

# The Impact of Migration on Providing Adequate Housing in South Africa

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**Abstract:** The paper aims to argue that South Africa needs to tighten its border control in order to curb uncontrolled immigration to afford service delivery of its own people. Migration dominates South Africa's history in many ways. The diversity of the country's languages, cultures and religions is the testimony of its migration history. The influx of migrants into the country puts a huge burden on the Department of Human Settlements to provide adequate housing for the citizens who are unable to provide housing for themselves. Currently, residents of foreign countries are being attacked due to lack of service delivery particularly in housing arena. In 2018, the Department of Human Settlements had a housing backlog of estimated 2.1 million houses. The informal settlements are mushrooming with shacks belonging to non-South Africans. Shack dwellers often burn houses adjacent to them during protests. Such acts put more budgetary burden to the Department of Human Settlements. However, creating sustainable human settlements and improving the quality of life for the citizens is the main focus of Outcome 8 of the National Development Plan (hereafter referred to as NDP) vision. The democratic government of South Africa is mandated by section 26 of the Constitution of the Republic of South Africa, 1996 to provide access to adequate housing for citizens. This is a conceptual paper and it argues that migration hampers housing service delivery. It is recommended that the democratic government tighten borders or develop migration control measures in order to alleviate the escalating housing demand on the democratic government.

**Keywords:** Adequate housing, Democracy, Human settlements, Migration, Migrant labour

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## 1. Introduction

Access to an adequate house is a basic right for every South African citizen as provided by section 26(1) of the Constitution of the Republic of South Africa, 1996. Adequate houses have been demanded since the dawn of democracy in 1994 and whenever citizens protest against service delivery, the outcry for the provision of adequate houses dominates (Davis, 2019:1). This outcry for the provision of adequate housing results from the failure of the Department of Human Settlements to execute its Constitutional housing mandate. Some causes of the failure are migration, influx of illegal migrants, selling of public houses to illegal migrants, the apartheid hostel system, weaker border controls and the migrant labour workers system. Currently, residents of foreign countries are being attacked due to lack of service delivery and adequate housing has no exception. For example, in Alexandra township where foreign nationals are accused of occupying public houses widely known as RDP houses illegally and are evicted (illegally) and some even killed (Clark, 2019:1). It should be noted that migrants in this paper include South African citizens who migrate from their original places in search

for jobs more special in urban areas, permanent residents who migrate from their legal provided places to other places within the country, legal and illegal migrants.

## 2. Definition and Types of Migration

Migration is the movement of people from one place to another with the intention of coming back to their original places (Skeldon, 2017:7). There are different types of migrations. Some of these types are step (when one moves from a small settlement to a larger one in urban areas), chain (if one moves at different stages from one location to the next and subsequently bring people from their home places to his/her new place), voluntary (if a person on the basis of his/her free will moves to a better place in order to improve his/her living conditions), internal/ urban-rural (when people live their original places and live in another place within the country), circular (when one has original place, visits other places but return to the original place), seasonal (this type of migration is commonly practised in the agricultural sector where people go and seek employment during harvest seasons in most instances and return back to their original places

when the harvest seasons end) and involuntary/forced/imposed/reluctant (when a person is put in a situation that encourages relocation outside his/her birth or original place or forced out of the country) (World Economic Forum, 2017:14).

### **3. Causes of Migration**

People migrate for different reasons. Some of the causes of migration include push factors (e.g. rural poverty, lack of employment opportunities), pull factors (e.g. job opportunities, better incomes), economic factors (e.g. higher wages, prospects for wealth creation), socio-political factors (e.g. warfare, threats of conflict) (World Economic Forum, 2017:17). These factors are not discussed in this paper due to the fact that many scholars from different disciplines had published articles, conference papers and books. However, according to Dubey & Mallah (2015:230-231), many of the social, economic and political factors also lead to migration. These authors are of the view that political instability, red-tapeism, poverty, economic depression, political chaos, rising crime, crises and conflicts, corruption, family reasons, economic depression, low educational standards and inadequate infrastructure are some of the factors which create insecurity amongst the population that makes them leave their places of origin and migrate to better places. These movements produce migration effects such as brain drain, talent shortage, financial resources and cross flow of knowledge and information. Böhme & Kups (2017:21-22) regard these effects as human capital ones but have impact on public services, and housing as a public resource has no exception.

