UNIVERSITY OF KWAZULU-NATAL

INYUVESI YAKWAZULU-NATALI

ANALYSING THE EFFECTS OF INFORMAL LAND MARKETS ON SELF-HELP HOUSING IN ETHEKWINI MUNICIPALITY: A CASE STUDY OF UMZINYATHI.

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2021

A dissertation submitted in partial fulfilment of the requirements for the degree of Master of Housing in the School of Built Environment and Development Studies, University of KwaZulu-Natal, College of Humanities.

DECLARATION

I, Nandi Kelly Mhlongo hereby confirm that all the information contained in this dissertation is my own work and that it has not been previously submitted to the School of Built Environment and Development Studies or any other body for any purpose. Work and ideas adopted from other authors or sources are properly acknowledged.

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ABSTRACT

The main aim of the study is to analyse the influence of vernacular land markets on self-help housing and its implications on dweller control using uMzinyathi in eThekwini Municipality as a case study. This study assesses the traditional institutions and practices of the impacts of the customary land tenure on self-help housing in eThekwini Municipality. The study analyses the factors that drive the development of vernacular land markets at uMzinyathi. More specifically, the study examines the process and procedures for local recognition of the transaction of land for housing in uMzinyathi; and identify actors and policies that shape the vernacular land markets in eThekwini Municipality. Overall, the study was to dissect the impact of vernacular land markets on self-build housing in uMzinyathi and its suggestions on dweller control.

The study has used the theory of neo-institutionalism where views from historical institutionalism and rational choice institutionalism helped to gain insights into the influence of vernacular land markets on self-help housing in South Africa and its implications on dweller control. The study adopts a qualitative research approach which helps with instruments suited to assess practices and impacts of the customary land tenure on self-help housing in eThekwini Municipality. Semi-structured interviews conducted with stakeholder directly involved in vernacular land markets and self-build housing. Moreover, secondary data from government sources and municipal policies were used in order to triangulate both secondary and primary sources of data.

The study findings reveal that admission to land in most sub-Saharan Africa nations is proceeding to be dictated by indigenous frameworks of land residency that developed after some time under both provincial and nearby impacts. This study found that the nature of people experiencing the freedom to build is found within communal areas. Overall, the study recommends that bottlenecks affecting "freedom to build" and "dweller control" should be removed considering that there are patterns of good quality of self-help housing development taking place in peri-urban spaces.

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LIST OF ACRONYMS

ANC   African National Congress

CBD   Central Business District

CLRA   Communal Land Rights Act

COGTA   Department of Cooperative Governance and Traditional Affairs

DRLR   Department of Rural Development and Land Reform

EPHP   Enhanced Peoples Housing Process Programme

GSUP   General Strategic Urban Plan

HSSREC   Humanities and Social Sciences Research Ethics Committee

IFP   Inkatha Freedom Party

IDP   Integrated Development Plans

INK   Inanda Ntuzuma and Kwa-Mashu

IPIRA   The Interim Protection of Informal Land Rights Act

ITB   Ingonyama Trust Board

KZN   Kwa-Zulu Natal

LA   Land Readjustment

MDB   Municipal Demarcation Board

PHP   Peoples Housing Process

PILaR   Participatory and Inclusive Land Readjustment

PTO   Permission to Occupy

SD   Sustainable Development

SDF   Spatial Development Framework

SPLUMA   Spatial Planning and Land Use Management Act

TLGFA   Traditional Leadership and Governance Framework Act

ULTRA   Upgrading of Land Tenure Rights Act

WPTLGA   The White Paper on Traditional Leadership and Governance Act

WWII   Second World War

VLM   Vernacular Land Markets

CHAPTER 1: INTRODUCTION AND BACKGROUND TO THE STUDY

1.1. INTRODUCTION

This chapter provides an overview of the study and outlines the structure followed. In accordance, the first section details the research background through a broad review of literature on vernacular land markets (VLM) and self-help housing in South Africa. To this end, a case study on the experiences of beneficiaries in VLM and self-help housing developments was described. Building on this, the challenges associated with insecurity of tenure within tribal and urban land expansion as facilitated by the institution of traditional leadership will be discussed. The chapter will provide rationale for this study on the VLM at uMzinyathi, a rural area situated on the periphery of eThekwini Municipality in KwaZulu-Natal. Other important sub-sections, namely; significance of the study, research aim and objectives; main research question and subsidiary questions, structure of the study and conclusion are included in the latter part of the chapter.

1.2. BACKGROUND AND MOTIVATION TO THE STUDY

The main aim of the study was to analyse the influence of VLM on self-help housing in uMzinyathi and its implications on dweller control. An Egyptian architect Soliman (2012) highlights the obvious fact that housing delivery will not be achieved without land on which to build houses. The seminal work of this scholar is critical for the current study despite being focused on urban land in the Middle East -Egypt. Soliman (2017) further notes that the outward expansion of the cities increasingly encroach on the 'scarce' agricultural land, converting it into construction sites through the Land Readjustment (LA) and Participatory and Inclusive Land Readjustment (PILaR) in Egypt.

Yet, across sub-Saharan Africa, access to land is largely determined by indigenous systems of land tenure although this has evolved over time under both colonial and post-colonial rule. According to Chimhowu (2018), the past three decades are characterised by a paradigm shift with the alteration in the governance of tribal land. However, in different countries a vast expanse of land remains under various forms of customary tenure. For most of the people living in these areas, the full recognition of the land rights is realised thus far as governments have

not fully reformed the regulation of communal areas, leading to failure to ensure land tenure due to the lack of title deeds. Similarly, in South Africa, arrangements for land holding in communal areas were subject of the apartheid era. In Africa, informal land markets had not been recognised as an essential issue of the post-Second World War (WWII) period, with the exception of Kenya and Algeria, which had begun with land reform (Chimhowu, 2018). Elsewhere, African settler colonial states remained unchanged, and despite the large labour movements agitating the land question, it was not resolved. The decline of settler colonialism and the rise of independence in Zimbabwe, Namibia, Mozambique, Angola and South Africa was accompanied with the land markets policy agenda in Africa in the last two decades of the 20thcentury (Junior, 2008). Shedding light into the socio-political situation of a typical post-independent African country, Chimhowu (2018) notes that violence, inequality, and poverty persisted throughout southern Africa coupled with burgeoning informal housing land production and informal land subdivision.

In South Africa, there was more than one legislation granting tenure rights for communal land. Both colonial and apartheid rule enabled racial dispossession of land and the legislative frameworks that were established to facilitate spatial and institutional segregation. This effectively relocated African communities from tribal and often fertile land to designated reserves. After the Union of South Africa in 1910, land was divided. The 1913 Natives Land Act established dubbed 'reserves', which occupied a mere 13% of the land surface of South Africa. During the 1950s the apartheid system restricted Africans from accessing urban areas except for employment and paradoxically denied tenure rights to land due to lack of title deeds. The Group Areas Act of 1950 further demarcated South Africa by racial distribution, resulting in massive forced removals. According to Clark and Luwaya (2017), the land laws were made stricter in the apartheid period, although the amount of land allocated to Africans increased slightly. Africans were not allowed to live in white-only enclaves, and could not own land beyond designated area. To sustain this racial segregation, the apartheid government crafted the homeland policy. According to this policy, Africans would all become *de-facto* citizens of independent homelands although with the prospect of permanent settlement and ownership allowing owning of land there.

Existing literature shows that the apartheid government transformed the reserves into ethnically determined 'independent' homelands, now known as communal areas. This was frequently accompanied by episodes of forced removals and racial land dispossession (Urban Land Mark, 2013). By 1994, 40% of the country's population, approximately 16 million people, were living in extreme poverty in these former homeland areas, although this may be comparable with rural settings elsewhere (Clark & Luwaya, 2017). However, in these communal areas in South Africa, there were state-sponsored restrictions into inner city areas where there are employment opportunities, immobilising residents in homelands to their designated locations.

The customary rights to land have a long history of violent dispossession. In South Africa, these largely range from land expropriations during colonial period often based on the justification that customary rights to land do not constitute full property rights. The land policy and laws before 1994 did not allow for land markets within customary systems. However, they currently recognise customary rights over land, including the system of transmission and inheritance and the role of local leaders in the administration and management of land and in the prevention and resolution of conflicts (Quadros, 2004). Informal land use system has evolved in response to the need for alternative means of access to land and shelter for the urban poor. In fact, this change provide tenure through more simplified procedures that are accessible, user-friendly and affordable (Urban Land Mark, 2013).

The expansion of margins of the city into peri-urban is an important departure point for recent past settlement studies. For one, this study is motivated by the increasing number of people moving into areas such as uMzinyathi, providing the platform to demonstrate the concept of 'freedom to build' highlighted before. Moreover, the work of the Egyptian architect Ahmed Soliman was also influential in the conceptualisation of this dissertation. Soliman (2017) engaged the implementation of PILaR as a mechanism to shorten the gap between Egyptian planning policy framework, regulations and requirements with the existing needs and demands of people. He was a proponent of implementing the General Strategic Urban Plan (GSUP) for Egyptian cities based on a participatory approach in adopting a new urban boundary in cities to fulfil the future needs of citizens and restrict further encroachment on agricultural land. Thus,

that rural, peri-urban and urban environments operate as a system rather than independently and rural development and urban planning are necessarily linked activities widely accepted.

Existing literature on housing and land shows that little attention has been paid on understanding the influence of VLM as it relates to the process of de-urbanisation and the practice of 'freedom to build' and dweller control, particularly in areas like uMzinyathi. Numerous case studies have been done on the emerging phenomenon of informal land transactions taking place in the periphery of the city (Mbatha & Mchunu, 2016; Mbatha & Ngcoya, 2019). It has been noticed that the growth of informal land transactions in peri-urban spaces has become a natural reaction towards the competition for access to services, high land prices, complex building regulations, and high costs of municipal services happening in urban areas (Mbatha & Mchunu, 2016). The latter study focused on land governed through Ingonyama Trust Act as enacted in 24 April 1994 and amended in 1997 to create the Ingonyama Trust Board (ITB) which administers land falling under the jurisdiction of the traditional councils' oversight over lack of title deeds within areas such as uMzinyathi. The neo-institutionalism theory, historical institutionalism and rational choice theory will be vitally important in this study, serving as a baseline to analyse the co-existence of both informal and informal institutions at uMzinyathi. These theoretical framing enabled this researcher to gain more insight into the type of institutional arrangements, processes and procedures followed to allocate land to potential buyers in vernacular land markets. The vernacular land markets, market-based transfers of land under customary tenure is essential if state land policies are to succeed in promoting the interests of the poor.

1.3.   PROBLEM STATEMENT

The problem faced by ~17 million people living in former homelands and now referred to as communal areas is that despite land tenure being guaranteed, individual households do not have title deeds (Clark & Luwaya, 2017), lacking legal security for land. In addition, redressing the issue of insecurity of tenure within the customary land tenure is lagging since the government is yet to adopt appropriate tenure reform legislation. The Urban Land Mark (2013) states that tenure reform in communal land is often a politically sensitive subject. Informal land development presents a number of challenges to urban land management processes as well as

to urban dwellers. Tenure reform measures for communal land should underpin the adaptability and responsiveness of existing customary systems and not constrain local coping strategies.

There is a growing sense that systems of governance fail to cater for practices and anticipate needs of new urban residents. This, compounded by the growth of African middle class which accelerates the peri-urbanisation process in African cities (Mbatha & Mchunu, 2016). Peri-urban areas are a space of opportunity where small-building and new home-based industries are emerging to respond to the growing demand for construction. The demand for utilising land at the periphery of urban areas and traditional authority, is growing and there are certain pull factors contributing to the movement (Sutherland *et al.*, 2014). The opportunity to be able to access land which is affordable is one of the main reason, but also fewer, to build the house of choice. However, even after gaining access to land from the traditional authority there is an expectation of receiving communal land tenure. This conflicting status is also caused by the fact that peri-urban areas such as uMzinyathi are still under the urban region (i.e.; as uMzinyathi is under eThekwini Municipality) thus, the expectation for developments found within the inner city will also be enforced in peri-urban areas. With the traditional authority claiming ownership of the land, it is the *de-facto* tenure available. Yet, informal land tenure systems are not recognised by the authorities and do not provide sufficient tenure security to residents of rural areas (Olajide *et al*., 2015).

The role of the state in housing provision has been varies extensively since the apartheid era. Ntema (2012) asserts that the state has, in general, continued to play a significant role in the provision of low-income housing. To date there have been differential policies, legislations and programmes specifically to address housing provision, which include the government housing initiative known to be self-help housing. This programme derives from the theoretical notion propounded in Turner (1972). There are three types of self-help housing in light of Turner's perspective, namely laissez-faire self-help (completely 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). Communal areas and the land transactions that are happening pose an impact on self-built housing; importantly, this practice warrants further research.

1.4. AIM, OBJECTIVES AND RESEARCH QUESTIONS OF THE STUDY

The main aim of the study was to analyse the influence of vernacular land markets on self-help housing and its implications on dweller control at uMzinyathi.

The specific objectives of the study are as follows:

- To assess the traditional institutions and practices of the impacts of the customary land tenure on self-help housing in eThekwini Municipality.
- To analyse factors driving the development of vernacular land markets at uMzinyathi.
- To examine the processes and procedures for local recognition of the transaction of land for housing in uMzinyathi.
- To identify actors and policies that shape the vernacular land markets in eThekwini Municipality.

1.4.1. Research Question

In order to address the main aim and specific objectives of the study, the research seeks to answer the following key question:

How do vernacular land markets have an effect on self-help housing of peri-urban dwellers at uMzinyathi?

1.4.2. Subsidiary Questions

The main research question further expands into four subsidiary research questions, which the study seeks to explore:

- What are the traditional institutions and practices of the impact of the customary land tenure on self-help housing in eThekwini Municipality?
- What factors drive the development of vernacular land markets at uMzinyathi?
- What is the process and what procedures are undergone for local recognition of the transaction housing at UMzinyathi?
- What are the actors and policies that shape the vernacular land markets in EThekwini Municipality?

1.5.   THE STRUCTURE OF THE DISSERTATION

This dissertation comprises of seven (7) chapters, outlined briefly as follows:

Chapter 1 provides the introduction and background of the study. Furthermore, it details background information to the research problem and rationale for this study. The aim and objectives, research question and subsidiary questions for the research are contained in this chapter.

Chapter 2 comprises of the conceptual and theoretical frameworks framing this study. The chapter provides theoretical literature discussing concepts used and illustrating the interpretive capacity of theories such as neo-institutionalism in understanding study results.

Chapter 3 presents the literature review and highlights concepts used within the literature. The chapter provides a description of literature on vernacular land markets and the self-build concept, reviewing the dynamics of vernacular land markets in Africa, specifically sub-Saharan Africa.

Chapter 4 outlines the research design and methodology used in conducting this study. The chapter describes the methods used to collect the data, which involves the use of interviews as a method of collecting primary data and purposive sampling as a sampling method for selecting potential respondents of the study. This chapter further provides reasons for the selection of uMzinyathi as the setting for this study.

Chapter 5 provides a detailed description of uMzinyathi area situated in the eThekwini Municipality. The chapter describes the history of the area and its location. It describes the development of services, amenities and infrastructure over time; and highlights the reasons for self-build in this communal area.

Chapter 6 presents research findings, summarising the results elicited through data collection.

Chapter 7 contains the conclusion and highlighting important findings including discussing study recommendations and future directions.

1.6.   CONCLUSION

This chapter introduced the rationale for this study building on background information and the problem statement. In addition, the chapter outlined the study aim and objectives as well as the main research question and subsidiary questions. The chapter ends by providing an outline of this dissertation. Chapter 2 discusses the conceptual and theoretical frameworks relevant to this study.

CHAPTER 2: CONCEPTUAL AND THEORETICAL FRAMEWORKS ON VERNACULAR LAND MARKETS AND HOUSING

2.1. INTRODUCTION

The purpose of this chapter is to provide a conceptual and theoretical frameworks used in the study. The aim is to help establish a better understanding of various concepts explored throughout the study that relate to land and housing from global, regional and local perspective, for an insightful analysis at the case study level. Concepts and theories were employed both to guide and maintain contextual relevance in the study. Notably, the chapter is divided into two sections. The first section focuses on the conceptual framework that guide this study. It discusses various concepts as defined in past studies and project their importance in interpreting results from this study. The second section provides theoretical frameworks. It discusses the various theories from different writers and provides their interpretation of this study, ending with an overall conclusion of the chapter.

2.2. CONCEPTUAL FRAMEWORK OF THE STUDY

This section is describing the conceptual framework of the study. The purpose of this section is two-fold: the first purpose is to establish a better understanding of the concepts and the debates surrounding each one of them, and the second is to define the concepts as they have been applied in this study. The description of the concepts is a crucial component of this study as it allows one to gain background knowledge on the concepts used. This section also provides one with an opportunity to provide definitions of the concepts used in this study. The section discusses the following concepts VLM, land markets, land tenure, customary land tenure systems, housing, self-build housing, traditional governance, peri-urban areas and institutions.

2.2.1. Vernacular Land Markets

Chimhowu and Woodhouse (2006) argue that scarcity and competition for land has substantially changed customary tenure. The discussion in this section involves VLM in South Africa and other parts of sub-Saharan region. The development of VLM is uneven and can be understood in terms of locally dynamics of social and economic change. More specifically, commoditization of land is linked to markets for labour and agricultural output (Chimhowu &Woodhouse, 2006). In the past, vernacular land markets were known to be expanding trade

markets used for agricultural usage as well as extending food markets because of the urban development (Lahiff, 2008). The population in sub-Saharan Africa has grown, and the overall growth of land markets can be recognised to be increasing land scarcity (Jayne, Yeboah & Henry, 2017).

In the absence of formal land markets, and tribal or 'kinship' entitlements to customary land, vernacular markets offer an initial entry point through land rentals and in some cases land sales. However, rapid urbanization means that the demand for land and housing in peri-urban areas has driven markets for land normally under customary tenure (Chimhowu & Woodhouse, 2006).

2.2.2. *Land Markets*

Peri-urban land markets are the most dynamic and diverse in sub-Saharan Africa and land markets in African cities commonly manifest both formal and informal characteristics. Whereas, according to Urban Land Mark (2007), there is a widespread recognition in South East Asia that informal and illegal land markets are the main routes to access urban land. This was also observed in Latin American cities by the end of the 1990s, and recently in six cities in sub-Saharan Africa. Although the price factor is necessary in defining the land markets, exchange through gifts and inheritances are strongly prevalent in African cities (Wamani, 2010). Land markets are considered to be exchanges of both formal and informal land rights between individuals or groups for purposes of urban functions operating within a geographical area that is termed urban (Wamani, 2010). Among such urban functions is housing from which cities derive the major urban land use. Additionally, Wamani (2010) notes that even though land markets are no longer considered to be exploitative of the less fortunate, poorly designed land market interventions and regulations continue to hamper the development of land markets in many parts of the world. This directly limits access to land by the landless and less fortunate in rural and peri-urban areas. Land markets exist on the basis of the transactions between individuals, companies and organizations regarding a transfer of rights over land. Land markets are a product of the emergence of property rights (Urban Land Mark, 2007).

The concept 'informal' is an overarching term, used to capture practices from one context to another. According to Urban Land Mark (2007), informal land markets arise from the logic of

the capitalist land market. This view tends to associate the activities of agents in land markets with the general framework of the mode of capital accumulation. Under these arrangements costs associated with legality explain the informal land markets. As such there is further need for radical regulatory reform and the development of a fairer land market. Due to the over-regulation of the formal land market, a growing number of land seekers increasingly find the informal land market more responsive to the people's demands for housing land (Wamani, 2010). Informal land markets refer to markets that operate outside the formal public or state instrument of land delivery, registration, control and planning regulations by way of a number of channels including purchase. Wamani (2010) highlights that informal land markets also exist in planned and surveyed urban areas. In cities of developing countries, experience show that informal land markets are largely being pioneered by the private sector resources and initiatives involving individuals and institutions.

2.2.3. *Land Tenure*

Land tenure is often categorised as private, communal, open access and state land tenure (FAO, 2002). Private land tenure involves the assignment of rights to a private party who may be an individual, a married couple, a group of people, or a corporate body such as a commercial entity or non-profit organization. In addition, within a community, individual families may have exclusive rights to residential parcels, agricultural parcels and certain trees. Other members of the community can be excluded from using these resources without the consent of those who hold the rights. Contrastingly in communal land tenure, the right of commons may exist within a community where each member has a right to use independently the holdings of the community. An example for this would be members of a community may have the right to graze cattle on a common pasture (Croix, 2002). Open access is whereby specific rights are not assigned to anyone and no-one can be excluded. This typically includes marine tenure where access to the high seas is generally open to anyone; it may include rangelands, forests, etc, where there may be free access to the resources for all. According to FAO (2002), an important difference between open access and communal systems is that under a communal system non-members of the community are excluded from using the common areas. State land tenure comprises of property rights that are assigned to some authority in the public sector. For

example, in some countries, forest land may fall under the mandate of the state, whether at a central or decentralised level of government (Croix, 2002).

