays an important role in that it constitutes, organises and legitimises the positions of authority of governing agents and governance activities.

Since its promulgation in 2013, there have been ongoing debates about the powers assigned to deal with traditional settlements (Sekonyela, 2014; Berrisford, 2015; Maluleka, 2017). The powers of Traditional Councils in relation to planning and land use are governed by Regulation 19 (1) and (2) of SPLUMA, which reads as follows:

> "A traditional council may conclude a service level agreement with the municipality in whose municipal area that traditional council is located, subject to the provisions of relevant national or provincial legislation, in terms of which the traditional council may perform such functions as agreed to in the service level agreement, provided that the traditional council may not make a land development or land use decision 19 (1). (2) If a traditional council does not conclude a service level agreement with the municipality … that traditional council is responsible for providing proof of allocation of land in terms of the customary law applicable in the traditional area to the applicant of a land development and land use application in order for the applicant to submit it in accordance with the provisions of the Regulations."

In essence, these provisions allow a municipality to collaborate with a Traditional Council with a view to extending certain land management powers and functions currently vested in the municipality. In cases where the municipality does not conclude this type of agreement with a Traditional Council, the Traditional Council would be required to provide proof of land allocation in terms of customary law. This may arguably be a reciprocal clause which is also provided for in the Traditional Leadership and Governance Framework Act 23 of 2003, where it states that:

"(4) A traditional council may enter into a service delivery agreement with a municipality in accordance with the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), and any other applicable legislation."

One of the important findings from the fieldwork was that there are many incongruities with the structure and approach of SPLUMA. Central to this, as a successor of numerous Western-based land use legislations, is the issue of rights. As was noted in Chapter Six, controlling and managing land resources in the African context does not rest with a single agency, but diverse ones, with the state retaining the responsibility to govern from a distance (Du Plessis, 2011; Claassens, 2013; Winkler, 2019). The study also learnt from various documentary articles that many traditional leaders don't want local government moving into their sphere of land management operation, and therefore feel that the service level agreement envisaged in SPLUMA is not only irrelevant but also suspicious.

Nel (2011) highlights the interrelatedness of land use management with land tenure systems which link with determination of the use of land. This is the basis for collision and contestation between local government and the institution of traditional leaders (Nel, 2015). Under this neoliberal governmentality of rule, some municipalities have attempted to exclude the submission of building plans for houses within the traditional areas. For example, in Umhlathuze Local Municipality, SPLUMA by-law section 28.5 expressly excludes housing applications from the traditional settlement areas (uMhlathuze Municipality, 2017). However, this exemption may not necessarily absolve the self-builder from other provisions of national legislation like the requirements of the NHRBC. SPLUMA is national legislation and it provides for local government to adopt an aligned local by-law. Some may view SPLUMA as a subtle backdoor technique of resolving longstanding issues of power and function between the state and the traditional leaders.

Nel (2011) raises questions about whether Traditional Councils can legally be granted land use powers when these are not specified in the Constitution and other overriding legislations, like the Municipal Systems Act of 2000 and the Municipal Structures Act of 1998. The intention of the legislation is to harmonise the working relationship

between the municipalities and the Traditional Councils. The agreement would effectively mean that the municipality takes the 'partner' into confidence on the systems and associated calculative technologies used to give effect to the agreement.

In this regard, spatial planning tools like maps, plans and perhaps GPS instruments are at the core of the implementation of land use management. The ability to read, interpret and translate land use information to real ground positions requires a level of training. Admittedly, while the aptitude and educational backgrounds of traditional leaders are not the same, there has been a notable improvement in their general training in the last 15–20 years, owing to various training programmes and courses often facilitated by government. However, such training is not always extended to the headmen, who are at the coalface of land management. One can argue that a meaningful service level agreement would require instruments like maps and GPS tools so that assigned land rights are geo-referenced back to the municipal Land Management System. This is crucial in the ongoing updating of municipal data systems.

One interesting finding was that this issue is not entirely about the traditional leaders adapting towards municipal land management practices. Rather, local government equally needs to adapt, as provided for in section 7 (a) (iv) of SPLUMA, which advocates the appropriateness and flexibility of planning frameworks and instruments in management of the traditional settlement areas and informal settlements. It is common cause that officials will be reluctant to deviate from the normative urban planning approaches, because of fear of being unpopular and uncharted territories; however, if new approaches have to succeed, all parties have to shift slightly from their current positions of comfort. It emerged from other scholars that this is a common phenomenon in planning in Toronto, as noted by Luo (2019, cited in Popoola and Magidimisha, 2020). This author was commenting on rural planners, and cautioned that if planners are to implement their neighbourhood plans successfully, they must be willing to execute their roles as negotiators and mediators taking into consideration the culture of the people, the rural setting and leaders, and also mediating with the people for a sustainable rural settlement. Similar to other legislative pieces, through its

comprehensive compartmentalisation of clauses SPLUMA positions the administrators as 'experts who must guide the process". Li (2005) is hesitant about experts who not only aim to direct people's conduct without a democratic mandate, but also define what counts as development and how it can be achieved. One can argue that there is a need for an appropriate shift in mind-set among the government functionaries (and private technocrats) in their approach to the planning of traditional settlements. The next discussion explores a closer application of SPLUMA within the context of the traditional settlement in the eThekwini Municipal area.

7.3.2.2.   *Locating self-help housing within eThekwini planning approval*

According to Lemke (2007, p. 7), state actors and agencies use "inscription devices" such as statistical accounts, scientific reports, architectural plans, bureaucratic rules and guidelines, surveys, graphs, and so on to represent events and entities as information and data for political action. It was revealed through interview data from municipal officials and documentary analysis that eThekwini Municipality introduced its Spatial Planning and Land Management (SPLUM) by-law in 2016 to give effect to the national SPLUMA legislation. It was envisaged in the National SPLUMA legislation, Clause 79 of eThekwini SPLUM by-law seeks to define a working arrangement with *amakhosi* within the municipal area of jurisdiction. In the first instance, 17 *amakhosi* are part of the municipality's extended structure, in line with section 81 of Municipal Structures Act. As highlighted earlier, the SPLUM by-law also refers to a service level agreement with a traditional authority with regard to processing land development applications. The by-law further states that in the event that the municipality concludes a service level agreement with the traditional authority, as contemplated in subsection (1), that traditional authority must carry out its functions in its area in accordance with the provisions of the service level agreement. It further requires that where a land development application or an application for the allocation of land has been made to the traditional authority, the traditional authority is responsible for informing the municipality and providing proof of the allocation of land rights in terms of the customary law applicable in that traditional area, in order to promote economic growth, social inclusion, efficient land development, with minimal impact on public health, the

environment and natural resources, and in accordance with the development principles of SPLUMA.

Figure 7.3: Traditional areas under eThekwini Municipality.
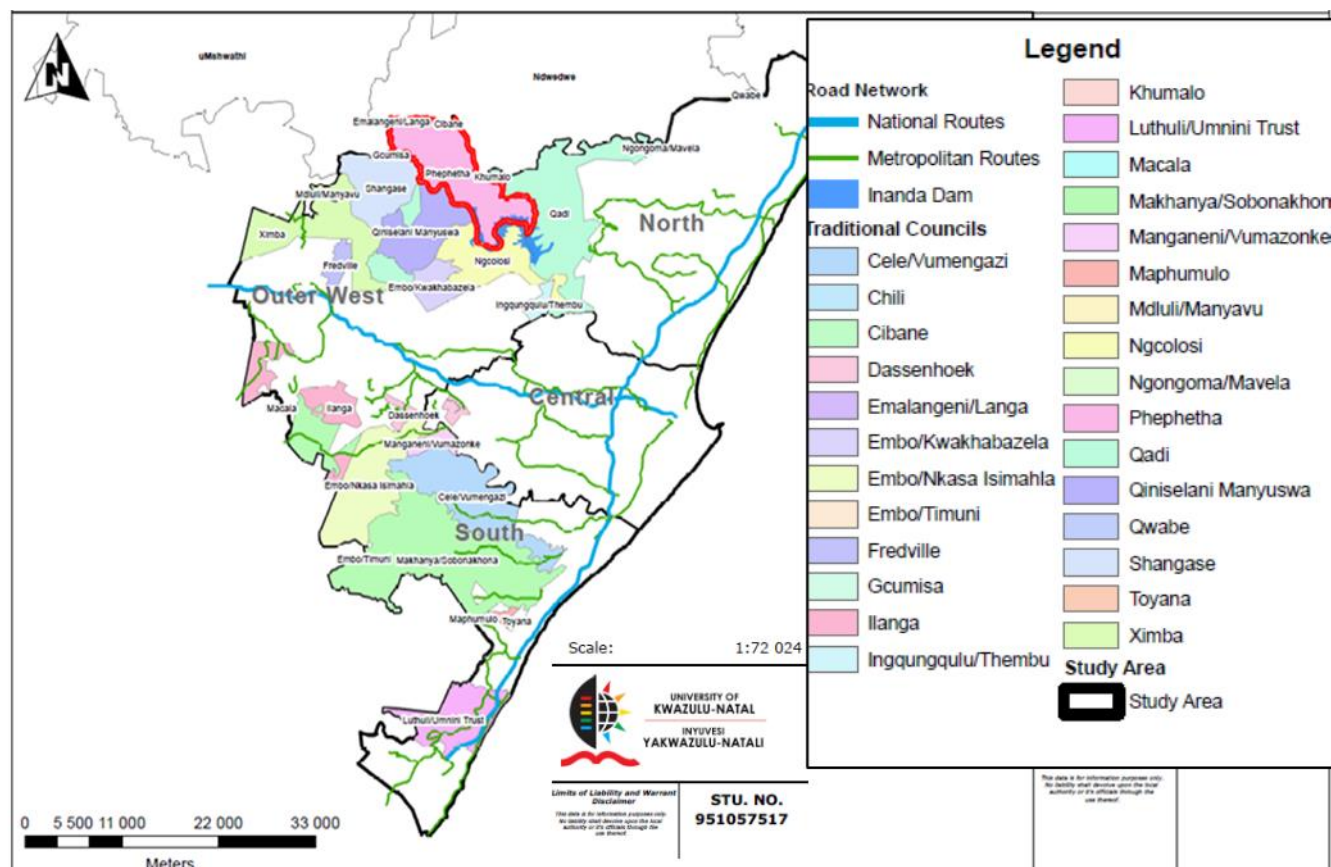
Source: Researcher's own fieldwork data.

This neoliberal governmentality is made up of calculative devices and distributed agency within an assemblage. For example, it emerged that there are many other players that use their legislative tools, e.g. the Subdivision of Agricultural Land Act controls the subdivision of and, in connection therewith, the use of agricultural land. Likewise, the National Environmental Management Act provides for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, and institutions that promote cooperative governance and procedures for co-ordinating environmental functions exercised by organs of state, to provide for certain aspects of the administration and enforcement of other environmental management laws. Through interviews with municipal officials,

traditional council representatives and documentary analysis, this study, revealed that there are currently no measures in place around this 'service level agreement'. Secondly, there are no enabling instruments to give effect to such agreement, even if it was signed, such as trained local planning champions within the traditional settlements. It was revealed that *Amakhosi* are grappling with locating their settlement areas within the complex layers of municipal plans which are constantly developed as part of compliance.

The MSDF is a governmental technology that guides the overall spatial distribution of current and desirable land uses within a municipality. The MSDF technology was introduced as a means to promote sustainable, functional and integrated human settlements, maximising resource efficiency and enhancing the regional identity and unique character of an area. It further provides the basis for levels of planning, like the Local Area Plan and Precinct Plans which are typically more localised in their focus. The significance of the MSDF to self-help housing cannot be underestimated, as it becomes the basis of most land use decisions made by the municipality (including future infrastructural upgrades) and therefore constantly requires the attention of the Traditional Councils. It emerged that such attention is crucial, because the SPLUM by-law does not ordinarily approve anything that is in conflict with the MSDF. This highlights the complexity in local governance and the significance of alliance among diverse actors which are a product of post-apartheid neoliberal governmentality. This new form of governing requires that *amakhosi* should constantly ensure that their long-term plans feature in the MSDF. The figure on the next page locates the study area within the context of the MSDF considerations and planning layers.

