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Exploring barriers to land accessibility for low-income housing delivery: A case of buffers of open space on the mining belt between Johannesburg CBD and Soweto

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CHAPTER ONE

INTRODUCTION

1.1. Introduction

In terms of section 21(3) of the Constitution of the Republic of South Africa, the Supreme Law of this country, “every citizen has the right to enter, to remain in and to reside anywhere in the Republic”. It goes without saying that ‘anywhere’ refers to both rural and urban areas, to both townships and suburbs, and to both towns and cities. With the Constitution of the RSA guaranteeing everyone the right to access both land and housing, “it is important to recall that the acceptance of housing rights presumes that the world’s cities are cities for everyone, not just those wealthy enough to partake in and enjoy all the benefits of urban life…” (Leckie, 1998:22). South African cities are not an exception in this regard, and in particular Johannesburg, which for economic and other reasons, continues to be a centre of attraction, not only to rural citizens, but the citizens of the international community as well.

With the National Department of Housing embarking on urban resettlement attempts, while the Gauteng Provincial Housing Department shifts its approach to housing delivery towards ensuring that housing is located close to economic opportunities (Shilowa, 2005), and with the state given an obligation in terms of section 25(5) of the Constitution, to take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis, this study seeks to **explore barriers to land accessibility for the construction of low-income or affordable housing on former mining land** closer to Johannesburg Central Business

District (CBD). This study looks specifically into buffers of open space or mining dumps, available on the mining belt South of Johannesburg and North of Soweto, which are unoccupied and well-located closer to the CBD (see map -2), and which are more suitable for the construction of low-income or affordable housing closer to economic opportunities. However, it is crucial to indicate that well-located land normally has a higher market value, which can be reason for the tendency by landowners to be reluctant to release land until when prices are good.

This chapter introduces the study, the importance of the mining dump lands, the suitability of the mining dump lands for low-income housing construction and the possible barriers inhibiting such construction. The chapter will also present the research methods to be used and the type of data required. This chapter deals specifically with the introduction of this kind of study where focus will be on the introduction, review of related literature to this study, research methods and data collection, research findings and analysis and conclusion of the study project.

1.2. Historical Background

The issue of land is, and continues to be a sensitive and challenging one not only in South Africa, but also in the African continent and the world at large. The question of land reform has proved to be explosive and destructive in countries where it was/is not properly handled, for instance, in Zimbabwe, where land seizure became the order of the day. “[A]ccess to land has been a contentious issue throughout world history.” (Levitt, 1991:1), and this happens to South Africa as well. Since the introduction of apartheid

laws such as the 1913 and 1936 Native Land Acts, accessing land by black South Africans has been a difficult if not an impossible exercise. This thorny issue of land accessibility, especially in urban areas, and in particular, closer to the CBD, continues to impact negatively on low-income or affordable housing in South Africa. Colonialism, and later apartheid legislations, especially the 1950 Group Areas Act, culminated in the forceful removals of black citizens from urban areas into congested townships, far away from city centres and economic opportunities that come with residence closer to the CBD. Daniel Malan, the first Nationalist Party Prime Minister in 1948, referred to it as "the very essence of apartheid" (Mandela, 1994:130), while Nelson Mandela saw it as the foundation of apartheid, which initiated the era of forced removals (*ibid*: 140). It is therefore not surprising that only 13% of prime land is in the hands of black citizens, while the rest, 87%, is owned by the state and white South Africans (Centre for Development and Enterprise, 2005). It is apparent that "colonialist penetration in South Africa was fuelled by the desire for land, not for trade as was the case in West Africa" (Low, 1986 in Levitt, 1991:51). The conflict between the indigenous people and settlers ultimately boiled down to access to and occupation of land more than anything else (Letsoalo, 1987). As a result, the British policy of 'divide and rule' was introduced, which saw South African black citizens divided along ethnic groups in their residence (homelands). "As settler and indigenous populations grew, land became scarcer for Africans as legislation increasingly restricted access to land." (Levitt, 1991:53).