Croix (2002) states that land tenure refers to the bundle of rights and responsibilities under which land is held, utilised, transferred and succeeded. The meaning of the term differs with the context that is being used. It is used to refer to land prescribed by statutory or common law; to customary land tenure; and to observe land tenure practices in a particular historical context. Land tenure arrangements vary hugely across urban and rural areas primarily because of the use of land for agriculture in rural areas and for residential and business use in urban areas. Economic historians have focused on analysing tenure systems on agricultural lands, as until the 20th century the majority of people in most societies earned the livelihood by cultivating the land; added onto wealth by improving the land; and transferred wealth to the next generation by giving the land (Croix, 2002).

Land tenure is important in rural development interventions which place an emphasis on building people's endowments of assets for the enjoyment of sustainable livelihoods. A livelihood is sustainable when it can cope with and recover from stresses and shocks, and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base (Croix, 2002). According to Croix (2002), land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. For convenience, land is used here to include other natural resources such as water and trees. Land tenure is an institution by which, rules invented by societies to regulate behaviour. Rules of tenure define how property rights to land are to be allocated within societies. Those rules define how access is granted to rights to use, control, and transfer land, as well as related responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources for how long, and under what conditions. However, this study focuses mostly on the customary land tenure. Furthermore, Croix (2002) highlights that communal land tenure (which is the main focal point in this study) have been prevalent in most African communities whereby families carry out cultivation on scattered plots, with plots being redistributed by chiefs or village elders as family size and land fertility change.

2.2.4. *Customary Land Tenure*

Communal land tenure refers to the systems that most rural African communities operate under to express an order, ownership, possession and access to regulate use and transfer of land (Barry, 2003). While land has been under the rule of chieftainship pre and post-colonial rule, anthropologists have pointed to the socially embedded inclusive character of tenure regimes in which access to land as opposed to control over, was emphasised. Communal property denotes a collectivist relationship between people and the shared land, usually rights to family garden plots and fields were decided at the household level and communal resources such as grazing land, water and trees were regulated by the chief in council (Department of Rural Development and Land Reform, 2013).

Chimhowu and Woodhouse (2006) argue that recorded customary laws were often reconstructions mediated by tribal chiefs keen to gain status under colonial administration. The Communal Land Tenure Policy of2014soughtto reform communal tenure to ensure security of land rights and production relations for people residing in communal areas in South Africa. To achieve this, the central proposal of this policy establishes institutionalised use rights, particularly for households, and other users, which shall be administered either by traditional councils in areas that observe customary law, or communal property institutions outside these. Furthermore, closely aligned with the 2011 Green Paper's stated objective of securing rights to land for all South Africans (and particularly those living in rural areas) through the envisioned four-tier system of land tenure, the Communal Land Tenure Policy aims to: strengthen the security of tenure of Communal Area households under traditional leaders, Communal Property Associations (CPAs) or Trusts, secure the rights and interests of more vulnerable citizens and enable household members to bequeath land to the children (Urban Land Mark, 2007).

Customary tenure systems are inherently unique to the locality in which they operate and may therefore vary in detail depending on farming practices, settlement patterns, kinship and inheritance rules, socio-political organization (Krantz, 2015). According to Croix (2002), historians have often interpreted communal land systems as efficient responses to social as well as economic environments with significant environmental risks, high information costs, and

poorly developed input, output and insurance markets. This is important for one's research study because it feeds into the objectives of the study.

2.2.5. Housing

Housing embodies many dimensions such as comfort, safety, identity and above all it has central importance to the quality of life and health of the individual with considerable economic, social, cultural and personal significance. It is also a critical component in the social and economic aspect of communities. Housing development can be considered as a pioneering step for sustainable development with multiple objectives and institutional relevance. As the housing needs differ from person to person depending on various factors an integrated approach is helpful in defining the problem in general (Nair *et al.*, 2005).

The most pertinent question regarding housing and human settlements today, is whether or not development in the field of sustainable human settlements since 1994 has aided to further the course of sustainable development, with respect to the inter-linked pillars of sustainability being environmental, social and economic (Burgoyne, 2008). The Department of Human Settlements in Ethekwini Municipality was initially established as a means to develop housing as a means to integrate cities and towns both for inner city and peripheral areas such as uMzinyathi, the case for this study.

2.2.6. Self-Help Housing and Self-Build Housing

According to Sithole (2015), South Africa's housing policy is based on a once-off housing subsidy and the purpose of this subsidy is to provide recipients with a site and basic services, coupled with a starter home that can be extended over time. The idea of government supports to enable families to build houses (belonging to each family building the house) came from the people, and not from the governments or international experts. The formulation of ideas on self-help housing may well be the result of western studies following, rather than leading, international trends (Ntema, 2012). The fact that housing will be upgraded over time ensures that the physical characteristics of the house will most likely improve, should people be given the "freedom to build". One of Turner's principles is that the value of the house to the user was related to dweller-control, rather than to its physical characteristics; which was the main consideration in housing. In this regard Turner (1972) argued that the main criterion in respect

of housing was whether the owner was in control of the construction process although not necessarily as a participant in the actual building activities. However, dweller-control seems to be absent from housing policy intent and practice (Marais *et al*., 2008).

According to Turner (1972), any housing programme may be sustainable, provided it allows dweller control; i.e. permits residents to make basic decisions about the personal housing environment. Through dweller control, the housing programme is freed from the bureaucratic (top-down) approach usually adopted by governments in delivering low-income housing. Complementary to dweller control, Turner uses concepts such as 'freedom to build', which is defined as the issue of who decides. The argument is that the best results are obtained by the user who has complete control of the design, construction and management (dweller control) of own home, while it is of secondary importance whether or not the individual personally builds it with own hands (sweat equity), unless less fortunate (Ntema, 2012). According to Turner (1972), governments should (through supportive role) provide those aspects of housing that people are not always able to provide; for example, land, laws, tools, credit, know-how and land tenure. This can be done while leaving the entire process of construction to be managed and controlled by the people, thus promoting, in Turner's terms, dweller control and this is relevant for this research study since it revolves around this dweller-control concept (Marais *et al*., 2008).

2.2.7. *Traditional Governance*

For many years before colonial administration, South Africa was ruled by a succession of kings such as Shaka, Makhado and Sekhukhune. They were regarded as the sole source of political power. The institution of traditional leadership in Africa pre-existed the colonial and apartheid systems and was the only known system of governance among ethnic people. According to Amoateng (2007), chieftaincy in Africa is not only an important part but is also a vital element in the social, political and cultural establishment of African communities. It is a dynamic institution that reflects and also responds to the evolving political and social transformations of society. The institution of traditional leadership and the institutions of the modern state are located along the line where the traditional system meets the modern-state administration. Therefore, as Africa continues to develop its political institutions to serve the demands of a

democratic government in the modern state, the position of traditional authority will continue to attract the attention of policy makers. According to Koenane (2017), it is true that the South African traditional leaders are recognized by both the Constitution and other policy documents such as the White Paper of 2003 on traditional leadership. The debate about whether the institution of traditional authority is still valuable and relevant in South Africa has continued ever since democracy was achieved in 1994, and society is polarised on the issue. Most of those opposed to it argue that the institution does not have a place in a democratic dispensation since it is not democratic in its outlook. However, an indigenous system of governance through traditional leaders is still regarded by many, especially those living in rural areas, as a better system than local government which if often prone to corruption and ineffectiveness in transforming lives and delivering services in tribal areas (Koenane, 2017).

2.2.8. *Peri-Urban Areas*

The administrative history of eThekwini as an apartheid city provides a foundation for understanding the nature of the peri-urban phenomenon. eThekwini Municipality is one of the eight metropolitan municipalities in South Africa, which were established by the Municipal Demarcation Board (MDB) in terms of the Local Municipal Demarcation Act No. 27 (1998). There are five interrelated elements that have been combined to account for the phenomenon of peri-urban development in eThekwini (Mbatha & Mchunu, 2016). Mbatha and Mchunu (2016) describe these elements, starting with the first being that South African cities have experienced rapidly increasing population with the eThekwini region being no exception. The population patterns show a close proximity from rural to urban areas enabling easy access for nearby urban residents to goods and services. The second element highlights how the apartheid policies distorted property markets by creating a backlog of land for Africans. This resulted in the relocation of those Africans to the periphery of the cities increasing the distance from places of work and amenities. The third element states that the municipalities should meet the responsibilities of providing basic public facilities as well as playing a role in the spatial planning through Integrated Development Plans (IDP) and Spatial Development Frameworks (SDF). The fourth element highlights the inclusion of the various land tenure systems with the ITB leading the property owning entity in Kwa-Zulu Natal. The fifth element evokes the

normative approach of the municipality in dealing with urban encounters. This stems from postcolonial urban Africa failing to adopt the traditional processes of land holding and incremental building (Mbatha & Mchunu, 2016).

According to Adell (1999), the apparent link between the city and a rural area is evolving rapidly, shifting from the assumptions of mainstream paradigms to new conceptual landscapes where rural-urban links are being redefined. In this conceptual field, the peri-urban interface is still generally considered as a transitional zone between city and countryside, often described not as a discrete area, but a diffuse territory identified by a combination of features and phenomena, generated largely by activities within the urban zone (Adell, 1999). The collected works on the peri-urban interface is included in different groups of works dealing with topics such as urban and rural relationships and links, the extension of metropolitan urban growth on the fringes. The French literature on African cities is seen as constituting the most robust and thematically unified concept of fringe development that is, the peri-urban urban (Adell, 1999). This school of thought presumes that the less fortunate or 'informal' peripheries of the city are products of the interaction of state intervention and policies (programmed action, specific projects or "laisser faire") and the action and practices of the inhabitants seen as everyday use and appropriation of spaces, land and housing strategies and self-building practices (Adell, 1999). Prior to democracy in 1994, outside of the homelands, rural and urban areas were managed and administered independently in South Africa. The peri-urban zone was at the boundary of urban and rural administrative authorities, and was unlikely managed as a transition zone between urban and rural systems.

According to Emas (2015), in recent years, sustainable development (SD) is an important consideration to determine an environmentally friendly economy. Development as a principle highlights the need to meet the present requirements without in any way compromising the future generation's capacity to meets its needs (Emas, 2015). SD attempts to balance between economic viability and environmental stability. An example of a SD commitments is promotion and protection of environment without disturbing the economic development. Development in every sphere of human activity is an unending and continuous process. SD ensures enhancement, efficient, equitable use of existing resources. Automatically, sustainability

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emphasises the need to treat environmental protection and continuing economic growth as mutually compatible and not necessarily conflicting objectives. Therefore, sustainability implies compatibility with natural resource base limitations. The following section describes the main theories and briefly discuss their relevance to this study.

2.3.   THEORETICAL FRAMEWORKS

This section focuses on a theoretical framework of this study on informal land markets. The main theory outlined in this section is neo-institutionalism and discusses the historical and rational choice approach. This section notes that there are three branches of neo-institutionalism – historical institutionalism, rational-choice institutionalism and sociological institutionalism, but this study will focus on historical institutionalism and rational-choice institutionalism.

2.3.1. Neo-Institutionalism

North (1991) notes that institutions are in large part formulated constraints that structure political, economic and social interaction. The institutions consist of both informal constraints (sanctions, taboos, customs, traditions, and codes of conduct), and formal rules (constitutions, laws, property rights). Throughout history, institutions have been devised by human beings to create order and reduce uncertainty in exchange. Together with the standard constraints of economics they define the choice set and therefore determine transaction and production costs realising the profitability and feasibility of engaging in economic activity. Institutions progress incrementally, connecting the past with the present and the future; history in consequence is largely a story of institutional evolution in which the historical performance of economies can only be understood as a part of a sequential story. Institutions provide the incentive structure of an economy; as that structure evolves, it shapes the direction of economic change towards growth, stagnation, or decline.

The neo-institutionalism theory refers to a turn to privileging institutions that stemmed from a critique of the traditional structural-functionalist approach of the 1960s and 1970s. This theory arose in the late 1980s and has changed over the years. Despite being expounded differently it has been consistently used to explain the importance of institutions in explaining the behaviour of individuals (Powell, 2007). This new institutionalist approach derives from the old version

which focused on the government and their various laws and practices which are then applied to citizens. Under this approach, institutions are neither a mirror of society, nor merely the site for individual strategies (Zhao & Lounsburg, 2016).

According to Bell (2002), during the late 19th to the early 20th centuries, political science literature began describing and mapping the formal institutions of government and the modern state, both within precise countries and on a comparative basis. In line with constitutional research in public administration (a sub-field within political science), emphasis of 'old' institutionalism in political science pioneered the formal-legal and administrative arrangements of government and the public sector. From the current interpretation, old institutionalism displayed little interest in cumulative theory building (Bell, 2002). Menard and Shirley (2011) suggests that the main emphasis was on description than explanation or theory building. Studies were also often constructed on an evaluative framework which attempted to assess how well certain institutions measured up to democratic norms or the principals of responsible government. Old institutionalism is not completely discarded, however, the description of institutional arrangements remains an important aspect of research in politics and formal-legalism is noticeable in fields such as constitutional studies and public administration. When old institutionalists transitioned to explanation it was assumed that political behaviour was more or less determined by the formal rules or procedures of the institutional setting. Having noted that, there is some overlap between the old and the new institutionalism (Bell, 2002). New institutionalism amounts to 'bringing institutions back in' and a renewal and development of this approach that has been underway since the 1980s.

There has been a number of reasons for the renewal of interest in institutions from political science literature. Firstly, social, political and economic institutions have become larger, considerably more complex and resourceful, and more important to collective life (Bell, 2002). Secondly, there has been a renewed interest in the 'state' in a number of schools of political analysis, including Marxism and so-called 'statism'. Thirdly, institutional factors have featured prominently in explanations of why countries pursued such different responses to the common economic challenges of the 1970s and 1980s most especially with regards to the oil crisis and rising inflation and unemployment (Bell, 2002). Lastly, the major public policy revisions since

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the 1970s in the face of such challenges have also involved wholesale institutional restructuring, impacting especially on the role of the state and involving substantial public sector reform.

According to Zhao and Lounsburg (2016), neo-institutional theory serves as one of the main theoretical perspectives used to understand organisational behaviour as situated in and influenced by other organisations and wider social forces, especially broader cultural rules and beliefs. Initial scholarship theorised and documented how the construction of broader cultural rules constituted actors and facilitated organisational isomorphism, the growing similarity of organizations in a field. Subsequently, the scope of the theory was expanded to account for the transformation and change of institutions, as well as the heterogeneity of actors and practices in fields. This has spawned new strands of theorising such as that related to the institutional logics perspective. Neo-institutional theory is closely informed by ideas and debates in sociology and management; and it also draws from cognitive and social psychology, anthropology, political science and economics.

Zhao and Lounsburg (2016) state that one of the reasons that there is conflicting definitions of a political institution is that the neo-institutionalist approach encompasses a wide variety of complementary, but clearly different methodologies. This theory has been chosen as it links to the research aspect of vernacular land markets as those are communally shared and there is a concept of self-help housing is being used in that sense.

There are three branches of neo-institutionalism - rational choice institutionalism, sociological institutionalism and historical institutionalism. This study focuses on the historical institutionalism and rational choice institutionalism. The significance of this theory towards the study is that in neo-institutionalism there has been a lot of research conducted on the formation of institutions and in the case of this research study. This study refers to institutions such as the municipality –eThekwini Municipality and the traditional councils – iQadi Traditional Council.

2.3.1.1. Historical Institutionalism

This approach emphasizes the importance of initial decisions and choices of venues and introduces notions such as that of path dependency and traditions (the traditional authority and the land transactions in uMzinyathi). It is based on the assumption that institutional rules, constraints, and the responses to them over the long term guide the behaviour of political actors during the policy-making process. It is argued that historical institutionalism mixes the quantitative analysis of the rational choice stream with the idea and culture-based thought of the sociological stream (North, 1991).

There are differences and similar notions with regards to the theoretical framework of this research study. Historical institutionalists seek to define and explain specific real-world political outcomes, such as an election, using the historical legacy of institutional structures and feedbacks available to them (Powell, 2007). They also view politics as a competition over scarce resources and highlight differences in political power between institutions such as between the courts and the legislature. They consider path dependence, terms of art meaning the effects that one decision has to limit the available future choices for any political actor or institution. Historical institutionalists note that institutions do not perform with perfect efficiency (because they were designed in earlier times) and institutional rules (such as the insistence on supermajorities or unanimity in voting) are slow to change, and, thus, those factors must be taken into account in any analysis. In order for one to grasp this approach one needs to understand the history in general of the vernacular land markets and the case study in which will be focused on. Another is to focus on the sectoral level and retrace the history of specific public policies put in place for the concept under vernacular land markets and self-help housing. Tracing the historical institutions and practices of the distributive effects of the customary land tenure on self-help housing is one of the above mentioned objectives which link towards this institutional approach (Zhao & Lounsburg, 2016). The significance of this theory towards the study is that it enables it to understand both the origin of the institution and the paths by which it has developed. The following theoretical approach is also stemming from the neo-institutionalism and this is the rational choice institutionalism.

2.3.1.2. Rational Choice Institutionalism

Within the rational choice tradition there are two now-standard ways to think about institutions. The first takes institutions as exogenous limitations, or as an exogenously given game form. The economic historian Douglass North, for example, thinks of them as the rules of the game in a society or, more formally the humanly devised constraints that shape human interaction (North, 1991). An institution is a script that names the actors, their respective behavioural repertoires (or strategies), the sequence in which the actors choose from them, the information they possess when they make their selections, and the outcome resulting from the combination of actor choices (Shepsle, 2005).

The rational choice approach purports that institutions are only vested with powers by individuals. It involves more rational choice than institutionalism itself, the research focus is on how individuals can use institutions to maximise one's interest. Rational choice institutionalism, which has its roots in economics and organizational theory, examines institutions as systems of rules and incentives. Rules are contested so that one group of political actors can gain leverage over another. Political decision making is explained through modelling assumptions and game theory, as challengers and holders of political power pit themselves against one another. Thus, rational choice scholars often focus on a single institution in a specific time frame, although some look at institutions across time (Powell, 2007). The significance of this theory towards the research study is that this theory assumes that individuals utilises the resources available and in the case of this research would be the communal land being accessible to the aspiring dwellers.

Both historical and rational institutionalism approaches were used by the researcher because each assist with the comprehension of the discourse following this chapter which involves VLM. The neo-institutionalism theory chosen by the research helps put certain aspects into perspective in the study, such as institutions (in this case being the traditional leader, his headsman, the appointed ward councillor) guide the process and procedure of land allocation.

2.4.   CONCLUSION

This chapter provided a conceptual framework that guide this study. It discusses various concepts as defined in past studies and ways to leverage them for interpretation of this study

results. The chapter also provided a theoretical frameworks of the study where neo-institutionalism was discussed with it sub-sets – historical institutionalism and rational choice approach. The next chapter discusses the literature review, where vernacular land markets and self-help housing are discussed in detail as well as unpacking the legislative frameworks influencing the state of knowledge of this study.

CHAPTER 3: LITERATURE REVIEW AND LEGISLATIVE FRAMEWORKS OF LAND MARKETS AND HOUSING

3.1. INTRODUCTION

The literature review chapter discusses the dynamics of vernacular land markets in Africa. This review offers the different discussions around the topic of that as well as self-help/self-build housing in peri-urban spaces. This chapter reviews relevant literature on the problem being investigated, in order to elicit a more holistic understanding of the debate surrounding vernacular land market and housing. The purpose of reviewing this literature is to give an overview on the impact these two main topics impact on one another. As such, this chapter is divided into two main sections. The first section reviews literature on vernacular land markets and housing. The second section discusses the legislative and policy frameworks related to the study, outlining namely; the Land Restitution Act (1994); People's Housing Process (1998); the White Paper on Traditional Leadership and Governance (2002); Traditional Leadership and Governance Framework Amendment Act (2003); Communal Land Tenure Policy (2014); Spatial Planning and Land Use Management Act (2013). Thereafter an overall conclusion of the chapter will be provided.

