

UNIVERSITY OF VENDA
OR TAMBO INSTITUTE OF GOVERNANCE



University of Venda

**AN EVALUATION OF THE RIGHT TO “ACCESS TO ADEQUATE HOUSING”
IN MUSINA LOCAL MUNICIPALITY, SOUTH AFRICA-1994 TO DATE.**

BY

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Mini-dissertation submitted in partial fulfilment of the requirement for the
degree of

MASTERS OF PUBLIC MANAGEMENT

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SCHOOL OF MANAGEMENT SCIENCES

SUPERVISOR: PROF MP KHWASHABA

CO-SUPERVISOR: DR E MAHOLE

2018



CHALLENGES FACING SCHOOLS AS A RESULTS OF EXPERIENCED EDUCATORS
EXITING THE SYSTEM EARLIER.A CASE STUDY OF SOUTPANSBERG EAST CIRCUIT

By

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MINI DISSERTATION

Submitted in partial fulfillment of the requirements of the Degree of

MASTER OF PUBLIC MANAGEMENT

OR THAMBO INSTITUTE OF GOVERNANCE

&

POLICY STUDIES

SCHOOL OF MANAGEMENT SCIENCES

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Declaration

I, **Mr Tshivanammbi Thovhedzo Nathaniel**, declare that this research project is my original work and has not been submitted for any degree at this or any other university or institution of higher learning. This mini-dissertation does not contain other persons' writing unless specifically acknowledged and referenced accordingly.

Student's signature.....

Date.....

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Acknowledgements

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Again, I am indebted to individuals from the Provincial Departments and other stakeholders such as Mr N Netshitakani from the HDA Limpopo, amongst others for allowing me to interview them. I thank all of them for their time and valuable information they shared with me.

Of the people whose patience I have taxed, my family comes first. My parents always supported me and had confidence in me. My wife (Lufuno Tshivanammbi) has been there when I needed someone to talk to. The late Adv. F Muneri gave me the support of a big brother. Sincere appreciations to Dr V Mudau and Prof P Bikam for providing professional advices. Mrs M Boa for providing the research assistance and admin support where necessary. Without them to pull and push me through, I am not sure I would have come this far. My sincere appreciations once more to all for making that contribution.

Most highly, I thank the Almighty God for his omnipresence in my life and for giving me brainpower and strength to complete the research.

Dedication

I, sincerely dedicate this Masters Mini-Dissertation to my wife, children, mom, late father and late step-mother, siblings, Musina Municipal colleagues and friends. Their prayers/sprit, presence and moral support played a vital role in this study. They have been the motivation behind the completion of this mini-dissertation. In fact, they are my God's greatest gifts.

Abstract

Among the rights in the Bill of Rights contained in the South African Constitution is the right to access to adequate housing. This right is bound up with other rights in the Constitution, including the right to have their human dignity respected, and the right to water and health care. The right to adequate housing is also comprised in several international human rights declarations, including the Universal Declaration of Human Rights by the United Nations. However, the right to access to adequate housing involves more than just a shelter, but includes a number of other elements such as security of tenure and access to basic services and facilities. Housing must be affordable and accessible. It must be safe and habitable and be socially acceptable. Furthermore, adequate housing is well located with respect to economic and other opportunities.

The provision of housing and basic services has been the focus of the ANC-led government since 1994 and a major portion of municipal resources has been dedicated to providing water and sanitation to mainly the poorest families, while over 1,5 million state-subsidized homes have been delivered. While the scale of delivery has been inspiring, has it really impacted on the lives of people in remote communities?

A qualitative research design was utilised in this study as it was considered the most appropriate method to gather data and answer the research questions. In this study, data were gathered using unstructured in-depth interviews and focused group discussions.

As part of the major findings, this research has revealed that the municipality does not have a housing provision policy though is building RDP houses with the support of a provincial government in line with the Housing Act. Through the provision of these low cost houses, the municipality has overcome many housing delivery challenges and that it has to date worked as a good governance strategy to attract the poor.

Research conducted in the Musina Municipality in the Limpopo Province regarding the realization of the right to access adequate housing reveals that the right to adequate housing has, at best, only been partly realized as part of the major findings. In addition to interviews with office bearers and municipal officials, 120 households were interviewed (of which half were from self-built houses and half were residing in 'RDP' houses) concerning their understanding and experience of the right to access to adequate housing in the municipality. The study discloses

that the structures do not meet the criteria for adequate housing and the provision of water and sanitation remains a challenge in some rural areas. Access to health and education facilities is poor, due to the low densities and vast distances between settlements.

This research recommends a plethora of good initiatives which could be seen as a way forward towards an improved adequate housing delivery mechanism which is also regulated. A need for mixed use integrated housing delivery through formal settlements is recommended in order to maximize the available financial resources and to also strengthen the intergovernmental relations through multi-stakeholder support.

Key words: *Adequate Housing Provision, ANC and South Africa, Bill of Rights, Constitution, Human Rights, Basic Services.*

Acronyms

ANC	African National Congress
RDP	Reconstruction and Development Programme
MLM	Musina Local Municipality
ICESCR	International Covenant on Economic, Social and Cultural Rights
SAHRC	South African Human Rights Commission
UN	United Nations
MDG	Millennium Development Goals
BNG	Breaking New Ground
CIDB	Construction Industry Development Board
VDM	Vhembe District Municipality
GEAR	Growth, Employment and Redistribution
OHCHR	Office of Higher Commissioner for Human Rights
PIE	Prevention of Illegal Eviction
NBRA	National Building Regulation and Building Standards Act
NHSS	National Housing Subsidy Scheme
PHP	People's Housing Process
NGOs	Non-Governmental Organisations
ESTA	Extension of Security of Tenure Act
NSDP	National Spatial Development Perspective
ASGISA	Accelerated and Shared Growth Initiative of South Africa
HIV	Human Immunodeficiency Virus
AIDS	Acquired Immune Deficiency Syndrome
CLRA	Communal Land Rights Act
PTO	Permission to Occupy
PGDS	Provincial Growth and Development Strategy
VIP	Ventilated Improved Pit Latrine

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DECLARATION

I, **NDIVHUHO MUDAU**, student of the University of Venda hereby declare that the mini dissertation for the degree of Master in Public Management at the University of Venda hereby submitted by me, has not been submitted previously for a degree at this university or any other university; that it is my own work in design and execution, and that all reference material contained therein has been duly acknowledged.

Signature

Date

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I thank the Lord Almighty, who strengthened and protected me during my years of hard work and journeys to the University of Venda.

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On a personal note, I dedicate this project to my parents, the late Mr. Alpheus Mudau and Mrs. Doreen Fonzani Mudau, to my son Lusani and my daughter, Mutsho. You were there for me all the way.

ABSTRACT

The study is based on challenges facing schools as a result of experienced educators exiting the education system. Retaining effective experienced teachers is a particular challenge. Statistics shows that from year 2015 to date (2018), 111 educators have exited the education system at Soutpansberg East circuit. There are number of factors that cause teachers to exit the education system, amongst others are, old age, sickness, failure to cope with new changes, career dissatisfaction, low salaries, lack of discipline amongst learners, overcrowded classrooms. As a result of these, schools suffer from lack of experienced educators; the Department of Education, communities and learners pay a price. Department of Education hence must find ways to keep their highly-skilled and experienced educators.

The researcher used a mixed method approach, that is, both qualitative and quantitative research method to carry out the study. The population of the study was obtained using non - probability sampling and data was gathered from the defined population. Two data collection instruments were used, namely, interviews and questionnaires while analyses were through thematic analysis and using the statistical package for social analysis. Data collected through questionnaires was analyzed using statistical analysis while the interviews data were analyzed using thematic analysis. Ethical considerations were observed when conducting the study.

The researcher found that the following are the key challenges faced by schools at Soutpansberg East regarding educators exiting the system earlier. Experienced educators are difficult to replace and the process of replacing an educator takes too long. Process of teaching and learning is compromised. Scarce skills for specific subjects are difficult to replace. New educators are not able to deal with disciplinary problems in the classrooms and the school at large. The schools are always experiencing problems of allocation of work and time tabling .

The following factors were found to be the causes that induce teachers to abandon their calling. Educators are not getting enough salaries and benefits in relation to their work. The introduction of qualified conditional pass in schools is causing

frustration. Some educators are exiting because they are concerned about their safety at schools. Some educators are failing to maintain discipline since the removal of corporal punishment. Most of them are in debts.

The researcher proposed the following recommendation to lessen experienced educators from exiting the education system. Pay teachers accordingly so that the experienced educators can be encouraged to stay in the profession. Measures to deal with disciplinary problems in the classrooms and the school at large should be put in place. Learners should be given counseling regarding the new system of conditional pass, its advantages and disadvantages to lessen the frustration it causes to educators. Security at school should be strengthened as it is clear from the findings that some educators are exiting the system early because they are concerned about their safety at schools. Educators should be given education regarding their finances as soon as they get employed. Wellness education should be prompted to assist the educators who are in debts. Educators who are in debts can be given access to their pension funds to pay off their debts as long as the process is monitored.

LIST OF ACRONYMS

SMT	School Management Team
SGB	School Governing Body
DoE	Department of Education
SAPS	South African Police Services
UED	University Education Diploma
SADTU	South African Democratic Union
STDs	Sexual Transmitted Diseases
HIV	Human Immune Virus
AIDS	Acquired Immune Deficiency syndrome
SASA	South African Schools Act No 84 of 1996

APPENDIX A

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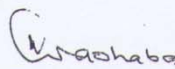
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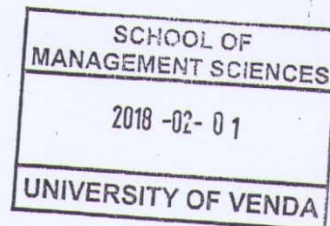
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We hereby wish to confirm that Ms Mudau N, student no: 9403754 is a registered Master of Public Administration student at the University of Venda and is researching on the following topic: "Challenges facing schools as a results of experienced educators exiting the education sytem earlier. A case study of Soutpansberg East Circuit" .In order for her to complete her studies, we request your department/ to provide him with the information that she might need for her study project. As an institution of higher learning, we believe that the research she is undertaking will yield the results that might also assist your department. We therefore, encourage your department to assist her with the necessary information that will be collected through questionnaires and interviews. We undertake that the information that will be provided to her will be solely used for this study.

We hope that you find this to be in order and therefore, anticipate your assistance. If any queries, please feel free to contact me at Cell: 079 783 9291 or Email: matodzi.khwashaba@univen.ac.za


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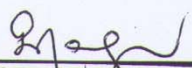
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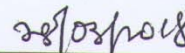


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0920

**REQUEST FOR PERMISSION TO COLLECT INFORMATION FOR MY STUDIES
AT SOUTPANSBERG EAST CIRCUIT**

1. The above matter refers.
2. This serves to inform you that your request for permission to conduct research on the topic: ***"Challenges facing schools as a result of experienced educators exiting the education system earlier. A case study of Soutpansberg East"*** has been granted.
3. You are expected to observe ethical considerations particularly those relating to confidentiality, anonymity and voluntary participation by research subjects.
4. Kindly inform Soutpansberg East Circuit Manager and the Principals of selected Schools prior to your interactions with your research subjects.
5. Wishing you the best in your study.


DISTRICT DIRECTOR


DATE

Phonyandou Government Building, Old Parliament, Block D, Private Bag X2250, SIBASA, 0970
Tel: (015) 962 1313 or (015) 962 1331, Fax: (015) 962 6039 or (015) 962 2288

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CHAPTER 1

INTRODUCTION AND BACKGROUND OF THE STUDY

1.1 Introduction

This study focuses on the challenges facing schools as a result of educators exiting the education system, early, specifically from the Soutpansberg East circuit. The introduction and background of the study comprises the problem statement, aim of the study, as well as specific objective of the study. It also highlights the critical research questions, significance of the study, delimitation and limitation of the study. Furthermore it discusses the research methodology and design, relevant literature and also defines operational concepts. It ends with an outline of the way the study is going to be organized.

1.2 Background of the study

The Minister of Education has, in terms of section 4 of the Employment of Educators Act 1998, determined the terms and conditions of employment of educators. Amongst others, the aim was to ensure that the working conditions of educators become more appealing. Schools, however, have been rocked by a mass exodus of teachers from the teaching profession, since the inception of the new democracy in South Africa; standards of teaching and learning have declined accordingly.

The general view is that teachers abandon the teaching profession because they are attracted by higher salaries that the government cannot afford, and by prospects of rapid career advancement rather than the desire to escape from distressing problems emanating from their teaching environment. The researcher believes that it would be naïve for an education management team and the government to accept this view/sentiment without gaining conclusive substantiating evidence first, which is the objective of this study. The researcher regards the services of experts and experienced teachers as a great asset to learners and therefore regards ways and means to curb the loss of such services as a top priority. As indicated, the reasons for taking steps to curb the defection of teachers are twofold:

i) The researcher views retention of teaching posts by experts and experienced teachers as vital to the education system.

ii) The researcher further views the cultivation of a non-violent, conducive, attractive and corruption-free teaching and learning environment as part of the motivation for this study.



The findings of this research may be important and useful to managers, educators, learners and communities. They will benefit in that:

i) Professional School Management Teams (SMTs), School Governing Bodies (SGBs), circuit managers, and the government will offer the expected and necessary mechanisms as well as the support needed by teachers or schools to address factors inducing the exiting of teachers from the teaching profession.

ii) The services of productive and experienced educators will be retained in schools and will help the schools to achieve the desired objectives.

iii) The government will draw up programs that will emphasize the critical need for the educational management team, the community, the Department of Education (DoE) and the Department of Safety and Security to retain the services of educators, by also providing protection and support to that end (Ramolefe, 2003:5).

1.3 Statement of the problem

Public servants can apply for early retirement without reduction of pension benefits under Section 16(6) of Public Service Act 1994, as amended by Act 30 of 2007. In other words, section 16(6) allows the executive authority the discretion to approve early retirement without penalization between 55 and 60 years. This provision, however, at Soutpansberg East has facilitated an alarming rate of experienced educators exiting the education system and creating many challenges.

Statistics from the year 2015 to date show that about 101 educators have exited the education system at Soutpansberg East Circuit. Coupled with other challenges, educators exit due to the following reasons - illness, old age, inability to cope with new changes and inadequate safety at school. This leads to underperformance of schools.

This research will make recommendation that will assist educators to stay in the system thereby reducing the challenges faced by Soutpansberg East circuit.

1.4 Research aim



The main aim of the study is to investigate the challenges facing schools as a result of educators exiting the system and to explore possible solutions to these challenges so that educators can stay until their retirement age to allow for planning.

1.4.1 Specific objectives of the study

- To determine challenges facing schools at Soutpansberg East regarding educators exiting the system earlier,
- To determine the causes of educators exiting the system, and
- To explore strategies that will help to overcome the challenges faced by Soutpansberg East circuit from educators exiting the system.

1.5 Research questions

Based on the specific objectives outlined the researcher will attempt to answer the following questions:

1.5.1. What are the key challenges faced by Soutpansberg East circuit when educators exit the system early?

1.5.2 .What factors induce educators to abandon their profession?

1.5.3 .What recommendations and solutions can be proposed to reduce the number of educators exiting the system?

1.6 Significance of study

1.6.1. The study is important as it will give recommendation that will assist to reduce the challenges that are faced by schools as a result of educators exiting the education system, hence creating a vacuum which poses problems at Soutpansberg East circuit. The study aims to investigate retention strategies for educators at Soutpansberg East circuit. The results of this study could lead to solutions that would not apply only to schools of Soutpansberg East Circuit, Vhembe District, but also to other Districts and provinces.

1.6.2. The study will contribute to existing literature on the subject matter thus assisting scholars, the public as well as private institutions. It will benefit the whole academic sector of South Africa.

1.6.3 The findings will benefit the Department of Education by providing it with possible solutions for professionals exiting the system. This study will benefit other developing countries by providing a platform for comparing issues surrounding educators.



1.8 Limitations of study

Possible limitations might include restricted access to sensitive classified information, for example, reasons educators exit the system. Access to latest data and records might also be a possible limitation although this could be resolved by using open information available for public consumption. Costs which may be incurred while the researcher obtains any necessary research information may also be regarded as expected limitation, for example, money for transportation, typing, printing, binding, stationary, and others. Research grants and funding from the University might be a possible remedy.

1.9 Delimitation of the study

The study is demarcated in order to make it more manageable; this research is limited to selected schools in Soutpansberg East Circuit in Vhembe district of Limpopo Province, South Africa. This study focuses on challenges facing these schools as a result of educators exiting the system earlier.

1.10 Definition of operational concepts

a) Educator

Any person who teaches, educates or trains other people, or who provides professional education services, including therapy and educational-psychology services at any public secondary school, further education and training institutions, adult basic education centers, and who is appointed in a post on any educator establishment under the Employment of Educators Act (Act 76 of 1998) and (Education Law and Policy Handbook 1999:3A-4). In this study an educator will be any person who is formally employed by a school or by the Department of Education to teach at a school.

b) School

The Education Law and Policy Handbook (1999:1-2) defines a "school" as an educational institution at which education and training, including pre-primary

education, is provided and which is maintained, managed and controlled or subsidized by a provincial department. Institutions of higher learning, such as universities are excluded. This study will refer to a school as a formal institution where learners are taught and educators teach.

c) School Governing Body (SGB)

The Education Law and Policy Handbook (1999: 2A-17) defines a “governing body” as a statutory body of people who are elected to govern a school by virtue of an Act of Parliament, in particular the Schools Act (Act 84 of 1996). The school governors are the people serving on a governing body, who represent the school community. The governance of every public school is vested in its governing body. For this study, a school governing body shall be deemed a body with a membership of educators, learners and parents.

d) School Management Team (SMT)

A school management team (SMT) is a team of professional specialists led by the school principal (Calitz [ed.] 2002: 77). This study will refer to the school management team as a joint venture comprising the principal, the deputy principal, heads of departments and subject heads.

e) Stakeholders

As noted by Bush and Heystek (2003: 128), stakeholders are all who have a legitimate interest in the continuing effectiveness and success of an institution. The term “stakeholder” was coined by Robert Stake (1974) as a reference to persons with a vested interest in a particular issue. This includes persons who fund and implement programs, the participants in and users of programs, as well as those who have an interest in and are affected by the work of the programs. For the purpose of this study stakeholders will include educators, learners, parents, circuit managers, the Department of Education, Safety and Security personnel, and the government as the major stakeholder.

f) Education management

Van Deventer (2000: 11) views education management at schools as a process whereby education leaders in charge of learning and teaching attempt to utilize the services of educators and learners, as well as other resources, as effectively as possible in order to grow a culture of teaching and learning. For this study

educational management will refer to the joint management efforts/techniques used by the professional management team (SMT), the school governing body (SGB) and other stakeholders such as circuit managers, the SAPS and the government as major partners in establishing a culture of teaching and learning. Educational management unifies and coordinates activities, such as decision making, , leading, guiding, organizing, supervising, planning, leadership and motivation into a meaningful and purposeful endeavor.

g) Learner

The Education Law and Policy Handbook (1999: 2A-4) and Scott (2004: 395) defines “a learner” as any person who receives education, or who is obliged to receive education from employed professional educators in a formal education institution. In this study the term will mean a person at a primary or secondary school who is learning or being taught by an educator or educators.

h) Parent

For this study a parent is deemed to be the parent or guardian of a learner; or the custodian of either a learner or a person who legally undertakes the obligation of a parent or guardian to promote the learner’s school education (Education Labor Relations Council 1999:2A-4). For this study the parent of a learner will be identified also as the learner’s legal guardian.

i) Industry

According to Richard (2005: 242) “industry” is defined as an economic activity concerned with the processing of raw materials, and with the manufacture of goods in factories or a particular branch of economic activity. This study will refer to industry as the private sector (that is, the part of the education system that is not directly state-controlled).

j) Retention strategies

Methods used to encourage valuable staff members to remain, such as the remuneration system must provide sufficient reward for employees to feel satisfied when they compare their rewards with those received by individuals performing similar jobs in other organizations (Swanepoel, Erasmus, van Wyk & Schenk, 2000:528).

k) “Education”



Means any development and training provided by an education institution, other than training as defined in section 1 of the Manpower Training Act, 1981 (Act No. 56 of 1981);

l) “Organized teaching profession”

Means an organization or union which is a member of the Education Labour Relations Council established by section 6 of the Education Labour Relations Act, 1993 (Act No. 146 of 1993), and is recognized by the Minister for the purposes of this Act.

1.11 Organization of the study

Chapter 1: Orientation of the study

This is an orientation chapter in which the background, problem statement, and delimitation of the study are outlined. The chapter also outlines the aims and objectives of the research, organization of the study, the clarification of concepts and the significance of the research.

Chapter 2: Literature Review

In this chapter, the research focuses on the literature review, where various books, journals, articles, government legislations are perused. The chapter also gives an understanding of the concepts legal framework on retirement according to Education Labour Relation Council, factors that cause educators to exit the system earlier, and impact of experienced educators on education system which are the focus of this research.

Chapter 3: Research Methodology

This chapter presents the research methodology, in which the research design, the methods of data collection and analysis are outlined. The chapter also highlights the target population, sampling methods, data collection procedures and techniques.

Chapter 4: Data presentation, Interpretation and Analysis

In this chapter, data collected from the interviews are presented, analyzed and interpreted. The data obtained from questionnaires were analyzed using SPSS, and data collected through the interviews were analyzed using thematic process

Chapter 5: Conclusion, Findings, and Recommendations



This is a final chapter of the research. It, therefore presents the findings of the study as well as the recommendations for future research.

LITERATURE REVIEW

2.1 Introduction

Babbie & Mouton (2005: 643) hold that the researcher must be familiar with all available literature that is broadly and specifically relevant to his subject. A review of the literature is vital for as it - helps to define and delimit the problem, it serves to develop a clear research problem, it sharpens and deepens the theoretical framework of the research, it clarifies the relationship between the proposed study and previous work on the topic, it develops an acceptable body of knowledge on a topic and promotes insight into the topic and serves to avoid unnecessary replication.

2.2. Legal framework

A. Employment of educators act 76 of 1998

According to the Education Labour Relations Council SECTION 3: EMPLOYMENT OF EDUCATORS ACT 76 OF 1998 provide for the employment of educators by the State, as well as the regulation of the conditions of service, discipline, retirement and discharge of educators and for matters connected therewith. Chapter 4 of the same act explains termination of services.

2.2.1. On Retirement the following is applicable

2.2.1(1) Subsection 1

(a) Subject to the provisions of this section, an educator shall have the right to retire, and shall be so retired, on the day on which the educator attains the age of 65 years.

(b) An educator who attains the said age after the first day of a month shall be deemed to have attained that age on the first day of the following month.

2.2.1 (2) Subsection 2

(a) Notwithstanding the provisions of subsection (1), an educator who was in employment immediately before 2 September 1994 in terms of the law repealed by the Educators' Employment Act, 1994 (promulgated under Proclamation No. 138 of 1994), shall have the right to retire on or after attaining the retirement age applicable to the educator immediately before the said date.

2.2.1(3) Subsection 3



(a) Notwithstanding the provisions of subsection (1) or (2), an educator shall have the right to retire on or after attaining the age of 55 years.

(b) Notwithstanding the absence of any reason for discharge in terms of section 11(1), the employer may, at the request of an educator, allow the educator to retire before attaining the age of 55 years, if the employer is of the opinion –

- (i) That a sufficient reason exists therefor; and
- (ii) That the retirement will be to the advantage of the State.

2.2.1 (4) Subsection 4

Notwithstanding the provisions of this section, an educator –

- (a) Who was in employment immediately before 1 May 1996; and
- (b) who, without interruption of service, has completed a period of ten years continuous pensionable service in terms of the pension law applicable to the educator; and
- (c) Who has attained the age of 50 years, shall have the right to retire.

2.2.2 The same act on discharge of educators

2.2.2.1. Subsection (1)

The employer may, having due regard to the applicable provisions of the Labour Relations Act, discharge an educator from service –

- (a) on account of continuous ill-health;
- (b) On account of the abolition of the educator's post or any reduction in, or reorganization or readjustment of the post establishments of, departments, schools, institutions, offices;
- (c) if, for reasons other than the educator's own unfitness or incapacity, the educator's discharge will promote efficiency or economy in the Department, school, institution, office or center in which the educator is employed, or will otherwise be in the interest of the State;
- (d) On account of unfitness for the duties attached to the educator's post or incapacity to carry out those duties efficiently;
- (e) On account of misconduct;

(f) If the educator was appointed in the post in question on the grounds of a misrepresentation made by the educator relating to any condition of appointment; and

(g) If, in the case of an educator appointed on probation, the educator's appointment is not confirmed. (2)

If an educator is discharged from service under paragraph (f) of subsection (1), that educator shall be deemed to have been discharged on account of misconduct.

2.2.3.1 On Discharge on account of ill-health the following is applicable

An educator may be discharged on account of ill-health in the circumstances referred to in Schedule 1. [S. 12 substituted by s. 8 of Act No. 53 of 2000.]

(a) Discharge of educators appointed on probation

On subsection(1) If it is not desirable to confirm the appointment, transfer or promotion of an educator on probation, the employer may, notwithstanding anything to the contrary contained in this Act but subject to this section –

(a) Extend the period of probation of the educator; or

(b) After reasonable notice to the educator, discharge the educator from service upon the expiry of the period of probation or any extension thereof.

On subsection (2) No appointment, transfer or promotion on probation may be extended, and no educator who is serving on probation may be discharged from service, if –

(a) The educator has been diligent;

(b) The educator's conduct has been uniformly satisfactory;

(c) The educator is in all respects suitable for the post which the educator holds; and

(d) The educator has complied with all the conditions applicable to the educator's appointment, transfer or promotion.

2.2.3.2 The same Act on subsection 3

An educator whose transfer or promotion on probation is not confirmed and who immediately before such transfer or promotion was an educator, other than an educator on probation, shall be transferred to the post formerly held by that educator, or to a post of equivalent grading.

Other educators deemed to be discharged

2.2.3.2 (1) An educator appointed in a permanent capacity who –



(a) Is absent from work for a period exceeding 14 consecutive days without permission of the employer;

(b) While the educator is absent from work without permission of the employer, assumes employment in another position;

(c) While suspended from duty, resigns or without permission of the employer assumes employment in another position; or

(d) while disciplinary steps taken against the educator have not yet been disposed of, resigns or without permission of the employer assumes employment in another position, shall, unless the employer directs otherwise, be deemed to have been discharged from service on account of misconduct, in the circumstances where – (i) paragraph (a) or (b) is applicable, with effect from the day following immediately after the last day on which the educator was present at work; or (ii) paragraph (c) or (d) is applicable, with effect from the day on which the educator resigns or assumes employment in another position, as the case may be.

2.2.3.2 (2) If an educator who is deemed to have been discharged under paragraph (a) or (b) of subsection (1) at any time reports for duty, the employer may, on good cause shown and notwithstanding anything to the contrary contained in this Act, approve the reinstatement of the educator in the educator's former post or in any other post on such conditions relating to the period of the educator's absence from duty or otherwise as the employer may determine.

2.2.4. On the same Act Resignations is outlined as follows:

2.2.4(1) An educator may resign by giving 90 days' notice in writing or such shorter notice as the employer may approve at the request of the educator.

2.2.4 (2) If the name of an educator is struck off the register of educators kept by the South African Council for Educators, the educator shall, notwithstanding anything to the contrary contained in this Act, be deemed to have resigned with effect from the day following immediately after the day on which the educator's name was so struck off.

2.2.5 In Chapter 5 of the same Act “incapacity” and “misconduct” are outlined as follows:



Incapable educators (16)

If it is alleged that an educator is unfit for the duties attached to the educator’s post or incapable of carrying out those duties efficiently, the employer must assess the capacity of the educator and may take action against the educator in accordance with the incapacity code and procedures for poor work performance as provided in Schedule 1. [S. 16 substituted by s. 9 of Act No. 53 of 2000.]

Serious misconduct (17)

2.2.5 (1) An educator must be dismissed if he or she is found guilty of –

- (a) Theft, bribery, fraud or an act of corruption in regard to examinations or promotional reports;
- (b) Committing an act of sexual assault on a learner, student or other employee;
- (c) Having a sexual relationship with a learner of the school where he or she is employed;
- (d) Seriously assaulting, with the intention to cause grievous bodily harm to, a learner, student or other employee;
- (e) Illegal possession of an intoxicating, illegal or stupefying substance; or
- (f) Causing a learner or a student to perform any of the acts contemplated in paragraphs (a) to (e).

2.2.5 (2) If it is alleged that an educator committed a serious misconduct contemplated in subsection (1), the employer must institute disciplinary proceedings in accordance with the disciplinary code and procedures provided for in Schedule 2. [S. 17 substituted by s. 10 of Act No. 53 of 2000.]

2.2.6 Misconduct (18)

2.2.6 (1) Misconduct refers to a breakdown in the employment relationship and an educator commits misconduct if he or she –

- (a) Fails to comply with or contravenes this Act or any other statute, regulation or legal obligation relating to education and the employment relationship;

(b) Willfully or negligently mismanages the finances of the State, a school, a further education and training institution or an adult learning Centre;

(c) without permission possesses or wrongfully uses the property of the State, a school, a further education and training institution, an adult learning Centre, another employee or a visitor;

(d) willfully, intentionally or negligently damages or causes loss to the property of the State, a school, a further education and training institution or an adult learning Centre;

(e) In the course of duty endangers the lives of himself or herself or others by disregarding set safety rules or regulations;

(f) unjustifiably prejudices the administration, discipline or efficiency of the Department of Education, an office of the State or a school, further education and training institution or adult learning Centre;

(g) misuses his or her position in the Department of Education or a school, further education and training institution or adult learning Centre to promote or to prejudice the interests of any person;

(h) Accepts any compensation in cash or otherwise from a member of the public or another employee for performing his or her duties without written approval from the employer;

(I) fails to carry out a lawful order or routine instruction without just or reasonable cause;

(J) absents himself or herself from work without a valid reason or permission;

(k) unfairly discriminates against other persons on the basis of race, gender, disability, sex, pregnancy, marital status, ethnic and social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, birth, family responsibility, HIV status, political opinion or other grounds prohibited by the Constitution;

(L) performs poorly or inadequately for reasons other than incapacity;

(m) Without the written approval of the employer, performs work for compensation for another person or organization either during or outside working hours;

(n) without prior permission of the employer accepts or demands in respect of the carrying out of or the failure to carry out the educator's duties, any commission, fee, pecuniary or other reward to which the educator is not entitled by virtue of the educator's office, or fails to report to the employer the offer of any such commission, fee or reward;

(o) Without authorization, sleeps on duty;



(p) While on duty, is under the influence of an intoxicating, illegal, unauthorized or stupefying substance, including alcohol;

(q) While on duty, conducts himself or herself in an improper, disgraceful or unacceptable manner;

(r) assaults, or attempts to or threatens to assault, another employee or another person;

(s) incites other personnel to un-procedural and unlawful conduct;

(t) displays disrespect towards others in the work-place or demonstrates abusive or insolent behavior;

(u) intimidates or victimizes fellow employees, learners or students;

(v) prevents other employees from exercising their rights to freely associate with trade unions in terms of any labor legislation;

(w) operates any money-lending scheme for employees for his or her own benefit during working hours or from the premises of the educational institution or office where he or she is employed;

(x) carries or keeps firearms or other dangerous weapons on State premises, without the written authorization of the employer;

(y) refuses to obey security regulations;

(z) gives false statements or evidence in the execution of his or her duties;

(aa) falsifies records or any other documentation;

(bb) participates in un-procedural, unprotected or unlawful industrial action;

(cc) fails or refuses to – (i) follow a formal programme of counseling as contemplated in item 2(4) of Schedule 1; (ii) subject himself or herself to a medical examination as contemplated in item 3(3) of Schedule 1 and in accordance with section 7 of the Employment Equity Act, 1998 (Act No. 55 of 1998); or (iii) attend rehabilitation or follow a formal rehabilitation programme as contemplated in item 3(8) of Schedule 1;

(dd) commits a common law or statutory offence;

(ee) commits an act of dishonesty; or

(ff) victimizes an employee for, amongst others, his or her association with a trade union.



2.2.6 (2) If it is alleged that an educator committed misconduct as contemplated in subsection (1), the employer must institute disciplinary proceedings in accordance with the disciplinary code and procedures contained in Schedule 2

2.2.6 (3) If, after having followed the procedures contemplated in subsection (2), a finding is made that the educator committed misconduct as contemplated in subsection (1), the employer may, in accordance with the disciplinary code and procedures contained in Schedule 2, impose a sanction of –

(a) counseling; (b) a verbal warning; (c) a written warning; (d) a final written warning; (e) a fine not exceeding one month's salary; (f) suspension without pay for a period not exceeding three months; (g) demotion; (h) a combination of the sanctions referred to in paragraphs (a) to (f); or (i) dismissal, if the nature or extent of the misconduct warrants dismissal.

2.2.6 (4) Any sanction contemplated in subsection (3) (e), (f) or (g) may be suspended for a specified period on conditions determined by the employer. (5) An educator may be dismissed if he or she is found guilty of – (a) dishonesty, as contemplated in subsection (1)(ee); (b) victimizing an employee for, amongst others, his or her association with a trade union, as contemplated in subsection (1)(ff); (c) unfair discrimination, as contemplated in subsection (1)(k); (d) rape, as contemplated in subsection (1)(dd); (e) murder, as contemplated in subsection (1)(dd); (f) contravening section 10 of the South African Schools Act, 1996 (Act No. 84 of 1996), as contemplated in subsection (1)(dd). [S. 18 substituted by s. 11 of Act No. 53 of 2000.]

2.2.7. On chapter 6 SOUTH AFRICAN COUNCIL FOR EDUCATORS [Chapter 6 repealed by s. 28 of Act No. 31 of 2000.] capacity code and procedures in respect of ill health or injury

Procedures in respect of ill health or injury

2.2.7(1) If the employer is of the view that an educator is not performing in accordance with the post requirements that the educator has been employed to perform, as a result of poor health or injury, or an educator applies for a discharge from service on account of continuous ill health or injury, the employer must investigate the extent of the ill health or injury.

2.2.7 (2) In conducting the investigation the employer must give the educator, or the trade union representative of the educator or fellow employee, the opportunity to state the case of the educator and to be heard on all the issues that the employer is investigating.

2.2.7 (3) (a) Subject to section 7 of the Employment Equity Act, 1998 (Act No. 55 of 1998), the employer must appoint at least one registered medical practitioner to examine the educator at the State's expense and to report on the educator's state of health.

(b) An educator is entitled to nominate any other registered medical practitioner of his or her choice at the educator's own expense to report on the educator's state of health.

(c) The record of any medical examination performed in terms of this Act must be kept confidential and may be made available only –

(i) in accordance with the ethics of medical practice;

(ii) if required by law or court order; or

(iii) if required by the employer to determine the extent to which the educator is able to perform in accordance with the job requirements.

(d) (i) The medical practitioner contemplated in paragraph

(a) must, on completion of the medical examination, provide the employer with a report on the nature and extent of the educator's ill health or injury and whether it is temporary or permanent, and the expected period of the educator's incapacity.

(ii) The medical practitioner contemplated in paragraph

(b) may also submit a report if the educator is dissatisfied with a report contemplated in paragraph (a).

2.2.7 (4) Based on the medical reports the employer must determine whether or not the nature of the educator's ill health or injury is of a temporary or permanent nature and the period of time that the educator is likely to be absent from work.

2.2.7 (5) After the investigation of the extent of the educator's ill health or injury, the employer must provide the educator with a written report setting out the results or findings of the investigation.

2.2.7 (6) If the educator's ill health or injury is of a permanent nature the employer must investigate the possibility of –

(a) securing alternative employment for the educator;

(b) adapting the duties or work circumstances of the educator to accommodate the educator's ill health or injury; or



(c) considering the termination of the educator's service with effect from a date determined by the employer.

2.2.7 (7) If an educator refuses or fails to be subjected to an examination contemplated in sub-item (3) when requested to do so by the employer, the employer may initiate disciplinary proceedings against the educator for misconduct as contemplated in section 18.

2.2.7 (8) (a) Before acting in accordance with sub item (6), the employer must convene an inquiry in order to give the educator the opportunity to make representations in response to the allegations against him or her, which shall include the right to –

(i) call, examine and cross-examine witnesses;

(ii) bring all relevant documentation to the attention of the person presiding over the inquiry, and have access to documents produced in evidence by the employer;

(iii) be represented at the proceedings by a co-employee or trade union representative;

(iv) have an interpreter present if the educator so requires;

(v) lead all relevant evidence, including evidence in mitigation of sanction, if necessary.

