THE ECONOMIC IMPACT OF ILLEGAL LAND INVASION: A CASE STUDY OF LWANDLE INFORMAL SETTLEMENT, CAPE TOWN, SOUTH AFRICA

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Abstract

Illegal land occupation is a major problem in most urban environments across the world. It is even a major concern in developing countries, due to economic disparities between the poor and rich. The problem is further exacerbated by rapid urbanisation coupled with rural-to-urban migration. Economically, illegal land occupation can cause permanent economic losses on either land invaders or land owners, if not both. This research investigated whether or not illegal land occupation in urban areas benefits land invaders. Since South Africa gained independence in 1994, the Western Cape Province (WCP) has been experiencing an upsurge in illegal land occupation. To establish the root causes of urban land invasions, the study was carried out among evicted land invaders in the Lwandle area of Strand, WCP. A quantitative research method was applied. 100 questionnaires were administered to affected households. Adults aged between 19 and 55 years participated. Findings of the study were that illegal land occupation was driven by lack of government support in providing accommodation for illegal land invaders in Lwandle. Furthermore, some people occupied the land illegally as a way of forcing the government to provide them with houses. In addition, the research found that illegal land occupants lost property during eviction, and that use of force during eviction deters future land invasion. South African National Road Agency (SANRAL) land invaders did not benefit from anything materially subsequent to their eviction.

Keywords: Land invasion, eviction, housing shortage, apartheid, economic loss
INTRODUCTION

Since the dawn of democracy in 1994, South Africa has witnessed numerous incidences of land invasion across the country (Burgoyn, 2008:2). For example, between 1999 and 2002 fourteen incidences of illegal urban land occupation were recorded nationwide. In Cape Town, 106 areas were classified as invasions in 2006 (Cape Argus 2006). The effects of land invasions are also evident in Johannesburg. “In the past financial year [2016/2017] the province housing development in Lenasia area was prevented by the latest invasion and corruption that saw the earmarked land invaded” (Gauteng Department of Human Settlements, 2017). Land invasion is therefore one of the most pressing social problems commonly experienced in the urban areas around the country (Knight, 2004).

Incidences of urban land invasion tend to occur exclusively in the marginalised sections of urban areas, those often inhabited by the poor and black populations (Tissington, 2010). People in such areas end up occupying both public and private land primarily in search of accommodation. In many instances, this has led to the growth of informal settlements around the country (Royston, 1998:8). For this reason, informal settlements have become a permanent feature of most South African urban areas. They serve as a constant reminder of the unequal access to land among different social groups in the country (Tshikotshi, 2009), as well as the acute housing shortages that challenge many urban municipalities.

In South Africa, related discussions on land invasions seem to centre mainly on how such illegal acts impact or infringe on the property laws of the country. Land invasions have also elicited debates on social transformation and inequality in the country post-1994. Political, legal, and constitutional interests in addressing the issues of equitable access to land are evidently robust. However, specific studies on land invasions, and the consequences of such acts on the land invaders, are presently minimal. This is unfortunate, because it is also important for authorities to have a holistic understanding of the dynamics of land invasions to ensure a focus on the plight of the land invaders during and after such actions. Given that the usual manner in dealing with land invasions in South Africa is through forced removals (Olufemi, 2004:1), people who embark on land invasions are necessarily vulnerable populations. Forced removals usually result in the destruction of property and disruption of social life for land invaders.

It is also apparent that land conflicts rooted in acts of land invasions have huge social and economic costs to both society and the perpetrators (Wehrmann, 2008:1; Tissington, 2010).

In light of the above, this study investigates the causes and economic impact of land invasions in South Africa. Specifically, it looks at the land invasion exercise by a community who occupied SANRAL land in the Lwandle area of Strand in Cape Town, WCP and were then were
forcefully removed in July 2014. The study concludes with policy recommendations based on the research results.