Black South Africans were restricted to congested townships and generally on the periphery of urban cities, with largely mining lands becoming one type of buffer

zones/strip between different population groups (see map -1 as an example of an apartheid city). It is this buffer strip that will be the focal point of this study, which will be discussed in details in the following sections. It is therefore not surprising that "the concentration of black population on homeland reserves and the so-called 'black spots' created congestion in such areas and instigated an 'illegal' influx into urban areas" (Sihlongonyane and Karam, 2003). The rural urban migration also intensified as a result of, amongst others, the improvement of the transportation system (Fortmann, 1992).

The scrapping of all apartheid laws by former state president, F.W. de Klerk, in 1991, the Land and Group Areas Acts included, coupled with the dawn of the new dispensation in 1994, more black South Africans, from townships and rural areas, and Africans from the rest of the continent in general, started migrating to cities and urban areas in general. In South Africa, as migration to cities intensified, wealthy whites started moving out of the city centres into up market suburbs. The massive movement of black citizens into urban areas and city centres in particular, led to a massive shortages of housing in cities, especially in Johannesburg (and the Greater Johannesburg Municipality) which for economic and other reasons, continues to be a centre of attraction for South Africans and foreigners. It is for these shortages of housing in general, and low-income housing in particular, for the urban masses of black South Africans that "cities have become slums and shanty towns" (*ibid*:26). The development of the slums and shanty towns can also be attributed to the inability of the market to supply sufficient housing. These massive housing shortages in cities for the poorest of the poor and the most vulnerable are a