### **4. Interpretation of Section 26 of the Constitution of the Republic of South Africa, 1996, in Relation to the Case of the Government of the Republic of South Africa and Others vs Irene Grootboom and Others, Case CCT 11/00**

Section 26(1) of the Constitution of South Africa, 1996, states that everyone has the right to have access to adequate housing. The democratic government should provide adequate housing to the poor citizens including the urban poor (Strauss, 2017:246). This is because section 26(2) of the Constitution of the Republic of South Africa, 1996 states that the state must take reasonable legislative and other measures within its available resources

to achieve the progressive realisation of the right provided by section 26(1). The Constitutional Court (hereafter referred to as CC) asserted this in 2000. In the case of the Government of the Republic of South Africa and Others vs Irene Grootboom and Others which was decided on 4 October 2000, one of the judgments passed by the CC was that the state is constitutional obliged to provide adequate housing and the CC recognizes that housing entails more than bricks and mortar but requires availability of land and appropriate services such water, finances, removal of sewage among other services according to section 26(1) of the Constitution of the Republic of South Africa, 1996. In addition, the state must create the conditions for access to adequate housing for people at all economic levels. Furthermore, for the state to realize section 26(2) of the Constitution of the Republic of South Africa, 1996, the three government spheres, must determine coordinated state housing programmes as required by Chapter 3 of this constitution. According to CC, national sphere of government must assume responsibility for ensuring laws, policies, programmes and strategies that are adequate to meet the state's section 26 obligations. In this context, the national sphere is represented by the Department of Human Settlements. It should be noted that the CC is the highest court in South Africa and its decisions are final.

As stated previously, one of the demands of service delivery protesters and demonstrators is adequate housing. In some of the service delivery protests and demonstrations, majority of the protesters are non-South Africans who also demand adequate houses from the democratic government. Does the word "everyone" in this section includes even illegal migrants and immigrants? Is the Constitution for everyone in the country or it is for bonafide citizens of the country? The vision of the African National Congress when it came into power in 1994 was to transform South Africa into non-racial and non-sexist democratic country in which all citizens live together. It should be noted that one of the founding principles of the Republic of South Africa is to make the country a non-racialism and non-sexism one as provided by section 1(b) of the Constitution of the Republic of South Africa, 1996. According to Chennells (2015:4-43), the Constitution gives many rights to 'everyone', but keeps certain rights for citizens only. If you are a citizen of South Africa you have the right to vote, stand as a candidate in elections, live in any area in South Africa,

be given a South African passport to travel to other countries, come into South Africa even if you have lived somewhere else for a long time, choose your trade, occupation or profession. In addition, this author states that democracy means that everyone has a say about how the country is run because in a democratic country, the government is put into power by its citizens, the adult citizens elect their government by choosing people to represent them in a parliament. A permanent resident is someone who does not have citizen status but provided legal rights to remain in a country indefinitely. In view of this, the CC in its ruling clearly stated that housing developments seek to provide citizens and permanent residents with access to permanent residential structures. Furthermore, section 3 of the Constitution of the Republic of South Africa, 1996, provides for citizenship.

## 5. Housing Challenges Faced by the Department of Human Settlements

A house is more than a home because it has an address which indicates one's social position (Malpass & Murie, 1999:1). This is asserted by the Department of Human Settlements (2014:17) by defining a home as an asset that offers entry point to social, commercial and work opportunities so that people can regard themselves as full citizens. Housing protesters and demonstrators state that they have been in housing waiting lists for many years (Osman, 2017:1). According to Geszler (2017:53), the housing sector of South Africa is faced with many housing challenges. One of these challenges is to meet the ever growing housing demands for the poor. Although the government sets aside R3 billion for building houses each year, it needs partnership from non-government government (NGOs), community based organisations (CBOs), religious and private sectors. Osman (2017:1) suggests that: (a) a shift from ownership and more focus on rental options (b) support for housing developers (c) moving away from government's role as the sole housing funder to diverse funding streams (d) involvement of a range of stakeholders would allow cost and affordable housing to be on an integral part of all city developments in well located, mixed income, mixed function, mixed community settings.

