LAND INVASION IN A SELECTED MUNICIPALITY IN THE WESTERN CAPE: A CASE STUDY OF THE OVERSTRAND MUNICIPALITY

BY

Bongani Onke Sonqwenqwe

Student number: 206134959

FACULTY OF BUSINESS AND MANAGEMENT SCIENCES

At the Cape Peninsula University of Technology (CPUT)

Supervisor: Dr S.E Cronje

Cape Town

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I, Bongani Onke Sonqwenqwe, declare that the contents of this dissertation/thesis represents my own unaided work, and that the dissertation/thesis has not previously been submitted for academic examination towards any qualification. Furthermore, it represents my own opinions and not necessarily those of the Cape Peninsula University of Technology.

Bongani Onke Sonqwenqwe_____ Date _September 2021_

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I wish to thank:

DEDICATION

I dedicate this work to my late father, Mr. Goci George Sonqwenqwe, who passed away in April 1990, for investing towards my studies even though he was no longer around me, as he left me at a very young age. His hard work has inspired me to become the man I am today. May his soul rest in perfect peace.

ABSTRACT

The introduction of democracy in South Africa has given rise to a great awareness of people of their rights, as stipulated in the Constitution, 1996. In the area of housing provision, much progress has been made in giving expression to the right to access housing, especially amongst poorer communities. The research problem of this research project is the concern about the incidences of land invasion, for illegal housing purposes. Although much has been done by government in providing housing, many incidents of land invasion have been reported. The research is focused on a selected municipality in the Western Cape namely the Overstrand Municipality. The research approach is qualitative, in the form of interviews with community members as well as senior members of the municipality. The data was analysed using content analysis with the help of a registered statistician. Based on the key findings, recommendations are made that the municipality can consider with a view to assist in the handling of incidences of land invasion in future, as well as offering recommendations for future research.

Key words: Housing; community; municipality; land invasion

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CHAPTER ONE: INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

The public service deals with numerous issues relating to the needs of society. One of the most pressing social needs in South Africa is that of housing for the poor. In some areas of South Africa, housing needs have led to communities invading private land and erecting structures on the land for the purpose of addressing their housing needs.

This study consists of an extensive literature review that describes the common reasons why people invade private land, as well as the extent to which local government makes provision to address issues such as land invasion. This study follows a qualitative approach in the form of interviews among members of community associations and senior officials at the municipality. The data was analysed using content analysis. The study makes recommendations to the management of the municipality, in dealing with the issue of land invasion.

Thornton (2015:91) alluded to the significancy of the partnership between the three spheres of government, suggesting that their fiscal responsibility is to insure that society enjoys maximum benefit in terms of services they are mandated to execute. The Sub-Saharan African region showed limited progress in comparison with other developing countries when it comes to eradicating poverty (Areyeetey et al., 2012:234).This view is supported by Bhorat et al. (2012:77) and emphasises the challenging traits of societies' prerequisite for basic services.

"Due to the level of unemployment and poverty within municipal areas, there are both households and citizens who are unable to access or pay for basic services. This grouping is referred to as the indigent. A municipality, therefore, needs to develop and adopt an Indigent Policy to ensure that the indigent can have access to the package of services included in the free basic services programme" (Provincial and Local Government, 2006:12).

Consider the following statement in this regard:

"While we regard and maintain the privilege of people and networks to dissent, and recognize the situation of those needing sufficient lodging, attacking an area won't

help us in settling prevailing issues and will, indeed, block (hamper) and draw out our capacity to convey and help the most powerless residents of this territory."

From our constitutional perspective (Segment 27): "Everyone has the right to have access to health care services, including reproductive health care; sufficient food and water and social security, if they are unable to support themselves and their dependants, and appropriate social assistance."

Legal mandates such as the Bill of Rights and Part 7 of the Constitution Segment 155 for example, secure the privilege to get fundamental administration services. However, the three spheres of government play a fundamental role in insuring that society enjoys that right.

The Constitution, 1996 provides municipalities with the necessary authority to govern their jurisdictions. The Overstrand region has the right to oversee the networks it serves. The municipality of the Overstrand region is responsible and accountable to respond to the people with regards to efficient delivery of metropolitan activities.

In view of the above, the aim of this study is to determine why people invade land in the Overstrand Municipality, and whether the municipality has a policy to address land invasion within its jurisdiction.

1.2   BACKGROUND

The Grootboom case of South Africa (Case No. 6826/99), pronounced that an alternative to accommodation should be provided before evicting anyone or demolishing shacks in the Overstrand Municipality. This clearly suggest proactive responses, proposing for example the idea of the development of sustainable solutions. This situation highlights the need for the municipality to respond proactively, to eradicate informal settlements and to provide sustainable solutions to managing urban settlements (Tomlinson, 1994:283).

The court's requirement as pronounced in the Grootboom case impede on the Overstrand municipality ability to evict. It is the researcher's opinion that the Overstrand Municipality should get an anticipated court interdict in place for all of the land that is currently unoccupied, even if it means it forms part of their policies/by-laws; to prevent whoever intends to invade any land in the Overstrand Municipality from doing so. The researcher also believes that the constitution should not allow

land invaders to be given alternative land. Instead, they should be charged as criminal offenders.

Notwithstanding the fact that the worldwide legitimate framework has a responsibility to provide the privilege of sufficient lodging to citizens; over a billion people around the world are insufficiently housed (Office of the Assembled Countries High Chief of Human Rights, 1991:1). Besides financial and social rights, the privilege to satisfactory lodging is tragically disregarded (Joined Countries, 2003:iii). Tissington (2010:11) expressed that: "…it is evident that the South African government cannot deliver housing on the scale required at a sustainable rate." Tissington further expressed that: "it will be impossible for South Africa's current settlement policy to meet its Millennium Development Goals (MDGs) target to eradicate informal settlements by 2012" (Tissington, 2010:11). The researcher agrees with Tissington (2010:11), as we are still faced with a housing backlog, due to land invaders who are currently protected by courts of law, in terms of providing them with alternative land.

1.3   THE RESEARCH PROBLEM

Invasion of land represents a challenge to municipalities as land that is zoned for development will create job opportunities and improve the revenue of the affected municipalities. Land invasions destroy job opportunities, and the municipalities lose the opportunity to improve their revenue, which is needed to provide essential social services. Lost opportunities mean that the community in general suffers, yet the people responsible for these losses due to land invasion still demand services from the municipality.

1.4 RESEARCH QUESTIONS

The research project posed the following questions:

- Why do people invade land in the Overstrand Municipality in the Western Cape Province?
- What can be done to address the problem of land invasion?

1.5 RESEARCH OBJECTIVES

Chron (2017:35), makes it clear that proper goals and sufficient planning is important and can impact negatively on the research study. In the absence of the

aforementioned, limitations such as finance and time constrains could delay the completion of the study

The research project attempts to:

- Describe the legislative framework for housing in South Africa.
- Discuss the phenomenon of land invasion in South Africa.
- Analyse the provisions for housing within the Overstrand Municipality.
- Make recommendations to the Overberg Municipality on the issue of land invasion, based on an empirical study within the Overstrand Municipality on the issue of land invasion.

1.6 RESEARCH METHODOLOGY

A view raised by Burns and Grove (2001:26) emphasises the importance of constructing the research in a logical and systematic manner as it guarantees the credibility in data gathering

1.6.1 Definition of Qualitative Approach

Burns and Grove (2001:27) state that qualitative research refers to illustrative information, which is commonly the respondent's own composition or verbally expressed words relating to their own understanding or their recognition. Normally, no numbers or records are allocated to these perceptions.

1.6.2 Definition of a Quantitative Approach

The above approach enables the researcher to utilize technics portray and clarify events within the parameters of this approach. Quantitative methodology incorporates strategies, for example, perceptions, primary examinations or quantitative investigations such as surveys (Molina-Azprin, 2011).

1.6.3 Definition of Blended Methods

The specialists expressed the view that the utilization of blended strategies is driven by the obvious setback of quantitative techniques (O'Cathain, Murphy & Nicholl, 2007). Another study in the business field found that articles with blended techniques received a larger number of references than those not using blended strategies; which specialist(s) credited to blended strategies being considered (Molina-Azorin, 2011).

This research project follows a qualitative approach in the form of interviews, with representatives from community organisations and senior officials within the Overstrand Municipality.

1.6.4 Sampling

Interviews were conducted using a sample of 20 members of the community who were randomly selected, ensuring that every member in the community stood an even chance of being part of the sample. The representatives of the municipality were 4 in total, comprising the municipal manager, and 3 directors. The reason for selecting the executive officials as part of the sample for the interviews is because they have the necessary knowledge to provide the information that the researcher is looking for during the data collection exercise.

1.6.5 Data Collection Instrument

Interviews were used to collect data from the sample participants. The rationale for utilising interviews is that it enables better coordination with regard to the researcher to accessing information that includes an interviewer and an interviewee to examine explicit themes (Hennink et al., 2011:109). The researcher used an interview schedule specifying the questions to be raised with community organisations on the one hand, and council executive officials on the other. Participants were required to give their consent for participating in the project, after having been informed of their rights and freedoms in the exercise. The interview schedule is attached as an annexure.

1.6.6 Data Analysis

Data collected in the form of interviews was analysed by means of content analysis. The researcher acquired the help of an experienced statistician for analysing the data.

1.7 PRELIMINARY LITERATURE REVIEW

A fundamental pillar of a sound literature review according to Henning (2004:28) is a context that makes sense as well as ensuring that there is sufficient reference to information related to the topic in order to contribute to the epistemological facet of the topic. Willig (2013:72) suggests that interaction with the literature creates an intense relationship allowing the researcher to gain an awareness of the diversity and applicability of the information pertaining to the topic. The consequence of the latter

should demonstrate that the researcher accomplished a relatively acceptable comprehension in relation to what needs to be applied. Talbot (1995:430) asserted that the literature sharpens the scientist's attention to the pertinent substance of the topic, and after exploration, trends can be discovered in the subject under investigation.

1.7.1 The Constitution of the Republic of South Africa, 1996

The protection that the Constitution, 1996 extends to citizens with regard to the notion of rights and in this particular study –housing –has its limitations especially where citizens do not have the means to enjoy this right. However, it does not circumvent the relevant sphere of government's obligation to create an enabling setting for citizens to acquire housing (The Bill of rights in Chapter two of the Constitution, Section 26 (1)).

1.7.2 The Housing Act, 106 of 1997

Another piece of legislation in support of the above is the Housing Act, 106 of 1997. The emphasis that the Act places on reasonable legislative measures to the right to access to housing is embedded in the broad principles provided by the Act itself and should guide the notion of the right to access to housing (South Africa, 1997).

These principles provide clear criteria with regard to preference segments of the citizenry that should benefit. The establishment of a broad stakeholder consultation framework strengthens expeditious consciousness about housing developments and citizenry rights as well as actions within their delegated mandate (South Africa, 1997).

1.7.3 Rental Housing Act, 50 of 1999

The responsibility with regard to rental housing that the Act places on the institutional governance landscape requires various innovative approaches. For example, section 2(1) clarifies government's role in the promotion of rental housing and suggests partnership with the private sector. This mandate provided by the Act itself should assist in the reconstruction of areas where there is potential to improve and to encourage investment to effect a stable market that meets the demand for affordable rental housing, However, this is subject to whether the municipality has the capability and infrastructure, from a resource and human resource capacity base to redesign the rental landscape within the constraints of the Act. (South Africa, 1999a).