Map – 1. Apartheid City Model

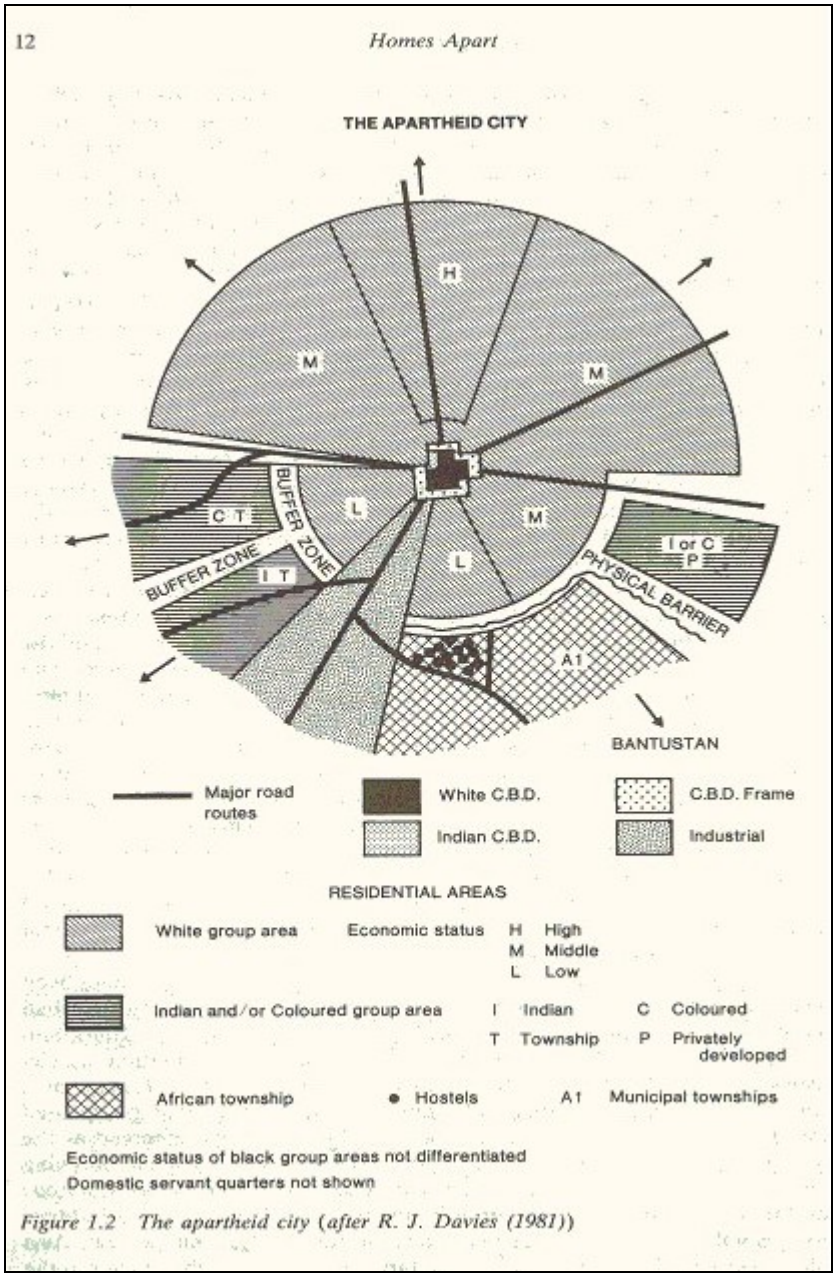


Figure 1.2 The apartheid city (after R. J. Davies (1981))

This map shows the apartheid city's racial residential areas divided by buffer zones and physical barriers.

serious challenge to the government and it needs to speed up the land reform process. It is for the seriousness of the nature of this challenge that President Thabo Mbeki speaks of the urgency of "bringing to a stop the pro-rich housing development strategies that ensure that the best located land that is close to facilities is always available to the rich" (Star Business Report, 2005:2). .

With the Gauteng Provincial Government committed to shift apartheid patterns and promote densifications and mixed land use in the city, in order to ensure that new developments include housing for different income groups (Shilowa, 2005); the need for land becomes more imperative. With approximately 190 informal settlements in the City of Johannesburg situated on both private and State owned land, according to the Johannesburg Spatial development framework 2005-2006, the need for land closer to the city becomes more urgent than never before. Houses need land on which to build, and for that reason, the government needs to find ways and strategies of making land available for the development of these housing units closer to the CBD. Sihlongonyane and Karam (2003) conclude with the importance of the empty mining land in Johannesburg. These open spaces remain unoccupied and unused, and they are actually a buffer strip between the predominantly poor and economically disadvantaged city residents and job opportunities in the CBD or the main transportation node of the city allowing access to other parts of the city. With the National Housing Department still faced with a housing backlog to deliver, more land is needed in order for it to urgently and timeously meet the housing needs of the increasing homelessness of the black masses of South Africa.

Obtaining land in South Africa, especially from private landowners, has proved to be one of the serious challenges facing the government at this point and time. It is really disappointing that even in the second decade of our democracy in South Africa, "obtaining land has clearly been a problem even in a country where land prices are amazingly low by international standards…" (Gilbert, 2000:26). Low-income or affordable housing projects continue to be delayed or fail to take off at all, for reasons centering on land accessibility, as seen in Kliptown, Zevenfontein and Zandspruit. Section 26(1) of the Constitution of the Republic of South Africa guarantees everyone the right to adequate housing. While the meaning of 'adequate housing' differs from one country to the next, in South Africa, adequate housing means "a permanent residential structure with secure tenure, ensuring privacy and providing adequate protection against the elements; providing portable water, adequate sanitary facilities including waste disposal and domestic electricity supply" (Habitat II, Journalists encounter, 1996, in Fabris, 1996:16). It was apartheid legislation that led to apartheid planning that produced a fragmented and discontinuous urban fabric, "with development occurring in discrete pockets or cells, frequently separated by buffers of open space and bridged infrequently by roads" (Gilbert, 2000:26).

The fact that "[m]assive low-income housing developments are located on the peripheries of urban areas, on the outskirts of segregated townships that are produced within the racially discriminating ideology of apartheid" (Huchzermeyer, 2003:115), should be a challenge serious enough to today's planners. In the same way as apartheid 'rights' and policies were spatially manifested and carried out through planning and practice, the right

to have access to adequate housing for every citizen, should also make a serious effect (Fabris, 1996). It is policy for housing developments to cater for mixed groups in all housing projects carried out, especially closer to the CBD. It is within the same vein that the Housing department seeks to integrate low, middle and high-income groups in the same neighbourhoods. It is also for that reason that the Housing Department, through the Urban Development Framework (1997), aims at settlements that will be "spatially and socio-economically integrated, free of racial and gender discrimination and segregation, and enabling people to make residential and employment choices to pursue their ideals…" (P.118).