(b) The provisions of items 5, 7, 8 and 9 of Schedule 2 apply to these inquiries, read with the changes required by the context.

2.2.7 (9) If the educator's ill health is as a result of alcohol or drug abuse, the employer may –

(a) counsel the educator;

(b) encourage the educator to attend rehabilitation;

(c) recommend a formal rehabilitation programme which the educator will be expected to follow at the cost of the employee; or

(d) terminate the employment of the educator, if the behavior is repetitive.

2.2.7(10) The employer must give the educator or the educator's representative a written report and consult again with the educator. If the educator fails to –

- (a) follow the formal rehabilitation programme;
- (b) attend rehabilitation; or
- (c) address the problem of alcohol or drug abuse.

2.2.7 (11) After consulting with the educator as contemplated in sub item (10) the employer may initiate disciplinary proceedings against the educator for misconduct as contemplated in section 18.

2.2.8 Chapter 2 general conditions of service and salaries, appointment, promotion, transfer and termination of service

Retirement package

2.2.8 The following retirement benefits will apply to an educator who, because of rationalization, has been retrenched by the department in which he/she is appointed, before reaching retirement age:

(a) Payment of pension benefits in terms of the regulations of the pension fund of which the educator is a member.

(b) Payment of the leave credits due to the educator, calculated on the basis applicable to retirement on reaching the prescribed age.

(c) Payment of a service bonus on a pro-rata basis.

(d) Continued payment of the monthly house owners allowance for a maximum period of six months after termination of service. Those educators who received this benefit and who are re-employed by any government department within the six months period will not qualify for a house owner allowance for the remaining period of the six months.

(e) Continued occupation of official quarters, where possible, for a period of three months after termination of service.

(f) Payment to the educator who will not have medical aid cover after termination of service, an amount equal to the rand value of government's contribution to the applicable medical aid scheme if the person had remained a member of the scheme, for a period not exceeding six months.

(g) The cancellation of any service commitments that the educator may have on termination of service.



(h) In cases where the educator enjoys the benefit of a motor vehicle scheme, the rules of the scheme must be applied.

(i) Application of the rules in respect of resettlement costs.

Despite the fact that the EMPLOYMENT OF EDUCATORS ACT 76 OF 1998 provide for the employment of educators by the State, the regulation of the conditions of service, discipline, retirement and discharge of educators and for matters connected therewith. According to this act, an educator shall have the right to retire, and shall be so retired, on the day on which the educator attains the age of 65 years.

some researchers have suggested that there are some factors that cause educators to abandon their calling before time.

2.3 Factors that cause educators to exit the education system before their retirement age

2.3.1 Poor learner discipline

According to Joubert *et al.*, (2004: 77), discipline is the establishment of acceptable norms of behavior that will make efficient cooperation in the classroom possible, and that will gradually result in pupils being self-disciplined. It implies control over the activities of learners with a view to guiding and assisting leaders to assume a supervisory function in maintaining school discipline in partnership with teachers and to help the general run of learners to discipline themselves. Discipline, in many South African schools is virtually non-existent. Joubert *et al.*, (2004: 78) reveal that learners at many South African schools defy their teachers' authority, thus creating a state of tension and hostility, with the result that, for example, bullying is the order of the day in South African schools which have also been infested by gangsters for the same reason. For example, Kandakai and King (2002: 432) report that during the 12 months preceding their report on school violence, it was found that 17% of school children carried weapons of which 5% were firearms and 12% were other potentially lethal weapons. During the same period, 9% of learners were physically assaulted by other learners, and 5% missed school because they felt unsafe on school premises. It is understandable, therefore, that the practice of carrying weapons to schools has become common practice among learners in South African schools.

It is hardly surprising, therefore, that under these circumstances teachers are often harassed by their own learners. The following progressive steps are part of the procedure adopted in an effort to curb this phenomenon - verbal warning, written warning, suspension and expulsion as the last resort (Department of Education 1999: 19). Criminal charges are preferred in cases of exceptional violence.

Martine and Mariana (2006: 16) warn against zero-tolerance policies as a means of dealing with poor discipline because the problems arising from their implementation have raised questions about their legal defensibility as in the case of a 15-year-old male learner who was suspended from school for dyeing his hair blue (Martine and Marieka 2006: 16). In formulating policies to combat disciplinary problems (including violence), education management teams should be cautious against zero-tolerance policies and involve all stake stakeholders.

Many professionally committed teachers find such a turbulent environment irksome and repugnant, with the result that they leave the teaching profession in search of greener pastures, that is, more conducive environment where more orderly, civilized conditions prevail).

2.3.2 Corporal punishment

The Constitution of the Republic of South Africa (Act 108 of 1996) states that everyone has the right to freedom and security, which includes the right to be free from all forms of violence from either private or public sources. The African Charter on the Rights and Welfare of the Child commits its member countries, including South Africa, to the task of ensuring that children who are subjected to school or parental discipline will be treated humanely and with respect for the inherent dignity of the child (Department of Education 2001:5). For example, section 12 of the South African Constitution reads: “Everyone has the right not to be treated or be punished in a cruel, inhuman or degrading way”. The National Education Policy Act (1996) provides for substantial changes to previous education policies with a view to satisfying the quest for quality and relevant education in post-apartheid South Africa. The new, democratic and non-racial education system, which ensured the deregulation and removal of corporal punishment from the statute books, was welcomed with open arms by all concerned. It was believed that the new system would produce men and women of exceptional competence and skills who would assist economic growth and promote social quality in South Africa.

As noted by Maree and Cherian (2004: 73), corporal punishment as a social practice has existed for centuries in South Africa. It has been condoned in the name of discipline, as parental and teachers' duty, as well as character formation and in accordance with religious precepts. It is the use of physical force to inflict pain on a child for the purpose of correction or control. Corporal punishment has been, and still is, one of the most vexed and controversial issues in schools. Despite the banning of corporal punishment in schools, many learners are still severely beaten by teachers whereas it has been outlawed in South African schools by virtue of the National Education Policy Act (1996) which provides that no person shall administer corporal punishment or subject a student to psychological or physical abuse at any educational institution. The abolition of corporal punishment hinges on the conviction that it is an inherently inhuman and abusive practice that entrenches the idea that violence can solve any problem.

Maree and Cherian (2004: 73) observe that corporal punishment and other punitive measures are often regarded as synonymous with 'good discipline', but this notion is obsolete in the present context. It has left, however, a vacuum that has yet to be filled with constructive, effective alternatives. Numerous studies have shown that far from curbing violence, corporal punishment in fact encourages antisocial aggression and vandalism and perpetuates the cycle of violence.

Corporal punishment, therefore, instead of helping, it tends to hinder discipline in schools. In fact, Judge Pius Langa (City Press, 20 June 2004:14) ruled that corporal punishment debases everyone involved in it; and that no compelling interest has been proved that can justify the practice, nor has it been shown to be a significantly effective deterrent. On the contrary, rather than being rehabilitative, its effect is likely to coarsen and degrade. Some teachers, it has been established, however abandon their profession because they feel that the classroom, and therefore their professional calling, is being subverted from inability to administer corporal punishment; the practice, therefore is effectively closed to them as an avenue for the pursuit of their professional interest in the advancement of education.

2.3.3 Poor salaries



Stakeholders must do everything in their power to attract more capable and dedicated teachers to the teaching profession. Vegas (2005: 435) reveals that more and more South African teachers are taking up permanent positions around London. The most obvious reason for this is the money. In London, teachers make a better living than they would in South Africa. English teachers, for example, receive pay increases year-on-year after appointment for about eight years until they reach a threshold, which is not the case with South African teachers (Wragg 2004: 224). South African teachers are prepared to relocate and to do whatever is required of them as teachers in first world countries, especially if it enables them to earn an income that compares favorably with local (S.A) teachers remuneration packages.

To exacerbate the situation, on 1st July 1996, the new democratic government rescinded the teachers' salary structure that made provision for automatic annual increment for a period of eight years (Education, Law and Policy Handbook, 1999: 3B-12). The new salary structure leaves all the teacher's salary levels stagnant and the salaries can only be increased during a general salary revision and increment by the government.

South African teachers who join the teaching profession with a four-year Teachers' Diploma or a degree and a University Education Diploma (UED) are receiving R90 270 as their basic annual salary. This figure still falls short of the current cost of living, which is increasing rapidly and constantly (SADTU 2005: 06).

Whitlow (2002: 243) notes that in recent years, South African teachers have engaged in a series of strikes and protest marches with a view to securing better salaries and fringe benefits. Paying teachers poor salaries does not only call forth instability in the education system but teachers' resignation from their profession to join industry and other public sectors. SADTU (2005: 05) reveals that the National Centre for Education Statistics survey found that many teachers leave the profession and join the industry because of poor salaries. Paying teachers good salaries and offering those attractive benefits will be part the solution for their departure from the teaching profession (Whitlow 2002: 243).

2.3.4 Poor fringe benefits

Drotskie *et al.*, (2005: 60) points out that a fringe benefit is a supplementary advantage conferred on an employee for which no work is required. If the government is committed to retain industrious and experienced teachers in the teaching profession, it must offer them attractive fringe benefits such as 100 % housing subsidy, 100 % yearly service

bonus based on their monthly salary, medical aid and car allowance to all registered teachers irrespective of years of service. Non-offering of teachers' fringe benefits lead to disputes between the government and the teachers' unions (Prince 2003: 91). Improving teachers' incentives should lead to retention of the best teachers in the teaching profession, (Prince 2003: 91).

Teachers' fringe benefits could include an upgrading of the following benefits (Badenhorst [Ed]. 2003: 154-160):

i) Service bonus

Teachers are dissatisfied with their service bonus which amounts to 93 % of one month's salary payable at yearly intervals calculated to the last day of the month of the recipient's birthday (bonus month), (Badenhorst [Ed]. 2003: 155).

ii) Housing loan scheme

The government offers a 100 % housing loan scheme to teachers who have at least 5 years' teaching experience (Badenhorst [Ed]. 2003: 155). Teachers want this benefit to be extended to all teachers regardless of years' experience.

iii) Housing subsidy scheme

The government offers 100 % loan schemes to teachers who have qualified for mortgage loans granted by recognized financial institutions, provided that bonds over the relevant properties are registered in their own names, they occupy the dwelling concerned and have at least 5 years' recognized teaching experience (Badenhorst [Ed]. 2003: 155).

iv) Vacation leave

A teacher is entitled to take 12 days' accumulative vacation leave per annum (Badenhorst [Ed]. 2003: 156). Teachers complain that the 12 days are inadequate and should be increased.

v) Special leave

Badenhorst [Ed]. (2003: 156-157) notes that special leave (with full pay) may be granted for study leave purposes for an approved course of study, examinations and quarantine.

a) Study purposes

For each day of study leave, one additional day's special leave is granted on full pay without being deducted from the teacher's leave credit.

b) Examinations



For each day on which a teacher writes an examination for an approved course of study, he/she may be granted two days' leave on full pay. This leave is not deducted from the teacher's vacation leave.

c) Quarantine

If a teacher is placed in quarantine he / she is granted special leave on full pay. Such leave will not be deducted from the teacher's vacation leave.

vi) Leave for urgent private affairs

According to Badenhorst [Ed]. (2003: 157) and the Education Law and Policy Handbook (1999: 3B-32) a teacher may be granted leave to attend to urgent private affairs. This leave is not granted as an alternative to vacation leave. The head of the institution may grant leave for urgent private affairs for a period not exceeding 5 school days.

vii) Maternity/special leave for confinement

The Education Law and Policy Handbook (1999: 3B-32) stipulates that special leave for a confinement or the adoption of a child on full pay may be granted to a female educator who has completed 12 months' uninterrupted service without deducting such confinement leave from the educator's vacation leave credit . This special leave may be granted on full pay to a maximum of 84 days including weekends and public holidays that fall within the relevant period. Badenhorst [Ed]. (2003: 157) notes that a married female teacher must take confinement leave for a period determined by the director, provided that it extends over at least two months prior to the anticipated date of the confinement and three months past that date.

viii) Sick leave

The Education Law and Policy Handbook (1999: 3B-28) note that a teacher may be granted sick leave on account of illness for 90 days on full pay and 90 days with half pay in the first cycle of such educator's term of service. The number of days of sick leave credit are increased by three days with full pay and three days with half pay up to a maximum of 120 days with full pay and 120 days with half pay on completion of each cycle. A medical certificate is required to support any sick leave application.

ix) Medical aid

Badenhorst [Ed]. (2003: 158) notes that membership of the Public Servants' Medical Aid Association is compulsory for all teachers contributing to the pension fund. A married woman whose husband is already a member of the Medical Aid Association may apply for exemption from membership of the Public Servants' Medical Aid Association within 30 days of her appointment. Teachers want their compulsory membership of the medical aid scheme to be voluntary in view of the fact that some of them spend their whole teaching life without any hospitalization but contributing to the obligatory medical aid scheme.

x) Pension contributions

Teachers have for long called for the government to hugely subsidize their pension fund. Badenhorst [Ed]. (2003: 159) states that teachers appointed in a permanent capacity are obliged to contribute to the Government Service Pension Fund (GSPF), and their contributions are deducted from their salaries at the rate of 8% irrespective of sex or marital status.

xi) Retirement on medical grounds

Badenhorst [Ed]. (2003: 159) stipulates that in the event of prolonged illness a teacher may be retired on pension at his own request or at the instance of the director, and the teacher's pensionable service may be increased by a maximum of 5 years according to a specific formula if he is under the age of 60. Teachers have shown dissatisfaction over the period of grace for retirement on medical grounds, that is, prolonged illness and want it to be increased to a maximum of 10 years.

xii) Resignation benefits

Badenhorst [Ed]. (2003: 159) notes that the pension contribution of a teacher who is employed in a permanent capacity and resigns from the service of the Department before reaching retirement age will be refunded to him, plus 2,5 % interest of every year of pensionable service. Teachers have for long complained about their contemporary resignation benefit as inadequate.

xiii) Payment of benefit upon retirement on pension

A teacher may retire on pension when he/she reaches the age of 60 years or any year thereafter, but he/she has to retire at the end of the year in which he/she reaches the age of 65 years.

xiv) On the death of a member of the Government Service Pension Fund (GSPF) the benefits of the deceased member are paid out as follows:

(a) If a married male teacher dies before attaining retirement age, then his widow will receive a gratuity as well as a monthly pension, which is payable for the rest of her life, irrespective of whether she remarries.

(b) Benefits determined by the Director General of the Department of Health, Welfare and Pensions are payable to dependent children of members who die before retirement age.

(c) A benefit calculated as the sum of a member's contributions plus interest calculated as 2, 5 % of total contributions, multiplied by the number of completed years of the member's service, are paid to the member's estate if he or she dies intestate before retirement age and with no dependents. Teachers want to have the right to nominate beneficiaries in the absence of dependents.

Teachers want to be granted fringe benefits such as free medical aid, a yearly service bonus amounting to 100 % of a month's salary, six months' unconditional maternity leave for both parents with full pay, study leave, 100 % housing subsidy and car subsidy for a certain service level.

2.3.5 Persistent overcrowding

Overcrowding persists in South African schools. Van Ameron (2005: 112) points out that endemic overcrowding in schools are a worldwide problem. He examined the impact on educators of overcrowding and a lack of resources. The survey of 9 European countries indicated that improving teachers' incentives and alleviating overcrowding will lead to retention of the best teachers.

SADTU (2003: 12) reports that the Mpumalanga Education Department was given R191, 5m over a period of two years to alleviate overcrowding, lack of special classrooms as well as providing toilets, water, electricity and fences. The Department's spokesperson hinted that the limited resources they have, will make it difficult to completely eradicate overcrowding and lack of special classrooms at schools. He also accused some principals of adding to the problem of overcrowding by not taking registration planning seriously. Overcrowding renders teaching and learning very challenging; some teachers and principals even quit teaching because of overcrowding.

Many schools are overcrowded because they cannot refuse admission to local learners because of the traditional belief that the school belongs to them as residents of a particular community in which the school is located. South Africa does not have a fixed rule about admission of learners and overcrowding and the physical size or seating capacity of

classrooms (Masitsa, 2004: 214) Overcrowding could be alleviated by a temporary measure of using portable classrooms which are relatively cheap and affordable (SADTU (2003: 12).

An overcrowded environment militates against the achievement of professional goals and ambitions envisaged and pursued by hardworking and dedicated teachers who therefore tend to abandon the teaching profession in due course.

2.3.6 Lack of resources


As noted by Masitsa (2004: 240), the euphoria of South Africa's new-found political freedom has been largely replaced by the sober reality of limited resources (at all levels) that have to be pitted against a multitude of problems. The government is, to a large extent, to be blamed for its unaccountability on the issue of lack of resources at schools, its tendency to provide a poor system of education, its cynical disregard for the interest of the people on the ground; it seems the government has betrayed its electorate. In fact, through the lack of resources and, to a certain extent, lack of vision, things have remained largely unchanged. These conditions, coupled with threats of retrenchment, have left many teachers demoralized.

Lee *et al.* (2003: 281-295) note that schools are facing multiple barriers including, lack of materials. Teachers are encouraged to use new technology to give the contemporary child the best possible education that will truly empower him/her but this is prevented by lack of resources. Lee *et al.*, (2003: 281-295) further hint that two-thirds of schools lack infrastructure to connect to the internet.

School-governing bodies must, therefore, canvass support from the informal (business) sector in order to supplement government funding. In South Africa, fundraising as well as grants made by private business and individual community members for mathematics and physical science help to reduce some of the shortages of resources (Kruger, 2002: 133). It goes without saying that government funding should be managed effectively, regardless of whether it is supplemented from private sources.

This problem should not be left in the hands of government alone; stakeholders such as communities and SGBs should help to solve it, for example by raising funds, hiring competent teachers and building adequate classrooms from their own initiative, for the sake of their children's future (Lee *et al.*, 2003: 281-295).

The lack of resources in schools was acknowledged by the then Minister of Education, Naledi Pandor, who announced that, henceforth, there would be no pupils learning under

a tree or in mud-wall classrooms under dangerous conditions, exposing teachers and pupils to the elements. More particularly,  revealed in a parliamentary briefing in Cape Town that countrywide there were 494 schools without classrooms and in Limpopo 144 schools were described as “schools under trees” or as schools that have ‘unacceptable facilities’. The Minister said the lack would be addressed at a cost of R50 billion (Lee *et al.*, 2003: 281-295). If this promise had been kept, a significant contribution will have been made towards retaining teachers’ services.

In many South African schools instructional media are neither used nor available although teachers regard such media as necessary and useful. There is a particular need for computer technology (Carrol 2003: 18) and teachers should be trained to use this technology in the classroom where it can be a valuable aid.

A teacher in Gauteng from Diepkloof-Soweto School, who had been in the teaching profession for the past two decades has tendered in her resignation because she feels that overcrowding and lack of resources (especially computer technology and modern teaching aids and a library) is making it impossible for her to facilitate the government’s promise to provide quality education (SADTU 2003: 12).

Lee *et al.*, (2003: 285) assert that schools should outsource computer training to private concerns that have the required expertise because this is lacking in South African education system. The lack of computer technology and training as a state-of-the-art teaching aid in the formal education sector is often a potent reason why dedicated teachers abandon the teaching profession.

2.3.7 Corruption

There are signs that corruption, rampant consumerism and crass materialism are fast becoming the biggest challenge facing South Africa (Labuschagne 2005: 55). Labuschagne (2005: 56) adds that according to Section (1) of the Corruption Act (Act 94 of 1992), corruption includes, the unlawful and intentional giving or offering of a benefit of whatever nature which is not legally due to someone else upon whom some power has been conferred or who has been charged with some duty, with the intention to influence the latter to commit or omit some act in future in relation to such power.

Labuschagne (2005: 63) identifies greed, negligence, lack of self-discipline and lack of professionalism as the common causes of corruption. Teachers at some schools have been blamed for selling fictitious school reports and transfer letters to students who failed the examinations (SADTU 2006: 6). Furthermore, feeding schemes are a popular target

for fraud involving officials of the Department of Education and suppliers; indeed this type of fraud is endemic in all provinces of South Africa. Mrs. Joyce Mashamba, the former MEC of the Department of Education in Limpopo Province, admitted there was a serious problem in the administration of the feeding scheme (SADTU 2003: 8). The endemic nature of this crime (stealing from the poor) is giving the Department of Education a bad reputation that is certainly not conducive to attracting and retaining the services of people of professional integrity and competence.

2.3.8 Sexual abuse of learners by teachers

Radley (2005: 108) explains sexual abuse as any conduct that abuses, humiliates, degrades or otherwise violates the sexual integrity of the complainant. It is in itself an illegal conduct that demeans and violates the victim's integrity.

Many learners in South African schools have suffered sexual abuse silently from both their fellow learners and teachers. Likewise in many families, school-going children have suffered sexual abuse right in the home premises without the law taking its course against the perpetrators. This silence encourages perpetrators to commit this offence without restraint (Radley 2005: 108).

A research study conducted by Dreyer (2002: 32) indicated that 33 % of the raped school girls were raped by teachers. This report is corroborated by a prominent researcher, Radley (2005: 108) who reveals that preliminary results from a study investigating sexual violence among South African children concluded that 30 % of the raped school-going girls were raped by their teachers. For example, a teacher found a 16-year old female learner in the examination room copying answers from her thighs and the teacher refrained from taking steps against such a learner because she promised to sleep with the teacher (Isak 2000: 398).

Sexual abuse in schools is not limited to girls only. Dreyer (2002: 32) in a national pilot study of 9 300 school-going youth aged between twelve and twenty years revealed that boys under sixteen are as likely to be victims of sexual abuse as girls. This debunks the idea that girls are the only victims of sexual abuse.

NISAA (2005: 1) points out that we are living in a society where the prevalence of violence against school-going children is reaching worrying proportions, it is extremely unnerving to watch images of adults and fellow learners poised to victimize young school-going children sexually. Where is society's sense of morality? Are our hearts so hardened, our reasoning so defective, our degree of sanity so questionable and our moral judgment and spirit of

Ubuntu so ruined that we are not moved by allegations of violence against innocent young children?



Ironically, these teachers commit some of these offences irrespective of their Code of Conduct (clause 3.5) which emphasizes that the teacher should avoid any form of humiliation and refrain from any form of child abuse, physical or psychological (Education, Law and Policy Handbook. 1999: 4-10).

2.3.9 Learners assaulting teachers

There have been cycles of violence and anger which often spill over into schools and other educational institutions in many forms. Teachers seem to have had enough of violence from learners; this factor is directly contributing to the defection of teachers from the teaching profession. Today's learners have become monsters to teachers because nothing significant is being done to reprimand guilty ones (Smit, 2003: 28).

South African schools have witnessed gory incidents of learners perpetrating violence against teachers, leaving the school during school hours to buy and drink liquor, abusing drugs, bullying teachers, raping female teachers and even assaulting them (Van Wyk 2001: 197).

As noted by Kleyn and Viljoen (2002: 143) assault on teachers is a crime that should be reported to the police. Teachers' unions point their fingers at police and blame them for their slow reaction and lax attitude when an assault case is reported and in many occasions they fail to bring the perpetrators to book. Learners feel free to assault teachers because they are aware that they need not fear the consequences. Teachers and parents should strive to inculcate in learners a sense of respect and love for their teachers. Teachers should further teach their learners on virtues and piety by living crime-free life. Learners should be taught that teachers are their foster parents who deserve to be respected in as much as they do their parents.

The Department of Education has been blamed for its failure to summarily dismiss violent learners and for its slow and lenient disciplinary procedures and measures against learners who assault teachers. Despite learners' successful prosecution and conviction on assault cases, the Department of Education hardly expels such learner-perpetrators. At the harshest, they are being suspended from the school or transferred to other schools. Teachers complain that learners have got many rights whereas they have got none (see SADTU 2003: 12). Peace-loving teachers cannot be expected to remain trapped in this volatile environment where they are being terrorized by their own learners.

2.3.10 Gangsters assaulting teachers



South African teachers have endured the pain of witnessing their fellow teachers being severely and helplessly assaulted, robbed and raped right on the school premises by members of the public or gangsters (Vogel *et al.*, 2003: 29). Wilde (2002: 11) corroborates this notion by pointing out problems, such as gang-related violence and rape of both female teachers and learners are common in South African schools.

Teachers' lives have been threatened for various reasons; principals are chased off school grounds; gang-warfare threatens the lives of the youth and teachers at schools; drugs and drug dealings occur at many schools and schools are regularly torn apart by theft and vandalism. Naturally, at these schools, both teachers and students feel their lives are at risk (Neser *et al.*, 2003: 131). Even officials of the Department of Education, such as superintendents and top administrators, have become victims of assault by gangsters (De Wet. 2003: 86).

Teaching and learning cannot take place under conditions where any of the parties concerned are threatened by violence. Teachers cannot be expected to put up with such conditions and will naturally gravitate towards areas where they feel less threatened.

2.3.11 severe inroads made by HIV/aids on numerical strength of teaching staff and learner populations

The HIV infection rate in South Africa has yet to be overtaken by any other country, and of course the educational environment in South Africa is no exception. For example, at Alexandra clinic during the period between 2001 and 2002 the incidence of sexually transmitted diseases (STD) in sexually-abused children was 66 % (Gray 2003:11).

SADTU (2004: 09) highlights a grim report from Human Sciences Research Council survey which reports that no fewer than 11 South African teachers died of HIV-related complications every day in 2004 while 12, 7 % of teachers in South Africa are HIV positive at present. The study further pointed out that 80 % of the teachers who died of AIDS were younger than 45, and 33, 6 % were between 25 and 34. The study found that HIV/AIDS-related illnesses led to higher absenteeism and low morale among teachers.

Superstitious myths about the benefits of intercourse with virgins are a significant cause of HIV/Aids infection among teachers and learners alike (Leach 2002: 103).

Girls can be bribed to have sex with male carriers if they come from a poor background, which means that poverty creates favorable conditions for the spread of AIDS. Prejudice

and taboo are further factors that promote the spread of AIDS by preventing effective counter measures. Teachers have found themselves in a dilemma insofar as HIV/AIDS are concerned. Our education system does not have a clear policy on handling HIV-positive teachers and learners in schools. The prevalent policies about HIV positive status are after-the-fact and cannot be effective. This is so despite both the Constitution and the Bill of Rights which emphasize that no learner shall be discriminated against at school on grounds of his/her HIV status. Ironically, both the Constitution and the Bill of Rights do not specify how the untrained and unequipped teachers would be able handle HIV-positive learners. This idea is offered by Govender (2003: 36) who holds that educators should have access to proper and adequate information on HIV/AIDS-related diseases. Conditions that promote the spread of AIDS are bound to cause defections from the teaching profession.

2.3.12 Lack of professionalism

Sometimes, teachers' negligence, shortcoming and lack of professionalism are not always conscious acts. For example, a journalist in SADTU (2003: 4) reports the case of a nine year-old school boy in the Western Cape who sneaked away from school unnoticed by the teachers, climbed over a school gate, fell and sustained serious injuries on his neck. His parents took the school to court for negligence. The court ruled that teachers have the same responsibility, in law, over children that parents have in looking after pupils in their care.

Some teachers' refusal to commit unethical acts of shortcomings and lack of professionalism, is based on the South African Council of Educators which enshrines a Code of Conduct for educators that maintain that teachers should commit themselves therefore to do all within their power in the exercising of their professional duties, to act in accordance with the ideals of the profession. The Code states that teachers should act in a proper and becoming way, such that their behavior does not bring the teaching profession into disrepute (Education Law and policy Handbook. 1999: 4-9). Any teacher who ignores their Code of Conduct may face disciplinary action of some kind.

Teachers' own shortcomings and lack of professionalism are punishable/criminal offences which may lead to suspension or dismissal. Disrespect for law and order are bound to create a negative environment in which people with a professional sense of commitment would feel uneasy and therefore inclined to seek better conditions elsewhere.

2.3.13 Poor parent involvement

Kruger (2002:46) defines “parent involvement” as the active and supportive participation of parents as partners and allies of the teacher in the primary aspect of formal and informal education of their community, in an individual and/or collective way, and in a structured orderly manner in order to achieve the objective of education as fully as possible. SASA (1996: Section 18) identifies parents as the official partners in the governance of their children’s school.

The post-apartheid education in South Africa demands a genuine parent involvement in education of their children. There is, however, some schools today that sideline parents from participating in the education of their children. Teachers and school tend to operate in isolation and there is hiatus between parents and teachers (see Kruger 2002: 48).

Kruger (2002:44) provides some reasons for parents’ reluctance in involving themselves in the schools’ activities, such as feelings of inferiority, illiteracy, teachers’ hostility and some parents assume that all is well at school.

Parent involvement in education is judicially prescribed – the National Policy for General Education Affairs Act 76 of 1984 provides for parent involvement. Parents are obliged to ensure that their children attend school for as long as the child is required by law to do so. Van der Westhuizen *et al.*, (2003: 24) point out that for a school to be successful, parent involvement is of paramount importance. Parents are involved when they actively participate in school-sponsored activities, for example, coming to PTA meetings, helping their children in ways visible to their children and others (read to them or assist in homework) and helping them physically with their parental role such as feeding them, buying books and clothes for them. The school cannot be a one-man band with all the responsibilities shouldered by teachers

For the school to function effectively and successfully, parents should be actively involved in the form of parents-teacher organizations and parent management bodies. Education is likely to be successful if educators view parents not as a necessary evil, but as potentially powerful partners in the community of learners (Van der Westhuizen *et al.*, 2003: 24).

Parents should be trained and be involved fully in education of their children; there must be a symbiotic relationship between parents and educators. Parent involvement is the key towards the success of a school and without it, there can be no significant progress and development at any school. Parents should as such be allowed and be encouraged to be involved in the school’s management plans (Bennett-Johnson 2004: 199).

2.3.14 High teacher- pupil ratio

High teacher-pupil ratio is a bothering problem in South African schools, and despite the formally-prescribed teacher-pupil ratio, some schools have up to 90 learners in one classroom. Since 1996 the Department of Education has been reluctant to replace teachers who left the profession either through resignation or death and this has directly resulted in high teacher-pupil ratio at schools (Balt, 2005: 10).

Van Ameron (2005: 111) states that the objectives of Outcomes-Based Education cannot be achieved in a situation where teacher-pupil ratio is extremely high. Organizing learners in small groups is one of the prescribed approaches of Outcomes-Based Education. High teacher-pupil ratios prevent effective teaching and learning. Teachers cannot teach, organize and control discussions effectively in a congested classroom. The government and stakeholders should show commitment to the curriculum by reducing high teacher-pupil ratio at schools hence creating a conducive teaching and learning environment which is both teacher and learner-friendly.

2.3.15 Poverty and high illiteracy

Teachers have often registered their concerns in respect of the poverty and high rate of illiteracy in the communities that they are serving. McKay *et al.*, (2005:1) hold that many communities are still illiterate and suffering abject poverty and this hampers progress in the teaching and learning. Many parents are willing to be literate and to get rid of their poverty, but they do not have the least knowledge about the ABET lessons.

Poverty has been one of the distressing problems in South African education system. Many children are hailing from poverty-stricken families. McKay *et al.*, (2005: 6) hold that communities should establish projects, such as subsistence farming whereby products that will come from such small scale farming would provide people with fresh vegetables while they will also be in a position to sell the surplus products to fund other things, such as health needs.

Many teachers find it burdensome and difficult to work with illiterate parents, especially in the rural poor communities because they cannot make contributions to the schools' development. Calitz (2002: 109) maintains that many black parents, especially in the rural areas, may not be able to make contributions to the development of the school because of poverty and illiteracy, although they can assist their children with the required school equipment and motivate them to learn.

2.4 Impact of experienced educators on education system

According to Rice (2010) experienced educators have the following impact on the system of education.



2.4.1 Experienced teachers are on average more effective in raising student achievement than their less-experienced counterparts.

This happens not just because experienced teachers are more likely to work in schools and classrooms with more advantaged students. When researchers carefully adjust for this reality, they still find that more experienced teachers are, on average, more effective than teachers with fewer years of classroom experience. In the research I have done with colleagues on teacher performance in North Carolina, the greater effectiveness of experienced teachers in boosting student achievement is clear for elementary, middle, and high schools alike.

2.4.2 Teachers do better as they gain experience.

Researchers have long known that teachers improve dramatically during their first few years on the job. Less clear has been what happens after those early years. In our new research on middle school teachers in North Carolina, we find that math teachers become increasingly effective at raising the test scores of their students through about 15 years. At that point, they are about twice as effective as novices with two years of experience. The productivity gains are less dramatic for middle school English teachers, but follow the same path. On average, even teachers with two decades or more of experience are far more effective than those same teachers were earlier in their careers. ???

2.4.3 Experienced teachers also strengthen education in other ways

Beyond improving test scores, experienced teachers become increasingly skilled at doing other important things – like reducing student absences and encouraging students to read for recreational purposes outside of the classroom. More experienced teachers often mentor young teachers and help to create and maintain a strong school community.

This chapter has established what has already been written on the subject/problem and what other researchers have found out about the topic as well as the results and conclusions which arose from these previous researches on this topic, and how this research links up with them. The literature consulted included books, government gazettes and newspaper reports in which news events have been reported, ideas have been raised and opinions expressed on the matter under investigation.

2.4 Empirical evidence



Statistics shows that from 2015 to date, about 111 educators have exited the education system in Soutpansberg East Circuit. It raises the question as to why these educators are exiting at this alarming number. From the major findings it showed that educators are exiting the education system because of the following reasons. According to table to table 4.2.6 out of the 50 respondents 80% of respondents agree that educators are not getting enough salaries and benefits as compared to their work. According to table 4.2.7 out of the 50 respondents 76% of the respondents agree that most educators are exiting the system because most of them are in depts. According to table to table 4.2.8 out of the 50 respondents 88% agree that educators are failing to maintain discipline since the removal of corporal punishment. According to table 4.2 9 out of the 50 respondent 92% agree that the introduction of qualified conditional pass is causing frustration in our schools.

2.5 Conclusion

This chapter discusses the literature review conducted for the study. Aspects covered in this chapter are legal framework about Employment of Educators Act 76 of 1998, factors that cause educators to exit the education system before their retirement age, impact of experienced educators on education system, empirical evidence on the findings in Soutpansberg East Circuit .The next chapter will cover the research design and methodology employed in this study.

RESEARCH METHODOLOGY

3.1 Introduction

In this section, the researcher will discuss the research design and methodology to be used to conduct the study. The section will also outline the population of the study, the sampling method, sampling size, data collection, pilot study, data analysis, ethical consideration and organization of the study.

3.2 Research Design

The research design is a plan on how to select subjects, research sites and data-collection procedures with a view to answering the research questions (De Vos *et al.*, 2005: 132). The research design shows which individuals will be studied, when, where and under what circumstances they will be studied. This is done to show the credibility of the research study.

3.3 Research Methodology

According to Polit and Hungler (2004:233), methodology refers to ways of obtaining, organizing and analyzing data; for example, questionnaires can be used as way of obtaining data. Methodology includes the design, setting, sample, methodological limitations and the data collection and analysis techniques in the study, thus, it can be summarized that methodology means procedures for getting, arranging and studying facts (Burns and Grove, 2003:488). In this study, the researcher used a mixed method approach and this involves using both qualitative and quantitative research methodologies

Cresswell (2003:19) explains that mixed method research involves gathering both numeric information using statistical instruments, as well as text information such as through interviews. This means that the final database represents both quantitative and qualitative information. Burns and Grove (2003:173) state that mixed method research involves integrating quantitative and qualitative approaches to generate new knowledge and can involve either concurrent or sequential use of these classes of method to follow a line of inquiry. For the purpose of this study the researcher used mixed method research as the approach will allow the researcher to corroborate the results obtained from other studies on experienced educators exiting education system at Soutpansberg east circuits.

The researcher intends to employ a qualitative research method because of some advantages / characteristics, such as, it does not give step by step instructions and a fixed recipe to follow; the design is flexible and may change during the research, and more than one method of data collection can be used, which may include, interviewing, focus groups discussions, observation and document analysis. This using of multiple methods is called triangulation, and it improves the trustworthiness of the data; it produces data that are rich in description of people and places.

The researcher uses purposive sampling methods. This means that the researcher carefully hand picks participants who would be best able to give information about the phenomenon under investigation. Data collection needs to be continued until data are saturated, that is, data collection is continued until the researcher does not hear any new information. The researcher does not start the empirical investigation with hypotheses but with a research question and ends with hypotheses called patterns. The researcher works inductively. Researchers become immersed in the phenomenon studied and the researcher is the main data collection instrument. Qualitative research is context bound. It is also called field research since it is conducted in the natural setting of the participants (Schulze 2002b. 56-57).