CAUSES OF URBAN LAND INVASIONS IN SOUTH AFRICA

According to research findings by Mkhize, (2014), land invasions are driven by unemployment and shortage of housing. Moyo (2004), Cousins (2007), Ntsebeza (2007) and Hendricks et al. (2013) argued that land shortage among black South Africans is the major reason for the restlessness that results in acts of land invasion in both rural and urban areas. The Department of Housing (2004) noted that rural-to-urban migration plays a role in fermenting the problem of land invasion in urban areas. Municipalities that fail to meet the housing demand leave those without accommodation to put up shelters on unoccupied land without the consent of the land owners.

Recognition is also given of the residual effect of the apartheid legacy in fuelling the land invasion momentum in South African urban areas post 1994. According to Walt (2012), apartheid land laws facilitated disproportionate access to land by favouring the white minority and disadvantaging other races. In fact, laws such Pass Laws and the Group Areas Act of 1950, as well as the Influx Control Act, prohibited and made it illegal for non-white races to own land. Hence, those currently involved in perpetuating land invasions in the country are predominantly of black identity.

THEORETICAL FRAMEWORK

This study rests on the premise that ‘the usual approach to land invasion remains to be relocation or eviction’ (Olufemi, 2004:1). It also borrows from Watsons’ (2009) contention that, ‘urban setting excludes the poor’ both in terms of access to land and social services such as housing. Hence, in theory, severe housing shortages in urban areas are the precursor to illegal land occupation. On the other hand, Stuurman (2002) posited that it is the State’s obligation to ensure that no one suffers from forced eviction, whether on public or private land. For that reason, the State should avoid destructive practices of forced evictions because they are contrary to moral and legal values. However, as Pienaar & Muller (1999) correctly observed, those who illegally settle on land will ultimately be removed by force or, at best, by mutual agreement through engagement. Naturally, the method used to remove illegal land invaders influences whether or not they incur economic losses, and suffer an increase in their socio-economic vulnerability.
RESEARCH METHODOLOGY

Description of the study area

Lwandle is a township settlement that lies between Somerset West and Gordon’s Bay, South Africa. It falls under the Municipality of the Cape Town Metropolitan. According to Statistics South Africa (2011), the racial makeup of the study area is as follows:

- Black African: 96.1%
- Coloured: 3.1%
- Indian/Asian: 0.1%
- White: 0.1%
- Other: 0.5%

The largest black ethnic group (82%) is Xhosa-speaking, and originates from the Eastern Cape Province of South Africa. The National Census report in 2012 put Lwandle population at 19,818 of which 52% are males and 48% females. There are about 6562 households in the area (Statistics South Africa, 2015).

In July 2014, during bad weather in the winter season, Law enforcement personnel remove forcefully families who were occupying SANRAL land in the Lwandle area of Strand. The process included destruction of their shacks, and only after intervention by the National government, affected families were relocated to a community hall which could offer temporary accommodation and protection from the weather.

Research procedure

This research applied a qualitative case study research design. The term “design”, refers to a plan of research (Darvil, 2002). A qualitative method was chosen because it provides a detailed description of peoples’ personal experiences of evictions (Christensen, Johnson & Turner; 2014). Additionally, qualitative research helps to gain insight into the feelings, attitudes, concerns, aspirations, motivations, behaviours, value systems, culture, and lifestyle of affected people (Ereaut, 2007). The significance of a case study in this research is that it gives a graphical picture of the story behind the research results.

Population & sample and data collection

The target population of the study was 849 households affected by forced evictions from SANRAL privately owned land on the 2nd and 3rd of June 2014 (Shandu, 2014). Using random sampling, 100 households, which represent over 10 percent of the target population, were chosen to participate in the research. According to Dooley (1995), a sample size of 10 percent or better is adequately representative of the total population in the field of research. Random
sampling has the advantage of reducing bias and subjectivity; it gives each household a chance to be chosen (Chikoko & Mhloyi (1995). A structured questionnaire was used to collect information from respondents through face to face interviews.