Figure 7.4: eThekwini Outer West Spatial Development Concept Plan locating eMaphephetheni.
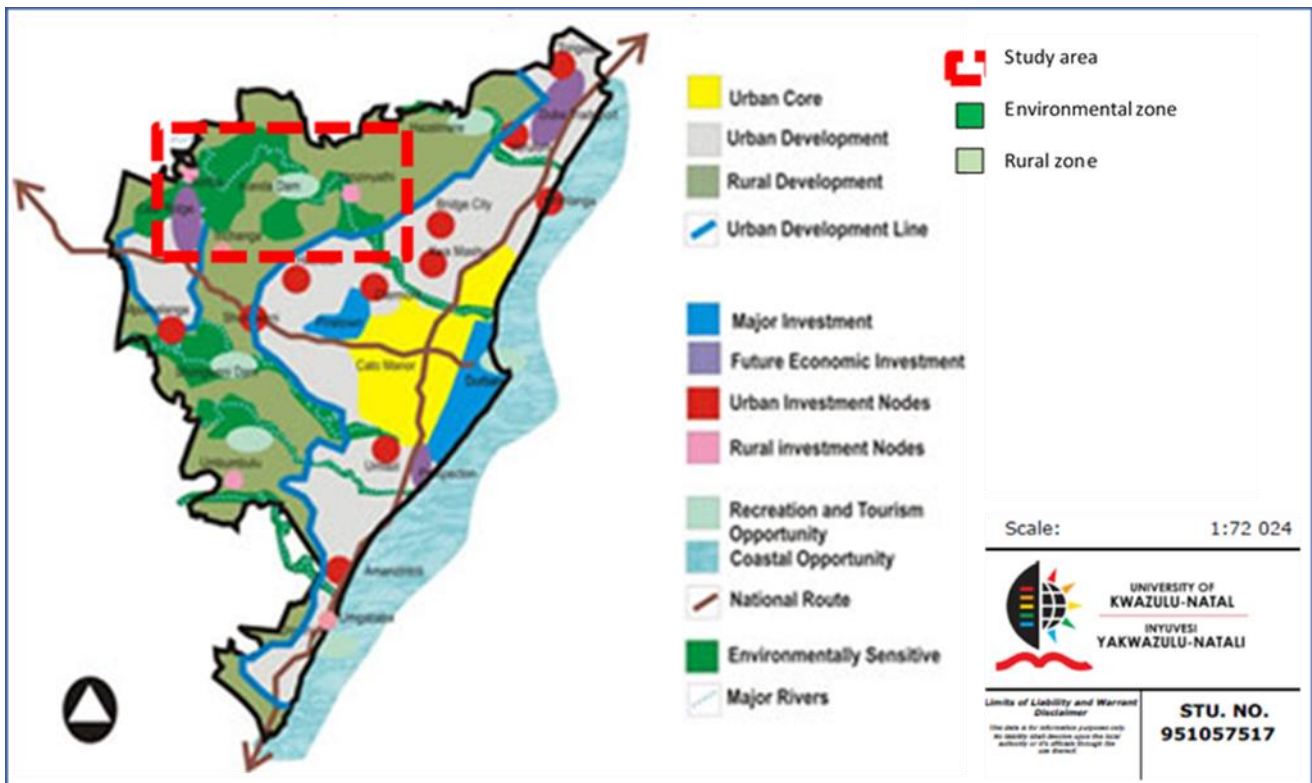
Source: eThekwini Municipal GIS website (2017).

The biggest challenge with many planning technologies like the MSDF is that planning takes place within a rigid process that is time based. This excludes the dedicated participation of stakeholders. Over the years the municipality has often taken a very conservative planning approach with regard to the planning detail covering the traditional settlements, i.e. not showing sufficient guiding detail for these areas. Furthermore, the traditional settlement information tends to provide a broad brush, environmentally biased layer that does not reflect the situation on the ground. It leaves the application of MSDF very broad for decision making. Secondly, by their rural nature, the traditional settlements have very low-intensity developments. The point being made, however, is that if a MSDF has to provide meaningful guidance to the Traditional Council (through a service level agreement or otherwise), it needs to show various broad land uses, e.g. varied levels of agriculture, environment, etc., and not just a single level. This is crucial in guiding the ongoing allocation of spaces to critical land uses like housing. Short of this, these planning techniques are themselves self-defeating in the context of rural spaces. This section only introduced snippets of

planning inconsistencies – there are others that a self-builder has to respond to, as clearly shown in the next section.

7.3.2.3. Calculative practices emerging from eMaphephetheni

The municipality relies on the neoliberal rationalities of the national government and their calculative practices to govern rural spaces, especially those that can produce new capacities and spatialities for individuals and social groups. One interesting finding of this study is that clause 11 (7) of eThekwini Municipality's Spatial Planning and Land Use Management by-law of 2016 makes provision for various land management mechanisms within its area of jurisdiction. The by-law is effectively being extended as a machinery of power for exercising control over the municipal jurisdiction. In specific terms, the municipality uses the land use scheme for zoning and development control. This means that it operates as a ruling apparatus, as it assigns potential development rights to public and privately owned land.

It was revealed that clause 16 (1) gives rise to technologies and apparatus of transformation of institutions and many people's lives. As pointed out, an adopted land use scheme has the force of law, and all landowners and users of land, including a municipality and any organ of state, within the municipal area are bound by the provisions of such a land use scheme. Moreover, Section 14 (1) highlights that the Municipal Council must, after public consultation, adopt a land use scheme for its entire area within five years from the commencement of SPLUMA. The word 'entire' is crucial here, as it covers all the traditional areas within its jurisdiction. Technically, therefore, there should and could, in the near future, be a scheme regulating land use in eMaphephetheni. The question is whether the Traditional Council and self-builders are aware of yet another added layer of governmentality, already gazetted through the by-law and only awaiting commencement. Evidence from the study suggests otherwise.

One notices that the current operational measures of the by-law permeate in a way that produces conflict and flaws in the traditional system. For example, Section 21.1 of eThekwini SPLUM by-law directs the process of submission of applications. Here the by-law specifically indicates that no person may commence, carry on or continue with any land development without prior written approval having been granted by the municipality as the authority of first instance. This means that the by-law has been able to recast relationships between the governing and the governed, producing spaces for planned intervention and processes. The study found that any person who wishes to commence a land development application must submit a variety of documents with the support of different experts who claim their legitimacy through different bodies of knowledge. For example, an applicant should submit architecturally drawn designs, estimated glazing proportions, a certified copy of a trust deed, letter of authority, etc. This shows that the applicant has the mammoth task of tapping into a knowledge networks, becoming a responsible agent and being engaged in information profiling in order to meet the requirements. It is a reality that an assemblage of actors are required to intervene in the life of an applicant as 'expert professionals', such as engineers, architects, and entomologists, who themselves rely on certain information and knowledge to carry out their functions.

In the context of copies of title deeds and owner's consent, it was revealed that all this information is in the custody of the ITB, which is the landowner in the case of eMaphephetheni. It is near impossible for an unsophisticated applicant from eMaphephetheni to tap into this information without incurring huge travel and consultation costs. The municipality is well aware of these complexities, which is perhaps why it contemplated some delegation of power to the Traditional Councils within its area of jurisdiction. It emerged from an interview with a municipal official from a building section responsible for evaluation of building plans that techniques of control are applied to manage risks. In essence, when a building plan is submitted it gets evaluated against SANS 10400 requirements, which are an attempt to promote responsibility from the applicant. It was noted that these requirements include details of the extent of glazing, site information to be shown on the plan, material to be used, safety and fire information, roofing, etc. The following comment from a municipal

official shows the difficulty of standardisation and the flaws of the current system in the traditional areas:

"…I will be honest, in the last 10 years that I was working in this region only two applications were received from eMaphephetheni. Even these could not be properly evaluated because of conflicting and impossible frameworks" (Interview with Municipal Official, 3 October 2018).

This utterance of this municipal official opens the discussion of how the respondents understood the role of the municipality in the context of building plans. The current study found that the majority of owner-builders were not aware of the municipal requirements for the drawing and submission of building plans, and of the need to hire and procure qualified professionals to prepare for these requirements. Such requirements were all denounced by a headman during an interview as follows: "This is all crazy. Where do they think poor people will get money to source all of this for compliance?" (Interview with Headman, 10 May 2019).

One interesting finding from an interview with the building inspectorate in the Hillcrest and Winklespruit Sizakala centres[21] of the municipality was a scenario involved in an application to secure a residential lease for land from Ingonyama Trust Board. This requires completion of two separate forms, namely ITB 1, which is completed by the applicant, and ITB 2, which is dealt with by the Traditional Council. As part of ITB 1, section G of the form requires information on compliance of intended use with the municipal plans. According to the municipal official, they receive these forms and verify intended usage against broad municipal plans, and in most cases there is an affirmative response. However, in further interrogating this issue with ITB, they indicated that this is not a requirement at all for residential sites. It is therefore an unnecessary onerous layer, as the applicant has to be assisted with the whole application process. It could in theory open a possibility for some form of interaction with the municipality, and requires further practical proposals.

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[21] Localised municipal service centres dispensing integrated municipal services.

These inconsistencies demonstrate how calculative practices are used to achieve spatial ordering, and how eMaphephetheni residents can potentially experience reproduced divisions between the spheres of different types of authorities.

When a building plan is drawn and submitted for assessment by the building inspectorate, it is important to evaluate its siting conditions. This requires some level of geo-referencing in respect of the proposed position of the building, which can be done through land survey. This adds to costs. However, when a plan is drawn it also needs to be shown relative to the boundary of the neighbours, the biggest challenge being the boundaries. The closest that can be shown, which was picked up from eThekwini's GIS system, are PTO/lease boundaries. The problem with these is that they are irregular shapes owing to following natural boundaries and landscapes during the original allocation and identification. The second challenge is the fact that these boundaries are outdated. They still show enormous land parcels which have already been allocated (subdivided) to new occupants. In this regard they do not reflect the reality on the ground and building drawings cannot really be designed with reference to these.

Figure 7.5: eMaphephetheni map showing leases/PTOs.

Source: Ethekwini Municipal GIS (2019).

It emerged that traditional settlement residents who are involved in a process of self-help housing have a responsibility to ensure that they comply with the Housing Consumers Protection Measures Act No. 95 of 1998. This Act serves as a technology of power where the capacity to be responsible is being inculcated to self-help housing subjects, in the sense that this legislation makes provision for the compulsory enrolment of new buildings. Drawing from governmentality studies literature, these practices can be interpreted in different ways. This legislative framework triggers the application of punishment by way of gazetted sanction and risk management through classification as latent defects, more specifically if an owner builder fails to oblige. As highlighted earlier, it is also more evidence of imposition of ordering experts. The National Building Regulations define a competent person[22] as follows:

> "… a person who is qualified by virtue of his education, training, experience and contextual knowledge to make a determination regarding the performance of a building

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[22] The definitions for competent persons are made context-specific in the different parts of SANS 10400, where specific types of professional registrations and contextual knowledge requirements are specified.

or part thereof in relation to a functional regulation or to undertake such duties as may be assigned to him in terms of these regulations."

Overall, through accounting practices owner builders are assembled as agents who must actively participate in and contribute to the development goals of the municipality.

Part of governmentality strategy is to create a sense of a willing and responsible citizen. While enrolment and submission are compulsory, the Act makes some exceptions for owner builders. It is noted that an owner builder has a responsibility to apply to the council for exemption from enrolment. In this case a municipality or a council should be understood as a disciplinary institution which is endowed with the authority to relax and suspend disciplinary action against risk takers. This assumes that an owner builder is aware of this prerogative and knowledgeable about the Consumers Protection Measures Act and its requirements. The most surprising finding from those interviewed in this study was that no-one knew anything about the requirements and provisions of the Act. Another unexpected finding was that even representatives of the traditional leadership were not informed of the requirements and provisions of this technology of power for housing development, even though they are responsible for the allocation of land for self-help housing in the peri-urban spaces. Chapter Six found that under this neoliberal rationality of rule the traditional leadership serves as a major contributing institution for the increase of housing development in the peri-urban spaces.

Table 7.2 shows that out 20 respondents who participated in this study and are involved in self-help housing development, only six of the self-help builders used independent unregistered builders in the process of the construction of their homes. An interesting finding was that 13 of the respondents were not even aware of their builders' registration status, as this was not an issue for them. These owner builders were far from deploying techniques which are advocated for by the NHBRC and Housing Consumers Protection Measures Act No. 95 of 1998. These choices were made by the self-help respondents owing to the marketability of such builders in the area. The rest had to do with BNG houses, which they 'presumed' utilised registered

builders since the municipality drove the process. It is a response to be expected, as most of the local housing products in eMaphephetheni appear to either incorporate elements of vernacular architecture or are totally rondavel design driven. This kind of skill is unlikely to be found within the NHBRC. Table 7.2 below highlights the use of registered builders while figure 7.6 demonstrates the common housing product.

Table 7.2: Responding on the use of Registered Builders

WAS YOUR BUILDER REGISTERED WITH NHBRC?	SELF-BUILDER
Yes	1
No	6
Don't know	13
TOTAL	20

Source: Researcher's own fieldwork data.

Figure 7.6: Common house design style.

Source: Researcher's own fieldwork data.

Table 7.3. below indicates that 10 self-builders were responsible for the design of their houses with 7 relying on their builders to prepare house plans. It proves a common disregard or in all likelihood, unfamiliarity with the requirements of NHBRC and

Housing Consumers Protection Measures Act No. 95 of 1998 which stipulate submission of building plans and the role of qualified builders in interpreting and implementing such plans.

Table 7.3: Influence on self-builder design

WHO DESIGNED THE HOUSE	SELF-BUILDER
Myself	10
Architect /draughtsperson	1
Builder	7
Bought ready-made plan	2
TOTAL	20

Source: Researcher's own fieldwork data.

The SPLUMA regulations and the municipal SPLUM by-law suggest that a municipality may conclude a service level agreement with the Traditional Council located in that municipal area. They further suggest that where this is not done, the Traditional Council is responsible for providing proof of the allocation of land in terms of the customary law. In other instances, the municipality can delegate its planning responsibility to the traditional structure, only to establish layers of local elites who actually perform these land management decisions and not the official Traditional Council.

The issue of institutional and human resources giving effect to the various legislations is a matter of interest. The Housing Consumer Protection Act makes reference to inspectors who should criss-cross the country to ensure compliance. Section 19 (1) indicates that the Council (Consumer Council) shall appoint inspectors to enter into agreements or liaise with local government bodies or other bodies or persons for the inspection of homes, a mammoth task indeed. One interesting finding from a local headman was that no inspectors had ever been to the study area throughout his term of office, or at least since the promulgation of the legislation in 1998.

The municipal building inspectors can add a critical oversight and compliance layer to various municipal wards, and reading from the Consumer Act can be an extension of

its section 19, on an agency basis. They are also handy with on-site guidance that may be required by the builder. In this study the plan assessor at the municipality argued that there are no building inspectors allocated to eMaphephetheni. The rest of the traditional areas face the same challenge. The plan assessor (interview, 13 October 2018) in fact argues that "there are no arrangements for the processing of plans for the traditional areas and with this, it is futile to deploy building inspectors to the traditional areas". It appears that the uniqueness of the rural space with its dual governance renders the calculative measures by various state organs limited and inoperable.