3.2. DYNAMICS OF VERNACULAR LAND MARKETS IN AFRICA

This section covers the dynamics of vernacular land markets in the Global South drawing some debates from different studies. According to Colin and Woodhouse (2010), the questions about land markets are central to development and commonly outlined by an analysis of how customary systems of land tenure have changed in favour of private property. The discussion of land tenure in West and Central Africa increasingly suggests that access to land has become mediated through informal markets operating within customary tenure regimes, especially in reference VLM. Indeed, the land is purchased in communal land areas is largely for housing purposes. However, Chimhowu and Woodhouse (2006) highlight that there are diverging views on the causes of this dynamic. They note that various scholars argue that scarcity and competition for land has transformed customary tenure in a significant way. It is inevitably noticeable that the population in sub-Saharan Africa has and is increasing, and the overall growth of land markets may have worsened land access. Moreover, commoditisation of land

can be understood in terms of markets for labour and agricultural output. Chimhowu and Woodhouse (2006) continue to elaborate that historically, VLM is associated with growing trade markets for agricultural output, such as tree crops like cocoa in West Africa, or with expanding food markets due to urban and industrial growth. Strong markets for agricultural commodities remain a key element of recent land markets, for example, the growth in demand for agricultural produce in rapidly urbanizing parts of Africa.

In most communities in sub-Saharan Africa, individuals have access to land and resources through customary means, as do many other ethnic populations in agrarian states around the world. People with customary rights to land often live on land that is actually classified as government or public land (Wily, 2006). Although not often acknowledged in policy discourse, the land market constitutes an important avenue of land access for rural households in many countries. These 'vernacular' and or 'informal' markets operate in customary settings, often outside of a formal legal framework. Although VLM seems to lack statutory protection, it rather possesses social legitimacy and are of growing importance in Africa (Wineman & Liverpool-Tasie, 2016).

The question of how land markets influence the equity of land access remains a source of debate, and the effect may run in two opposing directions. On the one hand, the land market may enhance equity if it provides land scarce farmers with a means to obtain or enlarge the farms (Wineman & Liverpool-Tasie, 2016). In the absence of severe imperfections that hinder market from functioning, the impersonal nature of markets can also benefit the people with limited social capital. On the other hand, when land is commoditised it can drawback the people with less access to capital (Chimhowu & Woodhouse, 2006). In Sub-Saharan Africa, land sales markets are assumed to be less active than rental markets. As a result, peri-urban areas experience various kinds of land transactions because of unclear physical and institutional boundaries that regulate conditions of access to common property resources and land use in these areas (Hungwe, 2014).

Land transactions entail the different kinds of land rights exchanges within and outside the procedures of land tenure systems. Hungwe (2014) differentiates between land transactions as customary and individualized is made and applied throughout. The distinction informs analysis

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on land transactions in the entire study. Customary land transactions are the ones that take place within the procedures of the system of customary land tenure, whereas individualised land transactions take place outside this structure (typically between individuals) (Goodwin, 2013). The practice of land transactions is a significant pointer to the reproduction of the structure that regulates access to land and other property rights in communal areas. According to Goodwin (2013), some of the motives for selling land include the untimely death of siblings (which may, for example, give a surviving son excess fields, allowing to sell one or more); right holders moving permanently to urban centres; resettlement land becoming available; and daughters gaining land through marriage and selling off family homesteads.

Urban Land Mark (2010) and UN-Habitat (2010) observed that the formal urban land market, informal markets consist of a variety of institutions which support, facilitate, regulate and settle informal land transactions. These include state officials, such as local government councillors, institutions of traditional leadership, community leaders and community and family networks. The informal land market has a large number of socially dominated land market transactions, where the supply and demand of land are mediated more by social relationships than by a financial logic. A study in South Africa has shown that although price or cost is still an issue, it is of secondary importance in the way people transact in communal areas (Urban Land Mark, 2010; UN-Habitat, 2010).

3.3. SELF-HELP HOUSING (SELF-BUILD) IN PERI-URBAN DEVELOPMENT

Urbanization in sub-Saharan Africa has led to the spread of peri-urban settlements close to cities. Residents under the local tribal, as well as migrant backgrounds often occupy this land, often resulting in diverse land transactions and changing household survival strategies and a number of communal areas are located on the periphery of cities - the peri-urban (Hungwe, 2014). This shows that housing is a perennial challenge confronting the South African government. The government attempt to reach the target of housing construction through mass-delivery using a project subsidy, the long tradition of self-help housing in both rural and urban South Africa together with an increasing backlog makes that self-help, in a large variety of forms, needs to be put under scrutiny and be evaluated as a state-assisted housing-delivery

mechanism, rather than as the last resort for people in desperate need for a house (Newton, 2013).

Self-help is a characteristic of most traditional housing. Neither the concept nor the practice of self-help housing is a recent phenomenon. Traditional, vernacular housing in rural areas was mostly self-built by families and kinsmen. With self-help housing in the peri-urban development/communal land in some cases entire settlements are built on ITB, which is administered communally and falls under the authority of the Inkosi (the chief). The Inkosi is responsible for allocation of residential land in the area, and although there is a municipal ward councillor, the chief has no jurisdiction in terms of land allocation. These powers are vested only in the Inkosi and the Traditional Council in which much of their focus is on the attention of land. According to the respondents interviewed, what often happens is that a potential land buyer would approach a land occupier and this is where the process begins (Mbatha & Mchunu, 2016).

According to Sithole (2015), self-help housing delivery is a form of community-based housing delivery whereby individual households are responsible for provision of their own housing. Notably, self-help housing can take various forms ranging from self-build (individual households or group self-help) which relates more to technical aspects of house building; and collective actions around housing relating more strongly to organizational and political actions to improve living conditions beyond housing (Sithole, 2015). The hiring of a local builder in the building of a home is commonly known as the local contractor option. In both cases, the household is responsible for decision making, on site layout, house design, materials procurement and financial management etc. The definition is relevant to the self-help housing approach applicable in the context of dweller control in communal land / peripheral areas.

The concept of self-build housing is indispensable within the field of housing policy and research. According to Benson and Hamiduddin (2017), self-build is a broad category of practice similarly to self-help housing which involves households and groups who invest in building of the own homes. In most cases the building of the homes is financed and organised by the owners and from a housing perspective this is where the building of a home starts. Ntema (2012) argues that South African policy on self-help has made provision for Turner's

fundamental principle of dweller control. The general failure of the public sector's housing provision in most developing countries inspired Turner (1972) develop more ideas about self-help housing. Turner proposed three main principles. First, the concept of "housing as a verb" in which emphasizes the importance of the housing process. Second, he highlighted the importance of what housing does for people over its physical characteristics. Thirdly, Turner proposed that the value of housing was related to "dweller-control" more than to its physical features; hence, once again people deserve "freedom to build" (Turner, 1972). However, this study focuses on the dweller control. According to Benson and Hamiduddin (2017), self-help was a reaction to the inadvertent negative outcomes of urban renewal and the loss of confidence in formal planning mechanisms and architectural convention at the time.

Sites and services implemented by the World Bank (WB) largely lack "dweller-control" which is considered the novelist contribution of Turner (Ntema, 2012). These premised on state control recently in South Africa, and miss the potential of community development through the process (Arroyo & Astrand, 2013). Thus, the criticism is that they are based on a top-down approach in which the community only participates in self-construction activities.

There are three negative aspects of the site and services approach of the WB. First, sites and services have promoted urban sprawl due to minimizing investment costs in building one storey housing. Secondly, core housing needed to be built incrementally, but microfinance for subsequent housing improvements has not been available. Finally, the self-help housing process has been focussed on community participation for producing core housing instead of improving the skills of the people and empowering them over the process (Arroyo & Astrand, 2013).

Access to title deeds is an important principle of the national housing policy. However, a significant proportion of housing (formal and informal) for low-income South Africans has not yet been transferred into the names of the entitled individuals. While security of tenure has been achieved, this is not always supported legally with formal title (Royston & Narsoo, 2006). Mbatha and Mchunu (2016) notes that many of these new urban residents in the peri-urban spaces of eThekwini do not have title deeds as proof of ownership. It is a practice that is in line

with traditional ways of how land is owned, held and transferred. Property titles do not exist in a form of legal documentation but are rather embedded in socially determined values of trust.

3.4. LEGISLATIVE FRAMEWORKS ON LAND AND HOUSING

This section discusses the legislative framework that is applicable in the post-apartheid era (since 1994 to present). Legislative analysis is essential in discussing the legal arrangements concerning this study. This section will specifically focus on the following legislative frameworks- Land Restitution Act (1994); People's Housing Process (1998); the White Paper on Traditional Leadership and Governance (2002); Traditional Leadership and Governance Framework Amendment Act (2003); Communal Land Tenure Policy (2014); Spatial Planning and Land Use Management Act (2013).

3.4.1. Upgrading of Land Tenure Rights Act (1991)

According to the Government Gazette (1991), the act is explained in the following terms:

> "To provide for the upgrading and conversion into ownership of certain rights granted in respect of land; for the transfer of tribal land in full ownership to tribes; and for matters connected therewith. The reason why the Extension of Security of Tenure Act 62 (1997) is used for this study is because, it applies to the theme behind it being that tenure reform in communal areas relates not only to social and economic development, but also to the eradication of poverty in these areas." (Government Gazette, 1991: 3).

The rights that have the possibility of being upgraded into full ownership are stated in Schedule 1 of the Act and include deeds of grants, rights to leasehold as well as quitrent. In order for the rights to be upgraded, the land still has to undergo land surveying, it must be informally demarcated and shown on a general plan, or it had to form part of a formalised township. It is also the duty of the Registrar of Deeds to affect the necessary entries and endorsements. The right to ownership is accordingly granted to a person who is the holder of any one of the specified tenure rights, according to the Registrar. As such, the holder of a land tenure right is regarded to be the owner of the land, pending the conversion of the Schedule 1 rights. The holder will also still be subject to all the previously registered conditions, servitudes, mortgage bonds or township conditions (Johnson, 2009).

Following onto Schedule 2 which presents rights such as consent for the occupation of any irrigation or residential allocation, consent to occupy or the rights of occupation will also be

transformed into full ownership. This will happen when the owner of the land or ERF lodge with the Registrar of Deeds a certificate of ownership, in the name of such a holder of the relevant land tenure right. As the Government Gazette (1991), carries onto explain that the land should be situated in a formalised township for which a township register exists. If the land is situated outside a formalised township, it must be surveyed before the conversion to full ownership can take place. Only once the land is registered in the name of the new owner, can ownership be transferred. This is exactly where this Act differs from the Communal Land Rights Act. Section 3 of the Communal Land Rights Act deals with unsurveyed communal land in the former homelands that needs to be surveyed before transfer to any community or individual household can take place. There was no mention of whether the land to be transferred in terms of the Communal Land Rights Act should be situated in a formalised township or not.

3.4.2. *Land Restitution Act (1994)*

The Land Restitution Act of 1994 brought into light a three tier land reform policy to redress the historical injustice of land dispossession, denial of access to land and forced removals by (SDF, 2019) - land restitution (to restore land or provide financial compensation for people); land redistribution and land tenure reform.

The Land Restitution Act of 1994 was for people or communities whom because of the practices after 1913 as results of the colonial and apartheid regimes lost their property possessions. Those people were requested to submit claims for restitution for the return of land or by financial compensation of which 72% of the claims were urban and the remainder rural. Within five years 67 531 claims were lodged (SDF, 2019).

There were generally financial claims that belonged to urban claims from victims of forced removal and a total compensation of R1.2 billion was paid by December 2002. The restitution for rural claimants was processed by the return of land. Approximately 571 232 hectares were restored at a cost of about R442 million by December 2002. The intention of the government was to complete all the land claims by 2005. A total of 34 urban land claims with financial compensation were settled in the eThekwini Municipality. The Restitution of Land Rights Amendment Act was passed by the National Assembly and National Council of Provinces on 30, June 2014 to extend the claims lodgement period.

According to the SDF (2019), land claims also featured in the 2016 State of the Nation Address with 120 000 additional applications having been lodged by those that missed the 1998 deadline. Figure 3.1 below indicates the location of these land claims within the eThekwini Municipality as of February 2016 as provided by the Department of Rural Development and Land Reform (DLRL). The figure 3.1 below represents all land claims settled in the eThekwini Municipal area as of March 2016.

The use of this act is very important in this study because although the main direction is land tenure it is still, however, part of the land reform policy to redress the historical injustice of land dispossession, denial of access to land and forced removals.

Figure 3.1: Land Claims in eThekwini.

Settled Land Claims in eThekwini Municipal Area (as at 3-March-2016)

Legend

— National Route | ▮ Ethekwini Settled Land Claims
— Provincial Route | ▭ Ethekwini Boundary
— Metro Route

Scale: 1:200 000

Prepared For:
STRATEGIC SPATIAL PLANNING BRANCH
DEVELOPMENT PLANNING DEPARTMENT
ENQUIRIES: (031) 311 7490

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This data is for information purposes only. No liability shall devolve upon the local authority or it's officials through the use thereof.

Source: SDF (2019).

3.4.3. *The Ingonyama Trust Act (1994)*

The Rural Woman's Action Research Programme (2015), notes that the Ingonyama Trust was the outcome of a deal between the National Party and the Inkatha Freedom Party (IFP) during the last days of apartheid just before the general elections in 1994. The Ingonyama Trust was set up in 1994 to govern about 2.7-million hectares of tribal land which belonged to the former KwaZulu-Natal government. It was managed by a board that was led by the Zulu monarch or his nominee for the benefit of the community (Khoza, 2002).

The ITB was established in November 1998 under the KwaZulu-Natal Ingonyama Trust Act, 1997 (Act 7 of 1997), to manage the development and upgrading of Ingonyama Trust land. The board's administrative structures were launched early in 1999. After a lengthy period of negotiations between the African National Congress (ANC) government, the provincial government and the King a political settlement was reached. An amendment Act was passed by the national parliament to create the Ingonyama Trust Board to assist the King in administering the land (Khoza, 2002). The Trust was established to manage land owned by the government of Kwa-Zulu, and is currently responsible for managing some 2.7 million hectares of land in Kwa-Zulu Natal. The land vests in the Ingonyama (or king) as trustee, to be administered on behalf of members of specific communities. The key provisions of the Act are as follows (Rural Women's Action Research Programme, 2015):

> "Section 2(2) – "The Trust shall, in a manner not inconsistent with the provisions of this Act, be administered for the benefit, material welfare and social well-being of the members of the tribes and communities as contemplated in the Kwa-Zulu Amakhosi and Iziphakanyiswa Act." Section 2(3) – "The Ingonyama shall be the trustee of the Trust which shall be administered subject to the provisions of this Act by the Ingonyama and the board." Section 2(4) – "The Ingonyama may, subject to the provisions of this Act and any other law, deal with the land referred to in section 3(1) in accordance with Zulu indigenous law or any other applicable law." (Lawyers advise that "may" probably means "must" in this context)." (Rural Women's Action Research Programme, 2015: 1 & 2).

This act is very important when it comes to the study because it feeds into the above literature on vernacular land markets and their relationship with communal land legislations.

Figure 3.2: Location of Land Owned by ITB.
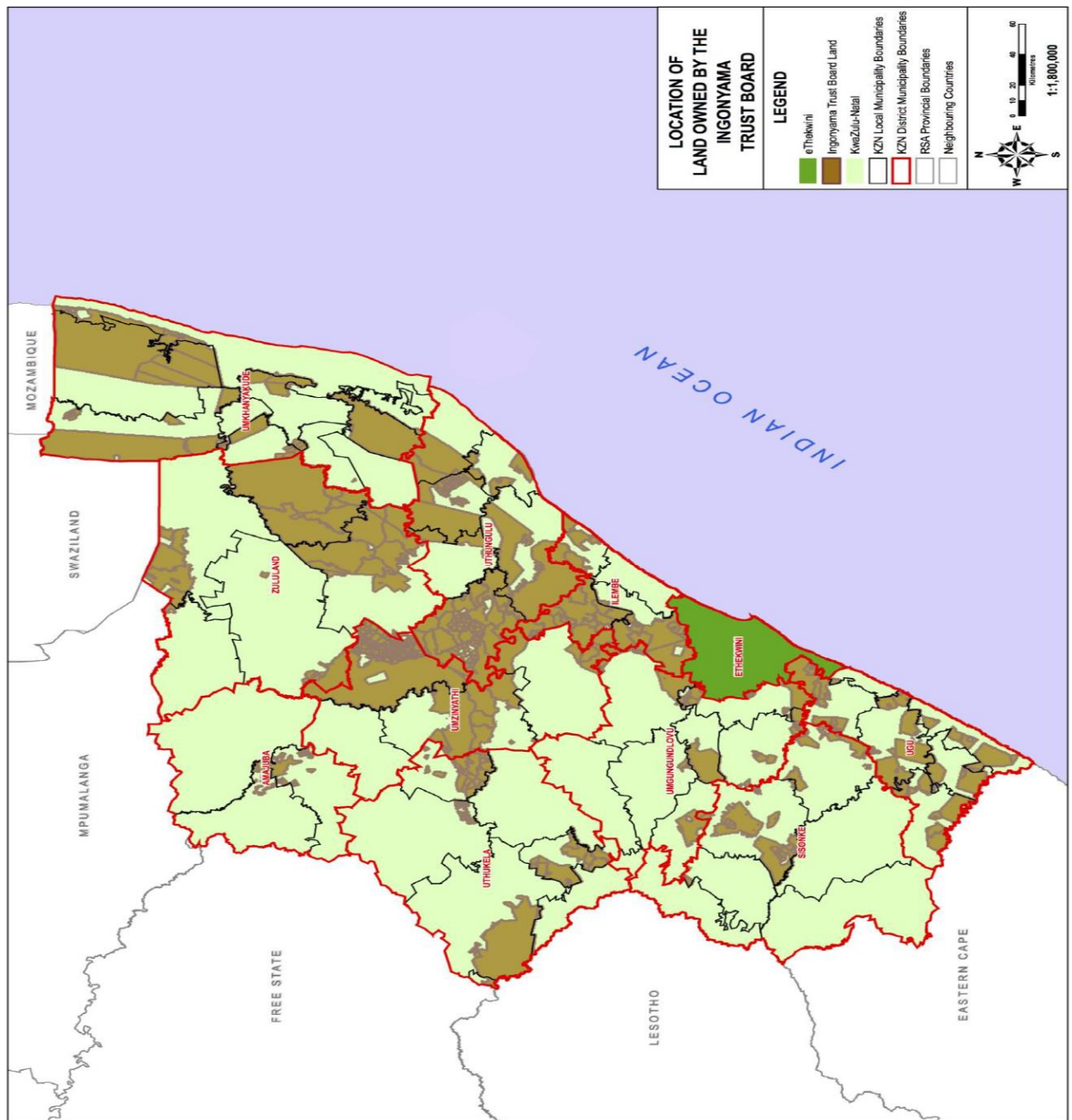
Source: Khoza (2002).

3.4.4. *The Interim Protection of Informal Land Rights Act (1996)*

Among the other legislations designed to provide security of tenure, this act follows through with such a pattern. Although the security granted in terms of the Interim Protection of Informal Land Rights Act (IPILRA) is temporary in its nature, it is of interest to land that is not adequately protected by any other law for the duration of the land reform process. The IPILRA was firstly intended to be short-term measure meant to lapse at the end of December 1997. Because of the intricacy of the tenure reform process it was due for extension on an annual basis. The aim of the IPILRA is to protect insecure rights, for example, unregistered communal land rights, held by blacks in the former homelands and the other affected areas (Johnson, 2009). In addition to the above-mentioned, the Rural Woman's Action Research Programme (2015), highlight that the people living in the former Bantustans were the most affected by the Land Acts and forced removals. Their structural vulnerability and poverty has been exacerbated by the breakdown in land administration. Many people no longer have valid documents to prove their land rights, and to protect them from land sales by traditional leaders, or investment deals that exclude them, while confiscating their land rights.

Johnson (2009) further explains that the legal basis of these rights differ from those known in conventional South African property law. After the first democratic elections of 1994, it was realised that these de facto rights were worthy of legal recognition and protection. These insecure tenure rights are also protected in terms of the IPILRA against deprivation similar to that afforded to traditional property rights. Section 1(1) (a) (iii) of the Act presents what these informal rights entail. It states that an

> "Informal right means the use of, occupation of, or access to land in terms of any tribal, customary or indigenous law or practice of a tribe or it could mean the right of interest in land of a beneficiary under a trust arrangement in terms of which the trustee is a body or functionary established under an Act of parliament." (Government Gazette, 1996: 2).