ANALYSIS

Respondents' demographics

A total of 47 males and 53 female respondents participated in the research. Data revealed that key household respondents below 30 years of age were all female. Male household key respondents in the 31-40 age group were more numerous than females by 7%, with total female participants standing at 33%. This trend is consistent with Barnette and Whiteside’s (2006) observation that males tend to assume family responsibilities at a much older age than women. In the 41-55 age group, there were 3% more females than males.
Figure 2 shows 63 respondents who were single. 33 of them were males and 30 were females. Of the 34 of the participants who were married, 21 were females and 13 males. The least number of participants according to marital status were widowed. The three of them who participated were all females. We can assume that the 63 of respondents who said they were single might actually have been cohabiting with partners. It is against African tradition for a couple to live together before the relationship is formalised. Therefore, as long as the relationship is informal one is still 'single.' Hence, this may have influenced the number of respondents who indicated they were single.

Table 1. Household size

<table>
<thead>
<tr>
<th>Number of people per house</th>
<th>Number of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 3</td>
<td>43</td>
</tr>
<tr>
<td>4 to 7</td>
<td>57</td>
</tr>
<tr>
<td>Over 8</td>
<td>0</td>
</tr>
<tr>
<td>Grand Total</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 1 demonstrates that 43 of the households were composed of 1 to 3 people, with 57 having 4 to 7 people. There were no households with more than eight people. These findings contradict The Housing Development Agency (2013:29). However, they confirm the research findings of the Lwandle Ministerial Commission of Enquiry (2014) that overcrowding was problematic in the area. Most houses were small and with only one room, which was too small for more than three people to live in.

**Causes of illegal land occupation**

Information in Figure 3 below depicts key push factors that drove respondents to illegally occupy SANRAL land.
Figure 3 indicates the three main reasons why residents illegally occupied SANRAL land. The majority (57%) needed their own accommodation. This is followed by 23% who invaded the land to force government to expedite provision of houses. Lastly, 20% said they could not afford monthly rentals.

The fact that 23% of the respondents believed that their illegal occupation of land would force government to speed up the process of providing them with houses shows that some citizens believe illegal land occupation is rewarding. However, some land occupants did that out of desperation due to rentals beyond their reach.

Seventy-six participants (44 females and 33 males) believed that lack of government support is the main cause of illegal land occupation in South Africa. They hold the view that the government is not doing enough to give people land to live on. On the other hand, 20 of the respondents held that poverty is the main cause of illegal land invasion, while three respondents said unemployment is the main cause of illegal land occupation.

The fact that 20 of respondents said that poverty promotes illegal land invasion means that, although it is not a strongly held view compared to lack of government support, poverty is one of the areas that needs to be addressed.
Residents of Lwandle were asked if they knew that it was illegal to build their structures on SANRAL land and that they were exposing themselves to eviction or prosecution for trespassing. Figure 5 was used to assess if awareness of the effects of illegal land invasion correlated with education level. Twenty-six respondents knew that they were trespassing and that their actions were illegal. Ten of them had gone to school up to primary level and 16 had reached secondary level. Seventy-four of the respondents were not aware that they were trespassing. Sixty-seven of them had gone to school up to secondary level and 7 respondents were tertiary graduates.

The results show that the less educated respondents were more aware that they were trespassing than the more educated ones. Seventy-four participants who did not know that they were trespassing were a combination of secondary and tertiary educated respondents. What is striking, though, is the fact that all 10 of the respondents who had only a primary-school education knew they were trespassing. This confirms that education level did not necessarily determine awareness to trespassing.
In Figure 6 above, nine participants 19-30 years old said that they had been on a housing waiting list for less than five years. On the other hand, 67 respondents aged 31-40 years indicated that they were on the housing waiting list for less than five years. Only 7 of that age group had been on the list for 5-10 years. Ten participants aged 41-55 years had been on the housing waiting list for less than five years. Additionally, 10 respondents of the same age group were on the list for 5-10 years.