On the other hand, Section 3 of the Act compels all spheres of government to innovatively and within their mandate solve the challenges and to provide sufficient rental housing as required by the constitution. As such the introduction of stimulus packages such as a financial contribution to rental housing are the accepted position and should be affected. However, financial constraints and the incapacity of municipalities to sustain themselves impede on fully realising this legal requirement and obligation.

1.7.4 Land Invasion

According to Makwara and Mutero (2018) destitution, absence of government backing and the need to constrain the administration to furnish inhabitants with houses were the main drivers of land attacks in Lwandle. The scholars accepted that connecting with irrigation networks, and furnishing them with standard reports regarding their lodging applications progress, ought to be organized by local Government. This will assist the network with understanding how the procedure unfolds, and why it may take longer than the community desires. What's more, existing casual settlements must be stamped-out and persistently checked. This can be accomplished through numbering all structures inside the settlement, recognizing the inhabitants, and keeping their details on a database. This method of reasoning is intended to avoid or relieve the mushrooming of new unlawful structures, and further development of casual settlements. In particular, specialists should consistently connect with inhabitants using open gatherings, to instruct occupants on how they can acquire government subsidized houses.

The White Paper on South Africa Land Policy-Department of Land Affairs, in which the vision and usage technique of South Africa's property arrangement is set out, was distributed in April 1997. Identifying with land intrusions, the accompanying explanation is explained on page 28 as: "Landlessness and land attacks are an obvious reality in South Africa. Deferrals in the arrival of land and moderate conveyance of lodging programs have exacerbated the issue, as have ridiculous desires and an absence of data, especially with the time it takes to expand into available land. This has prompted urban land attacks and resulting removals by neighbourhood and community specialists which then progress into lawful debates. Some local gatherings that have been associated with arranging area and lodging advancements on recognized land have discovered that their improvement was

brought to an end via land trespassers. Various National Government arrangement records have clarified that land intrusions represent an extraordinary risk to dependability and improvement, and that the unlawful occupation of land must be eliminated no matter what" (South Africa, 1995).

The situation bears testimony to the challenge that land invasion is presented to communities in general, and to government, particularly in view of its responsibility to protect the rights of all inhabitants.

1.7.5 Housing Provision in the Overstrand Municipality

The general principles of the policy on housing provision in Overstrand Municipality are based on the broader framework of the national and provincial policy. One must understand that housing is a national and provincial competency but it can also be reasoned that local level is in a better position to assess the obstacles as well as in terms of selection. It is therefore for this reason that the policy adopts a procedural position in order to insure that it adheres to the substantial policy framework governing housing. It also subscribe to the principles of Batho Pele and Ubuntu making it transparent non-discriminatory and insuring societal understanding to avoid conflict . It also promotions the modus operandi of easy accessing to housing. Notwithstanding the above attempts, the issue of land invasion is still occurring.

Municipalities must use one of five methods or a combination of them for identifying households for either relocation or remaining in an informal settlement which is targeted for upgrade:

a) Ordering according to the duration of residence in the informal settlement.
b) Ordering according to the registration date of households in the informal settlement.
c) Selection of households who are affected by permanent disability.
d) Ordering according to the age of adults in the core of the household.
e) Selection of households according to their relative location to public infrastructure and public facilities planned for informal settlement upgrades.

Certain methods are used where there is a difference in level of service between beneficiaries remaining on site and those who have been relocated. In a relocation situation, where there is a significant time difference between when the households

remaining on the upgraded site and those being relocated will receive housing opportunities, or where there is a difference in the level of service for each group, the municipality will try to use methods a), b), or c), d) or a combination of them. Those who have been residing for the longest period in the informal settlement, should have the earliest registration dates or those who are affected by permanent disability and/or have the oldest members, will be selected for the most favourable subsidy opportunities within the upgrade project.

1.8 DELIMITATION OF THE STUDY

The study is limited to the people of the Overstrand Municipality; namely representatives from the community and senior officials from the municipality.

1.9 ETHICAL CONSIDERATIONS

The communique sent to the Municipal manager embraces the principles of confidentiality, privacy, respect and the fact that participation was voluntary. The right of participants to withdraw was also emphasised and assurance was given to the Overstrand Municipality that t that the findings will be shared with them.

The participants were given the assurance that information arising from interviews will not misrepresented and the collection of data will be confined to what the study intended. It is here that Welman et al. (2005:181) cautioned researchers of the ethical requirements pertaining to plagiarism and authenticity in the reporting of results.

1.10 SIGNIFICANCE OF THE STUDY

This study could generate information on measures to effectively deal with challenges on land invasion that could be of benefit to the Overstrand Municipality, who is currently facing a land invasion problem.

1.11 ORGANISATION OF THE STUDY

Chapter One: Introduction and Background. Chapter one introduces the study and focused on the background of the problem, by defining the research problem, the targets of the examination, looking into procedures and describing the association of the investigation.

Chapter Two: Literature Review

Chapter two provides a theoretical overview as it pertains to the land invasion.

Chapter Three: Research Methodology

Chapter three explains the research methodology employed in the study. The study followed a qualitative approach, by means of conducting in-depth interviews.

Chapter Four: Data Analysis

Chapter four analyses the research data.

Chapter Five: Summary, Recommendations and Conclusion

Chapter five concludes the study.

1.12 SUMMARY

The research problem is the challenge of land invasion faced by municipalities within their municipal boundaries, resulting in lost opportunities to communities. The research followed a qualitative approach in the form of interviews with the community and the executive of the municipality The research generated information that the management of the municipality could use to effectively deal with the challenge of land invasion. The next chapter covers the conceptualisation of all academic and other material pertaining to the study.

CHAPTER TWO: Land invasion: A Theoretical and legislative perspective

2.1 INTRODUCTION

From the outset it becomes important to illustrate that land invasion cannot be discussed in isolation without mentioning how the legislative mandate places an impediment on facilitating a quid pro quo situation without which an amicable solution could not be possible.

Therefore, it will be worthwhile to provide a contextual reflection on the legislative mandate in order to demonstrate the seclusions typologies contain therein, in relations to the challenges of land invasion. Various entities such as the department of housing local government and municipalities for example define the demand for governance within each stage of regulatory process and how to facilitate the need.

Breaking New Ground (BNG) is an exemplary model of a demand formalising informal settlements in their original locations. Seemingly this plan/ demand with all its lure created the impression of a phased in-situ upgrading approach to informal settlements (Department of Housing (2004:17). Van Horen (2000:101-112), shares the view that improving these informal settlements are also practised in countries such as Brazil and Kenya. A practice that meets the demands and can thus be facilitated within the confines of the competency of local government and municipalities.

We must also recognise that land invasion (a complex and multi-dimensional problem, which requires going beyond regulatory processes, eliminate) and the BNG approach are inextricably related. These characteristics must be considered in attempting to find solutions in the land invasion trajectory.

In the light of the above a theoretical literature discussion follows to identify current theories and their association with the current land invasion phenomena and to what extent these theories have been explored in order to respond to the research question. This will assist in identifying the adequacy of the current theories in explaining new or emerging research problems.

The observation of Henning (2004:28), on how to deal with the literature review, is to create a context for research and recognised key improvements in researching the

topic. To interact with the relevant literature is compared by Willig (2013:72) as building a friendship. The former and latter will prove that the researcher comprehends the original understanding of the intention of the writer as well as the background of the related disciplines.

All the above is a preparative phase for the researcher to develop knowledge about the matter under study (Talbot, 1995:430).

Land invasion: A conceptual analysis

Contextual reflection of a set of terms arising from the land invasion domain. It is important to model the large body of terms existing in the domain of land invasion in order to understand the interrelationship with the legislative mandate and the challenges it posed for an amicable solution within the scope of the Overstrand municipality

Local government and municipalities

Local government is regarded as the agent when it comes to the implementation of policies developed by national government. It delivered a service close to the people as it is in a better position to do so (Smith & Green, 2005).

A municipality on the other hand governs a particular region of a country. In comparison with internationally countries their institutional design differ as their governments are divided into smaller bodies to allow the government to have better control over the services it provides. the United States of America, make use of district municipalities, whereas South Africa model of governance are divided into t national, provincial and local government (Brand South Africa, 2015).

Indigent

These universally used terms are associated with poverty stricken groups with a huge dependence on financial support which impede on their survival. Support for these groups differs from country to country. In the United States of America, their constitutional right are limited to r a public defender or an attorney to defend, represent him or her when required, according to the "Constitutional right of counsel for the indigent" (Dictionary.com, 2017).

- I relation to indigent people can claim the right of comprehensive health as well as food and water
- Other rights included social assistance, and
- Emergency medical treatment (South Africa, 1996:11).

The above suggests that the state must take cognisance of these rights and its realisation and it can therefore be assumed that indigent people are internationally acknowledged.

2.1.1 Informal Settlements

Huchzermeyer and Karam (2006: vii) defined informal settlements" as settlements of urban poor, developed through the unauthorised occupation of land." It is branded as unhealthy, and congested on the urban landscape, and made out of non-durable materials such as plastics, woods, and scrap metal. They accommodate millions of people and are mostly found on the outer edges of larger cities. Huchzermeyer and Karam (2006:41) further stated "that millions of households in the urban areas across South Africa live in informal settlements, to gain access to basic facilities, economic opportunities, and social and economic networks." In areas such as the Eikenhof informal settlement dwellers endure by undertaking temporary jobs in the locality. Establishing businesses for their livelihood are the order of the day. Formally employment on the farms and in the industrial area in the vicinity are also sometimes in their favour.

What stems from the definition of Informal settlement suggest that unused land are invaded and is describe as undeveloped land located between formal township development, on the edges of new townships. Other views suggest it is land assigned for public or commercial facilities.

Saane (2005:47) claims that these settlement areas are proclaimed and surveyed in terms of normal legal processes. This result in a problematic state of affairs as no development can take place   as it cannot be registered in the Surveyor General's office. This results in low property value as compared to the property value in the formal housing (residential) areas according to Saane (2005:47)

Mashabane (1990:9) makes it clear that legal rights are only given to dwellers if it is formalised otherwise they have no legal right. Mashabane (1990:10) makes a similar

statement as (2005:47) with regard to survey boundaries. He further commented that informal Saane settlements may be as good as (if not better than) many houses built on surveyed plots to which the house owners have the rights of occupancy. However, due to a lack of poor urban amenities the livelihood aspects cannot be comparable and basic services are absolutely inferior

2.3 POLICY AND LEGISLATIVE OVERVIEW

Perusal of the legislation on housing in South Africa indicates that extensive attention has been given by all spheres of government to provide guidelines to address the housing challenge. The Acts that relate to housing are briefly discussed.

2.3.1 The Constitution of the Republic of South Africa, 1996

Section 1 of Chapter 1 of the Constitution states that: "the Constitution is the supreme law of the Republic. Law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled." the latter emphasise the importance of submissiveness when it comes to the rule of law by all levels of government based on the supremacy status of the Constitution, if they are to be considered valid (South Africa, 1996).

The rights of citizens relating to housing are protected by the Bill of Rights in Chapter 2 of the Constitution. The citizen's right to access adequate housing is protected by Section 26(1) of the Constitution, which puts a responsibility on the relevant sphere of government to make it available for all of society. The onus to make use of this right rest with them. Should access to housing be provided, but the citizen cannot afford to acquire the said housing, the government cannot be blamed.

Relevant spheres of government are required to provide the necessary legislative measures that will give effect to the right to access housing in terms of Section 26(2) of the Constitution. Each sphere of government must introduce legal measures as well as strengthening processes to expedite the housing objective to make access to adequate housing possible for citizens. Through legislation, clearer instructions are given to the spheres of government relating to the objectives that should be achieved, in pursuit of influencing the attainment of proper living space.