The Department of Human Settlements planned to improve the lives of 100 million slum dwellers by 2020 (Department of Human Settlements, 2017:2)

but South Africa is estimated to receive 1.02 million people in 2020 as stated previously. The housing backlog is almost two (2) million units (Muller, 2017:1). Housing protesters and demonstrators state that they have been in housing waiting lists for many years (Osman, 2017:1). Houses provided to households must meet all their housing needs. Creation of range of housing types, prices and rents should be promoted by housing providers. People whose housing needs change must find housing that meets their needs within their existing communities. The government must weigh housing needs against available resources. The demographic trends in population, household numbers, age structures and income should be considered in housing needs (Bramely, Pawson, White & Watkins, 2010:29-31). Elements which are needed to support provision of adequate housing include: (a) strong employment base (b) sufficient land supply (c) public services (d) nearby amenities (e) property amenities (f) public financial support (g) efficient development process (h) regulatory framework. It is expected that by 2050, the world urban population will be doubled (United Nations, 2016:1) and South Africa has no exception due to high rate of migration. However, access to adequate housing is one of the global housing challenges (United Nations, 2015:2).

According to Gallagher & Leckie (2006:292), access to an adequate house is a right that applies to everyone who is a citizen of any country. These authors are of the view that an adequate house means adequate privacy, space, security, lighting and ventilation, basic infrastructure and location with regard to work and basic facilities which are all provided at a reasonable cost. This is asserted by United Nations High Commissions for Human Rights (2009:4); Cheserek & Opata (2011:320) by stating that the minimum standard of an adequate house includes: (a) security of tenure so that occupants have legal protection against forced evictions, harassment and other threats, (b) availability of services, materials, facilities and infrastructures so that occupants have safe drinking water, adequate sanitation and electricity in addition to other basic housing services, (c) affordability so that occupants are able to meet their other basic needs after their rental payments, if any, (d) habitability in the sense that the house provides adequate space as well as protection against cold, damp, wind, heat and rain, (e) ensuring the occupants' needs are met, (f) a location near to employment opportunities, health care services, schools, parks and other social needs and (g) cultural adequacy

in respect of cultural identity but this is particularly relevant in rural areas where the land belongs to the chiefs.

On 22 November 2017, the United Nations estimated that the population of South Africa was 56 717 156 and the urban population is 35, 633 585. It is also estimated that by 2030, the population of South Africa will be 64 465 553 and urban population will be 41,449,818 (Wordometers population, 2017:1). According to United Nations (2016:1), the world urban population is expected to double by 2050. South Africa has no exception due to high rate of migration. It is further estimated that 100 000 people move (migrate) to Johannesburg each year (Osman, 2017:1). This number might be triggered by the irregular migrants who enter the country in search for jobs. Irregular immigrants are those people who enter the country in search of income-generating activities without the necessary documents, or permits or stay beyond permitted period or acquire fraudulent documents (Department of Home Affairs, 2016:4). Majority of irregular migrants come from the neighbouring African countries and they put a huge strain on government expenditure more special for deportation and provision of public services including housing services (Department of Home Affairs 2017:29; Hiropoulos, 2017:1). In most instances, these irregular migrants built shacks in informal settlements. Some of them successfully acquire fraudulent documents (Department of Home Affairs, 2016:4). This catalyses the housing demand for the poor and financial burden to the Department of Human Settlements. It is alleged that immigrants with fraudulent papers buy public houses from corrupt ward councillors while majority of housing applicants are on waiting lists. These housing applicants are often on the waiting lists for several years and when they are finally approved for a house, they no longer qualify because they have either built their own houses, their income levels have changed or their approved houses were sold through corrupt processes (Ubisi, 2017:216). As stated in the abstract section, informal settlements dwellers commonly known as shack dwellers have a tendency of burning houses adjacent to their areas during housing service delivery protests and demonstrations. For example, the housing protesters from Emhlangeni informal settlement vented their anger by burning nearby houses. (Seleka, 2019:1). Houses in Globler Park, Witpoortjie and Lindhaven were also burnt during service delivery protests according to this author. Majority of immigrants and migrants live in informal

settlements and no one can account for every undocumented migrant (Makou, 2018:1). Statistics South Africa in its Mid-Year Population Estimates Report of 2018, states that South Africa is estimated to receive a net immigration of 1.02 million people between 2016 and 2021. In view of this, will all the objectives of outcome 8 of the NDP be achieved by 2030? During apartheid era, migrants were accommodated in hostels because they were recruited through the migrant labour system. The CC in the decision of the CCT 11/00 case stated that the acute housing shortage lies in the apartheid as a result of its influx control system. One of the migrant movement control mechanisms used by the apartheid government was the hostel system. This system catalysed the housing challenges currently faced by the Department of Human Settlements because migrants were temporarily accommodated in hostels. It should be noted that migrants were recruited through labour system.