The above mentioned is where the importance lies with regards to the study as it looks into vernacular / informal land markets. The Communal Land Rights Act does not repeal the Interim Protection of Informal Land Rights Act as a whole but only amended section 5 by deleting subsection 5(2) of the Interim Protection Act. Section 5(2) of the Interim Protection of Informal

Land Rights Act deals with the date on which the Act was to lapse. However, the applicability of the Interim Protection of Informal Land Rights Act seems to be dismissed as the Communal Land Rights Act deals with exactly the same informal, unregistered rights in the same geographic areas.

3.4.5. *Enhanced People's Housing Process (2008)*

The government's incremental interventions such as Enhanced Peoples Housing Process Programme (EPHP) and amongst others; have empowered citizens to determine their own future through participation in the housing delivery process and promoting security of tenure. This program intended to harness community initiatives, encouraging effective participation in the planning and decision-making concerning the self-help housing delivery process. EPHP program was re-enacted in 2008 replacing the previous People's Housing Process policy that was first introduced in 1998. The People's Housing Process (PHP) is an official self-help housing mechanism which allows groups of people to work together to pool their resources and contribute their labour to build homes. By supplementing the standard housing subsidy with savings, additional loans or labour, communities implementing EPHP are, according to support organisations working on such projects, able to build bigger, better homes (Landman & Napier, 2009).

This study further described the differences in rural and urban self-development areas. In rural areas, owner-built housing is relatively new form of settlement emerging in the outlying rural sector, comprising informal moderate to good quality housing occupying land obtained on an informal basis. According to Landman and Napier (2009), these areas are initially established initially without infrastructural services, but services are delivered by the nearest municipality upon receipt of letters of authorisation from the traditional leaders. In contrast, urban self-development areas depend on old site-and-services schemes developed in the 1980s, in which families have built their own homes and consolidated them over time as the family income has grown.

This study discusses the EPHP approach as it relates to housing provision in South Africa and potentially a noteworthy third way that allows housing provision for the urban poor (Newton, 2013). This illustrates the importance of the EPHP policy, introduced in 1998, as a key

instrument for housing provision in South Africa. Compared to the traditional approaches the PHP programme holds the promise of enabling the realisation of more qualitative dwellings in which the centrality of the meaning of a home (as opposed to housing as mere shelter) is realised during a process that involves the participation of the inhabitants and other stakeholders (eg. government officials), additionally allowing the neighbourhood to strengthen its social cohesion (Newton, 2013).

Towards the end of the 1960s, scholars in Latin America suggested that self-help housing could be a viable response to the failure of many governments to solve housing backlog issues. Assisted self-help housing schemes were being explored as a strategy to answer the spread of informal settlements in the global South. In nearly all developed countries, self-provided housing has been a major form of housing supply. Some studies illustrate the importance of the PHP policy as a key instrument for housing provision in South Africa, and demonstrates that EPHP projects generally result in better quality dwellings and that the inhabitants are also more satisfied (Burgyone, 2008). According to Newton (2013), despite the fact that there are small indications that self-help housing in South-Africa is on the rise and the overall number of houses delivered through the EPHP programme is still moderate.

3.4.6. *The White Paper on Traditional Leadership and Governance Act (2002)*

According to Nthai (2003), this White Paper was a culmination of a long process whereby the country engaged in a dialogue regarding the role and place of the institution of traditional leadership in contemporary South Africa as a democratic state. This White Paper opened a new chapter for the institution of traditional leadership to work closely with the spheres of the government in the reconstruction and development of rural areas / communal areas.

Traditional leadership is not unique to South Africa. Almost every country in the world has had various forms of hereditary leadership and/or absolute monarchies. The White Paper spells out the following responsibilities and functions of traditional leadership (Khoza 2002):

- Acting as head of the traditional authority, and as such exercising limited legislative powers and certain executive and administrative powers as well as consulting with traditional communities.

- Convening meetings to consult with communities on needs and priorities and providing information as means of being the spokespersons generally of their communities.

- Presiding over customary law courts and maintaining law and order and assisting members of the community in their dealings with the state.

- Protecting cultural values and providing a sense of community in their areas through a communal social frame of reference.

- Being symbols of unity in the community, custodians and protectors of the community's customs and general welfare.

- Making recommendations on land allocation and the settling of land disputes, hence, ensuring that the traditional community participates in decisions on development and contributes to development costs.

Overall, traditional leaders have a developmental mandate to fulfil, however, the demand for representative forms of government, based on universal franchise, the struggles by countryside peasants and urban factory-based workers for better wages and working conditions, and the struggles for gender equality, resulted in the birth of the democracy movement all over the world (Nthai, 2003). According to the Department of Rural Development and Land Reform (DRLR) (2013), the White Paper on Traditional Leadership and Governance provides some policy guidelines that should be the point of departure for understanding the institution of traditional leadership in South Africa not as an institution of government, but rather as responsible for answering to communities' needs; and the basis for crafting land tenure reform policies in the communal areas. It also provided clarity on relations to authority and responsibility of the state versus traditional councils. Indicated by the White Paper as well as the Constitution, the functions of traditional councils at a higher level are to: support municipalities in facilitating community involvement in development planning; communicate community needs to municipalities and other spheres of government; recommend appropriate interventions to government to bring about development and service delivery; promote indigenous knowledge systems for sustainable development; and participate in the development of policy and legislation at local level. As will be demonstrated, providing clarity around such functions of traditional leadership bodies and local government is a core aim of

the communal tenure policy upon which many other envisioned outcomes are dependent (DRLR, 2013).

3.4.7. Traditional Leadership and Governance Framework Amendment Act (2003)

Traditional leadership is having a long-standing history in South Africa and the continent of Africa at large. Its existence pre-dates the colonial conquests and the apartheid era. Similar to other institutions and structures of governance, the institutions of traditional leadership evolved with time. Traditional leaders have oversight on land – not in the sense of tenure, but as a domain, a sphere of control or influence. Some of the domains were made up of subordinate chieftainships, but all of them were within the scope of the king's commands.

Each traditional community was an entity and independent from the others. Such communities did not constitute a nation state as understood today. Prior to colonial administration, these societies comprised structures and hierarchies stemming from a social organisation that was defined by family and kinship ties (Nthai, 2003). The functions of the council in KwaZulu-Natal have been extended to internal stability policies, co-operations with other communities, administration of justice and cooperation with the municipality. Within the latter function it may propose new legislation, by-laws. Here it becomes apparent how the traditional council as a traditional authority can define its roles and function on its own initiative. Hence the provincial legislature strengthens the position of the traditional council as a legislature and councillor by prescribing general functions. Moreover, the Act provided a procedure for self-definition and development (Kamieth, 2007).

According to the Government Gazette (2003), this amendment act is set to provide for the recognition of traditional communities in a holistic manner to keep the people satisfied. Provision for the establishment and recognition of traditional councils is also essential together with a statutory framework for leadership positions within the institution of traditional leadership. This act also determines houses of traditional leaders and for the functions and roles of traditional leaders. The dispute resolution and the establishment of the Commission on Traditional Leadership Disputes and Claims needs to be made available. The act also offers a code of conduct, to provide for amendments to the Remuneration of Public Office Bearers Act, 1998. In Africa, prior to colonisation, systems of governance were characterised by traditional

leadership rule, and traditional leaders and institutions dealt with a wide range of issues which related to traditional communities (Nthai, 2003).

3.4.8. *Communal Land Tenure Policy (2014)*

The South African government's land reform programme is built on the need reasoning to address (rural and urban) land restitution, redistribution and tenure reform. Under the land restitution component of the programme, people previously owning land can make a claim on that land. There is a time limit to the claims which can be made. The principle behind this is the necessity of redressing historical disposition of native land (Napier, 2007). The insecurity of land tenure that characterises land rights among African communities and the constitutional imperative to the democratic government is supposed to provide land tenure that is legally secure or comparable redress where such legally secure tenure cannot be provided. The need for the State to transfer ownership of land it holds in trust to its rightful owners and to acquire more land as communal land. The policy is also set out to provide land tenure that is legally secure, especially in respect of land owned or occupied by communities and community members; and to ensure investment in and sustainable development of land in communal areas (Government Gazette, 2017).

Ideally, this policy is meant to address the following: to convey for the exchange of communal land to communities; to accommodate change into responsibility for rights in common land to communities that possess or involve such land. To accommodate the exchange of ownership to communities and individuals from land gained by the State to empower access to arrive on a fair premise. To provide the privilege to use by community individuals from land claimed by the State as well as to offer enrolment of public land. To accommodate states of enlistment of communal land and to accommodate general plans for communal land. Provision of the honour of equivalent review and to accommodate land rights enquiries. To accommodate procurement of more land for use as communal land. The policy is also set out to offer the decision on the administration of the communal land and to lay the foundation of family units' discussions by communities. An alignment of community rules is needed as well as the foundation of communal land boards. To offer the dispute resolution, to accommodate the arrangement of

municipal services on shared land and to alter and revoke certain laws (Government Gazette, 2017).

3.4.9. *Spatial Planning and Land Use Management Act (2013)*

Spatial Planning and Land Use Management Act (SPLUMA, Act No.16 of 2013), which came into effect in July 2015, requires that each Municipality prepare an IDP and Municipal Spatial Development Framework (SDF) to serve as a tool for transforming local governments and its management of development within its area of jurisdiction (IDP, 2015). Joseph *et al.* (2017) argue that land ownership remains fairly opaque in many cities and towns, as a result of history and politics. It is important to monitor and ensure equitable access to land and aided by the land restitution process, SPLUMA ensure that land lost during the colonial period and apartheid is compensated for or restored for sustainable utilised.

According to Joscelyne (2015), planning is a dynamic, complex and constantly changing discipline designed to regulate and control land use. Different eras, and the temporal priorities and characteristics, have shaped the planning discipline and the associated land use planning laws and instruments into the diverse and complex outcome it is today. Planning developments have occurred in response to phenomena and challenges which societies have been faced with. The Industrial Revolution of the 19th century resulted in increased environmental and social pressures. These included increased pollution levels, increased population density and deteriorating environmental conditions, which prompted squalor and unhygienic living conditions. These unhygienic living conditions and deteriorating quality of life stimulated the growth and need for planning and setting up of institutions to ensure compliance such as SPLUMA in this study.

The Government Gazette (2013) clearly states that the act exists to provide a framework for spatial planning and land use management in the Republic; to specify the relationship between the spatial planning and the land use management system and other kinds of planning; to provide for the inclusive, developmental, equitable and efficient spatial planning at the different spheres of government; to provide a framework for the monitoring, coordination and review of the spatial planning and land use management system; to provide a framework for policies, principles, norms and standards for spatial development planning and land use

management; to address past spatial and regulatory imbalances; to promote greater consistency and uniformity in the application procedures and decision-making by authorities responsible for land use decisions and development applications; to provide for the establishment, functions and operations of Municipal Planning Tribunals (MPT); to provide for the facilitation and enforcement of land use and development measures; and to provide for matters connected therewith. According to EThekwini Municipality, 2015;

- Ensure compliance with the Principles and Content of SPLUMA
- Address the institutional arrangements and budget requirements for its implementation
- Plan and budget for the implementation of SPLUMA noting that by August 2019 the eThekwini Municipality will be required to formulate and adopt a municipal wide Scheme, informed by the scheme guidelines from the SDF and IDP.

3.5.   CONCLUSION

This chapter has provided a literature review describing the dynamics of vernacular land markets as well as self-help/self-build housing in peri-urban development. This chapter also discussed both the legislative and policy frameworks influencing both land and housing arrangements in South Africa. The policy and legislative institutions were discussed in view of to their role in discussion of findings from this study. The next chapter will describe the research design and methodology.

CHAPTER 4: RESEARCH DESIGN AND METHODOLOGY

4.1.   INTRODUCTION

The previous chapter provided literature review and legislative and policy frameworks associated with the phenomenon under investigation. This chapter focuses on research design and methodology of the study on vernacular land markets or informal land transactions. This research study is qualitative in nature, as such the research approach, sampling methods, data collection methods and data analysis will be discussed. The data for this study was collected using both primary and secondary sources. This chapter concludes by highlighting the limitations of the study and reliability and validity of the study.

4.2.   RESEARCH APPROACH- QUALITATIVE

This study adopted a qualitative research approach in both data collection and analysis in order to elicit and interpret results of this study respectively. According to Parkinson and Drislane (2011), qualitative research approach is a method that involves the use of methods such as participant observation or case studies which result in a narrative or descriptive account of a setting or practice. Qualitative research methods focus on discovering and understanding the experiences, perspectives, and thoughts of participants, it also explores meaning, purpose, and reality. Qualitative research is based on literature and research on scholars and experiences of study respondents. In this study qualitative research techniques in the form of interviews; site visits to network with the community of uMzinyathi were used. According to Kielmann, Cataldo and Seeley (2012), in most cases qualitative research generally adheres to a constructivist worldview, one that suggests that reality is in the specific perspective depending on which angle it is looked at. There is no single reality for a given phenomenon, but multiple, relative dimensions of reality which can only be partially captured using subjective, naturalistic methods.

Qualitative research is premised on the subject responses, gathering views and experiences to understand the social reality of individuals. It makes the use of interviews, diaries, journals, classroom observations and immersions; and open-ended questionnaires to obtain, analyse, and

interpret the data content analysis of visual and textual materials, and oral history (Haradhan, 2018). Creswell also adds onto the different definitions of qualitative research by stating that:

> "Qualitative research begins with assumptions, a worldview, the possible use of a theoretical lens, and the study of research problems inquiring in the meaning individuals or groups ascribe to a social or human problem. To study this problem, the qualitative researcher uses an emerging qualitative approach to inquiry the collection of data in a natural setting sensitive to the people and places under study and data analysis that is inductive and establishes patterns or themes. The final written report or presentation included voices of participants, the reflexivity of the researcher, and complex description and interpretation of the problem, and it extends the literature and signals a call for action" (Creswell, 2007: 37).

Thus, this research approach intends to capture the overall perception on self-built houses within the concept of vernacular land markets.

4.3. RESEARCH PARADIGM- CONSTRUCTIVISM

This study adopted constructivist paradigm. According to Kawulich (2012), the constructivism paradigm is one that addresses understanding of the world as others experience it. Constructivists differ from the positivists on assumptions about the nature of reality, what counts as knowledge and its sources, values and their role in the research process. The significance of this particular research is that one is willing to expand the knowledge of vernacular land markets, the growth of land transactions in peri-urban areas and the effects it is imposing of the self-build approach.

According to Creswell (2007), the constructivism lies exactly within the explanatory approach to qualitative research with flexible guidelines, and it is a focus on theory established that depends on the researcher's view. Furthermore, qualitative research is associated general with philosophical assumptions or worldviews that attempt to understand or explain social and human issues. Positivism, critical theory, pragmatism, and constructivism are some of the frameworks that form the theoretical basis of understanding the human subject and researcher's position in qualitative research (Creswell, 2007).

Therefore, this model enhances the nature of this study as it communicates much on the participant's experiences and perceptions relating to self-building and homeownership in the presence of vernacular land markets witnessed in peri-urban areas. In this case the research is

able to perceive and put into perspective interactions amongst people, and openly explore the prevailing context of uMzinyathi in relation to the subject matter of the study.

4.4. RESEARCH DESIGN- CASE STUDY

According to Stjelja (2013), the case study research design is valuable for social scientists as this design allows researchers to examine real-life situations/experiences, develop theory, evaluate programs and develop suitable interventions. A vital aim of the case study design is to grasp the intricacy of a single case, and that is usually achieved by incorporating different levels of strategies, techniques, methods or theories. An addition to the above information Rowley (2002), provides an extended piece of information that a case study as a research strategy often emerges as an obvious option for students and other new researchers who are seeking to undertake a modest scale research project based on their workplace or the comparison of a limited number of organisations. Since case studies are by nature driven by different kinds of research questions, the need for alternative definitions is needed. In other words, a case study design is informed by the overall study purpose, depending on whether one is trying to describe a case, explore a case, or compare between cases.

Accordingly, Yin (2003) differentiates between three types of case studies - explanatory, exploratory, and descriptive. This study uses descriptive case study in which it elaborates an intervention or phenomenon as well as the real-life situation/experience in which it occurred. These case studies are very focal and detailed, as they carefully assess a case based on a descriptive theory where any questions or propositions are cautiously scrutinised. Descriptive case studies are powerful in their own way as they add significantly to the rigor of the finished study. They can help set the boundaries of the case, and potentially raise abstract interpretations of data and theory development (Yin, 2003).

4.5. SAMPLING TECHNIQUES AND METHODS

The study used non-probability sampling which favours the use of purposive sampling method. Most of the households were known to the researcher, easy access into the areas and interaction with the community was possible.

4.5.1. *Sampling Method*

According to Haradhan (2018), sampling is based on theoretically relevant constructs and seeks to demonstrate representativeness of findings through random selection of subjects. In qualitative research the way the sample is designed, and sample size chosen, depends on the aims of the researcher. The researcher will need enough primary data from individuals or groups to be able to capture variations in informants' perspectives and experiences related to the research question (Kielmann*et al*., 2012). A widely varying range of sampling techniques are used to identify respondents, the one used for this study is discussed below (non-probability / purposive sampling).

4.5.1.1. Non-Probability Sampling and Purposive Sampling Method

The researcher chooses the sample with an intention (purpose) of representing certain characteristics. After which, cases are then randomly selected from that purposely selected from the sampling frame. This approach reduces the role of judgement within a larger sample, and provides a credible cross-section from that sample, although one would not claim that it provides representative data from the larger population that the purposeful sample was chosen from, because it had purposively been selected from a larger sample (Kielmann*et al*., 2012).The researcher purposefully identified and selected specific participants because they were eminent to provide information, experiences and/or perspectives that validated and related well with the theoretical context and main research questions of the study being conducted.

This study adopted non-probability sampling as it is well suited for exploratory research intended to generate new ideas that will be systematically tested later. Purposive sampling is the branch off non-probability in which the researcher chooses a sample based on their knowledge about the population and the study itself. The study participants are chosen based on the study's purpose. Purposive sampling is further defined by Sithole (2015) as the type of sampling in which certain settings, people or events are deliberately selected for the important information that could be provided by those factors and not from other choices. As a sampling technique used in qualitative research, it involves selection of units for the study based on specific purposes associated with answering a research question. For the purposes of this study, homeowners were purposively selected as well as municipal officials, members of traditional

council based on their knowledge of the vernacular land markets and the use of freedom to build under the concept of self-help housing.

4.5.2. Sampling Size

According to Kielmann, Cataldo and Seeley (2012), theoretical/data saturation takes into account when: no new or relevant data seem to emerge regarding a category under study; the category is well developed in terms of its properties and dimensions demonstrating variation, and the relationships among categories are well established and validated new data. Therefore, samples in qualitative research are often small as opposed to quantitative studies. Hence, for the purpose of this study, 20 participants were selected–two municipal officials from eThekwini Municipality, one ward councillor; two members of AmaQadi traditional Council and homeowners through the use of purposive theoretical sampling principles, and this was in order to gain insights and experiences of participants. However, the study reached saturation on 15 of the participants who were interviewed. Specifically, out of 15 homeowners interviewed six of them were women and the remaining nine were men.

Table 4.1: Sample size broken down into the different key informants.

Key Informants	Number of People
Traditional Authority- Local Representative (induna): under amaQadi region.	2
Government: Municipal Officials and Ward councilor.	3
Homeowners	15
Total	**20**

4.6. DATA COLLECTION METHODS

According to Yin (2003), there are six main sources of evidence: documentation, archival records, interviews, direct observation, participant-observation, and physical artefacts. Not all of these sources are essential in all case study research. Nonetheless, it is still important to use multiple sources of data as this adds to the reliability of the study. Data collection, however, is

not only limited to the above mentioned sources, the sources of evidence can be extensive and they may consist of films, photographs, videotapes, projective techniques and psychological testing, life histories and the like (Stjelja, 2013). Hence, case studies are designed to incorporate a wide display of data from multiple sources of information, in order to capture an in-depth picture (Stjelja, 2013).

4.6.1. Interview Method

This study used the interview method as a data collection method at uMzinyathi. There are different types of information captured using the interview method such as facts, meanings, experiences and observations. This study relied on semi-structured and structured interviews. In essence, interviews were used to collect data from those respondents who participated in UMzinyathi area, all with knowledge of the phenomenon studied.

4.6.1.1. Semi-Structured Interviews

For this study the researcher used semi-structured interviews. Semi-structured interviews contain both closed-ended and open-ended questions, and cover fairly specific topics or themes. In a semi-structured interview, as the interviewer one should work with a loosely structured topic guide or checklist of topics to be covered. This guide may include some questions that are more structured than others, although as a rule these tend to be followed up by less structured 'probes' which are ways of following up on a topic in order to generate more information. This is not a questionnaire, because the interviewee can respond freely to what is asked. The questions may not be asked in the order given in the guide; you may introduce additional questions to get more information about particular topics (Kielmann *et al*., 2012).