Citizens are protected from arbitrary evictions by Section 26(3) of the Constitution, which are clear on the fact that: "no one may be evicted from their home, or have

their home demolished, without an order of court made after considering all the relevant circumstances". It clearly ensures that Section 26(3) arbitrary evictions are not allowed (South Africa, 1996).

2.3.2 The Housing Act, 107 of 1997

The broader principles contained in the act emphasis the states responsibility to make sure that reasonable housing are provided this instruction is mandated by Section 26(2) of the Constitution. It suggests that the state has the power to ensure that legislation must be reasonable in order for citizens to have a house.

These principles highlight the importance of preference to the poor and the disabled and stresses that it is the responsibility of all spheres of government, the process of participation by all relevant role players are central towards fulfilling their own housing needs. Cooperative governance and intergovernmental relations must be strengthened to promote housing development.

Part 2 of the Act outlines the roles of national government, with regard to the establishing national housing policy, norms and standards for housing development. They dictate strategic goals, and insure that there is alignment with the different spheres of government.

Monitoring an evaluation of the performance of provincial and local governments by national government forms a fundamental part of their oversight role. Various policy frameworks are established, for example a procurement policy relating to housing. The development of capacity is an on-going process to assure that officials perform their function effectively.

National government also enhances the capacity of municipalities to run their own affairs, exercise their powers, and execute their duties relating to housing development. Pertaining to consultation on matters regarding housing development, national government regularly consults with representatives of civil society, sectors supplying or financing housing services, provincial and local governments, and other stakeholders in housing development (South Africa, 1997).

The minister of housing plays a huge role in the funding aspects of housing and is required to establish a funding framework for housing development. This will allow him to allocate funds to provincial governments for housing programmes, and

evaluate the performance of the housing sector against the set goals and effectiveness requirements.

The establishing of a housing code by the minister and the publication thereof (National Housing Code)" are imperative in order to be included in the national housing policy and in administrative or procedural prescriptions regarding the implementation of the national housing policy. A copy of the code must be distributed to every provincial government and municipality. (South Africa, 1997). In addition to the above role of the minister must the establishment of a panel of persons to advice on housing matters.

The responsibility for establishing and maintaining a national housing data bank and a national housing information system is delegated to the DG. The data bank was established for monitoring and evaluation of development, implementation and monitoring of national policy as well as information for planning purposes.

 The provision of Macro-economic information will assist in the synchronisation of housing development.

Section 3 of the Act clarifies the role and functions of provincial government. These responsibilities include provincial housing policy, development and affecting legislation to make certain that municipalities deliver on their mandate and where necessary strengthen the capacity of municipalities to exercise their powers, and performance of their duties in respect of housing development. When the provincial government finds that there is non-performance in municipalities it can intervene and take suitable steps (South Africa, 1997).

Section 4 of the Act outlines the competencies of municipalities. In summary it requires an integrated planning approach to   housing delivery, but must function within the framework of national and provincial housing legislation and policy. The provision of adequate housing.as well as a healthy and safe environment must be created.

Basic services such as water, sanitation, electricity, roads and transport are a fundamental right. The enabling role Municipalities must play are the promotion of conflict resolution mechanism in the housing development process, and to initiate, plan, coordinate, facilitate, promote and enable housing development in its area of

jurisdiction. Expropriation of land for housing development purposed in terms of any housing programme are within the delegation of a municipality if no land of its own is available (South Africa, 1997).

Section 10 of the Act refers to the restrictions of sale of state-subsidised housing. It places a limitation on the sale whether voluntary or involuntary. The sale can only be affected after it has been offered to the relevant provincial housing department. With regard to the South African Housing Fund, Section 11(2) and 12 of the Act provisions are made for that the money apportioned by Parliament and received from other sources, for purposes of housing development. The latter section gives the minister, after consultation with every MEC, the authority to develop norms for the apportionment of money for the purposes of financing the implementation of any national housing and provincial housing programmes, which is in accordance with the national housing policy (South Africa, 1997).

2.3.3 Rental Housing Act, 50 of 1999

Section 2(1) of the Act places a responsibility on government to promote rental housing. It is required of government to promote a stable market that addresses the demand for affordable rental housing, particularly amongst historically disadvantaged groups and the poor. The mechanisms used to do this are incentives and other interventions that could improve conditions in the rental housing market, encourage investment in both urban and rural areas that need upgrading, and correct distorted patterns of residential settlement by promoting new development in affected areas.

It is also important to establish a public/private partnership to facilitate the provision of rental housing. However, the requirement to effect this is to make sure that proper infrastructure is in place and is optimally utilised. It also encourages higher residential densities in existing urban areas, and the utilisation of diverse capability in the administration of rental housing. (South Africa, 1999a).

Holistically, Section 3 of the Act places the responsibility on government to announce policy frameworks, which includes norms on rental housing. Section 4 of the Act states that other demands placed on provincial and local governments are to promote rental housing within the parameters of the national policy framework on rental housing. It is therefore a requirement that functionaries must identify these responsibilities and include them as outcomes to be achieved (South Africa, 1999a).

The introduction of rental subsidies can also be introduced by the minister as prescribed in Section 3(1) of the Act to stimulate the supply of rental housing property for lower income persons. In this regard Section 3(2) of the Act makes provision that Parliament may contribute to such a programme in the South African Housing Fund.

The protection of the right of the landlord and the tenant is provided for in Section 4 of the Act. It protects them from any form of unfair discrimination in, for example, the advertising or negotiating of a lease as well as the right to privacy with regard to regular payments of rental and other charges payable, recovery of unpaid rental, termination of the lease, and claiming of compensation for damages (South Africa, 1999a). Leases are enforceable in a court of law in terms of section 5 of the Act.

Another provision to the advantage of rental dwellers is the establishment of a Rental Housing Tribunal, whose primary function is to adjudicate on complaints submitted by a tenant or a landlord, regarding unfair practice (South Africa, 1999a).

2.3.4 Home Loan and Mortgage Disclosure Act, 63 of 2000

What emanates from the Act is the issue of fairness in lending practices and protective measures regarding the provision of home loans. This enables the promotion of lending practices among financial institutions in the process of providing home loans.

Although the Act is very clear on the issue of disclosure of information it requires that certain information must be disclosed. The relevance of this analysis suggests the means that can be accessed to acquire a house but fails to accommodate the poor.

2.3.5 Western Cape Housing Development Act, 6 of 1999 as Amended

The integration of housing is a core responsibility of both the provincial and local sphere of government in housing development. One of these competencies are the determination of a provincial housing development policy and sound legislation for effective housing delivery.

This integrated approach can enhance the capacity of local governments to perform their duties in respect of housing development, and in cases where it fails to do so appropriate steps should be embarked upon in the case of non-performance of a municipality (South Africa, 1999b). The provincial minister of housing's executive

power allows him to issue policy directives with norms and standards pertaining to housing development which cannot be addressed at local government level.

The establishment of the Housing Development Fund assists with housing-related development. Section 15 of the Act stipulates that local government must perform specific functions as part of its process of integrated development planning. These functions include ensuring access to adequate housing for its inhabitants, in a safe and healthy environment, with basic services such as water, electricity and sanitation. Local government must set reasonable housing delivery goals, identify land for housing development, create and maintain a public environment conducive to housing development, and resolve conflicts arising in the process of housing development. Local government may participate further in a national or provincial housing programme, by promoting a housing development project, or administering any national or provincial housing programme in respect of its area of jurisdiction (South Africa, 1999b).

Subsection 15(3)(a) enables local government to expropriate land for the purpose of housing development with the prerequisite that the local government is not able to acquire the needed land by other means. Permission, however, must be granted by the MEC and published in the Provincial Gazette. Accreditation can be requested in terms of Section 16 of the Act for the purposes of administering one or more national housing programmes. With regard to immovable property, section 19 makes provision for the transfer to a local government if the MEC is of the view that sufficient capacity is available to manage it in accordance with national policy.

2.3.6 Social Housing Act, 16 of 2008

The intention of the Act is to provide for the needs of the low and medium income households, and special priority to the needs of women, children, child-headed households, persons with disabilities and the elderly.

Stakeholder participation in a conducive environment is important as it will ensure proper consultation, information sharing, education, training and skills transfer, thereby empowering residents. To ensure economical utilisation of land and services, medium to higher density in respect of social housing development must be promoted. Sustainable independent housing institutions should be created for managing social housing stock.

The principles of fairness, equity and compliance with national and provincial social housing norms and standards must be adhered too. Social housing delivery and the facilitation thereof is the responsibility of the local municipality through a process of integrated development planning. Being directly involved in the delivery process, the municipality must enter into performance agreements with social housing institutions.

The National Housing Finance Corporation is responsible for providing access to loan funding. Chapter 3 of the Act also provides for the establishment of a Social Housing Regulatory Authority, which is a juristic person accountable to the minister and to Parliament. Proper referencing Raising awareness of social housing, advice and support to the housing department, and the provision of best practice information and research on the status of social housing is the core responsibility of the juristic person. Once again the Provincial government must ensure fairness, equity and compliance with national and provincial social housing norms and standards.

Facilitating social housing delivery within its area is part of the municipality's process of integrated development planning. Their direct involvement in the delivery process, entering into performance agreements with social housing institutions are important. It must be mentioned that the Social Housing Act specifically focuses on the low to medium income households. This sector of the housing population thus comprises households that can make a substantial financial contribution to the acquisition of a house. The needs addressed by the Social Housing Act does not enjoy preference of the needs of the poor in the provision of housing.

2.3.7 Overstrand Municipality's Policy on Housing

The Overstrand Municipality's policy on housing deals with the selection of beneficiaries in ownership-based subsidy projects. The policy applies to more than one project, inter alia green field projects, non-relocation projects, relocation projects and institutional and affordable housing projects. The end result of the policy is to ensure that the beneficiary receives ownership of a subsidised opportunity. In terms of the green fields project principle, serviced sites will be made available and not top structures. The relocation projects are linked to informal settlement upgrades. The policy also makes provision for ''rent-to-buy'' options.

The institutional arrangements provide for the role of the council, the administration as well as the establishment of a project steering committee. It also addresses the

role of the contractor and the implementing agents. It creates a channel for queries and a communication channel. The policy divides the municipal area into catchment areas for the purposes of selection. Each town has a catchment area. The catchment areas seem to be unique to avoid overlapping and duplication. The policy is inclusive and also covers backyard dwellers and people in overpopulated areas (Overstrand Housing Policy, 1990).

A preliminary selection process is followed so that proper pre-screening can be done, and the principle of inclusiveness can be adhered to. Overstrand also ensures regular updating of information to keep the data base clean and inclusive. A project may consist of all the different components, as described above. The policy complies with the national prescriptions of the Housing Act 107 of 1997, the amended National Housing Code, the municipality's Integrated Development Plan and the National "Strategy for the allocation of housing opportunities created through the national housing programmes." The underlying principles cover equity, transparency, functionality, social cohesion, access and integration. A fully fledged registration process is prescribed in the policy and all requirements must be met in order for a beneficiary to be registered, including prescribed documentation. Different types of prioritisation are followed, including farm workers, the disabled and the aged, in terms of a quota system. Role clarification is made clear, and the community has ample opportunity to be informed, kept up to date, to give input and objectivity to allocations. In the researcher's view, the policy is well thought through and balanced to cater for all the needs of the beneficiaries.

2.4 LAND INVASION

The White Paper on South African Land Policy – Department of Land Affairs – in which the vision and implementation strategy of South Africa's land policy is set out, was published in April 1997.