## **6. The Hostel System as a Catalyst to Shortage of Adequate Housing**

The hostel system was regarded as the cornerstone of apartheid economy (Josephy, 2014:444). Economic migration dominates the migration types because people migrate to other places in search for better paying jobs in order to improve their living conditions in urban areas in most instances. These migrants (economic ones) also need adequate houses wherever they are. Originally, hostels were known as compounds. According to Beall, Crankshaw and Parnell (2002:194), hostel dwellers are part of the migrant labour system who voluntarily came to urban areas to look for jobs. Nieftagoden in Deliurs, Phillips & Rankin-Smith (2014:225) is of the view that hostels were designed to minimise capital's labour costs, control and surveillance over black workers. The apartheid government adopted the migrant labour system from the British capitalists. The adopted migrant system was also used to establish Bantustans and used them (Bantustans) to prevent black urbanisation. However, it is important that the democratic government provides adequate housing to the poor citizens more specially the urban poor (Strauss, 2017:246). The migrant labour system was one hundred and fifty (150) years old in 2017 (Wilson 2017:7; Posel 2017:6). However, to migrate is associated with multiplicity of development and human rights issues. One of these issues is unemployment (Reitzes 1997:23). Münz and Reiterer (2007:126,134) attest to this by stating that humans are always spatially mobile

and most migrants are motivated by economic reasons. This is further affirmed by Statistics South Africa (2018:1) by stating that people migrate for a number of reasons which include economic, social, political, cultural and environmental. However, the Gauteng Province receives the highest number of immigrants due to better economic opportunities, jobs and the promise of a better life. This makes the province to be the most attractive destination. The migrant labour system laid a foundation of racial discrimination for the apartheid government which resulted in migrant labour workers being denied urban resources. One of such urban resources was a permanent residential space or accommodation (Ramphele, 1993:15). This is affirmed by Humby (2016:657) who states that the legacy of the migrant labour system is one of the key causes of the Marikana massacre in 2012. This author opines that mine companies provide migrants with living out allowance instead of dealing with the unresolved legacy of the migrant labour system such as overcrowding of mine hostel rooms. Overcrowding is one of the hostel problems experienced by public hostel dwellers. Other hostel problems include: (a) poor water and sanitation (b) filthiness (c) dilapidated walls in most rooms (d) leaking pipes and toilets (Sowetan Live, 2017:1).

The living out allowance adds pressure on wages because male migrants in most instances have secondary homes by renting rooms for girlfriends, second or third wives while they have primary homes in their rural areas as stated above. For example, thousands of Marikana mineworkers were originally from the Eastern Cape Province. Majority of them (Marikana mineworkers) were from Mpondoland. Historically, Mpondoland had been one of the labour-sending areas through The Employment Bureau of South Africa (TEBA); (Naicker, 2015:101). In the same vein, Hartford (2014:32) states that the strike committee that commenced the Marikana industrial action was composed of Amapondo, who were elected by the mineworkers. Against this background, the democratic government needs to seriously review the legacy of the migrant labour system. This should be done in order to fulfil the provision of section 26(1) of the Constitution of South Africa and the provision of the 1955 Freedom Charter. However, it should be noted that upgrading of informal settlements in mining towns remains a critical focus of the Department of Human Settlements according to Kota-Fredericks (2017:14).