Qualitative data can also include secondary sources such as historical accounts, press cuttings, and other documentary materials, interviews and observations are key methods in research. Interviews with key informants included officials of the AmaQadi traditional council and the municipal officials. It is widely recognised that informal land markets are often unstructured and highly localised requiring in-depth micro-level research work. A series of interviews on the processes and procedures for local recognition of the transaction housing at uMzinyathi were done to answer the research question. The interviews focused on finding out information about transaction processes, the role of the different governance structures in those transactions

and dweller control. These were identified, witnessed and recorded to obtain a better understanding of a complex process justifying the key figures and actors in the community - where categories included self-help housing owners and those purchasing vacant land and built their own houses.

4.6.2. Audio and Visual Data

Audio-visual data, namely, video, voice-recording, images, and films have gained much recognition as alternative instruments for collecting data that is produced for research purposes (Flick, 2011). It is always best to also provide either a visual or audio representation of the data, thus, the study used some of these tools such as a camera to take pictures of the houses and the surrounding environment. Audio / voice recorder was also used as another tool to record discussions during interviews under the consent of the interviewees.

4.6.3. Documentary Analysis

Documentary analysis is a form of qualitative research in which documents are interpreted by the researcher to give voice and meaning around an assessment topic and was used as a secondary source material (Bowen, 2009). Analysing documents incorporates coding content into themes similar to how focus group or interview transcripts are analysed (Bowen, 2009). There are three primary types of documents (O'Leary, 2014) - public records: the official, on-going records of an organization's activities. Examples include student transcripts, mission statements, annual reports, policy manuals, student handbooks, strategic plans, and syllabi. Personal Documents: First-person accounts of an individual's actions, experiences, and beliefs. Examples include calendars, incident reports, and newspapers. Physical Evidence: Physical objects found in the study setting. Examples include flyers, posters, agendas, handbooks, and training materials.

4.6.4. Life History Method

Life history allows the researcher to explore a person's individual historical experiences within a historical framework. Life-history information contests the researcher to understand an individual's current attitude and behaviour and how the person may have been influenced by initial decisions made at another time and in another place (Bowen, 2009). The method requires interviewing respondents to provide a subjective account of their life over a certain period,

described in their own words across their own personal timelines. Life history is therefore used to study temporality, and are often conducted over multiple interviews during which there is a constant reference to instances of change. It thus helps both the researcher and the respondent to explore how events and behaviours shape individual choices and actions. Its subjective nature allows for a more contextual understanding of how and why certain decisions are made. Through the telling of life history, important events and /or 'turning points' in the lives of the interviewees can be mapped over time. This study obtained important relevant information through accounts from life histories of individual respondents

4.7.   ETHICAL CONSIDERATIONS

The protection of study participants through the application of appropriate ethical values is important in any research study. The ethical approval was granted by the University of KwaZulu-Natal Humanities and Social Sciences Research Ethics Committee (HSSREC) and issued on the 21st of February 2020.Prior to the approval, permission to conduct the study (gatekeepers' letters) from eThekwini Municipality and the Traditional Council was sought. Another critical consideration before applying for ethical clearance was a draft of consent forms given to key informants before undertaking the interviews. This study involved a variety of ethnic groups, therefore both English and Zulu versions of the consent forms were required (see attached document in the appendix section).It is mandatory that consent is given freely, ensuring that key informants understand what is being asked of them as well as ascertaining that participants are competent to consent. Under such arrangements participants had a freedom to discontinue the interview at any time they wished.

4.8.   LIMITATIONS OF THE STUDY

Gathering information on uMzinyathi, despite the assistance of the key informants mentioned above, was a demanding process. Obtaining the correct contact information for the relevant interview respondents involved making numerous phone calls and was an iterative process that was time-consuming. Additionally, the being time set during theCOVID-19 pandemic, with as national lockdown is South Africa, movement and access restrictions delayed data collection. Furthermore, given the busy schedules of many of the officials, meetings of this nature were dependant were only possible during the limited free time they were available. Despite these

challenges efforts such as described above, one was able to collect data ethically to elicit balanced a perspective possible.

4.9. CREDIBILITY, CONFORMABILITY, DEPENDABILITY AND TRANSFEREBILITY

Lincoln and Guba (1985) have proposed four criteria for evaluation of qualitative research in order to ensure that there is an element of trustworthiness in research. These authors identified included credibility, transferability, dependability and conformability in their criteria.

Credibility refers to the believability or the truth in research findings. Lincoln and Guba (1985) focus to the extent findings make sense. Participants might be given the interview transcripts and the research reports and might be asked to either agree or disagree with them. This check tries to ensure the credibility of the findings. Credibility can also be achieved by persistent observation and triangulation of data. Credibility helps in ensuring internal validity of the research findings. Credibility can also be built through prolonged engagement in the field, persistent observation, and triangulation of data. Credibility identifies whether the research findings signify believable information drawn from the participants' original data and is a correct interpretation of the participants' original views (Korstjens & Moser, 2018).

Conformability refers to the objectivity of research during data collection and data analysis. There needs to be congruency between two or more independent persons about the accuracy, relevance, or meaning of the data (Polit & Beck, 2012). Conformability also indicates a means to demonstrate quality. Analysis of the methodology used in the research might be emphasized upon by the researcher to establish conformability. Techniques such as triangulation (of data, researcher, and context) can also be useful tools of conformability.

Dependability refers to the idea of reliability as applied in quantitative research. A measure is reliable when independent but comparable measures of the same trait or construct of a given object agree. Reliability depends on how much of the variation in scores is attributable to random or chance errors. Reliability cannot be checked in qualitative research as it is done in quantitative research. Qualitative researchers ensure dependability by having proper

documentation of data, methods, and taking proper decisions about research. The notion of dependability stresses the researcher to account for the ever-changing context.

Transferability refers to whether the results obtained from the analysis can be applied to other settings and contexts. This acts as a check for external validity of the findings. In qualitative research, researchers provide a detailed description of the settings and the context in which research is conducted. This is done to give the readers enough information to judge the applicability of the findings to other settings.

4.10. DATA ANALYSIS

The purpose of analysing data is to obtain usable and useful information. Urban Land Mark (2007) describes data analysis as the process of bringing order, structure, and meaning to the mass of collected data. It is described as messy, ambiguous and time-consuming, but also as a creative and fascinating process. The analysis, described and summarised the data; identified relationships between variables; compared variables; identified the difference between variables; and forecast outcomes. Qualitative data analysis can be described as the process of making sense from research participant's views and opinions of situations, corresponding patterns, themes, categories, and regular similarities.

4.10.1. Thematic Analysis

This method was used for analysing interviews, identifying, analysing, and reporting patterns (themes) within the data. The reason one has chosen this method was that the thematic approach can produce an insightful analysis that answers particular research questions and in this case this particular research questions. Generally, thematic analysis is the most widely used qualitative approach to analysing interviews (Urban Land Mark, 2007).

4.11. CONCLUSION

This chapter gave a detailed description of the research methodology employed in this study and discussed the design of qualitative research approach in which the constructivist point of view was. The chapter discussed the selected data collection methods, with primary methods being interviews, observations, and secondary methods including document analysis, and life history sources of data. Non-probability/purposive sampling strategies and thematic data

analysis were used for identifying study participants and analysing data. Moreover, ethical considerations and limitations of the study were also discussed in this chapter. The reliability and validity of this study were discussed, after which, the constraints experienced during this study were highlighted. The following chapter presents the case study site and other important material to understand the phenomenon under investigation.

CHAPTER 5: HISTORICAL BACKGROUND OF ETHEKWINI MUNICPALITY-UMZINYATHI AREA CASE STUDY

5.1. INTRODUCTION

The previous chapter has provided research design and methodology of the study on vernacular land markets or informal land transaction and the research approach, sampling methods and data collection methods. This chapter describes case study site – uMzinyathi under the jurisdiction of eThekwini Municipality. The chapter is important for this study since it serves as the first chapter to present empirical data collected from uMzinyathi. This chapter is divided into two sections – where the first section covers the overview of eThekwini Municipality and since within this case study one will focus mostly on uMzinyathi which leads to the second section providing the overview of uMzinyathi.

5.2. OVERVIEW OF ETHEKWINI MUNICIPALITY AND LAND FOR HOUSING DEVELOPMENT

eThekwini Municipality is located on the east coast of South Africa in the province of KwaZulu-Natal (KZN). Figure 5.1 below shows where the eThekwini municipality is geographically located. The municipality spans an area of 2555km2 approximately and is home to some 3.6 million people in 2016 (IDP, 2019). It consists of a diverse society which faces various social, economic, environmental and governance challenges (IDP, 2019).

Figure 5.1: eThekwini Spatial Context.

Source: IDP (2019).

Due to high in-migration to eThekwini, this case study aims to understand the municipal approach to migration as it is a contributing factor to population growth. This case study further aims to highlight the linkage between uMzinyathi as a peri-urban area within the eThekwini Municipality. The majority of eThekwini residents are located in townships, informal settlements, peri-urban and rural areas (Mbatha, 2018). About 68% of the municipal area is considered rural, with pockets of dense settlement. Map 5.1 below shows that about 10% of the rural areas comprise privately owned commercial farms and metropolitan open space and about 90% of the rural area is defined by its geospatial features, such as hilly, rugged terrain, dispersed settlement patterns in traditional dwellings and communal land holdings under the Ingonyama Trust.

In the post-apartheid era, a transition in the housing approach from liberalism to that of neoliberalism was seen. This was through the involvement of the government in form of municipalities and ward councillors. The involvement of government aims at enhancing the delivery of housing through providing sites and services schemes, which enables residents to have access to serviced land with roads, water and sanitation, all of which were evident in UMzinyathi. The involvement of government further aims to provide facilitation in the provision of housing delivery, ensuring that the needs and concerns of residents are attended in partnership with Traditional Authority (Sutherland *et al*., 2014).

According to Sutherland *et al*. (2014) eThekwini municipality administers the entire metropolitan area but, at the same time, in large parts of the peri-urban and rural areas, the Traditional Authority (the Ingonyama Trust) has authority over the land and its people. Land that was located in the homeland of Kwa-Zulu was governed under Traditional Authority. This land continues to be held by the Ingonyama Trust and hence is still communal land governed by the Traditional Authority. However, eThekwini Municipality is responsible for service provision on this land as it is located within the municipality's boundaries (Sutherland *et al.*, 2014).

Map 5.1: Traditional Authority Map.
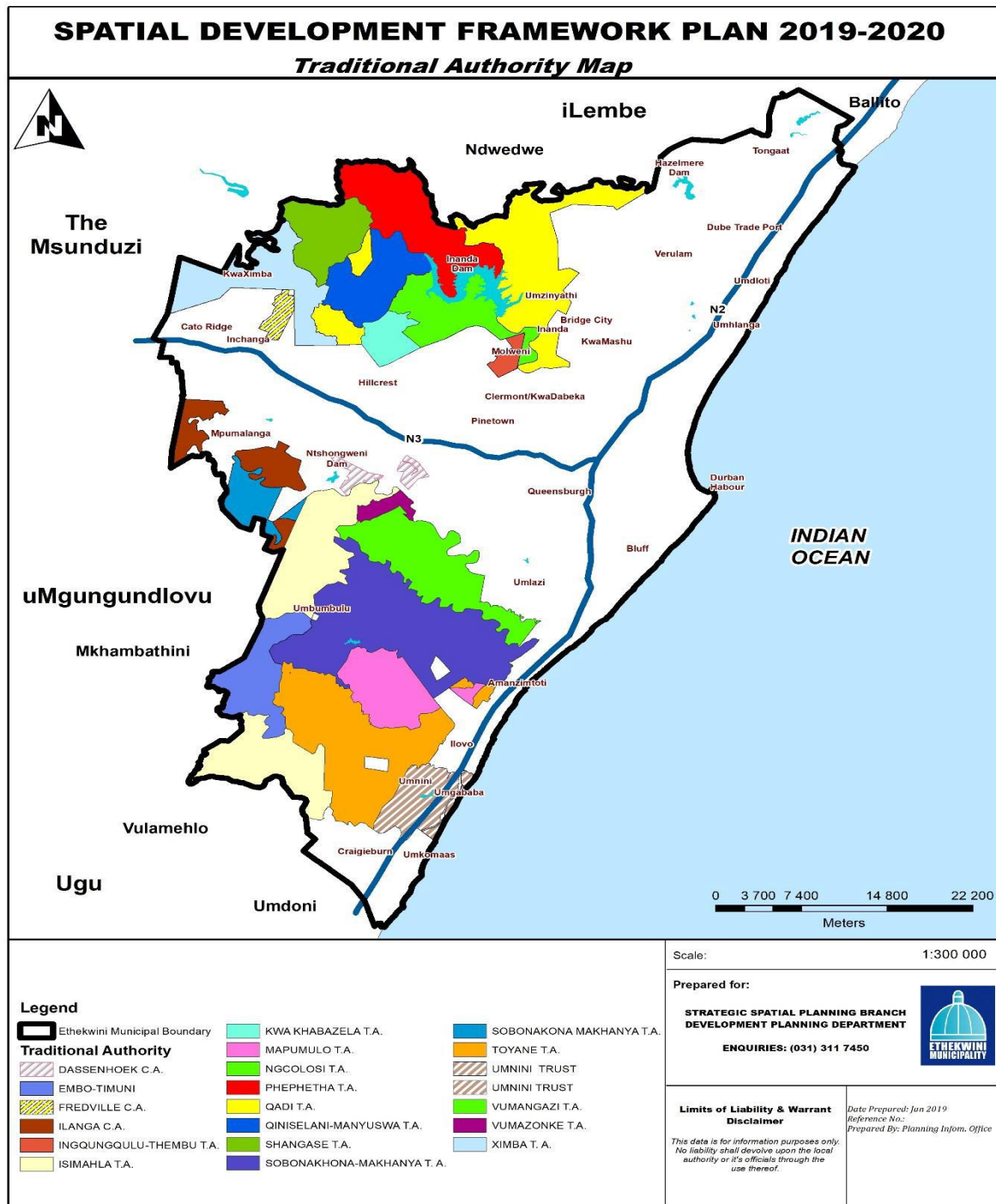
Source: SDF (2019).

The concentration of dense residential uses in the South/Central region (Umlazi) and North regions (Inanda, Ntuzuma, Kwa-Mashu) and the significant economic and residential uses in the Central Planning Region has resulted in an urban form with a clear separation of residential uses from economic uses. According to the eThekwini Municipality IDP (2019), this implies that there are few employment opportunities where people live, and that economically active residents must commute long distances at great cost in terms of time and financial resources. The region therefore shares an urban and rural landscape with a wide range of settlement types ranging from formal urban to rural settlements, with the rural areas experiencing a significant amount of residential growth in the last few years. Sutherland *et al* (2016) all add onto the observation of the ongoing urbanisation, the decompression of people from crowded townships within the city, the desire for a 'rural lifestyle', and the availability of land through the traditional land system has led to the rapid densification of rural and peri-urban areas on the periphery of eThekwini municipality, which is the administrative entity of Durban.

There are several informal settlements scattered across the city, with some being in peripheral locations or on steep land or flood plains, placing them at higher risk of erosion and flood damage. Accordingly, urgent attention is needed to address the housing backlog and the key spatial challenge is to identify residential opportunities on land that is well located, serviced and with good access to public transport as well as social and economic opportunities. eThekwini Municipality is an administrative and political boundary within which the city of Durban is located. Durban Central Business District (CBD) serves as the main landmark and focal point of the Municipality. However, this study focused on the peri-urban area referred to as UMzinyathi (see Figure 5.2).

Figure 5.2: 2D Aerial Map illustrating uMzinyathi's location within iQadi tribal (rural) settlement.

Source: Dhlamini (2019).

5.3.   OVERVIEW OF UMZINYATHI AND LAND MARKETS

UMzinyathi is a peri-urban area, in which was previously known to be a rural area. The area is located North on the eThekwini Metropolitan District, being on the outskirts of the city of Durban. The area is within the region of Inanda, which is part of the Inanda, Ntuzuma and Kwa-Mashu (INK) settlements. UMzinyathi was chosen because it best fits one's study with the inclusion of self-help housing which is based in the area. The area is under the Ingonyama Trust and the housing found there is based on dweller control as well as vernacular land markets.

UMzinyathi area dates back to the 18th century when the then Chief of AmaQadi, Mr Dabeka Ngcobo moved from Inkandla and build a house in the now called Redhill suburb. In that time there was no Durban, Kwa-Mashu, Pinetown nor Morning Side. Then came the white government which demarcated the entire area and named it the above mentioned suburb (Redhill). The Chief was moved to an area, now called Clermont where it settled with the second wife and the homestead was called Kwa-Dabeka hence today there is a huge settlement under Pinetown called Kwa-Dabeka. There was then a second chief called Mqhawe who also built a homestead across the uMngeni River which stretched from Ngcolosi in Hillcrest past Greyville to the Habour. As a result, the uMngeni River had been named after the trees which were parallel to it and were called Iminga Trees. The area in discussion which is UMzinyathi had a background of attracting many buffalos and springboks, in the Zulu language a buffalo is referred to as Inyathi and the plural would be Izinyathi. There was a river that stretched from there to uMngeni and thus pouring to the Indian Ocean. This is the river where these buffalos used to feed and drink, hence the area around was eventually called uMzinyathi by the locals.

Unlike most metropolitan municipalities in South Africa, governance in the eThekwini Municipality is compounded by the existence of a dual governance system where 34.8% of the municipal area (comprising 79 913 hectares of Ingonyama Trust land) is governed by both the municipality and traditional councils (Sutherland *et al.*, 2016). UMzinyathi is a peri-urban area is a previously known rural area but overtime and was chosen as the area under study to analyse the dynamics of land markets specifically vernacular land markets densification within the context of this study and its objectives and is on the outskirts of Durban. See Figure 5.3 below.

Figure 5.3: The location of UMzinyathi in eThekwini Municipality.
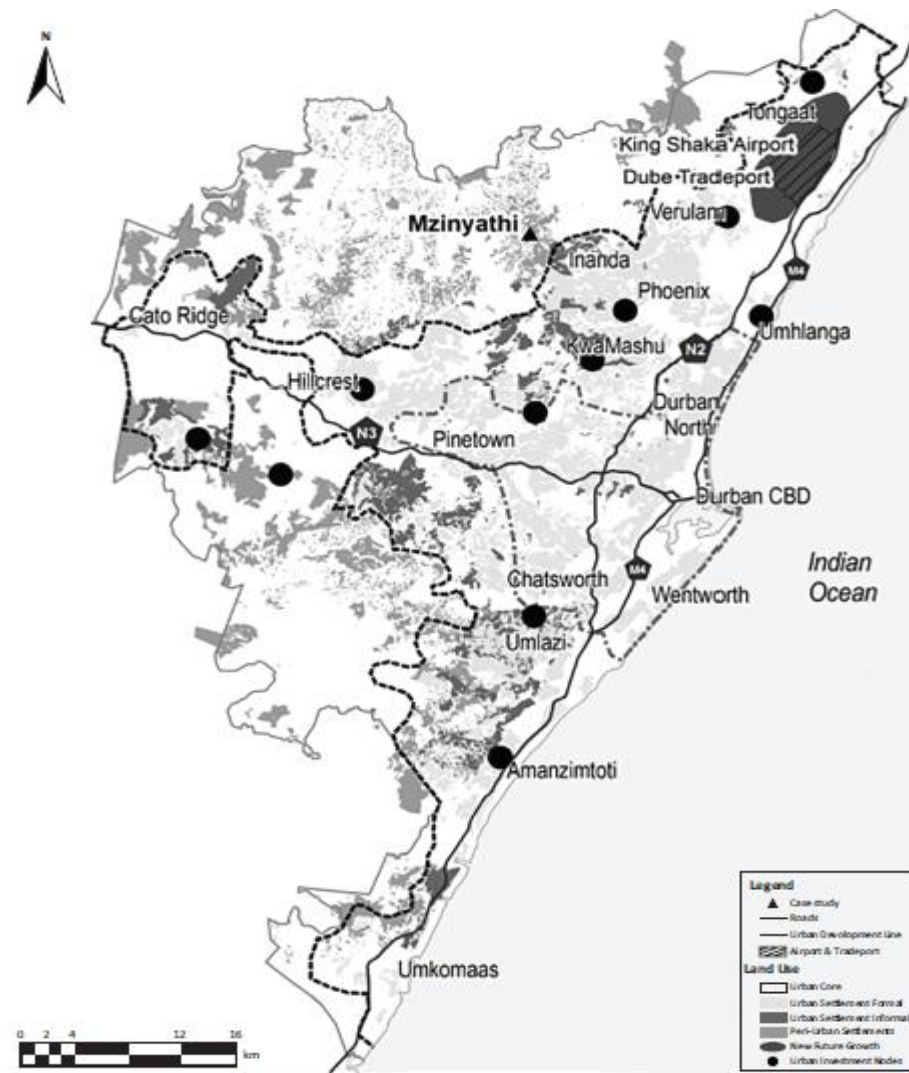
Source: Sutherland *et al* (2016).