One thorough look at Johannesburg and other South African cities clearly indicates that apartheid planning is still intact. Private land owners are clinging to 'their' land, not willing to sell or pricing their lands out of the market, which in turn frustrate the processes of land reform and redistribution, as well as urban resettlement. It is these buffers of open space on former mining lands -which remain unutilized- which prompt me to undertake a study of this nature, in order to establish some of the barriers which continue to make these open spaces inaccessible and unutilized for low-income or affordable housing delivery, amidst the dire need of land for housing closer to Johannesburg CBD. This, despite attempts by the government to desegregate and de-racialize the residential set-up in and closer to our cities, which is one of the current projects being popularized and intensified by the government in order to enable the previously excluded citizens to gain access to city life. It is also these buffers of open spaces, which instead of being a constraint, should rather be viewed as an opportunity for

reconstructing and integrating the fragmented South African city. The buffer strip should be seen and used as an integrator (*ibid*).

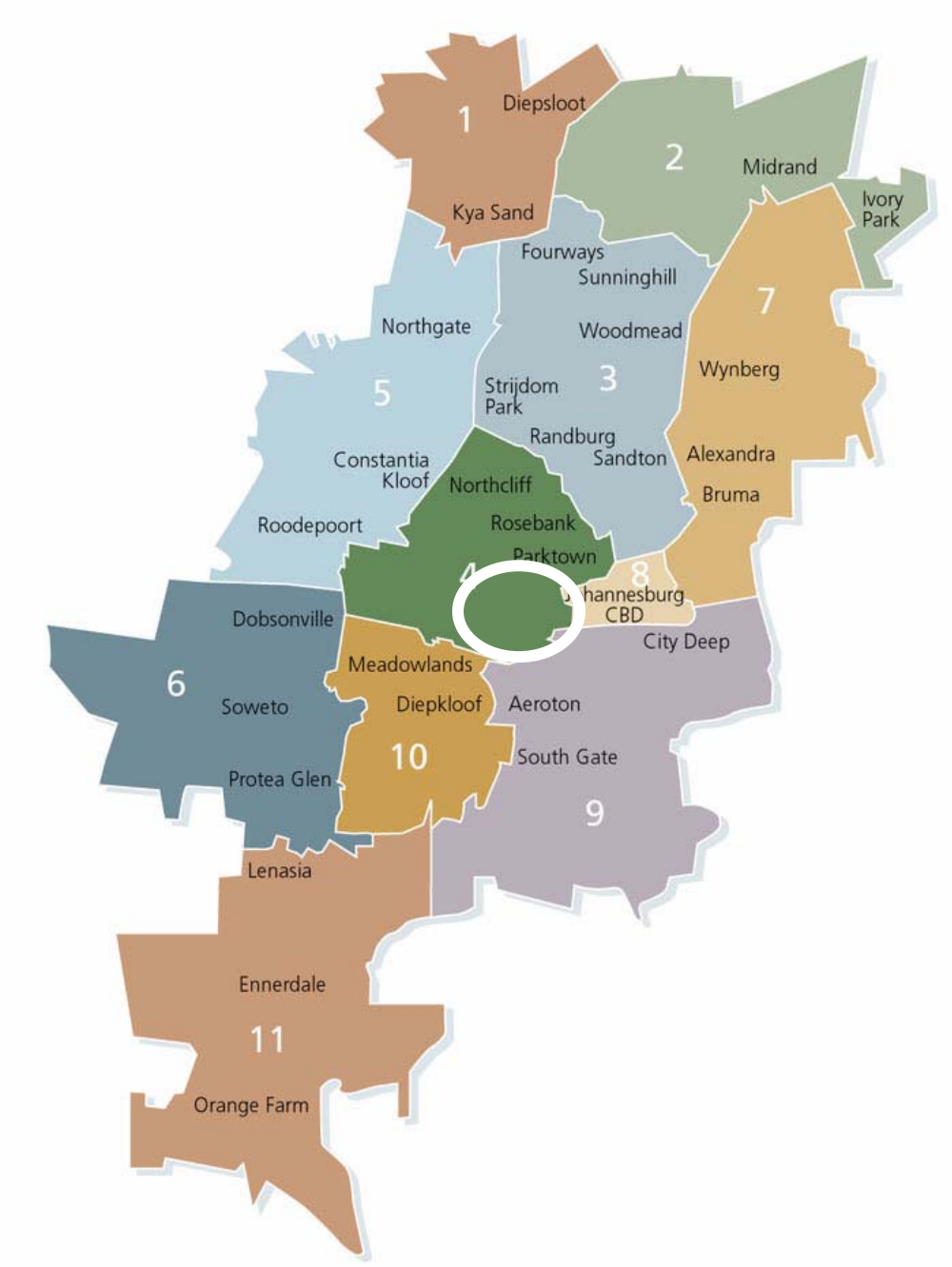
1.3. **Objectives and focus of the study**