Relating to land invasions, the following statement is made on page 28 of the policy:

- Landlessness and land invasions are a stark reality in South Africa.
- Delays in the release of land and slow delivery of housing programmes have exacerbated the problem, as unrealistic expectations and a lack of information, particularly with the time it takes to transfer land.

- This has led to urban land invasions and subsequent evictions by local and provincial authorities and ongoing legal disputes.
- Some community groups who have been involved in planning land and housing developments on identified land have found their development brought to a halt by land invaders.

Various National Government policy documents have made it clear that land invasions pose a great threat to stability and development and that the unlawful occupation of land must be discouraged at all costs (White Paper on SA Land Policy – paragraph. 4.8.1 on page 47; The Development Facilitation Act 67 of 1995, section 3(1)(a)).

The various policy and legislative initiatives dealing with pro-active development, housing and the identification of land for affordable housing measures, includes the Constitution of the Republic of South Africa, Act 108 of 1996 (the Constitution), the Development Facilitation Act, 67 of 1995 and the Housing Act 107 of 1997.

2.4.1 Role of Government

Both state land (land under the control of a national or provincial government or municipality) and privately-owned land can be invaded unlawfully. Government has a constitutional duty to ensure – where required and with available resources – that all citizens can enjoy their basic rights to access to land and housing. Where large-scale invasions occur, government has a similar duty to assist private landowners to protect their land. Where unlawful occupiers whose basic rights are not at risk have to be evicted, the private land owner must, without delay, approach the court for an eviction order in terms of the Prevention of Illegal Eviction From and Unlawful Occupation of Land Act 19 of 1998. This law is currently administered by the Department of Human Settlements and will be transferred to the Department of Rural Development and Land Reform (DRDLR) in due course (South African Government, www.gov.za).

2.4.1.1 National Government

There must be a collective effort from all spheres of government to ensure a prosperous and better life for all the people of the Republic of South Africa. Good coordination and agreement to procedure is however necessary to achieve all of the aforementioned (South Africa, 1996:21).

2.4.1.2 Provincial Government

According to the provincial government of the Western Cape, the unlawful occupation of land/squatting takes place for various reasons. poverty and unemployment, past policies that prevented people from obtainIng housing in urban areas, a shortage of legally obtainable alternatives, faster urbanisation and natural growth than the development of housing in urban areas,

Other problems may include; 'jumping the queue', hoping to be helped to secure housing sooner, a shortage of developed land in the vicinity of job opportunities, intra-urban migration to better-located land, encouragement of unlawful sub-letting and vacating of dwellings, leaving subtenants in occupation, and the illegal selling of land before the expiry of applicable sales restrictions (South Africa: The Department of Provincial and Local Government, 2006:6).

The White Paper on South Africa's Land Policy the Department of Land Affairs in which the vision and implementation strategy of South Africa's land policy is set out, was published in April 1997. Relating to land invasions the following statement is made on page 28: "Landlessness and land invasions are a stark reality in South Africa. Delays in the release of land and slow delivery of housing programmes have exacerbated the problem, as have unrealistic expectations and a lack of information, particularly with the time it takes to transfer the land. This has led to urban land invasions and subsequent evictions by local and provincial authorities and ongoing legal disputes. Some community groups who have been involved in planning land and housing developments on identified land have found their development brought to a halt by land invaders. Various National Government policy documents have made it clear that land invasions pose a great threat to stability and development, and that the unlawful occupation of land must be discouraged at all costs (White Paper on SA Land Policy - paragraph. 4.8.1 on page 47, The 6 Development Facilitation Act 67 of 1995, section 3(1) (a)).

2.4.1.3 Local Government

The Constitution require the following actions from the department of local government

- Section 139 (1) – intervention by the Provincial Executive where municipalities fail in in fulfilling their executive duty.
- Section 154 (1) – Municipalities must be supported by Provincial governments, to function autonomously of.
- Section 155 (5) – dictates the establishment of e different types of municipality a province.
- Section 155 (6) – Over and above the Provincial government role to establish municipalities in the province it is required of them to also monitor, support and promote the development of local government.

2.5 SUSTAINABLE SOLUTION

In a study by Mzimela (2009), titled 'Investigating the effectiveness of land subdivision in the informal settlement upgrading process towards a Master of Public Administration degree at the University of Kwa-Zulu Natal, .'. his aim was to find ways that could be used to minimise the relocation of informal settlement dwellers. This to enquire was to determine if land subdivision can be an approach that could be adopted as the quickest alternative to the informal settlements upgrading process. Mzimela (2009) found that Tongaat Local Municipality made attempts to formalise the informal settlement areas through the provision of RDP houses failed as it was by no means a strategy that could eradicate informal settlements.

According to Mzimela (2009), the notion of informal settlement upgrading was planned in such a way that concentrated on removing (relocating) all the informal settlements dwellers to RDP housing; using the system of one RDP house per one shack (household). However, soon as the shack dwellers were allocated RDP houses the demolition of shacks was not undertaken. What was found is that most of the l informal settlement dwellers did not meet the criteria to be allocated RDP houses.

This situation suggests that the intervention undertaken, meaning the subdivision of the land did not resolve the problem of overcrowded informal settlements, as per the findings of Mzimela (2009).

The contribution to the body of knowledge e Mzimela's (2009) was provide good insight to the challenges of upgrading informal settlements, but did not the study did not provide a satisfactory response the plight of all informal settlements dwellers that could be used at the eMagweveni informal settlement. this suggest that the approach

of subdivisions could be misleading because it did not outline the challenges faced by the Tongaat Local Municipal officials in trying to upgrade the informal settlement.

It is the opinion of the researcher that until the country develops different policies it will be unable to address land invasion in South Africa; as it becomes clear that the issue is not the upgrading of informal settlement. The findings of Mzimela (2009) did not bring a solution to the perceived problem of Tongaat Municipality. Instead, the number of informal settlements escalated, proving that the issue was not about subdividing an informal settlement but rather about land invasion.

Mlotshwa (2008) also undertook a study while pursuing his Masters of Public Management with the topic titled 'Understanding informal settlements in South Africa'. Mlotshwa's (2008). The findings of the study shared light on how informal settlements present diverse conditions across and within settlements. issues such as individual households, the reasons for residing in an informal settlement, the established relationship to the land and the level of physical risk was challenging conditions as compared to an amicable solution . to the plight of informal settlement dwellers. instead, his recommendation focus on the development of strict laws to prevent the mushrooming of more informal settlements.

This finding of Mlotshwa (2008) convinced him that legislation would assist in ensuring that informal settlements would not continue to expand, and could support the efforts of the National Department of Human Settlement to provide a sustainable solution by intervention with informal settlements by 2014. The researcher agreed with Mlotshwa's (2008) research outcome. Furthermore, the researcher believes that all municipalities should develop and implement tight regulations in the form of legislation/bylaws to restrain land invasion. The legislation/bylaws could then be used as a sustainable solution by using intervention to curtail land invasion.

2.6 SUMMARY

This chapter provided a comprehensive overview of the literature on the research topic. The chapter comprised a theoretical overview that was derived from this literature to guide the study. The legislative overview explained the existing policy framework relating to the provision of housing, and a short review is provided of the options available for a sustainable solution to the phenomenon of land invasion.

The next chapter elaborates on the research methodology which the researcher used in the study.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 INTRODUCTION

The previous chapter explained the role of all spheres of government referring to the policy as contained in the legislative framework, the conceptualisation of informal settlements and private sector involvement. This chapter discusses the research methodology used in the study.

According to BusinessDictionary (2017) research methodology is defined as the process that is used to collect data and information that will be used to make business decisions. The methodology may include surveys, interviews and publication research. Both present and historical information may be included. Years earlier, Burn and Grove (2001:2016) were of the opinion that research methodology is: "the application of all steps, strategies and procedures for gathering and analysing data in a research investigation in a logical and systematic way". This could further be defined as the research plan that directs the research. It comprises sampling methods, data collection methods and the analysis of the data, as well as ethical considerations. The purpose of this chapter is to focus on the research methodology applied in the study. Research methodology encapsulates two popular research methodologies, namely qualitative research methodology and quantitative research methodology.

The researcher defines research and gives reasons for conducting the study. The available types of research methodology are discussed. A discussion on the available data collection tools follows and the researcher argues why in-depth interviews were used to collect the data. The significance of ethics, reliability and validity throughout the study was emphasised.

3.2 RESEARCH METHODOLOGY

Alzheimer Europe (2013) stated that research is a necessity because organised and controlled research should enable researchers to test and compare different approaches that could be followed, that research should enable researchers to explore different methods and should allow researchers to learn from other researchers and other people's experiences. According to Brynard and Hanekom (2010:2), research is always undertaken with a specific objective in mind.

Inter alia; researchers should:

- be in a position to make rational decisions based on facts.
- be able to determine a work schedule and to ensure that action programmes are directed at reaching desired outcomes.
- maximise the usage of all resources.
- determine the root causes of the problem.
- discover ways to resolve these problems.
- become more knowledgeable about particular situations; and
- be able to adjust theory to ever changing environments.

Babbie (2014:96) explained that research is a method of explaining things as answers to questions of what, where, when and how, whereas Flick (2011:6) argued that research is a systematic analysis by asking, observing and analysing data. It is clear that by doing research, the researcher will probably get answers to the problem statement.

3.2.1 Aims of the Research Study

The National Aeronautics and Space Administration (2013) was of the opinion that people are driven to do research studies into the unknown and to discover new ideas and then push forward again. According to the Association for Science (2016) curiosity is considered a powerful motivator that leads researchers to make important findings and to explore the unknown. According to the University of Rochester (2016) the reasons why researchers wish to explore the unknown is an obsessive compulsion to gain knowledge.

De Vos et al. (2002:78-79) stated that researchers conduct research for the following reasons:

- curiosity about the unknown.
- searching for data to explain the unknown.
- seeking the truth; and
- using the results of the research to make recommendations.

The researcher undertook this research to analyse and understand reasons why people invade land at the Overstrand Municipality in the Western Cape.

3.2.2 What is not Research

Brynard and Hanekom (2010:4) cautioned that certain activities might not be regarded as research at all.

These activities include:

- when the researcher simply compares problems.
- when the researcher merely collects data.
- when the researcher presents organised data.
- when the researcher uses evidence that does not come from collected data.
- when the researcher simply transfers facts.
- when the researcher compiles data; and
- when the researcher searches for facts, simply to gain more insight.

The University of Washington (2017) explained that studies that evaluate programmes and policies may be considered research studies.

3.2.3 Basic Types of Research

Readingcraze (2017) stated that research can be categorised into basic and applied research, according to the type of research followed.

Brynard and Hanekom (2010:7) explained that basic research is used when theories are developed by testing a certain hypothesis while applied research is undertaken, specifically to solve a certain problem. The results that are obtained can then be used to solve an immediate problem. Study.com (2017) agreed that applied research is used to answer specific questions and to solve a specific problem while basic research is driven by curiosity and a desire to expand knowledge. The real differences between the two types of research therefore depend on what the research findings will be used for and whether the research findings will be used to solve a specific problem or be used simply to gain insight. The Association for Psychological Science (2016) explained that there are three branches of research methodology. First, quantitative research methodology that uses numeric data; second, qualitative research methodology that uses data from interviews and observations and third, mixed methods that combines the benefits of both the quantitative research methodology and qualitative research methodology. The next section will define the various forms of research methodology.