According to the demarcations of eThekwini Municipality uMzinyathi area falls under Ward 3 with 17 voting districts. According to the Integrated Development Plan (IDP), the municipality identifies basic needs for the community, for example, water, electricity and sanitation. The area has certain attributes which are of rural settlements, with a slight combination of urban attributes. It has multiple governing systems which is comprised of the Qadi Traditional Council (which is registered under the ITB) and the eThekwini Municipality. It was selected because it easily accessible to the researcher compared to other peri-urban areas in eThekwini

and both the traditional and municipal authority are functional. One of the main aspects of customary law administered by traditional councils is the allocation of land for a range of land uses within their respective traditional authority areas. This aspect of traditional leadership is the most contentious when negotiating the dual governance relationship between the eThekwini Municipality and traditional councils (Sutherland *et al*., 2016).

This provided a suitable opportunity for dividing the role played by each authority in self-help housing, provision of land markets and the role played in controlling rapid densification in area. Rapid densification of the area in recent years due to the opportunities provided by the traditional land allocation process led to significant population movement into UMzinyathi from other areas in the province especially from urban areas. Although UMzinyathi has grown to be a transforming area since there is an area within it which has become a township setting, however, one focused on the overall self-help housing and vernacular land market of the area.

Looking at the background of uMzinyathi, it is a peri urban area, in which was previously known to be a rural area. The area is located North on the eThekwini Metropolitan District, being on the outskirts of the city of Durban. The area is within the region of Inanda, which is part of the Inanda Ntuzuma and Kwa-Mashu (INK) settlements. This similarly indicates the spatial planning of the then government, where native reserves were situated on the periphery of urban settlements. The area has certain attributes which are of a rural settlement, with a combination of certain urban attributes. It has multiple governing systems which is comprised of the Traditional Authorities (which is registered under the Ingonyama Trust Board) and the eThekwini Municipality (uMzinyathi District Municipality, 2012).

5.4.   CONCLUSION

This chapter provided a general overview of uMzinyathi as a case study site. The chapter also discussed the institutional arrangements of eThekwini Municipality and their role in the development of uMzinyathi. This chapter further explored dual governance issue at uMzinyathi, particularly related to land administration and ownership. The following chapter will unpack the research findings, data analysis and interpretation.

CHAPTER 6: RESEARCH FINDINGS, DATA ANALYSIS AND INTERPRETATION

6.1.   INTRODUCTION

The previous chapter provided an overview of the historical aspect of eThekwini Municipality and uMzinyathi. The purpose of this chapter is to present that main results arising from data collected at uMzinyathi within eThekwini Municipality. The findings of this study are discussed and guided by the aim of the study, which is to analyse the influence of vernacular land markets on self-help housing and its implications on dweller control at uMzinyathi. This is important in order to evaluate the extent to which the study addressed the main objectives and research questions identified in chapter 1. This chapter is divided into six sections. These sections emerged from themes which were developed from data of this study namely: the demographic features of uMzinyathi; traditional leadership and governance structures; processes and procedures for land transactions in uMzinyathi; notion of self-build housing in peri-urban areas -uMzinyathi; settlement patterns at uMzinyathi; and actors and policies shaping Vernacular Land Markets in eThekwini municipality.

6.2.   DEMOGRAPHIC FEATURES OF UMZINYATHI

According to the latest Statistics South Africa Census data of 2011 (Statistics South Africa 2013), uMzinyathi does not exist as a sub-place or main place, hence it is difficult to extract exact demographic and socio-economic data. Administratively, the traditional area of uMzinyathi encroaches on two municipal wards of the eThekwini metropolitan system (wards 3) and it is managed by two ward councillors and by iNkosi and the iQadi Traditional Authority. This will further be elaborated in the following sub-topics below, see table 6.1.

Table 6.1: Demographic and household characteristics of uMzinyathi.

Demographics	Description	
Language spoken the most at home	• IsiZulu • English • IsiNdebele • Setswana • Other	93% 4% 1% 1% 1%
Race	• Black • Coloured • White • Other	97% 1% 1% 1%
Age Structure	• 19 and below • 20-29 • 30-40 • 41 and above	20% 25% 23% 32%
Household Types	• House • Traditional hut • Informal dwelling • Unspecified • Other	55% 38% 4% 2% 1%

Source: Statistics South Africa (2013)

Respondents were asked to indicate the number of family members in their respective households. The most common number of family members' per-household ranged between 5-6 members at 38%, followed by 25% of the respondents who indicated that there were 3 to 4 members that resided in the household. Another 12% of respondents indicated that there were more than 9 people living in the household refer to Table 6.2 below.

Table 6.2: Profile of Interviewees

	Department/ Profile	Gender		Interviewed Participants
		Female	Male	
Traditional Authority	Local Representative / Headmen under amaQadi region	0	2	2
Government	Municipal Officials and Ward Councillor	0	3	3
Homeowners	Community Members	6	9	15
Total		**6**	**14**	**20**

Source: Researcher's Own Fieldwork Data (2020).

6.2.1. *Migration Patterns*

Urbanisation is fundamentally a behavioural process which facilitates change specifically in the spheres of technology, communications and transport. Aspects of urbanisation are not restricted merely to urban areas. Certain societies in a pastoral milieu follow a lifestyle which reflects traces of urbanism in a rural context (Koukis, 1990). The process of migration occurs primarily from areas with low-income (considered to be rural areas) to areas with moderate to higher income (urban) (Agheyisi, 2018). However, given that definition it is evident through this research that migration also works the other way around from urban back to rural.

Mbatha and Ngcoya (2019) pointed out that many observers have come to the realisation that the rapid urbanisation that has led to the mushrooming of densely populated informal settlements along the major motorways and even deeper into formerly typical rural areas. A surprising trend is that in some parts of the urban fringe of Durban (and other urban areas in Kwa-Zulu Natal), a distinct and new stylish homes can be seen along some of the roads. Constant urbanisation being the decompression of people from congested townships within the city, having the desire for a rural lifestyle, and the availability of land through the traditional land system has led to the rapid densification of rural and peri-urban areas on the periphery of eThekwini Municipality, which is the administrative entity of Durban (Sutherland *et al*., 2016).

Access to land patterns were created by colonialism in countries such as South Africa and Kenya and have remained largely unchanged. In South Africa, access to land has roots in apartheid, complicating land access even with redistribution. In Nairobi, the cooperative model

and Community Land Trusts (CLT) have been tried as a substitute for the indigent to access land. However, the scale of delivery through these is ineffectual. The cooperative model works in favour of middle-income groups, rather than the less fortunate (Omenya, 2007).

6.2.1.1. Reasons/Motivation for Migration to Peri-Urban Areas

There are diverse reasons for migration to peri-urban areas (see diagram 6.1 below for visual representation of all reasons gathered) from response data. One male homeowner respondent previously living in Durban North remarked as follows:

> "The main reasons why I moved to an area like uMzinyathi is because I needed to own land and build a house at my own financial pace" (Interview with Male Respondent 01).

To add onto that reasoning, another female respondent (homeowner) who previously lived in Kwa-Mashu stated that:

> "For me personally uMzinyathi offers an ease of access to land and there are fewer restrictions to live in neighbourhoods where the neighbours earn less income. Places such as UMzinyathi offer an alternative lifestyle which is, you know, refreshing in a way" (Interview with Female Respondent 02).

The peri-urban areas offer many opportunities: for home-based industry; to build big and cheaper (self-expression, dream home at own pace) (see Image 6.1 and Image 6.2); to enter the sub-property market (as an investor or a buyer); for the African middle-and upper middle classes as a group to express themselves.

Image 6.1: Free Standing Double-Storey House under Construction.

Source: Researcher's Own Fieldwork Data (2020).

Image 6.2: Free Standing Completed Double-Storey House.

Source: Researcher's Own Fieldwork Data (2020).

There was consensus about motivation and benefits associated with self-building in an area such as uMzinyathi. The study found that motivation to self-build was influenced by the desire to own a house big enough to accommodate all family members and being able build the modern houses they wish (see Image 6.3). Most households in uMzinyathi fall under the middle income group.

Image 6.3: Modern Free Standing Housing.

Source: Researcher's Own Fieldwork Data (2020).

Many respondents indicated that another reason why there is an interest in uMzinyathi is the access to infrastructure, services and no municipal rates as in townships and suburban areas. Following the reasons were mentioned homeowner and Respondent 04:

> "I enjoy the feeling of freedom when it comes to cultural expression being allowed." (Respondent 04).

The induna (local representative) also confirmed that many people need to perform cultural rituals normally prohibited in townships and suburban areas, however, peri-urban areas offer such opportunities. The induna also highlighted that:

"uMzinyathi does not have expenses like in townships and suburbs. Also, if your family members pass on you are able to bury them right in your yard because areas such as uMzinyathi allow practices such to happen" (Interview with Local Headman Respondent 07).

Some of the respondents who were homeowners cited the peacefulness of the area, and the 'privilege' of being able to bury a family member on the yard in order to feel the connection even after the passing away of that family member.

Diagram 6.1: Reasons / Motivation for Migration to Peri-Urban Areas
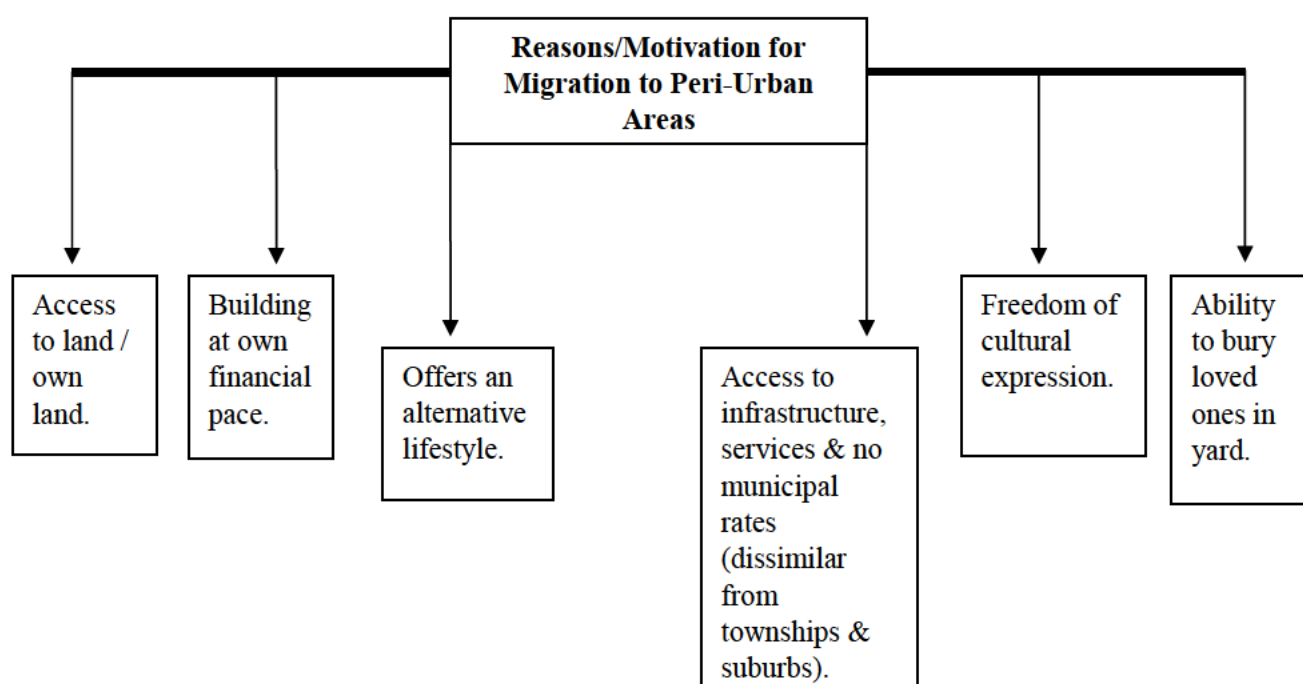
Source: Researchers Own Fieldwork Data (2020).

6.3. TRADITIONAL LEADERSHIP AND GOVERNANCE STRUCTURES

Unlike most metropolitan municipalities in South Africa, governance in the eThekwini is complicated by the existence of a dual governance system where 34.8% of the municipal area is governed by both the municipality and traditional councils (Sutherland *et al.*, 2016). The governance environment shifted in 2000 when the municipal area of the previous Durban Metropolitan Council was expanded by 68% to include previously rural and Ingonyama Trust areas. This created a single metropolitan municipality or unicity, the eThekwini Municipality, as part of the national municipal demarcation process (Sutherland *et al.*, 2016).

Many of these peri-urban areas such as uMzinyathi are located on Ingonyama Trust land and hence fall under a dual governance system shared by the eThekwini Municipality and the traditional authority. The Ingonyama Trust was a product of the political negotiations at the end of the apartheid era. It was set up in 1994 by the previous Kwa-Zulu homeland government through the Kwa-Zulu Ingonyama Trust Act, 3 KZ of 1994, to hold the land then owned by the Kwa-Zulu homeland government (Sutherland et al, 2016). The entire settlement is built on Ingonyama Trust Land, which is administered communally and falls under the authority of the Inkosi.

6.3.1. *Structure of the Tribal Authority*

The structure of the tribal authority / traditional leaders differs in communal areas depending on the area and how their hierarchy is set up. Below is Figure 6.1 which showcases the structure in uMzinyathi.

Figure 6.1: Structure of Tribal Authority in uMzinyathi.
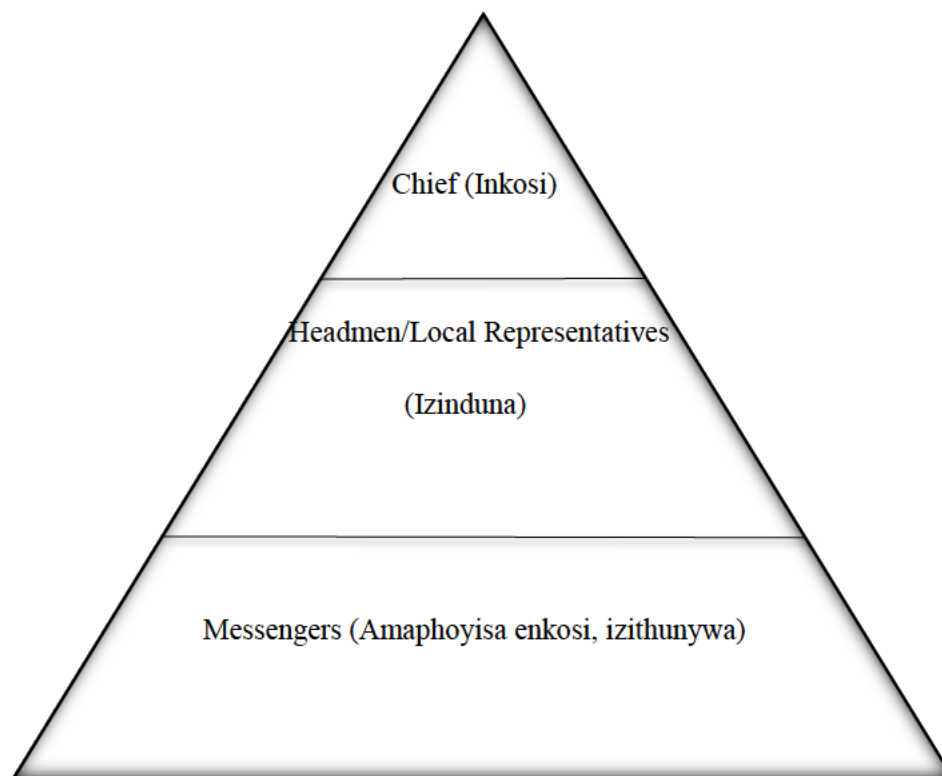
Source: Researchers Own Fieldwork Data (2020).

The above illustrates the hierarchy of power under tribal authority with the chief (inkosi) in whom the most power is vested. He is highly respected by the members of the community and persons from outside the area are to revere them. According to the homeowner interviews data, then chief is still given the same respect as in the past. Homeowner respondent 10, in his late 30's (male) and female respondent 12 in her 40's said:

> "You see, when it comes to the chief, you can never even catch yourself calling him by his name as that would be very disrespectful. Both his reputation and image as a whole upholds respect" (Interview with Male Respondent 10).

> "Kumele uyikhothamele inkosi ngoba iyahlonishwa njengompathi womhlaba waseMzinyathi! (You need to respect the chief especially as the holder of the land of uMzinyathi!)" (Interview with Female Respondent 12).

Following the chief in the hierarchy there are headmen performing out his duties by a number of functionaries who are assigned special tasks. Another important finding is that for administrative purposes, tribal land is divided into a number of units/wards (izigodi) to which an induna is assigned. The different headmen / local representatives (izinduna) that were interviewed (in which there were only two headmen interviewed) clarified that by saying the same thing along the lines of:

"Izinduna zibekwa ngokuhluka kwezigodi zazo (every headmen is allocated depending on the different wards or units in the area)."

An induna is appointed by the chief, acting on advice from his councillors. Each ward has boundaries that are known to the tribe - usually natural geographic landmarks such as rivers, mountains and forests. Some boundaries would be based on the landscape whereas others would be based on the concentration of people of the same clan in an area. The induna's function is to represent his ward at the traditional council. When asked in an interview one headman respondent 07 included in their role that is to:

"Demarcate land which is sent by the chief. The owner of the land and buyer start with the chief and then inkosi (chief) sends them to us as izinduna (headmen / local representatives) to divide" (Interview with Local Headman Respondent 07).

Complimenting what the previous headman said, another headman interviewee added this as follows:

"The headman functions as an eye of the chief at this level and there are certain powers delegated to the headman by the chief" (Interview with Local Headman Respondent 08).

Results show that a headman has powers to mediate and settle in disputes arising under his jurisdiction. The cases which have to be reported to the chief go through the headmen. In that way he decides on what may be taken to the chief. The headman also serves as a gateway to the chief in the sense that people, even from outside the area such as development agencies, who want to see the chief have to go through him. The headman is assisted in performing his duties by a ward council which consists of elders or senior members (abanumzana) from

different settlements (imizi). The headman's appointment is based on his abilities and how these are seen by the community in general. This means that this position is not hereditary and induna headman could be removed at any time if his performance is unsatisfactory.

There are also messengers who link the chief with his various functionaries. They convey messages to the community regarding dates of meetings as well as dates of hearings for complainants. The messengers are entrusted with the functions of passing messages from the chief to the community. When the chief calls a community meeting (imbizo), it is the function of the messengers to go out and mobilise community members for a community meeting.

6.4. PROCESSES AND PROCEDURES FOR LAND TRANSACTIONS IN UMZINYATHI

According to the homeowner respondents interviewed, what often happens is that a potential land buyer would approach a land occupier. They would agree on the size of the land parcel being sold and the purchase price. After which, the land occupant would approach the Inkosi for in order for him to authorise the selling and the purchasing of that land for housing development. The Inkosi (or member of Traditional Council) would then set a date and time when the new resident would be introduced as part of the community. The schematic representation below demonstrates how process unfolds (see Diagram 6.2). The practice entails bringing a bottle of alcohol or any beverage for consumption by boundary witnesses to celebrate the occasion on site. In other instances, the purchaser would approach the Inkosi directly in order to purchase vacant land (see Diagram 6.3). Traditionally, the proceedings from the purchase go to the coffers of the Traditional Council as some form of revenue. There is a khonza fee (administration fee) that is paid to secure the land to be purchased to be owned in which there is no set amount because it all depends on the size of the land I which there are many sizes. The traditional system is subject to some level of corruption as many other systems are. However, its nature as informal and customary cannot be used to render it entirely corrupt and an exception.

Diagram 6.2: First Approach towards Land Transactions.