7.4.   FINANCING THE BUILDING PROCESS

The construction of an individual house on a self-help basis is often done at the individual's pace and is dependent on affordability. This can be at odds with the time frames allowed for by the municipality, at least those relating to the commencement of construction. The municipal requirement is not geared towards incremental processes. While there are limited options for securing finance to build, e.g. some financial institutions (rural loans, etc.), it was established that owing to the complicated processes to access such, many respondents have had to rely on their own means and support from their extended families to construct houses. Table 7.4 indicates that financing the construction was achieved through the respondents' contribution or support from their extended families.

Table 7.4: Sources of finance of self-builders

WHO FINANCED THE DEVELOPMENT OF THE PROPERTY?	SELF-BUILDER
Myself	9
Family	9
Government	2
Bank/informal savings group/co-op	0
Other (specify)	0
TOTAL	**20**

Source: Researcher's own fieldwork data.

This is further corroborated by a related question that asked if there was any government subsidy at all towards the construction of the house. As per Table 7.5, 15 of 20 self-builders indicated there being no form of assistance whatsoever.

Table 7.5: Was any subsidy received

WAS ANY TYPE OF SUBSIDY OBTAINED FOR THE DWELLING UNIT?	SELF-BUILT
Yes	5
No	15
TOTAL	**20**

Source: Researcher's own fieldwork data.

This means that their construction process can be protracted. In this regard, even when the applicant has secured approval of the plan, most will be disqualified by commencement and/or reporting time frames. Access to building material is an added frustration to local builders, as the conventional building material is generally only available outside of the ward. According to the *Induna*, even though local material such as rounded rocks and thatch were the norm in the construction of the popular rondavel buildings, this has changed in the last 10 years, with community members electing to use conventional concrete blocks and iron sheets, which they have to procure outside of the ward. This was supported by the general response to the question seeking clarity on the type of materials used (Table 7.6).

Table 7.6: Materials used in building

WHAT ARE THE MAIN WALLING MATERIALS USED FOR THE HOUSEHOLD DWELLING	SELF-BUILT	STATE-AIDED HOUSING
Bricks	2	6
Cement block	13	3
Corrugated iron/zinc	0	0
Wood	1	0
Plastic	1	0
Mud	3	1
Total	**20**	**10**

Source. Researcher's own fieldwork data.

Most respondents confirmed that they get their building material from hardware shops in Hillcrest, which is geographically situated at least 15 km away from the study area.

This shows that self-help housing processes still take place within the vestiges of apartheid planning. There are added costs related to the transportation of this material if it has to be delivered to the site, and while the distance is not huge, added costs come as a result of difficult topography. Some building material is only sourced at competitive prices from Pinetown and Durban. The cost to deliver to eMaphephetheni is exorbitant owing to wear and tear pressures from the steep and undulating terrain. Figure 7.7 shows the responses received on where material is sourced.

Figure 7.7: Distances of adjoining centres
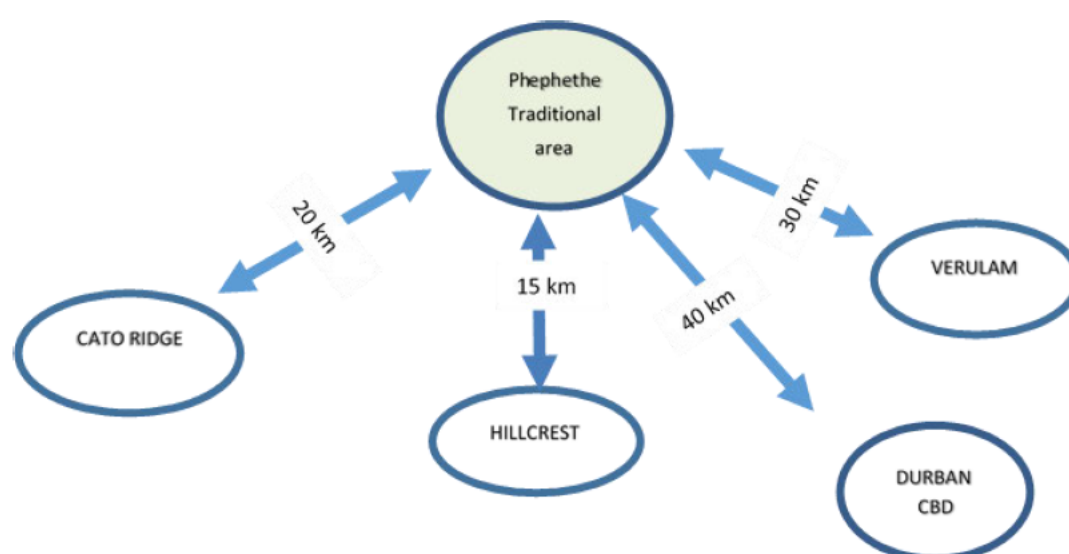
Source: Researcher's own fieldwork data.

Table 7.7: Procurement of building material

WHERE DID YOU BUY OR SOURCE MATERIAL TO BUILD THE HOUSE?	SELF-BUILT	STATE-AIDED	TOTAL
Hardware store outside the ward	20	6	26
Hardware store within the ward	0	0	0
Locally sourced material	3	0	3
Sourced by the contractor	1	0	1
TOTAL	**24**	**6**	**30**

Source: Researcher's own fieldwork data.

The study found that the building compliance, in line with municipal or NHBRC 'completion', is not simply achieved by having an approved plan. The 'approval process' is staggered and will only be realised at the completion of the building process

when all certificates are submitted. Such certificates include those for glazing, plumbing, roofing, electrical and others. These are only issued by recognised and competent professionals, and the installation of these services should undoubtedly be undertaken by qualified professionals. Such professional services come at a premium and are not always affordable to most residents. The following discussion seeks to provide an insight into hidden costs.

7.4.1. Taxation of the self-builder

The figure below illustrates various compliance hurdles brought about by the municipal and customary authorities which the self-builder has to navigate.

Figure 7.8: Building compliances brought about by different stakeholders
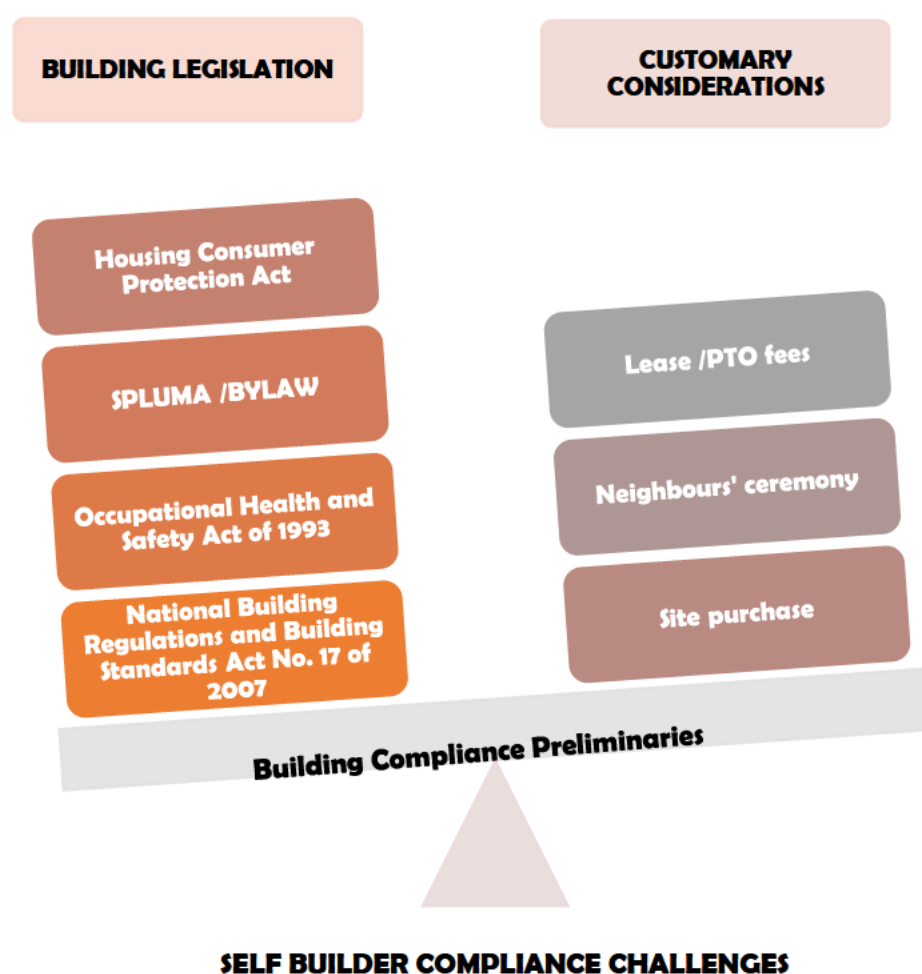
Source: Researcher's own fieldwork data.

In a series of explorations of the concept of governmentality, Foucault (1983, p. 220) adds a further dimension to the concept of governmentality as the "ability of those who govern to initiate and secure possible modes of action for the people who are governed and render such individuals amenable to control". There are numerous latent but voluntary taxes that the self-builder will eventually submit to. While the area remains sparsely settled, it is spatially committed one way or the other through extensive household parcels, communal parcels, and ultimately indirectly through the leadership of *Inkosi* Gwala. Inevitably, and although not recorded, the applicant is likely to enter into some informal transactions to trade against these rights. Officially, the applicant pays admission or *khonza* fees and foots the bill for the welcoming ceremony. In time s/he will be required to contribute to all levies and collections that are determined from time to time by the Traditional Council. Although there are no recorded cases of expulsion or eviction from the community, the threat and thought of this is strong enough to persuade residents to abide by the community decisions and rules.

In addition, saving to build a structure of your choice is one issue and of course is dependent on one's affordability. The savings required to comply with the prescripts of building laws is often underestimated. If one was to identify a typical 80 square metre house, the costs as indicated in Table 7.8 are likely to apply.

Table 7.8: Compliance fees associated with owner self-builder

COST ITEM	COMPLIANCE TRIGGER	ESTIMATED COST AS AT 2019
Appointment of registered draughtsman / architect	Professional Registration number / architectural compliance certificate (SACAP / IdoW0002)	R 12 000
EThekwini Building Plan submission fees based on 80 m2	Submission of plan	R 3 000
Competent Engineer to certify foundations	Completion compliance certificate	R 3 000
Plumbing inspection	Completion compliance certificate	R 2 000
Electrical certificate	Completion compliance certificate	R 3 000
Roof certificate	Completion compliance certificate	R 2 000
Copy of Surveyor General diagram	Cause to obtain Ingonyama lease agreement	R 1 000
Enrolment of building with NHBRC	Building procedure compliance	R 1 000
Additional possible hidden costs		

COST ITEM	COMPLIANCE TRIGGER	ESTIMATED COST AS AT 2019
Public advert in the event of relation or special consents	Position of structure	R 3 000
Rezoning	Municipal scheme or MSDF	R 20 000
TOTAL		**R50 000**

Source: Researcher's own fieldwork data.

A sad reality is that all of these are avoided with the option of the state-aided self-help structure, which is generally exempt from all of these requirements. These costs clearly deter an aspirant self-builder who may otherwise be willing to build using their own resources. It is also a direct indictment of the government's housing delivery policy, and seems to suggest that while there are backlogs and whereas the citizens may want to provide own houses, the 'system' will typically frustrate this effort in favour of the state providing structures.

7.5. CONCLUSION

This chapter demonstrated that the very premise of traditional systems and laws vis-a-vis those of constitutional democracy results in flawed cooperative governance. The Constitution is currently a non-negotiable basis for cooperation between the two systems. A self-help builder who finds him-/herself at the centre of these systems has to navigate compliance to the various building requirements, including the NHBRC legal instruments. SPLUMA is a relatively new, ambitious approach that seeks to eliminate the divide by instituting, among other instruments, service level agreements. Owing to polarised socio-political contexts, the practical implementation of the service level agreement appears far-fetched. The next chapter presents an overall conclusion to this research study. It reflects on and draws lessons from the entire research process. It also introduces a framework that could assist in the management of self-help housing in peri-urban areas.

CHAPTER EIGHT: CONCLUSION AND FUTURE RESEARCH AGENDAS

8.1.   INTRODUCTION

This thesis explored the roles of the state and traditional councils in self-help housing in the peri-urban spaces of eThekwini Municipality, using eMaphephetheni as a study site. It explored the extent to which the roles and power relations of the state and traditional council impact on self-help housing in the peri-urban spaces, considering the numerous post-apartheid land management and housing calculative technologies introduced against a backdrop of historical institutional plurality. The thesis has focused on the agency of the Government (national, provincial and local) and traditional council, as well as the linkages between them, and in particular on how they have contributed to reducing the housing backlog in the context of the institutional reforms and democratisation processes in the post-apartheid era. The thesis positions self-help housing as a centrepiece around which a multiplicity of actors and technologies converge, to illustrate the process of housing development in the urban edge.

The study findings, challenges and gaps in the implementation of self-help housing in peri-urban areas under traditional leadership were discussed in the previous chapters. The discussion was informed by the research objectives aimed at providing reliable and credible information in response to the study research questions. The aim was to contribute to the production of knowledge in the built environment (housing studies and planning discipline), and reduce gaps in the existing literature while acknowledging areas for future investigation. This chapter presents conclusions drawn on the roles of the state and traditional council in self-help housing in the peri-urban spaces. The discussion is also aimed at providing a framework that can promote integration and sustainability of self-help housing in the peri-urban spaces. This framework is the study's contribution to the currently limited knowledge on the alignment options of institutions impacting self-help housing in the peri urban areas. The chapter also draws the overall study to a conclusion.

The chapter highlights how the research drew from Foucault's concept of governmentality and interrogated theoretical claims around space, institutions, power and hegemony, with the intention of demonstrating how they are relevant and can help elucidate the complications that affect and influence housing policy. The thesis also provides a critique of neoliberal governmentality through the lens of self-help housing. The chapter provides a proposed framework to address the challenges associated with self-help housing in the urban edge of the city.