The researcher intends to employ qualitative research methodology since it concentrates on how the research participants relate to the problem by focusing on their written and spoken words and their observable behaviors (Terre Blanche & Durrheim (2004: 429).

3.4 Study Area

The research was carried out at Soutpansberg East Circuit situated in Makhado Municipality .This circuit is comprised of 57 schools and is in the Vhembe District.

Vhembe District is one of the five districts of Limpopo province with the other four being Capricorn, Mopani, Waterburg and Sekhukhune districts. Vhembe district is located in the northern part of the Limpopo Province. It shares borders with Zimbabwe and Botswana in the north and Mozambique in the south-east through the Kruger National Park. It is comprised of four local municipalities - Musina, Mutale, Thulamela and Makhado - which covers a geographical area that is predominantly rural.

3.5. Population of the study

Parahoo (1997:218) defines “population” as the total number of units such as individuals, artifacts, events or organization from which data can be collected. Burns and Grove

(2003:213) describe population as all the elements that meet the criteria for inclusion in study .The population of the study consist of learners, educators, school management team, members of school governing body members, principals and the circuit manager.

3.6 Sampling

Booyse *et al.*, (2002: 53) define “sampling” as a process of systematically selecting cases for inclusion in a research project.

3.6.1 Sampling method

The researcher used non-probability sampling and its subtype purposive sampling method. Non probability sampling entails selecting samples based on the subjective judgment of the researcher. The researcher applied non probability sampling method by choosing the population of the study to be senior administrative officials within Soutpansberg East, as these respondents have been judged to have the information that the researcher requires. Purposive sampling is a method of sampling used when the researcher chooses a sample that is most representative of the issues involved in the research. The people chosen are, therefore, considered to have relevant reliable information.

3.6.2 Sampling size

The researcher chose a sample size of 53 people. These 53 people consisted of 1 circuit manager, 1 school principal, 1Head of School Governance and 50 educators.

TARGET	STUDY POPULATION	STUDY SAMPLE
Circuit Manager	1	1
School Principal	1	1
Head of school governance	1	1
Educators	50	50
TOTAL	53	53

3.6 Data collection



In this research fifty participants will answer questionnaires and four participants will answer open ended questions during an interview.

Bless and Higson (2000:104) point out that an interview is a direct contact with participants who are then asked questions relating to the research problem. The researcher used open-ended interview questions and were carried out face-to-face with the respondents. An appointment was made first with the interviewees before the actual interview. The respondents were 1 principal who is also the chairperson of the principals' committee of the circuit, 1 head of school governance of the circuit, and 1 circuit manager

McMillan(1993:23) indicates that a questionnaire is an economical object with standardized questions and which ensures anonymity .Questionnaires are based on an established set of questions with fixed wording and sequence of presentation , as well as more or less precise indication of how to answer each question (Bless and Higson, 2000:105). The researcher used structured questionnaires to which 50 educators answered. The researcher chose a day to distribute the questionnaires and collected them two days after the distribution for data analyses.

3.7 Pilot study

Burton(2000b: 426) indicates that a pilot study is done so as to remove any biases , check wording in questions or test whether questionnaire solicits the required data from the respondents. A pilot study is mini-version of a full-scale study or a trial run done in preparation of the complete study. The latter is also called a "feasibility study" (Polit, Beck and Hungler, 2001:187). For the pilot study the researcher interviewed two respondents and distributed three questionnaires to respondents who possess the same characteristics as the final 29 respondents chosen to participate in the study. The five respondents chosen for the pilot study did not form part of the final study of this research. The pilot study, therefore, was done to check whether the procedures and methods chosen are appropriate.

3.8 Data Analysis

Data analysis is a mechanism for reducing and organizing data to produce findings that require interpretation by the researcher (Burns and Grove, 2003:479). According to De Vos (2002:339), data analysis is a challenging and creative process characterized by an

intimate relationship between the researcher, participants and the data generated. Two data analysis methods were used, namely, thematic and statistical analysis.

Data collected through questionnaires were analyzed using a computer programme called Statistical Package for Social Sciences (SPSS) version 22.0. The information was presented in graphical or tabular form, showing frequencies and percentages.

Data collected through interviews were analyzed using thematic analysis; the information was grouped into memos and coding; the information will be presented in a narrative form. Zhang and Wildermuth (2009:2) explain that there are various steps which should be used to analyze data. These steps are discussed below.

- **Preparing data**

As data is being collected, notes will be written, and then the data will be transformed into written text before it was analyzed. Data preparation involves checking or logging the data in, checking the data for accuracy, entering the data into the computer, transforming the data and developing it. Data may be logged into notebooks, tablets and other data-storing devices such as laptops. It may also include recording devices; research assistants may be employed to aid in checking data for accuracy.

- **Defining the unit of analysis**

The unit of analysis is the major entity that is being analyzed in a study. It is what or who that is being studied. In social science research, typical units of analysis include individuals, most commonly, groups, social organizations and social artifacts. In this context the unit of analysis refers to the basic unit of text to be classified during context analysis. For the purpose of this research, themes will be used as units of analysis; for example; a theme might be expressed in a single word, a phrase, a sentence, paragraph or entire document.

- **Developing categories and coding schemes**

Categories will be developed inductively from raw data, using constant comparative method. Raw data will be generated from the questionnaires and the interviews conducted from respondents and from studies carried out by previous researchers. A coding manual was created through the process of data analysis and this was augmented by interpretive memos which made a summary of the material and allowed the researcher to make comments on the content

- **Test coding scheme on a sample of text**



The coding of sample text, checking for consistency and revision of coding rules were done in an interactive manner and continued until sufficient coding was achieved. Coding text is one of these comprehension-monitoring strategies. By responding to and marking a piece of text, the researcher stays focused on meaning; for example, the researcher made notes using symbols to identify important information or unfamiliar.

- **Coding all text**

When sufficient consistency had been achieved, coding rules were applied to the entire corpus of the text. During this process, the coding was checked repeatedly to remove any errors or prevent the researcher from excluding any relevant text from being coded. Rules in coding ensured uniformity and removed randomness, thus, avoided inconsistency.

Assessing their consistency

After encoding the entire data set, the consistency of the coding was rechecked as to whether emerging themes are relevant to the research question. Consistency can also be achieved by merging similar codes together and back to raw data to ensure meaning has not have been lost in the coding process. Raw data can also be given to research assistants to confirm whether they also arrive at the same emerging schemes as the research, to affirm consistency.

- **Drawing of conclusions from the coded data**

Drawing of conclusion from the coded data may involve exploring the properties and dimensions of the different categories of data. The researcher identified relationships between categories, uncovered patterns and tested categories against the full range of data. Conclusions were drawn by merging similar codes together to give a clearer picture of the meanings; this made the identification of patterns easier as well. Drawing of conclusion from the coded was done according to these, generally, accepted guidelines.

- **Reporting methods and findings**

The analytical procedures and process have been reported as truthfully as possible. Presentation of research findings will be done using typical quotations to justify conclusions, and other options for data display, such as graphs or charts

indicated how data was generated and analyzed. Any methodological problems experienced and their solutions and effects on the research were highlighted.

3.9 Ethical considerations

Ethics is a set of moral principles that concerns human conduct (Albertse, 2007:16). According to Burns and Grove (2003:166) attention to ethics means that researchers must have ethical responsibility to protect participants' human rights during research. In the sections following are the ethical consideration the researcher adhered to.

3.9.1 Permission to conduct a study

The researcher obtained an ethical clearance letter from the University and permission sought from the institutions where the research was conducted. Since the research was conducted at Soutpansberg East Circuit, permission to conduct the research was obtained from the Circuit's relevant officials. An ethical clearance letter ensured that the researcher had been made aware of and will follow proper ethical guidelines in conducting the research, thus, the research participants' rights were respected in conducting the research, such as right to self-determination and anonymity.

3.9.2 Informed consent

Informing is the transmission of essential information from the researcher to the subject regarding the research (Burns and Grove, 2003:177). Explanations were given to the respondents regarding the purpose of the research and what it entailed. Respondents were only interviewed after they had given their consent and vital information which the respondents needed to know were given to them, thus informed consent was given by the respondents when conducting the study.

3.9.3 Anonymity and confidentiality

According to Burns and Grove (2003; 172), anonymity exists when the subject cannot be linked to the data collected. Confidentiality means that none of the information that the participants' give to the researcher will be tracked back to that same participant (Polit and Hungler, 1999:143). No personal details which may reveal the respondents' identities was captured on the questionnaires or during the interviews ensuring respondents' anonymity and confidentiality in conducting the research.

3.9.4 Rights to self determination

Respondent have a right to self-determination, meaning that they have freedom of choice (Brink, 2006: 32). This means that respondents are given the right to choose whether or not they want to participate in the study. Respondents have to be made aware of this right, therefore, before they can agree or disagree to participate in the research. The researcher in no way forced or coerced unwilling candidates into participation in this research; the respondent's right to self-determination was safeguarded.

3.10 Conclusion

In this chapter the research methodology was outlined, hence, details were given on the population and sampling procedures, as well as research instrument, data collection techniques and data analysis appropriate to the methodology. Population and sampling procedures identified all respondents involved in the research and how they were selected to form a sample. Questionnaire and interviews were used as data collection instruments to guarantee the success of this research. In Chapter Four, the focus is on the research findings, analysis and interpretation.

DATA PRESENTATION, INTERPRETATION AND ANALYSIS

4.1 Introduction

The previous chapter presented the research methodology. The analysis of the research data and the findings of this study will be presented in this chapter. Data was obtained from 53 respondents and the researcher used a guide to interview the participants. It is worth stating that some answers to the guided questions had to be probed further in order to arrive at the theme of the study. Participants were free to respond in any language that they are familiar with, however, all participants responded in English which is the medium of instruction in Soutpansberg East Circuit. The study was conducted in January and February 2018 and the interviews took place at schools and Soutpansberg East Circuit office. At the end of the interview, participants were given a chance to ask questions or to give any comment they had concerning the discussions.

4.2 Analysis of data collected through questionnaire

In this section, the researcher analyzed the responses collected by the questionnaires and are presented in tabular forms and followed by a brief synthesis of the findings for the item.

SECTION A: Biographical Details

It is in this section the researcher presents the biographical details of the respondent. The information is presented in a tabular form followed by a synthesis of the findings and the detailed findings are outlined later.

Table 4.2.1 presents the percentage of males and females interviewed.

Out of the 50 participants interviewed, 46 % were males while 54% were females. This shows that majority of participant were females.

Table 4.2.1 Gender of the respondents who answered questionnaires

Response	Frequency	Percentage
Male	23	46%
Female	27	54%
TOTAL	50	100%

Table 4.2.2 presents the males and females who were interviewed.

All the participants were males. This shows that the majority of people in senior positions are males, since the interview was conducted with people in senior positions.

Table 4.2.2 Gender of the respondents who were interviewed

Response	Frequency	Percentage
Male	4	4%
Female	0	0%
TOTAL	4	100

Table 4.2.3 explains the age of the participants. The majority of the respondents were between 41 and 50 years, that is 44% (n=22). 34% (n=17) are 50 and above. 20% (n=10) were between the ages of 31 and 40 and 2% (n=1) were between the ages of 21 and 30. It is clear from this outcome that the youth are not highly attracted to this profession.

Table 4.2.3 Age of respondents who were interviewed

Response	Frequency	Percentage
Less than 20	0	0%
21 to 30	1	2%
31 to 40	10	20%
41 to 50	22	44%
50 and above	17	34%
TOTAL	50	100%

Table 4.2.4 displays that 54% (n=27) of the respondents had degree and 46% (n=23) had diploma. It is clear from this outcome that educators in this Circuit meet the qualification requirements.

Table 4.2.4 Teaching qualification of respondents

Response	Frequency	Percentage
Certificate	0	0%
Diploma	23	46%
Degree	27	54%
TOTAL	50	100%

Table 4.2.5 displays that 42% (n=21) of the respondents had 20 years and above experience, 22% (n=11) had 16 to 20 years' experience, 16% (n=8) had 11 to 15 years' experience, 14% (n=7) had 6 to 10 years of experience and 6% (n=3) had less than 5 years of experience. These results show that the percentage of experienced educators is less than 50. These are not satisfactory percentages since experience plays an important role in teaching and learning.

Table 4.2.5 Teaching Experience of respondents

Response	Frequency	Percentage
Less than 5	3	6%
6 to 10	7	14%
11 to 15	8	16%
16 to 20	11	22%
20 and above	21	42%
TOTAL	50	100%

SECTION B: Reasons why educators abandon their profession early

Table 4.2.6 shows that out of the 50 respondents 64% (n=32) *strongly agree* with the idea that educators are not getting attractive salaries and benefits in relation to their work. 16% (n=8) *agree*, 10% (n=5) *disagree*, 6% (n=3) *strongly disagree*, 4% (n=2) were *not sure*. It is clear that the majority of respondents agree that educators are not getting attractive salaries and benefits in relation to their work. It might be due to this reason that the youth are not attracted to this profession.

Table 4.2.6 Educators are not getting attractive salaries and benefits in relation to their work

Response	Frequency	Percentage
Strongly agree	32	64%
Agree	8	16%
Not sure	2	4%
Disagree	5	10%
Strongly disagree	3	6%
Total	50	100%

Table 4.2.7 shows that out of the 50 respondents 60 % (n=30) *strongly agree* that educators are exiting the education system early because most of them are in debts. 16% (n=8) *agree*, 12% (n=6) *disagree*, 6% (n=3) *strongly disagree*, 6% (n=3) were *not sure*. It is clear from the findings that educators are exiting the education system early because most of them are in debts.

Table 4.2.7 Educators are exiting the education system early because most of them are in debts

Response	Frequency	Percentage
Strongly agree	30	60%
Agree	8	16%
Not sure	3	6%
Disagree	6	12%
Strongly disagree	3	6%
Total	50	100%

Table 4.2.8 shows that out of the 50 respondents, 58 % (n=29) *strongly agree* that some educators are failing to maintain discipline since the removal of corporal punishment. 30% (n=15) *agree*, 10% (n=5) *disagree*, 2% (n=1) *strongly disagree* and no respondent was *not sure*. About 88% agree that some educators are failing to maintain discipline since the removal of corporal punishment. This is a very frustrating issue since success in teaching and learning go hand-in-hand with discipline.

Table 4.2.8 Some educators are failing to maintain discipline since the removal of corporal punishment



Response	Frequency	Percentage
Strongly agree	29	58%
Agree	15	30%
Not sure	0	0%
Disagree	5	10%
Strongly disagree	1	2%
Total	50	100%

Table 4.2.9 shows that out of the 50 respondents 50% (n=25) *agree* that the introduction of qualified conditional pass in our schools is causing frustration, 42% (n=21) *strongly agree*, 4% (n=2) were *not sure*, 2% (n=1) *strongly disagree* and 2% (n=1) *strongly disagree*. The majority *agree* that the introduction of qualified conditional pass in our schools is causing frustration. Learners are no longer putting more effort in their school work because they know it is automatic for them to progress to the next grade.

Table 4.2.9 The introduction of qualified conditional pass in our schools is causing frustration

Response	Frequency	Percentage
Strongly agree	21	42%
Agree	25	50%
Not sure	2	4%
Disagree	1	2%
Strongly disagree	1	2%
Total	50	100%

Table 4.2.10 shows that out of the 50 respondents 34 % (n=17) *strongly agree* that more educators are exiting the system early because they are concerned about their safety at schools. 32% (n=16) *disagree*, 16% (n=8) were *not sure*, 14% (n=7) *agree* and 4% (n=2) *strongly disagree*. A total of 48% *agree* that more educators are exiting the system early because they are concerned about their safety at schools and, although, this percentage is less than 50, it shows that there is truth in this issue.

Table 4.2.10 More educators are exiting the system early because they are concerned about their safety at schools

Response	Frequency	Percentage
Strongly agree	17	34%
Agree	7	14%
Not sure	8	16%
Disagree	16	32%
Strongly disagree	2	4%
Total	50	100%

SECTION C: Key challenges faced by Soutpansberg East Circuit when educators exit the system early

Table 4.2.11 shows that out of the 50 respondents, 60%(n=30) *strongly agree* that when experienced educators exit the system early in Soutpansberg East Circuit it results in shortage of experienced educators in schools 28% (n=14) *agree*, 10% (n=5) were not sure. It is clear from these findings that the majority of respondents agree that when educators exit the system early it results in shortage of experienced educators in schools.

Table 4.2.11 Shortage of experienced educators in schools

Response	Frequency	Percentage
Strongly agree	30	60%
Agree	14	28%
Not sure	5	10%
Disagree	1	2%
Strongly disagree	0	0%
Total	50	100%

Table 4.2.12 shows that out of the 50 respondents 52% (n=26) *strongly agree* that when experienced educators exit the system early in Soutpansberg East Circuit it affects the schedule of school (timetable and working conditions). 46% (n=23) *agree* no respondent was *not sure* or *disagree*, 2% (n=1) *strongly disagree*. It is clear from the findings that the majority of respondents agree that when experienced educators exit the system early it affects the schedule of schools (timetable and working conditions).

Table 4.2.12 When experienced educators exit the system early it affects the schedule of schools (timetable and working conditions)

Response	Frequency	Percentage
Strongly agree	26	52%
Agree	23	46%
Not sure	0	0%
Disagree	0	0%
Strongly disagree	1	2%
Total	50	100%

Table 4.2.13 shows that out of the 50 respondents, 48% (n=24) *strongly agree* that when experienced educators exit the system early in Soutpansberg East Circuit it has a negative impact on the results. 44% (n=22) *agree*, 6% (n=3) were *not sure*, 2% (n=1) *disagree*, 0% (n=0) *strongly disagree*. It shows from the findings that the majority of respondents agree that when experienced educators exit the system early it has a negative impact on the results.

Table 4.2.13 When experienced educators exit the system early it has a negative impact on the results

Response	Frequency	Percentage
Strongly agree	24	48%
Agree	22	44%
Not sure	3	6%
Disagree	1	2%
Strongly disagree	0	0%
Total	50	100%

Table 4.2.14 shows that out of the 50 respondents, 48%(n=24) *strongly agree* that when experienced educators exit the system early in Soutpansberg East Circuit managers are not successful in maintaining discipline of learners within the school. 44% (n=22) *agree*, 6% (n=3) were *not sure*, 2% (n=1) *disagree*, 0% (n=0) *strongly disagree*. It is clear from the findings that the majority of respondents agree that when experienced educators exit the system early, managers are not successful in maintaining discipline of learners within the school.

Table 4.2.14 Managers are not successful in maintaining discipline of learners within the school



Response	Frequency	Percentage
Strongly agree	15	30%
Agree	18	36%
Not sure	11	22%
Disagree	3	6%
Strongly disagree	3	6%
Total	50	100%

Table 4.2.15 shows that out of the 50 respondents, 56% (n=28) *agree* that when experienced educators exit the system early in Soutpansberg East Circuit, it places pressure on management to find a replacement. 36% (n=18) *strongly agree*, 24% (n=12) were *not sure*, no respondent *disagree* and 4% (n=2) *strongly disagree*. It is clear from the findings that the majority of respondents agree that when educators exit the education system early, it places pressure on management to find a replacement.

Table 4.2.15 It places pressure to management to find a replacement

Response	Frequency	Percentage
Strongly agree	18	36%
Agree	28	56%
Not sure	12	24%
Disagree	0	0%
Strongly disagree	2	4%
Total	50	100%

SECTION D: Strategies that could be employed to stop educators from retiring prematurely



Table 4.2.16 shows that out of the 50 respondents, 86% (n=43) *strongly agree* that educators must be given better allowance for cars, housing, medical services and education for their children. 12% (n=6) *agree*, nobody was *not sure* or *disagree*, 2% (n=1) *disagree*. It is clear from the findings that the majority of respondents agree that to stop educators from retiring prematurely educators must be given better allowance for cars, housing, medical services and education for their children.

Table 4.2.16 Educators must be given better allowance for cars, housing, medical services and education for their children

Response	Frequency	Percentage
Strongly agree	43	86%
Agree	6	12%
Not sure	0	0%
Disagree	1	2%
Strongly disagree	0	0%
Total	50	100%

Table 4.2.17 shows that out of the 50 respondents 88% (n=44) *strongly agree* that experienced educators who are performing well should be motivated to stay in the teaching profession by giving them annual performance bonus. 10% (n=5) *agree*, nobody was *not sure* or *strongly disagree* and 2% (n=1) *disagree*. The majority of respondents agree that to stop educators from retiring prematurely, experienced educators who are performing well should be motivated to stay in the teaching profession by giving them annual performance bonus.

Table 4.2.17 Experienced educators who are performing well should be motivated to stay in the teaching profession by giving them annual performance bonus

Response	Frequency	Percentage
Strongly agree	44	88%
Agree	5	10%
Not sure	0	0%
Disagree	1	2%
Strongly disagree	0	0%
Total	50	100%

Table 4.2.18 shows that out of the 50 respondents 78% (n=39) *strongly agree* that educators should be groomed to be specialists in their field of study. 18% (n=9) *agree*, 2% (n=1) were *not sure*, 2% (n=1) *disagree* and nobody *strongly disagree*. The majority of respondents agree that to stop educators from retiring prematurely, educators should be groomed to be specialists in their field of study.

Table 4.2.18 Educators should be groomed to be specialists in their field of study

Response	Frequency	Percentage
Strongly agree	39	78%
Agree	9	18%
Not sure	1	2%
Disagree	1	2%
Strongly disagree	0	0%
Total	50	100%

Table 4.2.19 shows that out of the 50 respondents, 84% (n=42) *agree* that curriculum that helps learners to perform better should be retained. 16% (n=8) *strongly agree* and nobody

was *not sure*, *disagree* or *strongly disagree*. From the findings, the majority of respondents agree that to stop educators from retiring prematurely, curriculum that helps learners to perform better should be retained



Table 4.2.19 Curriculum that helps learners to perform better should be retained

Response	Frequency	Percentage
Strongly agree	42	84%
Agree	8	16%
Not sure	0	0%
Disagree	0	0%
Strongly disagree	0	0%
Total	50	100%

Table 4.2.20 shows that out of the 50 respondents (82)% (n=41) *strongly agree* that, corrupt practices must be avoided during appointments and promotions. 12% (n=6) *agree*, 4% (n=2) were *not sure*, nobody *disagree*, 2% (n=1) *strongly disagree*. From the findings it is clear that the majority of respondents agree that to stop educators from retiring prematurely corrupt activities must be avoided during appointments and promotions.

Table 4.2.20 Corrupt practices must be avoided during appointments and promotions

Response	Frequency	Percentage
Strongly agree	41	82%
Agree	6	12%
Not sure	2	4%
Disagree	0	0%
Strongly disagree	1	2%
Total	50	100%

4.3 Analysis of data collected through interview schedule



TOPIC: CHALLENGES FACING SCHOOLS AS A RESULT OF EXPERIENCED EDUCATORS EXITING THE SYSTEM EARLY: A CASE STUDY OF SOUTPANSBERG EAST CIRCUIT

INTERVIEW WITH SCHOOL PRINCIPAL, HEAD OF SCHOOL GOVERNANCE AND CIRCUIT MANAGER

Respondent 1

Question 1. What are the key challenges faced by schools at Soutpansberg East regarding educators exiting the system earlier?

- Experienced educators are difficult to replace;
- The process of replacing an educator takes too long;
- Process of teaching and learning is compromised an
- Scarce skills for specific subjects are difficult to replace

Question 2. What are the factors that induce teachers to abandon their calling?

- High indebtedness;
- Low morale as promotional chances are low;
- Social problems;
- Low salaries;
- Removal of corporal punishment without an alternative method in place;
- Lack of discipline at schools; and
- Inability to cope with technology advancement.

Question 3. What recommendation and solutions can be proposed to lessen experienced educators from exiting the education system?

- Pay teachers accordingly;
- Teacher-pupil ratio reduced, and
- The Department needs to recognize teachers who are excelling and reward them accordingly.

Respondent 2



Question 1. What are the key challenges faced by schools at Soutpansberg East regarding educators exiting the system earlier?

Competent educators offering lessons in scarce skills learning areas exit the system compromising quality education. This results in potential learners migrate to other circuits motivated by the parents' desire and need for better education for their children. Results in general are affected and skill development areas no longer have potential tutors.

Question 2. What are the factors that induce teachers to abandon their calling?

Factors attributed to teachers abandoning their calling are due to, amongst others, high indebtedness, marital problems which may lead to the breakdown of families and problems brought about by the scourges of HIV – AIDS .These factors are the direct reasons because when educators want to get relief, one solution is the quitting of their jobs, spouses or partners. When their marriages land on rocks to start new life, they leave their jobs and go, stay and work in other provinces. The AIDS pandemic, without any doubt is also playing a significant role, in that when a person realizes or discovers that he or she has the HIV-virus to seek relief is to terminate his / her job in order to get the pension payout that will enable him or her to get quality treatment and avoid being regarded as a laughing stock in the working place.

Question 3. What recommendation and solutions can be proposed to lessen the practice of experienced educators exiting from the education system?

Wellness education programs should be promoted to assist the educators who have lot of debts to assist, thereby preventing other service providers, like banking institutions involving them in further debts. Each and every school should be given a social worker to support those affected and infected by HIV and AIDS. The municipality in partnership with the Circuit must make it a point that gymnasiums be established for people or educators to do exercises that will assist them in their wellbeing and minimize diseases that are closely related to HIV and AIDS. This can help the Circuit to grow and the quality results and education will be realized

Question 1. What are the key challenges faced by schools at Soutpansberg East regarding educators exiting the system early?

Schools lose experienced educators. It is not easy to fill post left by those exiting the system. New educators are not able to deal with disciplinary problems in the classrooms and the school as large. This increases the problems in schools like drug abuse, teenage pregnancy and HIV/AIDS. Exiting educators do not work to the best of their abilities when they are about to leave the system. The schools are always experiencing problems of allocation of work and time tabling when new educators are found. Learners are left without some of the tasks and no one take responsibility as they blame one another. Some exiting educators take resources, for example, files and textbooks with them.

Question 2. What are the factors that induce teachers to abandon their calling?

The reasons include, teachers experiencing financial difficulties, poor working conditions and inability to cope with the workload. In some schools learner- teacher ratio is not considered as learners are crowded in one classroom because they are grouped according to subjects. In other subjects, there are few learners; this leaves those educators with many learners frustrated. Other reasons are educators' attempts to pursue other businesses and career path, sexual relationships with learners and acts of dishonesty result in dismissal or early exit before facing disciplinary action.

Question 3. What recommendation and solutions can be proposed to lessen experienced educators from exiting the education system?

Some solutions include, educators being provided with education regarding their finances, giving educators decent salaries and restoring educators' dignity by providing avenues to deal with disciplinary problems of the learners. Learner-teacher ratio should be monitored especially in secondary schools so that educators workload should be reduced by either reducing paper work expected or the employment of educator assistants who will take care of other activities in the school are also solutions.

4.4 Conclusion



This chapter presented and discussed the findings of study. It gave a detailed account of the background of the Circuit under study, the gender-based profile of the research participant, their ages, teaching qualification, as well as their experiences. The finding highlighted the reasons why educators abandon their profession early and the key challenges faced by Soutpansberg East Circuit.

The following chapter concludes this study. It further gives recommendations based on the findings of the study which are directed to Soutpansberg East Circuit managers as well as the Vhembe district and government departments involved.

FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

In this chapter the researcher presents this study's conclusion and recommendations for interventions and future research. This study has shed some light so as to better understand the strategies that managers can utilize to lessen the number of experienced educators who exit the system early.

5.2 Major findings of the study


In this section the major findings of this study are outlined per themes. Conclusions are drawn, based on the major findings categorized into those themes. The study revealed the following:

- Educators are not getting enough salaries and benefits in relation to their work
According to Table 4.2.6 out of the 50 respondents, 80% agree that educators are not getting enough salaries and benefits in relation to their work, hence, some educators resort to pursuing other businesses and career paths. They are tired of feeling humiliated as they cannot afford good houses, proper transport, education for their children and medical services.
- Educators are exiting the education system early because most of them are in debts. According to Table 4.2.7 out of the 50 respondents, 76% agree that most educators are exiting the system because most of them are in debts. The salaries of educators are not enough to cope with inflation, hence, they end up using the financial services of “loan sharks” some of whom even threatens their lives. Due to this reason educators think of exiting the system to pay off their debts and get other jobs and start afresh.
- Some educators are failing to maintain discipline since the removal of corporal punishment. According to Table 4.2.8, out of the 50 respondents, 88% agree that educators are failing to maintain discipline since the removal of corporal punishment. There is a serious challenge of discipline in schools to an extent that learners even threaten educators; for this reason some educators are exiting the system early because they are concerned about their safety at schools.

- The introduction of qualified conditional pass in our schools is causing frustration. According to Table 4.2.9, out of the 50 respondents, 92% agree that the introduction of qualified conditional pass is causing frustration in schools as this factor is contributing much to lack of discipline at schools. Educators are failing to maintain discipline in classrooms because learners know they are going to progress to the next grade even if they do not put in much effort.
- Shortage of experienced educators in schools as seen in Table 4.2.15. The results show that out of the 50 respondents, 92% agree that when experienced educators exit the system early in Soutpansberg East Circuit, it places pressure on management to find a replacement; it is difficult to replace experienced educators. Experienced educators might have scarce skills, for example, specialization in specific subject, sports or disciplinary measures. The process of replacing takes too long, hence, the process of teaching and learning is compromised. It also affects the schedule of school, for example the timetable and work allocation; finally it has a negative impact on the results.

5.3 Major recommendation

- Pay teachers accordingly so that this profession can attract the youth for future. Educators must be given better allowances for cars, housing, medical services and education for their children. Experienced educators who are performing well should be motivated to stay in the teaching profession by giving them annual performance bonus
- Educators should be given education regarding their finances as soon as they get employed. There should be at least one social worker in each school to help educators with challenges they are facing, for example, maintenance orders, loans shark, HIV/AIDs problems and drug abuse. Wellness education should be prompted to assist the educators who are in debts. Educators who are in debts can be allowed access to their pensions to pay off their debts as long as these fund are monitored. Programs must be instituted to prevent service providers like banks increasing their debts.
- Security at school should be strengthened as it is clear from the findings that some educators are exiting the system early because they are concerned about their safety at schools. Alternative methods to deal with disciplinary matters should be put in place.

- 
- Learners who threaten educators must be given harsh punishments so that they can set example for others. Learners should be motivated to involve themselves more in sports, to channel their energy appropriately
 - Learners should be given counseling regarding the new system of conditional pass, its advantages and disadvantages since even those learners who can perform very well are relaxing and ending up not reaching their full potential.
 - Corrupt activities / practices must be avoided during the appointment and promotion of educators so that they do not get discouraged.

5.4 Recommendations for future studies

Topics for future research could be:

- What can be done to attract the youth to join the teaching profession?
- What can be done to improve discipline at school?
- Effects of Curriculum changes on educators and learners
- Impact of corrupt activities /practices on the education system during appointment and promotions of employees

5.5 Conclusion

The research has indicated that educators are exiting the education system early in Soutpansberg. It also shows that there are factors inducing educators to abandon their calling which then creates challenges in that particular circuit. The researcher recommends some measures that can reduce the challenge.

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APPENDIX A

SCHOOL OF MANAGEMENT SCIENCES
OFFICE OF THE DEAN

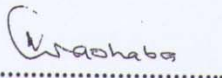
TO WHOM IT MAY CONCERN.

01.02.2018

REQUEST FOR PERMISSION TO COLLECT INFORMATION FOR
STUDIES OF Ms MUDAU NDIVHUHO- STUDENT NO: 9403754.

We hereby wish to confirm that Ms Mudau N, student no: 9403754 is a registered Master of Public Administration student at the University of Venda and is researching on the following topic: "Challenges facing schools as a results of experienced educators exiting the education sytem earlier. A case study of Soutpansberg East Circuit" .In order for her to complete her studies, we request your department/ to provide him with the information that she might need for her study project. As an institution of higher learning, we believe that the research she is undertaking will yield the results that might also assist your department. We therefore, encourage your department to assist her with the necessary information that will be collected through questionnaires and interviews. We undertake that the information that will be provided to her will be solely used for this study.

We hope that you find this to be in order and therefore, anticipate your assistance. If any queries, please feel free to contact me at Cell: 079 783 9291 or Email: matodzi.khwashaba@univen.ac.za



Prof. M.P Khwashaba
HOD: O.R Tambo Institute of Governance and Policy Studies

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University of Venda

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APPENDIX B



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
EDUCATION
VHEMBE DISTRICT

CONFIDENTIAL

REF: 14/7/R
ENG: MATIBE M.S
TEL: 015 962 1029

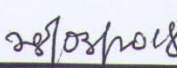
MUDAU N
P.O BOX 3394
MAKHADO
0920



**REQUEST FOR PERMISSION TO COLLECT INFORMATION FOR MY STUDIES
AT SOUTPANSBERG EAST CIRCUIT**

1. The above matter refers.
2. This serves to inform you that your request for permission to conduct research on the topic: ***“Challenges facing schools as a result of experienced educators exiting the education system earlier. A case study of Soutpansberg East”*** has been granted.
3. You are expected to observe ethical considerations particularly those relating to confidentiality, anonymity and voluntary participation by research subjects.
4. Kindly inform Soutpansberg East Circuit Manager and the Principals of selected Schools prior to your interactions with your research subjects.
5. Wishing you the best in your study.


DISTRICT DIRECTOR


DATE

Phonyandou Government Building, Old Parliament, Block D, Private Bag X2250, SIBASA, 0970
Tel: (015) 962 1313 or (015) 962 1331, Fax: (015) 962 6039 or (015) 962 2288

The heartland of southern Africa - development is about people!

Appendix C



A letter to the respondents

Enquiry: Mudau N

Cell :0822541185

Email : mudaundivhuho@gmail.com

P.O. Box 3394

Makhado

0920

18.01.2018

Dear Respondent

I, Mudau Ndivhuho, am a registered student at the University of Venda, registered for Master of Public Management. I am conducting a research entitled - **“CHALLENGES FACING SCHOOLS AS A RESULT OF EXPERIENCED EDUCATORS EXITING THE SYSTEM EARLY: A CASE STUDY OF SOUTPANSBERG EAST CIRCUIT”**

This is an opportunity for you to be part of this study, where you can provide your views on the research topic.

I hope you will find this to be in order

Yours faithfully

MUDAU NDIVHUHO

STUDENT NUMBER: 9403754

Research Instrument: Questionnaire

TOPIC: CHALLENGES FACING SCHOOLS AS A RESULT OF EXPERIENCED EDUCATORS EXITING THE SYSTEM EARLY: A CASE STUDY OF SOUTPANSBERG EAST CIRCUIT.

Your participation in this research is appreciated. Please put a cross (X) next to the appropriate answer.

SECTION A: Biographical Details

1. Gender of the respondents

Male	
Female	

2. Age

Less than 20 years	
21 to 30 years	
31 to 40 years	
41 to 50 years	
51 and above	

3. Teaching qualification

Certificate	
Diploma	
Degree	

4. Teaching Experience


Less than 5	
6 to 10	
11 to 15	
16 to 20	
20 and above	

SECTION B


Please complete all questions Mark with an “x” Mark from Strongly Agree to Strongly Disagree

	Reasons why educators abandon their profession early	Strongly agree	Agree	Uncertain	Disagree	Strongly disagree
.	Educators are not getting enough salaries and benefits in relation to their work.					
	Educators are exiting the education system early because most of them are in debts.					
	Some educators are failing to maintain discipline since the removal of corporal punishment.					
	The introduction of qualified conditional pass in our schools is causing frustration.					

	More educators are exiting the system early because they are concerned about their safety at schools.					
	Key challenges faced by Soutpansberg East circuit when educators exit the system early.	Strongly agree	Agree	Uncertain	Disagree	Strongly disagree
	Shortage of experienced educators in schools.					
	When experienced educators exit the system early it affects the schedule of school, for example, timetable and working conditions.					
	When experienced educators exit the system early it has a negative impact on the results.					
	Managers are not successful in maintaining discipline of learners within the school.					

	It places pressure on management to find a replacement.	 University of Venda Creating Future Leaders			
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	Strategies that could be employed to stop educators from retiring prematurely	Strongly agree	Agree	Uncertain	Disagree	Strongly disagree
	Educators must be given better allowance, for example, cars, housing, medical services and education for their children.					
	Experienced educators who are performing well should be motivated to stay in the teaching profession by giving them annual performance bonus.					
	Educators should be groomed to be specialists in their field of study.					
	Curriculum that helps learners to perform better					

	should be retained.					
	Corrupt activities / practices must be avoided during appointments and promotions.					