Potential buyer approaches land occupant.		Time and date is set for the new land occupier to be introduced to the community and land demarcation takes place.
Agreement on land size and price is made.		Celebration of event takes place (normally entails beverages to be consumed).
Land occupier approaches the local representative who takes the case to the inkosi / chief for his blessing.		
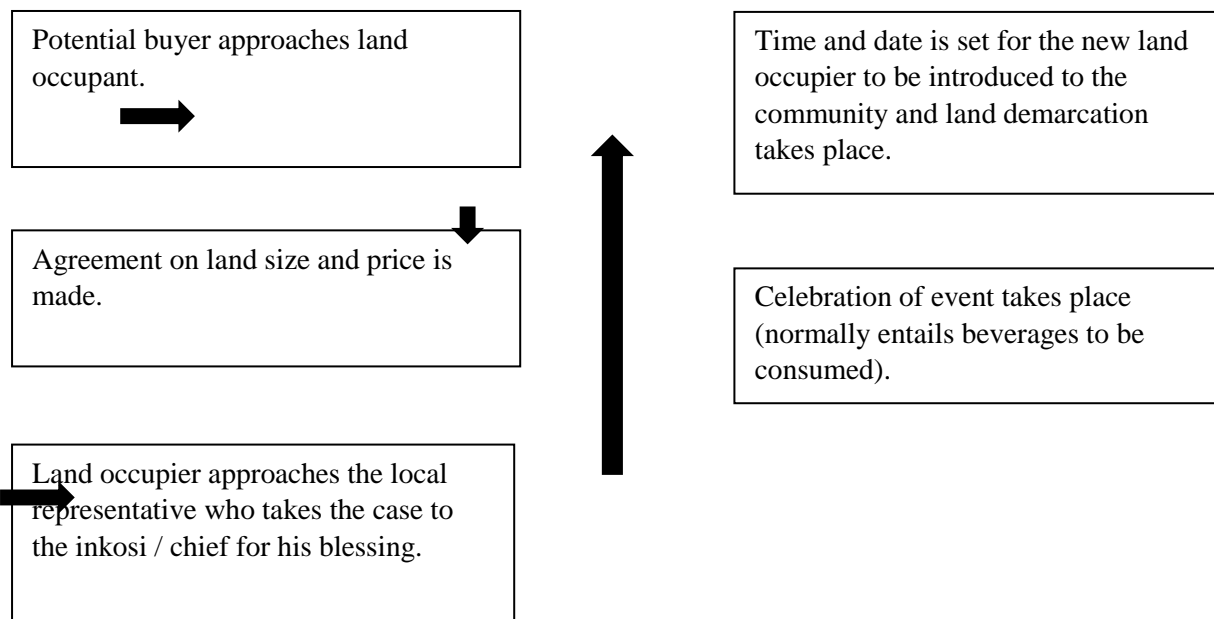
Source: Researcher's Own Fieldwork Data (2020).

Diagram 6.3: Second Approach towards Land Transactions.

Potential buyer approaches inkosi / chief (traditional council).		Celebration of event takes place (normally entails beverages to be consumed).
Inkosi/chief contacts induna (local representative) to find out about any vacant land.		
Time and date is set for the new land occupier to be introduced to the community and land demarcation takes place.		
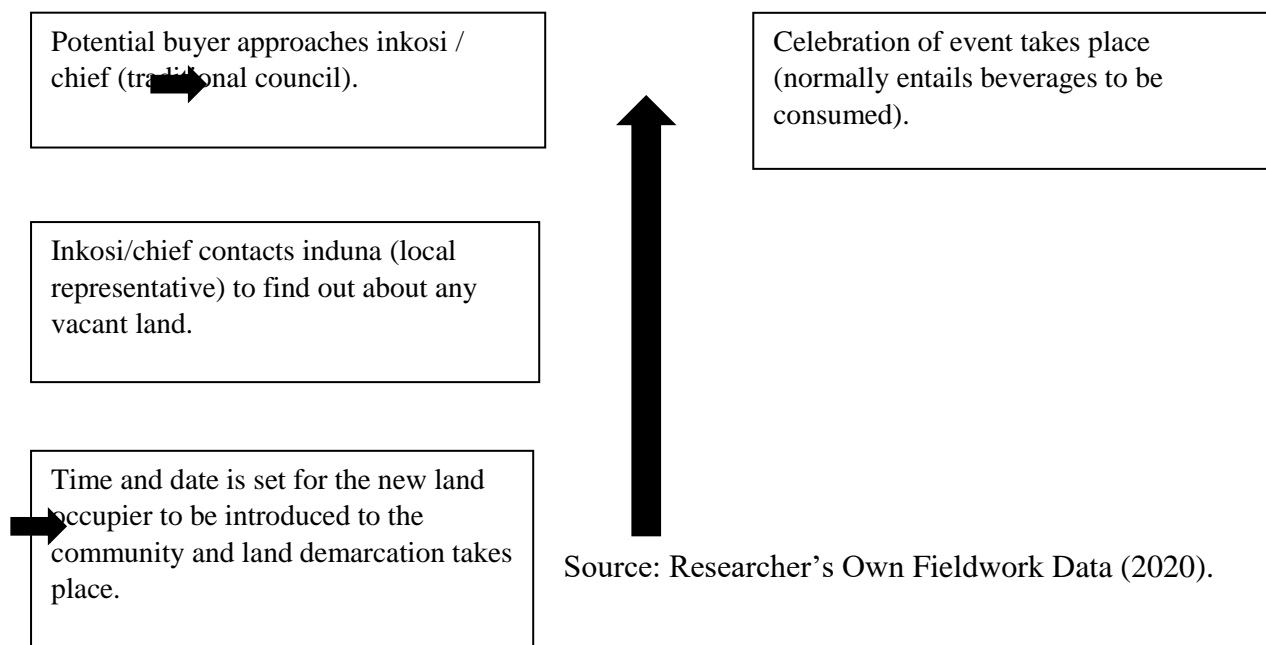
Source: Researcher's Own Fieldwork Data (2020).

The fact that negotiations often occur in the presence of Izinduna and the elderly in the community helps to mitigate the possibility of corrupt practices. It is assumed that any vacant land within a particular area in the community is under the control of the Inkosi. It emerged that from fieldwork data that only those parcels of land already allocated to a household are subject to subdivisions and selling. It was unclear what ownership process they followed thereafter. Another interesting aspect of this arrangement is that many of these new urban residents do not have title deeds as proof of ownership of the land in which is occupied and it seems to be an important document for them to have especially if where they previously resided they owned one. It is a practice that is in line with traditional ways of how land is owned, held and transferred. 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. Arguments about property titles as facilitators of access to mortgage finance are not applicable in the context of self-built houses located in communal land. South African banking institutions have a long history of reluctance to finance or mortgage properties built outside the traditional property market. Furthermore, there are indeed concerns with regard to the lack of environmental planning and building standards in these areas from the municipality side. This lack of awareness about the importance of environmental planning and building standards originates from the historic urban spatial planning, which ignored rural and peri-urban areas.

Urban planning and urban governance practices are gradually being extended to fully encompass the whole of eThekwini, including the predominantly rural parts of the city. Due to unresolved institutional multiplicity of governance between democratically sanctioned structures and traditionally established ones, implementation of urban planning principles has been difficult if not impossible. The Spatial Land Use Management Act, Act 16, 2013, is an attempt at introducing a uniform wall-to-wall land use management system for the country. Unless the relationship between new urban residents (located mostly in the African townships,

peri-urban areas and rural areas) and city government is resolved in the post-apartheid urban governance context, the challenge will persist.

Communal areas under the jurisdiction of the municipality depend on municipal infrastructure and differentiated services. Most rural and peri-urban areas within eThekwini are eligible for access to basic services through a differentiated service delivery approach as per the indigent policy. The respondent (councillor) further explained that the indigent policy is aimed at improving the lives of the less fortunate through provision of differentiated free access to basic services such as water, sanitation, electricity and refuse removal (Mbatha &Mchunu, 2016). The councillor added that the Province provides the funding and then the municipality implements what is needed.

In view of the results above, land transactions that occur in peri-urban areas such as uMzinyathi happen under the supervision of an Inkosi is responsible in the area. Although there is a municipal ward councillor, he has no authority for land allocation. These powers are vested only in the Inkosi and the Traditional Council. Land acquisition processes are traditional in nature and are informed by customary practices and driven through social networks. Amakhosi and izinduna facilitate land transactions and actively participate in the land market. Traditional actors use their power to facilitate transactions to shift the power balance in their favour and away from elected state officials. However, there are no official records describing the size of the land and especially the amounts involved in the transaction. The only document obtained by the new resident is a Permission to Occupy (PTO) document from ITB. This also highlights that when it comes to the processes of land transactions the municipal officials are not involved only when it comes to the provision of services.

6.5. NOTION OF SELF-BUILD HOUSING IN PERI-URBAN AREAS - UMZINYATHI

Self-help housing is not a perfect concept but it has been perceived to be a key tool of housing production for the less fortunate, low-income and the middle-class in developing countries (Dhlamini, 2018). The forms of 'self-build' are often used interchangeably in the study. There are overlaps between the two terms with self-help being the umbrella form that incorporates forms of housing delivery systems for which self-build is a constituent part. According to

Omenya (2007), there are various resources which are used in self-help housing in Nairobi, Kenya and South Africa. The resources fall under four categories being: land; finance; labour, materials and technology; and infrastructure and services. Dhlamini (2018) adds on such observations by including that self-help refers to a housing production system or process where individual households 'self' mobilize their own resources inter-alia (time, energy, finance, and skills) to invest in housing for their own use or exchange

Self-build involves housing delivery that is self-provided process and many respondents reported having self-built the houses they are currently residing in. This also relates to dweller control and when asked if the houses they built were self-built or assistance was received, many respondents had self-built. However, some homeowner respondents mentioned that their house plans were self-made while others got local architects and some got their house plans done by architects from other areas. While outsourcing some tasks, major decisions about the planning, design and overall management were conducted by the owner of the house being built. This type of self-help is often referred to as an 'unconventional' or 'informal' form of housing production that often bypasses the traditional building standards and bylaws that one might find in a formal housing market (Dhlamini, 2018). The homeowner, through the efficient and effective mobilization of their own resources often bear the overall costs, by through contracting a local builder and supplies costs for building. Almost all the homeowner respondents highlighted that the costs of the whole process were manageable due to selling the previous houses in order to be able to pay the costs needed especially for the construction.

With regards to the building materials used, because people have a variety of choices it can be concluded that the material used all falls under the homeowners' choice. However, the utilisation of modern materials from construction all the way to the finishes was commonly used amongst the participants. The materials will be illustrated in Table 6.3 below.

From the house exterior being broken down into four categories namely: the main doors, windows, exterior walls, and the roof. Each category has its own material which was either used or not. The most popular material used for the main doors was aluminium which is what the interviewed participants either had or were working towards applying it. Aluminium's' common use did not only stop with the main doors but was also applied for windows. For the

exterior walls the most commonly utilised material were concrete blocks. Clay or concrete tiles were popular when it came to the roofing.

Table 6.3: Different Types of Building Materials Used

House Exteriors	Building Material Type	Interviewed Participants
Main doors	• Aluminium • Wood/Timber • Glass • Other	= 18 = 2 = 0 = 0
Windows	• Aluminium • Casement • Wood / Timber • Other	= 16 = 3 = 0 = 1
Exterior Walls	• Concrete Blocks • Clay Bricks • Plastered • Other	=17 = 0 = 2 = 1
Roof	• Clay or Concrete Tiles • Asbestos Cement • Metal Roof Sheet • Polyester • Other	=16 = 2 = 2 = 0 = 0

Source: Researcher's Own Fieldwork Data (2020).

6.6.   SETTLEMENT PATTERNS AT UMZINYATHI

Land in peri-urban settings is informally subdivided to seekers for land into these areas (see Image 6.4). According to Agheyisi (2018), informal land subdivision often runs parallel with

formal land subdivision in most cities of developing countries. Informal land subdivision mainly takes place in peripheral areas which have been incorporated into the municipal urban areas following the extension of cities' administrative boundaries. This ultimately affects the direction and quality of urban development in addition to engendering spontaneous growth and add-on development. The term "informal" connotes negativity which in the context of human settlements refers to nonconformity with urban planning laws and development control norms, and to some extent, land tenure regularization (Agheyisi, 2018).

Image 6.4: Settlement Patterns in uMzinyathi.

Source: Google Earth (2018b).

Image 6.5: Residential Settlements in uMzinyathi.

Source: Dhlamini (2018).

When responses were collated gathered from the homeowners one can note that the building process is done incrementally (not according to the municipal building regulations). Among most respondents reporting building own houses (self-built), few had their housing plans approved by the city authority (see Image 6.6). In many instances, the builder would bring a house plan previously used. The new owner would adapt the plan and suggest additional rooms or minor changes. There were some individuals who had their plans drawn to their particular specifications. From the data collected and having interviewed respondents one would add that households have no pressure to complete their houses as there are no regulations forcing them to finish within a particular timeframe. As a norm, a household would erect a temporary structure on the site they had just acquired. This structure would serve as a storeroom for building materials. In some cases, they would have a person staying at the site to protect building materials from theft. Later, the temporary site serves as accommodation for the construction workers.

Image 6.6: Modern Free Standing House.

Source: Researcher's Own Fieldwork Data (2020).

6.6.1. Challenges Faced at uMzinyathi

Although many people are finding comfort in peri-urban areas such as uMzinyathi, there are, however, some challenges which are faced by some of the self-builders. In particular, some of the respondents who were homeowners reported that builders often charge very high labour fee while constructing sub-standard structures. Furthermore, respondents also shared insights on the level of dishonesty some of the builders had of which was not good for their working relationship. Others expressed immense challenges related having money to cover building costs, particularly for those respondents who had incomplete structures.

These semi – rural settings are not entirely enclaves of peace as there are few reported incidences experienced by other community members defined in this study as homeowners. It emerged from an interview data with the local representative (induna) that with regards to the behaviour the main thing that is normally complained about is 'ukucwasana kwabantu' which refers to some people discriminating others. There might be an incident whereby the original

dwellers of uMzinyathi would undermine the residents residing from the townships or suburban areas and vice versa.

Moreover, water supply shortages were also cited as an emerging challenge. Since the population is steadily growing annually, services such as the water supply needs to be increased with new residents introducing modern utilities such as the flush toilets, a trend replacing VIP toilets previously used. However, there are some areas within uMzinyathi in which lack basic services such as water and sanitation, of which people have to find an alternative way to deal with inadequate supply through the installation of Jojo tanks and constructing their own sceptic tanks.

6.7.   ACTORS AND POLICIES SHAPING VERNACULAR LAND MARKETS IN ETHEKWINI MUNICIPALITY

According to Sutherland *et al*. (2016), the Traditional Leadership and Governance Framework Act (Act No 41 of 2003) (TLGFA) requires traditional councils to participate in the development of policy and legislation at municipal level, in particular in integrated development planning (of which the SDF is part of), to promote sustainable development and to minimise disasters that would threaten their community.

To date, the juridical authority of traditional leaders is supported by various sections of the legislation, most importantly the TLGFA, the Communal Land Rights Act (CLRA) and the Traditional Courts Bill. As we stated earlier, traditional practices, laws, and customs are subject to the Constitution, a liberal western derived document. It was revealed that uMzinyathi therefore characterises a complex and sensitive co-existence of the two governance systems (Mbatha &Ngcoya, 2019).

This researcher was informed by many homeowners who participated in the study as well as the induna that amaQadi, as the original dwellers of the area are known, are governed by the iQadi Traditional Authority, consisting of iNkosi and his izinduna, who do so on behalf of the Zulu king. Izinduna are the iNkosi's deputies and they manage sub-villages called izigodi. Furthermore, we observed that boundaries in uMzinyathi are largely abstract and therefore imprecise. As per political demarcation, uMzinyathi falls into Wards 2 and 3 of eThekwini

Municipality. This means that the traditional council boundaries and that of modern system of governance are not aligned. Councillors are democratically elected and therefore derive their authority and legitimacy through a state-sanctioned electoral process.

Land exchange in uMzinyathi comprises of numerous people (iNkosi, izinduna, buyers, sellers, intermediaries), traditional institutions and processes (such as ibandla, ukubekwa), organs of state (the Department of Cooperative Governance and Traditional Affairs(COGTA), the municipality, the Ingonyama Trust), objectives (residence, security of tenure, work, profit, tradition, governance, lifestyle), a host of knowledge and expertise (customary law and practice, building, construction) and of course things (land, Permission to Occupy (PTO) documents, houses).

6.8. CONCLUSION

This chapter discussed the research findings categorised under the following sub-headings demographic features; the migration patterns; traditional leadership and governance structures; processes and procedures for land transactions in uMzinyathi; resources for self-help housing; settlement patterns in uMzinyathi; actors and policies that shape vernacular land markets in eThekwini Municipality. Notably UMzinyathi demonstrated new trends of peri-urban growth as influenced by affordable land prices and accessibility. The following chapter provides recommendations and concludes building on the study results.

CHAPTER 7: CONCLUSION AND RECOMMENDATIONS

7.1. INTRODUCTION

The main aim of this study was to analyse the influence of vernacular land markets on self-help housing and its implications on dweller control at uMzinyathi. This chapter serves to explore the key themes that emerged from the data collected for this study and integrate that with the literature and theoretical aspect. This chapter first provides a summary of the issues discussed in the preceding chapters in addressing the objectives for the study, and it further suggest recommendations and a conclusion.

7.2. SUMMARY OF RESEARCH FINDINGS

This study has examined literature on vernacular land markets and their effects on self-help housing basing it towards uMzinyathi (within eThekwini). According to the previous chapter there were a number of reasons reflected as to why people migrate from urban areas to rural and or peri-urban areas.

7.2.1. Models of Urban-Rural Migration

The process of migration may involve outmigration may urban areas to the periphery of their cities to peri-urban areas. It emerged from both the primary and secondary data collected that there are various reasons for this exodus.

Typically, individuals have specific preferences which serve as a contributing factor to their movement. For example, response data showed that some people prefer quiet and relaxed life which characterizes peri-urban / rural livelihood. Another motivating factor for the movement is to engage in agriculture, mostly natural/organic farming, emerging from an implicit desire to produce and consume safe fresh food. According to this thought, engaging in farming contributes to the rural community. The major reasons for moving can be summed up to be their pursuit of happiness and fulfilment of building their dream homes at their own pace (freedom to build). Although, the movement to the peri-urban areas seems to be far from the proximity of the city, it is still within reach and different from those which was influenced by the practices of territorial and institution segregation implemented through various legislative and policy frameworks of the apartheid regime. In addition, affordability was also one of the

primary reasons that emerged as that meant that basic services such water and electricity to be exact were cost effective. Mbatha and Ngcoya (2019) confirmed that that the amount of cultural values that are found in peri-urban areas is also another reason why people move from urban areas, because they are able to perform their cultural rituals respectfully without any legal disturbance.

7.2.2. *Freedom to Build as a Dynamic in Vernacular Land Markets*

As a process, self-help housing encourages participation, pride, freedom of expression, independency, belonging to the community and elevated productivity. It emerged that in vernacular land markets land transactions work differently to formal land markets as it offers many opportunities: for home-based industry; to build big and cheaper (self-expression, dream home).

The absence of a formal legal title in the informal land markets settings is unlikely to discourage this market. This reflection is based on the exploration of sub-property markets (such as townships), where most owners did not have title deeds but still transacted their houses informally. Self-building in peri-urban areas (such as in uMzinyathi) is a system whereby the traditional council requests to see proposed building plans for the house/s prior to any construction. It emerged from respondents that households are not pressured in a way by this process to complete their housing construction quickly, as they build at their own pace. It emerged through observation in a case study site that most households do not start off with a planned proper structure rather they wait until they are confident with the idea that they have in their mind of what they want to be built (Wineman & Liverpool-Tasie, 2016). Following such, most households do not undergo the construction process whereby for an example having a land surveyor to come and access the soil before building on that particular land. This can become a problem in the long run, as some houses start experiencing structural damages (cracks on walls, mouldy walls).

7.3. SYNTHESIS OF THE STUDY

This study was conceptualised from a general idea that although the African continent remains mostly rural in nature, it has become one of the greatest rapidly urbanizing regions globally subject to migration from urban areas towards the periphery of the cities, extending the margin

of the city. It is possible to that the rapid transition in the structure of human settlements has perpetuated the development of new socio-political and economic structures; including ever-sprawling settlement patterns on the outskirts of urban landscapes identified as 'peri-urban' zones. Chapter 1 provided an overview of the entire dissertation as well as its organisation. There was also a conceptualisation of the issue of people who reside in such areas not obtaining the official security of tenure. The study was guided by the objectives, research questions and subsidiary questions presented above.