3.2.3.1 Definition of qualitative research methodology

Qualitative research refers to research that produces descriptive data, which is generally the participant's own opinions or beliefs or spoken words according to their own experiences or perceptions. Usually, no numbers are assigned to these observations. The necessary conditions or qualifications for qualitative methodology is a commitment by the researcher to describe the world from the point of view of the participants. Because of this commitment, close involvement is encouraged (Bryman, 1984:78). De Vos et al. (2002:79) argued that qualitative research has a point of departure in human science as the human being is the object of the study. Theory of Knowledge.net (2017) explained that the aim of all human science studies is to explain human behaviour. This aim includes the formulation of theories. After the formulation of a theory, the researcher can make recommendations. A remedy should then be developed to eradicate the problems identified in the study.

According to Burns and Grove (2001:223), the research design "guides the researcher in planning and implementing the study in a way that is likely to achieve the intended goal". According to SnapSurveys (2017), researchers use qualitative research to gain an understanding of fundamental opinions, reasons and motivations. The Qualitative Research Consultants Association (2017) explained that qualitative research is a methodology that uses in-depth studies of a small group of people.

3.2.3.2 Definition of quantitative research methodology

Quantitative research uses methods such as tests and surveys to describe and to explain certain phenomena. The quantitative approach includes methods such as observations, preliminary investigations, quantitative analysis and questionnaires (University of Southern California Libraries, 2017).

Brynard and Hanekom (2006:37) stated that quantitative research is underpinned by a distinctive theory of what should pass as warrantable knowledge. They further stated that this research method uses methods such as experiments and surveys to describe and explain phenomena. Quantitative research is not always good as exploratory tools since they require the researcher to predefine the key concepts within one's research question. Although this is not always the case, the purpose of quantitative studies is to generalise the results of the research study to a broader

group than the identified sample. Depending on what one wants to measure, it may be useful to seek the literature for available acknowledged validated instruments. All research must be ethically conducted as the researcher must not harm the participants and a key aspect will be to obtain consent from all the participants in the research project (Moutinho & Hutcheson, 2011:3).

De Vos et al. (2005:267-268) describe both qualitative and quantitative research as ambiguous. Quantitative researchers consult their lists of possible designs and select one (or develop one from the methods available), while qualitative researchers always design their own method as they proceed, using one or more of the available strategies or tools as a guideline.

The rationale of using a quantitative research method is also premised upon the work of Ader, Mellenberg and Hand (2008:7) who argue that quantitative research methods are suitable when undertaking the study that is targeting a particular community. According to Ader et al. (2008:\7) quantitative research methods provide the following advantages: the cost is reasonably low and data collection is faster when sampling is used, instead of surveying the entire population. Quantitative (survey) research often uses questionnaires as a data collection method together with measuring instruments. Quantitative research often uses questionnaires as a data collection method and measuring instrument.

3.2.3.3 Definition of mixed-method research methodology

The researchers stated that the use of mixed methods is driven by the apparent shortage of quantitative methods (O'Cathain et al., 2007). Molina-Azorin in the business field found that mixed methods articles received more citations than studies using other methods, which the researcher attributed to mixed methods studies being more valuable (Molina-Azorin, 2011). Another value of mixed methods is the integration component. Integration gives readers more confidence in the results and the conclusions they draw from the study (O'Cathain, Murphy, & Nicholl, 2010). Using Mixed Methods also helps researchers to cultivate ideas for future research (O'Cathain et al., 2010). In addition, researchers state that mixed methods research is the only way to be certain of one's findings (Coyle & Williams, 2000; Sieber, 1973) and interpretation (Morse & Chung, 2003; Tashakkori & Teddlie, 2003b). Some studies have looked at how to evaluate a mixed methods study. Sale and Brazil

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(2004) examined many articles and found that no articles had discussed the criteria for judging a mixed methods article. Since that article, there has been additional work done. Creswell and Plano Clark (2011) included a section on evaluating a mixed methods study in their book. They listed such criteria as including both methods, having a rigorous method, and setting the study within philosophical assumptions. While it is important to have criteria to judge a mixed methods study, it is also important to understand the perceived value of such a study. If we do not understand graduate students' perceived value of mixed methods, we have no way of knowing how a consumer group determines the worth of such methods.

Creswell and Plano Clark (2007:5) stated that mixed methods research is a research design with philosophical assumptions as well as methods of inquiry. As a methodology, it involves philosophical assumptions that guide the direction of the collection and analysis of data and the mixture of qualitative and quantitative data in a single study or series of studies. Its central premise is that the use of quantitative and qualitative approaches in combination provides a better understanding of research problems that require either approach.

In this study, structured questionnaires were employed to collect data from the participants, using an interview.

3.3 OBJECTIVES OF THE STUDY

According to Khaled Al-Sakkaf (2015), objectives are developed to focus the study (narrowing it down to essentials), namely to:

- Avoid collection of unnecessary data.
- Organize the study in clearly defined parts or phrases.

Starting research without clear objectives, directions and not having a predetermined plan, could prove to be detrimental to the study. If the research is undertaken without proper planning, limited resources such as finances and time could be wasted, which could jeopardise the research study. Only by having clear objectives and proper planning, will the researcher be able to clear milestones for the various deliverables of the research study (Chron, 2017).

According to Research Methodology (2016), the reasoning for the study must be specific, as the research should eliminate a gap in current literature. The research

study should solve an existing problem and research should add to the personal growth of the researcher.

To keep the reader focused on the objectives of the study the researcher has listed the following objectives:

- To examine the extent to which a sustainable solution intervention (relocation and in-situ upgrading) addresses informal challenges in the Eikenhof informal settlement.
- To examine the effectiveness of sustainable solution interventions, as applied in the Eikenhof informal settlement eradication processes.
- To collect and analyse data in order to interpret the findings.
- To draw conclusions and make recommendations.

3.4 RESEARCH QUESTION

According to Merltzoff (2014) a research question is a question that your research study/project sets out to answer. Often you have not only one but a set of between one and seven related questions that you want to answer. These questions are important since they are the focus of your research. Answering these questions is the main aim of your study or thesis and "everything else follows from them". Thus, the research questions must be accurately and clearly defined.

According to Study.com (2017), formulating a research question (or research questions) is the first step of a research study. Having a research question formulated, is considered as an active step. Without a question you can't have a hypothesis. Without a hypothesis, you won't know how to study what you're interested in. The research questions guide the research study, and it is, therefore, essential that the researcher formulates well-structured research questions.

Steps that should be considered when writing a research question include emphasising the problem, clearly stating what the researcher wants to determine, ensuring that the research questions are answerable and specific and to the point (Research Methodology, 2016). The researcher has listed the research question of the study for ease of reference to the reader:

Why do the people of Zwelihle in the Overstrand Municipality invade land?

3.5 DATA COLLECTION

Bourgues and Fielder (1995:3) mention three types of questionnaires that can be used for data collection, namely: structured questionnaires, unstructured questionnaires and semi-structured questionnaires. Hall and Hall (1996:99) define a questionnaire as a set of questions for respondents to complete themselves. This study employed a structured questionnaire to collect data. The researcher visited each informal settlement household and distributed questionnaires to participants of the study with a view to interpret questions in various African languages when necessary, and to observe the process of questionnaire completion.

The researcher collected the data for the study by means of in-depth interviews. According to Hennink et al. (2011:109), an in-depth interview is a one-to-one method of data collection that involves an interviewer and an interviewee who discuss specific topics in depth. It is a conversation with a purpose. An in-depth interview may be defined as an interview that is loosely structured to allow for freedom for both the interviewer and the interviewee, enabling the researcher to explore additional points or to change the direction if required (B2B International, 2017).

Data collection was discussed in the preceding section and the researcher will now discuss the importance of ensuring reliability and validity of the data used for this project.

3.6 RELIABILITY AND VALIDITY

According to Statistics How To (2017) there is a subtle difference between reliability and validity.

Reliability refers to consistency while a test is considered valid if it measures what is supposed to be measured. According to Jackson (2008:67-71), reliability refers to the consistency or stability of a measuring instrument. The research instrument should present the same results each time it is used. If two separate research projects use the same research instrument, each should present the same results for each individual test. An example is the kitchen scale that measures the weight of ingredients. It should measure the same way each time it is used, thus showing reliability. However, validity is the process of determining whether or not the instrument does indeed measure what it sets out to measure.

Reliability and validity were shown throughout the study by the researcher by:

- Ensuring transparency.
- By posing uniform questions that were pre-determined to all the participants.
- Ensuring that the sources used are adequately referenced.
- By remaining objective throughout the study; and
- Conducting the research study in a professional and ethical manner.

3.7 IN-DEPTH INTERVIEW

An in-depth interview should flow like a normal day to day conversation. It tends to be informal as well as open-ended. Similarly, Welman et al. (2005:194-201) describe the in-depth interview as informal and it is mainly used when the researcher wishes to research an area of interest or concern in detail. The disadvantage, however, is that researchers are directly involved and also in control of the interviews, which may lead to the researchers becoming biased. A further concern is that in-depth interviews may become time consuming, and the researcher should make provision for additional resources where applicable.

This approach to data collection is extremely useful in situations where either in-depth information is needed or when little is known about the area being assessed. The researcher wants to get the views, perceptions and interpretations of the participants involved around the study of land invasion in the Overstrand Municipality in the Western Cape.

3.7.1 Interview Schedule

Simply Psychology (2014) explained that interviews differ from questionnaires as interviews involve social interface. Researchers may ask closed ended questions during the interview process, or they may choose to ask open-ended questions, which allow the participants to express themselves in their own words. An interview schedule, which is a list of prepared questions, may be used. It is important that the same questions in the same format are posed to each participant. Interviews may be recorded, and the data obtained during each interview may be transcribed. The data collected may be analysed at a later stage.

Interview schedules have different uses. Your Article Library (2017) explained that an interview schedule is a self-reporting method which provides a great deal of flexibility

to the interviewer. Questions may be clarified during the interview process. The interviewer will be able to observe and record the participants' behaviour. An interview schedule, which is a data collection tool, has the potential to gather data that is unlikely to be obtained should the researcher use a different method to obtain data. Some limitations of the interview schedule include the time involved in the interview process, the non-standardised data and the suffering from preference being expressed by the interviewer.

3.7.2 Description of how Interview Schedule was Drafted

The interview schedule for this research study was developed using the information gathered in Chapter two of this study, as a guideline. The theoretical and legislative overview conducted in Chapter two outlined the parameters of this study. The researcher purposely included questions such as 'Has the City of Cape Town engaged in any Indigent Policy awareness campaigns? Explain, how, (if yes) and why not (if no)'. This then allows the research participants to voice their opinion and elaborate on their understanding of indigent. This was done to determine whether the current processes being implemented regarding the indigent were understood by the various units within the City of Cape Town. The interview schedule for this study comprised eleven open-ended questions.

Questions listed on the interview schedule were derived from studies that were conducted at other municipalities within South Africa, as well as other parts of the world. The researcher formulated the questions that were asked in this study, using other studies as a basis. The most frequently asked questions were taken from each study and were then adjusted to suit the needs of this study. The interview schedule compiled by the researcher was sent to the in-house statistician at the Cape Peninsula University of Technology for approval. The statistician reviewed the interview schedule, addressed concerns and provided recommendations. Once the amendments were affected, approval was granted. The interview schedule is attached as an Annexure.

3.8 RESEARCH PARTICIPANTS

Leedy and Ormrod (2014:153) explained that it is quite common in qualitative studies to identify sources that are considered appropriate sources because the data required for the study by the researcher, will be shared by the identified sources. Fink

(2014:100) agreed that research studies depend on accurate data and that data should be obtained from credible sources who will share relevant data. This sentiment is shared by Salmons (2015:116) who argued that it is critical in research studies to select individuals who are in a position to contribute their knowledge and experiences to the research study. The researcher specifically identified the participants who were considered to be appropriate sources because they had access to the data which was required in this study. The participants expressed their willingness in advance to share relevant data, knowledge and experiences.