Thank you!

APPENDIX F



Editor declaration

10 May, 2018

This is to certify that I, **Dr P Kaburise**, have proofread the dissertation entitled - **CHALLENGES FACING SCHOOLS AS A RESULT OF EXPERIENCED EDUCATORS EXITING THE SYSTEM EARLY: A CASE STUDY OF SOUTPANSBERG EAST CIRCUIT** - by Mudau Ndivhuho (student no. 9403754). I have indicated some amendments which the student has undertaken to effect, before the final document is submitted.

A handwritten signature in black ink, appearing to be "P. Kaburise", with a large loop at the top and a long tail extending to the right.

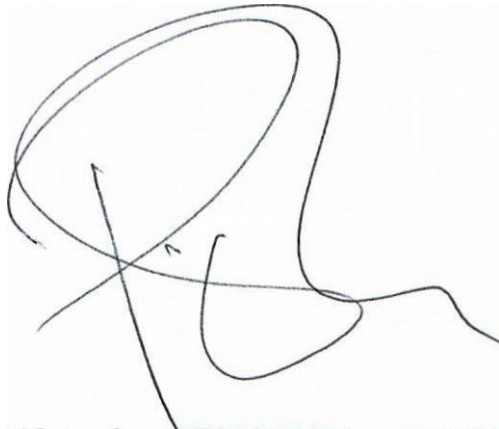
Dr P Kaburise 794927451 / 0711138079)

Dr P Kaburise: BA (Hons) University of Ghana (Legon, Ghana); MEd University of East Anglia (Cambridge/East Anglia, United Kingdom); Cert. English Second Language Teaching, (Wellington, New Zealand); PhD University of Pretoria (South Africa)

APPENDIX A

13 May, 2018

This is to certify that I, **Dr P Kaburise**, have proofread the research report entitled – **AN EVALUATION OF THE RIGHT TO “ACCESS ADEQUATE HOUSING” IN MUSINA LOCAL MUNICIPALITY, SOUTH AFRICA – 1994 TO DATE** - by Tshivanammbi Thovhedzo Nathaniel (student no. 11512419). I have indicated some amendments which the student has undertaken to effect, before the final document is submitted.



Dr P Kaburise 794927451 / 07111138079)

Dr P Kaburise: BA (Hons) University of Ghana (Legon, Ghana); MEd University of East Anglia (Cambridge/East Anglia, United Kingdom); Cert. Second Language Teaching, (Wellington, New Zealand); PhD University of Pretoria (South Africa)



CHAPTER 1

ORIENTATION TO THE STUDY

1.1 INTRODUCTION

Housing is important as it satisfies many different human needs. According to psychologist, Abraham Maslow these include, psychological needs, security or safety needs, social needs, self-esteem needs and self-actualisation needs (Newmark and Thompson, 1977: 8). Landman (2005: 127) states that a house is more than a shelter or a physical form that protects its people; it also represents an entry point into engagement with the immediate community, wider society and the broader city. She further describes a house as an extension of a person's body, a so-called "*second envelope*" (Landman, 2005: 135). Hartman (1998: 230) concurs with this by stating that "housing has a special character because it is the central setting for so much of one's personal and family life as well as the locus of movement opportunities, access to community resources and societal status".

The right to adequate housing is contained in a number of international human rights laws. Amongst all the basic human rights, the right to adequate housing is considered the most essential. Having shelter protects one from the elements and provides a place to eat, sleep, relax and raise a family (Smith, 2006: 6). The right to adequate housing is protected in the universal declaration of human rights and other major international human rights agreements, such as the International Covenant of Economic, Social and Cultural Rights. The right to adequate housing reiterated in 1996 was further confirmed by the adoption of the Habitat Agenda at the second United Nations Conference on Human Settlements (United Nations, 2002: 3).

Section 26 (1) of the South African Constitution, 1996, states that everyone has the right to access adequate housing. Sub-section 26 (2) requires that "The state must take reasonable legislative and other measures within its available resources, to achieve the progressive realisation of this right". Sub-section 26 (3) requires that "No one shall be evicted from their home, or have their home demolished, without any order of court made after considering all the relevant circumstances. No legislation shall permit arbitrary evictions".

When the African National Congress (ANC) came into power in 1994, it introduced the Reconstruction and Development Programme (RDP) with the aim of addressing the legacy of separate development and improving the quality of life of all South African residents. This was to be achieved by providing adequate housing, socio-economic opportunities and spatial

integration for the side-lined (Landman, 2005: 130). Several policies and legislations were introduced to ensure the realisation of the right to adequate housing. The Breaking New Ground policy makes it clear in its objectives that “housing provision should address poverty alleviation, economic growth, improving the quality of life of the poor, creating an asset for wealth and ultimately developing sustainable human settlements” (Charlton and Kihato, 2006: 257). Like other municipalities, Musina Local Municipality is bound by the Constitution of South Africa to ensure that its residents have access to adequate housing. In fully realising the right to adequate housing, Musina Local Municipality must ensure implementation of housing policies and legislation adopted by the state post - 1994.

1.2 BACKGROUND OF THE STUDY

The right to adequate housing was recognised by the United Nations during the drafting of the Universal Declaration of Human Rights which provides in Article 25 (1) that: “Everyone has the right to a standard of living adequate for health and well-being of himself (or herself) and his (or her) family, including food, clothing, housing and medical care and necessary social services”. Housing rights are said to have been reiterated and reinforced by the United Nations since the adoption of the Universal Declaration in 1948. Several international agreements and conventions contain housing rights provisions, in addition to the Universal Declaration. The International Agreement on Economic, Social and Cultural Rights is considered the most important instrument with respect to housing rights (UN Habitat, 2002: 1- 2).

The general Comment 4 on Article 11 (1) of the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR), cited in Tissington (2011: 25), stipulates that “housing should not be interpreted as merely having a roof over one’s head or view shelter exclusively as a commodity. Rather it should be viewed as the right to live somewhere in security, peace and dignity”. Aspects that should be taken into account when defining the right to adequate housing are - legal security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy.

Over a billion people across the world are ineffectively housed, despite the focus that the global legal system has on the right to adequate housing (Office of the United Nations High Commissioner of Human Rights, 1991: 1). Furthermore, amongst the economic, social and cultural rights, the right to adequate housing is, sadly, the most often violated (United Nations, 2003: 3). Tissington (2010: 11) states, “it is evident that the South African government cannot deliver housing on the scale required at a sustainable rate”. She adds “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 continuing lack of adequate housing and basic services, the growing unemployment rate and the largely uncaring state, particularly at local level, have led to service delivery protests across the country. During the community protests that occurred between 2007 and mid-2010, 36% of the protestors were complaining that they did not have access to affordable or adequate housing, 18% raised concerns about lack of access to clean water, 18% highlighted lack of electricity and 15% were protesting about lack of adequate sanitation (Tissington, 2011: 15). The capital subsidy is a housing-delivery mechanism introduced to eliminate the housing shortage in the country. Huchzermeyer (2001: 306) explains that this capital subsidy is the cornerstone of the South Africa housing policy, although it is but one of several housing programmes introduced by the state to address the supply of adequate housing. These programmes include an individual housing subsidy, an institutional subsidy, the people's housing process, informal settlement upgrading, consolidation subsidy, project-linked subsidy, rural housing subsidies, credit-linked subsidies and farm worker assistance (Sigudla, 2011: 1). Mobilising private sources of finance for housing delivery is still a challenge, despite these efforts. The conventional mortgage loan system is inappropriate for the low-income market (Khan and Thurman, 2001: 12). Estimates by the Financial and Fiscal Commission suggest that the backlog remains, even with housing delivery supported through housing subsidy schemes. The state-subsidised housing provision is insufficient, inadequate and it is unlikely to work in future (Financial and Fiscal Commission, 2012: 6).

Housing delivery is failing to keep pace with the demand and the houses delivered through state subsidies are usually developed in urban peripheries, far from existing settlements, urban opportunities and social services. The housing subsidy provided by the state is inadequate for housing development on expensive, well-located pieces of land (Bierman and Van Ryneveld, 2004: 2). The state is, however, committed to pursuing a more solid, urban layout to facilitate high densities (Department of Housing, 2004: 5).

The housing programmes are one of the state interventions that place assets in the hands of the poor (Charlton and Kihato, 2006: 254). The initial intention of the housing subsidy programme was to provide shelter for the poor, but later the concept that the houses should also be assets was introduced (Gordon, Bertoldi and Nell, 2011: 7). Lemanski (2011: 57) states that "property

as other form of wealth, contributes to domestic inequality while some climb the ‘property ladder’ with increasing asset returns, others are stuck at the bottom of the rung”.

In South Africa, the notion of housing as an asset was influenced by the Peruvian economist, Hernando De Soto. This view was encapsulated in the government’s new housing plan, Breaking New Ground (BNG), as well as in the Accelerated and Shared Growth initiative (Davies, Narsoo and Tomlinson, 2006: 7). The 2004 housing strategy, BNG, introduced the concept of housing as an asset and included it as part of the new vision of “ensuring property can be accessed by all, as an asset for wealth creation and empowerment” (Department of Housing, 2004: 1). To De Soto:

“very little needs to be done to make capitalism work well in Africa, Asia and Latin America. The poor save money and have developed a variety of business skills. All they need is the means to increase their turnover. The key element required to convert them into successful business people is access to formal credit and by granting them legal title to their property and they will gain entry into the world of formal banking” (Gilbert, 2002: 4).

Cousins, Hornyby, Kingwill, Royston and Smith, however, are of the opinion that “policy makers should resist the temptation to seek simplistic solutions to poverty of the kind offered by De Soto” (Cousins, 2005: 5).

The poor quality of low-cost housing defeats the intention of the state to provide habitable housing to the citizens of South Africa. Common structural defects include, roofs that are insecurely fitted to walls, doors that do not fit in door frames, as well as cracked walls and foundations (CIDB, 2011: 9). Tomlinson argues that if government had not demanded a higher building standard than the subsidy could provide, people would have been provided with decent homes (Tomlinson, 2006: 92). The Ministry of Housing declares that more than 600 000 houses built for the poor, since 1994 are substandard (Khan, 2001: 33).

Accessibility is one of the elements of the right to adequate housing; this implies that everyone, including disadvantaged groups, should have access to houses. Currently, housing delivery takes place in a legal and social frameworks that result in inequality. An example of this, is the fact that there is no coherent policy on special-needs housing in the National Housing Code (Chenwi, 2006: 10). Tomlinson argues that it is the responsibility of the municipalities to take a leading role in determining the demand for housing and supplying housing across all income levels, as well as developing linkages to improve housing delivery. He emphasises that the

planning process should be carried out in a transparent manner (Tomlinson, 2011: 422). The lack of a standard definition for “housing needs” may result in misinterpretation and improper planning by the municipalities (Finance and Fiscal Commission, 2012: 25). The right to adequate housing is linked to several other cross-cutting rights, including the right to public participation (Tissington, 2010: 12). Section (2)1 of the National Housing Act 107 of 1997 states that “all spheres of government must (a) give priority to the needs of the poor in respect of housing development and (b) consult meaningfully with individuals and communities affected by housing development”. In a study that was conducted in Diepkloof of Soweto in South Africa, it was concluded that “community participation has the potential for negative outcomes such as entrenched mistrust in the government, disappointment, conflict and fragmentation” (Mafukidze and Hoosen, 2009: 380). These two writers, however, acknowledge that “community participation promotes inclusion, transparency, accountability and sustainable service delivery”. The latter view is echoed by Lemanski, who recognises voicelessness and marginalisation as components of poverty and thus participation as an anti-poverty mechanism (Lemanski, 2008: 2).

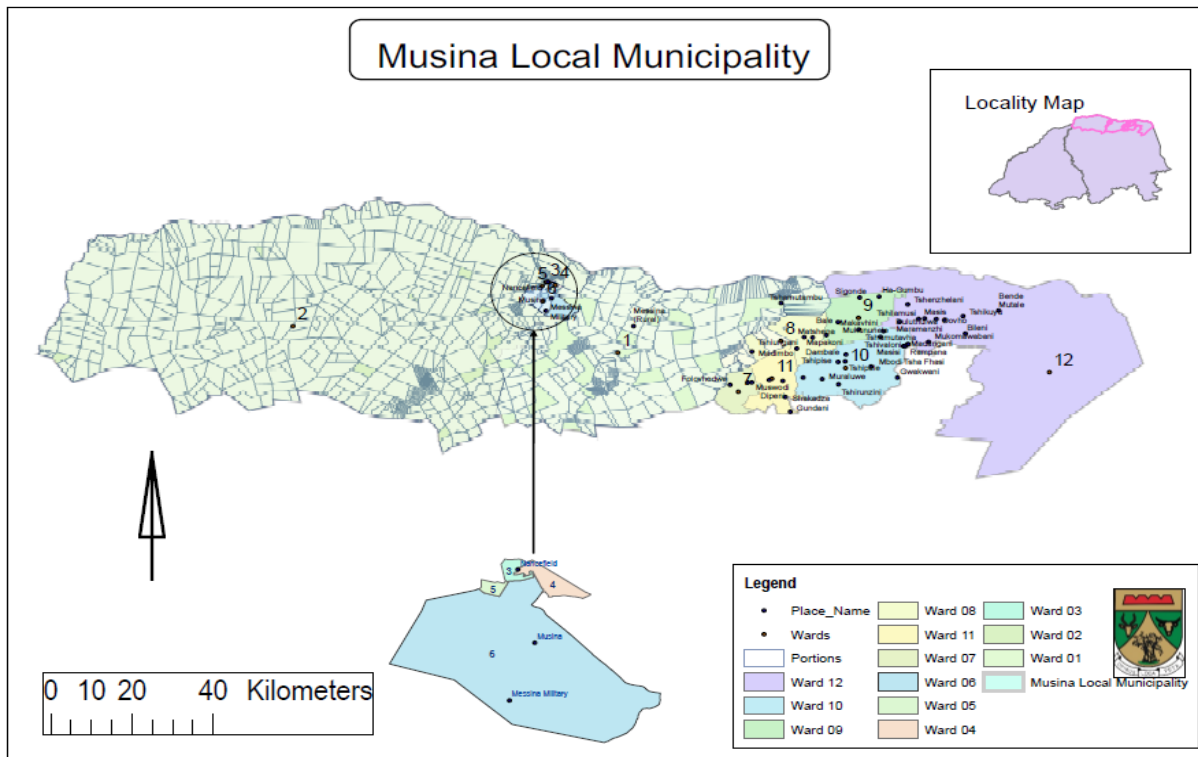
1.3 STUDY AREA

This study assesses the realisation of the right to access adequate housing with reference to Musina Local Municipality by outlining the constraints, failures, successes and areas that need improvement. The Musina Local Municipality was formerly known as “Messina” and falls under the Vhembe District Municipality (VDM). The district municipality comprises of four local municipalities, namely, Makhado, Collins Chabane, Thulamela and Musina. This research will be conducted in Musina Local Municipality which serves an area of two formal townships and 58 villages, in 12 municipal wards. It is a category B municipality in terms of the South African Constitution and it is the most populous municipality in the District. Musina Local Municipality is predominantly rural and serves a completely rural area with limited infrastructure. The non-urban areas, typically have scattered layouts and lack formal planning. This makes the provision of services, such as water, electricity, sewerage and roads costly and inefficient, hence, negatively affecting service delivery.

Musina is also bounded in the South West by the Local Municipality of Blouberg which falls within the Capricorn District Municipality. Musina Local Municipality is located in the far North of the Limpopo Province, bordering Mozambique, Botswana and Zimbabwe. The Municipality covers an area of approximately 1 129 740.773 hectares, 11 297.41 km² and the

coordinates are 23° 20' 17'' S 30° 02' 30'' E that extends from the confluence of the Mokgalakwena and Limpopo rivers in the West to the confluence of the Nwanedi and Limpopo rivers in the East and from Tshipise and Mopane in the South to Botswana/Zimbabwe borders in the North and Mozambique in the eastern side of Kruger National Park.

1.3.1 MAP SHOWING LOCALITY



Source: Municipal IDP, 2017

1.4 PROBLEM STATEMENT

The constitutional right to access adequate housing was a major breakthrough for a country shaped by apartheid. Even 18 years after the adoption of the South African Constitution, a significant number of the Musina Local Municipality residents have no access to adequate housing and basic services. Housing projects that were implemented by the municipality, moreover, do not meet the criteria for adequate housing. This study will identify shortcomings in realising the right to adequate housing in the Musina Municipal Area and make recommendations to address them.

1.5 AIM OF THE STUDY

The aim of this study is to assess the realisation of the right to access adequate housing with reference to Musina Local Municipality over the past eighteen years. The study will evaluate and come up with recommendations on how adequate housing delivery can be enhanced.

1.6 SPECIFIC OBJECTIVES

The study will focus on the following objectives:

- To analyse implementation of housing policies and legislation by Musina Local Municipality;
- To explore the challenges of housing delivery in the municipality;
- To identify achievements and failures in housing delivery and
- To determine strategies that can be used to improve the provision of adequate housing

1.7 RESEARCH QUESTIONS

The study will evolve around the following research questions:

- What are the implications of housing policies and legislation with reference to Musina Local Municipality?
- What are the challenges of housing delivery in the municipality?
- What are the achievements and failures in housing delivery in the municipality?
- What are the strategies to be used in improving the provision of adequate housing in the municipality?

1.8 DEFINITION OF CONCEPTS

“Adequate” in relation to the housing provision can be defined as sufficient in relation to the right to housing since it serves to underline a number of factors which must be taken into account in determining whether particular forms of shelter can be considered to establish “adequate housing” for the purposes of the agreement (Hulchanski and Leckie, 2000: 27).

“Adequate housing” as defined through the ICESCR has given some attention to the meaning of the phrase “right to adequate housing” in paragraph 8 of its General Comment No. 4. The elements of adequate housing are taken into consideration in determining when a house constitutes “adequate housing”. The seven key elements of adequate housing, as listed by the ICESCR, are interpreted below (Chenwi, 2007: 238239):

“Habitability” - Rauh, Landrigan and Claudio (2008: 276) state that “the housing in which we live represents many elements including physical and material (location, density, building height, maintenance, air quality, sanitation, pests, hazardous exposure), social (e.g. threats to safety, noise) and psychological components (e.g. interpersonal conflict, sense of permanence)”. Habitability is one of the components of adequate housing that should comply with health and safety standards.

“Public engagement” - Public participation is one of the most essential mechanisms for promoting democracy and good governance. Public involvement sets the platform for communities to inform government about their needs and how these needs can be met. Unlike the apartheid government, the new democratic government promotes the need for engagement between itself and its citizens. Public participation holds a central place in the South African constitution, which clearly states that “people’s needs must be responded to, and the public must be encouraged to participate in policy making” (Public Services Commission, 2008: 2).

“Qualitative research” - Is defined by Maree (2007: 257) as a process whereby the researcher develops a complex, holistic picture by analysis of words and detailed reporting of the views of informants, in a study conducted in a natural setting.

1.9 SIGNIFICANCE OF THE STUDY

A lack of access to adequate housing exposes one to the structural violence of poverty and its severity and associated complexities of despair and deprivation - relative or absolute - which constitute a significant threat to human security and dignity. This research is relevant as it seeks to advise policy makers in the Republic of South Africa about the importance of adequate housing in the country. Its significance also lies in the fact that the research seeks to educate the society that lack of adequate housing do not only compromises development, but eventually also constitutes a security threat from countless social ills that arise from homelessness. In the logic of this argument, homelessness or inadequate housing is therefore worsening the prospects for sustainable livelihoods. This research has immense relevance for government officials who work in Human Settlement and COGTA as it should motivate them to revisit their policies about allocation of adequate housing in the country.

1.10 LIMITATION OF THE STUDY

Even if the researcher is not a permanent employee and Municipal Manager at Musina Local Municipality, it would not be possible to cover every household which meets the criteria for

inclusion in this research. The researcher identified four villages within the municipality, and focused on 120 households of the RDP and self-built houses. Readers of the findings can then assume that all households in the villages go through similar experiences in their everyday lives, staying in unfavourable housing conditions which expose them to a number of dangers. Identifying participants was never a major problem since the researcher is very familiar with the Municipality and has access to information. It is further envisaged that due to time and other factors affecting the researcher and the environment around him, the completion of this research might be delayed.

1.11 STUDY LAYOUT

The outlines of the chapters in the study are indicated below.

Chapter 1: Orientation to the study: This chapter includes amongst others but not only limited to the background, research problem, research questions, aim of the study, research limitation, research objectives, definition of concepts and significance of the study.

Chapter 2: Literature review: This chapter focuses on a review of the available literature regarding this study. The discussion covers the following:

- Misconceptions about the right to adequate housing,
- History of the right to adequate housing,
- Discussion of the seven components of the right to adequate housing,
- Adequate housing provision in developing countries,
- Adequate housing provision legislative framework,
- Challenges in adequate housing provision, and
- Strategies and elements of providing adequate housing.

Chapter 3: Research design and methodology: This chapter considers research design and methodology, study area, data collection procedure, ethical consideration, population of the study, sampling, and analysis. It further outlines the tools, method and procedure on how data was gathered in this research.

Chapter 4: Data analysis and interpretation: This chapter presents the analysed data and their interpretation. It further reveals the status quo in the country in as far as housing delivery

aspects are concerned. It gives one an understanding of how housing delivery issues are being handled and received by the community in Musina.

Chapter 5: Findings, conclusion and recommendations: Syntheses of the findings and possible recommendations are discussed in this chapter; further research potentials are also highlighted.

1.12. CONCLUSION

This chapter paves a strong and concrete foundations to this study. It gave a detailed direction to all steps and chapters to be dealt with in this research. The chapter gave a highlight of what the researcher wants to achieve through this study and further outlined following chapters which will help the researcher achieve the research objectives.

CHAPTER 2

LITERATURE REVIEW

2.1 INTRODUCTION

The right to an adequate standard of living and the right to adequate housing are protected in several international human rights laws. More than a billion people around the world do not live in adequate houses, despite the core focus of this right within the legal systems of many countries. Over a million people live in conditions that do not support the human rights that are

contained in the international law instruments and national constitutions. Unhealthy conditions and overcrowded shanty towns are common across the world (United Nations Office of the High Commissioner of Human Rights, 2009: 1). The right of access to adequate housing is said to be vital to enjoy all other human rights. A house is considered fundamental for human dignity and for physical and mental health, which are crucial for socio-economic development (Chenwi, 2007: 21).

The preamble to the constitution of South Africa contains a commitment to “establish a society based on democratic values, social justice and the fundamental human rights that lay the foundation for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law to improve the quality of life of all citizens and free the potential of each person” (Horsten, 2006: 1). This chapter provides a definition of the right to adequate housing, outlines fallacies regarding the right to adequate housing and the origins of the right to adequate housing, as well as a discussion of the seven mechanisms of the right to adequate housing and provision of the right to adequate housing, in developing countries.

2.2 THE RIGHT TO ADEQUATE HOUSING

The right to housing should not be understood in a narrow or restrictive sense which equates it with, for example, the shelter provided by just having a roof over one’s head or views shelter exclusively as a commodity, rather it should be seen as the right to live somewhere in security peace and dignity. This explanation is said to be correct for two reasons. Firstly, the right to housing is naturally linked to other human rights and to the fundamental principles upon which the covenant is premised. Thus, the basic dignity of humans, from which the rights in the agreement are said to be derived, requires that the term “housing” be interpreted so that various other considerations are taken into account. The most important deliberation is that housing rights should be ensured for all persons, regardless of their income or access to economic resources. The concept of “adequate” is very significant in relation to the right to housing since it serves to underline a number of factors which must be taken into account in determining whether particular forms of shelter can be considered as “adequate housing” for the purposes of the agreement (Hulchanski and Leckie, 2000: 27).

The International Covenant on Economic, Social and Cultural Rights (ICESCR) gives guidance to the meaning of the term “adequate housing”. The ICESCR has given some attention to the meaning of the right to adequate housing in paragraph 8 of its General Comment No. 4. These

elements of adequate housing should be taken into consideration when determining whether a house constitutes “adequate housing”. The seven key elements of adequate housing, as listed by the ICESCR, are interpreted below (Chenwi, 2007: 238239):

a) Legal security of tenure

Everyone is allowed to some form of security of tenure that guarantees legal protection against forced removals, harassment and other threats related to eviction.

b) Availability of services, materials, facilities and infrastructure

Housing should have amenities essential for health, security, comfort and nutrition. People who benefit from housing should therefore have access to basic services such as water, sanitation, energy for cooking, heating and lighting, food storage, refuse disposal, drainage and emergency services.

c) Affordability

Housing should be affordable. People must not be denied basic needs that enable them to pay for their housing. Furthermore, government must make housing subsidies and finance available to everyone who qualifies and protect people from unreasonable rent increases.

d) Habitability

For housing to be considered adequate, it must provide adequate space, be physically safe, offer protection from cold, damp, rain, heat or other threats to health for all occupants and guarantee the physical safety of occupants.

e) Accessibility

It is essential that housing be accessible to all. Legislation and policy must especially cover the housing needs of the most helpless, such as the homeless, the poorest of the poor, the destitute, elderly people, single mothers, the disabled, people who are mentally ill and people living with HIV/AIDS.

f) Location

Housing must be within reasonable proximity to economic opportunities and social amenities such as schools, child-care centres, health-care services and recreational facilities. Housing should be located in a safe and healthy environment.

g) Cultural adequacy

The way houses are built and the type of material used must enable people to express their cultural identity. Modernisation in housing development should ensure that cultural aspects of people are not sacrificed, while still providing them with modern technological facilities.

According to Tissington (2010: 28), “formulating the definition of adequate housing is not easy”. What constitutes adequate housing is very dependent on the specific context, circumstances and the needs and priorities of the individuals in the household, hence, while adequate housing concerns more than providing shelter from the elements, it is difficult or impossible to define the term exactly. Tissington adds that, therefore, a similar definition cannot apply throughout, although, some essential principles may be common across cases. The United Nations Human Settlements Programme and the Office of the High Commissioner for Human Rights (2002: 14) highlight the fact that “the housing right should not be understood in a narrow or restrictive sense which equates it with the shelter provided by just having a roof over one’s head or view shelter solely as a commodity rather than norm. Housing should be seen as the right to live somewhere in security, peace and dignity”.

2.3 MISCONCEPTIONS ABOUT THE RIGHT TO ACCESS ADEQUATE HOUSING

The United Nations Office of the High Commissioner for Human Rights (2009: 6-8) publicised the following key misconceptions about the right to adequate housing:

- a) **The right to adequate housing does not oblige the state to provide housing for the entire population.** The right to adequate housing, rather provides for the vulnerable groups, prohibits forced eviction, ensures security of tenure for all blatant discrimination and guarantees that everyone’s housing is adequate.
- b) **The right to adequate housing is not only a programmatic goal to be attained in the long term.** The state instead must, within its available resources, realise the right to adequate housing.

- c) **The right to adequate housing does not prohibit development projects which could displace people.** People sometimes believe that the protection from forced evictions prohibits development that entails their displacement from designated areas.
- d) **The right to adequate housing is not the same as the right to property.** The right to adequate housing addresses rights not related to ownership of property, instead, it guarantees everyone a safe and secure place to live in peace and dignity.
- e) **The right to adequate housing is not the same as the right to land.** The right to land is only one of the elements of realisation of the right to adequate housing.
- f) **The right to adequate housing includes ensuring access to adequate services.** Adequate housing does not only mean the physical structure of the house, but also access to basic services, such as water, energy and sanitation.

2.4 SEVEN CORE COMPONENTS OF ADEQUATE HOUSING

A number of circumstances must be met before particular forms of shelter can be considered adequate housing. The seven core components that define adequate housing are essential when developing housing. Notable difficulties with housing in South Africa include, amongst others, low-cost houses and infrastructure of poor quality and low-cost houses that continue to be built in ghettos on the outskirts of urban areas far from job opportunities such the six additional wards from the disestablished Mutale Municipality (Aigbavboa and Thwala, 2013: 17). Due to these factors, people often sell or rent out their sponsored houses and move back to informal settlements closer to job opportunities (Aigbavboa and Thwala, 2013: 17). The North West Department of Human Settlements issued a statement in the media stating that people turn RDP houses into tuck shops; this point to the failure of the current RDP system to meet its intended objectives (Good governance and learning network, 2010: 2).

During a study that was conducted by Ross (2005: 633), participants revealed that they had hoped new houses might restore dignity to the daily lives of people undermined by poverty, violence, mobility lacks, everyday humiliation, thereby, allowing them to become decent and acceptable members of society.

2.4.1 Legal security of tenure

Special rapporteur, Rolnik Raquel (2012: 3), recognizes that there is critical tenure insecurity across the world. Access to secure housing and land guarantees human dignity and adequate

standard of living, although millions of people live under the daily threat of eviction where their lease status can be challenged at any time. Lack of security of tenure is an obstacle to the realisation of the right to adequate housing by governments. The denial of access to tenure security also hinders socio-economic development. Access to secure housing or land allows the potential for social and economic progress; this fact is recognised globally. Security of tenure is essential to families and individuals. It gives people them guarantee of ownership, what they can do with their land and homes and it guarantees them protection from eviction by others. It allows access to social facilities and economic opportunities. It also empowers women economically and protects them from violence (Raquel, 2012: 5).

Housing generates economic growth, creates wealth, creates employment and income and serves as a macro-economic stabiliser during periods of recession (Arku, 2006: 385). Legal security of tenure is considered the most essential aspect of adequate housing and has therefore been a subject of both policy and legislation in South Africa. The state is indebted to ensure a wide range of tenure options including individual and collective home ownership as well as rental. Sufficient affordable housing stock should be provided to low-income earners. The Prevention of Illegal Eviction from Unlawful Occupation of Land Act, Act 19 of 1998, and (PIE Act) guarantees protection for groups and individuals living in informal settlements against forced eviction. Security of tenure is also said to be one of the areas in which gender discrimination is practised. For example, it was found that houses are often registered in a man's name even though the woman had built the house herself using her own money (Smith, 2006: 50).

2.4.1.1 Tenure and housing as an asset

In South African policies, the view of housing as an asset was influenced by the Peruvian economist Hernando de Soto. This view was summarised into the 2004 housing strategies, Breaking New Ground (BNG) and the Accelerated and Shared Growth initiative of South Africa (ASGISA) (Davis, Narsoo and Tomlinson, 2007: 7). The Breaking New Ground strategy recognises housing as an asset and formulated it as part of the new vision of ensuring property can be accessed by all as an asset for wealth creation and empowerment (Department of Housing, 2004: 1). According to De Soto as formulated in Gilbert (2002: 4):

“very little needs to be done to make capitalism work well in Africa, Asia and Latin America the poor save money and have developed a variety of business skills; all they need is the means to increase their income. The key element required to empower the poor and change them into successful business people is access to formal credit. By

granting them legal title to their property, they will gain entry into the world of formal banking that permit them to use their capital assets as security” (Gilbert,

2.4.1.2 Communal land tenure

The CESCRC has noted that tenure takes a variety of forms including, rental (public and private) accommodation, cooperative housing lease, owner-occupation, emergency housing and informal settlements, including occupation of land and property (Raquel, 2012: 13). In this study, the most common land tenure is communal land tenure which is typical of many rural areas. “Customary” or “communal” land tenure in South Africa can be traced back to a centuries-old history of land dispossessions. In years gone by, the policies of segregation and apartheid allowed white people the right to take possession of most of the land in the country (Cousins, 2007: 238). Forced removals and evictions from farms led to considerable numbers of people being located on land occupied by others. These people were moved in specially designated reserves or in areas of black group-owned land where they became either tenants or squatters (Cousins, 2012: 2).

Communal tenure implies joint or collective ownership and use of all land and natural resources, whereas most African systems include clearly defined individual or family rights to some types of land and land use, as well as common property resources. These systems involve the discussing of rights on the basis of accepted group control or supervision of land matter which relativizes individual rights to a greater degree than in systems of private property (Cousins, 2009: 2). Section 25(6) of the Constitution of the Republic of South Africa (1996) allows persons of communities whose tenure of land is legally insecure as a result of past racial discriminatory laws or practices, to tenure which is legally secure. Section 25(9) orders Parliament to pass legislation to deliver such tenure security. The White Paper on South African Land Policy of 1997 spells out principles related to security of tenure with specific reference to tenure security in the former homelands where African native land tenure was held by the government that issued licences to black people in these homelands (Du Plessis, 2011: 54).

In 2004, new legislation was approved by government. The Communal Land Right Act, Act 11 of 2004, (CLRA) was passed to secure the land tenure rights of black South Africans. The CLRA seeks to transfer title of communal land from the state to a community. Individual members of this community are then issued with a title deed of Communal Land Right, which can be upgraded later to a freehold title if the community agrees (Cousins, 2009: 12). Further, the White Paper on Land Policy of 1997 identifies discrimination against women in many land

tenure systems in rural South Africa, including communal tenure. Another cause of insecure tenure identified in the White Paper is non-implementation of land administration systems. Permissions to Occupy (PTOs) are no longer issued, and sometimes if issued, the procedure followed is ad hoc and unclear, and registers of rights-holders are not updated on a regular basis (Cousins, 2012: 3).

2.4.2 Habitability

Rauh, Landrigan and Claudio (2008: 276) contend that:

“the housing in which we live represents many elements including physical and material (location, density, building height, maintenance, air quality, sanitation, pests, hazardous exposure), social (e.g. threats to safety, noise) and psychological components (e.g. interpersonal conflict, sense of permanence)”.

Habitability is one of the components of adequate housing that should be obeyed in conjunction with health and safety standards. The habitability and the accessibility components are closely related to the issue of health as inadequate housing is generally associated with high rates of sickness and death, despite this, housing is not a priority on the list of societal needs in government. Adequate housing, therefore, must provide shelter from health threats as well as diseases (Thiele, 2002: 712-713).

Govender, Barnes and Piepes (2010: 910) state that low-cost housing programmes in South Africa have been highly cost-inefficient and the present policies driving these initiatives are giving rise to a significant number of low-income people experiencing threats to their health. Inappropriate construction techniques and low quality building material leads to cracks in walls and leaking roofs and windows, with the result that the physical structure remains wet and becomes mouldy. These conditions contribute to diseases like rheumatism, swelling and respiratory infections (Erasmus, 2010: 29). In a study conducted by Scovronik and Armstrong (2012: 49), it was concluded that wealthier households have better protection from health hazards than low-income households, with a notable increase in protection as one moves from low-cost to middle-class housing.

2.4.3 Location

There is passion in the way the South African government has gone about preparing itself, legislatively, for the task of rural land reform, notably redistribution, and correcting historically distorted spatial patterns. For often, inadequate housing is often the consequence of being barred access to land and common property resources. Lack of suitable land gives rise to

connected problems that range from inadequate housing, lack of income options, poor health, hunger and food insecurity, to acute poverty (Kothari, 2007: 10). Housing, land and property tend to be viewed as marketable commodities, rather than as a human right (Rolnik, 2008: 14).

Bierman and Van Ryneveld (2007: 2) point out that not only is delivery failing to keep pace with demand, but also the locality and form of delivery is not achieving objectives of spatial reform. Housing delivery has occurred mainly on the urban periphery, adjacent to existing low-income settlements rather than on more well-located land in the more centrally-lying areas, with better access to urban opportunities. These peripheral housing developments, which are reinforcing the apartheid city spatial pattern development, where the poor are stranded on the peripheries, have been attributed to a number of policy and implementation factors but with the major underlying cause, being cost. The funding amount is simply not sufficient for delivery on expensive 'well located' land in the more central areas even if higher densities are used to balance high land costs.

Porteous, Don, Franke and Rust (2005: 1) explain that even after the introduction of democracy in South Africa, land issues remain politicised, complex and nuanced. Adebayo and Adebayo (2001: 4) also identify the necessity of well-located land. The two writers state that workers are located on the outskirts of urban areas where land is cheap, but where job opportunities are limited, hence, this type of location prevents easy access to jobs as inefficient transport systems also reduce access to economic opportunities. Other impacts identified are the development of enterprises that supply low-income consumers' routine shopping needs, but at high prices to maximise their profit margin from taking advantage of non-competitors. The price of better located land is however a very significant market factor given the financial status of low-cost housing consumers, even with assistance. Adebayo and Adebayo continue that, "land informally settled on can be viewed as already identified and only needing reinforcement". Venter (2006: 563) indicates that peripheral locations also impact on the cost of infrastructure and services provision, thus increasing the financial burden on government.