Drawing from the whole study, all objectives stated in chapter 1 have been addressed. An assessment of the traditional institutions and practices of the impacts of the customary land tenure on self-help housing in eThekwini Municipality has been made. An overview was done in chapters 2, 3 and 6 where the study goes from the explanations of the institutions to unpacking the theory around them. The study also analysed factors driving the development of vernacular land markets at uMzinyathi and that was unpacked in detail in chapter 6 and further concluded in chapter 7. Chapter 6 unfolds the data analysis where an examination and explanation of the processes and procedures for local recognition of the transaction of land for housing in uMzinyathi was made. Actors and policies that shape the vernacular land markets in eThekwini Municipality were identified in chapter 3 where the legislative frameworks were explained.

Chapter 2 explored the conceptual and theoretical framework which represents a distinct explanation of the main concepts and their presumed significance to the context of the study. The concepts that shone the light upon this research were vernacular land markets, land markets, land tenure, customary land tenure systems, housing, self-build housing, traditional governance peri-urban areas and institutions.

The theoretical framework defined the lenses through which the study needs to be perceived as well as giving a theoretical perspective of where and how institutional issues emerge. This was largely done through unpacking the theory known as neo-institutionalism in which from that theory one used the historical and rational choice approach deriving from the neo-institutionalism theory. It came to the researcher's attention that institutions derive their legitimacy and author from various source as well as from the need for governance which goes

hand in hand with the research study and multiplicity of governance taking place such as the convergence of traditional system of governance and municipal system of governance.

Chapter 3 engaged the knowledge and literature related to vernacular land markets and self-help housing. It examined the notion of peri-urbanization and self-build / freedom to build housing from a developing country as well as a South African context, and its rapidly transitioning peri-urban areas. Following the literature on examined the legislative frameworks associated with land and housing as they relate to the study.

Chapter 4 outlined the research design, detailing methods employed collecting data for this study. Qualitative research approach was adopted to conduct this research where non-probability sampling theory and purposive sampling method were used also guided by constructivist worldview. The data collection methods used to collect primary data were semi-structured interviews, life history with key informants such as homeowners, member of traditional council, municipal officials and as well as local representatives such as a ward councillor). The data collection method used to collect secondary data was documentary analysis, where different documents were engaged using content analysis in order to respond to research objectives and questions of the phenomenon under investigation.

Chapter 5 focused on the case study site –uMzinyathi under the jurisdiction of eThekwini Municipality. The historical background of the case study site was discussed in order to discuss and understand the land question and other critical issues associated with the phenomenon under discussion.

Chapter 6 presented data which was collected from different key informants through interviews i.e. household heads in uMzinyathi. The local representatives interviewed shed light on the growth of the uMzinyathi population, discussing associated challenges. Information on land transactions was also obtained including the designated roles of municipal officials in the development of uMzinyathi. The aim of the chapter was to present evidence relevant to the objectives and research questions in chapter 1.

7.4. RECOMMENDATIONS

The following recommendations are informed by the current study findings. These recommendations are divided into two where there are general and specific recommendations. These recommendations are detailed below and may help improve current responses to the challenges associated with the phenomenon under investigation.

7.4.1. *Security of Tenure*

According to Johnson (2009), the main reason why tenure reform legislation was needed, was the lack of clarity underlying land rights. This led to major conflicts between local government bodies, traditional leaders and communities. Traditional leaders, on the one hand regard communal land as land that they control, and development projects as a means to secure support from those under their authority and jurisdiction. Communities residing on the land in question, on the other hand, regard it as theirs despite the fact that there is no formal document at their disposal. They want to be centrally and equally involved in decisions relating to the use and development of the land. Since the communities are the beneficial occupiers and users of the land, it is only just and fair that the land be developed in their best interest.

In order to make land markets work better for the people who possess interest in them (in which the numbers are growing annually), this study suggests that interventions in the land market need to focus on narrowing the divide between formal and informal markets by increasing their security of tenure and prospects of investing in the property. Individual, private land ownership or leasehold may not necessarily be the only or preferred option of land tenure in urban areas. Given the limitations of market forces to protect the less fortunate, it is also worth learning from communal landownership and refining such systems in certain areas, for example where access to shared resources such as rivers and grazing areas is important for households' livelihoods. Planning for healthier, more sustainable cities, for example with urban agriculture and more efficient public transport systems, may require more creative approaches to land tenure. A way in which this could be achieved is by creating institutional structures that will facilitate the gradual transition from informal to formal markets.

7.4.2. *Population Growth in Peri-urban Areas*

Peri-urban areas have vast potential to play a positive role in enhancing urban sustainability at the global level. Peri-urban areas are generally zones affected by strong expansion processes of the city, processes that are weakly opposed by marginal agricultural activities, but where the expectations and interests of the communities are often high. Thus, they tend to have a chaotic and fragmented mix of urban and rural functions, and host uses that may be unwanted by communities such as business parks, big entertainment buildings and shopping centres. There may be a high tension between the objectives of different urban and sectoral planning instruments that both promote and resist such development. Planning policies and strategies for peri-urban areas must take into account their variety and begin from knowledge of the specific dynamics and development opportunities of each area. Policies and interventions will benefit from experience of approaches taken elsewhere, especially the evaluation of innovative approaches.

7.4.3. *Post Self-Build / Freedom to Build*

A self-build home is the perfect way to create a one-off house, tailored to your specific lifestyle and requirements - and there is more than one self-build option out there. Self-building provides the opportunity to create a low-maintenance home designed to change with you as your needs change. It can also give you scope to design in energy efficient, money saving features from the outset. However, when it comes to self-build there can be a default when it comes to the construction phase in which the building process falls short. It emerged that most households do not undergo the house development process from analysing the soil type, to producing a suitable house plan. In the long run most houses will face structural damage because they do not follow all building standards and went straight to building their houses right after purchasing the land. This makes a few recommendations here: the traditional council can secure a construction team which will be recommended to potential land buyers or the person occupying the land can inform the potential buyer about the state of the land / soil. This will lead the potential buyer to making sure that they are already contacting the right people for the job and in this way funding can also be secured for land buyers who fall short financially. The banks loaning out money will be more generous knowing the secured plan behind the whole

construction (having a construction team involved to enhance the development). Another recommendation is that the traditional council authorises to forbid development on inadequate land (specifically for housing development, excluding agriculture).

7.5.   AREAS FOR FUTURE RESEARCH

This study has critically analysed self-built housing as a model for the rapidly densifying peri-urban area of uMzinyathi which is located within eThekwini municipality. The study confirmed that many people have developed a sudden interest in moving back to peri-urban areas. The main reasoning behind such movement is the ability to control their housing development through using the self-build housing concept. People are influenced to migrate to peri-urban areas for reasons such as: access to land; ability to produce vegetation; access to transport to the inner city for those taking public transport; the ability to still uphold their culture (which is prohibited in suburban areas); access to affordable basic services; ability to do everything from building their own house to harvesting their vegetation at their own financial pace.

There is a high need to replicate similar research in a different setting. Despite of being restricted to uMzinyathi, this study may inspire future work in the eThekwini area or South Africa at large, rising patterns awareness about the studying self-built housing inside peri-urban settlements. Thus, this study may be a starting point for future investigators undertaking study on housing and the growing peri-urban settlements.

7.6.   CONCLUSION

This chapter outlined a summary of the main findings, synthesis (historical background of study) recommendations and conclusion to the research findings of the study. Self-building is one important reason for relocation to peripheral areas, where there are opportunities to build houses with limited restrictions. This study increases further knowledge to our understanding mechanisms behind vernacular land markets and their effect on self-help housing using uMzinyathi as case study site under the jurisdiction of eThekwini Municipality. Similar studies are needed to deepen knowledge on this subject.

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APPENDICES

25 March 2019

To whom it may concern:

<u>Analyzing the Effects of Vernacular Land Markets on Self-Help Housing in eThekwini Municipality: A Case study of UMzinyathi.</u>

On behalf of the EThekwini Municipality Human Settlements Unit, I hereby approve that Nandi Kelly Mhlongo (Student Number 214550690) to conduct her research on the above mentioned topic in Masters at the University of Kwa-Zulu Natal (Howard College).

I am satisfied with the research aim and method to collect data; however, this is subject to the respective community members agreeing to being interviewed. All analysis, results, conclusions, recommendations, etc. are to be submitted to eThekwini Human Settlement Unit for comments, and response prior to being submitted. Lastly, we look forward to the analysis and final product of the research.

Permission to collect and use data granted by:

Name: Mark Byerley

Signature e:

Position in EThekwini Municipality: Manager: Research and Policy

May 2019

Nandi Kelly Mhlongo

School of Built Environment and Development Studies

College of Humanities

University of Kwa-Zulu Natal

Howard College Campus

Email: 214550690@stu.ukzn.ac.za

Dear Nandi Mhlongo

RE: PERMISSION TO CONDUCT RESEARCH

Gatekeeper's permission is hereby granted for you to conduct research towards your Masters in Housing, provided ethical clearance has been obtained. We note the title of your research dissertation is:

"Analysing the Effects of Vernacular Land Markets on Self-Help Housing in eThekwini Municipality: A Case Study of uMzinyathi."

It is noted that you will be constituting your sample size as follows:

- An overall amount of Municipal Officials to be interviewed will be (two). The rest will be in the study area- uMzinyathi being the Traditional Authority (two) Ward Councillor (one) and homeowners (fifteen).

Please ensure that the following appears on your interviews / attached to your notice:

- Ethical clearance;
- Research title and details of the research, the researcher and the supervisor;
- Consent form is attached to the interview document and to be signed by user before he / she answers the interview questions;
- Gatekeeper's approval.

For release of information over to yourself for research purposes, the University of Kwa- Zulu Natal will need express consent and data collected by you must be treated with due confidentiality.

Yours sincerely,

Chief M. Ngcobo

Ethical Clearance Approval

UNIVERSITY OF
KWAZULU-NATAL

INYUVESI
YAKWAZULU-NATALI

20 February 2020

Miss Nandi Kelly Mhlongo (214550690)
School Of Built Env & Dev Stud
Howard College

Dear Miss Mhlongo,

Protocol reference number: HSSREC/00000453/2019
Project title: Analysing the Effects of Informal Land Markets on Self-Help Housing in eThekwini Municipality: A Case study of UMzinyathi.
Degree: Masters

Approval Notification – Expedited Application

This letter serves to notify you that your application received on 05 September 2019 in connection with the above, was reviewed by the Humanities and Social Sciences Research Ethics Committee (HSSREC) 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.

This approval is valid until 20 February 2021.
To ensure uninterrupted approval of this study beyond the approval expiry date, a progress report must be submitted to the Research Office on the appropriate form 2 - 3 months before the expiry date. A close-out report to be submitted when study is finished.

HSSREC is registered with the South African National Research Ethics Council (REC-040414-040).

Yours sincerely,

Dr Shamila Naidoo (Deputy Chair)

/dd

School of Built Environment and
Development Studies, Housing Discipline,
College of Humanities,
University of Kwa-Zulu Natal,
Howard College Campus

Attention: Participant

Informed Consent Letter

My name is Nandi Mhlongo, I am a Master of Housing candidate in the School of Built Environment and Development Studies, at the University of Kwa-Zulu Natal Howard College Campus.

You are being invited to consider participating in a study that involves research in *Analysing the Effects of Vernacular Land Markets on Self-Help Housing in eThekwini Municipality: A Case study of UMzinyathi.* The aim of this study is to analyse the effects of vernacular land markets on self-help housing in eThekwini Municipality using a case study of UMzinyathi.

This study will involve you to take part in interview questions. The duration of your participation if you choose to enroll and remain in the study is expected to be a minimum of thirty minutes and you may discontinue at any time you wish to. Please further note that:

- Your confidentiality is guaranteed as your inputs will not be attributed to you in person, but reported only as a population member opinion.
- Any information given by you cannot be used against you, and the collected data will be used for purposes of this research only.
- Data will be stored in secure storage and destroyed after a short period of time.
- You have a choice to participate, not participate or to stop participating at any time. You will not be penalized for taking such an action. Your knowledge is purely for academic purposes only and there are no financial benefits involved.

- If you are willing to be interviewed, please indicate (by ticking where applicable) whether or not you are willing to allow the interview to be recorded by the following equipment:

Equipment	Willing	Not Willing
Audio equipment		
Photographic equipment		
Video equipment		

Yours sincerely,

Nandi Mhlongo.

School of Built Environment and
Development Studies, Housing Discipline,
College of Humanities,
University of Kwa-Zulu Natal,
Howard College Campus

Ukunakwa: Umhlanganyeli

Incwadi eyaziwa nge-Consent

Igama lami nguNandi Mhlongo, ngingumfundi ezingeni leMasters' kwiHousing eSikoleni Sokuvakasha Nezokuthuthukiswa KwezeMfundo, eNyuvesi yaseKwaZulu-Natali eNyuvesi yaseHoward College.

Uyakumenywa ukuba ucabangele ukuhlanganyela ekucwaningweni okubandakanya ucwaningo ekuhlaziyeni Imiphumela Yezimakethe Zomhlaba Ezizimele ezakhiweni Zokuzimela Ezizimele eMasipala waseThekwini: Ucwaningo lwe-Case of UMzinyathi. Inhloso yalolu cwaningo ukuhlolisisa imiphumela yemakethe yomhlaba wangaphandle ngezidingo zokusiza ezokuphepha eMasipala waseThekwini usebenzisa isifundo se-UMzinyathi.

Lolu cwaningo luzobandakanya ukuthi uhlanganyele emibuzweni yokuxoxisana. Ubude bokubamba iqhaza kwakho uma ukhetha ukubhalisa futhi uhlale ocwaningweni kulindeleke ukuthi kube okungenani kwemizuzu engamashumi amathathu futhi ungase ushiye noma nini lapho ufisa. Sicela uphinde uqaphele ukuthi:

- Imfihlo yakho iqinisekisiwe njengoba okufakwayo kwakho kungabonakali kuwe ngomuntu, kodwa kubikwe kuphela njengombono welungu lomphakathi.
- Noma yiluphi ulwazi olunikezwa nguwe alukwazi ukusetshenziswa ngokumelene nawe, futhi idatha eqoqwe izosetshenziselwa izinhloso zalolu cwaningo kuphela.
- Idatha izogcinwa kwisitoreji esiphephile futhi ichithe ngemuva kwesikhathi esifushane.

- Unelungelo lokubamba iqhaza, ungahlanganyeli noma uyeke ukuhlanganyela noma kunini. Ngeke ujeziswe ngokuthatha isenzo esinjalo. Ukwaziswa kwakho kungenxa yezifundo kuphela futhi azikho izinzuzo zezimali ezithintekayo.

- Uma uzimisele ukuxoxwa, sicela ubonise (ngokufaka uphawu lapho kufanele khona) noma ngabe uzimisele yini ukuvumela ukuthi lolu daba lulotshwe yizixhobo ezilandelayo:

Imishini	Uzimisele	Awizimisele
Imishini yomsindo		
Imishini yezithombe		
Imishini yevidiyo		

Ozithobayo,

Nandi Mhlongo.

Demographic Information

Name of Interviewee: _____

Location of Interviewee: _____

Contact Number: _____

Name of Municipality: _____

Interview Number: _____

Date of Interview: _____

Gender

Female	
Male	
Other	

Age Structure

19 and below	
20-29	
30-40	
41 and above	

Marital Status

Single	
Married	
Divorced	
Widow	
Other	

Who Do You Live With?

Children	
Elderly relative (s)	
Other dependants (specify)	

Race

Black	
Coloured	
White	
Indian	
Other	

Interview Questions- Local Representative

1.1.Institutional Arrangements

1.1.1. What is your responsibility when it comes to the communal land administration?

1.1.2. What challenges do you face in your role in communal land?

1.1.3. Do you know the concept of self-help housing and self-build? If yes, in your understanding please can you explain what it is?

1.1.4. How is the concept of self-build developing in the area?

1.1.5. How has the concept of dweller control been enforced in UMzinyathi?

1.2. Processes and Procedures for Land Administration

1.2.1. Who is responsible of the administration process with regards to the communal land?

1.2.2. How are you involved when it comes to self-help housing as well as for self-build?

1.2.3. How are you aware that there is land available and specifically which land is open for self-build housing?

1.2.4. Do you think there is a need for government intervention in the land transaction and providing houses to the people moving to this area?

1.3.Settlement Structure

1.3.1. Can you define the nature of settlement patterns the UMzinyathi area?

1.3.2. How many houses per hectare?

1.3.3. How has the spatial character of the UMzinyathi area changed over the years as a result of densification or population growth?

1.3.4. How is the concept of self-build developing in the area?

1.3.5. Are social services such as schools, clinics, water, sanitation etc. adequately provided within UMzinyathi allowing people to be able to build anywhere they prefer?

- If yes, explain how you have managed to ensure equal services
- If not, explain why this has not been the case?

1.3.6. Can you comment on the influx of people moving into this area?

1.4.Construction Phase

1.4.1. What do you partake in when it comes to the construction phase?

1.4.2. What is your role in the approval of house plans and their building standards for the houses built in UMzinyathi?

1.4.3.   How much do the house owners pay for your approval of the house plans?

Any other comments?

Demographic Information

Name of Interviewee: _____

Location of Interviewee: _____

Contact Number: _____

Name of Municipality: _____

Interview Number: _____

Date of Interview: _____

Gender

Female	
Male	
Other	

Age Structure

19 and below	
20-29	
30-40	
41 and above	

Marital Status

Single	
Married	
Divorced	
Widow	
Other	

Who Do You Live With?

Children	
Elderly relative (s)	
Other dependants (specify)	

Race

Black	
Coloured	
White	
Indian	
Other	

Interview Questions- Municipal Officials

1.5. Institutional Arrangements

1.5.1. What specific role do you play in land transactions?

1.5.2. What problems do you encounter in performing your job?

1.5.3. What do you understand about the concept of self-help housing and self-build?

1.5.4. What do you understand about the concept of dweller control?

1.6. Post-Settlements Processes and Procedures

1.2.1. What procedure is taken in the land transactions?

1.2.2. Where do most community members migrate from?

1.2.3. What services can be provided in peri-urban and Traditional Authority land?

1.2.4. When do you become involved in all the procedures?

1.3.   Land Administration

1.3.1.   What type of land market is dominating in UMzinyathi?

1.3.2.   What challenges are caused by informal land markets?

1.4.   Settlement Structure

1.4.1.   How would you define UMzinyathi as an area?

1.4.2.   What are the reasons for the increasing population?

1.4.3.   What impact does the concept of self-build have on an area such as UMzinyathi?

1.5.   Construction Phase

1.5.1.   What is the role of the officials in the process of self-built houses?

1.5.2.   What is the role of building standards in the new development in the periphery of the city?

Any other comments?

Demographic Information

Name of Interviewee: _____

Location of Interviewee: _____

Contact Number: _____

Name of Municipality: _____

Interview Number: _____

Date of Interview: _____

Gender

Female	
Male	
Other	

Age Structure

19 and below	
20-29	
30-40	
41 and above	

Marital Status

Single	
Married	
Divorced	
Widow	
Other	

Who Do You Live With?

Children	
Elderly relative (s)	
Other dependants (specify)	

Race

Black	
Coloured	
White	
Indian	
Other	

Interview Questions- Homeowners

1.1. Understating Occupational History of Owner

1.1.1. Where did you previously live?

1.1.2. What attracted you to this location (UMzinyathi)?

1.1.3. How long have you lived in the area (UMzinyathi)?

1.1.4. Do you know the concept of self-help housing and self-build? If yes, in your understanding please can you explain what it is?

1.1.5. How does UMzinyathi encourage self-help housing / self-build?

1.1.6. Were you involved during the construction of your house?

1.2. Processes and Procedures of Land Acquisition

1.2.1. Where did you get your information about the site you built your house at?

1.2.2. What process you followed for acquiring land?

1.2.3. What was the procedure you had to go through when it came to the land transaction?

1.3. Land Decision Making Powers of Actors

1.3.1. How do you secure your land?

1.3.2. Is your house self-built or did you receive assistance?

1.3.3. What do you intend on doing with the land you bought?

1.3.4. How far is your house to your workplace?

1.4.Construction of Dwelling

1.4.1. What is the size of your land / site?

1.4.2.   How much is your house taking up?

1.4.3. Who designed your house plan?

1.4.4. Before the start of the building of your house, what process did you go through to ensure the adequacy of the construction?

1.4.5. How were you able to secure the funding of the house?

1.4.6. How much did the whole construction of your house cost?

1.4.7. How did you manage to get hold of the material needed for the building of your house?

1.4.8. Did you have a project management team to perform their different site duties?

Any other comments?