The study aimed at establishing possible barriers inhibiting the construction of low-income or affordable housing on former mining lands, which remain unoccupied and unutilized despite the fact that they are well-located closer to the CBD and suitable for densification and integration of the previously disadvantaged and marginalized communities into the city. While looking specifically into the main issue of possible barriers to land accessibility, the study does, however, take into consideration health risks which come with occupation of housing on contaminated land.

"From a bird's eye view, the northern part showed residential areas with long stands, swimming pools, shopping malls and schools presenting a good spatial outlook. Contrary to the northwest, the southwest is characterized by townships with shacks, backyard rooms and hostels divided by small streets, remoteness from the workplace, thus giving the area a dull spatial landscape. In between were patches of empty spaces, many freeways, railway lines and roads cutting across the city, interspersed with mine dams and pit heads. The total picture was that of uneven, lopsided and disjointed development" (Sihlongonyane and Karam, 2003:160).

It is the above-mentioned patches in between the two different communities depicted above, which happened to be the primary focus of my study. It was specifically buffers of

Map -2: Study Area: The white circle in this map shows the area of this study, i.e. the location of the former mining lands, open spaces on the mining belt



Source: www.joburg. Org .za

open spaces on the mining belt south of Johannesburg and north of Soweto, which happened to be my study area (see map - 2). It is vital to indicate that there is an amount of gold available in mining dump lands, which would be expensive to extract, but in cases where gold prices go up, these lands become more valuable which in turn influences higher prices of these lands.

The reason for the choice of this area was largely due to a research project -led by Professor Robert Simons, visiting Fulbright Scholar from Cleveland State University, and Dr. Aly Karam of the School of Architecture and Planning, Wits University- which conducted surveys on the Benefit-Cost Analysis of the potential beneficiaries of low-income to middle income housing constructed on former mining lands.

1.4. **Research problem and the rationale**

Johannesburg has a relatively high rate of urbanization, it grew by 22.3% between 1996 and 2001 (Statistics South Africa, 2001). Experts predict that Johannesburg, Pretoria, Ekurhuleni, and their satellite towns will have become a single mega-city by 2015, the 12th largest in the world (*ibid*). This rapid increase in population impacts on housing delivery. As mentioned earlier, the National Housing Department is still faced by a huge housing backlog, where in Gauteng alone, 372 informal settlements still needed formalization and proper housing structures constructed (Shilowa, 2005). For the needed houses to be developed, land should be available and accessible, and it is for that reason that I chose to undertake a study of this nature in order to establish possible barriers impeding the accessibility of such land located closer to the CBD.

Another reason for undertaking this research is the continued construction of low-income housing on the periphery of Johannesburg, which seems to be perpetuating the apartheid type of planning, which compelled me to focus on the buffer strip which has the potential to be used as an integrator between Johannesburg CBD and the previously marginalized and deprived Soweto community. Soweto is about 15 minutes taxi ride from Johannesburg CBD. The community of Soweto is located on the periphery of the CBD, which makes it difficult for its residents to adequately access better facilities, services and economic opportunities which come with residence within the CBD. The buffer strip is a well-situated land and a right opportunity to redress the injustices of the past, which saw black South Africans being forcefully removed from city centres. Moreover, this area has been declared a developmental area by the Spatial Network Development of Johannesburg. Another interesting part about this area was that it is a mining contaminated area, which is a challenge to develop.