A study conducted by Urban Landmark (2006: 2) indicates that there are currently no mechanisms and policy in place in terms of which way the state can proactively acquire well-located, high value land for affordable housing projects. The current land acquisition strategy can be considered reactive and demand-driven. In addition, Todes, Pillay and Kronje (2003: 269) reveal that a more systematic approach to dealing with land, that is, identifying and acquiring well-located land is required. They point out that municipal spatial frameworks need

to be taken to a far greater level of detail in this regard. Poor location leads to people selling or renting out their subsidised houses and moving back to informal settlements closer to their economic activities and to reduce transport costs which are a major financial strain (Goebel, 2007: 4).

2.4.4 Availability of services, materials, facilities and infrastructure

During the apartheid era, massive inequality in services was predominant in South Africa. White communities were well serviced while black communities received inferior or no service at all (Steytler, 2005: 184). Policies after 1994 introduced measures to address these inequalities. The Water Service Act, Act 108, was introduced in 1997 and gives a legal basis to the constitutional right of access to water and to an environment that is not harmful to human health (Muller and Jon, 2002: 2). The national water and sanitation programme aims at providing all households with a water supply of 20-30 litres per day within 200 meters of a dwelling unit, an adequate sanitation facility per household and refuse removal systems to those living in urban areas (Muller, 2008: 71).

At the first democratic elections in South Africa in 1994, it was estimated that 12 million South Africans did not have access to water; 21 million people did not have adequate sanitation; 10% of the population did not have access to a toilet of any kind; one third of South Africans had no form of refuse removal and more than 20 million people did not have access to electricity. Since the new government came into power, there has been a major expansion of basic services and infrastructure. From February 2002, the South African government claimed to have provided seven million people with access to water and to have connected electricity to 3.5 million households, despite these efforts, over six million South African are still without access to basic services. The government is committed to providing basic services to all the remaining households by 2008 and 2012, but the bulk of the remaining water and electricity connections will be difficult to access by rural areas because of their lower population densities and long distances from electricity and water sources. These services will therefore take a long time to complete and will be costly to install (McDonald, 2002: 4).

The right to housing is one of the rights in the Constitution that directly includes the right to basic sanitation or is fundamentally related to the enjoyment of this right (SERI, 2011: 19). Tissington (2011: 68) contends that “access to adequate sanitation is fundamental to personal dignity and scrutiny, social and psychological well-being, public health, poverty reduction, gender equality, economic development and environmental sustainability”. In rural areas, the

ventilated improved pit latrine (VIP) is considered as the basic RDP standard for sanitation due to scarcity of water. On-site sanitation, low flush septic tank systems and pit latrines are currently becoming common in South Africa's peri-urban and rural areas (Still, 2002: 2). The VIP is the cheapest option for acceptable services as this dry sanitation system does not require the expense of water to dispose of urine and faeces (Gounden, 2006: 1).

Marais, Cloete, Matebesi, Sigenu and Van Rooyen (2010: 1342) view alternative sanitation systems as inferior, evidence of a lack of social justice, and the result of South Africa's neo-liberal Growth, Employment and Redistribution (GEAR) economic policy. Such systems place lives and health of poor citizens continually at risk. They also threaten several human rights, including the right to adequate housing (Kothari, 2003: 18). Bahagwan, Stil and Foxon (2008: 26) reveal the following shortcomings about the VIP system:

- a) Once the toilet is full, it can no longer provide safe, hygienic and dignified sanitation;
- b) Maintaining pit latrines is expensive;
- c) When poor construction of pit latrines generates flies and odours, it constitutes health hazards rather than providing safe and dignified sanitation to owners;
- d) Users cannot use disinfectants as they negatively affect stabilisation of the pit, and
- e) There is no policy in place allowing upgrading of on-site sanitation systems.

The free basic-water policy has also been condemned as a remedy as it does not achieve social goals of redistribution well, due to mistakes on inclusion and exclusion (Muller, 2008: 85). McDonald (2002: 5) notes that "access to basic municipal service is still a major concern in South Africa and will remain so for many years".

2.4.5 Affordability

Affordability of housing in South Africa is limited in various families. South Africa's unemployment rate dropped to 25.3% in the third quarter of 2010 as opposed to 27.7% that was recorded in July 2017. Of the 12 million households in South Africa, roughly 250 000 do not qualify for any loan (Warnock and Warnock, 2008: 14).

Housing affordability is even problematic for many developed and developing countries (Azriyati, Aziz, Hafif and Singar, 2011: 259). Mayo, Malpezzi and Gross (1986: 191) point out that only a few developing countries have extensive and fruitful systems of housing finance. Since its adoption in 1994, the housing policy, in South Africa, has remained stable; it views

the housing subsidy as a primary tool for mass housing delivery (Rust, 2003: 9). The scheme aimed at promoting delivery by replacing the previous government's interest rate subsidy targeted at first time home buyers able to afford a mortgage bond, with capital funding targeted at the poor (Tomlinson, 2006: 88). The policy adopted in 1994 was planned to deliver starter houses, which recipients would expand over time. This incremental approach of achieving the right to housing was based on the notion that recipients would, later, have access to loans which they would use to improve their houses (Charlton and Kihato, 2006: 254).

Various means to extend the delivery of housing finance have been pursued, since 1994. Housing finance institutions were established as means of encouraging lenders to enter into the low-income housing market. In addition, various lending instruments (for example, mortgage loans, pension, unsecured micro loans and saving-linked-to-credit) have been offered by a variety of banks and non-bank 'alternative' lenders; despite these efforts, formal retail lenders have never met expectations (Tomlinson, 2005: 32). The record of understanding around the issue that was signed between government and the banking sector has failed.

The following explanations for failure were offered by the banking sectors:

“the bank has not perceived the township market to have normalised and the subsidy beneficiaries have lacked confidence in the conventional banking system, because of poor workmanship, there has been a tendency by end users to withhold bond payments and the cost and terms associated with conventional mortgages have also proved too difficult and expensive for lower income groups”. (Tomlinson, 2005: 32).

The many attempts to make conventional home loans feasible for households qualifying for government grants, recent statements by both the banking sector and government suggest a broad acknowledgement that the conventional mortgage loan system is improper for low income market (Khan, Thurman and Isandla Institute, 2001: 12).

Tomlinson (1998: 10) assert that the banks have not proved to be effective at doing business in the lower-income groups of the formal economy. One of the major reasons for this situation is that the financial returns for doing business in this sector do not pay for the increased risk and cost involved. On the other hand, Khan *et al.*, (2001: 11) blame the Department of Housing for not mobilising savings, formal credit and private sector investment in a major way to increase the subsidy as was originally predicted. In the words of Raquel Rolnik (2012: 4), housing finance policies based on credit are essentially biased against low-income households and at their best, increase housing affordability for upper and middle income groups. Current solutions often 'redline' the poor who are required to pay much higher prices for financial

services, exposing them to financial risks inherent to global finance markets and indebtedness. Housing finance policies tend to focus exclusively on housing affordability while failing to address the wider aspects of the right to adequate housing.

Rust (2006: 30) makes a similar argument, pointing out that the current housing supply, by both the public and private sectors, does not meet the housing request. The housing that is currently available is not affordable to most middle and low income earners. One of the elements undermining South Africa's affordable housing programme has been a failure to link low-income housing with upper income housing in the 'housing ladder'. Pillay (2008: 127) views the government's idea to support the entire residential property market a much more ambitious plan than the one in 1994 where the focus was simply to deliver a million units within five years to households having a monthly income below R3500.

2.4.5.1 Gap housing market

The "gap housing market" is commonly described as housing for households that earn too little to qualify for a mortgage bond, but earn too much to qualify for an 'RDP' house or government subsidy. Ruiter defines the gap-market as having significant price differences between RDP and affordable housing. This gap-market can be attributed to three main dysfunctionalities in the affordable housing sub-market, namely, affordability, demand and supply. She adds that there is a substantial gap between affordable housing demand and supply, as the demand for affordable housing far exceeds its supply. The substantial shortage of affordable housing in the market is exacerbated by competitive bidding which further increases the prices of these houses. The houses become high-priced for households with an earning capacity of between R3500 and R9670; this limits their ability to move up or even get onto the housing ladder. It is estimated that 90% of South Africa's population cannot afford a house at a price higher than R250 000, although, there are no houses available in the market between R150 000 and R280 000 (Ruiter, 2009: 31-32).

Ruiter (2009) agrees with Rust (2006: 30) arguing that housing supply and housing affordability suggest increasingly limited residential opportunities across South Africa. Large sections of the housing ladder remain un-supplied, while increasingly many of the more rich markets are reaching the limits of households' affordability. She further states that the so-called "credit gap" seems to be widening, even in the face of apparently better access to credit, due to people's inability to convert financial affordability into effective demand from the lack of affordable accommodation options to purchase. Notably, the benefits of house price

appreciation are significantly uneven across suburbs. According to Rust, the housing that is currently available does not, and in the near future is unlikely to support the affordability threshold of several identified sub-markets (Rust, 2006: 30).

The cost of the subsidy house delivered also defines the gap market. A household earning about R5000 per month could afford to purchase a subsidised house valued at about R140 000 through loan finance, however, R140 000 houses are not available for sale. The developers and bankers fear market risks, while borrowers expect better housing than that available for free to the subsidy-target markets (Financial and Fiscal Commission, 2012: 17).

2.4.6 Accessibility

Rolnik (2011: 3) notes that women across the world do not yet enjoy the right to adequate housing, although, recognition and realisation of every woman's right to adequate housing is mandatory to ensuring that every woman is able to live a life with dignity as women spend the most time at home. In support of the above statement, Miloon Kothari (2009: 18), also a Special Rapporteur, notes that lack of adequate housing and secure housing particularly impacts on women who are affected by poverty, homelessness, housing affordability problems, violence and discrimination in the private rental market and unfortunately, women who leave abusive relationships are not given a priority status for subsidised housing either; with few housing options, women normally return to abusive households. There are even laws, in some countries that discriminate against women regarding home ownership, however, in most countries, men and women have equal rights. The problem in many cases is not the law itself but implementation. Gender-neutral laws may not be effective if structural gender discrimination affects implementation of the laws. Examples include, the practice of property being registered only in the husband's name, preventing women from having ownership rights, or where women's lower income denies them access to credit to purchase property and land (Kasijser, 2007: 4). The South African White Paper on Housing includes the need to support the role of women in the housing-delivery process, but an evaluation of the housing subsidy scheme indicate that policy on gender fairness is ignored by most provinces (Venter and Marais, 2006: 72). In addition to the above, *Khan et al.*, (2001: 34) also note that specific needs of women are not sufficiently addressed and coordinated. Specific concerns include, the absence of formal mechanisms to promote consultation with groups of women and monitor impact to ensure that women are benefiting from the policy. Inadequate housing also impacts upon children. Gomez (2007: 112) argues that every child deserves a safe place to call home.

Today, it is estimated that there are some 150 million street children worldwide, ranging between three and eighteen years of age. About 40% of these children are either homeless, or often living alone without anyone to look after them; homeless children are forced into a precarious existence on the streets. She continues that this does not only violate their right to adequate housing, but also threatens their rights to personal security, education, the highest attainable standard of health, and in far too many cases, even their right to life.

2.5 THE RIGHT TO ADEQUATE HOUSING UNDER INTERNATIONAL HUMAN RIGHTS LAW

The right to adequate housing is contained in a number of international human rights instruments. Housing rights should not be seen as a new development within the human rights field, as they have long been regarded as essential to ensuring the well-being and dignity of human beings. Housing rights are integral to human rights as a whole and have been included in the most authoritative international statements regarding human rights (UN Habitat and OHCHR, 2003: 2). Amongst the relevant international instruments are - the Universal Declaration of Human Rights, the Covenant on Economic, Social and Cultural Rights, Section III of the Vancouver on Human Settlements (1976) and the Habitat Agenda (1996). On 10 December 1948, the General Assembly of the United Nations adopted the Universal Declaration on Human Rights (United Nations, 1948: 1). The United Nations Universal Declaration of Human Rights (1948), article 25(1) states, “Everyone has the right to a standard of living adequate for health and well-being of himself and his family, including food, clothing, housing and medical care”.

On 13 December 1991 Article 11(1) of the covenant was adopted at the sixth session of the committee on Economic, Social and Cultural Rights (Office of the High Commissioner for Human Rights, 1991: 1).

The state parties to the present covenant recognised the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions. Section III (8) of the Vancouver Declaration on Human Settlements (1976) states:

“adequate shelter and services are a basic human right which places an obligation on government to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action.”

The Second United Nations Conference on Human Settlements (Habitat II) was convened at Istanbul in June 1996 and was on the realisation of the right to adequate housing (United Nations and Office of the High Commissioner for Human Settlements, 2004: 44). The Habitat Agenda (1996) included a commitment by states to:

“the full and progressive realisation of the right to adequate housing as provided for in international instruments. To that end seek the active participation of our public, private and non-governmental partners at all levels to ensure legal security of tenure, protection from discrimination and equal access to affordable, adequate housing for all persons and their families (UN Habitat, 2006: 2).

The following are other international human treaties that recognise the right to adequate housing (Office of the United Nations High Commissioner for Human Rights, 2009: 11):

- The 1951 Convention relating to the Status of Refugees (Article 21);
- The International Labour Organisation’s 1962 Convention no. 117 on basic aims and standards of social policy (Article 5 (2));
- The 1965 International Convention on the Elimination of all Forms of Racial Discrimination (Articles 5(e) (3));
- The 1996 International Covenant on Civil and Political Rights (Article 17);
- The 1979 Convention on the Elimination of all Forms of Discrimination against Women (Articles 14 (2) and 15 (2));
- The 1989 Convention on the Rights of the Child (Articles 16 (1) and 27 (3));
- The International Labour Organisation’s 1989 Convention no. 169 concerning indigenous and tribal people in independent countries (Articles 14, 16 and 17);
- The 1990 International Convention on the Protection of the Rights for all Migrant Workers and Members of their Families (Articles 43 (1) (a)), and
- The 2006 Convention on the Rights of Persons with Disabilities (Articles 9 and 28).

2.6 THE RIGHT TO ADEQUATE HOUSING UNDER THE SOUTH AFRICAN CONSTITUTION

The right to adequate housing is contained in the South African Constitution of 1996. Section 26(1) of the South Africa Constitution stipulates, “Everyone has the right to have access to adequate housing”. Sub-section 26 (2) requires:

“The state must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right”. Sub-section 26 (3) requires that, “no one shall be evicted from the home, or have their home demolished, without any order of court made after considering all the relevant circumstances. No legislation shall permit arbitrary evictions”.

When the ANC came into power in 1994, there was a huge housing shortage in the country. To minimise the shortage, the state committed to build one million houses during its first term of office (South African Human Rights Commission, 2004: 1). An adequate house provides a secure place to live, human dignity, healthy conditions, well-being and quality of life. Housing plays a significant role in also providing basic services like access to water and sanitation facilities (Kabir, 2002: 98). Human rights are said to be interdependent and interrelated suggesting that, the violation of the right to adequate housing may affect the enjoyment of other human rights (United Nations Office of High Commissioner Human Rights, 2009: 9). The right to adequate housing has not been adequately fulfilled in South Africa, in spite of the numerous policies to that effect.

2.7 LEGAL OBLIGATION OF HOUSING RIGHTS

The ICESCR imposes obligations of the progressive realisation of housing rights, by all governments and these obligations have been referred to in various general comments. These obligations are guarantees that the rights contained in the ICESCR will be undertaken without discrimination, therefore, the duties bind the state and its organs, the executive, and the judiciary (Mabizara, 2006: 4; Chenwi, 2010: 16).

Section 7 of Chapter 2 of the Constitution of South Africa assists the state to “respect, protect, promote and fulfil” the rights contained in the Bill of Rights. Tissington (2011: 42) maintains that the obligations to respect and protect place negative duties on the state, while the responsibilities to promote and fulfil place positive duties on the state. Chenwi (2010: 16) describes negative obligations as “abstention-bound and resource-barren and positive obligations as fulfilment-bound and resource-dependent”. The constitution places the obligation to “respect” upon the state, other entities and persons not to prevent or impair a person’s constitutional right, that is, to refrain from interfering directly or indirectly with a person’s enjoyment of the right.

The state violates this obligation when, through legislative or administrative conduct, it deprives people of the access they can enjoy to any socio-economic right, such as housing. The obligation to protect the right to housing requires the state to take measures that prevent third parties, such as individuals or groups from interfering in any way with the enjoyment of this right. The obligation to promote constitutes another positive duty that requires action to further or advance the right to housing. This obligation appears to require the state to create an enabling environment that will advance the realisation of the right to adequate housing (Tissington, 2011: 42). The obligation to “fulfil requires the state to adopt reasonable legislative, administrative, budgetary, judicial, promotional and other measures within its available resources, to achieve the progressive realisation of socio-economic rights” (Chenwi, 2010: 17).

2.8 PROGRESSIVE REALISATION OF THE RIGHT TO ADEQUATE HOUSING

Sub-section 26 (2) of the Constitution of South Africa requires that, “the state must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right”. It is the duty of the state to provide enjoyment of the rights even when faced with resource constraints. In cases of vulnerable and marginalised groups, the state must take positive action to reduce inequality and give them preferential treatment. Furthermore, progressive realisation binds the governments to utilise available resources, both within a state and those available through international assistance and cooperation (Chenwi, 2010: 3).

2.9 HOUSING LEGISLATION AND POLICIES IN SOUTH AFRICA

To fulfil the right to adequate housing in South Africa, the government developed a number of housing policies and legislations. Below is a discussion of the weaknesses and strength of these policies and legislations.

2.9.1 The Housing Act, Act No 107 of 1997

The Housing Act is a firm policy on principles outlined in the 1994 White Paper on housing (Tissington, 2011: 14). At the heart of the Act is the aim to “provide for the facilitation of sustainable housing development processes”. This Act describes in detail the powers and the duties of the various spheres of government and the way they should cooperate in order to give effect to section 26 of the Constitution (McLean, 2003: 164165). Below are the roles and responsibilities of all three spheres of government in relation to the Act.

a) Functions of national government

It is the duty of the Minister to determine - national policy and national norms and standards on housing development, set national housing delivery goals, monitor performance of national, provincial and local governments, assist provinces to develop the administrative capacity, promote consultation and promote effective communication.

b) Functions of provincial government

Every provincial government is required to - develop provincial policy, ensure adoption of provincial legislation, strengthen the capacity of municipalities, coordinate housing development in the provinces, support municipalities in exercising their powers and performing their duties and to prepare a multi-year plan.

c) Functions of local government

Every municipality must ensure that its people - have access to adequate housing by which they remove conditions unsuitable for health and safety, that they provide services and infrastructure and determine housing delivery goals and that land for housing development is available. Charlton and Kihato (2006: 263) point out that the introduction of the Housing Act paved the way for local government involvement in housing development and in 1998 the government changed what was termed the 'procurement regime', to enable the local government to be developers of low-cost housing projects from April 2002. The Director General in the Department of Housing labelled this 'a fundamental departure', signifying the shift away from the public-private partnership approach of the National Housing Forum, to a more state-centred, state-driven approach.

Pottie (2003: 137) identifies the following key challenges that local governments are facing in addressing the delivery of low-cost housing - accessing resources for development of housing and infrastructure, capacitating local government to administer development, meeting housing needs and coordinating housing development with limited state resources. These challenges have not diminished in the past decade. In support of the above statement, McLean (2003: 170) points out that the Housing Act is unclear on the financial responsibilities of local government. Many local governments feel that they have been left with the bulk of the work and argue that for local government to participate in housing development amounts to unfunded mandates. This was confirmed by Mokoena and Marais (2007: 325) in a research that they conducted at Mangaung Local Municipality which showed that, despite the good intentions of municipalities to get involved in housing development at local level, local governments bear the brunt of, potentially, bad consequences.

2.9.2 Breaking New Ground: A comprehensive plan for the development of sustainable human settlements (2004)

Ten years after the Department of Housing released its 1994 White Paper on housing which set out a new national housing vision, policy and strategy, the cabinet approved a new document entitled “Breaking New Ground (BNG): a comprehensive plan for the development of sustainable human settlements”, which laid out the government’s approach to housing delivery for the next five years. The Department of Housing stated that the new document should not be viewed as a fundamental change from the 1994 policy but rather as an enhancement of the previous housing policy (Tomlinson, 2006: 85).

The BNG is said to “reinforce the vision of the Department of Human Settlements, to improve the achievement of a non-racial, integrated society through the development of sustainable human settlements and quality of housing”. The following objectives were set by the Department in order to meet its vision (Department of Housing, 2004: 1):

- Accelerating the delivery of housing as a key strategy for poverty alleviation;
- Utilising provision of housing as a key strategy for poverty alleviation;
- Ensuring that property can be accessed by all as an asset for wealth creation and empowerment;
- Leveraging economic growth;
- Combating crime, promoting social cohesion and improving quality of life for the poor;
- Supporting the functioning of the entire single residential property market, and
- Utilising housing as an instrument for the development of sustainable human settlements in support of spatial restructuring.

There are mixed opinions about the BNG policy. Some say that it has made a radical departure from the previous policy and presents fundamental rethinking of the approach to housing delivery. Others contend that the approach contained in the BNG, while signalling shifts in emphasis, does not fundamentally break with the past policy. In particular, the lack of clarity in addressing key weaknesses in existing policies is noted. Another problem identified is that the state is focusing on the number of houses built and the budget, ignoring the “programmes

were developed to achieve holistic, comprehensive, sustainable human settlements” (Charlton, 2009: 308).

According to Pithouse (2009: 1) there has been a systematic failure to implement the contents of BNG. Most of the funded units built thus far, have not been viewed as valuable assets to the poor (Roysten, 2007: 34). Choguill (2007: 149) is of the opinion that in order for BNG to be successful, constraints, such as low incomes of the economically weaker sectors, should be taken into consideration when attempting to meet housing needs. He emphasises that sustainability in housing cannot be viewed as an end in itself and that there is no chance for success without rethinking housing policies and basing them on sustainability criteria, that is “meeting the needs of the present without compromising the ability of the future generations to meet their own needs,” In support of the above statement, Goebel (2007: 300) asserts that the bridging the distance to economic opportunities is a priority to the poor.

2.9.3 The Prevention of Illegal Eviction Act, Act 19 of 1998 (PIE Act)

The PIE Act is a piece of legislation that gives effect to Section 26(3) of the South African Constitution. “The Act provides for prohibition of unlawful evictions, procedures for the eviction of unlawful occupiers, and to repeal the prevention of Illegal Squatting Act of 1951 and other obsolete laws and to provide for matter incidental thereto”. The eviction of people from their homes and the demolition of those homes impair enjoyment of constitutional rights, including the right to dignity, security of the person, privacy, health and access to housing. The General Comment no. 7 on forced evictions indicates that

“eviction also disproportionately affects vulnerable individuals and groups, including women, people living with disabilities, the elderly and frequently children. Forced evictions are a reflection of unjust socio-economic circumstances in which communities experience widespread homelessness and there are deep inequalities in access to land and housing” (Liebenberg, 2005: 1).

Pithouse (2009: 1) acknowledges that he has “never come across one incident where the state has acted in accordance with the law in terms of Section 21 of the Constitution and the PIE Act”. He elaborates:

“not one instance is known where the city has evicted with a court order. The practice acts in flagrant breach of the law. A recurring theme with these evictions is the simple callousness with which they are carried out. They are carried out in an authoritarian and high-handed manner against the most vulnerable people in our society, especially poor black women, old people and the unemployed.”

There are acts that are used by the municipalities to oppose the PIE Act. PIE affords some protection to desperately poor tenants while on the other hand the National Building Regulation and Building Standards Act, Act 103 of 1997 (NBRA) justifies eviction on the basis of the occupiers' health and safety. The NBRA is an apartheid era law granting a municipality the statutory power and duty to prevent dangerous living conditions within its jurisdiction. Under section 12 (4) (b), a municipality can order the occupiers to vacate any building that is considered unsafe or unhealthy. This section is regularly used in Johannesburg to clear inner city slums or other 'bad buildings'. Unlike PIE, the NBRA provides no list of relevant circumstances to be considered by the court before granting of an eviction order (Chenwi, 2006: 13).

2.9.4 The Housing White Paper (1994)

The White Paper on Housing was released in December 1994. The following vision for housing is outlined in the White Paper:

“the establishment and maintenance of habitable, stable and sustainable public and private residential environments to ensure viable households and communities in areas allowing convenient access to economic opportunities and to health, educational and social amenities in which all citizens and permanent residents of the Republic will, on a progress basis, have access to permanent residential structures with secure tenure, ensuring internal and external privacy and providing adequate protection against the elements, and portable water, adequate sanitary facilities, and domestic energy supply”.

The White Paper on Housing also provides a framework for the development of one million subsidised houses, as outlined in the African National Congress Reconstruction and Development Programme (RDP). A cornerstone of the housing policy during this period was National Housing Subsidy Scheme (NHSS), which provided capital for qualifying beneficiaries (Tissington, 2011: 21). This subsidy is meant for purchasing land, ensuring secure tenure, provision of infrastructure services and starter houses for those who meet the legislated criteria. The aim of the subsidy was also to meet the African National Congress's (ANC) objectives of 'housing for all' and although the subsidy amount is increased every year, it has not kept up with inflation. The nature of a "basic house" has been contested since the inception of the policy. When the housing policy was introduced in 1994, the state implemented the incremental housing delivery approach to achieve the right to housing. With this approach, beneficiaries were provided with a starter house that they could improve over time. The assumption was that they would be able to extend their houses through loan assistance from a bank (Charlton and Kihato, 2006: 254). Pottie (2003: 132) notes that the state of South Africa's

finances prohibits the government from realising the right to adequate housing. The Housing White Paper acknowledges that the key constraint facing subsidy beneficiaries is, affordability. Another critique about the Housing White Paper is that its housing approach resulted in a single-minded focus on ‘quantity’ while ignoring ‘quality’. The policy did not take into account factors such as accessibility to social amenities and job opportunities (Tomlinson, 2006: 96).

Karina Landman (2004: 16) argues that amidst all the positive spin-offs, instead of becoming more actively involved in helping the poor, the government is standing back. She criticises the Housing White Paper for adopting a market- centred approach, which has had several unfortunate outcomes for low-income housing, including:

- An inequitable allocation of funding between different low-income groups;
- A low rate of delivery;
- The deconstruction of existing housing construction capacity;
- Communities being displaced;
- A reluctance on the part of the private sector developers to be involved in conflict-ridden areas, and
- The reproduction of apartheid-style ghettos.

2.9.5 The National Housing Code (2009)

The BNG policy makes provision for a National Housing Code which was introduced in 2009; the two documents are aligned to ensure implementation of the set goals. The National Housing Code was developed to accommodate changes that emerged from the year 2000 and to make the National Housing Programmes more flexible while also serving as guidelines. The code spells out the policy principles, guidelines and norms and standards which apply for various housing assistance programmes. The code is reviewed annually to ensure that it keeps pace with policy changes. The varieties of housing programme contained in the code include - the individual subsidy programme, the operational capital subsidy programme, the consolidation subsidy programme, the social and economic facilities, the emergency housing programmes, the integrated residential development programme, the enhanced people’s housing process, the informal settlements upgrading programme, the community residential unit programme, the institutional subsidy programme, the social housing programme, communal land rights, the rural subsidy programme, the farm and the resident housing assistance programme (Tissington,

2010: 53-54). The national housing subsidy programme is considered to be the cornerstone of the National Housing Policy that was designed to address social demands, the prevalent housing backlog in South Africa, fiscal constraints and financial sector market distortions (Khan, Thurman and Isandla Institute, 2001: 3).

In a report on public hearings by the Financial and Fiscal Commission (2012: 3) it is stated that despite the efforts exerted to deliver three million fully subsidised houses to low-income households, it is evident that current housing policies are not working optimally. They are financially unsustainable, do not deliver on the scale required and distort the housing market. It is estimated that it would cost over R300 million to eradicate the housing backlog of 2.2 million units (at R140 000 per unit), a sum that is far beyond the fiscal capacity of the state. Even if the state were to issue land for free and combine the housing and infrastructure subsidies, there would still be a budgetary shortfall. With the current global economic situation, the chance of increase in revenue to sufficiently accommodate the necessary budgetary growth is low. It is also unrealistic that South Africa will be able to raise sufficient debt capital to address the housing backlog at such a high scale (Financial and Fiscal Commission, 2012: 21).

Corruption in the allocation of low-cost housing processes is also said to be a contributing factor to slow delivery of houses. In a research that was conducted by Rubin (2011: 481) the respondents mentioned that the housing allocation process in Johannesburg is carried out in an unfair and corrupt manner. The accusations included issues of nepotism, bias favouring comrades and companions, bribery and inducement as well as political interference. Unfair practices seem common in the country. The findings of the research that was conducted by Oldfield and Zweig (2010: 149), in Cape Town, also revealed corruption in housing allocation. Del Mistro and Hensher (2009: 334) in their study criticise the housing subsidy programme from another angle, for encouraging individuals to “sit back and wait for government to deliver”.

2.9.6 Social housing Act, Act 16 of 2008

In 2008 the Social Housing Act 16 of 2008, was passed. The Act aims to establish and promote a sustainable social housing environment, to define the functions of national, provincial and local governments in respect of social housing, and to provide for the establishment of the Social Housing Regulatory Authority in order to regulate all social housing institutions obtaining or having obtained public funds. The social housing delivery model was influenced by countries such as the United Kingdom, Norway, Netherlands, Canada and the European

Union. These countries also had significant influence in South Africa, by providing a significant amount of multilateral aid and technical support. Internally, the trade unions have been vocal in demanding a form of social housing delivery, promoting the creation of a public housing agency to develop a formal rental stock (Charlton and Kihato, 2006: 266). A rental housing scheme was not included in the initial post-apartheid housing policy. Backyard dwellings were viewed as interim accommodation that would disappear once people were provided with low-cost houses, however, the 2009 statistics indicate that more than 20% of South Africans live in rented accommodation in backyard dwellings (Lemanski, 2009: 4).

Increasingly, social housing is seen to be the solution to critiques that the RDP housing programme reinforces urban sprawl and a spatial form of the apartheid city. The complexities of the financial model have, however, meant that social housing has a limited impact in terms of number of units delivered, accounting for only about 1.5% of housing production by 2003. Social housing has only been able to reach a very narrow target group, at the upper end of the main subsidy income-qualification limit of R3 500 per household; relying as it does on capital subsidy from government and not operating subsidy. This has had a limited reach to the poor and until recently it was not considered an effective housing solution for very low-income beneficiaries. A massive rental programme was not possible, given the scale of the backlog. This was influenced by an understanding of the need to grow the economy so that housing should not become a financial drain (Charlton and Kihato, 2006: 266). Cross (2006: 15) states that any kind of public rental housing is not easy to manage, especially for the poor in a high-rise format as management of maintenance and rent collections are often challenging.

2.9.7 Rental Housing Act, Act 50 of 1999

The Rental Housing Act, Act 50 of 1999, is a piece of legislation that - defines the responsibility of government in respect of rental housing property; creates mechanisms to promote the provision of rental housing property; promotes access to adequate housing through creating mechanisms to ensure the proper functioning of the rental housing market; makes provision for the establishment of Rental Housing Tribunals; defines the functions; lays down general principles governing conflict resolution in the rental housing sector; provides for the facilitation of sound relations between tenants and landlords and for this purpose to lay down general requirements relating to lease; repeals the Rent Control Act, 1976; and provides for matters connected therewith.

2.9.8 People's Housing Process (1998) (PHP)

To address some of the shortcomings of the housing subsidy scheme and the needs of the poorer group among low-income families, who were refused housing loans and credit through private financial institutions, the South African government launched another programme in 1998 to support self-help by the poor. The pilot program called the “People’s Housing Process” (PHP) is a component of the new housing policy and approaches housing differently (Miraftab, 2003: 233).

The PHP was identified as one of the seven strategies of the White Paper on Housing in 1994, but was only officially launched as a programme in 1998. The programme entails support for sweat equity. In spite of the PHP programme and other initiatives aimed at promoting aided self-help housing, there has not been a large uptake in numerical terms. This raises a number of questions: *Is self-help housing not appropriate or relevant in post-apartheid South Africa or is the process too difficult to implement or manage? Are there other options for low-income households that are more viable and sustainable, including unaided self-help?* These questions remain unanswered hence the controversy on the merit and demerits of aided self-help housing in South Africa has still not been settled (Landman and Napier, 2010: 299-300). Another critique about self-help housing is that the quality of self-help housing is often very poor and that the state is not able to purchase and develop sufficient land to satisfy the massive demand for low-cost housing (Bredenoord and Van Lindert, 2010: 281).

The most commonly cited success of PHP is that houses are larger and better designed with a greater diversity in housing types when compared to mass-built houses (Napier, 2003: 331). A quality product is produced when the beneficiaries are in control of the design, construction, and management of their own houses (Harris, 2003: 248). By being involved in the design and production of facilities, poor people would feel more responsible for the maintenance is the belief of Berner and Phillips, (2003: 1). Self-help housing has been severely criticised for making inefficient use of under-utilised labour (Harries and Giles, 2003: 176).

2.10 INTEGRATED DEVELOPMENT PLAN (IDP)

From the late 1970s the reformist wing of the post-apartheid state underwent experimentation with various forms of integrated development planning to find a solution for growing political and economic crises. The most important influence on post-apartheid policy was the township based Civic Movement during the mid-1980s. The movement mobilised community activism around issues like housing and transportation. By the late 1980s, academics and development professionals formed part of the struggle and provided intellectual support. The 1994 official

policy was shaped by the ideas of progressive planning and the development of Non-Governmental Organizations (NGOs). Around 1992 and 1993 the idea of this network was being fed into the policy negotiations taking place in the Local Government Negotiation Forum. During this time, ideas of integrated urban development and of post-apartheid planning were developed (Harrison, 2006: 193).

After the failure of socialism, the ANC adopted the Reconstruction and Development Programme (RDP); an approach presented as an integrated, coherent, socio-economic policy framework. To implement this programme in a coordinated manner, the RDP office adopted integrated development planning as a potential instrument. The Interdepartmental Forum, which was set up by the RDP office to produce planning approaches, defined IDP as a

“participatory approach to integrate economic, sectoral, spatial, social, institutional, environmental and fiscal strategies in order to support the optimal allocation of scarce resources between sectors and geographical areas and across the population in a manner that provides sustainable growth, equality and the empowerment of the poor and the marginalized” (Harrison, 2006: 194).

During October 1994, the state stressed the importance of local government in the implementation of the RDP and the local authorities’ responsibility for development, physical planning as well as the preparation of a five-year infrastructure investment programme. When the Local Government Transitional Act was drafted in November 1996, it required that all transitional metropolitans, districts and local councils prepare an IDP that is incorporated into the legislation (Harrison, 2006: 195).

A number of legislations and policies relating to local government were introduced between 1998 and 2000. Amongst the legislations that were introduced was the Municipal Systems Act, Act 32 of 2000. The purpose of this Act was to construct a new planning framework for a developmental local government. Chapter 5 of the statute requires that each municipality council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan for the development of the municipality which:

- Links, integrates and coordinates plans and take into account proposals for the development of the municipality;
- Aligns the resources and capacity of the municipality with implementation of the plan;
- Forms the policy framework and general basis on which annual budgets must be based;

- Complies with the provision of this chapter, and
- Is compatible with national and provincial development plans and planning requirements bidding on the municipality in terms of the legislation.

The IDP is the “principal strategic planning instrument which guides and informs all planning, budgeting, management and decision making in a municipality” (Department of Housing, 2004: 8). The housing chapter or the housing sector plan is a summary of the housing planning undertaken by a municipality and should be part of the five year IDP and reviewed annually. It is therefore not a comprehensive, stand-alone plan resulting from a separate planning process. The housing chapter is sometimes referred to as the “housing sector plan”. According to this chapter, municipalities are required to determine housing needs and demands across all income levels, build linkages across housing delivery, negotiate for well-located land and plan spatial restructuring and transport. These processes are to be carried out in a transparent manner (Tomlinson, 2011: 422).

2.11 CONSTITUTIONAL JURISPRUDENCE ON THE RIGHT TO HOUSING

South Africa is internationally renowned for its modern and progressive Constitution and policies but although the country is praised for its progressive housing policies and legislations, forced eviction still persists. Forced evictions are still implemented daily, however, on a smaller scale than with prior legislation and policies on eviction (Du Plessis, 2005: 126). One of the main issues in the debate and development of the justifiability of social and economic rights is the question of the extent to which a court may review, reverse and squash decisions and policies decided upon by democratically legitimate bodies, that is, government and parliament (Coomans, 2005: 168).