8.2. SUMMARY OF CHAPTERS

This study comprised eight chapters, which are briefly outlined below.

Chapter 1 provided an introduction to the entire study. It covered the background to the study, motivation for and justification of the study, the problem statement, the research problem, and objectives, and also outlines the theoretical framework. It further provided the justification for the study site.

Chapter 2 interrogated the theoretical foundations used in this thesis. It unpacked the theoretical works of key radical urban and critical geography theorists, as well as those of institutionalists. In this chapter terms and concepts drawn from prominent radical theorists Henri Lefebvre, Gramsci and Foucault, among others, were explained as well as how they are used in the study.

Chapter 3 provided an international perspective on self-help housing and its challenges in the developing countries. It further examined self-help housing as a concept and self-build as its derivative. The chapter defined and traced the history of the concept of self-help housing and its numerous derivatives. Secondly, it discussed the role of the state and the mandate that it has assigned itself through governmental intervention in the peri-urban spaces. Thirdly, using experiences from different countries the chapter highlighted the complex involvement of other actors in different tenure modalities.

Chapter 4 presented the research design and methodology used in the case study. This chapter further discussed how data were collected in order to successfully ensure their validity and reliability.

Chapter 5 expanded the discussion of settlement dynamics found in the peripheries as discussed in chapter 3, but specifically highlighted the South African urban rural trends. Through profiling this chapter drew on demographic information collected from self-help housing respondents at eMaphephetheni Traditional Council, which falls under Ward 2 of eThekwini Municipality, to explore some of the conditions and factors that have caused people to move and construct houses in eThekwini peri-urban areas. Therefore, the demographic information of respondents was located within the broader conceptual and theoretical frames, which also takes into consideration democratisation, decentralisation and functioning of institutions in peri-urban spaces.

Chapter 6 examined the effects of the powers of the state and traditional councils on the production of self-help housing in eMaphephetheni. It traced the historicity and the functioning of the institution of traditional leadership and its role in the production of self-help housing. The chapter discussed spatial governmentality and the role of vernacular architecture and its association with culture, as well as how the traditional communities engaged with shelter as a consequence of this relationship. The chapter also discussed how the post-apartheid state positioned the institution of traditional leadership, which in turn assisted them in reasserting and repositioning themselves in the local state and self-help housing in the case of eMaphephetheni. It also discussed the relationship between customary and constitutional vistas with respect to land tenure, gender and customary access to rights, and how this played out in eMaphephetheni self-help housing processes.

Chapter 7 traced the contesting and collaborative relationships between state institutions and other government agencies in the process of self-help housing development in South Africa, using the case study of eMaphephetheni in eThekwini Municipality. The purpose of the chapter was to bring to the fore dispersed practices of governing – management of households and families. The chapter demonstrated that there is a multiplicity of institutions aiming to act through free and autonomous individuals and agencies in the self-help housing processes in the peri-urban spaces.

The chapter questioned the government practices, given its ignorance of planning laws and other legislative frameworks made to function in the context of managing the self-production of houses. This chapter drew from the work of Foucauldian scholars and institutionalists in order to interrogate state power which was produced through the capacity to construct and reconstruct categories of legitimacy and illegitimacy. The chapter discussed the various techniques that the state uses to marshal self-help housing. It also discussed the various techniques in land management, which the state orchestrates through land use management tools and procedures.

Chapter 8 provides a summary of the research objectives and presents the conclusions of the study as well as considering recommendations for future research studies. It is in line with the objectives and findings of the study that a framework that will contribute to the sustainability of self-help housing in the peri-urban spaces in South Africa is proposed. As a contribution to knowledge, the framework proposes interventions that the municipality should engage in order to deal with the housing development challenges in peri-urban spaces. The framework is premised on the view that, integrated human settlements and sustainability is likely to be realised if the state addresses issues identified in the study.

8.3. SUMMARY OF THE FINDINGS

This section provides a short summary of the findings in terms of challenges and the confluence of factors that affect self-help builders in the peri-urban spaces. It draws from the broader global influences, considers policies and reflects on how these were found to be prevalent in the case study context.

8.3.1. The role of actors in land management

Using the international literature, lessons and parallels are drawn from the roles of actors, elites and land speculators in self-help housing. While it is the agency of the state and that of traditional leaders that play much more dominant roles as formal institutions, governed by law, the case study of eMaphephetheni corroborated the view

that elites and other actors subdivide allocated land parcels, which is further complicating the misaligned administrative processes.

The Tanzanian case study of Kisimu drew the study to consider the complexities of numerous actors in land processes. It highlighted the fact that, as in many peri-urban land processes, the initial allocation is informal with no paper trail. For this reason, the land transactions are never registered, resulting in end users being unable to obtain municipal approvals to develop land. This has a domino effect throughout the building process. In Tanzania this is explained as the reason for perpetual illegal developments and unconcluded transactions. However, the Kisimu case also introduced the concept of neo-customary solutions, being a hybrid of informal, indigenous systems and conventional registrable processes. It also highlighted the value of collaborative effort in resolving institutional impasses.

The study also explored the roles of the state and traditional councils in self-help housing in the peri-urban spaces of KZN, particularly as this relates to land management and land allocation. This stemmed from the concern that in rural spaces in South Africa and elsewhere, citizens' efforts to build a house of choice, or "freedom to build" as described by John Turner (1972) in his seminal work in Peru, are likely to be constricted by the prevailing institutional context. It was further explained that the extent of influence is derived from the genesis of territorial powers among these institutions. The study engaged concepts like space, institutions, power and hegemony, drawing them from influential theorists. Through the use of Foucault's discourse of 'power', the study sought to understand the history of the institutions in their claims of power. It was established that in spite of densification pressures, eMaphephetheni traditional leadership still successfully manages to exercise control over who should reside in the settlement. This has become an important contributing factor in the stability of the community.

The second aspect of land management has to do with compatibility of land management systems; that is, the traditional system versus the municipal system. The

study found that the municipal processes are embedded in a web of legislative mandates and actors who claim legitimacy, authority and power from different legislative and policy frameworks. The Foucauldian scholars argue that this can be manipulated, with the imposed mandate used as a pretext of creating order (Rose & Miler, 1992; Scott, 1998; Li, 2002). While certain aspects of the law can be upheld over the subjects, the state can elect to give itself a reprieve and suspend certain provisions of rules against itself. For example, it was found that the state-aided houses are generally exempt from many of the provisions which are applied to self-help housing builders.

The municipality relies on the national SPLUMA, which is operationalised through the SPLUM by-law of 2016. The by-law proposes getting rid of mandate misalignments through service level agreements between, in the case of the study area of eMaphephetheni, the traditional council and eThekwini municipality. While this was envisaged as early as 2016, not only is this non-existent in eMaphephetheni, but there are no measures coordinating land allocation and possible building approvals. This is crucial in maintaining a good database of existing and new structures in the study area. This highlighted the need for practical, cooperative measures of record and data management related to houses. In addition to this, the eThekwini SPLUM by-law introduces planning schemes in all areas under its jurisdiction, which have the effect of the force of law. This effectively subjects land use decisions in eMaphephetheni to the approved area scheme.

It was found that not only are the residents not aware of such processes, but they have not been adequately engaged in the preparation of the scheme as is called for by Section 14 (1) of SPLUMA. Indeed, it is a scenario similar to that in Kisimu in Tanzania, where the state and the institution of traditional leadership seem to stand on the one side of land management and the municipality diametrically across, with the self-builder required to oblige by both parties. It is generally rejected by the traditional council, on the grounds that it is creeping into a traditional council sphere of governance. This is untenable and calls for a collaboration of institutions or institutional assemblage to find a workable cooperative framework. Such a framework should also

take into consideration collaborative planning in forging a new hegemony which would take localised interests into perspective.

8.3.2. The role of local knowledge

The study confirmed the significance of local knowledge in the design of housing projects. It was seen in the interview responses that most eMaphephetheni residents decried the failure to recognise the local design of choice as being the rondavel. The significance of local knowledge in self-help housing is an area that was flagged decades ago by numerous scholars (Turner, 1976; Merrifield, 1993; Stein, 1998). In the context of eMaphephetheni, rondavels were found to be very popular throughout the area; this is an inherited design concept that dates back to the early African house typology in general and, in the case of eMaphephetheni, to Zulu cultural beliefs in particular. These rondavel structures are owner built. EMaphephetheni residents draw a parallel between this type of design and connection with the ancestors. The study has noted that this design is currently not promoted in government-subsidised housing.

Secondly the study questioned the competence of municipal assessors to engage with this design, should the plans be drawn, as it is informed by indigenous conventions as opposed to technical blueprints. In relation to this, the municipality requires numerous compliance certificates as part of the stages of the construction process. While plumbing and electricity compliance certificates may be easily attained for the rondavel design, the market may not have adequate professional capacity for the roof compliance, for example. Besides, it raises the question of whether one should really go to this extent for construction of a simple rondavel.

8.3.3. Security of tenure

The study revealed numerous findings about tenure, as land is at the heart of governmentality in the traditional settlements. The perceptions of what constitutes security of tenure is an ongoing discourse influenced by historical land arrangements. The Ghanaian experience highlighted ongoing resistance by the local chiefs against the state's attempt to impose a rationalised Western system. The international case studies have also shown that apart from polarised colonial and customary systems, what generally seems to complicate land tenure rationalisation efforts is mismanagement and endemic corruption, usually evinced through multiple, overlapping land sales. With regard to eMaphephetheni, specific observations are drawn related to land tenure, as discussed below.

Firstly, the issue of the recorded land title is not a major source of concern for ordinary residents of eMaphephetheni. As the study established, none of the community members have a conventional secure title deed. eMaphephetheni title deed/s (as the case may be with the properties that constitute the traditional area) are held under the name of the King, who allows occupational rights to residents through leases, as in the rest of Ingonyama Trust Board-controlled areas. It is what one does with land that brings about security of tenure. A resident stakes a claim to permanent settlement in the area by erecting a building; even when allocated a piece of land, such land security remains fragile until there is a structure or land use activity.

Secondly, over and above His Majesty being the sole owner, the de facto day-to-day land management results in 'communal access rights' as opposed to 'real individual ownership rights'. Within neoliberal governmentality this brings its own dynamics, as it takes away certain benefits that are often associated with real individual rights. This finding resonates with the concept of 'dead capital' argued by scholars in relation to communal land (De Soto, 2001; Martin, 2008). They decry limitations of communal land being used as an economic asset, owing to its shortcomings as recognised

collateral. In these cases, contrary to the land asset value benefits, land becomes the 'grave' burying the prospect of economic trading.

The third interesting finding related to tenure is that the issue of 'dead capital' has not deterred residents from investing at the maximum thresholds that would be expected in areas with secure title deeds. This highlights the neglect of Afrocentric perceptions of tenure, which are often excluded from mainstream neoliberal transactions. For example, financial institutions have been reluctant to accept tenure forms other than full title deeds recognised through formal institutions. Similarly, the state would generally not invest to the same degree in peri-urban areas under traditional leadership compared to those with title deeds, often citing the tenure system that obtains.

The fourth finding related to perceptions about tenure has to do with arguments for impulsive market processes. De Soto often argued that "the poor possess far more capital than is evident, but institutional failures hinder utilisation of the land as wealth. For example, he found that in Egypt a person who wants to acquire and legally register a lot on either state-owned desert land or former agricultural land has to navigate a plethora of bureaucratic procedures, estimated to take anywhere between 5 to 14 years. As a consequence, a large number of people chose to build dwellings illegally" (De Soto, 2001: 20).

All in all, it can be deduced from eMaphephetheni tenure arrangements that while land access is a critical aspect of self-help housing, it is actually home ownership that is the ultimate price. While communal tenure similar to that of eMaphephetheni has been characterised as 'dead capital', it does provide an alternative avenue towards home ownership, albeit with limitations. The case study proved that around the globe, residents are not discouraged from investing in home ownership as a critical housing tenure.

8.3.4. Municipal approvals and building compliance

Worldwide and particularly in the Third World countries there are many voices of frustration about the rigid regulatory processes that are applied in peri-urban areas. The international examples pointed to long bureaucratic processes, lawlessness and apathy among regulatory staff, overlap of roles and responsibilities among regulatory bodies, and relatively high transaction costs for permits (Mahama & Antwi, 2006; Afrane & Asamoah, 2011; World Bank & IFC, 2012). The informal nature of peri-urban areas (discussed in Chapters Three and Five) suggest that compliance with a complex regulatory system will be costly. Considering the impact of building regulations in Ghana, Agyeman et al. (2016) concluded that lengthy assessment processes and steep tariffs deter informal builders. These regulations are also found to be based on conflicting, outdated guiding frameworks such as schemes. The World Bank is working with many states to dissuade them against these protracted bureaucratic processes.

While the many traditional council areas seem to follow strong customary administrative systems, the study established that the various laws that regulate the building process also apply in peri-urban areas under traditional leaders. Some of these laws, like the Housing Consumers Protection Measures Amendment Act, No. 17 of 2008, impose prescriptive and – it may be added in the case of peri-urban areas under the traditional councils – restrictive and unrealistic measures to be complied with. One of these is the builder registration requirement that prohibits non-registered persons from building a house. While there may be good reasons for this, it is arguably counter-productive in an environment where self-building has taken place since time immemorial.

The second requirement of this legislation is the compulsory enrolment of new buildings, which paves the way for the preparation and submission of building plans by homeowners. Even where homeowners intend cooperating, the 'approval process' by the municipality is complex and demands numerous compliances, which are only

issued by recognised and competent professionals. Such professional services come at a premium and are not always affordable to most residents.