After eviction, the government embarked on a programme to register all affected residents on the housing waiting list. This probably explains why most respondents (87) were on the waiting list for less than five years, or probably just over a year (to accommodate time between eviction and this research).

**Economic impact of land invasion and eviction**

This section analyses the experiences of respondents and their losses suffered as a result of the eviction. Collateral evidence from secondary sources such as print media will be used to highlight the experiences as well.

<table>
<thead>
<tr>
<th>Losses incurred</th>
<th>Property</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of people</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Total number of respondents</td>
<td></td>
<td>100</td>
</tr>
</tbody>
</table>

Table 2 shows that all respondents lost property. Law enforcement agents had to use force to remove the illegal land occupants from SANRAL land. Figure 7 and 8 below contrast Lwandle informal settlement before and after forced eviction.

Figure 7. Before eviction. Source: Cape Argus, 2014
Figure 8 shows the area after all the structures had been destroyed. The contrast between the two pictures in Figures 7 and 8 confirms that respondents lost most of their property. Broken properties strewn all over the place speak of the use of force to remove land invaders.

Interviewed respondents were asked to estimate the monetary value of their property destroyed during eviction. All of them said that the value of their property destroyed was under R15 000. Seven respondents said they lost property worth between R1000 and R5000. Those respondents’ earnings are in the lowest bracket of R1 001 to R5000 monthly. Sixty-three of the respondents lost between R5 000 and R10 000 worth of property; 43 of them earned R1 000 to
R4 000. The other 20 respondents earned R4 001 to R8 000. Lastly, 30 respondents lost property worth between R10 001 and R15 000. Ten of those respondents’ income was between R4 001 and R8 000, while 20 earned between R1 000 and R4 000.

The low income levels earned by employed illegal land invaders as demonstrated above, means that it is hard for them to afford to buy a house. If they do not qualify for a bank loan in the form of a mortgage bond, they have to rely on getting a government-subsidised house.

**Compensation after eviction**

Respondents were asked if they had received compensation for their property losses caused by the eviction. Different ranges of amounts were given from R1 000 to R20 000. All respondents (100%) confirmed receiving between R1 000 and R5 000. It cannot be ascertained if all evictees got the same amount of compensation. However, what is clear is that losses incurred during eviction process far outweighed the compensation received. Therefore, a conclusion can be drawn that Lwandle land invaders did not benefit from invading SANRAL land. Upon eviction, they suffered losses economically.

![Figure 10. Perception on amount of compensation](image)

In Figure 10, respondents were asked to indicate if they either strongly agree, agree, strongly disagree, or I did not know, if their compensation was equivalent to their losses. Ninety-seven percent strongly disagreed that the compensation was equivalent or more than losses they incurred during eviction. Three percent did not know if their losses tallied with compensation. It is noteworthy that other options were not chosen. Unlike in the Grootboom case, for example, where evictees were compensated (Huchzmeyer, 2006), this is further proof that Lwandle evictees did not benefit from illegally occupying SANRAL land.
To assess whether there were other material benefits given to evictees, respondents were asked to indicate what they got materially as compensation. Four options were given, namely, land to build a house; a Reconstruction and Development Programme (RDP) house; cash for a project; and nothing. All respondents said they received nothing materially. This further shows that illegal land invaders do not always benefit from land invasion. In this case, Lwandle evictees were left probably poorer after having been evicted, than they were before invading SANRAL land.

Fifty-seven percent of respondents, as indicated in Figure 11, disagreed that their livelihood improved after their eviction. On the other hand, 37% were not sure, and 7% strongly disagreed that their livelihood changed for the better.

A total of 64% respondents reiterated that their livelihood took a knock due to their eviction, and 36% were not sure how eviction affected them. It is difficult to infer why they were not sure. Probably, they did not incur much loss, compared to others who lost most of their valuables during eviction. None of the respondents agreed or strongly agreed with the view that their livelihood had improved. It follows that land invasion did not benefit the respondents. In fact, their livelihood changed for the worse after eviction.