The Constitution of South Africa, 1996, offers a degree of peace, security and consultation to those whose security of tenure is threatened. Everyone must have access to legal remedies in case their right to housing is violated. This will also enable the state to realise the right to adequate housing. The courts have the power to grant relief for constitutional violations, however, it is unclear whether the courts’ remedies have been effective in providing adequate relief for victims (Serie, 2009: 100).

Section 7 of Chapter 2 of the Constitution obliges the state to “respect, protect, promote and fulfil” the constitutional rights. Any law that allows unfair evictions would be considered a failure by the state to respect housing rights. Two legislations that were adopted to ensure the

protection of the right to housing are the Extension of Security of Tenure Act, Act 62 of 1997 (ESTA) and the Prevention of Illegal Eviction Act (PIE). These Acts were implemented to ensure realisation of Section 26(3) of the Constitution. The obligation to promote requires the state to make decision which favours the realisation of the right to housing. The obligation to fulfil binds the state to “adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of the right” (Tissington, 2011: 42-43).

This section outlines three housing rights cases that have appeared before the Constitutional Court from 1995: Grootboom, Joe Slovo and City of Johannesburg. This section also outlines the findings of each court case and how these findings affected South African housing policies and the right to adequate housing.

2.11.1 Grootboom

Mrs Iren Grootboom was one of four thousand residents living in an uninhabitable area called Wallacedene. The occupants of the area were extremely poor with a high unemployment rate. Of four thousand residents, one quarter of the households were not employed and more than two-thirds survived on less than R500 per month. The area lacked services such as water, sewerage, refuse collection and only 5% of the households had access to electricity. Most the residents had been on the housing waiting list for about seven years, yet despite this desperate situation the residents were living in, the government failed to respond to their situation. Consequently the residents moved their homes to a nearby vacant plot, which they called ‘New Rust’, unfortunately, this was private land and had been ear-marked for low-cost housing (Wickeri, 2004: 14).

Three months after the residents moved onto this land, they were served with an eviction order, following which the community was forcibly removed and their houses were destroyed. Their original plot at Wallacedene had already been occupied by another group of people and the community was forced to take shelter on the Wallacedene sports ground field and in a local community hall. On 31 May 1999, the community filed an urgent application in the Cape Good Hope High Court, seeking the state to provide them with “adequate and sufficient basic temporary shelter and/ or housing” until they could obtain permanent adequate housing, social amenities and basic services. This was the first case regarding the right to access adequate housing in South Africa (Wickeri, 2004: 14-15).

2.11.2 Discussions and outcome of the case

In the Grootboom case, the court developed its reasonableness test. In an analysis of section 26(2), the court explained its approach to evaluate whether legislative and other measures in the housing policy of the government were taken into account and whether the situation of the squatters in the case under review was reasonable. The Constitutional Court took advantage of the fact that section 26(2) requires the state to take reasonable legislative and other measures to achieve progressive realisation of socio-economic rights and focused its deliberations on the term ‘reasonable’ (Wesson, 2004: 287).

The court laid down the following criteria or elements of a reasonable test (Coomans, 2005: 175-176):

- A reasonable programme must allocate tasks and responsibilities amongst different spheres of government and provide them with the necessary financial and human resources to carry out their respective obligations created by (housing) legislation;
- Legislation must be complemented by policies and programmes that are reasonable in conception and implementation. Such policies must be capable of facilitating the realisation of the right, and
- Reasonable measures must take into account the social, economic and historical context and background of the situation which the policy aims to address.

During the court case hearing, the lawyers for the Grootboom community explained to the judges the uninhabitable conditions in which the community was living. Two judges of the high court stated that there had been no violation of section 26 (right to access to adequate housing). The state had limited resources and section 26 only requires the government to take measures within available resources to progressively implement the right to access adequate housing. The judges believed that the housing policy was implemented to an extent that the government did not have the resources to support, however, the judgment breached section 28(11) (C) which grants children the right to basic shelter. Where parents are unable to provide shelter for their children, the court said, this became the obligation of the state. The court ordered the state to immediately provide the children and their parents with temporary shelter with basic services, until parents were able to provide accommodation for their children. The government was ordered to report back within three months of the decision (Wickeri, 2004: 15).

The government appealed but when the oral arguments were due to be heard in the Constitutional Court, the Western Cape provincial government and Oostenberg Municipality made an offer “in the interests of humanity and pragmatism” to the Grootboom community which was accepted. The arrangement was that the provincial and local governments would provide temporary accommodation consisting of a roof, sanitation and water until housing could be made available through the provincial housing programme. Four months after the agreement had been reached the community made an urgent application to the court alleging that the agreement had been breached. The ruling was challenged by the municipality at the High Court (Wickeri, 2004: 16).

The judge found the government housing programme to be invalid as it failed to make provision for those in desperate need of housing. The primary focus of the programme is to construct permanent structures, and not to provide interim shelter for the desperate. In the words of the court, “the nationwide housing programme falls short of obligations imposed upon national government to the extent that it fails to recognise that the state must provide relief for those in desperate need” (Wesson, 2004: 288).

Geoff Budlender of the Legal Resources Centre was appointed to analyse the case. In his analysis, Budlender questioned the government’s excuse that meeting the housing needs of those living under the worst conditions would deflect resources from the medium-to-long-term housing delivery programme. He further noted that the government had not determined the housing needs and therefore did not know the actual cost to address the immediate housing needs. In contrast to the High Court ruling, Budlender argued that the scale of the housing backlog was no excuse for no response by the state over the past three years. Instead Budlender argued that the government should have prioritised the most desperate and vulnerable (Huchzermeyer, 2003: 87). On the other hand, Budlender argued that “the Grootboom community was only part of a much larger class of homeless people or people in crisis. Ray (2010: 242) states that “courts are ill equipped to deal with complex policy issues raised by these rights and lack the demographic legitimacy of the political branches when making the inevitable trade-offs among competing priorities required, when setting socio-economic policy”.

2.12 CITY OF JOHANNESBURG Vs. RAND PROPERTIES

Thousands of poor people occupy abandoned and unsafe buildings in the inner cities of Johannesburg and Pretoria. The Applied Legal Studies and the Centre for Human Rights and

Evictions revealed that “occupiers of ‘bad buildings’ are desperately poor people forced to illegally occupy unsafe building because they cannot afford accommodation on the private residential housing market nor access the urban social housing”. The City of Johannesburg continues to evict informal settlement residents in response to health and safety issues. The eviction of the people from ‘bad buildings’ without alternative accommodation does not reduce the eruption of informal dwellings (Chenwi, 2006: 13).

Occupiers of ‘bad buildings’ have challenged the municipality regarding forced evictions (Chenwi, 2006: 13). On one hand, the Extension of Security of Tenure Act (Act 62 of 1997) and the Prevention of Illegal Eviction Act (Act 19 of 1998) protect poor tenants, while on the other hand the National Building Regulations and Building Standards Act (Act.103 of 1997) (NBRA) “justifies eviction on the basis of the occupier’s health and safety”. The NBRA is an apartheid statute granting a municipality, power to prevent dangerous living conditions within its jurisdiction. Relying upon this Act, the city of Johannesburg evicted over 300 people from ‘bad buildings’. The municipality contends that the eviction would promote public health and safety and reverse inner city decay (Chenwi, 2006: 13).

2.12.1 Discussions and outcome of the case

The occupiers opposed the eviction. Justice Mohamed Jajbhay heard the case and handed judgment on 3 March 2006. The argument was based on section 26 of the Constitution - ‘the right to access adequate housing’. The outcome of the arguments was that it was believed unnecessary to address the other argument advanced by the occupiers. The judge dismissed the municipality’s eviction application and found that municipality’s housing programme did not comply with its constitutional and statutory obligations of providing shelter for those in need. The court further ordered the municipality to develop and implement a comprehensive and coordinated programme in order to realise the right to adequate housing for the poor. Finally, an interdict was issued against the municipality from applying for eviction until they had provided adequate shelter for the desperate (Chenwi, 2006: 14).

2.13 JOE SLOVO Vs. THUBELISHA HOMES

The case involved an attempt by the Western Cape government to evict a group of 20 000 informal settlement dwellers. The reason for eviction was to implement one of the BNG programmes, upgrading of informal settlements. The government’s plan was to replace the informal structures with adequate and affordable houses. At first, the residents were satisfied with the plan, but the government failed to adhere to their commitment of allocating 70% of

the houses to residents of Joe Slovo, and planned to move them to an area far from economic opportunities. The government offered houses to people who were already on the housing list in Cape Town. During the hearing in the Western Cape High Court, the government maintained that they had complied with the eviction requirements. The judgment favoured the government and granted the eviction order (Serie, 2009: 104-105).

2.13.1 Discussions and outcome of the case

The residents of Joe Slovo argued that they had consented to live in the Joe Slovo area and that their eviction was unjust. The residents further asserted that the government had failed to comply with the provision of the Prevention of Illegal Evictions and Unlawful Occupation of Land Act during the eviction. The government argued that the residents of Joe Slovo were illegal squatters, and there was no agreement that the residents of Joe Slovo would benefit by houses in the new development. The decision by the Constitutional Court favoured the residents of Joe Slovo since the government had not fulfilled its promise of allocating houses. The court handed down the judgment, stating that the government had denied community members access to adequate housing. Furthermore the Constitutional Court ruled that the residents of Joe Slovo were to vacate the area, but the government should provide them with adequate alternative shelter. The judgment ruled that government engage with the residents of Joe Slovo on dates of removal and fulfil its commitment of allocating 70% of the new houses to the residents of Joe Slovo (Serie, 2009: 105).

Regarding this case, the court was faced with two issues. Firstly, whether the applicants were properly evicted in terms of the PIE Act and secondly, whether the state had acted reasonably in seeking the eviction of the applicants. On the first issue, the majority agreed that applicants were unlawful occupiers. On the second issue the majority agreed that the state had been reasonable in applying for eviction (McLean, 2013: 224). Regarding the issue of consent, the judge found that the residents did not possess written consent from the municipality. In contrast, Chief Justice Dikgang Moseneke, found that the actions of the municipality gave the applicants tacit consent (Mc Lean, 2013: 226).

Chenwi and Tissington (2010: 18) state that “meaningful engagement” protects the dignity of the citizens in South Africa. In the Joe Slovo case, the Constitutional Court said that the requirement of engagement flows from the need to treat residents with respect and care for their dignity. Engaging communities enables the government to understand the needs and

concerns of individual households so that, where possible, it can take steps to meet their concerns. If meaningful engagement occurs before an eviction, it can prevent dissatisfied people from having to go to court. This means that the government and communities must have a meaningful conversation about the situation.

In support of the above statement, Oduke (2013: 242) states that before evictions, notice must be given to communities who will be affected. Public meetings on the proposed plans and proposed comprehensive resettlement plan should be held. Reasonable time must be allowed for deliberation and the raising of objections, if any, to the proposed plan. Affected groups must be permitted a chance to challenge the eviction decision and raise their proposal regarding their needs. In situations where eviction must be executed, there must be total disclosure of interest and status of all people that will be involved from the different sectors including independent international or local observers for the purpose of transparency and accountability.

2.14 COMMUNITY PARTICIPATION

Section (1) of the Municipal Systems Act, Act 32 of 2000, requires that the “municipality must develop a culture of municipal governance that complements formal, representative governments with a system of participatory governance and must for this purpose:

- a) Encourage and create conditions for the local community to participate in the affairs of the municipality;
- b) Contribute to building the capacity of the local community, and
- c) Use its resources and annually allocated funds in its budget appropriately for the purpose of implementing paragraphs (a) and (b).

Chenwi and Tissington (2001: 7) state that although people have socio-economic rights on paper, in practice it is not always possible to realise them. This is partly because there are few opportunities to participate and engage meaningfully in the government’s decision-making processes which affect the provision of services. They further state that government officials often make decisions in a centralised way without involving local communities.

2.15 PUBLIC ENGAGEMENT

Public participation is one of the most essential mechanisms for promoting democracy and good governance. Public involvement sets the platform for communities to inform government about their needs and how these needs can be met. Unlike the apartheid government, the new

democratic government promotes the need for engagement between itself and its citizens. Public participation holds a central place in the South African Constitution which clearly states that “people’s needs must be responded to, and the public must be encouraged to participate in policy making” (Public Services Commission, 2008: 2).

The Constitution of South Africa obliges local government to encourage the involvement of communities and community organisations in the matters of local government. The Municipal Systems Act, Act 33 of 2000, places an obligation on the municipalities to encourage the involvement of communities in municipal affairs and the whole Chapter 4 of the Act is dedicated to public participation. Chapter 2 of the Act covers the following - (i) the rights and duties of municipal councils, (ii) the rights and duties of members of the local community, and (iii) the duties of municipal administrations. The councillors, municipal officials and community members have a crucial role to play in public participation (Republic of South Africa, 2007: 5).

Public participation is defined as “an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making”. It is further defined as “a democratic process of engaging people, deciding, planning, and playing an active part in the development and operation of services that affect their lives” (Republic of South Africa, 2007: 15). The definition of public participation by the World Bank reads as “participation is a process in which stakeholders influence and share control over development initiatives and the decisions and the resources that affect them” (Buccus, Hemson, Hicks and Piper, 2007: 6). Tyler (2000: 117) note that the community members tend to accept decisions when they feel that the decision-making procedures are fair. People evaluate fairness primarily through this criterion - whether there are opportunities to participate, whether the authorities are neutral, whether people trust the motives of the authorities and whether people are treated with dignity and respect during the process.

Public participation has not been fully developed and the current policies, institutional mechanisms and programme interventions are not adequately fulfilling government’s constitutional and legislative obligations. Public participation in South Africa is limited to public consultation and lags behind legislation by a number of years (Buccus *et al.*, 2007: 10). A report by Good Governance Learning Network notes that many of the previously-disadvantaged communities are still marginalised in the municipal process. There is a need for a revised and more robust participatory system in order to allow for real, meaningful

participation and to imbue a sense of ownership and social citizenship (Good Governance Network, 2011: 62).

2.16 ELEMENTS OF ADEQUATE HOUSING

Housing is not just a matter of having a roof over one's head. There are elements of adequate housing that should be taken into consideration when determining whether a house constitutes adequate housing. Below is an interpretation of seven key elements of adequate housing as revealed by the ICESCR (Chenwi, 2007: 238-239).

a) Legal security of tenure

All the people should have some form of security of tenure that guarantees legal protection against forced evictions, harassment and other threats. South Africa's current housing strategy, and part of the new vision of Breaking New Ground, recognise housing as an asset: "ensuring property can be accessed by all as an asset for wealth creation and empowerment" (Department of Housing, 2004: 1). By granting legal title to property, people, hence, will gain entry into the world of formal banking that permits them to use their capital assets as collateral (Gilbert, 2002: 4).

Housing in rural areas cannot be considered as an asset that can generate capital or income in the long run as it is mainly for shelter. The community members also view housing as a family asset not as an individual asset that can be sold therefore people do not possess titles to property. In rural areas (communal land) people only get letters from the tribal authority as proof that they own a particular plot. This means that people in villages do not enjoy the same privileges as people in urban areas where they can use their properties as collateral when borrowing money from financial institutions.

b) Availability of services, materials, facilities and infrastructure

Housing must have facilities necessary for health, security, comfort and nutrition. People, to benefit from housing should also have access to drinkable water, sanitation, energy for cooking, heating and lighting, food storage, refuse disposal, drainage and emergency services. Transformation through provision of infrastructure and basic services is happening at a very slow pace in the municipality. 23 years into democracy, and poor people in Musina are still struggling with day-to-day survival. The quality of lives of those living in rural areas is under

pressure due to inadequate services and infrastructure; villagers are exposed to sub-standard living due to being surrounded by inadequate infrastructure and poor, if any, entertaining facilities.

c) Affordability

Housing must be affordable. People must not be disadvantaged of other basic needs to pay for their housing. Moreover, government must make housing grants and finances available and must protect people from unreasonably high or sudden rent increases. Currently, the municipalities do not provide housing for middle-income people; they mainly build their own houses and some rent backrooms.

d) Habitability

For housing to be considered adequate, it must provide sufficient space, be physically safe, offer protection from cold, moist, rain, heat or other threats to health as well as guarantee the physical safety of residents. Large numbers of people in Musina still live in mud houses and poorly-constructed cement and brick houses. During interviews, those who had benefited from being allocated houses from the government, harshly criticised the quality of the houses. The size of the houses was also heavily criticised as both RDP and self-built houses were overcrowded. Overcrowded houses result in lack of privacy for the inhabitants and further reduce the quality of life. Slow delivery and poor quality of houses is the result of lack of capacity in the municipalities to ensure regular monitoring of the projects.

e) Accessibility

Housing must be reachable to all. Legislation and policy must, specially- cover the housing needs of the homeless, the underprivileged, the elderly, single mothers, people living with disabilities, people who are psychologically ill, people living with HIV/AIDS and other vulnerable groups. The reality is that there is a substantial housing backlog in the municipality and provision of housing is not keeping up with demand. With slow-paced delivery, community members are on the housing waiting list for many years. High levels of frustration amongst respondents were identified from people who had built their own houses. A special-needs policy to prioritise vulnerable groups does not exist in the municipalities.

f) Location

Housing must be in areas that allow easy access to places of work and potential economic chances, schooling, child-care centres, health-care services and recreational facilities. Housing should also be provided in a safe and healthy environment. Due to low density in villages and

poorly-located RDP houses, social services are not located within close vicinity to villages. RDP houses in the villages are located on the peripheries of the villages, far from social services. Children who walk very long distances to school end up depressed, demotivated and quit school; one of the reasons why illiteracy is common in villages.

2.17 PRIORITISATION PROCESS

There is poor information sharing on housing allocation processes and no clear criteria that guide the allocation of houses and prioritizing of villages. The credibility of the existing housing policy, as a result, may be questioned since the policy does not spell out the criteria for selection and the prioritisation criteria for villages. The housing allocation process in municipalities seems not completely fair. Selection of recipients is solely the responsibility of councillors and lack of a standard allocation procedure and participation of community members may lead to corruption such as, nepotism.

2.18 CONCLUSION

The discussion thus far indicates that most South Africans do not have access to adequate housing due to unstructured implementation of housing policies. The South African Human Rights Commission also acknowledges that South African housing policies show a lack of commitment to fulfilling both international and constitutional obligations, although there are signs of evolution in the housing policy that are directed to providing more sustainable and suitable housing solution, however, there is still a gap between policy and implementation.

Despite recognition of the right to access adequate housing in international, national and regional instruments, billions of people around the world are homeless or live in inadequate houses. Houses provided by the government do not always contain the components required of adequate housing. Such houses are normally of poor quality, located in areas far from economic facilities and with substandard or no infrastructure.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

Every project requires a detailed research design in order to proceed. For the purpose of this study, a qualitative research design with suitable methods was used to answer the research questions. The qualitative techniques were used to gather and analyse data in order to draw conclusions and make generalisations about the realisation of the right to adequate housing in Musina Local Municipality.

3.2 RESEARCH METHODOLOGY

A qualitative research design was utilised in this study as it was considered the most appropriate method to gather data and answer the research questions. Maree (2007: 257) defines qualitative research as a process where the researcher develops a complex, holistic picture by analysis of words and detailed reporting of the views of informants, in a study conducted in a natural setting. Additionally, Welman, Kruger and Mitchell (2005: 188) describe qualitative research as “an approach rather than particular design or set of techniques”.

Data was gathered using unstructured in-depth interviews and group discussions. Respondents were selected from inhabitants of both self-built houses and Reconstruction Development Programme houses (RDP). Focus group discussions were conducted with housing officials from Musina local municipality, the district municipality and the Department of Human Settlements (regional office). Ward councillors were interviewed together with members of the tribal council.

Data from community members were collected by means of a face-to-face survey conducted by well-trained interviewers who visited the respondents. A stratified sampling method was adopted to ensure valid and reliable results. The sample surveyed was comprised of one hundred and twenty households. A stratified sampling method was applied to divide households into two groups (strata). One group comprised inhabitants of self-built houses and the second group, inhabitants of RDP houses. The method for the allocation of units was standardised. Four villages were identified within the borders of Musina local municipality where the survey was conducted.

Welman, *et al.*, (2005: 213) states that words are ‘fatter’ than numbers and usually have multiple meanings. Coding was used to preserve the meanings of these words and to enable an analysis of the data, quantitatively. The original words are therefore used in combination with the words converted to numbers or symbols during analysis as recommended by writers like, Welman, (2005: 215).

3.3 QUALITATIVE RESEARCH METHOD

Welman, Kruger and Mitchel (2001: 188) define qualitative research as an approach rather than a particular design or set of techniques. Hancock (1998: 2) elucidates that qualitative research is concerned with developing explanations of social phenomena and aims to help readers understand the world in which they live and why things are the way they are. It is concerned with the social aspects of our world and seeks to answer certain questions. In the words of Meadows (2003: 464), the aim of qualitative research is to help in the understanding of social phenomena in a natural rather than experimental setting, with an emphasis on the meaning, experiences, attitudes and views of the participants rather than providing quantified answers to the research question. Data collected through qualitative method is usually in the form of words rather than numbers and these words are based on observation, interviews or documents. Qualitative research is aimed at determining ‘*why?*’ rather than ‘*how many?*’ Meadows further explains that qualitative research can make valuable and unique contributions by generating a theoretical framework for research that is grounded on information about how people actually feel and think. Qualitative research aims to:

- Enable the researchers to obtain a holistic overview of the context under study;
- Allow data gathering on the perceptions of respondents, from the inside;
- Convert data into words, and
- Limit the use of standardised instrumentation.

3.4 RESEARCH DESIGN

Creswell (2007: 70) describes a research design as a plan or strategy which moves from the underlying philosophical assumptions to specifying the selection of respondents, the data gathering techniques to be used and the data analyses to be done. This view is supported by Welman *et al.*, (2005: 52) who describe a research design as the plan according to which one

identifies research participants and describes the research. In the research design the following are specified:

- The number of groups that data will be collected from;
- Whether the groups are going to be drawn randomly from the population involved and whether they should be assigned to groups, and
- Precisely what will be done with these groups in the case of experimental research.

3.4.1 Research population

Welman *et al.*, (2005: 52) define “population” as the study object that may consist of individuals, groups, organisations, human products and events or the conditions to which they are exposed. The authors also explain that the research problem relates to a specific population which includes the total collection of all units of analysis of which the researcher intends to make a conclusion. The aspect of generalizability is considered to be extremely important. The results of a research only have meaning when they can be generalised from the sample to a population; to achieve generalisation, the sample must be representative (Welman *et al.*, 2005: 55).

For the purpose of this research, the research population was drawn from Musina Local Municipality; two population groups were identified. One group comprised of six municipal officials, four ward councillors, two officials from COGHSTA and three representatives from the tribal office, while the other consisted of inhabitants of self-help and RDP houses. A stratified sample of inhabitants of self-built houses and 60 RDP houses were selected from four settlements, namely, Nancefield, Masisi, Muswodi and Folovhodwe.

3.4.2 Sampling

Welman *et al.*, (2005: 57-59) describe a sampling frame as a complete list in which each unit of analysis is mentioned only once. When compiling a sampling frame the following should be considered, whether

- the cases included in the sampling frame are relevant to the research topic;
- the sampling frame is complete and includes all cases;
- the checklist is correct, and
- you will be able to establish and control exactly how the sample will be selected.

3.4.3 Sampling frame

Due to the low densities and vast distances, four villages that are typical of the area were selected and a sample of 120 households was determined.

Table 1: Stratification of sample

VILLAGE	TYPE OF DWELLING	SAMPLE SIZE (EQUAL ALLOCATION)
Nancefield	RDP houses	15
	Self-built houses	15
Masisi	RDP houses	15
	Self-built houses	15
Muswodi	RDP houses	15
	Self-built houses	15
Folovhodwe	RDP houses	15
	Self-built houses	15

3.4.4 Simple random sampling

Simple random sampling was used to determine which of the 15 households, per type of dwelling would be interviewed. The mechanism that was used to draw the random sample was a pre-compiled table of random numbers. In order to draw a simple random sampling, it is required to have a complete and up-to-date sample available. To be able to identify each element on the list, each population element should be numbered sequentially. The drawing of the sample includes the generation of a predetermined number and the sample size of random numbers; the population elements that correspond to these numbers then form the sample (Maree, 2005: 173). To determine the sample, the researcher placed a pencil randomly on the table and moved diagonally to the left.

3.4.5 Purposive sampling

Purposive sampling is said to be a significant type of non-probability sampling. When applying this method, researchers depend on their past experiences and previous research findings to gather units of analysis, in such a way that the sample they obtain represents the relevant population (Welman *et al.*, 2005: 69). This method was used to select samples from municipal officials and politicians who formed a focus group.

3.4.6 Sampling size

The probability sampling method is used to collect data when one intends to generalise about the population under study. Welman *et al.*, (2005: 70) cautions that the larger the sample size, the lower the chances of error in generalising. For the purpose of this study the sample size was a total of 135 people drawn from the municipality, residents, tribal authorities and councillors as follows:

- The focus group consisted of the housing manager, technical manager, building inspectors, project managers and housing administrators;
- Councillors responsible for the villages of Nancefield, Masisi, Muswodi and Folovhodwe;
- Sixty residents of RDP houses and sixty dwellers of self-built houses, and
- From the tribal office, the chiefs and their right hand men were interviewed.

3.5. DATA COLLECTION PROCEDURE

This section outlines the methods that were used to collect data from interviews with focus groups. Interviews resemble everyday conversation, although they are focused on researchers' need for data. The conversations are, therefore, more rigorously conducted in order to maximise reliability and validity (Patton and Cochran, 2002: 11).

This research made use of research questions to different groups and structures of the community, through interviews to gather the required data. Focused groups, per the identified categories were also utilised in line with the researcher's aim to gather the relevant data. The details of the procedure used are outlined hereunder.

3.5.1 Interviews

Terre Blanche, Durrheim and Painter (2006: 297) believe that interviews create a more natural platform for interaction and connecting with respondents, rather than making them complete questionnaires and it fits with the interpretative approach of the research. Personal interviews gave researchers an opportunity to get to know respondents quite well so that they can really understand how the respondents think and feel.

Semi-structured interviews were conducted with the population. These types of interviews are often the sole data source for qualitative research projects and are usually scheduled in advance, at a chosen time and location, outside of every day events. Semi-structured interviews are

organised around a set of prearranged open-ended questions, with other questions emerging during the interview. The open-ended nature of the questions enables an interviewer to define the topic under investigation. By using semi-structured interviews, an interviewer has the freedom to conduct a penetrating investigation regarding the topic; to add to the original statements by a respondent or to follow up on an inquiry introduced by the interviewee. Preparation for semi-structured interviews includes drafting a list of topics the interviewer intends to discuss (Hancock, Ockleford and Windridge, 2009: 16).

3.5.2 Focused Group interview

Semi-structured interviews are considered the most popular kind of interview where the researcher develops a schedule prior to the interview. A group being interviewed is called the “focus group”. This group is not constituted as an existing social group but typically as a group of people who share a similar type of experience. When conducting this type of interview, purposive sampling is the most appropriate method to use since one will be looking for particular types of participants according to what one already knows about the field and in order to include a range of perspectives; the researcher will then request targeted individuals to participate in the focus group. Participants had been informed of what is expected of them both in terms of content and process of the group. Most focus groups consist of between 6 and 12 people. The four basic components of focus groups are: procedure, interaction, content and recording (Terre Blanche *et al.*, 2006: 304). For the purpose of this study, mini-focus groups were used. Groups of three or four members were convened in order to get more in-depth information; the groups met once.

3.6 DATA ANALYSIS

Step 1: Familiarisation and immersion

Terre Blanche *et al.*, (2006: 322) state that data gathering in interpretative research is not just a mindless technical exercise, but involves development of ideas and theories about the phenomena being studied. At this data analysis stage, researchers takes all the data and immerse themselves in it again, this time working with texts rather than reality. For the purpose of this study, the researcher read through the text to familiarise himself with *what* could be found *where* and *what* was supported by data and *what was not*.

Step 2: Inducing themes

Welman *et al.*, (2005: 211) consider theme identification as one of the most fundamental tasks in qualitative research. Themes are umbrella constructs which are usually identified by the researcher before, after and during data collection. Inducing themes means inferring general rules or classes from specific instances. The researcher identified themes based on the questionnaire before and after data collection.

Step 3: Elaborating

At this stage the researcher explored themes closely and got a chance to revise coding and place data under relevant themes.

Step 4: Interpretation and coding

With this step the researcher put together his own interpretation using the identified themes as subheadings.

Step 5: Verification of data

At the end of the interviews and focus group discussions, raw data were submitted to participants for verification.

3.7 ETHICAL CONSIDERATION

Ethical considerations in research are essential issues. Ethics are the norms or standards for conduct, that distinguish between right and wrong, hence, they help to determine the difference between acceptable and unacceptable behaviours. In an effort to avoid the academic ‘crime’ of plagiarism, the researcher will acknowledge the authors of the sources consulted in data gathering, such as books, internet sources, electronic documents, published and unpublished documents, dissertations, monographs, reports, journals and other relevant sources of data. The researcher, therefore, was obliged to apply ethical principles by acknowledging the authors and the materials consulted in the research.

This research was guided by the following principles (Orb, Eisenhauer and Wynaden, 2002: 95):

- a) **Autonomy:** Participants were informed about the study and allowed to decide whether or not to participate with the option to withdraw at any time without penalty;

- b) **Beneficence:** The researcher treated the participants well and prevented any harm befalling them and
- c) **Justice:** The researcher avoided exploitation and abuse of participants.

3.8 CONCLUSION

The discussion thus far indicates that most South Africans do not have access to adequate housing due to a scrappy approach to the implementation of housing policies. The South African Human Rights Commission also acknowledges that South African housing policies show a commitment to fulfilling both international and constitutional obligations, and there are signs of evolution in the housing policy that are directed to providing more sustainable and suitable housing solutions; however, there is still a gap between policy and implementation. A concern was raised when the South African housing policy was first introduced that the policy will establish and reinforce rather than reduce existing inequalities that are a legacy of apartheid.

There is no doubt that explicit in the state's housing policy development has been, and continues to be the desire to provide better housing to more people and to be more demand side driven, providing choices to people and creating desirable, integrated and functioning human settlements. State housing policy formulation and development has not, however, occurred with explicit reference to the obligations on the state to move progressively towards universal realisation of the right to adequate housing. While mention is made of the constitutional obligation to housing and it is acknowledged officially (generally only at the beginning of a policy in order to place it within a wider constitutional framework), housing tends to be framed entirely within other paradigms. These paradigms are those of 'speeding up delivery', 'reducing backlogs' and 'eradicating informal settlements'. These are not bad frameworks in and of themselves. However, where they are not informed and driven substantially by their positive impact on the poor and their linkages with livelihoods strategies, they can be terribly misplaced and even harmful to households and poverty alleviation efforts more broadly. Further, they appear to primarily concern achieving minimum standards, so as to count as housing opportunities or units delivered. This focus comes at the expense of taking into consideration the realities of those worse off at present in housing terms, improving their situations through services and tenure security and moving forward with an intensive programme of action to address the growing housing needs of the poor in South Africa.

CHAPTER 4

DATA ANALYSIS AND INTERPRETATION

4.1 INTRODUCTION

The purpose of this chapter is to establish meaning from the data collected and also to establish whether the findings support the research questions. The discussions first created some context by giving a brief overview of the municipality and then discussing the findings related to the various groups sampled before examining the general findings of the study.

- 1) **Group 1:** consisted of dwellers of self-built houses.
- 2) **Group 2:** consisted of inhabitants of RDP houses.
- 3) **Group 3:** consisted of ward councillors.
- 4) **Group 4:** consisted of officials from Musina Local Municipal and the Department of Human Settlement.

A total of 120 people, comprising of inhabitants of RDP houses and self-built houses, municipal officials, ward councillors and traditional leaders were interviewed. The researcher managed to interview all 120 community members. Data were collected using semi-structured interviews. Well-trained field workers under the supervision of the researcher conducted door to door interviews with the inhabitants of self-built and RDP houses. The researcher also conducted focus-group discussions with municipal officials, councillors and members of the tribal council. Below are the analysis and interpretation of data collected?

4.1.1 SECTION A: OPEN-ENDED INTERVIEW QUESTIONS FOR THE INHABITANTS OF SELF-BUILT HOUSES

- a) **Are you aware of any housing delivery challenges in this Municipality? How can the community assist?**

Self-built dwellers who are on housing waiting lists said that they were not involved in the housing delivery process. The only meeting that the councillors had convened was when they were informed about the proposed housing project. No meeting was held to inform people about the starting date of the project or to inform them of why the projects have been delayed. Those who were on the waiting list acknowledged that regular meetings were convened to inform people about the developments. The respondents who were not on the waiting list stated that they were not involved in the housing delivery process in their respective villages and did not know the criteria used to select beneficiaries.

- b) **What would you say is the reason for both the achievements and or failures of housing delivery in your municipality and what advice can you give to the municipality?**

The majority of respondents from the self-built houses said the municipality is doing better because it is providing for the basic needs of the community. These services include clean water and sanitation, electricity supply, amongst other basic services rendered by the Municipality. On the other hand, some respondents indicated that the Municipality is failing to render services, because some households from the self-built do not have basic necessities such as electricity and sewage systems.

- c) **What strategies do you think could be used in improving the provision of adequate housing and why do you think it was not being used previously?**

The majority of the respondents in the self-built houses said that the state or government must take reasonable legislative and other means, within its available resources, to achieve the progressive realization of adequate housing in Musina Local Municipality and elsewhere. Some of them indicated that the identification of beneficiaries should be done in a meeting wherein the traditional leaders are invited and participating.

- d) **What could be the housing delivery implications in your municipality? If your municipality has a housing delivery framework, how could it deal with housing issues?**

Of the respondents staying in self-built housing, the majority of households had access to sanitation and only few had no access. Those who did not have access to toilet facilities had built their own pit latrines. They complained that it had been a long time since the councillors had promised to build toilets although access to toilets is fundamental to the dignity of a human being. The majority of them further indicated that they know nothing about housing delivery laws.

4.1.2. SECTION B: OPEN-ENDED INTERVIEW QUESTIONS WITH INHABITANTS OF RDP HOUSES

a) What strategies do you think could be used in improving the provision of adequate housing and why do you think it was not being used previously?

The respondents in the RDP houses gave similar responses to the respondents from the self-built houses. The respondents said that the government led by the African National Congress (ANC) must take reasonable measures in allocating RDP houses in Musina Municipality. This means that the RDP houses should be allocated to those inhabitants who meet the minimum requirements without any bias. Everyone in the municipality who applied for RDP houses and qualifies should be given an adequate house.

b) What would you say is the reason for both the achievements and or failures of housing delivery in your municipality and what advice can you give to the municipality?

Some RDP residents were satisfied with the quality of their houses while others indicated that they were not happy with the structure of their houses and revealed some structural defects, such as - dust coming through big cracks in the walls, leaking and loose roofs, water coming into the houses through the doors when it is raining, damp walls, cracks in the floors, loose doors and window handles. They also stated that the provision of houses to the poor is a big achievement by the ANC-led government.

c) What could be the housing delivery implications in your municipality? Does your municipality have a housing delivery framework and how could it be dealt with?

None of the respondents knew the standard definition of adequate housing. They stated that in 1994 when the government promised to build houses for the people they expected the following:

- Good quality houses;
- A house with a bathroom (a bath and toilet installed);
- A house built according to the needs of each household, e.g. a house spacious enough to accommodate big families, and
- Water installed inside the yard.

Most of them seemed happy with the concept of housing delivery although they raised a few poor workmanship issues with most of these houses.

d) Are you aware of any housing delivery challenges in this Municipality and how can the community assist?

The respondents from the RDP houses said they have access to sanitation and those who do not have access complained that it had been a long time since the councillors had promised to build toilets. In a nutshell, access to toilets is fundamental to the dignity of a human being. Some of the respondents complained that they have been on the waiting list since 1994, rather houses are being allocated to the foreign nationals, illegally.

4.1.3. SECTION C: OPEN-ENDED INTERVIEW QUESTIONS FOR FOCUS GROUP DISCUSSION (WARD COUNCILLORS FROM THE MUNICIPALITY)

- a) What could be the housing delivery implications in your municipality? Does your municipality have a housing delivery framework and how could it be dealt with?**

The councillors indicated that they are responsible for identifying beneficiaries, visiting the projects during construction phase and for solving problems encountered during the implementation of the project. They indicated that they relied on ward committees and home-based care-workers for information about people with special needs. There is no policy for people with special needs in the municipality. A housing allocation policy does exist but it is not being implemented but the policy was reviewed and taken to council for approval. When asked about the criteria stipulated in the policy for allocating houses, the councillors could not give an answer. They mentioned that they used their own subjective criteria to choose beneficiaries and the following aspects were considered during the process. These following criteria are in random order:

- i) Overcrowded households;
- ii) The poorest of the poor;
- iii) People living in mud houses;
- iv) People with special needs, and
- v) Child-headed households.