Thirdly, the National Building Regulations and Building Standards Act, No. 17 of 2007, stipulates and requires that all building plans be submitted by a 'competent person' who is professionally registered in terms of the Engineering Professions Act, the Architectural Professions Act, or the Natural Scientific Professions Act. It emerged from fieldwork interviews with municipal officials that because of incorporation of this into the building procedures of most municipalities, the law applies even to peri-urban spaces where traditional areas dominate. Interview data revealed that it is the responsibility of a new owner to submit building designs for a new building. The cost of house designs is astronomical. The study also established that residents generally gravitate between very similar types of designs that include the Tuscan style, rondavel, and few others. There are obviously varying degrees of finishes and sizes. The point being made is that typical, readily made designs can be made available to self-builders to choose from, and they can be guided on their additions and alterations by the building advisors. The advantage of this would be that self-builders would know upfront the detailed costs of materials, which would prepare them for the extent of the investment required.

The fourth issue has to do with land data, which are critical in the positioning of new buildings. Geo-referenced siting information is critical if residents are to prepare and submit building plans. Proposed building information is to be shown relative to boundaries and adjoining neighbours. The study found that the closest to this that can be shown are PTO/lease boundaries derived from the eThekwini GIS system. These are all outdated, as most homeowners have done further subdivisions over the years. There is no cadastral data showing subdivisions, as these are not captured electronically. There are therefore no boundary data reflecting the reality on the ground, and building drawings cannot really be designed against these parameters.

8.3.5. Multiple taxation

What the study proved beyond doubt is that residents intending to build in a peri-urban area have numerous informal processes to follow, and the fact that there are many institutions involved adds another dynamic. Payne and Majale (2004) decried the discordance between procedures, related costs and the resources available to meet them.

Effectively there are parallel defined institutional trajectories to be negotiated by a self-help builder. Each trajectory has its own latent taxation. The municipal process has been discussed and summarised; suffice it to mention that a self-builder has to appoint numerous professionals to get a building plan approved, as required by the National Building Regulations and Building Standards Act. This triggers a series of costly compliances, when sometimes one is dealing with a simple building in a relatively well-spaced settlement with minimal encumbrances.

Chapter Five of the study traced the entry-point of the applicant, with numerous possible transactions related to admission. The biggest problem with these admission fees is that while giving permission to occupy, a traditional council is under no obligation to confirm the veracity of the land ownership, except by relying on a local headman who in turn must rely on the refereeing seller. The use of fraudulent documents of land transfer is thus possible. Therefore, purchasers hardly insist on proof of payment or a sales agreement from the seller, which impacts on the control measures and perpetuates informality.

8.3.6. Land allocation as a means of control and patronage

The profile of eMaphephetheni showed elements of upmarket housing. Nicks (2014) as well as Mbatha and Ngcoya (2019) introduced a research dynamic of an affluent middle class that prefer the traditional settlements for their relaxed civic rules, that are

much more strictly controlled in urban areas, to the detriment of cultural activities. This has created an avenue for local elites to subdivide and dispose of land. However, this is not limited to the middle class, as other individuals are generally seeking land to reside on full-time. While the study also showed that in the case of eMaphephetheni this trend is not as rife as in other similar settlements, because of the dominant and controlling role of traditional leaders, there were various isolated cases to support the findings of Mbatha and Ngcoya (2019), and these isolated cases in eMaphephetheni and more specifically in other traditional areas actually push up the cost of land. Gemeda et al. (2020) state that throughout the developing world this strains land accessibility and escalates land disputes. Evaluating the performance of Benin City in Nigeria, Dimuna (2016) established a strong correlation between higher land prices and speculation, and that this ultimately influences adjoining settlements, gradually pushing the poor further away.

In much more densely settled peri-urban settlements, apart from being an obvious income-generating method, land allocation is also used as a deliberate strategy for establishing political patronage. In these instances, elites use land allocation as a ladder to political control. It also becomes a means of constantly challenging the existing formal institutions.

8.4. REAFFIRMATION OF RESEARCH OBJECTIVES

This section provides a short descriptive summary of how the research objectives were met by the study. The intention is not to detail the findings regarding the objectives per se, but rather to demonstrate how each objective had been considered in the study. From the onset the study identified five objectives, as outlined below:

8.4.1. Historical narrative of housing and its effects on peri-urban spaces

This first objective of the study was to trace the historical narrative of housing and its effects on peri-urban spaces in South Africa. The term 'housing' was used to

encompass the elements that combine to production of dwellings (land, finance, building materials and labour), the physical resources (water, sanitation, drainage, electricity, roads) and social infrastructure (health, education, parks, police, etc.) (see Kumar, 2001, p. 30). Using historical institutionalism, this objective was addressed through understanding settlement arrangements that obtained within the traditional communities in the past, and what influenced housing construction and location decisions. The study considered the effect and impact of customary, indigenous, colonial and apartheid governmentality on self-help housing and the conduct of the various role-players through these influential contexts. Chapter Five explored the historical factors that affected the community of eMaphephetheni in detail.

8.4.2. Self-help housing and production of governable spaces in eMaphephetheni

Chapter Three introduced the various theoretical concepts, and key to these were the Foucauldian concepts of governmentality and institutions. In this chapter the concept of governable spaces was discussed as a consequential spatial maturing and progression that emerges out of a combination of spatial delineations, human settlement and hegemony over such space and its population. It is Rose (1999, p. 32) who articulated the concept succinctly, defining governable spaces as the "modalities in which a real and material governable world is composed, terraformed and populated." Jampolsky (2016) suggest that rather than restricting governance to a system of laws, the governable spaces are reproduced and emerge out of newly defined spatial and political order. Space and governmentality in this case are intertwined. Without power, which institutions rely on to govern, space governance is difficult; similarly, without space the exercise of control and governmentality is unachievable. In this regard, the study established that the very identification of new self-help houses subjects the area to numerous spatial control measures and political rationality of rule, including the municipality's planning scheme measures, the traditional authorities' community rules, and techniques of power.

As part of the concept of governable spaces Foucault introduced many other associated terms like 'bio-power', which he defined as "those projects directed at individuals in their spatial and temporal characteristics, aiming to promote that community life of which the individual is a part" (Torres, 2015, p. 5). In simple terms, institutions use bio-power to govern and control land and space and in managing space. In this way they also achieve the greater objective of controlling or containing human beings and their behaviours or actions.

In line with the concept of governmentality, the study established that various institutions and actors assume certain powers and impose these on subjects. A defined settlement delineates a target of subjects. Whereas international studies shared experiences of multiple actors at a higher level, the eMaphephetheni case study provided a localised platform to unpack the different actors. The study highlighted that obtaining land to build on has major implications in terms of the levels of authority that the incumbent has to bow to. It all starts with a land transaction, which inevitably triggers major social contractual obligations, for example, submitting to community rules around the admission process. Ultimately, the study showed that there is web of building compliance to contend with, as highlighted in Chapter Seven. Chapter Five of the study sought to understand eMaphephetheni settlement's profile in relation to this objective, while Chapter Seven specifically unpacked the numerous legislative mandates for the regulation of building.

8.4.3. Powers of the state and traditional councils contribute to self-help housing in eMaphephetheni

The study traced the roles played by both the traditional councils and the state in self-help housing development. In the context of the traditional councils, Chapter Six was dedicated to, among other aims, understanding their role in land management and land allocation. It was established that the construction of a house is secondary to the availability of land, which is allocated or overseen by the traditional leaders. It was further established through documentary evidence that there has always been a need

for shelter in the study area, and the traditional leaders allocate space in accordance to a set of community rules.

Using historical institutionalism, the study observed that the traditional councils have been central in self-help housing as previous housing policies excluded the majority of citizens, leaving the traditional leaders to fulfil the role of land allocation and management. They continue to hold on to this role but now in a totally transformed neo-liberal political environment. The history of eMaphephetheni shows that the settlement originally evolved as a tribal unit but over time opened up to outsiders who intended establishing themselves in the area. The study has shown that the traditional council continues to play a central role today in land allocation for self-help housing.

The study also considered the role of the state and its associated processes. In the context of eMaphephetheni, regulatory measures guiding the construction of housing were considered and how these constrict or facilitate the production of self-help housing. While SPLUMA has been introduced as a new rationalising legislation, evidence from the field showed that the hardships and confusion endured by self-builders are nowhere near being resolved. The application of other laws in an uncoordinated manner further polarises the operations of the main institutions.

8.4.4. Role players involved in self-housing within the peri-urban areas

Different role players involved in self-help housing within the peri-urban areas and their influence in housing products were analysed and considered. Across the globe a range of actors are involved in self-help housing. For example, Chapter Three referred to development partners and other non-state actors who provide support and capacity to government through legal, institutional reforms and development of various frameworks that can be applied in the land sector (Magigi, 2010; Kedogo et al., 2010; Deininger et al., 2012). Civil society organisations, NGOs, media houses and academic institutions serve as the influencers within the peri-urban space (Carroll, 1992; Nuhu, 2018). These institutions play a critical support function; however,

evidence from the case study showed that they do not operate in eMaphephetheni and self-help builders rely on their own intuition to navigate the building process. In addition, there are other role players, like the elites and speculators, who are not always obvious but generally hold the key to the alienation and subdivision of land.

As a summary of findings, section 8.3.1 above confirms the role played by the traditional councils in land allocation. The study also established that in eMaphephetheni the traditional leaders have maintained the stability of the settlement. While acknowledging the role of the traditional councils in land allocation, the study also identified other layers of elites who subdivide and sell their allocated pieces, and only then engage the traditional council. The study also identified the role of the municipality in the planning and approval of plans through the SPLUM by-law of 2016. The study further identified other stakeholders, like the NHBRC and similar institutions, who impose their own requirements. In this regard this objective was met.

8.4.5. Proposed framework for sustainability of self-help housing

This objective has also been addressed. Part of this chapter is dedicated to proposing a framework that will contribute to the sustainability of self-help housing in the peri-urban spaces of South Africa (see section 8.6). The framework builds on critical aspects which this study identified as weaknesses and challenges in self-help housing in the peri-urban areas. It draws from lessons from the study area, and seeks to streamline and simplify processes for self-builders.

8.5.   RECOMMENDATIONS

8.5.1. Establishing synergies between the different stakeholders involved in land administration

Currently land administration and management are disjointed. This stems from the involvement of multiple actors, with various legislative and policy frameworks mandating each actor. The main stakeholders in the context of land under traditional

leadership are the traditional leaders themselves, local government, various provincial departments, the ITB and the various agencies. There is a need to streamline the processes introduced by these different stakeholders in order to make the procedures for self-help housing in the peri-urban areas clearer. This streamlining should translate into a clearly defined process and route from land allocation to building approval. It should allow for the capturing of correct information, like the coordinates, right from the beginning.

8.5.2. Establishing a detailed settlement land database

Land and household data are a crucial management tool for many stakeholders. For self-builders this information can assist in geo-referencing the position of houses, thereby helping reduce boundary conflicts. It can also allow a third party to intervene and mediate in boundary disputes and facilitate the drawing of house plans. It can assist in locating information on buffer areas to be observed, such as wetlands and so on. Currently the information is generally outdated, resulting in unrealistic plans that cannot be applied practically. SPLUMA and the various SPLUM by-laws require municipalities to prepare wall-to-wall schemes that can provide guidance for their areas, including those under the traditional councils. This will allow for effective processing and guidance in matters regarding building plans. It is suggested that local government should invest in establishing a proper land database covering the peri-urban areas. In the process of designing how this information can be captured, there has to be proper consultation with all stakeholders so that the capturing process is correct from the outset.

8.5.2.1.　Streamlined building information

Self-builders can benefit immensely from information that can ease the compliances required for building. This information entails municipal requirements, NHBRC requirements and ITB requirements, and can be packaged into brochures and pamphlets that combine (reviewed) requirements from different role-players. This information should also be conveyed through awareness days or presentations at

community meetings. It is important that information is the culmination of a restructured or streamlined process, and does not merely represent the requirements of a single stakeholder. There is also a need for information on cost-effective options for building. In this regard the establishment of a building advisory is crucial. The success of the advisory service lies in its ability to carry out building advocacy and support as opposed to focusing on compliance.

8.6. PROPOSED FRAMEWORK FOR THE IMPLEMENTATION OF SELF-HELP HOUSING WITHIN THE PERI-URBAN SPACES OF SOUTH AFRICA

This study has navigated various self-help housing challenges in the peri-urban and rural spaces and how the various institutions involved compound such challenges. This section introduces a framework that seeks to ameliorate these challenges. The framework carefully revisits the critical nodes of self-build housing and makes related suggestions. The section also specifically responds to the objective of developing a framework that will contribute to the sustainability of self-help housing in the peri-urban spaces in South Africa. The framework also specifically aims to contribute to improved knowledge on measures of seamless alignment of activities of the various institutions whose decisions affect the self-builder.

8.6.1. Aligning land allocation and municipal processes

The challenge with regard to the discordance between municipal planning and the traditional council land allocation in the context of self-help housing was discussed extensively in Chapters Five to Seven. In these chapters it was highlighted that there is currently no alignment between the different stages of land allocation and the municipal processes outlined in the eThekwini SPLUM by-law. It was further highlighted that the municipal statutory requirements result in possibly unnecessarily complex and expensive processes. From eMaphephetheni to other similar traditional council settlements, many rural residents see the *amakhosi* as holding legitimate power and authority with respect to land administration, rather than local government officials. The previous chapters also highlighted that the traditional councils still often preside over customary courts, and the South African Law Commission has

recommended that this continues (South African Law Commission (1999). The participation of traditional councils in land allocation and administration for self-help housing projects and related uses is profound. This is a fact that the municipality cannot afford to ignore. Data from the traditional councils' land management decisions are important. Ultimately the municipal information is recorded in the GIS system, and perhaps it is this system where there are options for synchronised neo-customary land administration solutions.