3.9 ETHICS

A summary of ethical principles was issued by the National Institute of Environmental Health Sciences (2016) and included:

- Honesty: The researcher should strive for honesty in all forms of communication, including reporting the result, procedures and any publication that is quoted from.
- Objectivity: Avoid any form of being bias.
- Integrity: Keep promises.
- Carefulness: Avoid errors and negligence.
- Openness: Share results and be open to new ideas.
- Respect intellectual property: Honour patents.
- Confidentiality: The protection of all communications.
- Response publication and mentoring.
- Respect for peers.
- Social responsibility, including public education; and
- Avoiding discrimination against peers and other students.

Research methodology (2016) articulated that a research study may be destined to fail should ethical considerations not receive the required attention.

Researchers are for this reason expected to ensure that:

- No harm must come to every participant.
- Participation is voluntary.
- The dignity of each participant is maintained.
- No offensive, discriminatory or unacceptable language is used.

- Prior consent is obtained from each participant.

- The privacy of each participant is protected.

- Confidentiality of the data collected is ensured.

- Anonymity of participants is ensured.

- Untruthfulness about the objectives and aims of the study is avoided.

- Any conflict of interest is reported.

- All forms of communication are open and transparent.

- Any form of prejudice is avoided by maintaining objectivity throughout the study, and by acknowledging the work of the other authors, by using an acceptable referencing system.

According to Bickman and Rog (2008:107) ethics is important in every aspect of research whether it be basic research or applied research. When research involves human beings, strict criteria that protects the research participants must be followed. The researcher should note the importance of obtaining voluntary consent from all the participants without any physical persuasion or threats. This voluntary consent from the participants allows the research participants to withdraw from the research study at any point without repercussions to the individual. In social studies, the involvement is about developing mutual respect between the researcher, research participants and all other stakeholders.

The American Speech Language Association (2017) agreed that when involving human subjects, the researcher should always be guided by good practice and human rights principles, to ensure the protection of the participants. According to Beyond Intractability (2017) intractable examples of abusing people's human rights are denying any individual their fundamental moral rights or not respecting their dignity. Some of the ethical responsibilities of researchers are to maintain privacy, acquire informed consent, ensure voluntary participation, protect the identity of the participants, and inform the participants about what the study is for, how information will be used and whether there is any potential risk involved. According to Welman et al. (2005:181) ethical behaviour is crucial in all forms of research, as in any other research involving human activity. Specific ethical considerations, related to plagiarism and authenticity in reporting a result, are evident in all research studies. The principles underlying research ethics are universal. In addition, the respect for the rights of all individuals involved in research studies should be a matter for

concern. According to Research Methods (2006), there are a few key expressions that describe the rights of all the participants who partake in the research study.

Some standards that the researcher must adhere to are as follows:

- Voluntary participation: meaning that the participant is not forced into participating in the research.
- The standard of informed consent: meaning that the participants in a study must be fully informed about the processes of the study as well as any possible risk that the participants may be exposed to during the course of the research study, and if so, the participants must give their consent to participate therein.
- The standard of the participants: being forced into a situation where the participants are faced with any sort of physical or psychological harm due to participation in the research.
- The protection of privacy of the participants whereby they are guaranteed that their participation will not be made public and will only be shared with stakeholders involved in the research; and;
- The standard of anonymity, which guarantees that the participants will stay anonymous throughout the processes of the study.

The researcher allowed the participants the freedom to withdraw at any stage of the research should they wish to do so. Confidentiality, anonymity and fair treatment were ensured by the researcher. Permission to conduct the research was requested by means of a letter from the Overstrand Municipal Manager with the undertaking that the participants identities would be dealt with confidentially, and that the municipality would be informed of the results of the study. The participants were informed about the study in advance to protect their privacy, and they were allowed \to choose a suitable time and venue to share the information. The participants were ensured by the researcher that their private conduct or thoughts would not be misused to embarrass or humiliate them and that the researcher would only collect data which was absolutely necessary for the purpose of the study.

3.10 LIMITATIONS OF THE STUDY

According to Laerd.com (2012) the research may have many possible limitations. It is important to identify these limitations as they may have an impact on the findings of the research and may affect the ability to effectively answer the research questions.

Limitations are considered in general as influences on the study that the researcher has no control over. Such limitations might influence the outcome of the research study (Baltimor Count Public Schools, n.d.).

The limitations faced by the researcher included the following:

- Setting up interview sessions.
- The distance between the researcher, the residents and the Overstrand Municipality.
- The busy schedules of the participants that made it difficult to meet them for interviews; and
- The manner in which they operated that influenced their daily lives.

3.11 SUMMARY

This chapter discussed the research methodology used in the research project. It explained that data was collected by means of an interview with a sample of the people in selected residential areas and with officials from the Overstrand Municipality, after obtaining the required approval from the municipality and community associations.

The next chapter discusses the analysis and the interpretation of the research findings.

This chapter has too many bogus and internet sources referred to which is lowering the standard of the manuscript.

CHAPTER FOUR: DATA ANALYSIS AND FINDINGS

4.1 INTRODUCTION

The previous chapter discussed the qualitative approach that was followed. It also discussed the manner in which the data was collected, by using interviews. This chapter includes the analysis of the research findings and their interpretation. The sample size for the study was five (5) participants from each ward committee, as well as four (4) senior officials from the municipality. The researcher hereby acknowledges that the views expressed by the participants are not official Overstrand Municipal policy and bylaws but rather their own opinions and were recorded purely for the purpose of this research study only. The Overstrand Municipality gave permission to conduct interviews for the collection of data. When conducting research, the researcher should at all times remain neutral and maintain the highest ethical standards. Basic ethical considerations were followed in conducting the interview with the selected sample of participants.

4.2. DATA ANALYSIS

BusinessDictionary (2017) defined data analysis as the process that the researcher follows when evaluating collected data in a logical and diagnostic manner. Data may be collected from a range of sources. The data should be studied by the researcher so that he is in a position to come to an informed conclusion. Study.com (2017) agreed that data analysis comprises the method followed by researchers whereby data is collected and sorted in such a way that they can obtain valuable information. Data may be collected using various different data collection methods. The data collection method used is determined by the type of research being conducted. Observations, interviews and surveys are typical data collection methods.

Brynard and Hanekom (2010:60) stated that the data collection process starts when the researcher engages in a preliminary analysis of the data. The researcher will select what is considered to be reasonable relevant data and will reject and park data which the researcher considers to be irrelevant to the research study. Upon completion of the data analysis process, the researcher will conduct an in-depth analysis of the data by filtering the data. In the researcher's opinion, this approach can be time consuming, and the researcher will therefore use all the information in each interview.

According to Mouton (2007:108) the data analysis process and interpretation of the data are used to determine patterns or trends that might be useful when reporting on the findings of the study. ScienceDirect (2017) explained that the objective of all data analysis is to obtain meaning from the data which is collected from the research and from which realistic conclusions are derived. Data analysis should be done in studies that follow both quantitative and qualitative research methodologies. Should a qualitative approach be followed, then the data is embodied in themes and words. The National Centre for Biotechnology Information (2015) emphasized the importance that, when conducting qualitative research, researchers should place themselves in the shoes of the participants, and see the world from the perspective of the participants. It is crucially important that the researcher remains true to each participant.

4.3 DATA ANALYSIS STEPS

Project Guru (2017) separated content analysis in a qualitative research study into various steps and warned that each step is equally important in the process, and that the researcher should follow each step diligently.

The steps in the data analysis process are as follows:

- Preparation of the data collected.
- Classification of content into different units of analysis.
- Classifying units of analysis into sub-categories.
- Coding the data.
- Assess the consistency of coding used.
- Interpreting each of the codes; and
- Presenting the results under each time.

According to Classroom (2017) analysis content can be time-consuming. It might require the researcher to read the data collected several times, keeping in mind what the research is about and what the researcher is trying to establish. It might further require that the researcher split the data into manageable chunks, thus making it easier to examine. It might be useful for the researcher to identify certain key words or phrases that are used by each participant. By doing so, the researcher will be able to interpret the data and report on the findings.

4.4 CONTENT ANALYSIS (DESCRIPTION OF HOW CONTENT WAS ANALYSED FOR THIS STUDY)

According to the University of Sheffield (2017), the large unstructured content may, be reduced to a manageable size by analysing and coding information. It is a research technique used by researchers to make valid conclusions from a large amount of text. By coding text, qualitative data is converted to quantitative data.

4.5 PILOT STUDY

A pilot study is described by Stangor (2004:95) as an activity where the researcher performs testing of a study before the time, by selecting a few subjects with a view to estimating reactions before starting the main study. It can be useful in testing aspects of the proposed research. Strydom (2000:178) stated that a pilot study commonly forms an essential part of conducting the research process. The researcher conducted the pilot study with two officials from the Overstrand Municipality that helped the researcher to refrain from asking certain questions, as well as adding some questions, on the advice of the officials.

4.6 BIOGRAPHICAL DETAILS OF MUNICIPAL RESPONDENTS

Overstrand Municipal management involved in questionnaires:

Job Title:

Municipal Manager

Director: Protection Services

Director: Infrastructure

Director: Community Services

Community representatives of Zwelihle location.

Ward

4.7 NARRATIVE OF THE RESPONSES

Interview results conducted are presented here:

4.7.1 Overstrand Municipal Management Questionnaires

Question 1: What procedures are in place when dealing with land invasion at the Overstrand Municipality?

Response:

- Make use of law enforcement officers with the support of SAPS, in order to inspect and inform land invaders not to proceed with land invasion.

- Follow the protocol of the PIE Act which is preventing illegal occupation, by applying for court interdict and eviction.
- Continuously monitoring the situation up until the court order is in place to act.
- Once a court order is granted, we appoint the private contractor to demolish the shacks.

Interpretation:

The researcher was curious to determine the procedures that the Overstrand Municipality use in dealing with land invasions. Curiosity led the researcher to pose the question above. It was determined that they used the aforementioned four procedures. The four procedures described above are the targeted procedures and the demolishing procedure. This allows the Overstrand Municipality to effectively monitor and eradicate the structures built by invaders.

Question 2: What methods are used by the Overstrand Municipality when identifying invaded land?

Response:

Make use of housing officials together with municipal law enforcement in order to determine:

- vacant structures.
- Incomplete; and
- unoccupied structures.

Interpretation:

Based on the feedback received from the research participants, it was determined by the researcher that the municipality was using the municipal officials to identify the invaded land.

It was also clear that the Overstrand Municipality followed the legal route when identifying invaded land, as per the bullet points below.

Question 3: Has the Overstrand Municipality embarked in any land invasion awareness campaigns? If yes, can you explain how you go about it, and if no, can you explain why not?

Response:

Yes – by using awareness methodology through:

- public meetings.
- ward committees.
- a social compact; and
- pamphlets.

Interpretation:

The researcher has established that the Overstrand Municipality has fair awareness campaigns. Through using such campaigns, the Overstrand Municipality ensures that the Overstrand Municipality community is aware of what land invasion entails.

Question 4: What are the legal implications of the invaded land?

Response:

- Protocol of PIE: PIE dictates the terms of how to deal with invaded land.
- Proactive methodology speaks to counter solution.
- Reactive methodology court order process; they don't want to use this methodology because it costs the municipality a lot of taxpayers' money.

Interpretation:

The researcher has established that the Overstrand Municipality is exposed to three legal methods, based on the feedback above. The Overstrand Municipality only uses two of the three to save on the finances.

Question 5: How does the Overstrand Municipality monitor the land invasion?