It was also mentioned that recently a council resolution was taken that people living in mud houses would be given priority although the councillors could not indicate how villages were prioritised when allocating housing projects. The discussion revealed that while the municipality relies completely on councillors to identify beneficiaries, the very same councillors do not use a legislated criteria. This process, thus might lead to nepotism and corruption in allocation of houses. The municipality should adopt standard selection criteria and while they are still in the process of establishing housing needs, they ought to register and train councillors.

b) What would you say is the reason for both the achievements and or failures of housing delivery in your municipality and what advice can you give to the municipality?

All the councillors had a common goal: “to eradicate mud houses and ensure that everyone has access to basic services” which are some of the good things they had seen in the ANC-led government so far.

Some respondents indicated that community members are involved in the projects through IDP road shows and meetings are convened before projects’ implementation. From the discussion with the municipal official, it was evident that the involvement of community in projects is limited.

Members of the Council interviewed said that they are serving the municipality for their first term, and their terms are expiring in 2019.

c) What strategies do you think could be used in improving the provision of adequate housing and why do you think it was not being used previously?

The councillors stated that the housing backlog was serious in Musina Local Municipality. They further mentioned that the exact demand was not known, but that the municipality was in the process of conducting a demand database survey and findings were being captured on spreadsheets. With this process the municipality would be able to discover the demand, but the selection process of beneficiaries and prioritisation of villages would still lie with the councillors.

d) Are you aware of any housing delivery challenges in this Municipality and how can the community assist?

The respondents said that although they were not involved in housing delivery, it was evident that there were challenges. They revealed the following as challenges:

- i. There are houses left unoccupied and vandalised yet there are people who need houses;
- ii. People steal doors and window frames from houses that are not occupied;
- iii. Houses are built where there are no electricity and water nearby;
- iv. Houses are located far from social amenities;
- v. Proper consultation is not done during implementation of the projects and
- vi. The community further indicated they are willing to assist the ward councillors through all other existing structures within their communities.

According to the respondents the tribal authority is not in any way involved in the housing allocation process - “housing allocation is done by someone else, not us”. The respondents expressed their feelings by saying that there is no cooperation between the municipality and tribal council. The municipality takes the decisions without involving the tribal council and later informs them about what has been decided. They believe that community members are also not involved in the housing delivery process.

It was indicated that a housing backlog is prevalent but the actual demand is not known. The respondents said that there was a backlog of social facilities such as schools, clinics, libraries and sports facilities for young people. The members of the tribal council further indicated that if they were actively involved in issues of housing, they would prioritise the youth because young people are not employed and cannot afford to build themselves houses. According to observations by the researcher, the problem with allocating houses to young people is that most of those in rural villages are not employed and they cannot afford to maintain themselves. This leads to houses being left unoccupied and other groups, such as the vulnerable and needy will not be given priority.

4.1.4. SECTION D: OPEN-ENDED INTERVIEW QUESTIONS FOR MUNICIPAL OFFICIALS AND DEPARTMENT OF HUMAN SETTLEMENTS OFFICIALS

- a) What could be the housing delivery implications in your municipality? If your municipality has a housing delivery framework, how could it be dealt with?**

They indicated that they do not have much knowledge on the policy framework but however responded that they think it will assist them in running the whole process, in a smooth way. They further indicated that they believe it provides guidance on the criteria to be used in selecting and identifying beneficiaries.

Most of the municipality employees dealing with houses are elderly people who do not have formal qualification and expertise to deal with the issues. They indicated that their duty was to receive and implement instructions based on the correspondence from COGHTA. They also indicated that they receive the list of needy community members and send to the Department. They also assist the Department in getting the approved beneficiaries sign their allocation forms. Officials from COGHSTA were able to articulate effectively on the housing delivery framework including the housing chapter and code. They further alluded that government is trying its best to accommodate all qualifying beneficiaries although it is going to take some time before their vision is realised. They pointed out the importance of intergovernmental

framework in the housing delivery processes and further recommended the involvement of all affected structure.

b) What would you say is the reason for both the achievements and or failures of housing delivery in your municipality and what advice can you give to the municipality?

Both the respondents indicated that there have been a number of houses built since 1994 and that majority of the previously-disadvantaged communities are living in dignity. They also indicated that through the construction of these low-cost houses, many opportunities have been realised, ranging from construction to SMMEs. They also alluded that the majority of reputable construction contractors also got training and expertise through this initiative. The fact that these particular initiative also brings with its package a sanitation facility was also revealed.

They respondents also indicated that besides the many achievements listed, the programme is imbedded with many challenges. Some of those challenges include poor workmanship by contractors. They also indicated that poor monitoring and evaluation by both the municipality and the provincial department is contributing towards the failures of this programme. They indicated again that corruption, long list of backlog and illegal immigrants are some of the few challenges making this programme non-functional.

c) What strategies do you think could be used in improving the provision of adequate housing and why do you think it was not being used previously?

The housing delivery mandate should be centralised at the municipality level, it was further indicated that ward-based structures should work closely with government departments, such as the Department of Home Affairs in order to eradicate allocation of these houses to non-citizen and those who do not meet the minimum requirements. An integrated beneficiary backlog list should also be centralised across the country so that municipalities would be able to see the status of each and every applicant. Housing delivery standards and codes should be maintained at all cost. They further indicated that they believe that government should strengthen its ability to allocate and monitor the allocation of these houses and the status of these beneficiaries thereof.

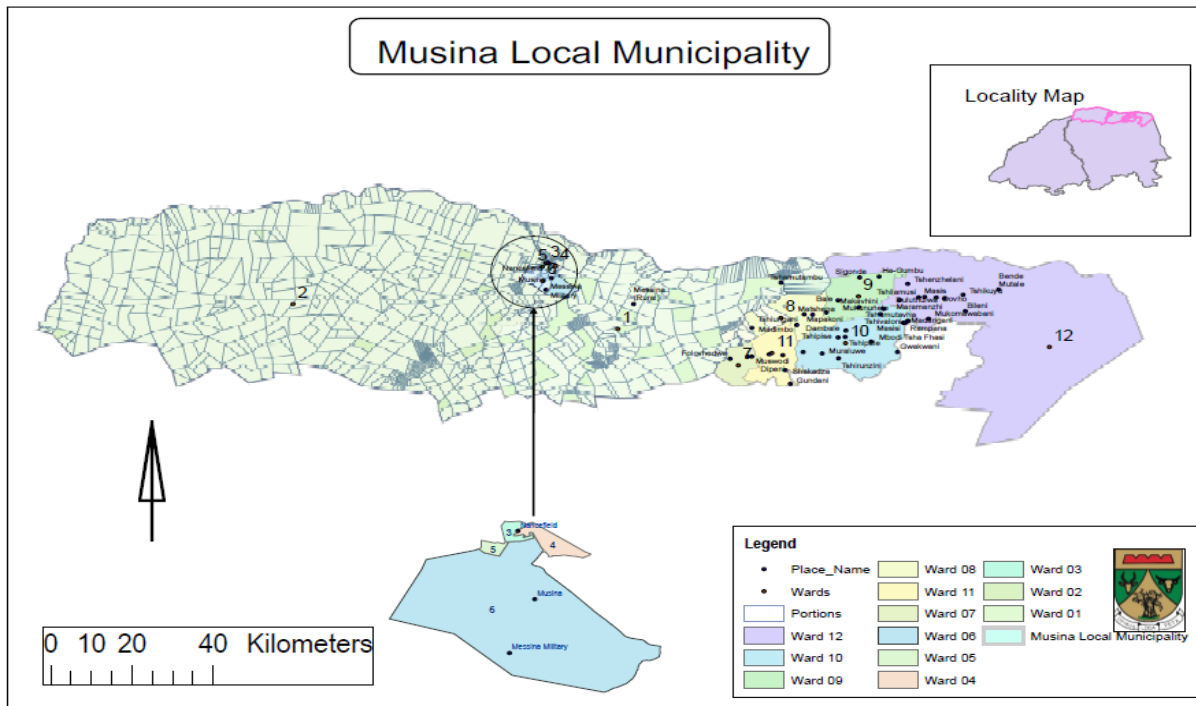
d) Are you aware of any housing delivery challenges in this Municipality and how can the community assist?

Most employees in the housing unit indicated that they have been working for Musina Local Municipality for more than ten years. All of them are permanently employed except their General Manager who is on a fixed performance contract. Most of them do not have formal qualification related to the housing function they are executing.

The municipality should hire qualified and competent people to work on this programme. Lack of expertise is the biggest challenge in this municipality. Uncontrolled border post due to its proximity to the Beit bridge border post also contributed towards increasing the housing delivery challenges. Economic challenges and instability also contribute to a great extent, as the status of beneficiaries change now and then. The availability of resources to deal with the current demand was also cited as one of the factors.

4.2 BACKGROUND OF THE MUNICIPALITY

Musina Local Municipality falls within the Vhembe District Municipality, which is made up of four local municipalities, namely, Musina, Makhado, Thulamela and Mutale. Musina Local Municipality is bounded by Makhado Local Municipality to the South and Mutale local Municipality to the east, and in the South West by the Local Municipality of Blouberg which falls within the Capricorn District Municipality. Musina Local Municipality is located in the very north of the Limpopo Province, bordering Botswana and Zimbabwe. Musina Local Municipality covers an area of approximately 1 129 740.773 hectares, 11 297.41 km² that extends from the confluence of the Mogalakwena and Limpopo rivers in the West to the confluence of the Nwanedi and Limpopo rivers in the East and Tshipise and Mopane in the South. The municipal area consists mainly of commercial farms and only 0.08% of the total area is urban in nature.



Source: Musina Municipality IDP, 2017

The spatial structure of the municipality falls within the second order settlement, as depicted by the hierarchy as contained in the Spatial Rational; the spatial framework is aligned to the NSDP, ASGISA and the PGDS. The settlement hierarchy of Musina municipality is as per the spatial rationale following:

- Musina (Musina and Nancefield) can be described as a provincial growth point (1st order settlement) due to their relative high level of economic activity and rendering of services to local and surrounding communities.
- Madimbo, Malale, Tshikhudini, Tanda and Domboni can be described as 5th order settlements due to their small populations and the fact that they are only functioning as residential areas with no economic base. The potential of these settlements for future self-sustainable developments is extremely limited.
- Tshipise can be described as a 3rd order settlement (local service point) due to its function in terms of limited service delivery to the surrounding commercial farming areas, tourist attraction and nature conservation.

4.2.1 Musina municipality settlement hierarchy

Figure 1:



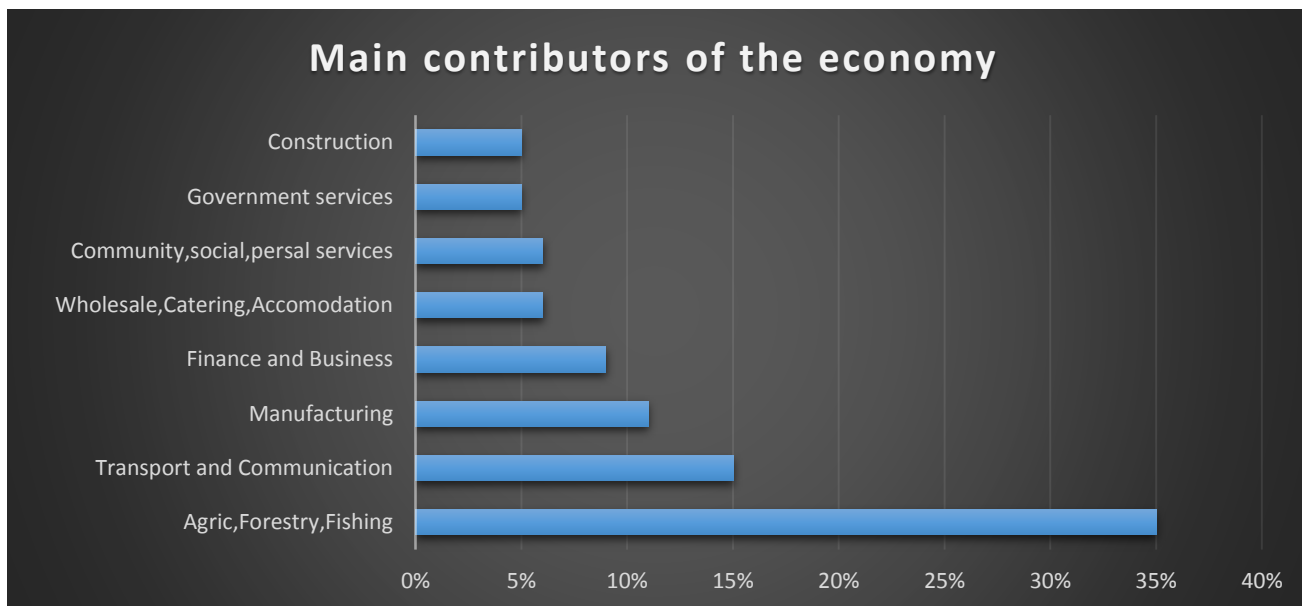
The bulk of state land (National and Provincial) apart from a few individual farms is around the town of Musina and make up 8% of land holdings of the municipality. Land owned by the local municipality consists of 27 farms, distributed throughout the municipality and they make up 2% of land holdings within the municipality. Private land consists of 786 (59%) within the municipality. The institutional land falls in two large clusters, mainly, owned by de Beers Consolidated Mines and the South African Development Trust, located around the Venetia diamond mine and the Domboni/Madimbo areas respectively. Mixed and ownership sites constitutes parent farms that have been subdivided and the subdivisions are owned by the state, privately or by an institution, however, they only constitute some 1% of land ownership within the municipality. There have been 351 land claims lodged on 351 farm subdivisions, covering some 27% of the municipal area. The outcome of these claims will have a significant impact on spatial developments within the municipality. Twenty one of these claims are on state land, located mainly along the national road and rail routes and adjacent to Mapungubwe. There are two clusters of claims, on the institutional land around the Venetia mine owned by De Beers Consolidated Mines and around the Domboni/Madimbo areas owned by the South African Development Trust. The remainder and majority of claims are on private farms distributed mainly in the South and East of the municipality.

The main contributors to the economy of Musina municipality are - agriculture, forestry and fishing (35%), mining (30%), transport and communication (15%), manufacturing (11%),

finance and business services (9%), wholesale & retail trade, catering and accommodation (6%), community, social, personal services (6%), government services (5%), construction (5%). The unemployment rate stands at 25% with the highest percentage amongst the youth aged between 15 to 19 years and declining with age. Musina Local Municipality contributes 11% of GDP to the Vhembe district municipality. Figure 2 below shows the main contributors to the economy in Musina.

4.2.2 Main contributors to the Economy of Musina

Figure 2:



4.2.3 Basic available services are listed in the Tables below:

Table 2: Access to piped water

Piped water (tap) inside dwelling	11466
Piped water on communal stand	38216
No access to piped water	2814

Source: Musina Municipal IDP, 2017

Table 3: Households with electricity for cooking, lighting and heating

In-house conventional meter	8151
In-house prepaid meter	110887
No access to Electricity	7219

Source: Musina Municipal IDP, 2017

Table 4: Access to sanitation facilities

Flush Toilet	71555
Pit latrine (VIP) with ventilation pipe	44308
Bucket toilets (emptied by household)	151
None	4563

Source: Musina Municipal IDP, 2017

4.3 SECTION A: BACKGROUND INFORMATION ON INHABITANTS OF SELF-BUILT AND RDP HOUSES

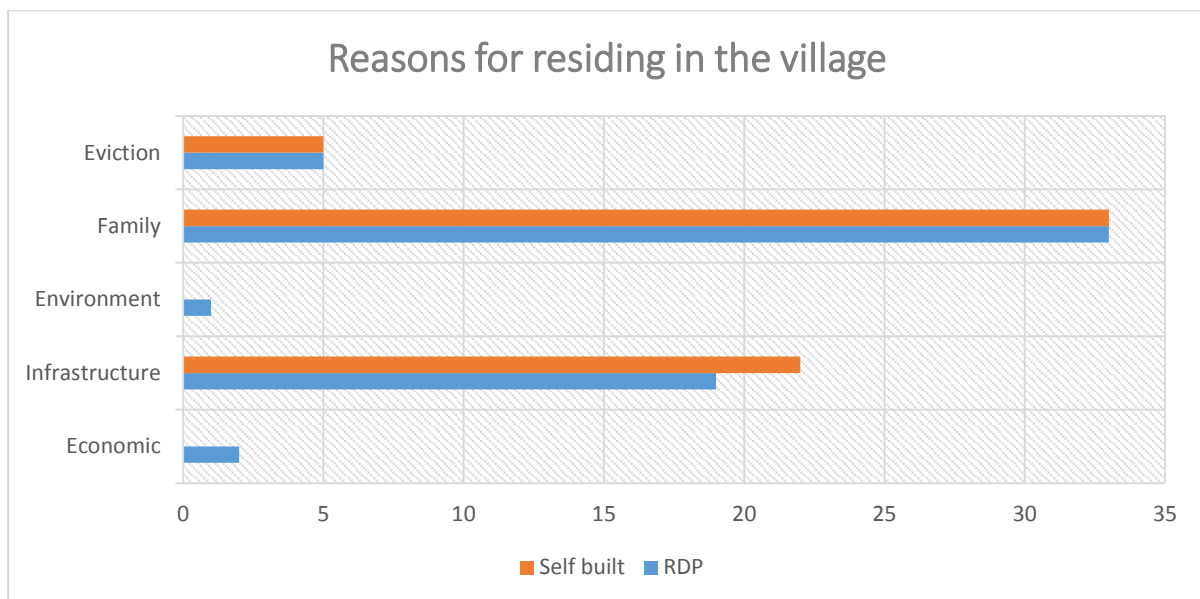
Of the 135 people interviewed, 60 respondents were from self-built houses and 60 from RDP houses (15 in each of the four identified settlements, namely, Nancefield, Masisi, Muswodi and Folovhodwe). The background information of respondents included - the reason why people stay in a particular village, how long they had lived there, who had built their houses, whether they were on a housing development waiting list and how long they had been on the waiting list, the size of their houses and the number of people per house.

4.3.1 Reason for residing in the village

Figure 3 below shows that 33 of respondents from self-built housing stayed in their villages because their families and relatives also stayed here; 22 respondents indicated that they had moved to these villages for better infrastructure and services, such as housing, health and education. 5 of the respondents indicated that they were evicted from their villages during the apartheid era and they were relocated to this village. Economic and safety reasons were not given as reasons.

Of the respondents from the RDP housing group, 33 had moved to these villages because their families and relatives stay in these villages while 19 respondents indicated that they had moved to these villages for better infrastructure and services such as housing, health and education. 2 respondents indicated that they had moved to their villages for better economic circumstances, 1 for secure environment and 5 indicated that they had been evicted from their previous residences. The results illustrated in the graph indicate that majority of respondents from the self-built and RDP housing groups stay in their villages to be closer to their families.

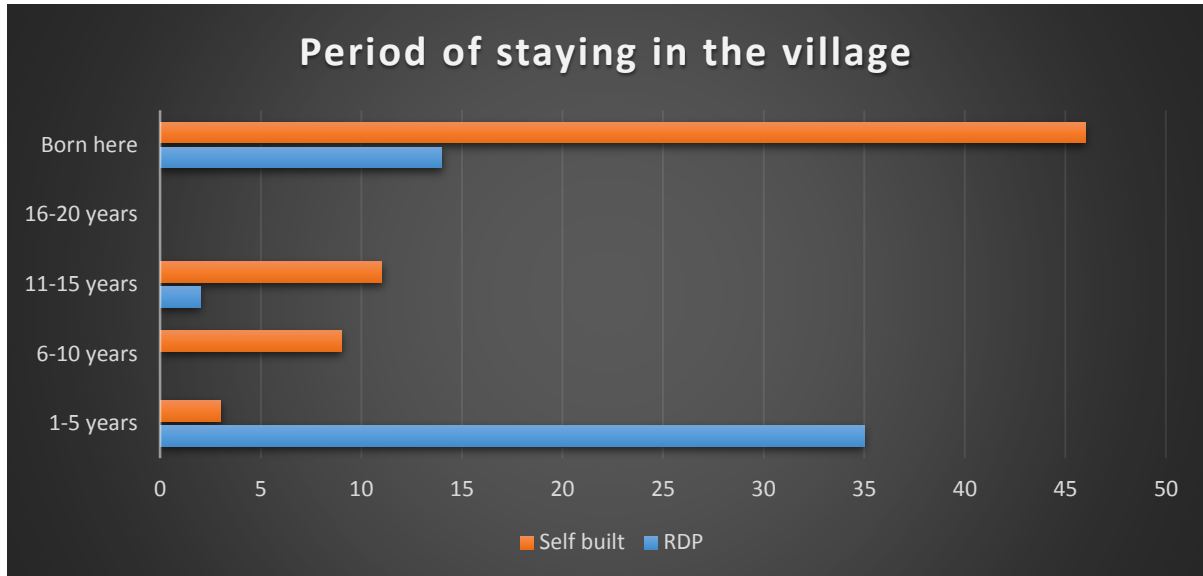
Figure 3:



4.3.2 Period of stay in the village

Figure 4 shows that of the self-built housing respondents interviewed, 46 indicated that they were born in these villages, while 11 respondents had been staying in their villages for a period ranging from 11 to 15 years. Only 3 respondents had been staying in the villages for less than six years. There were no respondents who had lived in the villages between 16 and 20 years. The graph shows that 35 of the RDP dwellers had lived in their villages for a period between one and five years and 14 were born in their villages. Another 9 had lived in their villages between six and ten years and 2 between eleven and fifteen years. These results show that most of the people living in RDP houses had recently moved to these villages while people living in self-built houses have been living in their villages all their lives. Generally people gather into areas where housing development happens.

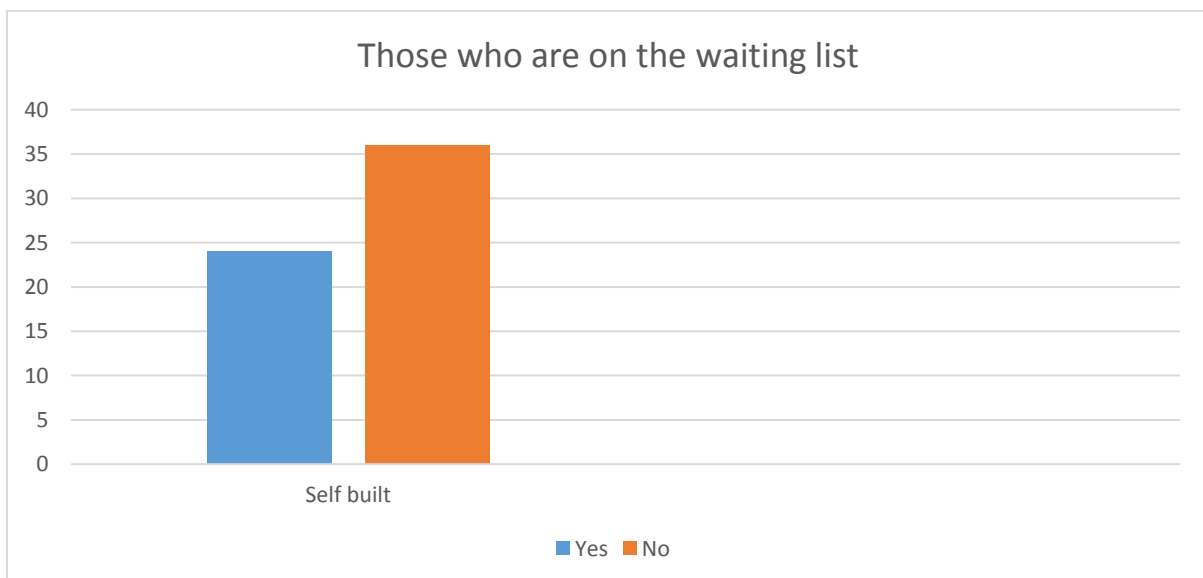
Figure 4:



4.3.3 Those that are on waiting list for RDP houses

Figure 5 shows that 36 respondents of the self-built housing respondents were not on the waiting list for RDP houses while 24 were on the waiting list. This might be a result of poor planning and lack of funding.

Figure 5:

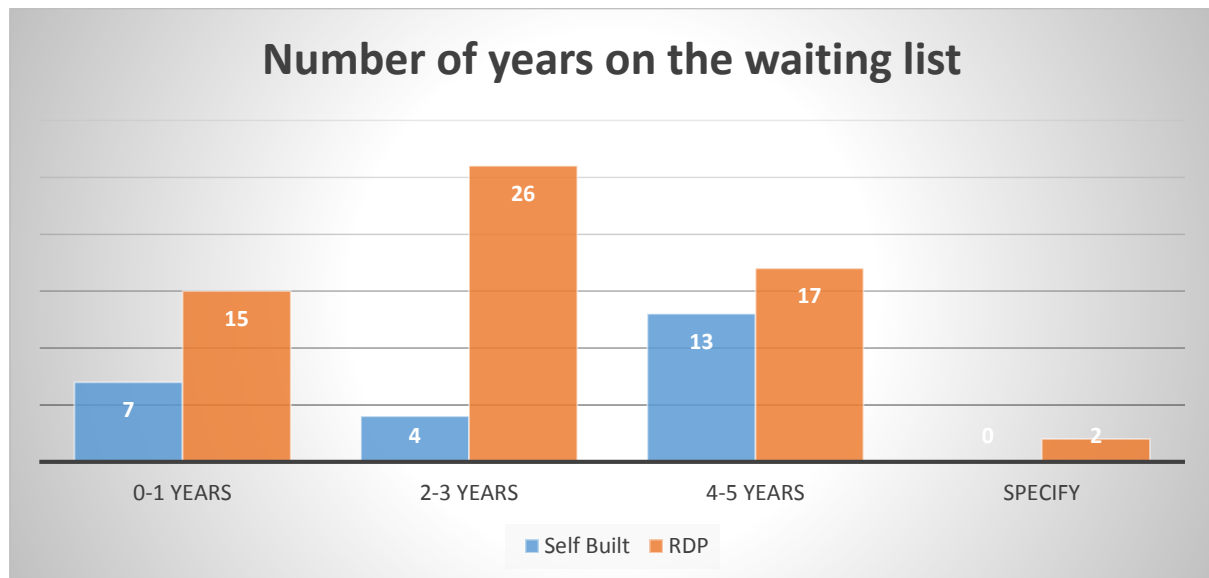


4.3.4 Number of years on waiting list

Figure 6 below shows that 13 self-built housing respondents had been on the waiting list for periods ranging from 4 to 5 years. 4 of the respondents had been on the waiting list for periods between 2 to 3 years and 7 respondents had been on the waiting list for less than a year. From the 60 people interviewed, only 24 were on the waiting list.

People living in RDP houses had been on the waiting list for a period between two and three years and 17 for a period between four and five years. 15 had been on the waiting list for less than a year, 2 had been on the waiting list for more than five years. The results for both inhabitants of self-built and RDP houses indicate that people wait for some time before they can be provided with adequate houses. The housing projects have not yet begun, meaning that those that are on waiting list might wait for some time before the houses can be built.

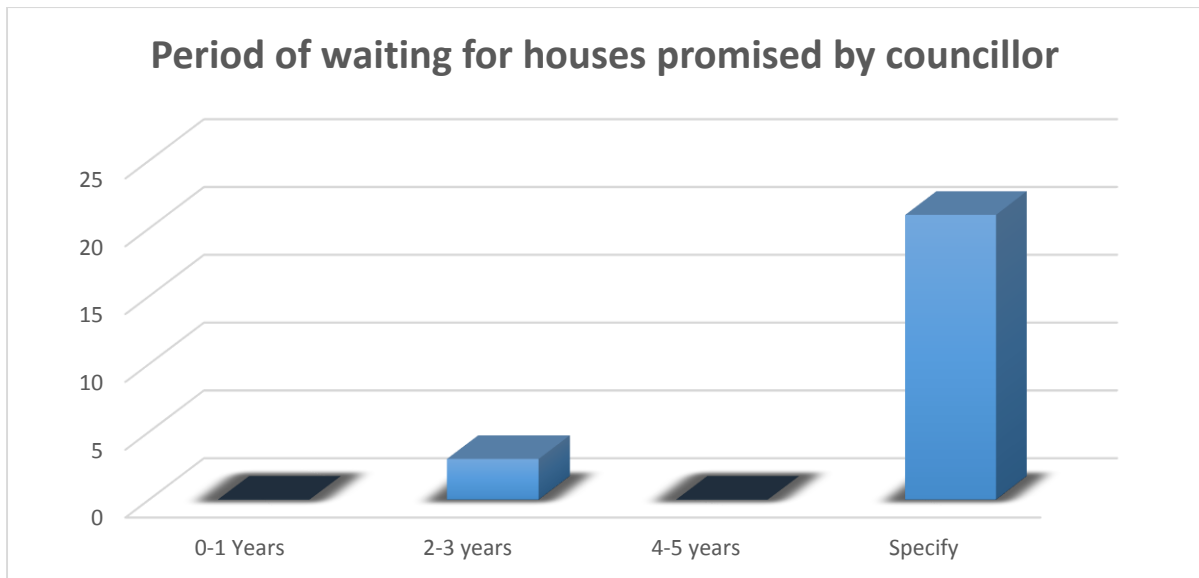
Figure 6:



4.3.5 Period of waiting for houses promised by councillor

Figure 7 below shows that 21 of the self-built housing respondents indicated that the councillors did not inform them when they would get the houses and 3 respondents indicated that they were promised houses about two to three years ago. This shows lack of communication and transparency by the councillors and creates the impression that there is no proper community involvement in the housing delivery process.

Figure 7:



4.4 SIZE OF THE HOUSES

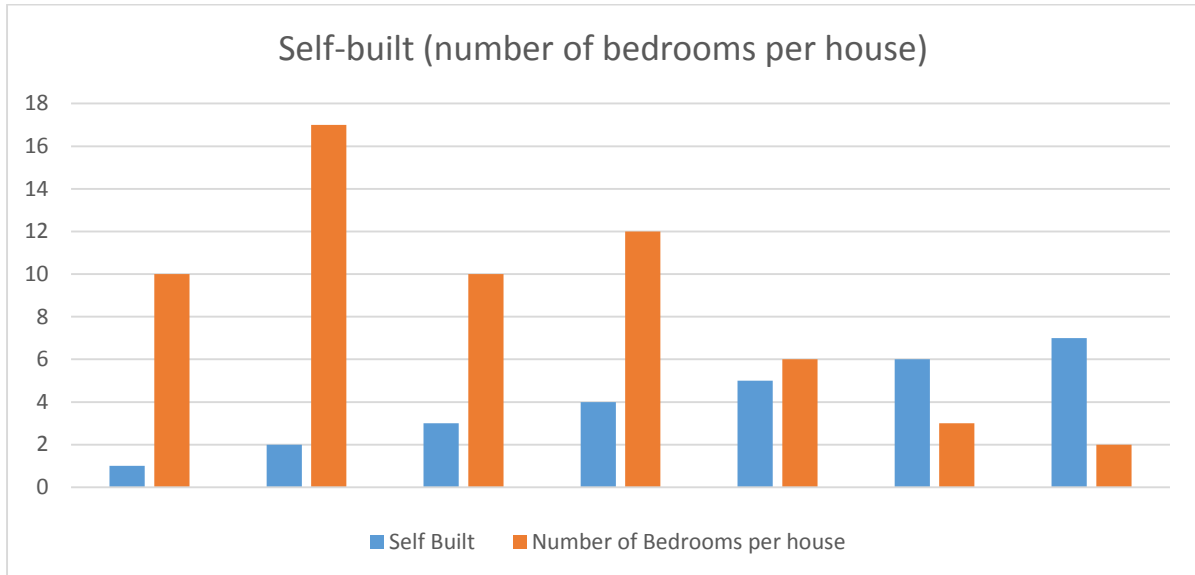
The purpose of this section was to determine the size of the houses (for example, number of bedrooms per house, whether the house has a kitchen and a bathroom). These houses are approximately 52m² with two bedrooms and an open space which beneficiaries can use for a small kitchen and a living room. Only RDP houses built in the urban areas of Musina, that is, Nancefield and Musina Townships have bathrooms with a bath and small wash basin installed and a toilet, respectively. Although RDP houses in the urban areas of Musina Municipal area have bathrooms, the baths have no taps, meaning that people cannot use the bathrooms for their intended purpose.

4.4.1 Number of bedrooms per house

Figure 8 below shows that 10 respondents had only one room that they used as a bedroom and kitchen. The highest number, 17 respondents, had houses with two bedrooms. Another 10 respondents indicated that they had three bedrooms, 12 respondents indicated that they had four bedrooms, 6 respondents said that they had five bedrooms, 3 respondents had six bedrooms and 2 respondents indicated that they had seven bedrooms. The respondents with less than four bedrooms complained that their houses were not big enough to accommodate the size of their household. Many houses are overcrowded and members of the families, males and females, including grandchildren, are forced to share bedrooms. Most families indicated that

their children are not able to start their lives elsewhere or build their own houses because of scarcity of job opportunities in the country. Slow housing delivery is also a contributing factor to overcrowded households.

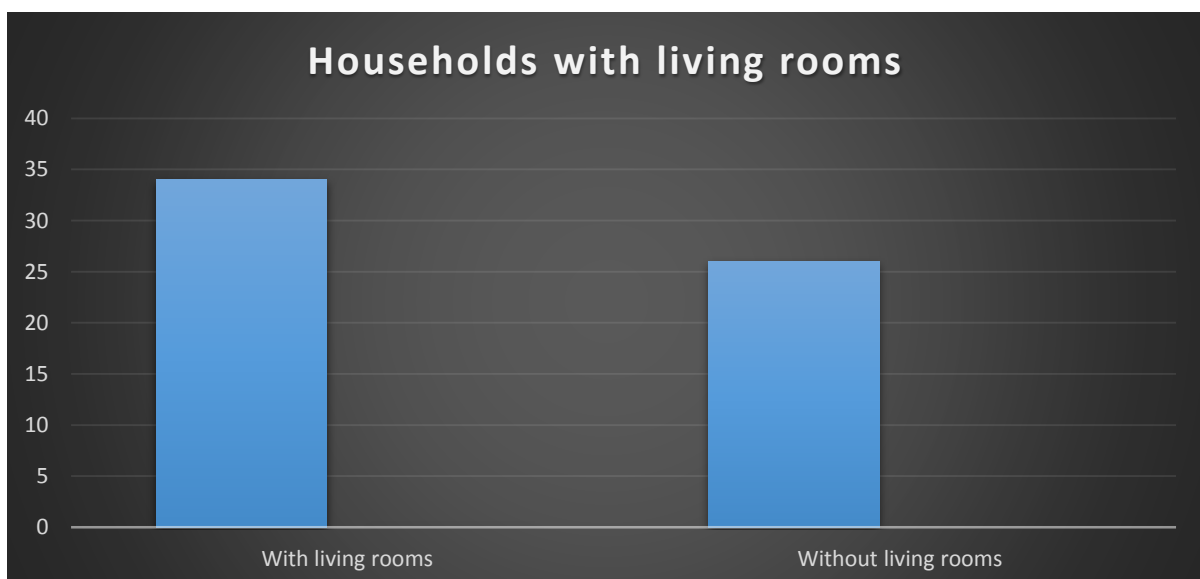
Figure 8:



4.4.2 Households with living rooms

Figure 9 below shows that 34 respondents had living room space in their houses while 26 respondents did not have living rooms. It is important for every household to have living room space where they can relax and interact with family members. A house without a living room cannot be considered liveable.