8.6.2. Legislative context

Chapter Six highlighted the role of land allocation processes in establishing the foundation for shelter. Various stakeholders within the municipality rely on their respective legislations in their implementation of land-related activities. The land allocation responsibility of the traditional leaders is protected in the constitution, in as far as the traditional councils are legally established. Section 211(1) of the constitution of South Africa views traditional leadership as a traditional authority that observes a system of customary law, which may function subject to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs. Chapter 4 of the Traditional Leadership and Governance Framework Act 41 of 2003 outlines the functions of traditional councils in South Africa.

"(1) A traditional council has the following functions:

(a)   Administering the affairs of the traditional community in accordance with customs and tradition; (c) supporting municipalities in the identification of community needs; (d) Facilitating the involvement of the traditional community in the development or amendment of the integrated development plan of a municipality in whose area that community resides; …. (g) Participating in development programmes of municipalities and of the provincial and national spheres of government; (h) Promoting the ideals of co-operative governance, integrated development planning, sustainable development and service delivery; (i) Promoting indigenous knowledge systems for sustainable development and disaster management; (j)   Alerting any relevant municipality to any hazard or calamity that threatens the area of jurisdiction of the traditional council in question, or the well-being of people living in such area of jurisdiction, and contributing to disaster management in general; (k) Sharing information and co-operating with other traditional councils; and (l) Performing the functions conferred by customary law, customs and statutory law consistent with the Constitution."

The participation of traditional councils in municipal Integrated Development Planning and other issues of cooperative governance affords them space to interact with the municipality on land use planning. The development of the municipal housing plan is another opportune framework that could garner divergent stakeholder initiatives and ensure alignment of processes, thereby bringing much needed clarity to residents. The need for a self-builder to seek permission to erect a structure is provided for in SPLUMA. Section 22(1) prohibits land use management decisions that are inconsistent with a MSDF. In this regard the land use scheme adopted by the municipality has to synchronise with the MSDF. Section 20(2) of SPLUMA enacts the MSDF as a component of the Municipal IDP. The legal nature of the MSDF is therefore tied to that of an IDP. Section 20(2) of SPLUMA reads as follows:

> "The municipal Spatial Development Framework must be prepared as part of a municipality's Integrated Development Plan in accordance with the provisions of the Municipal Systems Act."

Over and above public meetings that should be held in all wards, the Local Government: Municipal Structures Act of 1998 establishes another avenue for the participation of traditional leaders in municipal councils without the right to vote. Admittedly, while there are numerous legal provisions for participation of traditional leaders in local government from the Constitution to SPLUMA, none of these have been effective. Studies have shown that structural transformative interventions are limited and modest; and structural power dynamics perpetuate existing historical practices which were not in favour of the majority of the population (Moser, 2016).

Land use information is central to the efficient coordination of land management. With this information constantly changing in the hands of different authorities, the prospects of the seamless coordination expected of the self-builder are slim. According to Sager (2012), land use has been a central field of knowledge and regulation for planners. For this reason, establishing a coordinated digital land data platform is a critical process, as suggested below. It starts with the introduction of a GIS app (as applications are commonly referred to) that can be used to share appropriate land positions.

8.6.3. Digital land data platform

Considering the role of GIS in land use management, Mona et al. (2011) argue that it is a critical tool to facilitate responsiveness by the different organisations involved in the development control process. They further suggest that this is critical to an improved decision-making process, preceding the knowledge and comprehensive understanding of the issue through an accurate and comprehensive database (Mona et al. 2011). However, it is important to plan an effective GIS management strategy, which should be underpinned by a clear vision of what is intended (Joerin & Musy, 2000; Mona et al., 2011). Current datasets do not provide easy access to the traditional institutions and local residents. Besides, as the study has confirmed, decisions by the various institutions are not coordinated.

It is suggested that the municipality develops a digital platform that can store and share data across numerous stakeholders. This integrated digital platform should be easy to operate, to the extent that it can be accessed by unsophisticated users. Such extension of access is easily achieved through downloading an app, which allows even local headmen to update data. This app can be downloadable to smartphones as the level of accessibility to such phones is fairly high. However, in doing this appropriate controls need to be put in place to prevent data corruption.

In this regard, the downloaded app should be authenticated through user registration, so that it remains relevant and hack-proof. Since it is also a digital tool that is directly linked to land management at traditional council level, this can be a pilot project established in partnership with:

- the Department of Cooperative Governance and Traditional Authorities as the stakeholder working closely with the institution of traditional leaders and the authority that works on traditional boundaries,
- the Provincial House of Traditional Leaders, who will need to approve an in-depth capturing procedure as well as the updating process,

- the Department of Rural Development and Land Reform, as they are constantly involved in land management policies and solutions,
- the Ingonyama Trust Board, being the land owner,
- eThekwini Municipality as local government, and
- SALGA, which can share lessons with other municipalities.

More than an operational partnership, these stakeholders will ensure buy-in and cross-sharing of existing and emerging data, such like i*zigodi* data, bio-resource information and digital integration. It is suggested that this digital tool is used at two levels, namely for land identification (site information) and land use management (updating land uses).

8.6.3.1. *Land identification*

In this instance the digital tool will capture land allocation decisions and processes so that committed land parcels are properly reflected in the datasets of the municipality and various other stakeholders. For the purposes of land identification, the digital platform can potentially cover the following fields – area detail (*isigodi* name, *induna* name, ward number); references (date of transaction, unique reference number); application details (full names, ID number, spouse names, spouse ID, contact number); types of land transaction (residential, commercial, church, recreational, public); and site details (coordinate points and estimated area).

This process will require some rationalisation and alignment with the existing data platforms, especially Ingonyama Trust Board's lease details. For this reason, at the point of land identification and capture, used reference numbers should be the same as those recorded in the lease agreement as well as in the municipality's GIS system, so that the information can be traceable. The current municipality's broader framework and land use plans as well as other provincial datasets like *izigodi* (sub-areas) and other common attributes are a common base to start with. The next scenario is the capture of the actual land use, as if this was a land use survey.

8.6.3.2. Updating of information by site agents

This level of capture seeks to update approved land uses as they progress, e.g. buildings, facilities, and projects. This requires local support that could be in the form of headmen building inspectors, or specifically appointed housing officers who provide technical guidance. It is a strategy of sharing the responsibility of updating the GIS system with the local stakeholders. This is where user friendliness is important. This process can be undertaken at different stages to reflect latest developments on the ground. It seeks to record, in the case of self-help housing, progress made or a completed structure. It also seeks to indicate the position of the structure in relation to the allocated piece of land. Its significance is testing the location of structure in relation to the parameters already in the system; for example, the software should highlight and update information related to planned roads, environmental zones, etc., and this information should be highlighted to the self-builder during allocation. Similar information can be captured for the purposes of land use management when the building is finally erected. Data fields should incorporate locality and land use for which the update is being captured, details and references of the land use and applicant, and progress /milestone/ stage of development.

8.6.3.3. Application

The software should be downloadable and used by the different stakeholders involved in land management. In this regard *izinduna* and ward councillors will from time to time update it with new information that they come across, including new accommodation structures, new buildings and new land uses.

8.6.3.4. Preparing a correct initial dataset

It is important that there is an initial exercise to capture municipal data that could be used as a baseline. Various stakeholders would update this from time to time and such information should be preloaded into the digital platform, so that whatever is known becomes the foundation for the rest of the data capture. As part of the MSDF or Local

Area Plan review, the municipality needs to consolidate all existing de facto land uses within the traditional authorities. This can be done by conducting an intensive land use survey.

This process should seek to harvest (in consultation with the community and its leadership, including traditional leaders) all existing households and their associated land use rights and the nature and extent of the rights. This would include the name, identity number and contact details of the holder of the informal right to the land, all communal land uses, public land uses and the GPS co-ordinates for the site to which the informal right applies, with sufficient details to indicate its approximate extent. In addition, the following layers are to be provided: photographic evidence of the site, services and infrastructure, and environmental parameters.

8.6.3.5. *Updating of municipal plans*

Chapter Seven of this study demonstrated the discord between the traditional leaders and the municipality in decision making, arguing that plans prepared for the traditional councils are not as effective for daily land management decisions (Sekonyela, 2014; Nel, 2015; Mbatha & Mchunu, 2016). The traditional leaders continue to identify and allocate land in the way they deem fit and appropriate (Ntsebeza, 2005; Mbatha & Ngcoya, 2019). This is a clear indictment of the consultation models used by the bifurcated authorities and agents of the state. The planning process must not be seen as an exclusive specialist or technical sphere requiring only skilled personnel to execute it. A rigid top-down planning process with limited stakeholder participation will serve the interests of only a few, which provisions the majority of residents in the planned area are likely to flout.

Limited or no public involvement in the planning process will reduce the chances of voluntary compliance with the building requirements. The technocrats must lead the planning process, but must allow extensive consultation with or participation of members of the public. Extensive consultation will enable residents of the municipality to accept the plan as their own and contribute to its implementation. Public

participation in the preparation and implementation of planning schemes will significantly enhance the willingness of the residents to comply with development controls. Using GIS, Zhang, Li and Fung (2012) proposed a Consensus Building Model, being an added layer in the GIS system to address the conflicts among different stakeholders with competing interests in the process of land use allocation. This demonstrates the extent to which the GIS functionalities could be advanced in time, once proper and up-to-date data have been established.

Since the MSDFs and Local Area Plans become the cornerstone for subsequent land use decisions, it may be appropriate just to develop broad parameters of non-negotiables like the environmental considerations, road networks, etc. and allow the traditional councils to fill the gaps through their own consultation meetings. This is perhaps the most obvious starting point in addressing the land use challenges. This intervention will ensure that all the land spaces, both vacant and settled, are properly accounted for through forward planning.

This process should take into account institutional strategies, as the engagement of all stakeholders is crucial. The composition of the team undertaking the planning tasks should include social practitioner, GIS specialist or land surveyor who will account for all of the existing structures and the communities' perceived boundaries. The settlement layout plan should clearly indicate the proposed densities from a design point of view.

8.6.3.6. Maintenance

Sommers (1995) highlighted the importance of maintenance of the GIS system, and that this requires a carefully thought out maintenance strategy. The operations and maintenance strategy should consist of integrating GIS into the organisation's operating environment, supporting users, and managing the ongoing process of data and system maintenance. This basic process is applicable to GIS of all sizes and applications, although the time and effort required for the steps may vary greatly. It

also entails structured ongoing training, including highlighting the benefits of using the GIS system as well as explaining what type of information the general end-users could access through the system. Such training should include a user-friendly manual and flow diagrams that could be shared with all stakeholders. Critical information should include guidance on downloading and accessing software.

8.6.3.7. Benefits of an integrated digital platform

There is a need to discuss the development and design of the application with various stakeholders of the municipality, both internal and external. Once approved and adopted, the software could be made accessible to other stakeholders.

8.6.3.7.1. Updating of Ingonyama Trust Board leasehold information

EMaphephetheni presented a unique case of there being a firm grip of land allocation management matters by the traditional council. It was noted that this is indeed an uncommon scenario in the emerging trend in densifying rural settlements where *izinduna* have lost control of land administration themselves and by extension the ITB. In this regard, this study reminded us of the diminishing effect of lease and PTO record keeping.

The proposed land data capture and management should be able to produce de facto land leases which can be used by the ITB as a pragmatic land data tool. From this, the ITB can plan and manage its own land effectively. Depending on permissions built into the system, other users such as planners can also access and download the same information with ease.

8.6.3.7.2.   Izigodi delineation

Over time *izigodi* datasets and corresponding *izinduna* have been hugely contested by different parties. Recently COGTA initiated a process of remunerating *izinduna,* and one major challenge has been instruments to ensure their accountability or at least justification for their payment. For the reasons mentioned above, *izigodi* information has not been a reliable measure. Ongoing data emerging from the software can add to other layers of accountability, as this demonstrates the role of each *induna* and also reflects on the geographic footprint.

8.6.3.7.3.   Municipal planning

Land use planning within the traditional council areas has been a source of frustration for many municipalities over the years as information changes rapidly. There are limited measures to verify and update land use information from the municipal perspective. The success of this is generally dependent on whether there are cordial relations with the traditional councils, as this amounts to field surveys and data capture. These do not come cheap, and therefore even where cordial relations exist these updates are not frequently undertaken.

8.6.3.7.4. Building information

House acquisition occurs through a complex range of initiatives. Changes in the number of buildings is crucial statistical information that can best be harvested from building plans submitted. In the absence of compliance or enforcement of this in the traditional areas, the digital platform can be invaluable in updating the different authorities. This information can be cross-checked with ongoing aerial surveys undertaken by the different stakeholders, but becomes a useful on-the-ground verification measure. The above digital platform will be invaluable in the updating of

land use information. It also facilitates a good basis for alignment between the different authorities.

8.6.4. Technical building advisory service

It is a fact that self-building activities are ongoing. Depending on who ultimately undertakes the building process, there is a case to be made for providing localised technical support in each of the high-pressure zones within the peri-urban areas. This does not have to be a permanent arrangement. It could be structured as a 'once a month' service where builders can enquire about and engage on building and building plans. In essence this is a progressive role and function that building inspectors can easily carry out, as opposed to simply resorting to enforcement.

The Technical Advisory capacity is intended to resuscitate the Housing Support Centre concept originally envisaged in the South African Housing White Paper. The South African Housing White Paper (1994) was the first policy document to highlight the role of Housing Support Centres. It noted that the idea was to assist individuals and communities in the housing process, through advice and support in the planning and funding of new buildings, continuous upgrading advice for prospective self-builders on technical, legal and financial as well as consumer protection aspects; planning assistance including the quantification and costing of material and other requirements; assistance and advice in respect of contracting and supervision; assistance and advice in terms of material procurement at affordable prices; and advisory support during the implementation/construction process. The original 1994 White Paper on Housing objectives are still relevant, especially as they relate to matters of site planning, building advice, house plan design and drawing advice and/or standardised house plans, estimation of building materials, quantities and costs, appointment of contractors, procurement of materials, legal advice, contract procedures and consumer protection, and building standards.