Response:

24/7 monitoring component through:

- Outsourcing to private contractors.
- Municipal law enforcement.
- Housing officials.
- Informal settlement committees; if they hear any assembling noise, they inform the municipal law enforcement, using the municipal 24 hour helpline; and

- Protected spies (people staying in the community anonymously inform the municipality).

Question 6: How does the Overstrand Municipality ensure that the legal implications are adhered to?

Response:

- Through the standard operating procedure.
- A Land grab unit will be established to take action within the parameters of the PIE Act.

There are problems with court orders executed by a sheriff with the help of police or law enforcement. The sheriff tends to avoid executing court orders. In the researcher's opinion, the court order should be served/assisted by police or law enforcement. The sheriff is not a good option to execute such a court order.

Question 7: What measures are in place to ensure successful prevention of land invasion?

Response:

- Constant monitoring, reporting and constant action.

Question 8: Did the Overstrand Municipality give any land to the land invaders? If yes, please explain how the process was handled and; did that address the issue of land invasion in this municipality?

Response:

- Yes – Marikana is a land portion behind the municipal swimming pools which has approximately 2000 structures – The reason for that was to prevent riots; because the town was bleeding already.
- The second land portion is called Dubai and it has approximately 1500 dwellings.

Question 9: How many land invasion incidents occurred in the Overstrand during the past 5 years?

- Over 3500 structures.

Question 10: Has the Overstrand Municipality's economic growth been affected by land invasion? If yes, how? and if no, what do you put in place to deal with that?

Response:

- Yes- the area was seriously impacted, and, as a result, businesses were burned down and some were closed.
- Tourists stayed away. Our economy is hugely dependent on being a tourist attraction. As a result of those invasions, we lost a lot of investors as they are our only investors.

4.7.2 Community questionnaires

Question 1: Have you ever owned any land? If yes, how would you feel when your land is invaded.

Response:

- No, I have never owned any land. I would be very angry because I would have plans for my land.

Question 2: What do you think are the reasons for people to invade land?

Response:

- Lack of jobs. People come to towns looking for jobs and they can't afford to pay rent.
- They need a place to stay for free because they are tired of paying rent

Question 3: What does our Constitution say about land and housing?

Response:

- It is my constitutional right to have a roof over my head, but the law says we can't just invade; but at the very same time, we don't have a choice but to invade because the Government does not provide for us.
- The South African Constitution of 1996 stipulated that people have a right to own land.

Question 4: Do you think invading land is an easy way of owning land or property?

Response:

- No, it's not an easy way, but it is the only way to get free accommodation.
- Yes, because in the end, you own that piece of land.

NB: Committee members have different opinions on this question.

Question 5: Did the municipality grant you permission to live on the land you are living on now?

Response:

- Yes, after negotiations we got house numbers.

Question 6: Given the fact that you have been given this land - did it address the issue of land invasion?.

Response:

- No, because those who come after a year or two will do the same as we did.
- Land invasion is disturbing the plans of the municipality and their budget as they will have to change the budget to finance the services of the new properties.

Question 7: Will you invade land in future? If yes/no why?

Response:

- No, the land invasion is causing a delay in municipal service delivery to the community. As a result, we are still struggling to get proper services.

4.8 KEY FINDINGS

Based on the responses from the participants in the study, the following key findings are reported:

- It has been established that land invaders know what they are doing when they invade land. This is being confirmed by community members who claim that it is their right to own land or a piece of land to live on or to farm on.

- Some of the land invaders invade land because they cannot afford to pay rent anymore. Either they have lost their jobs or they have never worked before, so they survive by renting out their shacks.

- People invade land because they think it is the best way to be on the housing priority list. They use this form to draw the attention of both Provincial and Local Government and to demand houses.

- The Overstrand Municipality has a very limited capacity to prevent land invasion. Hence they rely on the court to provide them with a court order or an interdict.

4.9 DISCUSSION

The above key findings are briefly discussed in relation to the facts covered in the literature review.

Finding 1: Land invaders are aware of the consequences of their actions when they invade land.

The Constitution, 1996 clearly indicates that everybody has the right to have access to housing, and that the government must make the necessary provision to give expression to that right. The fact that there are a multitude of laws on housing is proof that the government has in fact shown a commitment to making it possible for people to gain access to housing. These Acts empower all spheres of government to effectively deal with the provision of housing. There are housing waiting lists, drawn up in terms of the existing housing policy, and regular communication takes place in community forums.

What appears to be a big problem is that most people in need of housing do not have the patience to wait until the government is able to provide the housing that is required. There appears to be a misunderstanding among a large section of the community about the concept 'right to access to housing'. Some misinterpret the concept as 'right to housing', which could be a factor in their actions to invade land, hoping to expedite the provision of housing by the government.

Finding 2: Some of the land invaders invade land because they cannot afford to pay rent anymore. Either they have lost their jobs or they have never worked before, but they are surviving by renting out their shacks.

The matter of indigence is something that the government is constantly addressing. There appears to be a large incidence of land invaders being people who had been recipients of government housing on the basis of indigence who are renting out their houses. This practice nullifies the purpose of the policy on providing housing on the grounds of indigence and it should be strictly monitored by government. It also provides a skewed picture on the progress of government in terms of housing provision, where people to whom government has provided housing free of charge, now criticise the government, accusing it of not being able to provide adequate housing. Reporting this phenomenon in the media can provide a more reliable picture of the housing scenario to the public; in order to assess the efforts of government in striving to address the challenging situation of meeting the housing needs of the community.

Finding 3: People invade land because they think it is the best way to get a house so they do it in order to get onto the housing priority list. They use this form to draw the attention of both Provincial and Local Government to demand houses.

The procedures for gaining access to housing are known to the community in general since the municipality makes use of all the avenues available to announce these to the community. The community is thereby informed of the criteria for getting onto the housing priority list. It appears that people who invade land have become aware of the sensitivity with which both the provincial and the local government view the phenomenon of land invasion; especially the criticism meted out by opposition political parties. They know that the government will expedite its actions in being seen to be doing something to address the housing crisis. It can thus be considered pure propaganda; to promote their own agenda. The municipality has these procedures in place and should explain the situation in the media, thereby showing that the actions of people invading land are not justifiable or legal.

Finding 4: The Overstrand Municipality has a very limited capacity to prevent land invasion. Hence they rely on the courts to provide them with a court order or an interdict.

The authority vested in the municipality regarding land invasion is the destruction of structures illegally built on municipal property, and the eviction of such residents. People who invade land have become aware of the view of the judicial system that

evictions can only be effected if the municipality has alternative accommodation available for the people who invaded the land. The municipality is thus aware of the difficulty it faces in approaching the court for an order to evict people who invade the land. The reality is that the municipality will not approach the court for an order to evict the people occupying the land unless it has alternative accommodation for these people.

4.10 SUMMARY

The research project followed the qualitative approach to conduct research in the form of interviews, with the members of the community, as well as senior officials from the municipality. The responses were reported, and a few key findings made which were briefly explained. The next chapter discusses the summary, recommendations and conclusion.

CHAPTER FIVE: SUMMARY, RECOMMENDATIONS AND CONCLUSION

5.1 INTRODUCTION

The previous chapter explained the data collection, the interpretation and the key findings of the empirical study conducted amongst members of the community, as well as senior officials from the Overstrand Municipality in the Western Cape. This chapter provides a summary of the preceding chapters, the recommendations to address the key findings, and the conclusion that was derived from the research project.

5.2 SUMMARY

In Chapter one, the researcher introduced the study by indicating that the research problem relates to the concern about the incidences of land invasion, within a selected municipality in the Western Cape, South Africa. The research poses the question by asking what could be done to prevent incidences of land invasion, what research objectives need be covered, as well as the significance of the study.

Chapter two explained the relevant literature regarding the research objectives relating to the legislation on housing delivery, as well as the phenomenon of land invasion. Reference is also made to previous research on the topic.

Chapter three explained the various approaches to conducting research, namely quantitative and qualitative research. It explained that the research project followed a qualitative approach in the form of interviews with the members of the community, within the selected municipality, as well as senior members of the municipal staff. It further explained the important ethical considerations that were observed in the study project, including obtaining permission from the municipality to conduct the research, ensuring the community that their participation was voluntary, that their identities would be protected, that they were free to withdraw from the study whenever they wanted, and that they would be informed of the findings of the study on completion of the project.

Chapter four explained data analysis provided a summary of the responses from the participants in the study, as well as the key findings that were drawn from the responses. A brief discussion was provided of how the key findings related to the literature that was covered in Chapter two.

5.3 RECOMMENDATIONS

In view of the key findings of the research project, the following recommendations are suggested as a solution to the problem of land invasion.

Recommendation 1: Government should amend the current Housing Act to declare land invasion for housing purposes illegal. The amendment should state that land invasion is a transgression of the law, since there are adequate policies covered in legislation for housing provision for the various categories found within the community.

Recommendation 2: Government should intensify control measures on indigent housing provision. Strict control measures will allow for monitoring to be used to establish incidences of abuse of the system through renting or illegal selling of houses.

Recommendation 3: For further research, it is recommended that the government should investigate the option of limiting the provision of housing for the poor to the building of flats that can accommodate a larger number of residents. This practice can reduce the problem of unavailability of land for housing purposes, especially in urban areas.

5.4 CONCLUSION

The research project investigated the incidence of land invasion for housing purposes within a selected municipality in the Western Cape Province. The legislation governing housing in the various spheres of government was explained, as well as the phenomenon of land invasion. The research project followed the qualitative approach to housing in the form of an interview, with community members and senior officials drawn from a selected municipality.

The necessary permission was obtained from the municipality, and the community was assured that all ethical considerations were observed in executing the research project, including an undertaking that the research results would be made available to all the participants. The findings indicated that the matter of land invasion is a very emotional issue. People tend to politicise the housing issue, knowing full well that the political parties would want to use it to bolster their standing in the community. The challenge is that municipalities have to fight the matter of land invasion in court, only

to be informed that alternative accommodation must be provided to the invaders. Thus, evicting people has proven to be an outcome of our democratic system of governance, and it needs to be dealt with in accordance with democratic processes. The government needs to be realistic in their efforts to fight the phenomenon of land invasion, and thus practical recommendations have been made within this research project.

REFERENCES

Alzheimer Europe. 2013. Why do we need research? http://www.alzheimereurope.org/Research/Understanding-dementia-research/Participating-in-research/Why-do-weneed-research.

American Academy of Paediatrics. 2017. Engaging Stakeholders to Influence Policy. http://www2.aap.org/richmondcenter/pdfs/IntlPresentations/IPA_Proimos.pdf .

American Speech Language Association. 2017. Issues in Ethics: Protection of Human Subjects. http://www.asha.org/Practice/ethics/Protection-of-Human-Subjects/ [16 June 2017].

Areyeetey, E., Devarajan, S., Kanbur, R. & Kasekende, L. 2012. The Oxford Companion to the economics of Africa. United Kingdom: Oxford University Press.

Association for Psychological Science. 2016. Curiosity Leads Us to Seek Out Unpleasant, Even Painful Outcomes. http://www.psychologicalscience.org/news/releases/curiosity-leads-us-toseek-out-unpleasant-even-painful-outcomes.html#.WT0e5VWGOM8.

B2B International. 2017. What is an in-depth interview? http://www.b2binternational.com/

Babbie, E. 2014. The Basics of Social Research. Sixth Edition. Canada: Greg Hubit Bookworks.