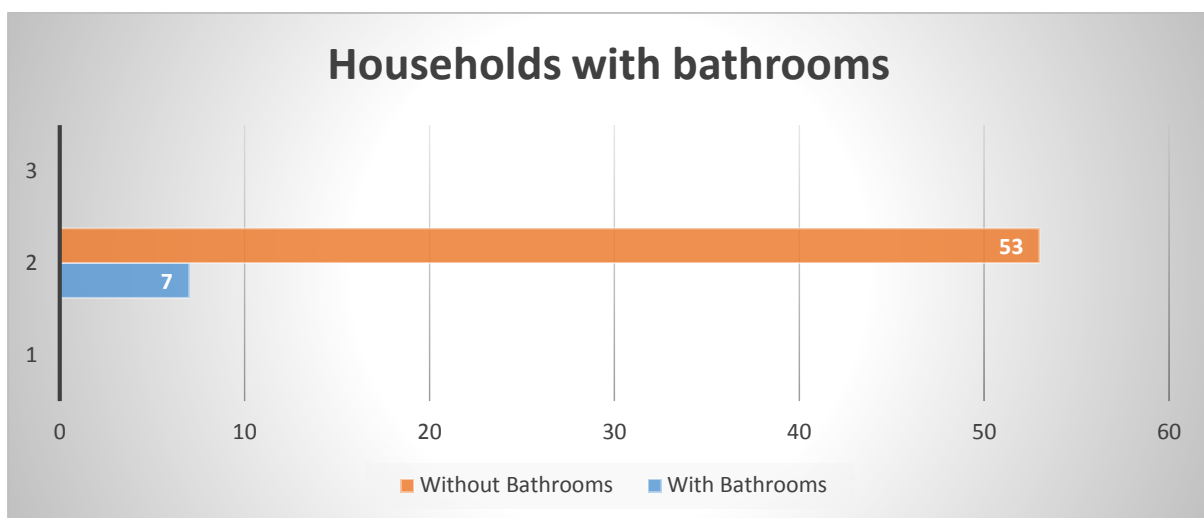
Figure 9:



4.4.3 Households with bathrooms

Figure 10 below shows that the majority of the 53 respondents did not have bathrooms in their houses, meaning that people used their bedroom space also as a bathroom. 7 respondents who had bathrooms inside their houses complained that the scarcity of water in rural areas meant that they could not enjoy the privilege of having a bathroom as they still needed to use small plastic basins to bath. At night people used buckets that they bought from the local store as toilets to avoid the danger of going to the toilet at night. Using bedrooms as bathrooms and toilets is very unsanitary bearing in mind that households are overcrowded.

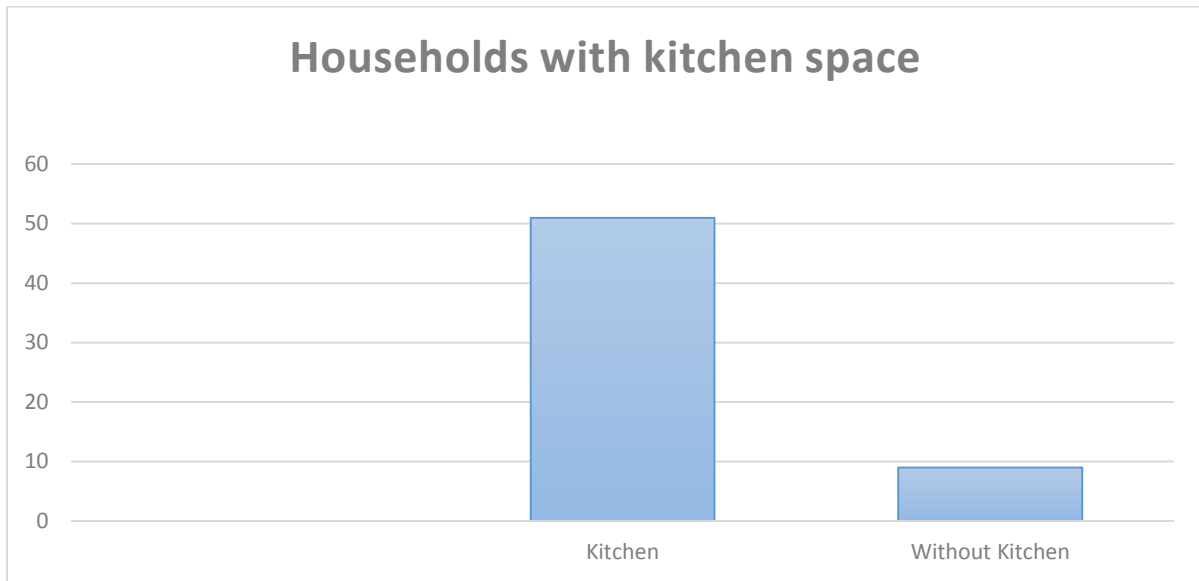
Figure 10:



4.4.4 Households with kitchen space

Figure 11 below shows that the majority of the respondents, 51, had kitchen space in their houses, however running water inside the house was not available. The respondents mentioned that they used buckets to store water for cooking, bathing and washing dishes. The remaining 9 respondents said that they did not have proper kitchens and used curtains to partition a room to create a space that they used as a kitchen. This also cannot be considered habitable considering the aspects of health and hygiene. Most self-built houses are more spacious than RDP houses and the size of the rooms are accordingly larger.

Figure 11:



Pictures hereunder illustrates the quality, shape, size and designs of the RDP houses as built in the study area. These just illustrations of some of those built in the four identified settlements, namely, Musina, Nancefield, Masisi, Muswodi and Folovhodwe.

4.4.4.1 RDP houses with bathroom in Nancefield

Figure 12:



Source: Infrastructure Master Plan, 2014

4.4.4.2 Neat but poorly built RDP in the village

Figure 13:



Source: Infrastructure Master Plan, 2014

4.5 ACCESS AND DISTANCE TO BASIC SERVICES AND SOCIAL FACILITIES

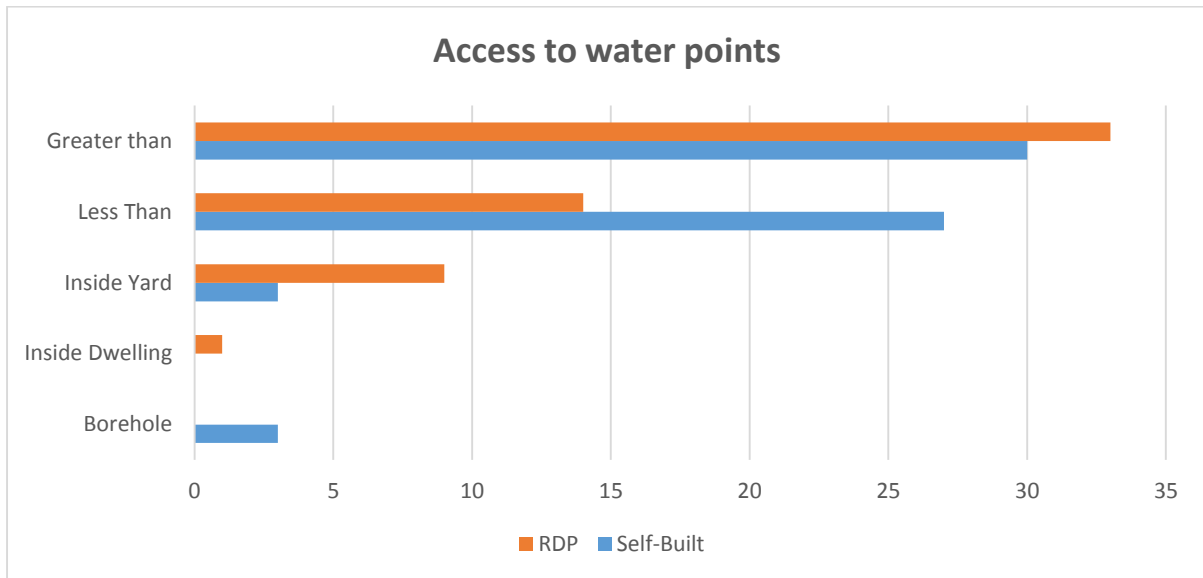
This section determined whether people have access to basic services and the distance travelled to get to water and social facilities.

4.5.1 Access to water points

The majority of 33 self-built housing respondents walked more than 70m to obtain water and only 14 respondents had stand pipes less than 100m away from their houses. The other group of 9 (1 person had water inside the yard, 1 person had tap installed inside the house and 3 people had boreholes). The data show that 30 RDP residents walked some distances to collect water and only 27 had water points close to their houses; 3 had water inside their yards.

It is evident that access and provision of water is a big problem in the Musina Municipal area of jurisdiction (villages). The respondents indicated that water was very scarce in the villages and stand pipes that were closer to their houses had dried up. In most cases, villagers rely on one water point that served the whole village. The respondents mentioned that sometimes the water point where they got water was dry for days. Parents relied on children to collect water - boys used wheelbarrows and donkey carts to carry buckets filled with water and girls carried big buckets on their heads.

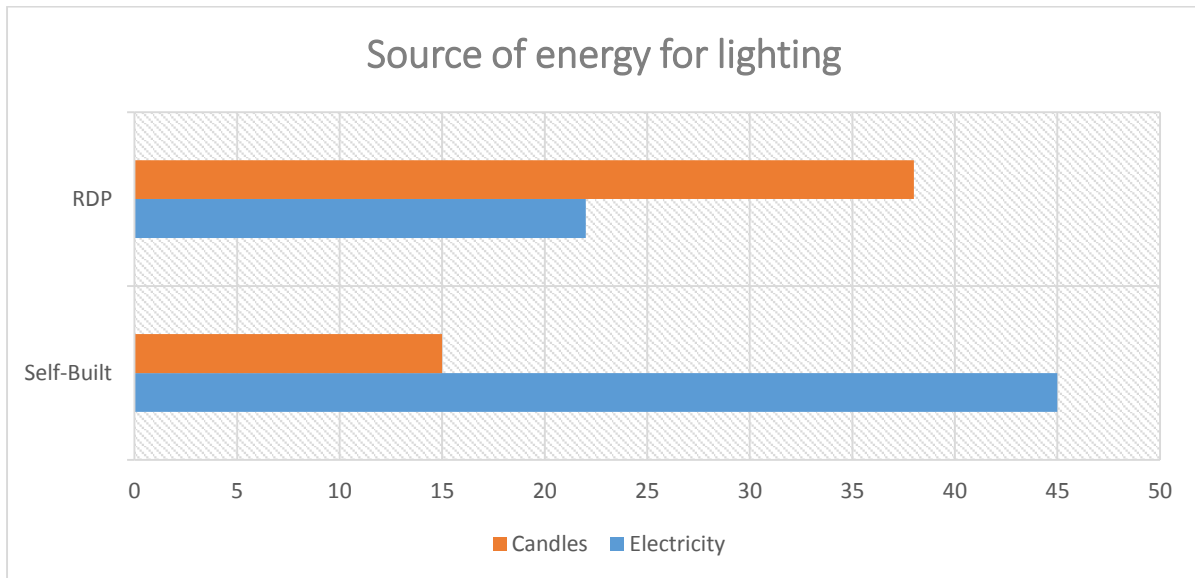
Figure 14:



4.5.2 Source of energy for lighting

Figure 15 below shows a group of 45 self-built housing residents had access to electricity and used electricity for lighting while 15 did not have access to electricity and used candles for lighting. Those who did not have electricity indicated that they had been waiting for a very long time for electricity. 38 of the RDP respondents used candles for lighting while another 22 respondents had electricity. This indicates that delivery of electricity is happening at a very slow pace in Musina Local Municipality. Respondents mentioned that they had been living in their houses for more than three years without electricity and the councillors had been making empty promises that electricity would be installed but nothing had yet happened.

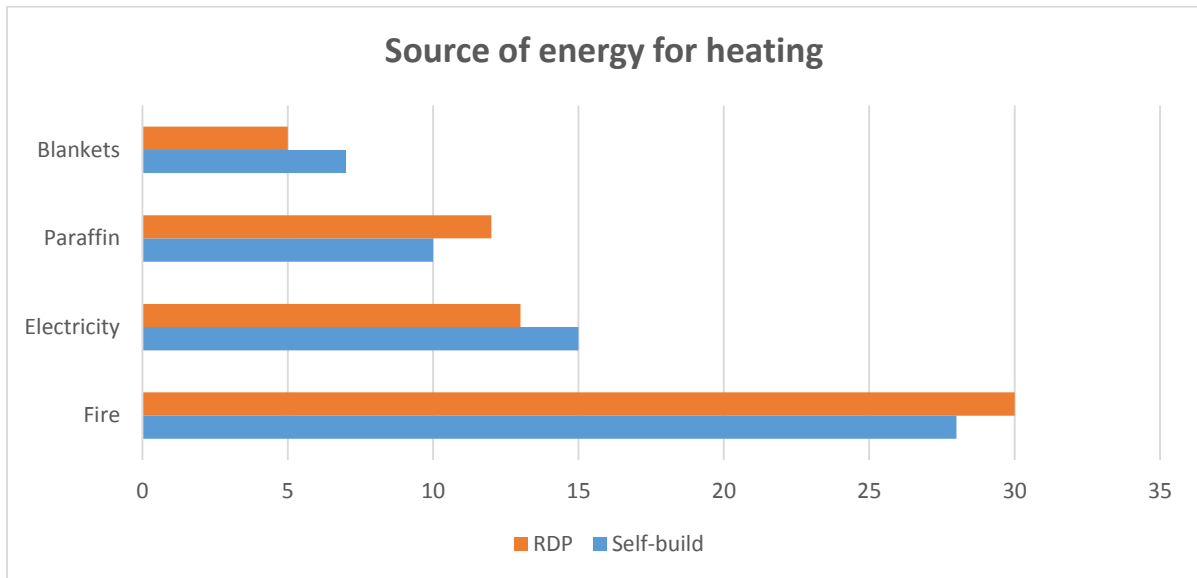
Figure 15:



4.5.3 Source of energy for heating

Figure 16 below shows a graph illustrating the source of energy for heating in both the self-built housing and the RDP. Of the Self-built housing respondents, 28 used an open fire for heating, 15 respondents used electricity while 10 respondents used paraffin and 7 relied on blankets for warmth. A group of 30 RDP respondents used open fires for cooking largely because not everyone can afford to buy electricity. 13 used electricity for cooking, 12 of the respondents used paraffin because paraffin is cheaper and another group of 5 relied on blankets for warmth. Most respondents mentioned that they used firewood because they could not afford electricity. Open fires and paraffin can be very harmful to one's health. Burning wood and using paraffin within or near the house exposes occupants to dangerous emissions, such as carbon monoxide. Indoor pollution from burning wood and paraffin is considered one of the biggest cause of infant mortality in South Africa.

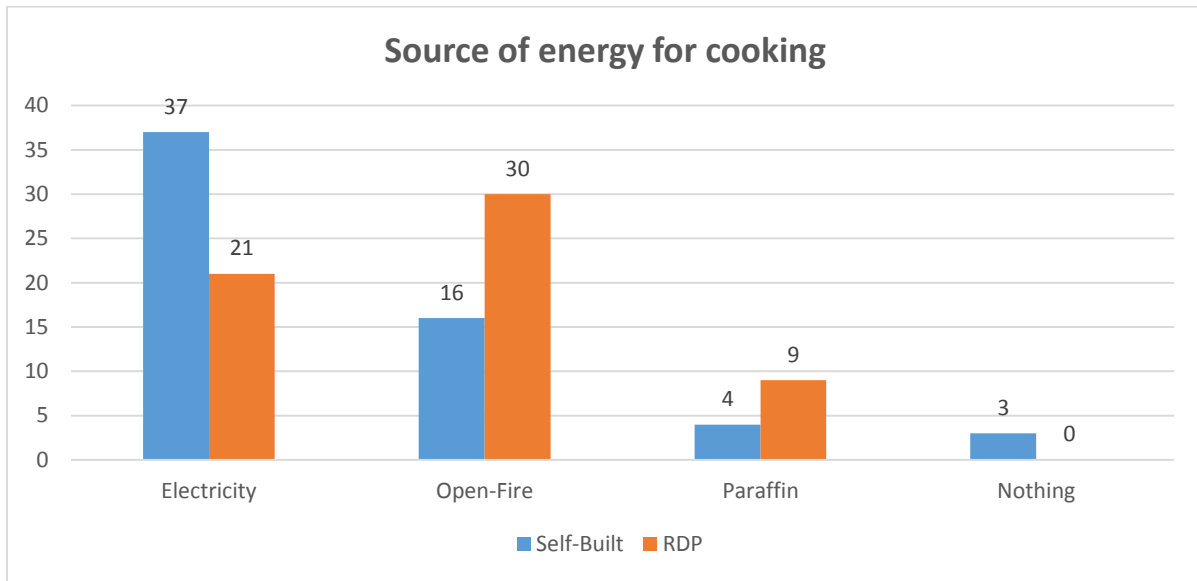
Figure 16:



4.5.4 Source of energy for cooking

The graph below shows the source of energy for cooking in both the self-built and RDP houses in Musina. The majority of self-built housing respondents, 37, used electricity for cooking, 16 used an open fire, 4 respondents said they used paraffin because it is cheaper than using electricity while 3 said that they do not cook as they are too poor to afford to buy groceries and they rely on families and neighbours for food. In the RDP group, 30 respondents indicated that they used open fires for cooking since they have no access to electricity, while 21 used electricity for cooking. 9 of respondents using paraffin indicated that they use it because it is cheaper than using electricity. Those who used fire for cooking also relied on children to collect wood from the veld. This poses danger to the lives of children and increases the chances of children being violated.

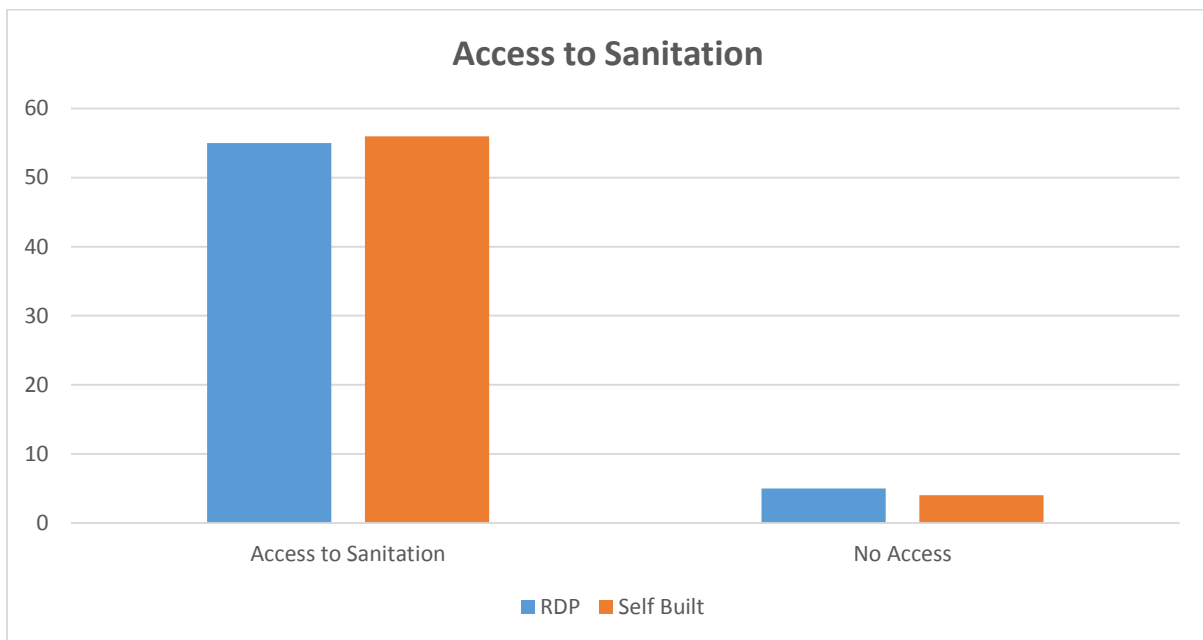
Figure 17:



4.5.5 Access to Sanitation

Figure 18 below shows a graph illustrating access to sanitation from the self-built houses and the RDPs in Musina. Of the self-built housing respondents interviewed, 56 had access to sanitation and only 4 had no access to sanitation. Those that did not have access to toilet facilities had built their own pit latrines. 55 RDP residents had access to sanitation and only 5 had no access to sanitation. Those that did not have access to toilet facilities complained that it had been a long time since the councillors had promised to build toilets. Access to toilets is fundamental to the dignity of a human being.

Figure 18:



4.6. CONCLUSION

It can be concluded that housing development is an appropriate mechanism to spread and implement infrastructure and services in South Africa, but an additional contribution is required to overcome capacity and financial constrictions. Thus housing considerations must be taken into account at every stage of the planning process, from the identification of residential land through to setting development controls, and assessing particular developments against these controls.

The study further detailed the tools and procedures used in collecting, interpreting and analysing the data which then paved a way to the research finding and recommendations.

CHAPTER 5

FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.1 INTRODUCTION

The aim of this study is to assess the realisation of the right to access to adequate housing with reference to Musina Local Municipality over the past eighteen years. Furthermore, this study aimed to evaluate the attitudes and perceptions of residents of Musina regarding housing delivery. The process was based on a review of literature that deals with housing developments ranging from indigenous structures, the legacy of the apartheid era and current housing developments. The chapter present the major findings of the study, recommendations that are brought forward as measures that can be used in Musina Local Municipality to overcome the challenges on improvement of basic service delivery in the municipality. The conclusion will also be drawn from the findings and the recommendations that are put forward from the research study.

5.2 RESEARCH FINDINGS

The purpose of this study was to evaluate the constitutional right to access adequate housing in Musina Local Municipality. The literature review derived from various journals, scholarly articles, legislative and policy materials revealed that housing is an important element in people's lives and also that adequate services and infrastructure improves the quality of life of most people. Musina Municipality has a critical role in ensuring that its citizens have access to adequate housing and to basic services and infrastructure. Listed hereunder are the research findings:

- It was revealed in this research that the municipality has been building RDP houses since the year 1994, in both urban and rural areas although the backlog list has been growing rapidly;
- Self-built housing residents who are on waiting lists were not involved in the housing delivery process;
- The majority of respondents from the self-built houses said that the municipality is doing better because it is providing for the basic needs of the community. These services include clean water and sanitation, electricity supply, amongst other basic services rendered by the Municipality;

- Of the self-built houses, the majority of households had access to sanitation and only few had no access to sanitation;
- The research also revealed that different users ranging from RDP, Self-built housing, and also councillors do not know the standard definition of “adequate housing”;
- The study also revealed the major contributor of economy in the municipality, which amongst others includes, manufacturing, construction, agriculture, forestry and fisheries;
- The research also revealed that the self-built houses have been on the waiting list for the period ranging from 4 to 5 years;
- People living in RDP houses have been on the waiting list for a period of between two and three years and some for a period of not less than five years;
- The research also shows that there is lack of communication and transparency between Councillors and the villagers in the self-built and RDP houses;
- The RDP houses in the urban areas of Musina Municipality have bathrooms, but the baths have no taps, this means that people cannot use the bathrooms for their intended purposes;
- Many houses in both urban and rural are overcrowded and members of the families are forced to share bedrooms;
- The research also found out that the majority of households, within the villages under study do not have bathrooms, while a few self-built houses have bathrooms with running water from the boreholes;
- Most self-built houses are more spacious than RDP houses and the sizes of the rooms are bigger; for instance, they have access to kitchens whereas the RDP houses do not have kitchen spaces;
- The residents from the Self-built houses had access to electricity and used it for lighting while some did not have access to electricity and used candles for lighting. Some RDP dwellers use candles for lighting while some have access to electricity supply;

- In the Self-built houses, people use open fire and blankets for warming. The majority of the RDP houses in question indicated that they use open fires for cooking, and very few people use electricity and paraffin for cooking;
- The research shows that most people living in RDP houses have just recently moved to these villages, which was a government achievement, post-apartheid, while people living in self-built houses have been living in their villages all their lives;
- This research reveals that the municipality does not have a housing provision policy, although it is building RDP houses with the support of a provincial government and in line with the Housing Act. Through the provision of these low cost houses, the municipality has overcome many housing delivery challenges and that it has to date worked as a good governance strategy to cater for the poor;
- The municipality is in the process of applying for a housing delivery accreditation and it is busy extending its residential settlements to provide for the gap-market and to subsequently deal with the housing provision challenges/barriers;
- The research also found that some of the beneficiaries of RDP houses did not meet the necessary criteria to be allocated a house, and
- Due to scarcity of jobs, people are not able to start their lives elsewhere or to build their homes to reduce the burden on the municipality.

5.3 RECOMMENDATIONS

The following recommendations must be taken into consideration to mitigate and improve the housing and service delivery issues, in Musina Local Municipality, which were investigated in this study:

5.3.1 Encourage realisation of housing for all

The right of access to housing for everyone should be honoured as a constitutional obligation and the supply of dwellings should be adjusted to the needs of the people. Beneficiaries should be allowed to lay out their requirements concerning new houses to be built, as they are the ones who would be living in them. South Africa's provision of accessible and adequate housing should be fully articulated to ensure a permanent residential structure with secure tenure, ensuring privacy and providing adequate protection against the elements, portable water, adequate sanitary facilities including waste disposal and domestic electricity supply as stated

in the National Housing Policy, so as to provide for integrated development planning for sustainable human settlements.

5.3.2 There is a need to create a framework that would integrate housing development process

South Africa's three spheres of government - national, provincial and local government - should be seen as instruments for the implementation and provision of a satisfactory dwelling for everyone. The government's administration and budgetary process on housing development should be aligned to the policies and legislation. The Housing Act of 1997 states that the national, provincial and local spheres of government must give priority to the needs of the poor in respect of housing development. Municipalities have the primary responsibility for preparing and implementing local plans, they must do so within the policy and statutory framework established by national and provincial government to provide adequate housing and services on a progressive basis through planning instruments and other legislation and policy documentation which contain reference to integrated development planning.

The latest legislation applicable to IDP is the Housing Development Agency (HDA) Act 23 of 2008. The Act should be implemented in the structures of municipalities as it will allow them to identify, negotiate and conclude deals on the release of land for residential and community purposes for the creation of sustainable human settlements. Municipalities must ensure in their IDPs that houses for the lower-income earners are not built in extremely remote locations from places of work or basic needs as there will be no demand because cost and location are central considerations for buyer in the low-cost category; land prices should be made more accessible to the general public. The municipality should make sure that the HDA institutional development entails intensive training for personnel to increase competence and speed up the process of land realisation for housing projects. The municipality must ensure that the HDA plays an important role as a mechanism to address the issues of alignment between the IDPs, DFA, NEMA, PGOS, NSDP and other guidelines that have an effect on land for human settlements.

5.3.3 All stakeholders must be included in the housing development process

The Musina Local Municipality must ensure the involvement of a broad range of the municipal stakeholders in the housing development process. The municipality must create a platform where all sectors can offer expertise and knowledge regarding sustainable human settlements during the IDP representative forum to ensure that issues are addressed in context. The MLM

should create a Housing Voice to integrate all stakeholders to fulfil the requirements of the Housing Sector Plan as part of the IDP steering committee. The participation of beneficiaries would become the voice of the community; knowledge would be appraised and an opportunity will emerge for participation in policies that have a direct impact on people's livelihoods.

5.3.4 The MLM must prepare the Draft Housing Policy

According to Schoeman (2008:9) development policies should inform the Integrated Development Planning Process through the introduction of a Housing Chapter. Therefore, it is recommended that MLM should prepare a Draft Housing Policy. The policy would have to entail aspects such as housing allocation, a housing database, regulation of informal settlements, land invasion and evictions, and an integrated human settlement policy. Schoeman (2008:10), suggests that the following are critical factors to be considered in housing management. These factors are adopted and recommended for MLM.

- i. Project management system related to all housing activities
- ii. Performance management indicators
- iii. Implementation of an operational plan for housing and planning
- iv. Improved role and organizational arrangements for the Department within MLM
- v. Accreditation application in terms of the expanded role of municipalities. The accreditation processes should reduce the delays in rolling out housing delivery. The process will reduce transaction costs and unnecessary administration delays; funds will therefore flow directly from national government to the municipalities.
- vi. Engagement and alignment with the Housing Development Agency.

It is important to introduce a Management Information System that would enable management and government to monitor and evaluate progress and benchmark performances against the contents of the development and planning instruments. The strategy should be reviewed occasionally to keep it applicable and relevant to both the province and the municipalities. This monitoring should keep the province informed of progress and achievements.

5.3.5 The MLM must seek additional financial assistance

The municipality must seek financial assistance from Municipal Infrastructure Grant (MIG) and must be registered for MIG funding. The MLM needs to establish a dedicated committee to administer the proposed projects agreed upon for utilisation of the grant. Consideration should be given to linking new housing subsidies with the municipal infrastructure grant (MIG) and the equitable share formula to ensure that the municipalities can deliver basic services to poor households. In doing so, Schoeman (2009: 10) recommends that the following should be taken into account - the need to provide municipalities with appropriate incentives to extend municipal infrastructure and spend funds efficiently and effectively and the need to take account of the differing capacities and challenges in different municipalities. The government should continue to encourage financial institutions to engage in the building society. The national government should create policy that supports all government institutions and not only be obliged to work with mortgage lenders only. This must include the companies and or organisations that deal with long-term investments such as insurance companies, companies that deal with fringe benefits and profit funds.

5.3.6 The MLM must provide a mixed-use housing types

The issue of large investment in housing construction should be more robustly encouraged to assist local government to provide a mixed-use housing types and densities based on a sound analysis of housing capacity and housing needs as well as making houses long term investments with competitive standards and value. The expansion of housing consumer choices must include tenure choices, for example, creating affordable rental units for the households which prefer the movement provided by rental accommodation. The MLM must also provide specialised housing for people living with HIV/AIDS. The MLM should facilitate for the provision of secure, stable rental tenure for lower income residents through the Community Residential Units (CRU) as it deals with many different forms of existing public sector residential accommodation. Large-scale construction firms and contractors should also be encouraged to provide housing for their employees. The national government should encourage and formulate a policy that requires a low-cost housing project to be a combination of two, three and four bedrooms. Pit latrine toilets should be discouraged as it is inconvenient for the old and sick and are most inconvenient in bad weather.

5.3.7 There is a need to influence the price mechanism for housing

The national and provincial governments must have a say on price mechanisms in the housing market and must intervene in the low and medium-income markets to address the housing need. The upper end of the market should be left to the private sector subject to the condition that sustainable human settlement development, integration and spatial normalisation are promoted (Schoeman, 2009:6).

5.3.8 The municipality must look for locally-produced building material

Municipalities should research cheap locally-produced material to create building material. Alternative materials may be coal ashes and other mud material that can be used to create building material such as burnt bricks. This should be encouraged as it can also create employment for local residents. For municipalities around mining industries, the mountainous piles of soil from underground must be checked as it could be useful in the process of making burnt bricks.

5.3.9 There is a need for well-planned and planned settlements

New settlements should be well planned and designed - it is less expensive when compared to upgrading existing settlements. Settlements must make provision for non-residential community facilities such as social, public and of community facilities that include schools, public transports, recreation centres, and business and should include other comprehensive infrastructure development.

5.4 CONCLUSION

It can be concluded that housing development is an appropriate mechanism to spread and implement infrastructure and services in South Africa, but an additional contribution is required to overcome capacity and financial constrictions. Housing considerations, thus must be taken into account at every stage of the planning process, from the identification of residential land through to setting development controls, and assessing particular developments against these controls.

Adherence to good governance creates an environment where corruption struggles to flourish. Failure to adhere to the practices of good governance means stakeholders increasingly demand accountability. Mass action and strikes are organised in protest as citizens begin to lose faith in the ability or willingness of their elected officials. Political instability increases. Investment declines. The sale of shares by investors decreases the value and rating of companies. Their regulators can deny those licenses, a stock exchange listing or the ability to sell products and

services. Other organisations refuse to do business with corruption-linked institutions as donors or economic organisations grant fewer loans or aid to nations whose governance is murky.

South Africa has laid the foundations for good governance, but it is still an anti-corruption construction site and will remain so as long as corruption plagues the global community. Government is proud of its contribution to creating a sound and efficient anti-corruption framework which also advocates for a fair and transparent allocation of houses to the needy. Through partnership, nationally in forums, regionally and internally with other partners, such as international public organisations, donors and partner countries, the current framework can be improved and the fight against corruption intensified. The policy review process is also expected to identify additional areas for attention and other areas for improvement in as far as adequate housing delivery is concerned.

Leaders must inspire and motivate team members, because employees need someone to look up to. Inspiration and motivation is more than a pat on the back; it also relates to the individuals and their efforts. It is sharing your wisdom and experience in order for the individual to grow. So, as a leader, do not be afraid to offer a suggestion or words of reinforcement, but remember, a competent leader must know the difference between “positive guidance” and “micro-managing.” Housing delivery and or allocation of beneficiaries need very strong and competent leaders.

Funding for complementary housing infrastructure is scattered across various government departments, including municipalities, whose planning activities are not always synchronized and coordinated. The Department should strengthen partnerships with community-based organisations, non-governmental organisations, faith-based organisations, traditional leadership institutions, private sector, public entities and sector departments, provincially and nationally, to realise its mandate. In the next 5 years, the province of Limpopo will work closely with municipalities and other sector departments through the development of an integrated project pipeline which will ensure integrated allocation of resources. This would eventually lead to many municipalities, including Musina, being accredited as a housing provider institution at a specific level in line with its capacity and ability to provide such.

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Appendix B

Letter to respondents

Enquiry: Tshivanammbi TN

P O B ox 267

Sibasa

0970

Cell No: 082 046 5101

Email: nathitshiwa@gmail.com

09 May 2018

Dear Respondent

I Mr Tshivanammbi Thovhedzo Nathaniel, I am a student at the University of Venda registered for Master of Public Management (MPM). I am conducting a study on **“An Evaluation of the Right to Access to Adequate Housing in Musina Local Municipality, South Africa-1994 to Date.”**

This is an opportunity for you to be part of the study, where you can present your views on the right to access to adequate housing in Musina.

Hope you will find this in order

Yours faithfully

Tshivanammbi TN

Student number: 11512419

QUESTIONNAIRES

APPENDIX A: OPEN ENDED INTERVIEW QUESTIONS (INHABITANTS OF SELF-BUILT HOUSES).

Community		Housing Type	
		Self-help	
1.			
2.			
3.			

1. What could be the housing delivery implications in your municipality/does your municipality have a housing delivery framework and how could it be dealt with? (Please tick ✓)

Yes	
No	

-
2. What would you say is the reason for both the achievements and or failures of housing delivery in your municipality and what advice can you give to the municipality? (Please tick).

The municipality does not have enough personnel	
The housing delivery backlog list is too long	
There is too many illegal immigrants	
The leadership is not assisting on this matter	

3. What strategies do you think could be used in improving the provision of adequate housing and why do you think it was not being used previously in your opinion?
-

4. Are you aware of any housing delivery challenges in this Municipality, how can the community assist?
-

APPENDIX B: OPEN ENDED INTERVIEW QUESTIONS (INHABITANTS OF RDP HOUSES)

Community		Housing Type	
		Self-help	
1.			
2.			
3.			

- 1. What could be the housing delivery implications in your municipality/does your municipality have a housing delivery framework and how could it be dealt with? (Please tick √)**

Yes	
No	

.....

- 2. What would you say is the reason for both the achievements and or failures of housing delivery in your municipality and what advice can you give to the municipality? (Please tick).**

The municipality does not have enough personnel	
The housing delivery backlog list is too long	
There is too many illegal immigrants	
The leadership is not assisting on this matter	

- 3. What strategies do you think could be used in improving the provision of adequate housing and why do you think it was not being used previously in your opinion?**

.....

- 4. Are you aware of any housing delivery challenges in this Municipality, how can the community assist?**

.....

APPENDIX C: OPEN ENDED INTERVIEW QUESTIONS (WARD COUNCILLORS AND MEMBERS OF TRIBAL COUNCIL).

- 1. What could be the housing delivery implications in your municipality/does your municipality have a housing delivery framework and how could it be dealt with? (Please tick ✓)**

Yes	
No	

.....

- 2. What would you say is the reason for both the achievements and or failures of housing delivery in your municipality and what advice can you give to the municipality? (Please tick).**

The municipality does not have enough personnel	
The housing delivery backlog list is too long	
There is too many illegal immigrants	
The leadership is not assisting on this matter	

- 3. What strategies do you think could be used in improving the provision of adequate housing and why do you think it was not being used previously in your opinion?**

.....

- 4. Are you aware of any housing delivery challenges in this Municipality, how can the community assist?**

.....

APPENDIX D: OPEN ENDED INTERVIEW QUESTIONS (MUNICIPAL OFFICIALS AND DEPARTMENT OF HUMAN SETTLEMENTS OFFICIALS).

1. What could be the housing delivery implications in your municipality/does your municipality have a housing delivery framework and how could it be dealt with? (Please tick ✓)

Yes	
No	

.....

2. What would you say is the reason for both the achievements and or failures of housing delivery in your municipality and what advice can you give to the municipality? (Please tick).

The municipality does not have enough personnel	
The housing delivery backlog list is too long	
There is too many illegal immigrants	
The leadership is not assisting on this matter	

3. What strategies do you think could be used in improving the provision of adequate housing and why do you think it was not being used previously in your opinion?

.....

4. Are you aware of any housing delivery challenges in this Municipality, how can the community assist?

.....

THANK YOU!