One of the crucial starting points in the building of houses is the building plan and associated quantification of costs. There are many standard building plans around and

there is a need to develop a compendium of these. Importantly, each plan should provide an estimate for the various building stages associated with it. Site circumstances will obviously vary. There is also a tendency to prefer a prevailing modern plan and generally individual preferences on the overall outlook are not usually far removed. What differs tends to be size and orientation and the like which are generally influenced by affordability. As an example, the Tuscan house design has been found to be a common preference across many peri-urban areas in eThekwini. It is not uncommon to see incomplete structures in peri-urban and rural settlements. This can be partly attributable to underestimation of costs and quantities. This is a service that can be provided through the technical advice centre. A qualified and experienced building inspector or advisor can evaluate the plan and issue approval certificates while submitting the approved plan to the building plan section of the municipality. Key site and ownership information is to be recorded against the building plan, and the role of the envisaged app will be invaluable here.

8.6.4.1. *Use of local building inspectors*

Section 19 of the Housing Consumers Protection Measures Act No. 95 of 1998 makes reference to the role of building inspectors. It provides for the appointment of inspectors by the Council and also introduces a window of cooperation with local government on this function. Building inspectors are essential, since they can perform a dual function of enforcement and advice. This is also a service that could be linked to the technical advisory role outlined above. It is important that the involvement of building inspectors is implemented in a way that does not deter the freedom of self-builders to explore their preferences.

8.6.5. Alignment with the various legislative requirements

It is important that land allocation processes are informed by various planning influences. These include but are not limited to environmental parameters, transport plans, infrastructure plans, and agricultural plans. The stakeholders should be reminded about these parameters through clear municipal plans. The slight challenge

in this regard is that such plans may be broad and not relate to specific sites. One way of addressing this is by using a digital platform that can interact with these parameters as site-specific applications or queries are being raised. The above related information can be a layer in the GIS software that traditional leaders may have access to.

8.6.6. SPLUMA by-law envisaged working agreement

8.6.6.1. *Context*

The significance of a working agreement between the traditional councils and local government, in this case EThekwini Municipality, stems from the long-raging discourse between the two institutions on power and functions. This has been ongoing since well before SPLUMA was enacted, and the latter brought it up as a possible mechanism for at least achieving some working framework on developmental issues. It is at the heart of the dissonance of land management processes, as the study clearly demonstrated. This being the case, if left unresolved, it is likely to frustrate the efforts of streamlining the approval processes which self-builders are required to comply with. Both the national SPLUMA legislation and the various municipal by-laws make provision for an operational working agreement with the traditional councils. In specific terms SPLUMA notes as follows:

> "19 (1) A traditional council may conclude a service level agreement with the municipality in whose municipal area that traditional council is located, subject to the provisions of relevant national or provincial legislation, in terms of which the traditional council may perform such functions as agreed to in the service level agreement, provided that the traditional council may not make a land development or land use decision."

SPLUMA further notes in section (2):

> "If a traditional council does not conclude a service level agreement with the municipality … that traditional council is responsible for providing proof of allocation of land in terms of the customary law applicable in the traditional area to the applicant of a land development and land use application in order for the applicant to submit it in accordance with the provisions of the Regulations."

While strides are being made to cooperate informally, to date no municipality is known to have crafted a working agreement. Such a working document is essential because

it takes the discourse of this crucial cooperative governance to the actual application. It forces stakeholders to respect areas of cooperation. A draft agreement may just be the appropriate nudge required to foster and facilitate the discussion. This study has identified critical aspects of the agreement. A working relationship with the traditional councils should therefore inform the protocol. The elements outlined in Table 8.1 may be the basis of this agreement.

Table 8.1: Elements of Agreement

SECTION OF THE PROPOSED AGREEMENT	ASPECTS TO BE COVERED
1. Preamble	Stating the broad cooperation intentions between the municipal level house (of traditional leaders) and the municipality itself
2. Sub-regional goals	Defining specific sub-region under which the traditional council falls and the relevant sub-regional goals informed by joint land management and planning intentions
3. Legislative basis	Provisions of the Municipal Structures Act Provisions of the role of the Traditional Leaders Act of 2005 Provisions of the SPLUMA by-law
4. Scope of the agreement	Current arrangements at Municipal level Future cooperation Outline of powers and functions (traditional council/ward councillor/ other)
5. Definition of area	Definition of traditional structure Ward information Area development vision - Key land uses Initial MSDF vision

6. Contact information	Local traditional structures
	   Inkosi
	   Traditional secretary
	   Izinduna by *izigodi*
	Municipal wards structure
	   Ward councillor/s
	   Ward committee

7. Process	Detailed outline of development process, including the route forms to be used, digital platform and its role, stakeholders
8. Development applications	Types of applications to be dealt with, informed by the municipal by-law
9. Roles	Specific roles / mandates
10. Finance	Resourcing mandates Financing mandates and activities Accounting for expenditure
11. Exclusions	Legal aspects that cannot be covered under cooperation Special areas /zones that do not form part of the application
12. Steering Committee	Chairing and secretariat Consultation of neighbours Participation Role of ward committee o Municipal councillor/s ward committee powers and functions secretariat

SECTION OF THE PROPOSED AGREEMENT	ASPECTS TO BE COVERED
13. Monitoring and evaluation.	Mechanisms for dispute resolution

Source: Drafted by author.

8.7. FUTURE RESEARCH

This section identifies areas that require in-depth research to enrich the implementation of self-help housing in the traditional settlements.

8.7.1. Mechanisms for financing self-help housing in the traditional areas

While there have been ongoing debates about the land ownership options in settlements under the traditional leaders, in general and in terms of the ITB land in particular, the prevailing land tenure system is likely to continue in the medium term. There is a need to investigate various financing mechanisms for self-help housing within these areas. There are currently no support guidelines in this regard from the existing South African housing policy. Because of communal tenure, self-builders in settlements under the traditional leadership continue to experience limited options for building finance, owing to neoliberal financial models (Bourdieu, 1998; Smets, 2019). The application of such models implies that financial institutions prefer individual clients with collateral or secure individual tenure. Chigwenya (2019) notes that the financial institutions demand collateral that is usually tied to secure tenure, which is not normally available in informal peri-urban spaces.

In spite of this, evidence emerging from various studies suggests that there could be numerous mechanisms to achieve the desired finance surety necessary to grant finance (De Soto, 2000; Smets, 2019). Equally there are a few lessons that can be drawn from the acceptance of communal tenure, as this study proved. It is suggested that further research should be considered to enrich financing options.

8.7.2. Options around incorporation of vernacular architecture in assisted self-help processes

Many residents of eMaphephetheni have opted to include a rondavel structure in their homestead as part of their cultural belief. It seems that the construction of a rondavel building, whether authentically traditional or modernised, follows certain basic design principles (Zibani, 2002; Naude, 2007). Research has shown that rondavels are not only socially preferred, but their construction can also be cost-effective (Buthelezi, 2005). Whether a modern Tuscan product or a traditional hut, and whether constructed through self-help measures or government intervention, most homesteads were evidently complemented by the presence of a rondavel, and the residents' explanation pointed to cultural and spiritual beliefs behind this. This is a trend that is likely to continue, as even most recently built structures exhibited this addition. The fact that there is a requirement to prepare building plans prior to construction suggests that this is one area of cross-pollinated learning for future housing initiatives. Brown and Maudlin (2012) note that national governments tend to adopt vernacular building traditions to support their national identity, building political agendas.

Throughout the years, residents have generally found it easy to construct rondavels using local material, but there is growing evidence of a gravitation towards hybrid architectural forms that see hexagon rondavels being built with modern brick and mortar and properly roofed. The impact of changing environmental and climatic conditions on vernacular architecture also requires research. There has to be some carefully researched guidelines around the building technologies that use vernacular architecture. Such guidelines need to be shared across the different government agencies involved in housing processes, so that where funding is made available for self-help housing options there are clear guidelines for quality control and accountability. The research clearly needs to start with what has been considered to date and to build from there.

8.7.3. Preparing practitioners who can bridge the 'Eurocentrism–Afrocentrism divide'

Spatial planning and spatial epistemologies that influence the planning configuration of peri-urban spaces are often fraught with theoretical and methodological discord that reflects different literature, cultures and contexts (Smets & Salman, 2008; Rokem & Boano, 2017). There can be no doubt that development practitioners, including planners, geographers and housing practitioners, play a critical role in land use decisions, wherever they are involved, as this speaks to the core of their training and roles. Sager (2012) notes that practitioners gain status and authority from the fairness and prudence of the institutional system in which they work, as much as from their own expertise.

In their study considering planning in contested cities, Rokem and Boano (2018, p.10) acknowledge the growth in "spatio-politics of ethnically contested urban space", especially in relation to the role of planning in such sites. However, many urban geography scholars are concerned that the current literature that seems to influence policy decisions is centred on North American and European cities, with limited examples from other parts of the world (Roy, 2005; Sheppard et al., 2013; Peck, 2015). This is not something new but a reflection of colonial historicity. Brown and Maudlin (2012) point out that Western culture has always been perceived as more oriented towards the future and therefore much more trusted. This adds to the institutional incongruities on the ground, as was the case at eMaphephetheni. When practitioners resort to law and policy for answers, they cannot find solutions that speak to indigenous proposals. Importantly, environments change continually as well, and the mismatch remains entrenched in the regulatory regimes of the Third World countries (Watson, 2009; Bah et al., 2018).

There is therefore, in the case of self-help housing, a need to investigate and identify a hybrid curriculum that will prepare a balanced practitioner that respects Afrocentric influences but is also attuned to contemporary urban dynamics. This will not be without challenges, as much of the Afrocentric self-help housing lessons are embedded in indigenous knowledge systems which are not always easy to lift out. Therefore,

research is therefore critical to identify competency areas in the new hybrid housing curriculum for rural and peri-urban settlements under the traditional authorities. This will eventually also influence the new policy paradigm for these settlements.

8.8.   CONCLUSION

This chapter reflected on the overall study indicating how the various study objectives were met. The chapter highlighted how the research drew from Foucault's concept of governmentality and interrogated theoretical claims around space, institutions, power and hegemony, with the intention of demonstrating how they are relevant and can help elucidate the complications that affect and influence housing policy. The chapter proposed a framework to address the challenges associated with self-help housing in the urban edge of the city. In addition the chapter identified areas of further research which were not adequately dealt with within the study itself.

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APPENDIX 1: SELF-BUILDER QUESTIONS

UNIVERSITY OF
KWAZULU-NATAL

INYUVESI
YAKWAZULU-NATALI

IMVUME ENGIYINIKIZELA UMNU M HLONGWA YOKWENZA UCWANINGO ENDAWENI YASEMAPHEPHETHWENI

Mina _____ ngiyavuma ukuthi ngiyayiqonda incazelo ngocwaningo oluzokwenziwa umfundi futhi angiphikisani nalo. Ngiyakwamukela ukuba yingxenye yalo.

Ngiyaqonda nokuthi ngingahoxa noma nini uma ngingasahambisani nocwaningo.

OKUNYE ENGIKUNIKA IMVUME

- Ukuqoshwa kwemisindo yengxoxo   YEBO/CHA
- Ukuqoshwa kwe video yocwaningo YEBO/CHA
- Ukuqoshwa kwezithombe ngocwaningo YEBO/CHA

SAYINA   _____

USUKU :   _____

INDAWO: _____

IMININGWANE YOKUXHUMANA: _____

UFAKAZI: _____

1. **GEOGRAPHICAL LOCATION**

    Name of Local Municipality   **eThekwini Municipality ….**
    Name of Traditional Council   **Emaphephetheni………….**
    Ward Number   **……………………………………………………**

2. **HOUSEHOLD AT THE SELECTED TRADITIONAL COUNCIL**

Household number ……………………………..

Total Number of households at the selected dwelling unit ……………………………..

1. DEMOGRAPHIC INFORMATION OF THE DWELLING OWNER

1.1. **Name of respondent** ……………………………………. **Position in Household**…………………………….

1.2. **Age structure** *(At last birthday)*

19-30 | 1

30-50 | 2

50-60 | 3

Over 60 | 4

1.3. **Gender**

Male | 1

Female | 2

1.4. **Marital Status**

Married | 1

Living together like husband and wife | 2

Widow/widower | 3

Divorced or separated | 4

Single | 5

1.5. **Does your spouse/partner live in this household?**

Yes | 1

No | 2

2. EDUCATION

2.1. What is highest level of education completed

No education | 1

Primary education (Grade R/0 to 7) | 2

Secondary education (Grade 8 to 12) | 3

Post Matric Qualification | 4

3. HOUSEHOLD INFORMATION

3.1. Number of adults living in household

Less than 5 people | 1

Between 5 and 10 people | 2

More than 10 people | 3

3.1.1. Head of household employment status

Employed (formal non-farm) | 1

Self-employed (non-farm) | 2

Farmer | 3

Unemployed (looking for work) | 4

Home care/domestic work | 5

Not economically active/retired | 6

Other (Specify) | 7

_____

3.2. What is the total household income?

Less than R500 | 1
R501-R1000 | 2

R1001-R3000 | 3

R3001-R5000 | 4

R5001-R10000 | 5

More than R10000 | 6

3.2.1. Do you collect rent for part of the property?

Yes   1

No   2

3.2.2. If yes, how much do you collect monthly on average?

Less than R500   1

R501-R1000   2

R1001-R3000   3

R3001-R5000   4

More than R5000   5

3.3. Do you or members of household receive any other form of social assistance?

Yes   1

No   2

3.3.1. If yes, is this assistance from any of these:

Church   1

Charity (South Africa)   2

Neighbours and friends   3

Government   4

Other, (specify)   5   ………………………………………………..