## 7. Historical Background of Hostels and Migrant Labour System in South Africa

Hostels are the products of the compound labour system and they (hostels) were widely known as compounds or barracks before the transformation of the labour compound system (Cloete, Marais & Venter, 2009:31). According to Cloete & Pienaar (2005:44), hostels are infrastructures which were built with the intention of accommodating migrant labour workers in cities and mines. This is affirmed by Nieftagodien in Deliurs, Phillips & Rankin-Smith (2014:225) who states that hostels were designed to minimise capital's labour costs and control and surveillance over black workers. Black people migrated from homelands and rural regions to white urban areas to find employment (Marx & Posel, 2013:820). Hostels were declared Bantu areas for housing single men and women who worked for more than one employer in urban areas. They (hostels) were originally developed by private companies, mine owners and state to house migrant labour workers and were built specifically as single sex institutions used to accommodate migrant labour workers in urban areas (Mothotoana, 2011:1). The discovery of copper in the 1850s in Namaqualand, diamond in Kimberly in 1867, gold in Witwatersrand in 1886, the change in underground extraction into open cast mining methods in the 1880s, the provision of state subsidies to white farmers resulted in high demand of migrant labour workers. Black people poured in the Witwatersrand in their thousands in 1886 after the discovery of gold (Ubisi, 2014:1). These workers were accommodated in huts clustered around the mine shafts without any management or control. When the Chinese migrant labourers arrived in the Witwatersrand in 1904, the architectural construction standards for closed compounds were established. One room of a compound accommodated forty (40) to sixty men (60) (Moodie & Ndatshe, 1994:76-77). Historically, migrant labour workers were recruited in labour-sending areas through The Employment Bureau of South Africa (hereafter referred to as TEBA) to work in the mines (Naicker, 2015:101). TEBA acted as the labour recruitment arm of mine owners such as Anglo American and the Chamber of Mines.

The labour migrant workers were also recruited from homeland villages and the neighbouring countries such as Lesotho and Mozambique to work in the mines and returned to their homes when their

contracts expired (Jooma, 1991:23). There were three types of hostels in South Africa during apartheid. The first type comprised the public hostels which were used to accommodate workers from different industries while the second type included the grey sector hostels which were owned by private companies although the land on which they were built was owned by the municipalities and the third type comprised the private hostels which were attached to the places of work and owned by the employers (Thurman, 1997:43). In 1986, the apartheid government repealed the segregative laws (influx control laws or regulations) by promulgating the Abolition of Influx Control Act (68 of 1986). This Act removed all restrictions on movement of black people in urban areas. The Influx control regulations prevented black people from migrating with their families or settling permanently at their employment's places. One of the consequences of the abolition of the influx control regulations in 1986 was the total disregard of public hostels which resulted in overcrowding and lack of municipal basic services (Xulu, 2014:142). The promulgation of the Abolition of Influx Control Act (68 of 1986) also provided public hostel dwellers with a golden opportunity of illegally bringing their wives and children into the hostels which resulted in non-registration of new hostel dwellers, poor management of the hostel blocks and overcrowding (Jooma, 1991:105). The announcement of unbanning of all political parties and liberation movements by the former president Mr FW de Klerk in 1990 escalated the hostel problems.

According to Setswe (2010:10), one of the objectives of the African National Congress (ANC) when it came into power in 1994 was to improve housing development. The democratic government introduced the Hostel Redevelopment Programme in 1991 and the Community Residential Units (hereafter referred to as CRU) programme in 2004. These programmes were aimed at providing adequate housing for hostel dwellers. Unfortunately, majority of hostel dwellers build shacks next to the hostels due to overcrowded rooms and unaffordability of paying monthly rentals. Mushrooming of shacks or informal settlements is one of the challenges that hamper provision of adequate housing. It should be noted that majority of shacks dwellers are migrants.

## **8. Conclusion and Recommendations**

Migration in South Africa hampers the delivery of adequate housing. The Department of Human

Settlements is faced with challenges in provision of adequate housing. Hostel dwellers who move out of hostels and build shacks in their hostels' surrounding areas also catalyses the housing challenges faced by the Department of Human Settlements. The influx of migrants which seems to be uncontrollable, escalates the housing challenges. During apartheid era, migrants were accommodated in hostels. Due to overcrowding of hostel rooms, some hostel dwellers move out of hostels and build shacks adjacent to the hostels. During service delivery protests and demonstrations, shack dwellers have a tendency of burning nearby houses. This also escalates the financial burden faced by the Department of Human Settlements. The Study recommends the following:

- The Department of Home Affairs needs to tighten the migration policies and borders in order to reduce the number of illegal migrants entering the country.
- The Department of Human Settlements needs to use waiting lists when allocating houses.
- Houses must be provided to South African citizens not sold to illegal migrants through corrupt activities.
- Corrupt ward councillors who sell public houses to illegal migrants should be arrested, and
- Shack dwellers who burn houses adjacent to their areas during service delivery protests and demonstrations should also be arrested.

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