Conducting a study of this nature was important as it has a potential of adding to attempts of bringing relief to daily commuters staying far away from Johannesburg CBD, in terms of transportation fees, since the study area is closer to the CBD. Potential residents will have easy access to employment opportunities, colleges, universities and the CBD in general. The fact that former mining lands are closer to the CBD, where there are well-established road, water, sewerage and electricity systems, means that the government or developers will incur less cost in terms connecting former mining lands to these services, unlike on the periphery where large number of pipes and other material are usually needed.

The Housing Department's 'Breaking New Ground' outlines the Department's vision, which is "to promote the achievement of a non-racial, integrated society through the development of sustainable human settlements and quality housing" (Department of Housing, 2004:7). The Reconstruction and Development Programme (RDP) clearly viewed housing as a right and a means of integrating the city (Sihlongonyane and Karam, 2003). In terms of section 2.5.6. of the RDP, "the RDP is committed to establishing visible communities in areas close to economic opportunities…" (Department of Housing, 1994). It is important to note that such a noble vision together with aims of the Housing Department cannot be realized as long as land located at the right place is not available. It was therefore chiefly, the question of land, which continues to gain momentum in South Africa, and to delay housing projects, which took a centre stage in this project.

The Land Summit held in Johannesburg from 27 to 31 July 2005 was a clear indication and a confession by almost all stakeholders in attendance, that the processes of land reform were not yielding desired and expected results, and hence the holding of that summit, to seek answers to some of the challenges (ANC, 2005). Section 25(5) of the Constitution of the RSA puts an obligation on the state "to take reasonable and other measures within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis". With IPROP -which owns most of the former mining lands in my study area -willing and engaged in attempts to rehabilitate these lands in order to sell, it is important for the government to offer assistance of any kind to speed up the process. It is also imperative for the state to engage in negotiations with private

landowners such as IPROP in order to ensure that former mining land, which is not only closer to the CBD, but contaminated as well, is released on the required scale and at affordable prices to buyers, and at gainful prices to sellers (owners). It was therefore against these challenges, background and understanding that I felt obliged to undertake a study of this nature and magnitude, which has the potential to contribute in solution-seeking attempts in the general housing delivery in South Africa.

1.5. **Research methods**

This is an exploratory type of a case study, as outlined in the research topic itself, not only because "case studies are appropriate for the exploratory phase of investigation" (Yin, 2003:3), but also because a case study focuses on "a bounded system, which is usually under natural conditions in order to understand it in its own habitat" (Stake, 1988:256). A case study strategy offered me an opportunity to concentrate and focus attention on my study area as outlined in the above paragraph.

The type of data collected in this study is both qualitative and quantitative in nature, in that data collected through surveys involved use of numbers and figures, while document analysis needed a qualitative way of data collection and analysis. I was one of the data collectors (interviewees) in the above-mentioned surveys, and the responses to some of the survey questions, especially the scenario-oriented questions on pages 4 and 5 of the Survey Instrument (See Appendix 1), provided data to assist me answer to some of my key research questions such as: What health risks are posed by housing on former mining lands? What are the best possible ways of improving access to well-located land suitable

for the construction of low-income housing on former mining lands? Document analysis of the National Nuclear Regulator (NNR) regulations on housing on former mining lands and the progress report of Gauteng Provincial Housing Department on the question of urban densification and integration, will provide answers to the rest of the research questions (See Appendix 2 for research questions).

Two hundred and sixteen (216) non-random surveys were conducted (on potential beneficiaries) in Orange Farm, Soweto (Orlando East, Diepkloof and Southgate) and Eastgate.

1.6. **Conclusion**

The main goal of this chapter was to introduce the study, as to how it originated and how it unfolded. Outlining the historical background, the research problem, the rationale behind conducting a study of this nature, the objectives and focus of this study, as well as research methods utilized in the collection of the needed data, assisted in getting a clearer picture of what the study was all about, and how it intended unfolding towards the findings. The rest of the research report will be as follows: chapter two deals with the review of literature related to this study; chapter three is about the research methods and data collection; chapter four tackles research findings and analysis, and the final chapter will make conclusions on the study and possible recommendations towards the improvement of accessibility or utilization of former mining lands and land closer to the CBD in general, for the construction of not only low-income housing, but housing in general for those needing housing closer to the CBD, on former mining lands.