Baltimor County Public Schools. n.d. Planning the Methodology - Limitations and Delimitations. http://www.bcps.org/offices/lis/researchcourse/develop.html

Beyond Intractability. 2017. Human Rights Violations. http://www.beyondintractability.org/essay/human-rights-violations

Bhorat, H., Oosthuizen, M. & van der Westhuizen, C. 2012. Estimating a poverty line: An application to free basic municipal services in South Africa. Development Southern Africa 29(1): 77-96, March.

Bickman, L. & Rog, D. J. eds., 2008. The SAGE handbook of applied social research methods. California: SAGE Publications Inc.

Brand South Africa. 2015. Local Government. http://www.brandsouthafrica.com/governance/government/govlocal

Bryman, A. 1984. The debate about quantitative and qualitative research: a question of method or epistemology?' *The British Journal of Sociology* XXXV (1): 78.

Brynard, P.A. & Hanekom, S.X. 2006. Introduction to Research in management and related fields. Second Edition. Pretoria: Van Schaik Publishers.

Brynard, P.A. & Hanekom, S.X. 2010. Introduction to research in management – related fields: Third impression. Pretoria: Van Schaik Publishers.

Burns, N. & Grove, S. K. 2001. The practice of nursing research: Conduct, critique, and utilization. Fourth Edition. W.B. USA: Saunders Company 26; 223.

BusinessDictionary. 2017. Data analysis.
http://www.businessdictionary.com/definition/dataanalysis.html

BusinessDictionary. 2017. Data collection.
http://www.businessdictionary.com/definition/datacollection.html

BusinessDictionary. 2017. Government Intervention.
http://www.businessdictionary.com/definition/government-intervention.html

BusinessDictionary. 2017. Research methodology.
http://www.businessdictionary.com/definition/research-methodology.html .

Chron. 2017. Importance of Policy Evaluation.
http://smallbusiness.chron.com/importancepolicy-evaluation-80673.html.

Chron. 2017. Importance of Training and Development in the Workplace.
http://smallbusiness.chron.com/importance-training-development-workplace-10321.html.

Chron. 2017. The Importance of Clear Objectives, Directions & Project Plans.
http://smallbusiness.chron.com/importance-clear-objectives-directions-project-plans-32965.html.

Chron. 2017. The Roles of Stakeholders in the Planning Process.
http://smallbusiness.chron.com/roles-stakeholders-planning-process-32051.html.

Classroom. 2017. How to Do Content Analysis.
http://classroom.synonym.com/content-analysis2670.html.

De Vos, A.S., Strydom, H., Fouché, C.B. & Delport, C.S.L. 2002. Research at Grass Roots for the Social Sciences and Human Service Professions. Second Edition. Pretoria: Van Schaik Publishers.

De Vos, A.S., Strydom, H., Fouche, C.B. & Delport, CS.L. 2005. Research at Grass roots for the Social Science and Human Service Professions. Third Edition. Van Schaik Publishers.

Dictionary.com. 2017. Policy. http://www.dictionary.com/browse/policy.

Fink, A. 2014. Conducting Research Literature Reviews. California: SAGE Publications Inc.

Flick, U. 2014. Introducing the Research Methodology. London: SAGE Publications Inc.

Gazette Review. 2016. Top 10 Poorest Countries in the World – 2017 List. http://gazettereview.com/2016/06/top-10-poorest-countries-world/.

General Council of the Bar of South Africa. 2013. The doctrine of separation of powers. http://www.sabar.co.za/law-journals/2013/april/2013-april-vol026-no1-pp37-46.pdf.

Henning, E. 2004. Finding your way in qualitative research. Pretoria: Van Schaik Publishers.

Hennink, M., Hutter, I. & Bailey, A. 2011. Qualitative Research Methods. London: SAGE Publications Inc.

Iles, K., 2005. Private sector involvement in basic service delivery: feature. ESR Review: Economic and Social Rights in South Africa, 6(1), pp. 2-5.

Jackson, S.L. 2008. Research Methods. Belmont: Thomson.

Khaled??

Kumar, R. 2007. Research methodology: A step-by-step guide for beginners. Second Edition. London: California. Laerd Dissertation. 2012. Purposive Sampling. http://dissertation.laerd.com/purposivesampling.php.

Leedy, P.D. & Ormrod, J.E. 2014. Practical Research. Essex: Pearson Education Ltd.

Leon, P. 2001. Four Pillars of Financial Sustainability. Resources for Success series, 2: 14-18.

Library. 2017. Research Methods Information: Mixed Methods Research. http://apus.libguides.com/research_methods_guide/research_methods_mixed [11 June 2017].

Mashapha, M.C. 2015. The Implementation of the Indigent Policy in the City of Tshwane: Challenges and Options. Unpublished Master's Thesis, North West University, North West.

Stangor, C. 2004. Research Method for the Behavioural Sciences. Second Edition. Boston, New York: Mifflin Company.

Study.com. 2017. Unstructured Interview: Definition, Advantages, Disadvantages & Example. London: SAGE Publications Inc.

http://study.com/academy/lesson/unstructured-interview-definition-advantages-disadvantagesexample.html [11 June 2017].

Study.com. 2017. What is Data Analyses? – Definition & Overview. http://study.com/academy/lesson/what-is-data-analysis-definition-overview.html [15 June 2017].

Study.com. 2017. What is Government? - Definition, Role & Functions. http://study.com/academy/lesson/what-is-government-definition-role-functions.html [27 May2017].

Study.com. 2017. Writing Research Questions: Purpose & Examples. http://study.com/academy/lesson/writing-research-questions-purpose-examples.html

(Overstrand Housing Selection, August 2015).-Housing selection policy

Welman, J.C., Kruger, F. & Mitchell, B. (2005:181).- ethical behaviour

(Overstrand Municipality, August 2015).-Beneficiary policy

APPENDIX A

Cape Peninsula
University of Technology

10 May 2019

TO WHOM IT MAY CONCERN

This is to certify that Mr Bongani Sonqwenqwe, student number, 206134959 is a registered student for the Masters in Public Administration degree.

Part of the requirements of the qualification is that an empirical study be conducted with a view to making recommendations for the research problem investigated in the research project.

It would be appreciated if you could provide the student with the necessary assistance to complete the research.

If you need further information you are welcome to contact me.

Yours faithfully

DR SE CRONJE
SENIOR LECTURER: Research Supervisor
DEPARTMENT OF PUBLIC ADMINISTRATION AND GOVERNANCE

APPENDIX B: INFORMED CONSENT TO CONDUCT AN EMPIRICAL RESEARCH

INFORMED CONSENT TO CONDUCT AN EMPIRICAL RESEARCH

Dear Participant

The attached questionnaire represents a survey of Zwelihle community in this organisation. The study intends to investigate why people invade land of the organisation where the outcome can assist Overstrand municipality to better understands reasons why people invade and therefore to be provided with possible solutions in order to enable them to deal with land invaders. The survey is part of a research project towards the completion of the Master's degree which will be submitted to the Cape Peninsula University of Technology.

Your agreement to participate in the questionnaire is voluntary. You are hereby assured that all information will be treated confidentially and participation is voluntary. Should you wish to withdraw for any reasons at any time during the study, you are welcome to do so without any objection to your decision. All findings will be dealt with anonymously. You are also allowed to omit any questions you don't feel comfortable answering.

Instructions are provided on each page of the questionnaire and should take between 10 and 15 minutes to complete.

Your cooperation which is crucial to the study and its success will be appreciated. Thank you for your cooperation.

Yours faithfully

Bongani O Sonqwenqwe (Researcher) Mobile: 083 691 1173
Email: sonqwenqwe@gmail.com

APPENDIX C: PERMISSION TO CONDUCT RESEARCH

Navrae:
Enquiries: Mr D O'Neill

Ons Verw./Our Ref:
U Verw./Your Ref:

Datum:
Date: 8 March 2021

Municipaliteit • U-Masipala • Municipality
OVERSTRAND

KANTOOR VAN DIE MUNISIPALE BESTUURDER /
OFFICE OF THE MUNICIPAL MANAGER

TO WHOM IT MAY CONCERN

PERMISSION TO CONDUCT RESEARCH: BONGANI ONKE SONQWENQWE: CAPE PENINSULA UNIVERSITY OF TECHNOLOGY

RESEARCH TOPIC: LAND INVASION IN OVERSTRAND MUNICIPALITY

Permission is herewith granted to Mr Bongani Onke Sonqwenqwe to conduct the abovementioned research in the Overstrand Municipality towards his Masters in Public Management degree

Yours sincerely,

DGI O'NEILL
MUNICIPAL MANAGER

APPENDIX D : OVERSTRAND MUNICIPAL MANAGEMENT QUESTIONNAIRE

Question 1: What procedures are in place when dealing with land invasion at the Overstrand Municipalities?

Response: ……………………………………………………………………………..

Question 2: What methods are used by the Overstrand Municipality when identifying invaded land?

Response: ……………………………………………………………………………..

Question 3: Has the Overstrand Municipality embarked in any land invasion awareness campaigns? If yes can you explain how did you go about it, and if no can you explain why not?

Response: ……………………………………………………………………………..

Question 4: What are the legal implications of the invaded land?

Response: …………………………………………………………………………….

Question 5: How does the Overstrand Municipality monitor the land invasion?

Response: ……………………………………………………………………………

Question 6: How does the Overstrand municipality ensures that those legal implications are adhered to?

Response: ……………………………………………………………………………..

Question 7: Which measures are in place to ensure successful prevention of land invasion?

Response: ……………………………………………………………………………

Question 8: Did the Overstrand municipality give any land to the land invaders? If yes please explain how the process was and did that address the issue of land invasion in this municipality?

Response: ……………………………………………………………………………

Question 9: How many land invasion incidents occurred in Overstrand for the past 5 years?

Response: …………………………………………………………………………………

Question 10: Has the Overstrand Municipality's economics growth been affected by land invasion? If yes How and if no What do you in place to encounter that?

Response: …………………………………………………………………………………

APPENDIX E: COMMUNITY QUESTIONNAIRE

Question 1: Have you ever owned any land? If yes how would you feel when your land is invaded?

Response: …………………………………………………………………………..

Question 2: What do you think are the reasons for people to invade land?

Response: …………………………………………………………………………..

Question 3: What does our Constitution say about land and housing?

Response: …………………………………………………………………………

Question 4: Do you think invading land is an easy way of owning land or property?

Response: …………………………………………………………………………

Question 5: Did the municipality grant you permission to live on the land you are living on now?

Response: …………………………………………………………………………

Question 6: Given the fact that you have been given this land did it address the issue of land invasion?

Response: …………………………………………………………………………

Question 7: Will you invade land in future? If yes/no why?

Response: …………………………………………………………………………

APPENDIX F: EDITING CERTIFICATE

Busy Bee EDITING

104 Sorel Silliers Street, Napier, Western Cape, South Africa
Cell: +27 72 244 4363 / +82 807 0134 / +72 212 2925
Email: info@busybeeediting.co.za / brendavanrensburg2@gmail.com
Website: www.busybeeediting.co.za

Proofreading and Editing Certificate

TO WHOM IT MAY CONCERN

This is to certify that we Hugo Chandler and Brenda van Rensburg the owners of Busy Bee Editing are both professional freelance proofreaders and editors.

We have completed the proofreading, editing, syntax, language editing, layout, spelling, grammar and reference check to the best of our ability on a 18,499-word Dissertation titled: **LAND INVASION IN THE OVERSTRAND MUNICIPALITY IN THE WESTERN CAPE, SOUTH AFRICA** for Bongani Onke Sonqwenqwe, Student No. 206134959, Faculty of Business and Management Sciences at the Cape Peninsula University of Technology (CPUT).

Hugo Chandler

Hugo Chandler

Brenda van Rensburg

Brenda van Rensburg