**FINDINGS AND RESEARCH IMPLICATIONS**

**Land invasion push factors**

The research findings establish that illegal land invasion of SANRAL privately-owned land was driven by three main factors: respondents could not afford rental charges in formal houses; some wanted to force the government to provide free houses, and some went to stay in the property as a result of the need for self-space. The issue of rentals indicates that poverty is an active push
element to illegal land invasion in Lwandle. However, the desire to force the government to provide free houses through land invasions is not new in South Africa. The government’s failure to fulfil promises of housing for all makes it politically vulnerable if land invasions occur. The position of this study is that, political intervention to resettle evictees of Lwandle informal settlement implied government’s acknowledgment of its responsibility for the vulnerable situation those illegal occupants found themselves in.

**Dealing with illegal land invasion incidences**

The experiences of the Lwandle informal settlement situated on SANRAL land conform to Olufemi’s (2004) assertion that eviction is still the usual way in which land invasions are being dealt with in the country. However, the political intervention which led to the evictees being resettled on the SANRAL land is a significant development in how the government now handles illegal land invasions. In fact, it is a departure from the previous rule-of-law approach which disregarded the political and social reasons for why people have to settle illegally on public and privately owned land. However, it is difficult to predict if the government’s solution to illegal land invasions in Lwandle will create a window for more illegal land invasions. At best, the resettlement event may signify that property rights will no longer be religiously protected in the country.

It is apparent that government policy does not favour compensation for losses suffered because of illegal land invasions. In other words, illegal land invasions are an unprotected risk in the eyes of the government; the burden is directly placed on the invaders despite their socio-economic vulnerabilities. The situation is worsened by the government’s neglect of its constitutional duty to protect the human rights and dignity of persons involved, including the elderly, women, and children; it omits to provide alternative accommodation during the eviction process. In view of this manifest dereliction of its protective duties, the political intervention exercise can at best be seen as an expedient act for political accountability in the circumstances. Therefore, the possibility that future illegal land invasions will be dealt with under political considerations is doubtful.

**Consequences of illegal land invasion**

The focus of this research was to establish whether illegal land invasion does benefit illegal land invaders. Data gathered establishes that SANRAL land occupants in Lwandle did not benefit from illegally occupying SANRAL owned private land. Forced removal resulted in loss of material property through destruction when law enforcement agencies took action to remove them. Illegal land occupants of private land are not due for compensation. However, families removed from
SANRAL private land did receive a token cash payment of R5000 as part of social assistance by the government. The research did not accumulate data on the research participants before they occupied SANRAL land, nor during the period of occupation. Hence, research findings are indeterminate on whether land invasions left them much poorer than they were before eviction. Caution is also take to make a declarative statement in this regard because people in such situation tend to exaggerate their losses to enhance the gravity of their situation.

CONCLUSION
The research found that poverty, lack of government support, and wanting to force the government to provide residents with houses were the root causes of land invasion in Lwandle. Despite the fact that the right to housing is not absolute, Section 26 of the South African Constitution provides that the state must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right. The writers believe that engaging disaffected communities, and providing them with regular updates regarding their housing applications progress, should be prioritised by local government. This will help the community to understand how the process unfolds, and why it might take longer than their expectations.

In addition, existing informal settlements must be marked and continuously monitored. This can be achieved through numbering all structures within the settlement, identifying the occupants, and keeping their identities on a data base. The rationale would be to prevent or mitigate mushrooming of new illegal structures, and further growth of informal settlements resulting from land invasion. Most importantly, authorities must always engage residents through public forums in order to educate residents on how they can access government subsidised houses.

LIMITATIONS OF THE STUDY
The research study was carried out on an assumption that choice of language for research (English) did not materially exclude those who might not be competent enough fully comprehend the research questions. The profile of the research population in South Africa often includes the lowly educated who find it difficult to read and write. The other limitation is that not all the affected 849 families could be accommodated in the study as a result of study resources constraints.
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