3.4. Which of the following social grants does your family receive?

Old age pension   1
Disability allowance   2

Child support   3

Other form of state   4

4. HOUSE RELATED

4.1. Total number of buildings besides the main building………………………………………………..

4.2. What are the main walling materials used for the household dwelling?

Bricks   1

Cement block   2

Corrugated iron/zinc   3

Wood | 4

Plastic | 5

Mud | 6

Other (specify) | 7 ....

4.3. Specify the number of the following rooms *(Number only)*

Number of open plan dining rooms/sitting/TV rooms ....

Number of dining rooms/lounge/TV rooms (closed) ....

Number of kitchens ....

Number of bedrooms ....

Number of bathrooms ....

Number of toilets (rooms with only a toilet) ....

Other rooms ....

4.4. When was the main dwelling originally built?

0 to 10 years ago | 1

11 to 20 years ago | 2

More than 20 years | 3

Don't know | 4

4.5. Is the dwelling you live in?
RDP or state subsidised dwelling | 1

Self-built | 2

Private company | 3

Don't know | 4

4.6. Who financed the development of the property?
Myself | 1

Family | 2

Charity organisation | 3

Government   **4**

Bank/informal savings group/co-op   **5**

Other, (specify)   **6**

4.7. Was there any type of subsidy obtained for the dwelling unit?

Yes   **1**

No   **2**

Don't know   **3**

4.8. SELF BUILT

4.8.1. Who physically built the house?

Registered contractor   **1**

Individual / independent builder   **2**

Other organisation   **3**

State   **4**

4.8.2. How did you source your builder?

Through word of mouth / neighbours   **1**

Saw completed house   **2**

Adverts   **3**

I have always known builder   **4**

4.8.3. Was your builder registered with NHBRC?

Yes   **1**

No   **2**

Don't know   **3**

4.8.4. How did you pay your builder?

Periodically (weekly/fortnightly/Monthly)   **1**

Linked to Milestones   **2**

Whenever I had funds   **3**

Other (Specify) | 4 | ....

4.8.5. How was the contract between you and the builder crafted and who crafted the contract?

Verbal contract

| 1 |

Drafted by third party

| 2 |

4.9. Where did you buy or source material to build the house?

Hardware outside the ward | 1 |

Hardware within the ward | 2 |

Locally sourced material | 3 |

Sourced by the contractor | 4 |

4.10.   Is there local material that you would prefer in building the house?

Yes | 1 |

No | 2 |

Don't know | 3 |

4.11.   Has the household ever used the dwellings as security to obtain a loan or credit

for:

Yes | 1 |

No | 2 |

5. DESIGN

5.1. Who came up with the idea of type of house you wanted to build?

My partner /my family | 1 |

Saw a house I liked | 2 |

Suggested by builder | 3 |

Options presented by architect | 4 |

5.2. Who designed the house?

Myself	1
Architect /draughtsperson	2
Builder	3
Bought ready-made plan	4

5.3. When it was finally drawn, were there changes in the original design you wanted?

Yes	1
No	2

5.4. Who influenced the changes?

Architect /draughtsperson	1
Builder	2
Funder	3

5.5. What were the reasons put forward for changes?

Site conditions	1
Municipal requirements	2
Affordability / Financial advice	3

5.6. Were you satisfied with the changes?

Yes	1
No	2

6. SERVICES

6.1. What is your main access to electricity in this household?

Grid | 1

Generator | 2

Solar | 3

Batteries | 4

None | 5

Other, (specify) .... | 6

6.2. What is this household's main access to water *(Tick box)*

Piped water into the dwelling | 1

Piped water into the yard | 2

Piped communal water | 3

Water truck | 4

Protected water source (not piped and with fencing) | 5

Unprotected water source | 6

6.3. Which services do you pay for?

Water | 1

Electricity | 2

Other (Specify) | 3 ....

7. LAND

7.1. Do you know of any rules that can exclude others in securing land?

Yes | 1

No | 2

If any please explain

7.2. Who in the household first acquired access to the land/property?

Spouse | 1
Parent | 2
Sibling | 3
| 4
Other relative | 5
Friend

7.3. Who showed you the land extent?

Seller showed me pegs | 1

Ibandla / group of neighbours | 2

An official from the department | 3

A person assigned by induna | 4

Ward councillor | 5

7.4. Were any documents provided when land was purchased?

Yes I have a copy | 1

No it was verbal | 2

7.5. Is your land still similar to what you purchased?

Yes | 1

No it has been subdivided further | 2

7.6. Are there any conditions attached to your use of this land?

Yes | 1

No | 2

If any please explain

7.7. How secure do you consider your tenure is?

Very secure/have a lease/title deed | 1

Secure/verbal agreement/traditional rights | 2

Insecure/have no agreement but not concerned | 3

Insecure/have no agreement and am concerned | 4

8. AGRICULTURAL ACTIVITIES

8.1. What kind of production/agricultural activities is the household involved in?

Livestock production | 1

Crops (maize etc.) | 2

Other ....3.................

8.2. Why do you engage in agricultural activities?

Source of food for household | 1

Source of income | 2

Extra income | 3

Extra food source | 4

Leisure or hobby | 5

8.3. Does the household sell any of its produce?

Yes | 1

No | 2

9. SELF HELP HOUSING

9.1. Why is there such interest in rondavel design in the area?

9.2. What is the working relationship between the traditional authority, councillor / ward committee and the municipality in the:

9.2.1. allocation of land

9.2.2. Building of a house

9.3. What would you suggest should be improved in the manner that various forms of houses are constructed / provided?

9.4. What should be improved in actors involved in housing delivery?

9.5. Currently is there any assistance available for someone building own house in the rural area?

9.6. What are the obligations of the owner in the building of the house?

9.7. How is construction activity in the rural areas monitored?

9.8. Is there a structured engagement of the traditional council and ward committee or councillor in the monitoring and support of self-help housing? Please explain how this is implemented.

| |
| |

9.9. What would you recommend be roles of the following for effective self-help in rural areas?
    9.9.1. Municipality

| |

    9.9.2. Department of Human settlement

| |

    9.9.3. Funding / finance institutions

| |

    9.9.4. Private sector

| |

    9.9.5. Traditional Councils

| |

10. INSTITUTIONAL COMPLIANCE
10.1. Are you aware in which municipality you are situated?

| |

10.2. If you were to extend further, will you be required to submit plans or would you need anybody's approval?

| |

10.3. How long does it take to approve plans from the municipality?

| |

10.4. Do you know how long you are given to start and complete building once the plan is approved?

| |

10.5. Do you know anything about National Home Building Regulatory Council (NHBRC)?

| |

10.6. Do you know anything about the need to enrol the house?

| |

10.7. Are there other laws that you are required to comply with prior to or during the building your own house?

| |

11. ABOUT THE ROLE OF THE TRADITIONAL COUNCIL
11.1. What is the role of the traditional council in your area?

| |

11.2. How does this apply to land allocation, infrastructural services and house construction?

| |

11.3. What services of the traditional council are paid for?

| |

11.4. How do they interact with the councillor and the local municipality in processes affecting the construction of your house?

| |

11.5. Were you given any documents when you purchased your plot?

| |

APPENDIX 2: STAKEHOLDER GUIDING QUESTIONS

03 –September 2018

Dear Sir /Madam

REQUEST TO INTERVIEW YOU IN ONE OF THE AFTERNOONS DURING THE WEEK

My name is Mbongeni Hlongwa currently undertaking a research through the University of KwaZulu Natal. The research focusses on *"Institutional Matters: Exploring the impact of the roles of the state and the traditional councils on self-help in the rural spaces of KwaZulu-Natal, South Africa."*

The objectives of this study are:

   i. To understand the concept of self-help in the context of rural spaces in South Africa and how it impacts on the production of governable spaces in KwaZulu-Natal.
   ii. To understand how powers of state and of traditional councils contribute to the mass production of self-help housing in South Africa
   iii. To understand the historicity of housing and how this impacted on the rural spaces in South Africa.
   iv. To identify different role players involved in rural housing and how they influence the housing products.
   v. To investigate the role of indigenous knowledge in rural spaces and housing and how this is incorporated in governance.

EMaphephetheni has been selected as a case study because it exhibits various settlement characteristics and housing products including RDP houses, traditional homesteads and evidence of mass produced units and those constructed incrementally by individual home owners.

To supplement the field study, I kindly request 1 hour of one of your afternoons during the week, anytime from 15h00 to interview you around the attached questionnaires. I'm happy to come to your offices.

Please advise of date suitable to yourself

Kind regards
M Hlongwa

mbongeni@gabhisa.co.za

INTERVIEW FORM –

NAME OF THE RESPONDENT: _____

NAME OF INTERVIEWER: _____

PLACE OF THE INTERVIEWER _____

DATE OF INTERVIEW _____

PLACE OF RESIDENCE _____

CONTACT NUMBER _____

LANGUAGE USED _____

ROLE IN YOUR ORGANISATION_____

 a. What is your understanding of self-help housing and briefly indicate forms in which this is presented?_____

 b. How has self-help housing been provided in rural areas?
_____

 c. What are challenges with this type of construction and what can be done to ameliorate such challenges?
_____

 d. What are funding options for this type of housing provision that you have heard of?
_____

 e. What are policy instruments that are used to facilitate this option and would you say these are adequate?
_____

 f. What can be the roles of the following in self-help housing in peri urban and rural areas?

  a. Municipality
  _____

  b. Provincial Department of Human settlement
_____

  c. Funding / finance institutions
_____

  d. Private sector
_____

  e. Traditional Councils
_____

 g. What policy frameworks are used by the municipality for building approval?
_____

 h. What is your understanding of the current process for submission and consideration of building plans?
_____

 i. What information is required as site information (to be shown on plans or as part of application) and how is this accessed by applicants?

_____

j. How are scheme controls and boundaries dealt with in peri urban and rural areas?
_____

k. Are there post construction requirements related to building approvals?
_____

l. What are time frames allowable for the completion of the house post approval?

HUMAN SETTLEMENTS & INFRASTRUCTURE
Human Settlements Unit
uMasipala waseThekwini umnyango wezindlu

3rd Floor, Shell House
221 Anton Lembede Street, Durban, 4001
P.O. Box 3858, Durban, 4000
Tel: 031 3113283, Fax: 031 3113493
www.durban.gov.za

Enquiries: Ms B Magudu
Tel No: 031 311 3395
Email:Bulelwa.magudu@durban.gov.za

10 May 2017

Dear Mr Mbongeni Hlongwa

RE: GATEKEEPERS LETTER

PROJECT TITLE: INSTITUTIONAL MATTERS: EXPLORING THE ROLES OF THE STATE AND TRADITIONAL COUNCILS ON SELF-HELP HOUSING IN THE PERI-URBAN SPACES OF KWAZULU-NATAL, SOUTH AFRICA.

I hereby wish to confirm the receipt of your letter dated 5 May 2017.

I wish to inform you that your request to conduct research at eMaphaphathweni is approved.

Kindly take note that:

1. The municipality will make available existing (public) documents that may be useful to you for the selection of respondents.

2. The onus is on you to arrange and engage relevant participants that will provide enough information as requested, the municipality will also as much as practically possible facilitate introductions.

3. The researcher must work closely with local representatives or the traditional council.

4. You are advised to use relevant recognized structures as your point of entry for all communication in terms of requests for interventions where there are challenges.

I take this opportunity of wishing you everything of the best with your study. As part of this approval you are required to submit your research findings to the undersigned prior to them being made public in any way whatsoever.

Yours faithfully

Permission Granted by:

Mark Byerley
Manager: Research and Policy: Human Settlements Unit

Maphephethe Traditional Council

050249 Mbozamo Area
Lower Maphephetheni
Inanda
4309

24 April 2017

P. O. Box 1178
Pinetown
3600

Dear Mr Mbongeni Hlongwa

PROJECT TITLE: INSTITUTIONAL MATTERS: EXPLORING THE ROLES OF THE STATE AND TRADITIONAL COUNCILS ON SELF-HELP HOUSING IN THE PERI-URBAN SPACES OF KWAZULU-NATAL, SOUTH AFRICA.

I hereby wish to confirm the receipt of your letter dated 20 April 2016.
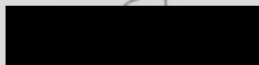
I wish to inform you that your request has been accepted through an internal review process and approval by a full traditional council.

Please note that this permission is granted subject to the following terms and conditions:

1. The traditional council will make available existing documents that may be useful to you for the selection of respondents.

2. The researcher must engage relevant participants that would provide enough information as requested.

3. The researcher must work closely with local representatives or the traditional council.

4. You are advised to use relevant recognized structures as your point of entry for all communication in terms of requests for interventions where there are challenges.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

Inkosi Gwala (Emaphephetheni Traditional Council)

APPENDIX 4: ETHICAL CLEARANCE

UNIVERSITY OF ™
KWAZULU-NATAL

INYUVESI
YAKWAZULU-NATALI

15 June 2017

Mr Mbongeni Hlongwa (951057517)
School of Built Environment & Development Studies
Howard College Campus

Dear Mr Hlongwa,

Protocol reference number: HSS/0650/017D
Project title: Institutional Matters: Exploring the roles of the state and traditional councils on self-help housing in the peri-urban spaces of KwaZulu-Natal, South Africa

Approval Notification – Expedited Application

In response to your application received on 29 May 2017, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully
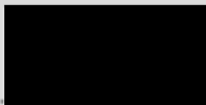
Dr Shenuka Singh (Chair)

/ms

Cc Supervisor: Dr Sithembiso Myeni
Cc Academic Leader Research: Professor O Mtapuri
Cc School Administrator: Ms N Mzolo

Humanities & Social Sciences Research Ethics Committee
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1910 - 2010
100 YEARS OF ACADEMIC EXCELLENCE

Founding Campuses: ▪ Edgewood ▪ Howard College ▪ Medical School ▪ Pietermaritzburg ▪ Westville